



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

“FASHION WITHOUT BORDERS”

Not for Small Brands?

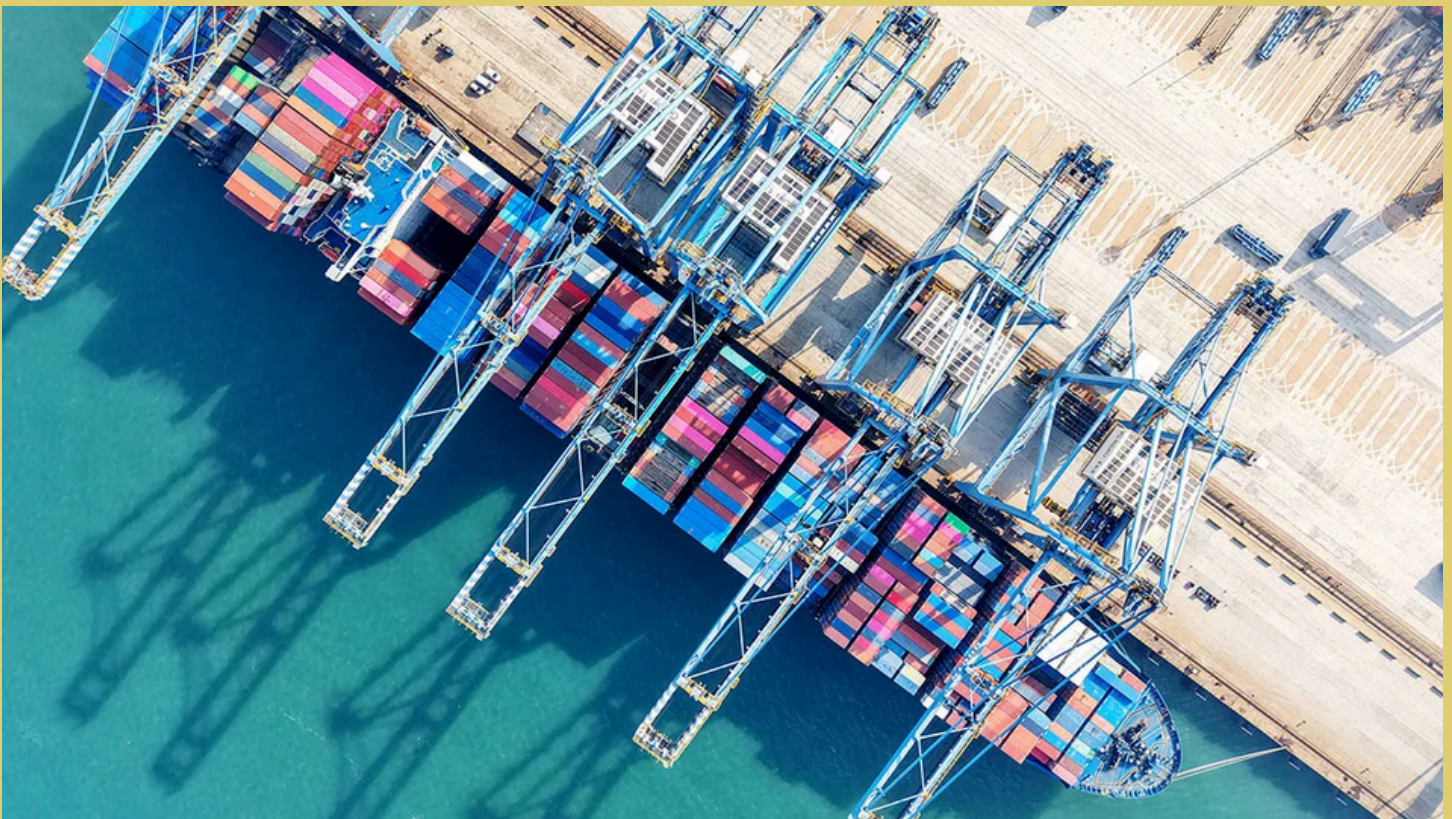
~Mimansa Pandey, I BA LLB

The world is moving towards globalisation and fashion brands are now not only limited to luxury titles, but also include emerging names that are akin to infants taking their first steps into the international market. While small companies are making an initiative to be a part of this innovation, some obstacles prevent it from attaining its goal. The obstacles are in the form of trade barriers and tariffs.

