

IP and Fashion: Supporting Designers with Intellectual Property

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FASHION LAW INSTITUTE AFRICA
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Credit: Abebi

Let's Start




**Are you a fashion designer, tailor, or
brand owner... or are you simply a
creative waiting to copy?**

That might sound harsh—but in today's Nigerian fashion industry, knowing where you fall within the creative chain is critical. It determines what kind of intellectual property you're generating, what you can claim, and how you can protect or commercialize it. If you don't know what IP you're creating, you're likely not protecting—or profiting—from it.

SO TODAY, I'LL WALK YOU THROUGH:

1. What IP means in the context of fashion,
2. The types of protection available to creatives and designers in Nigeria,
3. Common challenges we see on the ground,
4. And most importantly—practical steps to support designers in protecting their creative assets.

LET'S DIVE IN...



Introduction to Fashion and IP

The fashion industry is driven by creativity, innovation, and identity.

- Intellectual Property (IP) protects the intangible assets that make fashion valuable: design, brand, image, and expression.
- In today's fashion ecosystem, IP is both a business tool and a legal safeguard.

What is Intellectual property

Intellectual Property (IP) refers to creations of the mind such as inventions, designs, symbols, names, and images used in commerce. In fashion, IP protects your creativity, brand identity, and innovations. Fashion is fast-paced—imitations and counterfeits thrive.

Why IP Matters in Fashion



Protect
originality



Monetize
creativity



Establish
brand
identity



Attract investors
and
partnerships



IP turns
ideas into
business
assets.



Key Types of IP in Fashion:

01 COPYRIGHT

Protects original sketches, prints, fashion illustrations, lookbooks. Textile prints and surface patterns (as artistic works), Campaign photos, Catalogues/Lookbooks, Fashion editorials, Style guides. Copyright Act (2022): Protects artistic works including fashion illustrations.

02 TRADEMARK

Logos, slogans, and other brand elements are registrable as trademarks. The use of the ™ or ® symbols follow established rules. Trademarks Act: Protects brand identity, logos, and marks.

03 DESIGN RIGHTS / INDUSTRIAL DESIGNS:

Protect the aesthetic or ornamental aspects of garments and accessories. Patents and Designs Act: Covers industrial designs for fashion items.

04 PATENTS (LESS COMMON):

Protect innovative technical solutions (e.g., new textile technologies).

05 TRADE SECRETS:

Protect confidential business strategies, dyeing formulas, etc.

06 MARKETING MATERIAL APPROVAL

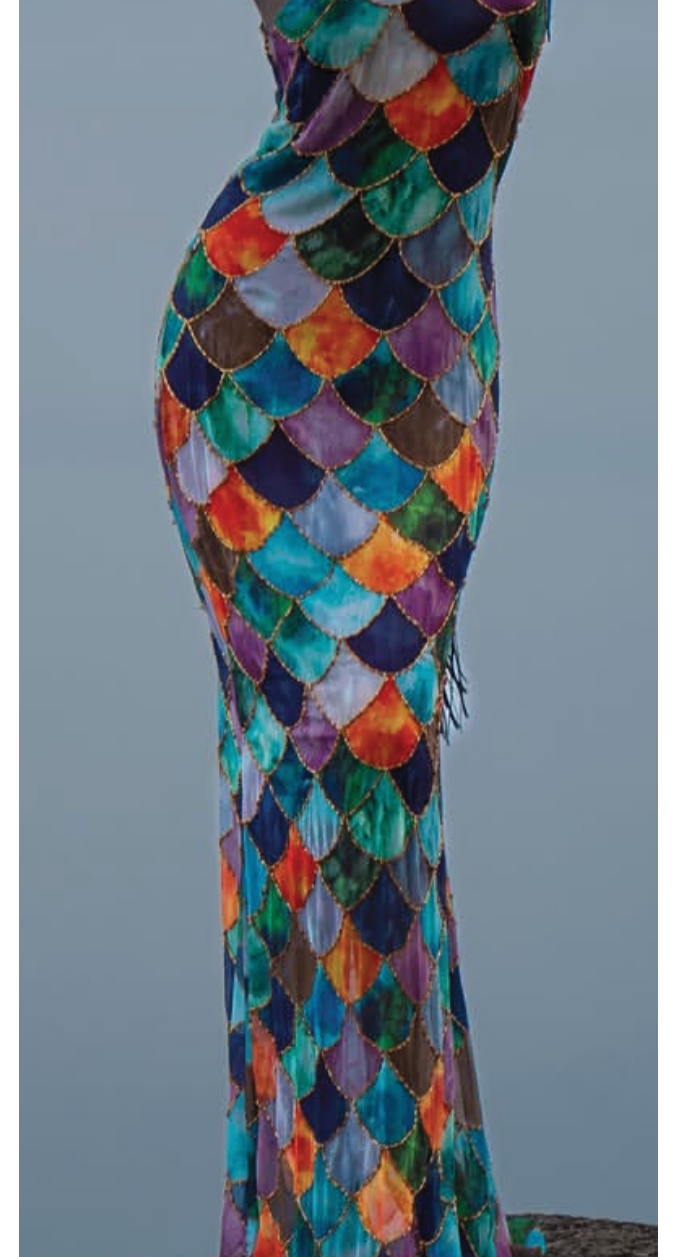
All marketing materials must be approved by the legal department before distribution to ensure compliance with applicable guidelines and legal regulations.

