

DI\$COUNT UNIVERSE



Business Law AT One

(please note DI\$COUNT UNIVER\$E is sometimes referred to as D.U in this essay.)

Introduction

This essay will assess the importance of copyright, trademark and design registration within the creative fashion industry and the implications that brands endure without it. The case study featured will look into three-dimensional designs and copyright laws within two-dimensional fabric designs. This essay will be a case study of fashion brand DI\$COUNT UNIVER\$E and the hurdles the brand faced due to infringements and stolen intellectual property of their designs and art.



Discount Universe collection, i-D, 2016

The Brand

DI\$COUNT UNIVER\$E fashion label launched in 2010 via the blog bearing the same name, founded by RMIT University fashion students Cami James and Nadia Napreychikov. With a cult following DI\$COUNT UNIVER\$E gained an underground audience within the Melbourne fashion community and soon the music and fashion world globally. The DI\$COUNT UNIVER\$E aesthetic is incredibly polished and distinct to the brand “...garments are characterised by brightly coloured, sequined designs that draw upon a range of influences including punk, glam rock, camp and popular culture and are often injected with humour and an ironic feminist edge.” (NGA, 2020) DI\$COUNT UNIVER\$E mission is to bring luxe high fashion items to have a more approachable price tag. The pair are anti the establishment and release wears when they feel like it, meaning they are seasonless, another

unique selling point for the label. Designs and message created by D.U reflect strongly of Napreychikov and James ideologies and beliefs. The brand is a mirrored reflection of Napreychikov and James, and each garment is meticulously designed with a message or a purpose that are close to the founder's hearts.



Cami James and Nadia Napreychikov with their designs, SMH, 2016

The Issue

In 2015 Miley Cyrus and her team performed at the VMA's in dupe DI\$COUNT UNIVER\$E designs, stealing their trademark designs, motifs and colourways. Prior to this, Miley was photographed by Terry Richardson, wearing a D.U t-shirt purchased by her stylist. D.U and Cyrus had a great working relationship together, and the D.U girls even designed the official merchandise for the Miley Cyrus' 2014 Bangerz tour. Things took a turn when Cyrus decided to copy D.U pieces and had designer BCalla make a cheaper replica of D.U's work. The D.U team were inundated with congratulations for making the world stage as many friends and fans thought D.U had designed Cyrus's outfit at the VMA's. Cami James and Nadia Napreychikov were upset that their designs had been replicated, especially by their existing client Miley Cyrus. ""We are obviously distraught.. We've kept our mouths closed about a lot of things in the past, but the one thing you can't TAKE and get away with is someone's IDENTITY," (DI\$COUNT UNIVER\$E ,2015) However, due D.U being a self-funded label that has never received any funding or loans from third parties, it's an expensive process that the women can simply not afford to take such a high profile individual to court. Copyright laws in Australia are protected instantly with two-dimensional fabric and prints, yet however, due to D.U embellishing their designs with sequins making the fabric

three-dimensional. "Australia's law states that if the article has a raised or textured surface that is part of the original manufacturing process and not applied after the designer has manufactured the underlying fabric, then the article's design will be considered a "corresponding design." If the raised or textured surface is "industrially applied", it will not attract copyright protection." (Legal Vison, 2015) Legal Vision suggests that although copyright laws would generally protect the artists, in D.U's case, due to their designs' three-dimensional aspect, a design registration should have been completed protecting their garments before releasing the product. "They are encouraged to register their designs under the *Designs Act 2003* (Cth) for a five-year term, with a maximum of ten years." (Legal Vision, 2015) It would be suggested that D.U should have trademarked their motifs and designs in Australia and America (as this is where the designer and event took place) to protect their art from being replicated, especially at such as well renowned event such as the VMAs.



