

## Copyright issues in women's fashion hijab

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**Abstract:** The women's fashion scarves industry is a growing multibillion-dollar industry. Currently, there is an ongoing debate on whether fashion design can get copyright protection due to a phenomenon called fast fashion. Fast fashion is when low designers copy high-end designs. Produce products that are quickly copied and sold before high quality is released to the store. Copying in the fashion industry is possible because there is no copyright protection given to fashion design. Many women's fashion retailers (Duck Scarves, Naelofar Hijab, Ariani) will be out of business, which will destroy thousands of jobs and drastically reduce the number of choices consumers have to spend. The problem is causing copyright issues in Malaysia as many pirated goods are sold in the market. The awareness of property rights is still extremely low. This is caused by the high price of products. As a luxury good, people still like pirated goods. Therefore, to give awareness to people about copyright issues in the fashion industry and to educate people to support local fashion brands. In this study, use a survey technique as a qualitative methodology. The survey for a customer to give them awareness about copyright issues in local women's fashion hijab and educate the customer to support local women's hijab in Malaysia. The method has been using is questionnaire and interview among customer in Malaysia.

**Key words:** *Copyright, Fast fashion, Women's fashion hijab.*

### INTRODUCTION

The hijab demand has emergence of dynamic creativity and some brands are now household names. The local hijab market is very competitive segment in the fashion industry. These brands offer choices of hijab in various styles, materials, and colors. There are bawal, shawl, instant, semi-instant, two-face, pinless, and also ironless. Prices range from low to medium and, of course, there are the expensive ones such as those adorned with Swarovski crystals, pearls and lace. In Malaysia, where more than 60% of the population is Muslim, a surge in fashion hijab demand with a market size of at least MYR 1 billion (USD 245 million) has resulted in the growth of independent hijab specialist brands. [1]

Duck scarves is a top-selling worldwide luxury scarf brand. It is famous with high-quality materials, unique design and has elegant colors. New Straits Times has released a statement about 'Siti Khadijah and dUCK fight against fakes'. Hijab fashion brands in Malaysia are taking measures against pirated goods. The copyright began to enter the market, exploiting their brand and their emotional connection with consumers. Duck founder Vivy

Yusof also saw her scarves accidentally copied. "Last year, it has grown exponentially with the provision in Vietnam specifically to make fake dUCKs. This is the reality of business. The only way forward is to innovate, and you stop counterfeiting by legal means." [2]

The most popular hijab brands in Malaysia nowadays is 'dUCK Scarves'. (Figure 1) Known as exclusive prints, beautiful embellishments and limited edition designs, the brand always creates a frenzy among fans and followers every time there is a teaser of a new collection, which frequently sells out within minutes. Founded by popular blogger entrepreneur Vivy Yusof, dUCK launched in May 2014, and was born out of the love for well-branded scarves, aiming to deliver the message that wearing scarves should be a celebrated act among women. The dUCK brand which revolves around a character named D, rose quickly in its popularity across the world, and has since enlarge to become The dUCK Group. dUCK scarves may come with a hefty price tag but this does not stop fans from buying them.

In fact, the brand is in such high request that many do not mind paying up to triple the original price.

According to Kamiah Mustapha from New Straits Times such is the demand for dUCk scarves that its most expensive and luxurious scarf which was launched recently at RM2,500, quickly sold out online. Each chiffon scarf in dUCk's Luxe Chiffon Lace collection is adorned with 1,300 Austrian-made Xirius Rose Swarovski crystals and is complemented with a lace border. [2]

The packaging that been using by dUCk Scarves is purple cardboard box. The product targeted to women such as scarves. Women are like something attractive, neat and pretty things so why not make the packaging that can attract the ladies right?

Each scarf comes in a attractive purple cardboard box with the logo and brand name on it. Not only is this some fancy schamncy high quality cardboard box but the people at dUCk scarves have also passionately wrapped the adorable thing with a ribbon around it. The effect is most definitely pleasing to the eye and the fact that it comes with the ribbon makes them the perfect gift to someone dear to you. It's that kind of attention to detail that separates you from other run off the mill brands.

## LITERATURE REVIEWS

### 2.1 Copyright law

Copyright applies to the intellectual property owner's legal right. Copyright is the right to copy in a simpler way. It ensures that the original creators of the goods are the only ones with the exclusive right to reproduce the work and anyone they give permission to. Copyright law grants original material authors the exclusive right to use and reuse the material for a further purpose [3].

Copyright is defined as a right to permit different ways of using one's work. It's the right or permission to copy. The focus is not so much on the right to copy, but on the right to prevent others from taking unfair advantage of ownership of the original copyright owner, who is the author, composer, artist and sculptor where the work originated in most cases.

Copyright protection in Malaysia is regulated by the 1987 Copyright Act [4] that provides extensive protection for copyright works. The Act outlines the nature of works that qualify for copyright (including computer software), the scope of protection, and the way protection is granted.

The 1987 Copyright Act [4] provides, apart from the military, for law enforcement by the Ministry of Domestic Trade and Consumer Affairs (MDTCA),

specifically the Division of Enforcement. This Act also provides the enforcement agencies with the necessary influence to effectively implement anti-piracy measures [5].

