



ILS CENTRE FOR INTERNATIONAL LAW



NEWSLETTER



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LETTER

from the

EDITOR

Law and fashion may seem like two completely different fields, but in reality, they are more connected than one might think. Both of these industries are constantly evolving and have a significant impact on society. While law deals with rules and regulations that govern society, fashion is all about expression, creativity, and aesthetics. However, the link between law and fashion is not limited to intellectual property law that protects designers and creations, such as trademarks, patents, and copyrights. It goes beyond that, with fashion being influenced by cultural, social, and legal changes and legal principles regulating the industry. Moreover, the fashion industry has become more aware of the importance of sustainability and ethical practices in recent years, leading to a rise in an eco-friendly and socially responsible fashion. This has led to the development of regulations and laws that promote sustainability, including rules around waste disposal and product labelling.

Fashion law and international trade have also become increasingly important in the global economy. As the fashion industry has

become more global, legal regulations around international trade have become critical for designers and retailers to navigate. The fashion industry has become increasingly reliant on international trade, with designers and retailers importing and exporting products across the globe. However, the complex regulatory landscape around international trade can be challenging for designers and retailers to navigate. One of the primary challenges facing the fashion industry is the varying laws and regulations around Intellectual Property Rights. Intellectual property rights protect a designer & original creations, including trademarks, patents, and copyrights. However, these laws differ from country to country, which can make it difficult for designers to protect their creations in the global marketplace.

Fashion laws are the legal regulations that govern the fashion industry, covering areas such as intellectual property, labor laws, and environmental regulations and have evolved in response to changes in the fashion industry, society, and cultural norms.

Regards

DRESSING IDENTITY

State Control and Cultural Autonomy

~Khushi Chaurasiya, I BA LLB

Cultural dress is not just a fashion statement, it is a highly subjective expression of identity, religion, gender, and communal heritage. In an era where identity is constantly negotiated between individual belief and collective expectation, the regulation of cultural and religious dress has become a battleground. What a person chooses to wear, whether or not to show their religion, culture, or sexual orientation, is not just fashion, it's an assertion of autonomy and belonging. Governments in most states, increasingly intrude into what people must wear, on grounds ranging from national security to equality for women. Such intrusions, while generally intended to promote public welfare such as ensuring

national security or advancing gender equality often stem from selfless motives but they end up instigating adversarial reasoning on personal liberty, cultural veracity, and human dignity.

Governments regulate religious and cultural dress but often invoke different reasons for doing so, such as secularism, security, or social cohesion. They do so in very different ways. In India, the hijab controversy in 2022 began when Muslim students were barred from wearing the hijab in schools and colleges. The state rationalized the move citing institutional uniformity and secular education, and the ban



was upheld in the High Court's ruling initiating a nationwide debate on minority rights and religious freedom. This is a highly controversial terrain because it sits at the crossroads of identity, power, and human rights. This is where constitutional secularism meets cultural identity when the state's duty to remain neutral clashes with an individual's right to express their faith or culture. France represents a more systemic approach, having enforced bans on full-face veils and headscarves in public institutions under the doctrine of laïcité, arguing for ideological neutrality in civic spaces. Iran, on the other hand enforces hijab by codification by law, punishing disobedience and mandating it as a religious and cultural obligation.

While often presented as neutral, dress regulations tend to disproportionately affect marginalised groups, especially women, by politicising their clothing and threatening bodily autonomy. For example, France's 2004 ban on hijabs in public schools has been criticised for restricting Muslim women's right to express their faith.

Similarly, men from religious and Indigenous communities also face discrimination, as traditional attire is often restricted. In India, Sikh men have encountered challenges wearing turbans in schools and during security checks, despite their religious and constitutional significance. These examples demonstrate how states, by banning or mandating dress, exert control over individual expression and raise critical points regarding international human rights law.