Miley Cyrus wearing D.U whilst in Sydney (before the VMA's show)



Miley Cyrus at VMA in BCalla (left) Discount Universe Eye and Mouth motifs (Right)

Unfortunately, this isn't the only time DI\$COUNT UNIVER\$E has had their intellectual property replicated by others. Kylie Jenner purchased a D.U evil eye swimwear set to wear to Coachella Music Festival in 2016. With over 219 million followers (Instagram, 2021), Jenner has an incredible amount of influence over both brands and consumers. After Jenner posted the outfit to her Instagram, fast fashion brands quickly took the design and produced cheap knock off versions cashing in on the original D.U set. D.U hadn't registered their designs and therefore still didn't have a foot to stand on to the many brands that stole D.U intellectual property and innovations

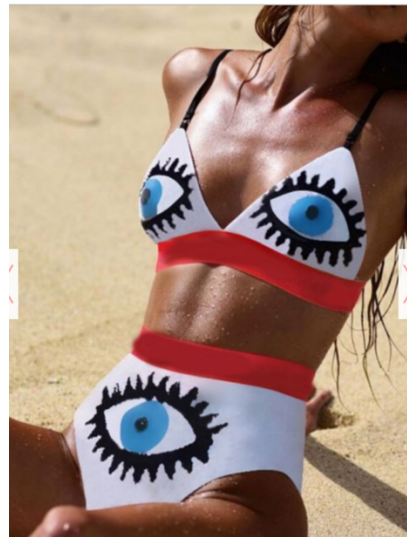


Kylie Jenner in D.U Evil Eye swimwear, Teen Vogue, 2016



DI\$COUNT UNIVER\$E Evil Eye Set

\$199 AUD



White Devil's Eye Halter Neck Backless Two Piece Beach Swimwear Bikini

Save 0
 ★★★★★ 2 Review(s)
 SKU: 11127482885
☒ In stock

Price: **\$18.65**

\$USD ▼

Size ***(Tips:Pls refer to our actual measurement size.)**

S

M

L

XL

[Size Reference ?](#)

Quantity: - 1 + (Earn 19 Cichic Points)



ADD TO CART

[+ Add to Wishlist](#)

Size/Details

Delivery

Return Policy

Available Sizes :

S/M/L/XL

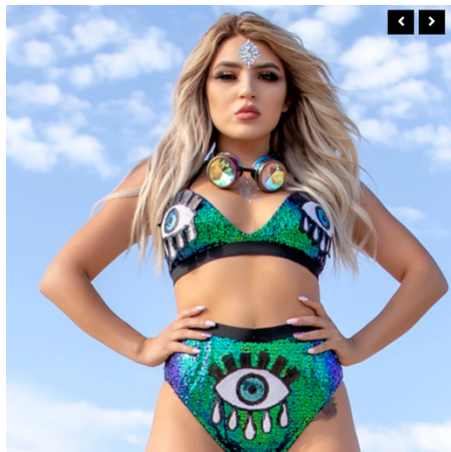
Bust(cm) :

S:86cm; M:90cm; L:94; XL:98cm

Waist(cm) :

S:74cm; M:78cm; L:82cm; XL:86cm

Fulchic copy of D.U, 2020



TURQUOISE EYES SEQUIN BIKINI SET

★★★★☆ 59 reviews

Sold Out

WH-AB100-GRN-SM

Size

SM

Size Chart

Size Chart

Turquoise Eyes set features high cut sequin bottoms and bikini top. Se only (Backside of bottoms is black fabric)

Bra halter is adjustable. Available in S/M, M/L, L/XL.

Rave Wonderland copy of d.u, 2021



Rave Wonderland (left) and Posh Mark (right) copies of DU, 2021

Conclusion

Without copyright, trademark, and designs, labels across the globe will endure their designs being stolen and used for commercial reproduction for another brand's gain. DISCOUNT UNIVERSE's small team and funds, unfortunately, didn't allow for them to apply or purchase design registration (which in the VMA example would need to be purchased in both the USA and Australia .) From this case study's exploration, it's proven how little respect goes towards the creative intellectual property that doesn't have any legality behind the art. It is also evident that copyright isn't black and white, and parameters such as sequins on a dress can quickly change from being a two-dimensional artwork to a three-dimensional piece that falls under a different act. Fashion designs and garments are a reflection and a personal creation that needs to be protected by copyright, trademark and design laws to protect designers creativity, intelligence and potential finances.

Word count 1007

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