



“Is Anything Ever New?” Student Perceptions of Design Piracy in their Apparel Design Work and as Consumers

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The purpose of this study was to better understand fashion design students' beliefs and perceptions of the practice of design piracy. Different from counterfeiting when objects are fraudulently branded with a designer's name or logo, design piracy is the unauthorized copying of another manufacturer's or designer's styles. Design piracy of apparel is possible within the United States because intellectual property rights do not protect clothing designs (Magdo, 2000). As early as 1910, *Women's Wear* (now *Daily*) described the practice as the “copying evil.” Since the early nineteen hundreds, over eighty bills have been submitted to Congress to limit the practice. Groups such as the Fashion Originators' Guild of America (FOGA) were created, in part, to end the practice (Marcketti & Parsons, 2006). In recent years, The Council of Fashion Designers of America (CFDA) and the American Apparel and Footwear Association have fought to curb piracy. First introduced to the U.S. Congress in 2006 as the “Design Piracy Prohibition Act” and then reintroduced in 2010 as the “Innovative Design Protection and Piracy Prevention Act” these bills proposed to give fashion design short term protection (Ellis, 2012).

To some, piracy within the apparel industry is a foregone conclusion. According to David Wolfe, Creative Director of the Doneger Group, a trend forecasting business, the industry is a “well balanced system which succeeds by integrating a complicated blend of original ideas, individual creativity, and copying” (Wolfe, 2006). In blatant endorsement of piracy, fashion magazines such as *Marie Claire* regularly publish “splurge versus steal” comparisons of high-priced designer garments with the lower-priced, near identical knock-offs. Cementing the continuation of the practice, aspiring designers are often taught techniques for duplicating others' works as a component of apparel construction courses and patternmaking textbooks (Glock & Kunz, 2000; Hollen & Kundel, 1993).

Because design piracy is so institutionalized within the apparel industry, yet fraught with controversy, the authors sought to understand fashion design students' beliefs regarding the practice. The authors interviewed twenty-eight apparel design students at a land-grant Midwestern university over the course of three semesters. The students were identified by the academic advisor in the program as high-performing junior, senior, or graduate standing students with an identified concentration in apparel design. The students were contacted via email and asked to participate in the study. Participating students were provided with a \$5 gift card to the local coffee shop. The interviews were conducted by an undergraduate intern and graduate research associate so that the interviewees did not feel pressure to give the “right answer.” All interviews were audio-taped, transcribed, and then analyzed by the authors using the part-to-whole process (McCracken, 1988). The study received institutional board exemption status. The interviewees were given pseudonyms to protect their anonymity.

The interview protocol included 20 questions developed by the authors, and divided into three sections: demographics and knowledge (i.e., how did you decide to major in fashion design; what is the difference between design piracy and counterfeiting?); consumer information (i.e., have you ever purchased a garment knowing it was a pirated copy of an original design? what did you think about doing this?); and designer information (i.e., do you want your work to be pirated? have you ever been tempted to copy someone else's work?).

Three themes developed from analysis of the data: 1) Expressions of cognitive dissonance (or discomfort when simultaneously holding two or more conflicting beliefs, values, and ideas, Festinger, 1957) in statements expressing enjoyment of the practice of design piracy as a consumer; yet felt violated when their own design work was copied. 2) Concerns regarding the definition of originality and the logistics of enforcing a plan against design piracy since it would be difficult to determine at what point an original [if there was one] became a copy. 3) Differences of opinion regarding the prevalence of the practice, particularly if the students had industry experience or not. Representative quotes of these three themes included: Participant Angie, a graduate student majoring in apparel design, with industry experience, succinctly stated, "Design piracy is a problem [as a designer]. But as a consumer? I'm happy I guess. Because I have more choices to buy." According to Anna, "It's hard to say if anything is ever really new." For aspiring designers with industry experience, they were much more likely to be aware of piracy. For example, Wendy, a graduate student returned to school because in industry, "everything's rushed. We don't have time to create new things, or if you are creative, your pattern maker cannot do it. So, you have no choice, you have to copy. Even if you don't want to copy, your boss does." Implications for faculty, particularly identifying the pros and cons of the practice, and methods to facilitate discussion of the practice among students will be explored.

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