IP gives you a layer of protection, but beyond that, it gives you power—the power to enforce your rights, license your brand, and earn from your work.

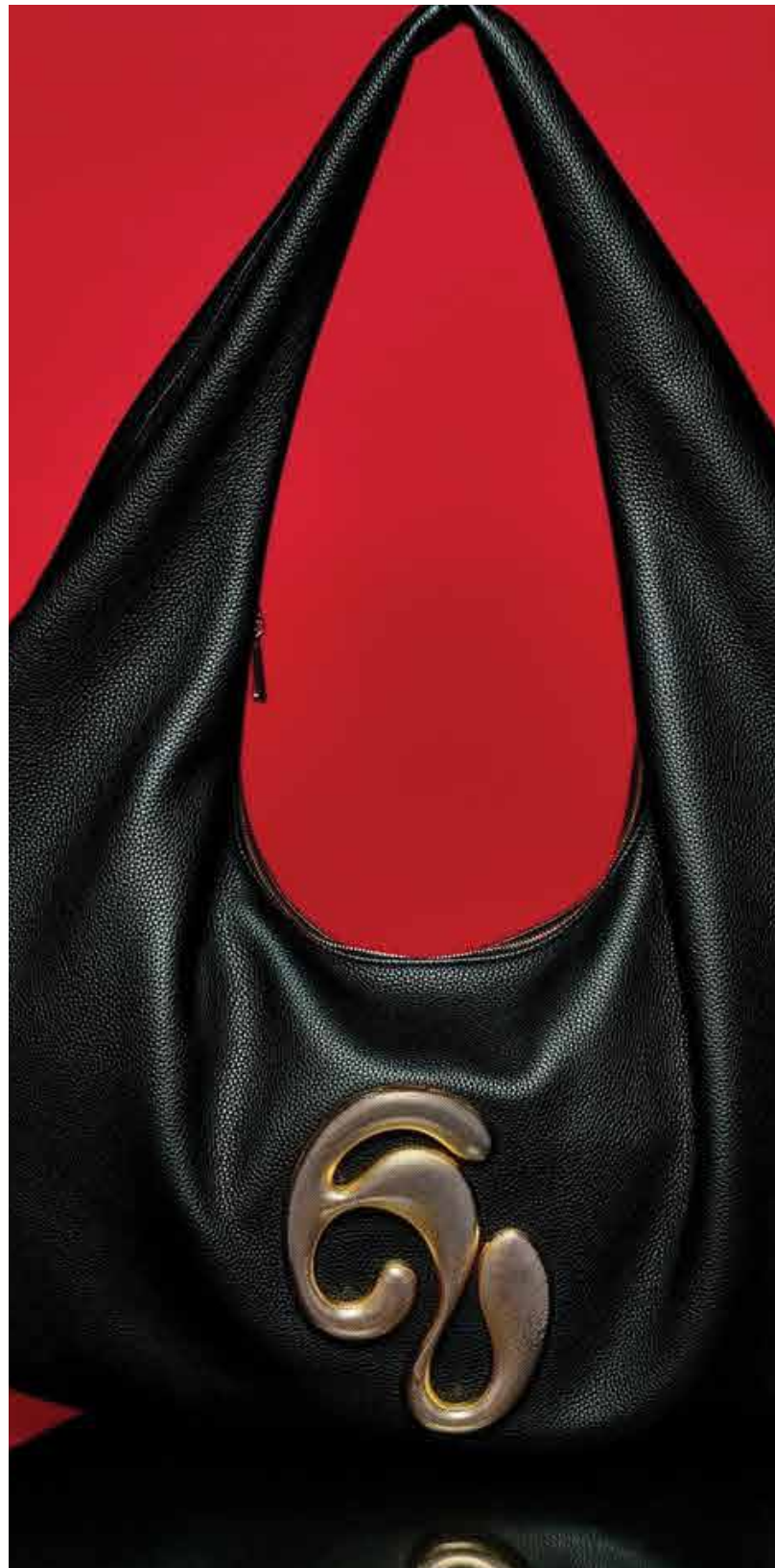
Think about top brands—you know them not just for their clothes, but for their identity: their name, logo, packaging, and even color schemes. That's all IP.

Key IP Assets in Fashion

Kilentar



Kilentar



Kai collective

Case Study

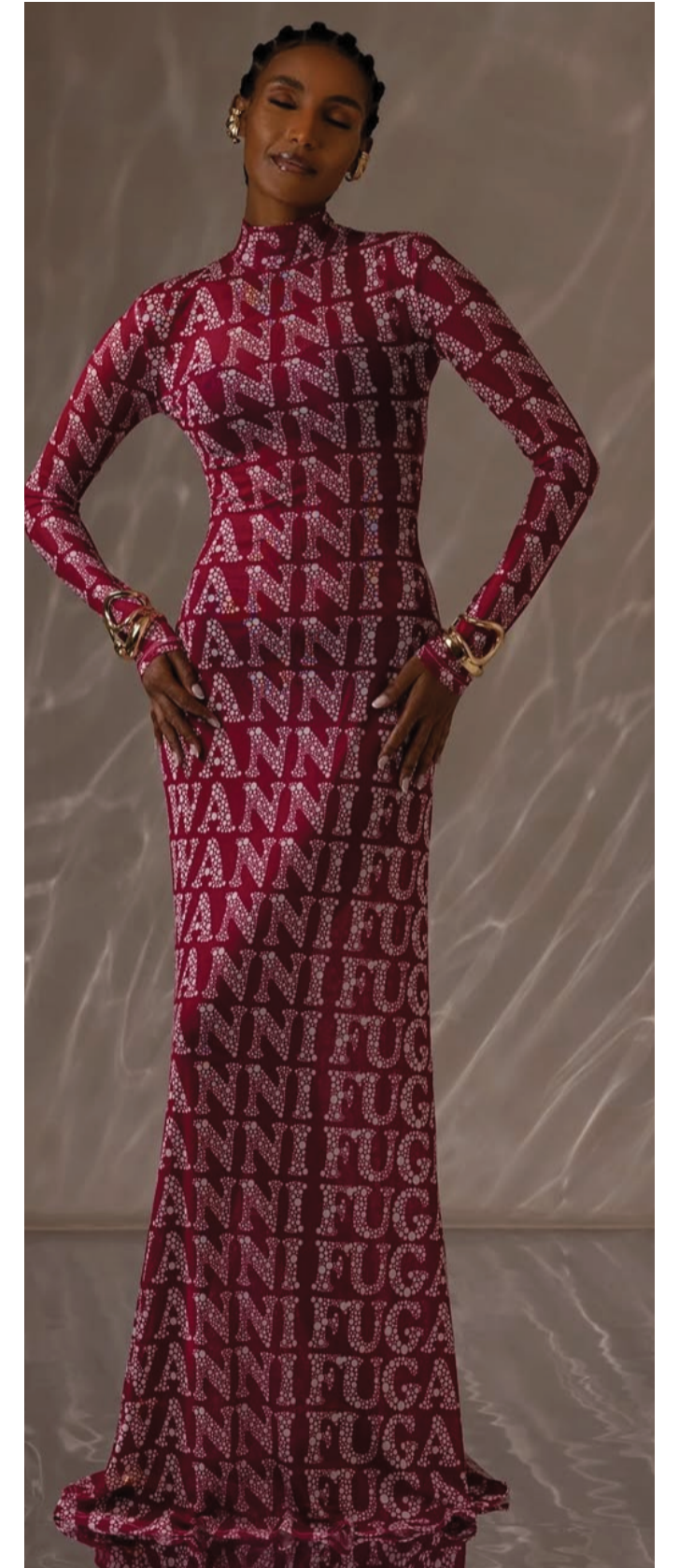
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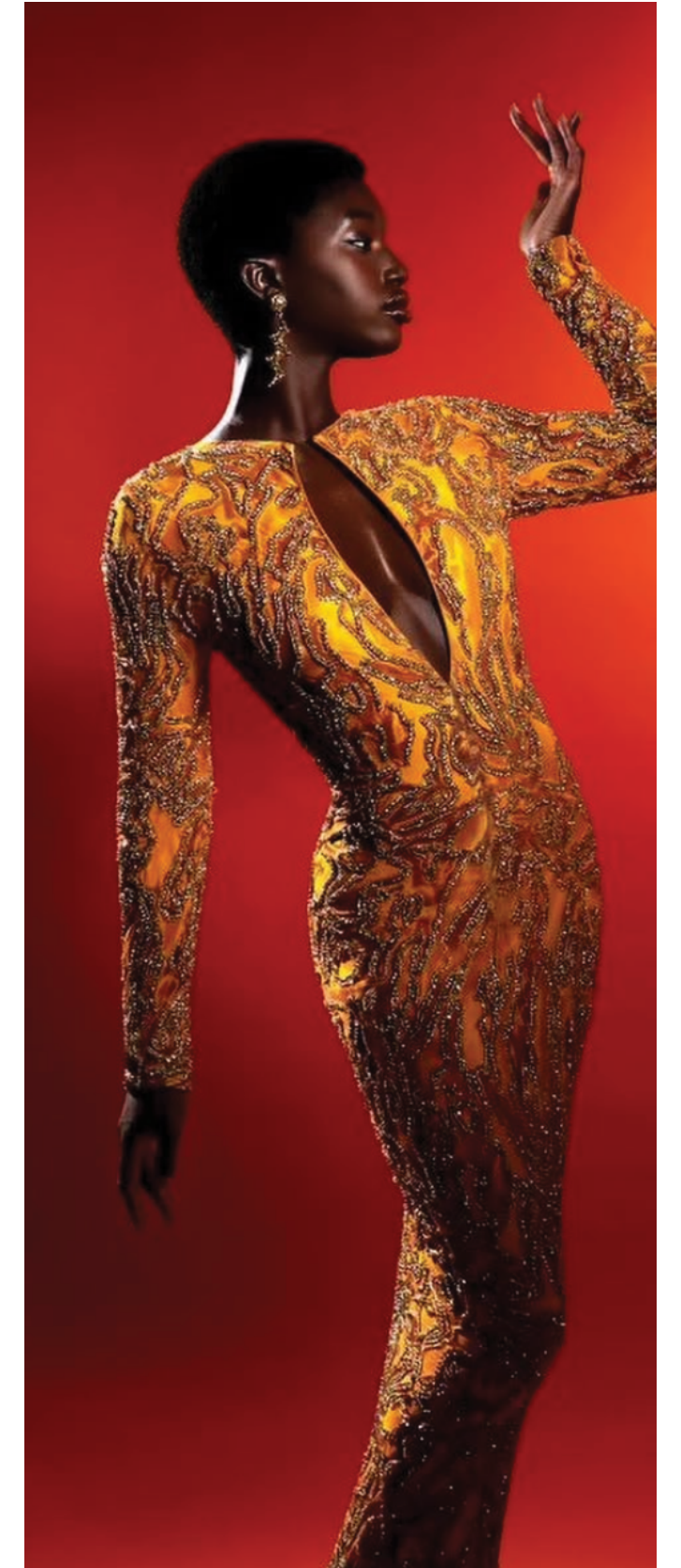
Textile/ pattern design



Wannifunga



Industrial design



Common IP Challenges Designers Face in **Nigeria**

Limited awareness or
access to IP
registration.



Inadequate
enforcement and
lengthy dispute
resolution.



Misconceptions about
what is protectable.



- Lack of formal contracts or documentation.
- Copycat culture and knockoffs in informal markets.

