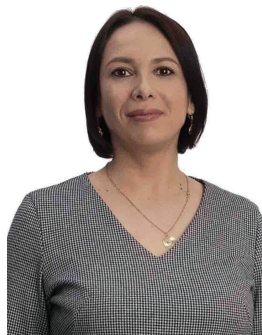


Is it possible to protect fashion objects as inventions and utility models?

Ludmila Lisovskaya, Patent Specialist at Zuykov and partners, encourages the exploration of patents as a form of protection in the fashion industry with successful examples.

Most often, objects related to fashion: clothing, footwear, various accessories, fabrics and materials are protected as industrial designs, since according to Article 1352 of the Civil Code of the Russian Federation, the decision of the appearance of an industrial or handicraft product is protected as an industrial design. An industrial design is granted legal protection if it is new and original in its essential features. Essential features of an industrial design include features that determine the aesthetic features of the product's appearance, in particular the shape, configuration, ornament, combination



Ludmila Lisovskaya

Résumé

Ludmila Lisovskaya has worked as a Patent Specialist and a Chemical Specialist with Zuykov and partners LLC since 2017. Ms. Lisovskaya specializes in Patent search on inventions and utility models, Preparation and filing of patent applications on inventions, utility models, software and database, response preparation on request for substantive examination on inventions, utility models, software and database applications, etc. Her previous professional experience also includes working as a Head of Department in the preparation and implementation of new technologies, at JSC "Togliatti Institute of nitrogen industry".

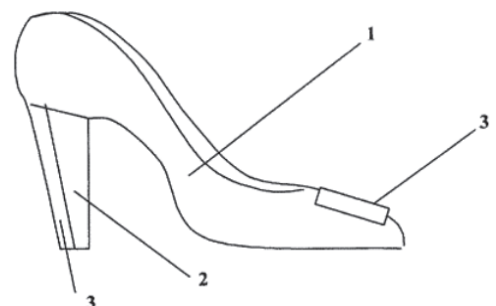
of colors, lines, contours of the product, texture or texture of the product material.

Also, by means of a trademark (in particular a pictorial trademark), it is possible to protect fashion brands. For example, the well-known red sole of Christian Louboutin is known under the international registration number 902955, and the crocodile depicted on all Lacoste products is registered in the Russian Federation under the number RU35654.

But few experts in the fashion world take into account that, if their author's product has features that are not only due to its original appearance but also have a technical function, then such design features are protected features of inventions and utility models.

Here are some examples of such fashion-related patents.

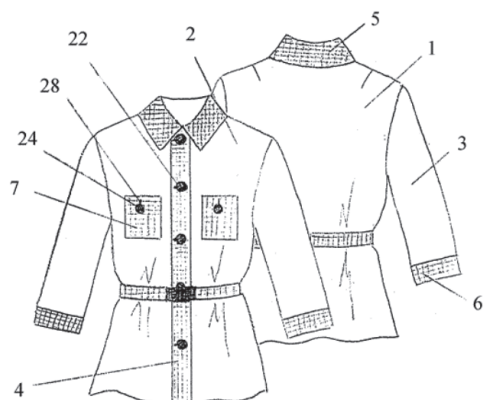
Utility model patent RU 16 690 U1 "Shoes", published on 10.02.2001, discloses a shoe containing a top connected to a sole having a heel and a pad, characterized in that the pad





has a mirror surface and is fixed on a portion of the surface of the top in the toe area and/or the back of the heel.

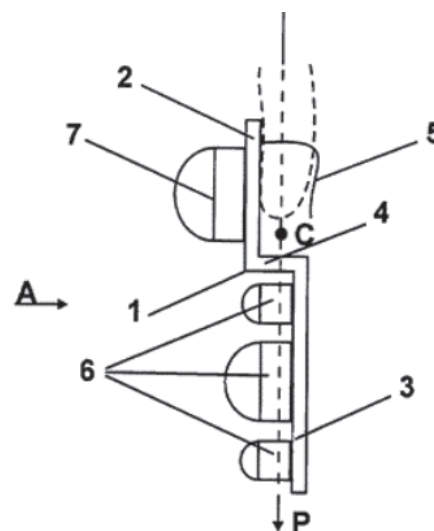
Utility model patent RU 15 161 U1 "Double-sided garment", published on 27.09.2000, discloses a shirt, the details of the fabric of which are connected at the edges, while the details are cut without seam allowances, and if there are notches, the latter are cut along the contour, the edges of the product parts are connected "butt-to-butt" with the use of a decorative element made in the form of either binding, or edging, or embroidery, or decorative stitching, or applique, or braid.



Patent RU 72 386 U, published on 20.04.2008, protects a jewellery product an earring that includes a load-bearing element to which a headset and one or more jewellery are attached, while the load-bearing element is made stepwise of three links: the two extreme ones-the upper

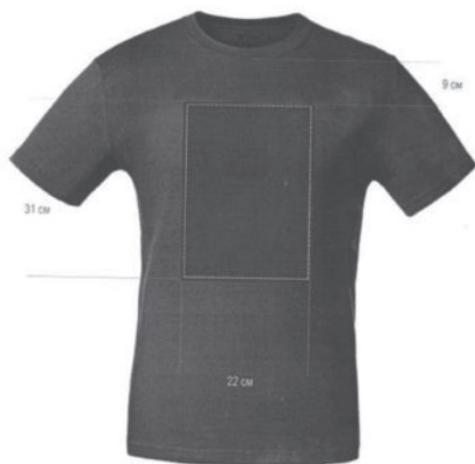
If their author's product has features that are not only due to its original appearance but also have a technical function, then such design features are protected features of inventions and utility models.

and lower ones and an intermediate link connecting them, while the extreme links are parallel to each other, and the jewellery placed on the lower link of the load-bearing element under the intermediate link from the side opposite to the attachment point of the reinforcement to the load-bearing element.



From the utility model patent RU 182029 U1, a textile product with a reflective application containing a textile cloth on the front surface is known, which applies an application characterized in that the application is equipped with a protective textile coating with a density of 70 to 150 g/m², while the reflection application is made of reflective material with a light reflection coefficient of at least 30 cd/(lux×m²).

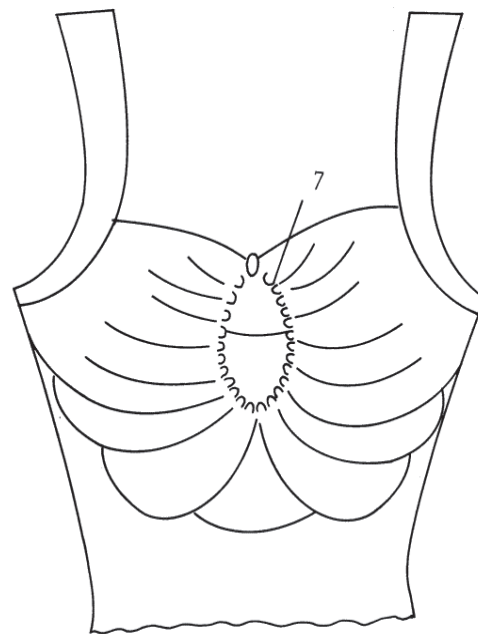
However, in essence, "technical language" describes a T-shirt, sweatshirt or any other product with a reflective applique containing a textile cloth on the front side of which the applique is fixed. The application is provided with a grid, while the application is made of reflective material. As a textile fabric, any fabric suitable for the manufacture of clothing can be selected, for example, woven, knitted or non-woven fabric. The grid ensures the passage of light reflected from the reflective layer of the application. The application can be either a multi-layered structure with reflective microspheres, or a textile fabric with reflective coating. Also, the application can be made of reflective threads. For example, a knitted fabric can be selected as the second protective textile layer. The application is fixed on the front surface of the textile fabric by means of hot glue or sewn on. Thus, the product looks plain in daylight, but when it is exposed to light of a certain wavelength, such as ultraviolet, the application manifests itself and effectively glows in the dark.



Patent for the invention RU 2190943 C1, published on 20.10.2002, reveals an ornament for a women's dress, one-piece with a bodice, formed from a rectangular piece of fabric. The decoration is formed by preliminary double folding of the segment with the formation of two horizontal borders on the bodice, the lower one is located above the line of placement of the highest points of the chest and is formed by bending the bodice part horizontally facing inwards, and the upper one has a gap in the middle, which is eliminated by tying a cord drawn along the edge of the allows you to get a three-dimensional, mobile decoration with minimal labor intensity without using a pattern or having a special skill.