Tariffs typically come in the form of taxes or duties levied on importers, eventually passed on to consumers. Tariffs, therefore, are a type of trade barrier that makes

imported products more expensive than domestic ones. They're commonly used in international trade as a protectionist measure. There are various ways in which these trade barriers affect the micro business and their entry to the global market.

To understand the impact, it's important to first grasp how tariffs work. When a product is brought into a country, the government charges a fee on it, and according to the percentage of tariff, the product goes from being affordable to expensive. Higher tariffs drive prices from low-cost to high-cost, depending on the percentage applied.



When a country puts tariffs on another country, it impacts the whole trade indeed, but it hits smaller businesses harder. By raising prices, tariffs disrupt trade dynamics, hurting small businesses the most. The recent tariffs by the US on various countries can be taken as a case study.

Vietnam is the second biggest apparel exporter to the United States, and it was subjected to 46% tariffs. The small businesses in Vietnam were impacted very hard, causing the private labels to fire employees. It disrupted the supply chains of various fashion brands, as the raw material for their product was imported from other countries. *“We are deeply disappointed by the Trump Administration’s decision to impose new tariffs on all imports,”* the trade group US Fashion Industry Association quoted.

Countries like Sri Lanka are grappling with the repercussions of these new tariff rates and have become vulnerable in this economic crisis. The low number of exports will lead to lower generated income for the country, and the impact will be on the SMEs, that is, Small and Medium Enterprises. The retailers, after the trade barriers, struggle to remain competitive, which compels them not to produce, and in this way, the consumers would not be served with the desirable products.

To address this issue, tariff-imposing countries should consider implementing more nuanced trade policies that include exemptions or reduced rates for MSMEs, enabling a more inclusive global trade environment. Affected countries can take proactive steps, like access to finance or product diversification, to curb the impact of tariffs on their small fashion businesses.

In conclusion, creating a more stable international trade framework requires collaborative efforts from both imposing and affected nations. By implementing suitable policies and support mechanisms, we can reduce the barriers that tariffs pose to small fashion brands and enable them to thrive in a truly global marketplace.

COPYRIGHT AND DIGITAL FASHION DESIGNERS

Navigating Protection in the Virtual World

~Miti Thakkar, II BBA LLB



Intellectual property protection of fashion designers has been a popular topic of discussion. Today, however, fashion is transcending physical garments to enter the realm of pixels and codes. Fashion has taken a digital leap with garments being designed with the help of fashion specific 3D software. These can be worn in photographs, videos and other virtual spaces like the metaverse. For instance, Katy Perry had made headlines at the MET Gala 2024 and 2025 without showing up to the fundraiser, through AI-generated images, and claims were made that she outshone many who

were present. This example reflects our growing reality, where virtual garments are becoming a novel part of our fashion culture. This raises questions of legal implications regarding authorship, originality, and ownership of such digital garments.

Digital garments can be worn in VR and AR environments, games, online stores and museums, virtual fitting rooms and smart mirrors, providing 'phygital' experiences, merging physical and digital realms. As digital fashion spreads across jurisdictions through

virtual platforms, its IP protection becomes an international concern. International IP frameworks ensure uniform protection, recognition and enforcement of such rights. Copyright law across the globe is governed by various frameworks such as the Berne Convention, TRIPS agreement, among others. Under international copyright law, particularly Article 2 of the Berne Convention, ‘originality and authorship’ are two essential concepts in artistic and literary works. Digital garments created through augmented reality tools that are original in nature may qualify as protectable works. However, unlike creation of traditional garments, the concept of authorship is complex in digital fashion. Digital designs involve multiple collaborators like fashion designers, coders, 3D animators and AI tools.

This raises crucial questions: Who is the legal author? Is it the initial designer, the software operator, or the AI system?

While the traditional view of fashion authorship in the realm of physical fashion is very hierarchic, in the sphere of digital fashion, authorship is more democratic, inclusive and within the reach of every digital fashion practitioner. Any independent creator with access to 3D design software can design and publish such outfits, bypassing traditional barriers. However, in many jurisdictions, copyright is granted only to humans and not AI. In such cases, human authorship in digital fashion can be argued through the degree of control a human exercises over the final input and output.

