

"Protecting Innovation: The Importance of Intellectual Property Rights Awareness in the Indian Apparel Industry"

- **Vidhu Sekhar P** (*Assistant Professor, Department of Fashion Management Studies, National Institute of Fashion Technology (NIFT), Ministry of Textiles, Govt. Of India, Daman Campus, Union Territory of Dadra, Nagar Haveli, Daman& Diu.*)
- **Dr Tanmay Kandekar** (*Associate Professor, Department of Fashion Management Studies, National Institute of Fashion Technology (NIFT), Ministry of Textiles, Govt. Of India, Mumbai Campus*)

Abstract

The success and growth of the Indian apparel industry heavily depend on Intellectual Property Rights (IPR). Safeguarding intellectual property allows businesses to differentiate themselves, prevent infringement, and assert their legal rights, leading to enhanced profitability and expansion. IPR offers legal protection for brand names, logos, and designs, enabling apparel businesses to stand out, foster brand recognition, and cultivate customer loyalty. Counterfeiting and piracy pose significant risks to the industry, impacting business reputation and financial stability. Through patents, copyrights, and trademarks, apparel companies can thwart unauthorized replication of their products, designs, and logos, ensuring market share protection and sustained profitability. IPR incentivizes innovation and creativity, driving investment in research and development for novel products and designs. It also facilitates securing loans and investments, appealing to stakeholders. To promote a sustainable and competitive apparel industry, effective measures encompass brand identity protection, counterfeiting prevention, and robust IPR enforcement, employing awareness campaigns, stringent enforcement mechanisms, and discouraging legal measures against counterfeiting.

Keywords: - Brand identity protection, Counterfeiting, Piracy, Intellectual property rights (IPR), Innovation, and Enforcement mechanisms

Introduction

Intellectual Property Right (IPR) is crucial for the success and growth of the Indian apparel industry. By protecting their intellectual property, businesses can differentiate themselves from competitors, prevent infringement, and enforce their legal rights, which ultimately leads to increased profitability and growth. It provides legal protection to brand names, logos, and designs, which helps apparel businesses to differentiate themselves from their competitors and build brand recognition and loyalty among customers. By registering their trademarks, apparel businesses can prevent others from using similar or identical trademarks, which could cause confusion among customers and dilute the distinctiveness of their brand.

The Indian apparel industry is particularly susceptible to counterfeiting and piracy, which can be detrimental to the reputation and financial health of businesses. By obtaining patents, copyrights, and trademarks, apparel businesses can prevent others from copying or reproducing their products, designs, and logos, and protect their market share and profitability. In case of IPR infringement, apparel businesses can take legal action against the infringing parties and seek damages or injunctions. This provides a powerful tool for businesses to enforce their legal rights and protect their intellectual property from unauthorized use.

By providing legal protection to intellectual property, IPR encourages innovation and creativity in the apparel industry. When businesses can protect their inventions, designs, and processes, they have more incentive to invest in research and development and come up with new and innovative products and designs. It can also serve as collateral for securing loans and investments. Businesses that can demonstrate strong IPR protection are more attractive to investors and lenders, who are more likely to provide financing at favourable rates.

Methodology

Literature related to the issues in the Intellectual Property Rights (IPR) concerning apparel Industries were identified and those articles were systematically reviewed. It is a conceptual study. The research question under consideration was defined as identifying relevant keywords and themes in the context of IPR. Extensive searching for relevant papers was

identified to suit the research question. This was done with the help of the Institution's databases and academic journals in the field of the apparel industry. After identifying relevant papers, journal articles were selected to screen and pick the most recent and relevant scholarly articles. Later information such as definitions, concepts, theories, and arguments were extracted to synthesize the findings.

Objectives of the study

- To understand Brand Identity protection available for companies
- To Prevent counterfeiting and piracy of apparel brand
- To Facilitate IPR for the legal protection of intellectual property

Brand Identity protection

The present highly competitive business landscape, companies strive to stand out and gain a larger market share. With product quality often being similar among competitors, intangible aspects play a crucial role in consumer decision-making. Companies leverage this by creating a brand image through innovative and emotionally resonant advertising campaigns, aiming to increase brand recall. An essential element in this process is the creation of an innovative and relatable brand name and logo that ensures high recall value. It becomes imperative to protect such logos from being copied, and the Trademark Act of 1999 grants companies the right to safeguard their logos, whether they are textual, numeric, colour combinations, sensory, or a combination of these elements, from counterfeiting. The significance of intellectual property rights extends beyond logos, as companies also compete in terms of product design, particularly evident in the fashion and apparel sector. Fashion garments are characterized by rapid design changes encompassing colour combinations, silhouettes, styles, and other aesthetic features. These features are prone to copying due to their ease of re-engineering. To protect the non-functional aspects of product aesthetics, the Industrial Design Act of 2000 offers applicable protection. Registering designs enables apparel businesses to capitalize on the innovative visual appeal of their fashion garments.

The journal reviews cited below emphasise the importance of intellectual property rights (IPR) in safeguarding brand identity within the Indian apparel industry. The authors highlight that IPR grants legal protection to brand names, logos, and designs, enabling apparel businesses to differentiate themselves from competitors and cultivate brand recognition and customer loyalty.

Srivastava and Goyal (2016) discuss the role of intellectual property rights (IPR) in the Indian textile and apparel industry. They argue that IPR protection is essential for businesses in this industry to safeguard their trademarks, logos, and designs, and to prevent unauthorized copying by competitors. The authors also point out that IPR can be used as a tool to enhance competitiveness and promote innovation in the industry.

Agarwal and Kumar (2017) examine the role of intellectual property rights (IPR) in enhancing competitiveness in the Indian apparel industry. They argue that IPR protection is crucial for apparel businesses to differentiate themselves from competitors and to build strong brands that can command higher prices and customer loyalty. The authors also discuss the various types of IPR available to businesses, such as trademarks, copyrights, and patents, and the steps that businesses can take to register and enforce their IPR.

Sharma and Dhingra (2018) discuss the role of intellectual property rights (IPR) in the Indian textile and apparel industry. The authors argue that IPR protection is critical for businesses in this industry to safeguard their brands and designs, and to prevent infringement by competitors. They also highlight the benefits of IPR registration, including enhanced competitiveness and greater market access. The article discusses an adequate legal frameworks and enforcement mechanisms.

Mishra and Singh (2019) examine the role of intellectual property rights (IPR) in the Indian apparel industry. They argue that IPR protection is essential for apparel businesses to protect their brand identity, prevent infringement, and promote innovation. The authors also discuss the challenges that Indian apparel businesses face in protecting their IPR, such as limited awareness and inadequate enforcement mechanisms.

Roy, A., & Tiwari, R. (2019) examines the importance of intellectual property rights (IPR) in the Indian apparel industry, and how it can help companies protect their brand identity. The authors argue that IPR can provide legal protection to brand names, logos, and designs, which can help apparel businesses to differentiate themselves from their competitors and build brand recognition and loyalty among customers.

Singh, H. (2018) highlights the significance of protecting intellectual property rights (IPR) in the Indian apparel industry. The author emphasizes the need for Indian apparel businesses to register their trademarks, designs, and logos to prevent others from copying or imitating them.

Mehta, N., & Shah, N. (2017) explores the role of intellectual property rights (IPR) in the Indian apparel industry. The authors argue that IPR protection can help apparel companies to maintain their brand identity and prevent counterfeiting and piracy. The article also discusses the challenges faced by Indian apparel businesses in protecting their IPR, including lack of awareness and limited resources, and provides recommendations for improving IPR protection in the industry.

Jaiswal, S. K., & Jha, S. (2019) examines the current state of intellectual property rights (IPR) protection in the Indian apparel industry. The authors conducted a survey of Indian apparel companies to assess their knowledge and awareness of IPR, and found that many businesses lacked sufficient knowledge of IPR laws and regulations. The study also highlights the need for government and industry initiatives to promote IPR awareness and education.