### 2.2 Importance of copyright protection

Copyright protection laws are fairly similar worldwide. Under this convention, all member countries and there are over 100, including nearly all industrialized nations must provide rights for copyright to authors who are citizens of any member country [6].

While copyright does not protect information or ideas, it protects information and ideas originally expressed. Copyright only extends to works of literature, drama, music and art. The rights of each of these categories are different. Copyright does not protect against a similar work being created independently. The reason that legal action against violations is complicated [7].

Copyright protects covers works including poetry, film, audio and video sharing, video games, plays, drawings, sheet music, music recordings, books, software code, sculptures, images, choreography, and architectural designs.

Finally, a work must be the product of at least some artistic effort on the part of its author to obtain copyright protection. There is no law as to how much imagination is necessary. For instance, a work must be more creative than the white pages of a telephone book, involving a straightforward alphabetical listing of telephone numbers rather than a creative listing selection [6].

Unlike trademarks, designs and patents, there is no specific system of registration for copyright in Malaysia. Copyright occurs when the original work is made and therefore belongs to the author of the work. Copyright protects creative works in creative business by authors, creators, photographers, musicians, songwriters, designers, sculptors and others. At KASS, provide advice to copyright owners and prepare documents for claiming copyright.

Copyright protection is given in Malaysia in accordance with the 1987 Copyright Act [4]. There is no unique copyright registration system in Malaysia, unlike trademarks, designs and patents. Copyright occurs when the original work is automatically generated and belongs to the work's author. Copyright covers creative works by authors, creators, photographers, singers, songwriters, and others.

Laws of Malaysia an Act to make better provisions in the law relating to copyright and for other matters

connected there with. 1 December 1987, P.U.(B)586/1987] BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled [5].

### **2.3 Copyright in fashion industry**

In fashion industry, the problem is the awareness about copyright issues among customers in Malaysia is still extremely low. Such as, the knowledge about this issues are still low and researcher needs to create an awareness to the customers. This is the high price of products making customers in Malaysia tend to buy pirated goods. Pirated goods are copyright reproductions used without permission and customers in Malaysia still like pirated goods will effect the local fashion in Malaysia because customers not support the product produced by local fashion brands in Malaysia [8].

Copyright elements in fashion design can be traced in Europe as early as the 15th century, as of 2016, most countries (including the United States and the United Kingdom) do not have the same security as other creative works (art, film, literature, etc.) since clothing (clothing, shoes, handbags, etc.) is categorized as "functional objects," exempt from protection.

The Varsity Brands case serves as a reminder for lawyers advising designers to register with the U.S. some non-functional aspects of apparel. Department of copyright. In addition, copyright owners can use federal courts to enforce their rights against rivals and knockoff design authors when necessary. A variety of measures to protect clothing and other fashion trends have been introduced by Congress over the past decade, most recently the 2012 Innovative Design Protection Act. These legislation has not been enforced to this level. In comparison, fashion styles are specifically protected by the EU and several European countries.

In the past, designer counsel have tried to rely on other types of intellectual property to enforce the rights of designers, such as trade dress and design patents. Such paths are still open, but there are barriers to each. A party usually has to show acquired distinctiveness in order to establish trade dress rights, customer recognition as a source identifier [9].

Copyright issues can affect the fashion hijab industry by allowing others to pirate the product and use them by competitors and other third parties. When the brands own the copyright, the brands can use the copyright symbol- "C" in the circle. This work as a signal to others that the brands are

protected under copyright law. Formally register and copyright and the owner of the brands have the right to brings a person who infringes copyright court to prevent them from buying brands [10].

### **2.4 Fashion industry**

The fashion industry is a globalized industry that works to meet the demand for clothes and determines the patterns for what should be worn. This industry is made up of five separate and distinct stages. These levels include haute couture, luxury wear, affordable luxury wear, traditional clothing, and discount clothing. The production part of the business, the idea for a piece of clothing.

The industry started primarily in Paris, when seamstresses who once made single clothes turned to set up boutiques that catered to those who wanted couture clothes. Charles Frederick Worth was the first and best known dressmaker to do this. Those origins are where haute couture foundations have been laid. The degree of the fashion industry continues today in this tradition.

Developed from haute couture, luxury wear and affordable luxury wear were planned to appeal to the masses and were not exclusive creations. Such pieces have been and still are considered high-end clothing, which is more costly than the more popular ready-to-wear products. At boutiques and high-end department stores, luxury wear and affordable luxury are more commonly sold.

There is mass selling of traditional apparel. It is priced at a price level that is definitely lower than designer clothing. It's being sold to the public. Mainstream apparel is classified as clothes from the store. This simply means that the clothes are purchased directly from the rack and are completely ready-made. These ready-made clothing varies in quality from one brand to another, but is definitely low.

Although clearly falling within the fashion industry's lowest price range, discount clothing is still a popular choice. The standard, of course, falls to the lower end, but the price proves to be the buyer's draw. Discount clothing will often contain knock-off garments, items that are replicated from luxury and wear by designers.