Since digital fashion is intangible, the piracy of these garments happens globally and rapidly through unauthorised duplication and

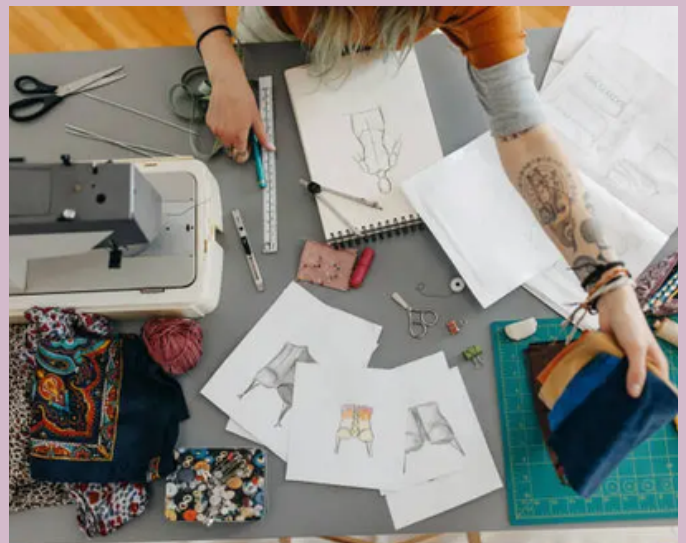


distribution of design files. Treatises like TRIPS and WIPO Copyright Treaty provide a framework but lag to cope up with technological realities as they are not designed to address complexities of AI generated works and block chain technologies. They lack clear guidelines on digital authorship and infringement in virtual spaces. Moreover, over the last few years the sale of digital fashion as NFTs, raises misconceptions. NFTs are cryptographic assets serving as digital certificates or originality and cannot be duplicated for another good of equivalent value. It does not mean transfer of copyright but a conferment of ownership. The owner retains the copyright unless mentioned otherwise. These digital pieces can be reproduced and shared online with ease through screenshots and can pose the threat of third party copying even more rapidly than in the physical market.

To address these challenges, blockchain technology is being used for timestamping of digital designs that help establish authorship and originality. WIPO's efforts on copyright and AI such as in 2019, when it published a

draft Issues Paper on IP Policy and AI with the help of 250 submissions worldwide, followed by a revised version in 2020, are steps in the right direction. WIPO has convened multiple sessions of the "WIPO Conversation on Intellectual Property and Artificial Intelligence," and established the AI and IP Strategy Clearing House, that informs all its member states of the best practices in this sector.

As the fashion industry evolves, authorship must evolve too. This has raised new issues for copyright law. It must clarify human v AI contributions, ensuring global protection for digital designers. While various international frameworks have laid the guidelines for traditional copyright issues, there is an urgent need for developing and adapting a clear international law and to incorporate WIPO's work in AI and IP. It must define criteria for digital authorship, human thresholds in AI assisted works, guidelines on co-creation and copyright licensing. Otherwise, there is a risk that the IP of digital designers will be unprotected in an increasingly commercialized virtual world.





CHILD LABOUR IN FAST FASHION

Impacts in the Global South and the ILO's Response

~Taman Oberoi, III BA LLB

In today's fast-paced world, trends do not last for a very long time, be it on social media or the Fashion Industry. Due to the ever-changing nature of a few particular industries, such as fashion, the industry has evolved to produce cheap, replaceable, and readily available clothes. As of 2014, the number of garments produced annually has reached the figure of 100 billion pieces. Popular brands such as Zara, and H&M, to name a few have built their market presence based on the concept of fast fashion. Fast Fashion is the rapid production of affordable and trendy clothes, often with

questionable production practices that raise ethical concerns regarding the exploitation of labourers and the environment. One of the principal issues the fast fashion industry faces is its blatant abuse of child labour in developing nations. Since children become sources of cheap labour, they are employed in unsafe and exploitative conditions to reduce costs and increase output.

To combat such a sensitive issue, the International Labour Organisation introduced

its Convention No. 182 on the Elimination of Worst Forms of Child Labour. The convention defines “Worst Forms of Child Labour” as slavery or practices similar to slavery, as well as work that is likely to harm children’s health and safety. It requires signatory nations to enforce age limit obligations, provide rehabilitation, and identify hazardous occupations. Ratified by 177 countries, it is one of the most widely adopted ILO conventions.

Despite this, poverty stricken regions of the Global South, especially South Asia and Sub-Saharan Africa paint a different reality, as rampant exploitation of children in hazardous factories and industries still persists to this date. Due to weak enforcement of regulations, rampant poverty, and reliance on informal economies, over 160 million children are involuntarily forced to work in hazardous industries, one of which is the fast fashion Industry. The condition of these children is so bad, that the European Parliament has even begun using the term “slave labour” to describe the conditions of workers in countries like Bangladesh, India, Cameroon, and Congo.