Underlying all the controversial policies is the binding international commitment. Article 18

of the International Covenant on Civil and Political Rights “(ICCPR)” mandates freedom to express religion or belief in practice and observance including attire while Article 15 of the International Covenant on Economic, Social and Cultural Rights “(ICESCR)” guarantees freedom to participate in the cultural life. These are not imprecise ideals but enforceable rights. When governments restrict or impose dress codes, they walk a legal and ethical tightrope at the risk of losing not only moral legitimacy but also violating codified international norms. A clear example is Yaker v. France (2018), where the UN Human Rights Committee held that France's niqab ban violated Article 18 of the ICCPR and directed the state to provide compensation and amend its laws. This ruling damaged France's international human rights standing and underscored that such dress restrictions carry legal consequences under binding global norms.

At the heart of these debates is a crucial question: Can states balance security and secularism without eroding cultural autonomy? Yes, it's not only possible but already practiced. One such example is Canada's Multiculturalism Act of 1988 which affirms the right to preserve and express cultural heritage, promotes equality and participation of people,



and it mandates public institutions to reflect diversity as a defining feature of national identity.

In diverse democracies, what one wears is often the most visible thread of who they are. When that thread is severed by law, the fabric of inclusion begins to fray. By enacting inclusive, rights-based laws, states can uphold identity and dignity without compromising public order, honouring the universality of human rights in practice. As former UN Secretary-General Ban Ki-moon once said, “Our human rights are not granted by any state. They are affirmed by all peoples and enshrined in international law.”





STICHED WITHOUT BORDERS, TAILORED FOR INFRINGEMENT

Fast Fashion and Jurisdictional Challenge to Copyright

~Sukhaddhi Kadam and Aaditya Babhulkar, I BA LLB

Fashion has become fast. But, are copyright laws able to keep up with it? In today's world, fast fashion is becoming the norm. The main objective of fast fashion is to produce and sell inexpensive “trendy” clothes and make them readily available. This rapid cycle challenges the traditional legal systems that rely on jurisdiction for the enforcement of copyright laws. Copyright laws aim to protect the rights of creators of their original, literary and artistic work. Clothing is not easily protected under copyright, as clothes are both functional and

creative, so it becomes hard to say they are purely art, which makes copyright protection difficult. A key question that arises is, how do we protect the rights of fashion designers when the laws have borders in a borderless market?

Despite the existence of international conventions and treaties, such as the Berne Convention and the WIPO Copyright Treaty, it is important to realize that the enforcement and interpretation of the same is left to nations themselves. Article 5(2) of the Berne

Convention grants automatic protection to the work without formalities and allows protection to be independent of the origin country of the work, but it also makes it clear that the rights of creators are governed exclusively by the national law. Further, these treaties are substantially silent on key procedural issues like forum selection, choice of law mechanics, and the recognition and enforcement of foreign judgments.

In today's digital world, a designer's work can be copied with utmost accuracy, and the speediness of fast fashion brands to recreate and distribute clothes according to the trends places a significant legal challenge in front of us. Production, marketing, and the sale may happen over a number of places across the globe and over multiple jurisdictions. So, in such cases where shall a designer go to enforce their rights?

For instance, in the case of H&M vs Shein, H&M, a Swedish brand, against Shein, a Singapore headquartered brand, in Hong Kong, rather than Sweden or Singapore, because of Shein's operational presence there. This case showcases the challenges of choosing a jurisdiction for international IP infringement. Now imagine a local designer whose design has been copied by an ultra-big brand, what is a recourse that they should take? They would need to litigate from a country-to-country basis rather than having a centralized platform. Let us say, even if they do file a case in one country, and the court passes a judgement in their favour, that judgement wouldn't usually be enforceable globally. Let us take the example of H&M again, the ruling in Hong Kong will not automatically stop the infringement in the USA or Europe. This

challenge disproportionately affects those who have limited access to the international legal system. Additionally, fast fashion brands produce and sell on a daily basis, so by the time a designer files a suit and gets relief, these brands may have already sold the product and already profited. This totally discourages designers from going to court, making this industry more open to piracy and plagiarism. As, the harm is done both economically as well as legally.

"By the time a designer files a suit and gets relief, these brands may have already sold the product and profited."

This challenge between global infringement and jurisdiction raises serious concerns on whether the international frameworks are actually adequate. Treaties like the Berne Convention and TRIPS ensure protection but do not solve the jurisdiction and enforcement hurdles. To genuinely solve the infringement issue, international laws shall progress in a way where we have an international body with the power to hear cases of copyright infringement across the globe, and their rulings must be respected in all member countries. Along with that, there should be a copyright registry where designers can register their original designs, which will be recognised in member countries. This will help creators prove their ownership over a particular design.

Beyond these measures, Countries should focus on improving mutual enforcement mechanisms and promoting regional copyright agreements. Nations with strong fashion industries, such as the United States, Italy, and France, could form IP enforcement pacts that

recognize each other's judgments and share best practices to align their enforcement standards. Training programs for judges on cross-border piracy should be expanded. Regular conferences and forums can be held to enhance judicial understanding of IP enforcement and promote uniformity, helping to avoid inconsistencies in IP litigation across borders. Until International laws evolve in a way that addresses the gaps, copyright laws will be outpaced by the very fashion it tries to protect.



GREEN IS THE NEW BLACK

Threading Sustainable Fashion through the needle of International Environmental Law

~Maitri Jinde, III BA LLB

In recent years, the fashion industry has come under increasing scrutiny not only for its labour practices but also for its substantial footprint. Once seen purely as a realm of aesthetics and consumer choice, fashion is now recognized as a complex global system with profound ecological implications—from excessive water consumption and carbon emissions to chemical pollution and textile waste. It is estimated that the fashion industry's pollution levels are second only to those of the oil industry. The global apparel market is worth \$1.84 trillion and accounts for 1.6% of the world's GDP in 2025. After

taking a hit due to the COVID-19 outbreak, the markets have recovered and thrived, with people buying 60% more clothes than they did a couple of decades ago. Apparel consumption is expected to rise 63% by 2030, potentially using over one-quarter of the world's carbon budget by 2050.

As environmental concerns escalate, international legal frameworks are increasingly playing a pivotal role in shaping the industry's operations and ethics. International Cooperation becomes important in advancing sustainable fashion because the fashion industry, as a global entity, has a significant



impact on achieving the UN Sustainable Development Goals (SDGs). The SDGs aim to address major global challenges and achieve a better and more sustainable future for all by 2030. Laws under the UN framework on SDGs, especially SDG-12 (Responsible Consumption and Production), promote sustainable resource use. This advocates for the recycling and upcycling of garments, and the Extended Producer Responsibility (EPR) laws require brands to take back used clothing.

Similarly, the UN Framework Convention on Climate Change (UNFCCC) is a foundational international treaty aimed at addressing the global challenge of climate change. It establishes a framework for international cooperation to combat climate change through global cooperation, research, and public awareness. However, enforcing these legal frameworks have shown certain challenges such as political and economic pressure, which lead to weak transparency and unaccountability. The structure of the fashion industry is fragmented, and due to power imbalances, there are complications in the establishment of equitable and efficacious global standards.

In response, in December 2018, the UNFCCC established the Fashion Industry Charter for Climate Action. The UNFCCC was primarily set up for making commitments based on the overarching goal of the Paris Agreement to keep the global temperature below 2 degrees Celsius. However, the Charter is not legally binding on the brands or related companies that are enrolled, and they can withdraw at any time. Likewise, international initiatives like the UN Guiding Principles on Business & Human

Rights and the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises guide fashion corporations to ensure ethical labour practices in supply, but they lack enforceability.

Beyond legal efforts, changes in consumer behavior are also shaping the industry's environmental footprint. There has been an increasing normalization and popularity of shopping for 'pre-owned' or 'second-hand' clothing pieces, which has developed into a fashion trend. In some cases, fashion sustainability efforts from certain brands are market-driven responses to climate activism and shifting consumer expectations rather than compliance with legal obligations.

In conclusion, International Environmental Law serves as the backbone of sustainable fashion by embedding ecological responsibility into the legal, trade, and production frameworks of the global fashion industry. While enforcement remains a challenge, especially across borders, it provides the essential legal architecture for a just and clean fashion future. Green is no longer a trend but a new standard!

IDENTITY STITCHED INTO FABRIC

Protecting the cultural and personal identity woven into dress

~Aarya Khandkar, I BA LLB



Culture is the blueprint that often shapes our lives. Our values, beliefs and lifestyles are the manifestations of our cultural identities. The way one dresses is an essential constituent of cultural identity and human dignity. Across the world, States ranging from India in the East to Canada in the west, protect and uphold cultural diversity and identity.

However, some States like Tajikistan, France and Russia have imposed restrictions on the right to cultural dress such as bans on hijabs or restriction in their use, whereas others like Iran enforce mandatory hijab for women under

the pretext of secularism or customs. To address these challenges, International Human Rights Law (IHRL) protects the right to express one's identity through instruments like the United Nations Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Individuals from diverse communities in Canada, France, Iran and many other countries have fought against restrictions placed on dress by the State under the protection of IHRL. A prominent instance of this battle for personal

autonomy arose in France, in the case *Ranjit Singh vs France*.

In 2012, the UN Human Rights Committee (UNHRC) protected the human dignity of Mr. Ranjit Singh. Based on the decree issued by the French government, wherein an applicant must appear full-faced and bare-headed in photographs for residence permits, Ranjit Singh's application was rejected as he was wearing a turban, a cloth headgear worn to celebrate Sikh religious heritage, in his photograph. The decree was introduced to safeguard public order and security by preventing fraud. However, it did not take into account frequently changing features such as a beard, which covers half the face, whereas a turban, which covers only the forehead and

The way one dresses is an essential constituent of cultural identity and human dignity.

leaves the rest of the face visible, does not cause difficulty in identification.

as it is worn daily. The UNHRC questioned this in *Ranjit Singh vs France* and noted that there was a violation of Article 18, i.e., the right to freedom of religion, of the ICCPR, as the State was unable to demonstrate the necessity of this decree to safeguard public safety as required under Article 18 (3) of the ICCPR. This stance was taken in *Hudoyberganova v. Uzbekistan* wherein a ban on hijab for a university student, Raihon Hudoyberganova was similarly found to have had her right to express her religion infringed.

UNHRC furthermore stated that it would interfere with Ranjit Singh's religious and



personal identity as he would always appear without his head covering in his identity photograph.

Further, even though the Committee's decision did not explicitly include Article 27 of the ICCPR, which protects the rights of minorities to uphold their cultural practices, to profess and practice religion and use their language, including the right to dress, it is worth mentioning as it rests on the same principle as article 18 and substantiates the Committee's decision. UNHRC, under Article 2 of the Covenant, obligated the State to provide remedy to Ranjit Singh.

This judgement served as a cornerstone in the continuing struggle against State-imposed dress restrictions which were set in motion by several former cases such as *Mikyas vs Belgium* and *Leyla Sahin vs Turkey* which challenged the state-imposed restriction on hijabs. Although these were unsuccessful, they garnered international attention towards this conflict. The victory of Ranjit Singh's case brought attention to similar achievements in countries like *Canada*, wherein the indigenous communities fought for their right to wear their indigenous regalia after its ban in placed during its former colonization and

successfully during its former colonization and successfully revived them as symbols of their heritage and autonomy.

This decision in Ranjit Singh’s case was widely appreciated and underscored the role of the International Human Rights Law in protecting human dignity and cultural identity. This protection is not just limited to religious expression but extends to that of indigenous tribes and the LGBTQ+ community, among other cultural representations. Ranjit Singh’s case further highlights how State-imposed restrictions on the cultural dress of marginalized communities shows an implicit class divide affecting economic and educational opportunities, suppressing personal identity, and reinforcing social hierarchies. As Ranjit Singh said, “The turban is a part of my body, it is my identity and I cannot part with it.”



CREATION AT STAKE

Copyright Challenges in Fashion

~Parmiti Kothawade, I BBA LLB



“Fashion is not merely a trend; it’s a passion that is evident everywhere. It goes beyond clothes and acts as a powerful form of expression, reflecting our emotions and identity. But behind every beauty of fashion, lies a crucial legal aspect i.e. copyright protection. It serves as a shield for creators, allowing designers and artists to decide how their work is used and protects them legally from having it copied or misused without their consent. Copyright law only protects original graphic patterns, textile designs and nonfunctional features. One of the most significant rulings in this context was the *Star Athletica* case, where the US Supreme Court ruled

that only those designs that can be separated from the functional aspects of clothing are copyrightable. While this decision slightly broadened the protection of fashion designers, many elements such as the shape of a dress, the cut of the sleeves, basic geometric figures or the overall appearance may not qualify for protection. Designers often draw inspiration from various sources such as art, modern culture, pop and even nature. However, this inspiration turns into infringement if the final work is an identical copy of someone else’s. Thus, even in clear cases of copying, many fashion elements remain legally unprotected, making copyright law an unreliable

shield for creators. International treaties such as The Berne Convention (1886), The TRIPS Agreement (1995) and The Hague Agreement (1925) aim to protect the rights of creators across borders. The Berne Convention mandates automatic recognition of foreign designers, while TRIPS fortifies these protections by requiring members to enforce copyright obligations in their national legislation. The Hague Agreement allows designers to register their work through a single application across various countries. However, all three treaties face a shared limitation: they do not extend protection to functional elements of clothing. As a result, the fashion industry, where clothing is largely classified as a “useful article”, remains only partially protected under these frameworks.



Fast Fashion brands often manufacture and sell their products through various jurisdictions. A designer in New York spends months creating a unique artistic work but that same design might be copied within days in a factory of Paris and sold to a customer in India, this isn't just imitation but a cross-border fashion piracy. This illustrates a core legal issue, where it becomes difficult in determining which countries' laws to apply and where a lawsuit can be effectively filed.



Thus, to close the existing legal gaps, treaties should strengthen digital enforcement laws to fight cross border piracy and broaden the scope of copyrightable elements in fashion in order to fill the current legal loopholes. Only then can the law be able to keep up with the pace of fashion. In today's connected world, it is essential to acknowledge and protect the creative efforts that go behind every design and respect those individuals who turn ideas into reality.



NEWS AT A GLANCE



The European Commission (EC) unveiled its 18th sanctions package against Russia in a press conference on Tuesday, targeting exports, revenue streams, and lowering the price cap on Russian oil. The EU said this package serves to increase pressure on Russia in light of its ongoing war with Ukraine. At the press conference, EU Foreign Policy Chief Kaja Kallas said that the current EU sanctions on Russia have been working, citing that the nation has lost “billions in oil revenues” and that “its economy is shrinking and GDP has dropped.” She explained that the EU hopes to work with the United States and the G7 to lower the price cap on Russian oil from \$60 to \$45 per barrel. She added that the previous sanctions package targeting Russia’s shadow fleet had an effective impact in reducing oil revenues from exports by 30 percent. For more information, view [here](#)

The US Court of Appeals for the Federal Circuit on Tuesday ruled that the Trump administration’s tariffs may remain in place while it reviews a lower court decision that had blocked them. The original lower court decision, a slip opinion from the US Court of International Trade, held that the International Emergency Economic Powers Act of 1977 (IEEPA) does not confer power on the president “to impose unlimited tariffs on goods from nearly every country in the world.” The original complaint was filed by the Liberty Justice Center on behalf of five businesses. According to the complaint, the businesses had been “severely harmed” by the imposition of the tariffs. Trump imposed a 10-percent tariff on all countries as well as a higher reciprocal tariff on the countries with which the US has the largest trade deficits. As of April 2025, the tariffs on most goods is 145 percent. For more information, view [here](#)





United Nations Secretary-General Antonio Guterres urged world leaders to curb practices harming the world's ocean during the opening of the third UN Ocean Conference (UNOC3). The Secretary-General called for the adoption of alternative policies to promote the sustainable use of marine resources and proliferation of these policies through international treaties. Over 50 state officials attended the conference, all of whom supported Guterres' call to elevate marine preservation on the global agenda and reinforced the call for changes in economic models and legislation. Guterres reminded attendees that the ocean has been foundational to human civilization. However, the unsustainable growth of human activity and the exploitation of marine resources have eroded ocean health and led to a global environmental crisis. For more information, view [here](#)

Amnesty International called Sunday for investigation into the death of Kenyan political activist and blogger Albert Ojwang while in police detention, urging improvements in transparency and accountability within Kenya's law enforcement agencies. According to a press statement by the National Police Service of Kenya (NPS), Ojwang hit his head against the wall and sustained head injuries while in custody. He was pronounced dead on arrival after being transferred to the hospital. The director of Amnesty International's Kenya branch said that the circumstances surrounding Ojwang's death were "very suspicious." The statement asserts that Ojwang was lawfully arrested and transferred to the Central Police Station of Nairobi for "false publication," contravening sections 22 and 23 of the Computer Misuse and Cybercrimes Act 2018. For more information, view [here](#)



A judge in the UK has warned lawyers of the consequences for submitting court filings with fake cases generated by artificial intelligence (AI). In a judgment made available to the public on Friday, Dame Victoria Sharp considered two cases in which legal professionals were suspected of using AI involving non-existent citations in their submissions to the courts. These involved misconduct. For more information, view [here](#)



UPCOMING ACTIVITIES

Call for Papers: 3rd CARCIL- CNLU National Conference on Corporate and Business Laws- Policy, Practice and Regulation at Chanakya National Law University, Patna.

It aims to provide a multidisciplinary platform for researchers, practitioners, and educators to discuss corporate and business law, addressing practical challenges and solutions. It is focused on research, workshops, and academic events in corporate law, governance, and insolvency. The conference features 14 major themes, each with several suggestive sub-themes like Regulators of India – Evolving Roles, Challenges, and Regulator Governance, etc. For more information, view [here](#).

Call for papers: Canadian Yearbook of International Law Symposium - The Adjudication of Climate Change.

The Canadian Yearbook of International Law (CYIL) is soliciting papers (in English or French) for a symposium on “The Adjudication of Climate Change”. Prospective authors are invited to submit an abstract of up to 500 words by 15 July 2025

Those selected will be invited to present their paper at the Young Scholars’ Workshop to be held at the University of Ottawa on 12 November 2025, where they will receive constructive feedback from senior scholars and practitioners. Authors will then submit their articles for consideration by the CYIL. Subject to favourable peer-review, articles submitted as part of the symposium will appear in Volume 63 of the Yearbook in 2026. For more information, view [here](#)

Call for Papers: Solventia – Journal of Insolvency and Bankruptcy Laws

This Journal, established by National Law University, Jodhpur, India, is currently accepting original, unpublished manuscripts for Volume II, Issue 2. The Journal is a bi-annual, double-blind peer-reviewed publication dedicated exclusively to research in insolvency and bankruptcy law. Submissions may be made under the categories of long articles, short articles, case notes, or book reviews. The deadline for submission is 11:59 PM on June 20, 2025. Manuscripts must be submitted [here](#). For more information, view [here](#)

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