



Textiles, Fabrics and Clothing

Textiles and Fabric - the surface decoration

The original drawing for a design or pattern to be applied to textiles and fabrics is protected by copyright because it is an artistic work. It would therefore be an infringement of copyright either to copy the design drawing itself or to produce a fabric or article with the same surface decoration. Copyright is a right which arises automatically without any need for registration (for more information on copyright (see Fact Sheet 1).

It may also be possible to obtain protection for the pattern as a registered design where the pattern is applied to a garment by an industrial process, where the pattern is “new” and where the finished article has “eye appeal” (for more information on registered design see Fact Sheet 5).

Clothing - the design of the shape

The original drawings for an item of clothing are regarded as “design documents”, which are themselves protected under copyright from further reproduction. However, it is not an infringement of the copyright in a design document (provided it is not a design for a work of artistic craftsmanship or a sculpture) to make an article to that design, or to copy an article made to that design. Therefore if your design or drawing is for a garment which does not qualify as a work of artistic craftsmanship or a sculpture (if the design is one suitable for mass production it is unlikely that it will qualify) it could be used to make up the finished article without infringing any copyright.

The clothing may attract unregistered design right if the design is original and this will protect the shape and configuration of the garment. However, if copyright would also protect the copying of the design then that protection must be relied upon instead of any unregistered design right (for more information on unregistered design right (see our Fact Sheet 6).

It may also be possible to apply for a registered design if the shape and configuration of the garment is applied by industrial process and it is new and has eye appeal (see above). Note, though, that the dressmaking pattern itself is excluded from registered design protection. The inter-relation of the law in this area relating to copyright, registered design and unregistered design right is complex and if in doubt you should seek professional advice.

The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this factsheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice.