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Fashion Law Basics



How to Use The Handbook:

This handbook is short and practical. Each section gives you essential knowledge, examples relevant to African contexts, and key takeaways. You don't need a legal background, just curiosity and a desire to protect and grow within fashion.

This handbook is part of a 10-part series by the Fashion Law Academy Africa (FLAA) to make fashion law accessible to African creatives and stakeholders.

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Fashion Law Basics

What Is Fashion Law?

Fashion law is a specialised area of law that covers the legal issues affecting the fashion industry. It touches on a wide range of legal disciplines, including intellectual property, contract law, labour law, trade, consumer protection, and more.

In simple terms, fashion law ensures that people in the fashion industry, designers, models, manufacturers, influencers, and even retailers, are protected, empowered, and accountable through the law.

Why Fashion Law Matters in Africa

Africa's fashion industry is growing fast. Our designers are gaining international recognition, our textiles

and styles are being showcased globally, and our creative energy is reshaping what fashion means. But legal knowledge has not caught up with this growth.

Many African creatives are:

- Not registering their intellectual property early enough or at all.
- Working with vague or verbal agreements.
- Unaware of their consumer or labour rights;
- Losing out on income, recognition, and protection.

Fashion law is a tool to change that.

It helps protect and strengthen a brand, prevent exploitation, and grow the business legally and sustainably.

Who This Handbook Is For?

This handbook is designed for:

- Students exploring fashion law for the first time.
- Designers and creatives trying to protect their work.
- Lawyers entering the creative industry.
- Researchers and policymakers shaping fashion systems.
- Anyone curious about the laws that power the business of fashion.

The Fashion Industry Value Chain (Legal Overview)

Fashion law touches almost every part of the industry value chain:

From Idea to Market:

- Design: Legal protection of creative ideas (IP)
- Production: Contracts with suppliers and manufacturers
- Marketing & Advertising: Media law, image rights, influencer deals
- Retail & Distribution: Consumer protection, trade laws

Stakeholders Covered by Fashion Law:

- Designers and design houses
- Textile suppliers and manufacturers
- Models and photographers
- Influencers and stylists
- Retailers and online platforms

Why Is Fashion Law Cross-Sectoral?

Fashion law draws from intellectual property, employment law, commercial law, digital media, environmental regulation, and international trade. That's why it requires a broad understanding of legal intersections within the creative economy.

Key Areas of Fashion Law

01. Intellectual Property (IP)

- Copyright: Protects original sketches, prints, photos, and marketing material. E.g., fabric prints.
- Trademarks: Safeguards brand names and logos. E.g., brand's

- logo.
- Industrial Designs: Protects the visual design of garments and accessories.
- Patents: Rare in fashion, but used for inventions like fabric innovations.

02. Contracts

- Designer and collaborator agreements
- Influencer contracts
- Manufacturer/supplier terms
- Employment contracts

03. Consumer Protection

- Transparency in online sales
- Return/refund policies
- Misleading advertising laws

04. Labour & Employment

- Fair wages, working hours
- Factory safety conditions
- Banning of child labour

05. Import, Export & Customs

- Tariffs and trade regulations
- AfCFTA and cross-border business
- Documentation for international fashion shows or sales

Emerging Legal Issues

- Counterfeiting: Africa's markets face rising cases of knock-off products.
- Digital Fashion & Tech: Legal issues around NFTs, digital clothing, and virtual showrooms.
- Sustainability & Second-Hand Clothing: Regulation of textile waste, resale platforms, and greenwashing claims.
- Cultural Appropriation: Need to protect indigenous designs and traditional craftsmanship.

Fashion Law in Africa: Current Landscape

- Nigeria, Kenya, and South Africa are starting to integrate fashion law education and advocacy.
- Informal markets dominate, making enforcement of rights difficult.
- IP registrations remain low due to lack of awareness or resources.
- There is limited fashion-specific policy across most countries on the continent.

Tips for Creatives and Professionals

1. Register your brand name and logo as trademarks.
2. Always use written contracts.
3. Understand your rights when working with models, influencers, or photographers.
4. Keep receipts and documentation when shipping or exporting.
5. Collaborate with a legal adviser to protect your brand.

The Fashion Lifecycle: Where Law Meets Fashion

Stage	What Happens	Relevant Legal Issues
1. Design	Creating sketches, selecting colours, cuts, concepts	Copyright, industrial design rights, IP ownership
2. Sourcing	Finding fabrics, trims, zips, threads	Supplier contracts, trade terms, ethical sourcing policies
3. Production	Cutting, sewing, assembling the product	Labour law, factory compliance, health & safety regulations
4. Branding	Naming the label, developing a logo or identity	Trademark protection, domain name registration
5. Marketing & PR	Promoting the product via campaigns, influencers	Advertising laws, social media guidelines, influencer contracts
6. Sales & Retail	Selling through stores, online platforms, or pop-ups	Consumer protection, e-commerce regulations, tax law
7. Export & Trade	Shipping goods within or outside the country	Customs law, tariffs, documentation, cross-border trade

Glossary

Term	Meaning
Copyright	Protects original works like fabric prints or campaign photos.
Trademark	Protects your brand name, logo, or slogan.
Design Rights	Protect the shape or appearance of a fashion item.
Contract	A legal agreement between two or more people.
Infringement	When someone uses your IP without permission.
Model Release	A form that gives permission to use someone's image.
Greenwashing	When a brand falsely claims to be eco-friendly.
Cultural IP	Intellectual property from traditional or indigenous knowledge.
E-commerce	Buying and selling fashion online.
Customs Duty	A tax paid when goods cross borders.

