
THE THREAD OF HERITAGE: FASHION, GEOGRAPHICAL INDICATIONS, AND THE FIGHT FOR CULTURAL JUSTICE

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Introduction

Globally, the fashion industry is all about reinvention. Each season brings with it new styles, prints and looks that are often unique and exclusive. However, behind the seemingly endless stream of new looks, lies an uncomfortable truth: many popular fashion trends are appropriations of old traditional heritage craftsmanship by the indigenous and local communities. These communities rarely get any credit or commercial benefit out of the exploitation of their heritage done by economically superior entities. This conflict has made the connection between fashion and Geographical indications one of the most significant legal issues of contemporary intellectual property law. This issue is now linked to cultural ownership, truthful attribution of appropriated heritage, ethical fashion, sustainability and economic justice.

A Geographical Indication is a sign used on products whose qualities, reputation, or characteristics are essentially linked to a particular geographical origin. In India, products such as Banarasi Saree, Kanchipuram Silk, Pashmina, and Kolhapuri Chappal are protected because their identity is inseparable from the communities, techniques, and regions that produce them. Unlike trademarks, which belong to corporations or individuals, GIs are collective rights tied to heritage and tradition. As scholars have observed, traditional cultural expressions are often treated by conventional intellectual property systems as part of the “common heritage of mankind,” freely available for public use. Yet for many communities, such expressions continue to function as living forms of identity, memory, and collective heritage¹. They recognize that cultural knowledge itself possesses economic and social value. However, in the fashion industry this value has often been exploited rather than protected.

¹ J Janewa Osei-Tutu, ‘Protecting Culturally Identifiable Fashion: What Role for GIs?’ (2021) 14(3) *FIU Law Review* 571, 572–573.

Beyond Inspiration: When Fashion Becomes Cultural Extraction

Fashion industry has defended the use of traditional motifs under the garb of inspiration since a long time. Yet the line between inspiration and appropriation becomes blurred when luxury brands profit from indigenous designs without permission, acknowledgment, or compensation.

One of the most widely discussed disputes emerged in 2012, when Louis Vuitton released collections inspired by the Maasai community of Kenya and Tanzania. The red-and-blue checkered patterns associated with Maasai identity appeared prominently in the designs, while the community itself neither received recognition nor financial benefit. Similarly, Zara and Anthropologie were criticized by the Mexican Ministry of Culture for reproducing embroidery patterns associated with the Zapotec community of Oaxaca. When mass-market brands industrially reproduce handcrafted cultural designs, they weaken the economic survival of artisans whose work depends on authenticity and labour-intensive craftsmanship.

India has witnessed similar tensions. Artisans associated with Rajasthan's Sanganeri blockprinting traditions observed striking similarities between their GI-linked patterns and designs featured in collections by Christian Dior. Yet despite legal recognition, artisans rarely possess the financial resources necessary to challenge multinational fashion houses in prolonged litigation. The result is a troubling imbalance in which communities hold symbolic legal rights but lack practical enforcement power.

These controversies reveal that the issue is not merely about copying designs. Traditional crafts embody cultural memory, inherited skill, and collective identity. Their unauthorized commercial use raises questions not only of economic exploitation, but also of dignity and cultural justice.

The Legal Gap: Why Existing IP Frameworks Fall Short

India's current IP regime is structurally deficient in protecting Traditional cultural expressions, despite the growing recognition of GIs in India's fashion industry.

One of the main limitations is inherent in the very structure of the Geographical Indications of Goods (Registration and Protection) Act, 1999. The geographical origin and reputation of a product is the main issue to be covered under GI protection, but does not necessarily includes the visual language or the craft aesthetic of the product. Traditional motifs, embroidery styles

or weaving patterns are often reproduced by luxury brands without stating that the product hails from a GI protected community. In this kind of scenario, the cultural aspect of the craft can be sold, but not be deemed as infringing on the GI.

This is important under Sections 21 and 22 of the Act that relate to misleading representations and false indications of origin. A luxury brand might, therefore, sell shoes branded as “handcrafted leather footwear,” but not specifically as “kolhapur sandals”: even without explicitly using the “kolhapur” protected geographical indication, a luxury brand could be benefiting from the cultural connotations connected to the craft. The law, in fact, is more likely to afford protection to the label itself than to the tradition.

Another restriction is the copyright law. Traditional motifs and artisanal designs are often not protected under the Copyright Act of 1957 due to copyright law's foundations of identifiable authorship and originality. Most traditional crafts develop in groups over many generations, and are not easily traceable to one originator. Because they are so old, they often find themselves in “public domain” even though communities are still alive and active with them as living cultural heritage.

The same goes for Trademark law. Trademarks are used to indicate the commercial source and association with the brand, not the cultural expression itself. Artisanal associations can obtain trademarks or certification marks, but there is not much that trademark law can do to prevent or stop unrelated commercial associations from imitating traditional artistic styles.

Another difficulty in enforcement is the territoriality of GI protection. There is no automatic international recognition of GI rights, as they are jurisdiction-specific. While products like Banarasi Sarees or Kolhapuri Chappals get protection in India, there are hardly any remedies for the artisans when there are similar designs being marketed abroad by international fashion houses. Most communities are unable to afford the cost of cross-border litigation, and current WTO and WIPO frameworks offer uneven protection for traditional knowledge and cultural expression.

On another level, the issue is a philosophical disagreement among the principles of IP rights.

Traditional IP systems presuppose that works of creativity will eventually fall into the public domain and are freely available for use. But many of the indigenous and traditional

communities do not see their cultural expressions as being the "owner" of it. Rather, they perceive themselves as caretakers of the heritage that has been passed on from generation to generation and has social, spiritual and historical values.