Overlap between Copyright and Industrial Design in Fashion

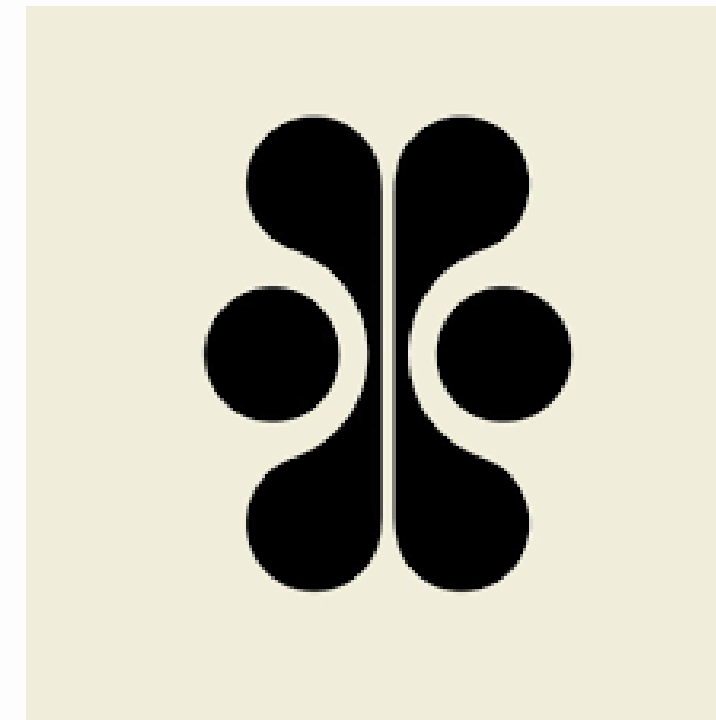
industrial designs and copyright can overlap, particularly for aesthetic designs applied to useful products. While both protect visual aspects of a product, they offer distinct rights. Industrial design rights protect the appearance (shape, ornamentation) of a product, while copyright protects artistic creations, including designs that are original and meet certain originality requirements.



Brand Names & Logos (Trademarks)



ANDREA IYAMAH



AMI
DOSHI
SHAH



Supporting Designers – Practical IP Considerations

- Educate designers on IP types relevant to their work.
- Encourage early registration of trademarks and designs.
- Use contracts: Sign NDAs with tailors, photographers, interns.
- Licensing or collaboration agreements.

- Maintain IP documentation: mood boards, drafts, timestamps, email chains.
- Digital proof and watermarking.
- Leverage IP for business – licensing, merchandising, franchising.

IP at Play

Independent
Designers
(Freelancers or
Brand Owners)



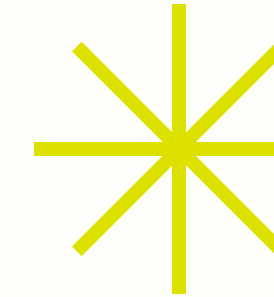
In-House
Designers
(Employees)