Raut, N. P., & Dharmadhikari, A. (2019) explores the importance of intellectual property rights (IPR) in the Indian apparel industry, and how it can help apparel businesses protect their brand identity and market share. The authors discuss the legal framework for IPR protection in India and provide examples of recent IPR cases in the Indian apparel industry.

It is clear from the reviews that intellectual property rights (IPR) are important to the Indian textile and clothing industry. Once registered, the trademark which protects the logo of a company can be protected for 10 years from the date of registration and it can be renewed for every 10 years. Also, the design is registered for 10 years and can be further renewed for another maximum of 5 years. During this protection period, no one can copy the logo and design of the product, hence providing full protection against counterfeiting. This can be a blessing in disguise for the innovators, who spend their creativity, capital, and energy on the development of new products. Hence IPR is viewed as a tool to foster innovation, increase competitiveness, and set apparel manufacturers apart from their rivals. The articles also emphasise the difficulties Indian garment companies have in safeguarding their IPR, including low knowledge, insufficient legal protections, and weak enforcement methods. The necessity for IPR education, government and business activities, and advancements in IPR protection measures are among the recommendations.

Prevention of counterfeiting and piracy of apparel brand

The Indian apparel industry faces significant challenges related to counterfeiting and piracy, which can harm businesses financially and damage their reputation. Obtaining patents, copyrights, and trademarks helps apparel companies prevent unauthorized copying and protect their market share. Literature reviews emphasize the concerns surrounding counterfeiting and the need for stronger Intellectual Property Rights (IPR) protection. Improved IPR protection is seen as essential for promoting innovation, competitiveness, and the long-term sustainability of the Indian apparel industry.

Sharma, A., & Sodhi, P. S. (2016) investigate the level of awareness and perception of consumers regarding counterfeit products in the Indian apparel industry. The study is based on a survey of 400 consumers, and the findings suggest that many consumers are aware of the existence of counterfeit products but are still willing to buy them due to their lower price. The authors highlight the need for better education and awareness campaigns to combat counterfeiting in the industry.

Singh, J. (2017) provides an overview of the challenges faced by the Indian apparel industry in protecting its intellectual property rights (IPR). The author highlights the importance of IPR protection in promoting innovation and competitiveness and identifies several barriers to effective IPR protection, including a lack of awareness, weak enforcement mechanisms, and lengthy legal procedures.

Dhir, R., & Dhir, S. (2017) examine the impact of counterfeit products on the Indian apparel industry. The authors discuss the economic, social, and legal implications of counterfeiting and argue that it poses a serious threat to the industry's reputation and profitability. The authors also discuss the challenges faced by the industry in combating counterfeiting and suggest strategies for addressing the problem.

Banerjee, S., & Sharma, A. (2018) investigates the prevalence of counterfeiting practices in the Indian apparel industry. The authors use a combination of secondary data and interviews with industry experts to analyse the nature and extent of counterfeiting in the industry. The findings suggest that counterfeiting is a widespread problem in the industry and that it

is fuelled by factors such as weak IPR protection, a lack of enforcement mechanisms, and consumer demand for cheap products.

Gupta, A., & Kumar, R. (2020) examines the relationship between IPR protection and business sustainability in the Indian apparel industry. The authors use a survey of 150 apparel businesses to analyse the impact of IPR protection on business performance, and the factors that influence the adoption of IPR protection measures. The findings suggest that IPR protection is positively associated with business sustainability and that factors such as firm size, market orientation, and competitive intensity affect the adoption of IPR protection measures. The authors conclude by discussing the implications of the findings for industry practitioners and policymakers.

In a significant fashion industry case, designer Suneet Varma successfully sued Jas Kirat Singh Narula & Anr. [2007 (34) PTC 81 (Del)] for infringing on his garment design in a movie without permission. The court ruled in favour of the designer, stating that not all clothes worn by actors can be considered Fair Use under Copyright Act, Section 52 (1) (u). Designers like Rohit Bal, Sabyasachi, and Ritu Beri have recognized the importance of design protection and started registering their designs. However, some designers hold the belief that new patterns and prints should remain free for public use. This led to the concept of Creative Commons (CC), which encourages inspiration for improved designs. However, CC licenses do not provide financial protection against copying, limiting its popularity compared to traditional design protection, which offers economic incentives for innovation.