The Prada–Kolhapuri Controversy: A Defining Moment

The debate surrounding fashion and GIs gained renewed public attention during Milan Fashion Week 2025, when Prada showcased footwear designs closely resembling the traditional Kolhapuri chappal. Handmade for generations in Maharashtra and Karnataka, Kolhapuri footwear is protected under India's GI framework because of its distinctive craftsmanship and cultural significance.

The controversy triggered widespread criticism in India. Legal commentators argued that the designs raised concerns under Section 22 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, which prohibits misleading representations regarding the origin of protected goods. However, the controversy also exposed the practical difficulty of enforcing GI rights within global fashion markets. Because the footwear was not directly marketed as "Kolhapuri chappals," establishing statutory infringement under existing GI provisions becomes considerably more difficult.

More importantly, the dispute shifted public attention toward a larger issue: whether traditional crafts can continue to be treated as freely available aesthetic resources for global luxury industries. The controversy demonstrated how easily traditional craftsmanship can be commercially replicated while communities responsible for preserving the craft remain economically invisible.

At the same time, it also revealed a possible path forward. Rather than informally borrowing traditional aesthetics, fashion houses could collaborate directly with artisan groups and GI associations through co-design arrangements, licensing agreements, and royalty-sharing mechanisms. Such partnerships would allow heritage crafts to enter global markets without reducing artisans to invisible sources of inspiration.

Why GI Protection Alone Is Not Enough

Although India has registered hundreds of GI products, legal recognition alone has not guaranteed protection or prosperity for artisans.

Machine-made imitations continue to flood markets while being sold under the names of traditional crafts, damaging consumer trust and weakening the reputation of genuine artisans. Many craftspeople also remain unfamiliar with how GI protection functions or how it can be used for legal enforcement and commercial advantage.

The enforcement gap remains equally severe. While multinational corporations possess enormous legal and financial resources, most artisan communities cannot afford international intellectual property disputes. A legal right without meaningful enforcement risks becoming symbolic rather than protective. Moreover, a significant limitation of GI protection is that it safeguards the product's geographical identity rather than the traditional knowledge or production process itself. As a result, while the name of a craft may receive legal recognition, the underlying artisanal techniques, weaving methods, and inherited skills often remain vulnerable to imitation, mechanized reproduction, and commercial exploitation.²

There is also a deeper ethical dilemma concerning sacred and ritual art forms. Certain tribal and indigenous traditions are not merely commercial products; they carry religious and cultural significance. In many communities, cultural expressions are viewed not as commodities to be owned, but as collective inheritances to be preserved with dignity.

Ultimately, the challenge before Indian IP law is not simply whether traditional crafts can be commercially protected, but whether legal systems designed around individual ownership can meaningfully accommodate collective cultural heritage.

Towards Ethical and Sustainable Fashion

The future of fashion increasingly depends on sustainability and ethical accountability. Consumers today are more conscious of where products come from, who makes them, and whether cultural traditions are being respected rather than exploited.

In this context, legal scholars and cultural activists have proposed a “Triple C” framework for the fashion industry:

Consent — communities should be consulted before their traditional designs or motifs are

² Piyush Raj Geddam and Laxita Chandolia, ‘Geographical Indications – Balancing their Protection and Preserving Cultural Heritage’ (2024) 5(2) *IP Bulletin* 96, 106.

commercially used.

Credit — artisans and communities must be acknowledged as creators and cultural contributors.

Compensation — economic benefits should flow back to the communities whose heritage generates commercial value.

Meaningful reform, however, requires more than broad ethical principles. Governments, international organizations, and fashion corporations must create systems that ensure cultural justice in practice. Recent international developments suggest a growing global recognition of heritage-based protection in the fashion and handicrafts sector. In 2023, the European Union expanded Geographical Indication protection beyond agricultural products to include handicrafts and industrial goods such as lace, jewellery, porcelain, and glasswork, acknowledging the cultural and economic significance of traditional artisanal practices³. Fashion brands should collaborate directly with artisan communities and registered GI associations rather than treating traditional motifs as freely available design archives.

Technology can also strengthen protection mechanisms. QR-based authentication systems, block chain-backed certification, and digital artisan registries could help consumers verify the authenticity and geographical origin of products while reducing counterfeit sales.

Equally important is the need for stronger government-backed enforcement systems. Dedicated GI enforcement cells, subsidized legal aid, and international legal support mechanisms could help artisan communities challenge unauthorized commercial exploitation more effectively.

Education remains another essential reform. Fashion institutes and design schools should incorporate cultural sensitivity, indigenous rights, and ethical sourcing into their curricula so that designers understand traditional motifs not merely as aesthetic resources, but as expressions of living cultural identities.

³ Radha Khera and Mario di Giulio, 'Increasing Focus on Heritage: Geographical Indications and Beyond' *Fashion Law Journal* (28 September 2023) <https://fashionlawjournal.com/increasing-focus-on-heritagegeographical-indications-and-beyond/> accessed 16 May 2026.

Conclusion: A New Aesthetic of Equity

Fashion has always been a conversation between cultures. The problem begins when that conversation becomes extraction rather than exchange. Traditional crafts are not anonymous design archives available for unlimited commercial use. They represent history, identity, labour, spirituality, and collective memory.

Geographical Indications provide an important legal framework for protecting these traditions, but laws alone remain insufficient without enforcement, awareness, and ethical responsibility. Protecting traditional craftsmanship therefore requires more than symbolic GI registration. It requires institutional support, economic participation, and meaningful recognition of artisan communities as equal stakeholders in the global fashion economy.

The thread connecting a village artisan to an international runway should not be one of appropriation and invisibility. It should be one of recognition, partnership, and respect. If fashion wishes to celebrate global creativity, it must also learn to honour the people and cultures from which that creativity originates.