Though countries such as India and Bangladesh have established legal frameworks concerning the age of employment in hazardous industries, their weak enforcement especially in rural and informal sectors, undermine their effectiveness. The situation in Sub-Saharan Africa is even more complex. The fragmented governance and lack of centralised control over major industries make enforcing international standards nearly impossible. These challenges show how broader structural and systemic issues continue to hinder the ILO’s objectives in the region.

In response, several national and international efforts have emerged. The Indian government, amended its Child Labour Act, recognising the need to bring it closer to the international standards set up by the ILO, especially with respect to restricting the working of children in hazardous work conditions and enhancing punishments. India has also developed the ‘PENCIL’ portal to facilitate effective enforcement of developments brought about by the amendment.

“These challenges show how broader structural and systemic issues continue to hinder the ILO’s objectives in the region.”

The amendment also had its fair share of criticisms, especially regarding reducing the list of hazardous occupations, which went from 83 to just 3, and excluding dangerous jobs such as working in brick ovens and cotton farms. Therefore, though the amendment aimed to develop the law according to international standards, weak enforcement alongside loopholes in the amendment cause some serious challenges.

Alongside this, international collaborative efforts are equally important in addressing the issue of Child Labour. One such initiative is the CLEAR Cotton Project, which was co-founded by the EU and the ILO, to address the hazardous conditions of child labourers in the cotton, textile, and garment industry – all of which are instrumental to the fashion industry in South Asia and Sub-Saharan Africa. The project aimed to reintegrate affected children into schools while also supporting local government to take initiatives for enforcement and awareness.

Despite multiple initiatives, projects, and global commitments, the issue of child labour in hazardous working conditions is still not resolved. Millions of children globally are still subjected to gruesome working hours with little to no pay. To eliminate child labour in fashion supply chains, ILO must not only monitor compliance, but must also compel signatory nations to create laws in light of the convention, especially regarding the rehabilitation of exploited children, by investing in primary and secondary education to break the cycle of child labour. Such efforts would ensure that the future of the fashion industry is cruelty-free, and an industry where ethical fashion prevails.



THE BORDER ISN'T VOGUE

Visa Discrimination in Fashion's Global Circuits

~Swanandi Prabhu, I BA LLB

Fashion is often described as “borderless”, a creative ecosystem flowing across continents. Mobility in fashion, however, is not equally available to all. Visa regimes are deeply bureaucratic and often biased, routinely blocking models, designers, and garment workers from the Global South from participating in the very industry they help shape. This disparity raises urgent questions about fairness, inclusion, and compliance with international legal standards.

Major fashion weeks celebrate international talent, but that openness is not applied equally. While European and North American creatives move freely, their counterparts from countries like Nigeria, India, and Bangladesh often face

arbitrary rejections or extreme delays in visa processing.

The result is missed shows, lost jobs, and erasure from a global stage they helped build. In 2011, eight African models were denied visas to attend the Miss World finals, despite having bookings and sponsorship. Following this, in 2012, two African designers and several models were denied visas for Paris Fashion Week. In 2017, 3 Russian models and 1 Ukrainian model were stopped last minute by Chinese officials. These instances reflect a broader pattern where passport privilege often dictates who gets to participate in the global fashion narrative.



The legal barriers that limit mobility in the fashion industry stem from immigration policy and international law. While the governments have sovereignty over their respective visa issuance, discriminatory and exclusionary practices exist. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), article 6 grants individuals the right to work and to participate in cultural life guaranteed under article 15. This implies that models, designers, and artisans have a legitimate claim to international cultural participation. Denying visas without clear justification can thus infringe upon these rights. The International Labour Organization (ILO) also prohibits discrimination based on nationality under Convention No. 111.

In the U.S., models and fashion professionals often rely on the O-1B visa, which is reserved for individuals with “extraordinary ability” in the arts. But this standard is based on elite press and major ambassadorship which can disproportionately exclude Global South creatives, who often lack institutional access despite equal talent. There is also a GATS Mode 4 visa but it is only limited to WTO members’ citizens. It was designed to allow temporary movement of service providers, but in practice remains limited and difficult to access, especially for fashion professionals who don’t work within traditional frameworks.