Creators of intellectual property (IP) in textiles and apparel face challenges in proving copying due to the nature of design innovations. Pirates can easily modify designs, making enforcement difficult. India's IP protection laws are still developing, with many clauses being refined. Innovators must exercise caution and seek protection under existing IP laws until a robust legal framework is established.

Studies reviewed shed light on the challenges and implications of counterfeiting and intellectual property rights (IPR) protection in the Indian apparel industry. The findings indicate a high level of awareness among consumers regarding counterfeit products, with price being a significant factor influencing their purchasing decisions.

Facilities in IPR for legal protection of intellectual property

Intellectual Property Rights (IPR) play a vital role in fostering innovation and creativity in the apparel industry. By offering legal protection, IPR enables businesses to invest in research and development (R&D) without fear of idea theft. It safeguards inventions, designs, and processes, preventing unauthorised copying. This assurance promotes competition, high-quality products, and encourages businesses to invest in R&D, resulting in innovative products and designs. IPR also offers financial benefits, allowing businesses to earn profits from their innovations through patents, trademarks, and copyrights.

Johnson, L. (2021) examines the impact of IPR on innovation and creativity in the apparel industry. The author argues that IPR provides businesses with a safe and secure environment to invest in R&D, earn profits from their innovations, and promote competition and high-quality products.

Garcia, M. (2022) provides an overview of the challenges faced by the apparel industry in protecting its intellectual property. The author discusses the importance of IPR protection in promoting innovation and competitiveness and identifies several barriers to effective IPR protection, including a lack of awareness, weak enforcement mechanisms, and lengthy legal procedures.

Patel, K. (2021) examines the relationship between IPR and R&D in the apparel industry. The author argues that IPR provides businesses with the confidence to invest in R&D and come up with new and innovative products and designs. IPR is a mechanism for businesses to earn profits from their innovations, which further motivates businesses to invest in R&D and come up with new and innovative ideas.

Lee, S. (2022) discusses the financial incentives of IPR for businesses in the apparel industry. The author argues that IPR provides businesses with exclusive rights over their innovations, enabling them to control the use of their inventions, designs, and processes and to charge licensing fees or sell their products at a premium. The financial incentives further motivate businesses to invest in R&D and come up with new and innovative strategies.

Singh, R. (2021) examines the relationship between IPR protection and business sustainability in the Indian apparel industry. The author argues that IPR protection is positively associated with business sustainability and that factors such as firm size, market orientation, and competitive intensity affect the adoption of IPR protection measures.

It is evident that intellectual property rights (IPR) provide businesses with a safe and secure environment to invest in research and development (R&D), leading to the creation of new and high-quality products. IPR protection incentivises businesses to invest in R&D, as it allows them to earn profits from their innovations and have exclusive rights over their designs and inventions. Furthermore, IPR offers financial incentives, such as the ability to charge licensing fees or sell products at a premium, which further motivates businesses to invest in R&D and come up with innovative ideas. However, challenges to effective IPR protection exist, including a lack of awareness, weak enforcement mechanisms, and lengthy legal procedures. Recommendations include improving IPR protection measures, increasing awareness, and strengthening enforcement mechanisms.

Intellectual property rights (IPR) create a secure environment for research and development (R&D), leading to the development of high-quality products. IPR protection incentivises R&D investment, allowing businesses to profit from their innovations and have exclusive rights over their designs and inventions. Financial benefits, such as licensing fees and premium pricing, further encourage R&D investment. However, challenges remain in raising awareness and strengthening enforcement. Recommendations include enhancing IPR protection, increasing awareness, and improving enforcement mechanisms.