It is worth noting that if a utility model can only protect the design of a particular product, then the invention opens up wider boundaries for the designer-developer, so they can patent

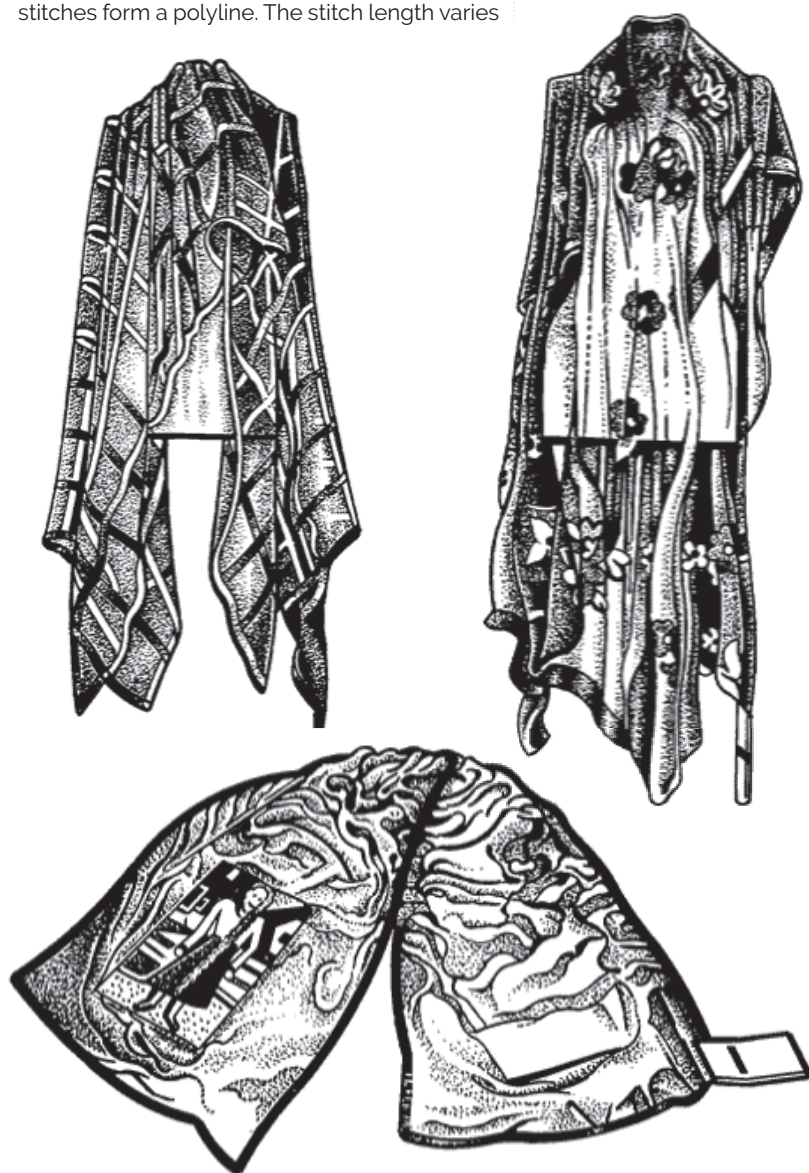
“All products in the fashion world are quite complex objects.”



a method of manufacturing a product that will apply to various types of products, while not limiting the form of their implementation.

An example of such an invention is a method of embroidery of products protected by patent RU 2164569 C1, published on 27.03.2001, based on the fact that the fabric of the product with the contour of the pattern applied to it is twisted into embroidery hoops, provide fabric tension, apply threads to the fabric of the product moving relative to the needle of the sewing machine, and the fabrics are selected differently in different directions relative to the shared thread of the fabric, then the tension of the upper and lower threads of the sewing machine is adjusted so that the point of interweaving of the upper and lower threads of each stitch is inside the fabric, after which the embroidery frame with the fabric is moved in the direction of sequentially covering the embroidery pattern with simultaneous movement of the embroidery frame with the fabric so that the embroidery stitches form a polyline. The stitch length varies

“
Such design features are protected features of inventions and utility models.”



widely and can be, for example, from 2 to 5 mm. The output is various products with an approximate design, presented below.

Final thoughts

In conclusion, it is necessary to add that all products in the fashion world are quite complex objects, such solutions often stand on the line between aesthetic perception and technical functions, so it is not always easy for a patent attorney to identify an object for patenting and choose the right protection strategy. It is necessary to approach design objects in a comprehensive manner, and in order to protect their rights more broadly, the developer is recommended to approach the issue comprehensively. Protect the brand as a trademark, the method of manufacturing a product as an invention, its design as a utility model, and its original appearance as an industrial design. Then the author, whose creative work created the design solution, can be sure of reliable protection of their exclusive and copyright rights.

Contact

Zuykov and partners

Grokholsky lane, 28 Moscow,
Russia, 129090

Tel: +7 495 775-16-37

info@zuykov.com

<https://www.zuykov.com/en>