***BUS 125 Business Law Discussion***

Blakley offers very insightful ideas on the free culture in luxury fashion. Understanding the validity of her argument requires an understanding of the role of copyright law in music, film and software, which is absent in fashion. Music, film and software are important functions of an individual’s creativity, artistry or intellect. They are, therefore, purchased and collected as intrinsic and unique pieces. They serve a unique purpose that sets each musical composition, film, software and the likes as different from the rest. This makes them rare by virtue of utility, hence the need for protecting creatives from replication.

Luxury fashion is based on adding value to things with little unique utility- there is no difference in utility between a Gucci bag and a regular, cheaper bag. Appreciation of these clothing items as artistic elements, crediting the designer is based on the value derived from buyers. Value, as alluded by Blakley is derived from making luxury clothing items rare. Although designs can be copied and replicated, trademark laws mean the identifying and authenticating logos of these luxury items sets them apart from the lower quality knock-offs. The influx of cheaper, lower-quality knock-offs means there is a constant circulation of cheap replicas of luxury designs, which makes authentic items rarer and increase their perceived value. This explains the hype culture surrounding luxury fashion in modern urban culture- the need to be unique through wearing clothing items that is hard to find with anyone else, because of the mass influx of fake items in the market. This is the reason why the luxury fashion industry is booming and looming. The lack of copyright protection and trademark protection is a blessing to the luxury fashion industry.

***References***

Blakley, J. (2012). *Lessons from fashion’s free culture*. Ted.com; TED Talks. <https://www.ted.com/talks/johanna_blakley_lessons_from_fashion_s_free_culture>