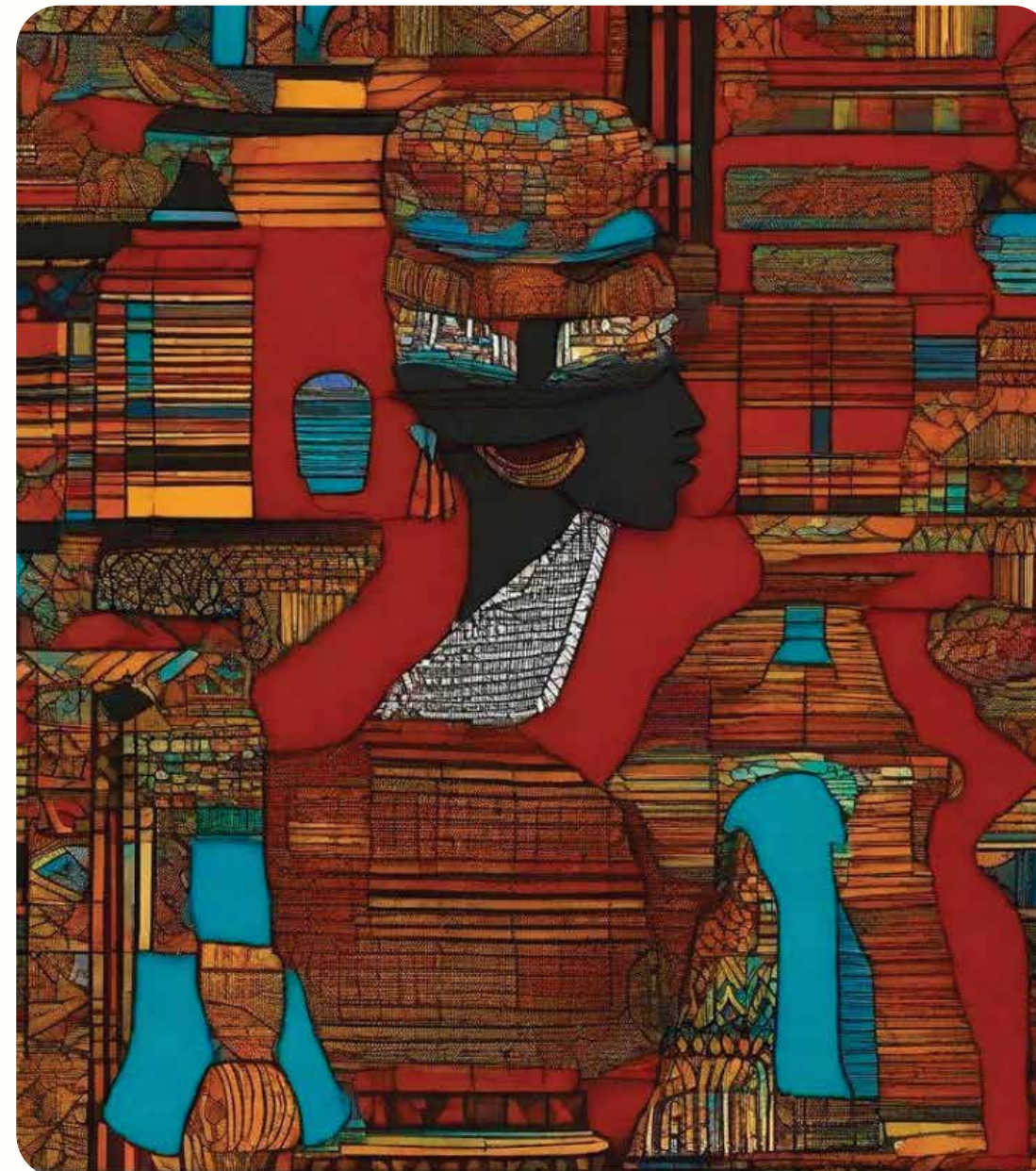
Commissioned
Work (Custom
Designs)



Resources & Support



- WIPO IP Diagnostics Tool and Fashion Industry & IP Guides
- Creative Sector IP Clinics (like the Fashion Legal Clinic)
- Collaborations with IP lawyers and creative collectives



2025

To build a truly resilient and globally competitive fashion industry in Africa, IP must be at the core. Designers must not just create—they must own, protect, and profit from their creations.

About Africa's 1st Fashion Law Institute

Who We Are a pan-African initiative providing legal education, advocacy, and support for fashion entrepreneurs, designers, and creatives across the continent. Our Mission is to build a legally empowered fashion industry in Africa where creatives are protected, educated, and supported to scale their brands sustainably.

What We Do

- Education: Masterclasses, webinars, and workshops on fashion law
- Advocacy: Promoting stronger IP protections and legal frameworks
- Support: Free legal services and contract templates for emerging brands
- Community: Connecting legal and fashion professionals across Africa



Bernice Asein, Esq. – Fashion Lawyer, Fashion Law Institute

Bernice Asein, Esq., is a distinguished fashion lawyer with expertise in intellectual property, contract negotiation, and regulatory compliance for the fashion, beauty, and luxury industries. As a key legal mind at the Fashion Law Institute, she provides legal advisory services to designers, fashion entrepreneurs, and creative businesses, helping them navigate the complexities of fashion law. With a passion for fashion business sustainability, Bernice has been instrumental in educating and advocating for legal protection in Africa's fashion industry. She has worked with emerging brands and established designers to draft and negotiate contracts, secure intellectual property rights, and structure their businesses for long-term success. She is also a thought leader, frequently speaking at industry events and fashion business forums on brand protection, collaboration agreements, and legal innovation in fashion.



Thank you for listening.
I look forward to your questions.



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Thank You

Thank you for attending our Monthly Webinar Series for March 2025. We appreciate your time and attention to the insights and recommendations provided

If you have any questions or need further information, please don't hesitate to reach out.

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