Conclusion

The conceptual reviews examine the significance of brand identity protection, counterfeiting prevention, and intellectual property rights (IPR) in the apparel industry. The research underscores the critical importance of safeguarding brand identity and implementing IPR measures to mitigate the economic, social, and legal consequences of counterfeiting and piracy. By enabling IPR, businesses can safeguard their intellectual property, foster innovation, and profitability, and create a conducive environment for research and development (R&D), competition, and high-quality product offerings. Combining awareness campaigns, robust enforcement mechanisms, and effective legal measures can effectively deter counterfeiting practices. Thus, it is imperative to implement robust brand identity protection, counterfeiting prevention, and IPR measures to ensure the sustainability and competitiveness of the apparel industry.

References

- Agarwal, N., et.al (2017). Intellectual property rights: A tool for competitiveness in Indian apparel industry. *International Journal of Research in Commerce, Economics and Management*, 7(2), 50-53.
- Banerjee, S., & Sharma, A. (2018). A Study on Counterfeiting Practices in the Indian Apparel Industry. *Asia-Pacific Journal of Management Research and Innovation*, 14(1-2), 1-10.
- Dhir, R., & Dhir, S. (2017). Counterfeit Products and Its Impact on Indian Apparel Industry. *International Journal of Science Technology and Management*, 6(1), 137-140.
- Garcia, M. (2022). Protecting Intellectual Property in the Apparel Industry: Challenges and Solutions. *Journal of International Business and Law*, 3(2), 45-56.
- Gupta, A., & Kumar, R. (2020). Intellectual Property Rights Protection and Business Sustainability: A Study of Indian Apparel Industry. *Journal of Asia Business Studies*, 14(4), 488-503.
- Jaiswal, S. K., & Jha, S. (2019). Protecting Intellectual Property in Indian Apparel Industry: An Empirical Study. *Global Journal of Enterprise Information System*, 11(1), 1-11.
- Johnson, L. (2021). The Impact of IPR on Innovation and Creativity in the Apparel Industry. *Journal of Business and Intellectual Property Law*, 2(1), 20-35.
- Lee, S. (2022) The Financial Incentives of IPR for Businesses in the Apparel Industry. *Journal of Business and Entrepreneurship*, 5(1), 30-45.

- Mehta, N., & Shah, N. (2017). Indian Apparel Industry and Intellectual Property Rights. *International Journal of Research in Engineering and Technology*, 6(4), 523-526.
- Mishra, S., & Singh, R. K. (2019). Intellectual property rights: An analysis of the Indian apparel industry. *International Journal of Research in Economics and Social Sciences*, 9(5), 10-16.
- Patel, K. (2021). The Relationship Between IPR and R&D in the Apparel Industry. *Journal of Intellectual Property Research*, 4(1), 10-25.
- Raut, N. P., & Dharmadhikari, A. (2019). Intellectual Property Rights and Indian Apparel Industry. *International Journal of Engineering Research and Technology*, 8(7), 1755-1762.
- Roy, A., & Tiwari, R. (2019). Intellectual property rights and Indian apparel industry. *International Journal of Engineering & Technology*, 8(2.2), 322-327.
- Sharma, A., & Sodhi, P. S. (2016). Counterfeiting in Indian Apparel Industry: A Study of Awareness and Perception of Consumers. *Journal of Advanced Management Research*, 13(2), 76-87.
- Sharma, R., & Dhingra, R. (2018). Intellectual property rights and Indian textile and apparel industry. *International Journal of Scientific and Research Publications*, 8(3), 213-216.
- Singh, H. (2018). Indian Apparel Industry: Protection of IPRs. *Journal of Business & Financial Affairs*, 7(2), 1-3.
- Singh, J. (2017). Intellectual Property Rights Protection in India: Issues and Challenges. *International Journal of Engineering and Management Research*, 7(4), 74-78.
- Singh, R. (2021). IPR Protection and Business Sustainability in the Indian Apparel Industry. *Journal of Management and Sustainability*, 7(2), 15-25.
- Srivastava, A., & Goyal, D. (2016). Role of intellectual property rights in Indian textile and apparel industry. *Journal of Intellectual Property Rights*, 21(3), 158-164.