This area follows a definite hierarchy, as is clearly evident, but the industry's output component follows a ladder influence. The ladder effect of the manufacturing side of the industry is set in that each level depends on the level below it to sustain its life. Through stage will stop without the point below output.

## **2.5 Importance of fashion industry**

The importance of fashion industry in our society is the fashion industry produces clothing. This is the obvious thing we can see. Many people who work in the clothing industry manufacture garments in whatever shape and size. Other than that, fashion industry also provided job creations. Somehow, the revenue of someone comes from the fashion industry. The fashion industry hires multi-level staff. Garment workers, pattern makers, textile designers, packaging companies and all employing labor workers.

As well as producing entrepreneurs, the fashion industry brings creativity and innovation. Although most of the fashion styles are not wearable in today's fashion shows, they often carry creative ideas from the individuals involved in the projects. The fact that someone has the idea of wearing a dress, however insane it might seem, is genius and should be applauded. They are created differently with different talents, colors, attitudes and tastes. If we're all doctors or lawyers, varieties will be missing from the world and it's going to be very boring. The same people who forget about the value of school music classes seem to forget that everyone learns and applies information differently. Not everyone has a brain wired to code or do heart surgery. Other people have brain wired to create happiness simple, unadulterated happiness. Those people are called creatives they give us art, architecture, music and fashion. We would live in a seriously boring world without people dedicated to creating beauty through art. The fashion industry employs those artists, and affords them the chance to be entrepreneurs in their own right.

As well as producing entrepreneurs, the fashion industry brings creativity and innovation. Although most of the fashion styles are not wearable in today's fashion shows, they often carry creative ideas from the individuals involved in the projects. The fact that someone came up with an idea of wearing a garment is a genius one, however insane it may look and it should be applauded. The fashion industry, in addition to creating designers, includes creativity and innovation. While most of the fashion styles in today's fashion shows are not wearable, they also bring creative ideas from the people involved in the ventures. The fact that someone came up with an idea of wearing a garment is a genius one, however insane it may look and it should be applauded.

The fashion industry is exceptional in other manufacturing sectors because it is essentially regulated by the same purpose as its end product. What defines the fashion industry is largely based on the functions of the individuals who comprise it designers, stores, factory workers, seamstresses,

tailors, technically skilled embroiderers, the press, publicists, salespersons, fit models, runway models, couture models, textile manufacturers, pattern makers, and sketch artists. The fashion industry could be defined as the business of making clothes in the simplest terms, but that would omit the significant difference between fashion and apparel. Apparel is practical apparel, one of the basic needs of society, but fashion includes its own style, individual preference, and cultural evolution biases.

The notion of fashion as serving a need alone is gone, as on the basis of desire, the contemporary clothing industry finds its meaning in designing, manufacturing, promoting and selling style. This represents the increasing desire of customers to be identified by their clothing, or more commonly accepted, which has contributed to shifts from classic silhouettes throughout the fashion history. referred to in the patronizing language of the early twentieth century, the Gibson Girls and Floradora Girls, to the enlightened New and evolving right on through an ever changing lexicon of haberdashery. Changing trends also needs change across business, especially in the ever-specialized fields of manufacturing and merchandising, as well as by supporting designs and designers, extending their reach to what were known as 'lifestyle labels' in the early 2000s, encompassing more than just fashion integrating the vernacular of cosmetics, shoes, home furnishings, vehicles, etc [11].

Everywhere is fashion. It's one of the main ways we present ourselves to others, pointing out what we want to communicate about our sexuality, wealth, professionalism, subcultural and political loyalties, social status, even our mood. It is also a global industry with enormous economic, political and cultural impact on the lives of all of us who make, sell, wear or even just look at the fashion.

## **CONCLUSION**

In Malaysia, the awareness of property rights is still extremely low. This is caused by the high price of the products brands. The high price of the products brands makes Malaysian customer tend to buy because they need to make living. This thing will make a lot of pirated goods sold in the market. The implication for fashion hijab industry is loss of sales because counterfeiter competes with the original brands with same quality by offering customers a copy of the original brands at a lower price, the fashion hijab industry will lose some sales to these cheaper items. Customers were better able to identify fakes and know what they were getting

when presented with fakes. However, in the online world, the line between true and false is unclear. Counterfeiters can operate very effectively online, by stealing company designs and branding and even mixing their products with reviews of their online products. The images used by the product are sometimes the owners of the real brand of the photo, leaving customers playing the game guessing between what is real and fake.

The fashion hijab industry also will loss of time and money fighting counterfeiters. When companies know they are being targeted by counterfeiters, they usually want to fight back. But this can take time and can be very expensive. Resources can be drawn from product development, advertising and whatever

companies may be excited to invest, and instead must fund lawyers and legal action to defend their intellectual property and protect their copyrights.

The fashion hijab industry will see sales hit as the problem expands, as pirates can reduce their prices. Their reputation is also under threat, as consumers will equate their brands with the possibility of buying fake. Once a customer has purchased a fake, if they are unaware of the nature of the product, many will return to the authentic brand for a solution. In the end, brands need to pull resources from important projects and growth and distribute them to pirated goods.

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