To address this disparity, countries must align their visa issuance policies with the already existing legal framework made for equitable mobilization of services. The international obligations under the ICESCR, ILO conventions, and GATS Mode 4 shouldn’t just be theoretical.

This includes creating inclusive visa pathways for creatives, broadening the criteria for “extraordinary ability” to reflect diverse backgrounds, and ensuring transparent decision-making. Governments should also integrate cultural and economic impact assessments into visa evaluations and expand mobility commitments to freelance artists under frameworks like GATS Mode 4. An artist needs freedom of movement along with freedom of expression to be their best self.

ENVIRONMENTAL COST OF FASHION

A Global Legal Blind Spot

~Trisha Bangari, II BBA LLB



“Driven by the forces of the internet and globalized world”, the once localised and seasonal fashion “world” has evolved into a high-speed, “profit hungry” multinational enterprise. With trends lasting mere weeks, the fast fashion industry has risen, supported by fashion giants such as H&M, Zara, and SHEIN, offering inexpensive and trend-driven garments. While fast fashion has emboldened self-expression and created new economic opportunities, it has also given rise to severe environmental consequences, ranging from overuse of water and chemical pollution to textile waste and rising carbon emissions.

Despite the global nature of the problem, there exists a glaring gap in international legal frameworks that regulate the practices of MNCs. The environmental footprint of fast fashion is staggering, it accounts for roughly 10% of global carbon emissions, consumes vast water resources and generates mountains of textile waste. Brands such as H&M and Zara have contributed to deforestation in Brazil’s Cerrado through the unsustainable sourcing of cotton, leading to deforestation in the state of Bahia, Brazil. Deforestation in the region has risen from 43% in 2022 to more than 50% in 2022, with many of the farms failing to meet environmental compliances.

Sequentially, a surge in discarded clothing has overwhelmed local waste systems in South Asia and Africa, facilities in these countries can not handle such large quantities of waste, they end up in huge textile dumps polluting the country. This huge influx of textile has displaced local industries with populations opting to buy cheap imported clothes, the huge amount of waste also creates a burden on public services that are underfunded and poorly equipped, workers engaged in the informal rag picking industry often face health issues due to

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industry often face health issues due to hazardous work condition, these factors among many other have exacerbated inequality in Ghana, Chile and other waste importing countries.

Despite the transboundary nature of these harms, international legal mechanisms lag. Instruments like the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement in Article 4 encourage nations to reduce emissions, but do not impose direct obligations on corporate actors. MNCs escape accountability for their ecological damage due to economic influence, weak governance and lack of enforcement capacity. The United Nations Guiding Principles on Business and Human Rights (UNGPs) outline corporate responsibility to avoid infringing on human rights and to address adverse environmental impacts. But, these principles are voluntary and lack enforcement mechanisms.



As a result, ‘greenwashing’ flourishes wherein companies mislead customers by publishing false sustainability reports and promoting eco-friendly campaigns without making any real operational changes. Companies such as H&M’s “Conscious Collection” and Zara’s “Join Life” campaign have been called out on multiple occasions for greenwashing their products, such companies make minute changes in their products such as ‘made using 5% recycled cotton’ or ‘sustainably made’ while withholding information about material composition and creating the illusion of environmental responsibility.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal provides a suitable avenue for the management of textile waste, as it addresses the export of toxic waste from developed to developing countries. Article 4 of the Basel convention urges countries to minimise waste production and ensure its environmentally sound management, prohibiting the export of waste without the prior informed consent (PIC) of the importing country. Unregulated waste disposal and import creates huge burdens on the population, environment and public services of the importing country as discussed before.

Some national laws such as those of EU, UK and USA aim to regulate the fashion industry; however, this is ineffective owing to dispersed manufacturing and supply chains, to illustrate: raw materials such as cotton comes from Brazil, cheap production takes place in countries like India and China, the products are sold in markets across Europe and America while the waste is dumped in countries such as Ghana and Chile. Thus materials are sourced, processed, sold and dumped across multiple countries.

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In the absence of a unified international legal approach, companies exploit jurisdictional gaps, shifting harm to countries with weaker regulations.

The unchecked growth of fast fashion reflects the failure of global governance to adapt to modern capitalism. Going forward, the challenge lies not only in drafting legal instruments but also in ensuring their enforcement, helping shape sustainability as a legal norm and embedding it into the fabric of global commerce and corporate conduct.



