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## Topshop ordered to destroy dresses 'copied from Chloé design'

By Emily Dugan

A lemon yellow dungaree dress has sparked the latest battle between haute couture and the high street, and not for its crime against good fashion.

The high-street chain Topshop was forced to destroy almost 2,000 dresses and pay thousands of pounds in legal costs, after being accused of copying the dress from the designer Chloé. It is the latest in a string of cases that have seen fashion houses hit back at high-street copycats.

Designers at Chloé claimed the Topshop dresses were "nearly identical" to one of its own designs. Topshop, which was selling the dresses for £35 each, has paid £12,000 in compensation and legal costs. The original Chloé dress was on sale for £185, as part of the designer's "See" collection.

The dress is now listed as "out of stock" on Topshop's website, and has been taken out of its stores, but 774 had already been sold before Chloé's lawyers stepped in.

Topshop, which has always loosely interpreted catwalk fashion, has not had any other cases brought against it by the designer. But the move from Chloé is part of a wider crackdown on counterfeit clothes to protect its reputation.

Sir Philip Green, head of Arcadia, the group that owns Topshop, said the



Sir Philip Green: Topshop did not admit copying

company had never admitted copying the dress. "We paid them £12,000 without any admission over whether it was or wasn't [a copy]," he said. "We felt it was easier to do that and get on with the rest of our lives."

However, Rachael Parman, a solicitor at Chloé's law firm Shoosmiths, said: "They did acknowledge that their use of the Chloé design constituted an infringement of design rights. That was part of the settlement. The dresses are nearly identical."

Ms Parman said the fashion house had "other design infringement cases in the pipeline", but could not discuss them. She said fashion houses were waking up to the worth of their designs. "It's a problem across the fashion industry and always has been," said Ms Parman. "But now, brand owners are becoming wise to the value of protecting their brand."

This is one of many cases brought against companies offering cheap imitations of Chloé products. Its trademark handbags, which can cost up to £1,000, have inspired designs in chain stores across the country, and action was quickly taken against those whose copies were too blatant. The internet store, Bananasoup, had to stop trading after its imitation of the Paddington bag, which features a distinctive padlock, was spotted by Chloé. The high-street chain Kookai had to pull a snakeskin bag from its shelves after it resembled a Chloé design too closely.

Chloé is not the only fashion house to take action against copycat designs. The exclusive shoemakers Jimmy Choo had similar problems with imitations of its handbags and shoes cropping up on the high street, and forced Marks & Spencer and New Look to destroy stock that bore too close a resemblance.

Now the law is helping high-end fashion labels to crack down on a tradition of design imitation between haute couture and the high street. In a landmark case last year, a British judge ruled in favour of L'Oréal after it claimed the smell and packaging of its perfume had been copied by the Belgian company Bel-lure. The expert witness in the case, the marketing analyst Thayne Forbes, warned after the verdict: "Compa-

nies that are sailing a bit close to the wind will now have to be careful. The dividing line as to what people might think is all right has shifted quite a lot. It will now be more difficult to copy [designs] legally."



The fashion designer Chloé claimed that Topshop's yellow dungaree dress, left, which sold for £35, was 'nearly identical' to its design, far left, from the See collection, which sells for £185.