

# **Innovation, Fashion and Intellectual Property**

## **Comparative and interdisciplinary Symposium**

**Institut Français de la Mode**

*36, Quai d'Austerlitz, Paris, France*

**3 December 2016**

### **Organized by:**

- University of Versailles Saint-Quentin-en-Yvelines (Paris-Saclay) (France)
- Viviane Azard, Bardehle Pagenberg (France)
- Bond University (Australia)
- Violet Atkinson, 'Cronin litigation' (Australia)

### **With the support of:**

- Institut Français de la Mode
- Maus Frères (Lacoste-Gant-Aigle)
- The Ile de France Region
- University of Versailles Saint-Quentin-en-Yvelines (Dante laboratory)
- Bond University (Australia)

This colloquium aims to determine the best legal means to protect creation without stifling innovation in the field of fashion. It brings together lawyers, social scientists, and various actors of the fashion industry. Participants will debate the role and importance of intellectual property by taking a comparative review of relevant legislation to assess its influence and importance in different socio-economic and cultural environments.

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### **9.15 am – Opening and Welcoming Session**

#### **9.30 – Introductory remarks**

- Marie-Malaurie-Vignal, Professor at the University of Versailles Saint-Quentin-en-Yvelines (Paris-Saclay) (France)
- Viviane Azard, Attorney at law at the Paris Bar, Bardehle Pagenberg (France)

## **9.45 – The process of creativity**

Chaired by: Alain Girardet

Speakers:

- Emilie Hammen, Associate Professor at the Institut Français de la Mode (France): Fashion and creative process, the sources of inspiration of high fashion from its founding to the present day - the role of the creator and its evolutions.
- Aude Rafine-Maetz, marketing consultant and collection development, CEO of the company ARM Board (France): The various stages of the creative process within the Luxury Homes.
- Benjamin Simmenauer, Associate Professor at the Institut Français de la Mode (France). The two imperatives of fashion designs: requirement of originality and adaption to trends.
- Zeeger Vink, Intellectual Property Director of Maus Frères (Lacoste-Gant-Aigle): Supporting the creation within the fashion houses; how to organize the protection, when to intervene and how far is it possible to go.

## **10.45 – Debates**

### **11 am – Break**

## **11.15 – The fashion economy**

Chaired by: Catherine Palmer

Speakers:

- David Zajtmann, Professor at the Institut Français de la Mode (France): Strategies and organization of the fashion industry.
- Hervé Dumez, research director at CNRS, professor at the Ecole Polytechnique, director of the Interdisciplinary Institute for Innovation (CRNS - UMR 9217), director of the Management Research Center of the Ecole Polytechnique: Intellectual Property in the fashion industry, an economic and managerial perspective.

## **11.50 – Debates**

## **12.15 pm – Intellectual property applied to the fashion industry in case law**

Chaired by: David Zajtmann

Speakers:

- Alain Girardet, Judge at the Cour de Cassation (France): Novelty and individual character applied to fashion.
- Brad Spitz, Doctor of Law, Attorney-at-law at the Paris Bar, YS lawyers (France). Copyright protection of fashion: an in-depth analysis of 10 years of French case-law

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## **12.45 – Debates**

### **13.00 – Lunch**

### 14.30 – Innovation and Intellectual Property, the controversy: do intellectual property rights promote or harm creativity in the fashion industry?

Chaired by: Hervé Dumez

Speakers:

- Christopher Sprigman, Professor, New York University School of Law, Co-Director, Engelberg Center on Innovation Law and Policy (USA): The controversy under US law.
- Viviane Azard, Attorney-at-law at the Paris Bar, Bardehle Pagenberg (France): The controversy under French law.
- Marie-Malaurie-Vignal, Professor at the University of Versailles Saint Quentin (Paris-Saclay) (France): The controversy under French law.
- William van Caenegem, Professor at Bond University (Australia): The controversy under Australian law.
- Violet Atkinson, Lawyer, ‘Cronin litigation ‘(Australia): The controversy under Australian law.
- A representative of the European Union Intellectual Property Office( EUIPO): the controversy regarding the Community Design.
- Catherine Palmer, Legal Director Joseph Group (Great Britain): The controversy in the light of the practice of fashion houses

With the participation of Célia Zolynski, Professor at the University of Versailles Saint Quentin (Paris Saclay) and Mélanie Clément-Fontaine, Master Lecturer at the University of Versailles Saint-Quentin-en-Yvelines and director of the laboratory of business law and new technologies (Dante).

### 16h – Debates

### 17h – Concluding remarks

- Dominique Jacomet, President of the Institut Français de la Mode (France)
- William van Caenegem Professor at Bond University (Australia)
- Violet Atkinson, Lawyer, ‘Cronin litigation’ (Australia)