NEWS AT A GLANCE



France's National Assembly has passed a bill granting terminally ill adults the right to assisted dying, with 305 votes in favor and 199 against. The bill applies only to French citizens or residents with advanced terminal illnesses, excluding minors, disabled persons, those in nursing homes, and individuals lacking mental capacity. Lawmakers stressed the need for strict safeguards. Supporters cited the need to respect quality of life at end-of-life stages, while opponents warned it could undermine palliative care. The bill accompanies a unanimously approved palliative care initiative. This development follows growing demand for assisted dying options, with some citizens traveling to Switzerland for such services. The bill now awaits review by the Senate, a second reading, and presidential approval for full implementation. For more information, view [here](#).

UN Human Rights Chief Volker Türk expressed deep concern over the escalating violence in South Sudan between the government and opposition forces, warning that it could worsen the country's ongoing humanitarian crisis. Recent clashes have killed at least 75 civilians, injured 78, and displaced thousands. Türk urged all parties to uphold the 2018 peace agreement and condemned the arbitrary arrests of 55 opposition officials, calling for their immediate release. The UN also criticized the increase in hate speech amid rising political tensions. South Sudan's fragile peace process, following the 2013 civil war, remains under strain despite the formation of a unity government. The UN called for respect for international law and civilian protection, warning that disruptions could have severe consequences, particularly with the approaching rainy season and widespread food insecurity. For more information, view [here](#).





Human Rights Watch (HRW) has acknowledged the World Health Organization's (WHO) new pandemic treaty as a vital step forward but criticized its weak enforcement mechanisms and failure to address global health inequities. While the treaty aims to promote international cooperation and prevent future pandemics, HRW raised concerns over the voluntary nature of compliance. Key issues, such as the operationalization of the Pathogen Access and Benefit Sharing (PABS) system, remain unresolved. HRW also highlighted failures during the COVID-19 pandemic, where wealthy nations prioritized profits over public health, obstructing equitable vaccine access. HRW stressed that the treaty's success will ultimately depend on political will and concrete action from governments. For more information, view [here](#).

The UN Committee on the Rights of the Child acknowledged Brazil's progress in child welfare programs but raised serious concerns during its review of the country's periodic reports. While praising new family support initiatives, the committee questioned the weak coordination across government levels and poor implementation of Afro-Brazilian history education. It also criticized food insecurity, high violence against Black and Indigenous children, and underreported sexual abuse. Brazil responded with statistics showing reduced hunger and expanded cultural education. However, the committee highlighted persistent issues, including lack of disaggregated data and discriminatory practices. NGOs also condemned child marriage laws and recent court rulings undermining child protection. For more information, view [here](#).



UN Special Rapporteur Margaret Satterthwaite warned that Guatemala's democratic future depends on transparent judicial appointments and the fair, impartial application of criminal law. She raised alarm over politically motivated prosecutions against anti-corruption officials, calling for urgent reforms to protect judicial independence and uphold the rule of law. For more information, view [here](#).



UPCOMING ACTIVITIES

Arbitration and the Rule of Law: Before, During and After the Pandemic-

This webinar explores the evolving role of international arbitration in upholding the rule of law, especially in light of the changes brought by the COVID-19 pandemic. With remote hearings becoming the norm, concerns around due process and equality of treatment have come to the forefront. The session offers valuable insights into how these challenges are being addressed to maintain fairness and justice in arbitration. It also highlights the future outlook for arbitration in a post-pandemic world. For more information, view [here](#).

Online Executive Diploma on International Law in the 21st Century – 2025

This five-day web-based workshop focuses on the evolving landscape of international law amid global interconnectivity and technological advances. The program covers essential topics such as public international law,

the law of the sea, and international humanitarian law, including its application to cyberspace and cyber-warfare. For more information, view [here](#).

The State of International Law Under the New Trump Era

This webinar examines the significant shifts in U.S. international law policy following the start of Donald Trump's second term as president. It highlights key changes such as the U.S. withdrawal from the Human Rights Council, sanctions on the International Criminal Court, and cuts to foreign aid and international justice offices. The session will explore both the immediate and long-term impacts of these developments and what further changes might be expected. It will also discuss how the international community can respond to protect the rules-based order despite reduced U.S. involvement. Finally, it will consider potential areas for continued cooperation, including counter-terrorism and national security. For more information, view [here](#).

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