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STOLEN THREADS: CULTURAL APPROPRIATION OF TRADITIONAL INDIAN FASHION BY GLOBAL LUXURY BRANDS AND THE LIMITS OF INTELLECTUAL PROPERTY LAW

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The textile and fashion tradition of India is one of the broadest, varied, and stratified systems of craft in the world. Over centuries Indian craftsmen have perfected intricate forms of weaving, dyeing, embroidery, leatherwork, and garment construction each of which is extremely rooted in regional identity, cultural symbolism and collective memory. Such, as the Mukaish embroidery of Lucknow, and the Kolhapuri leather craftsmanship, are not only the so-called decorative traditions, but living cultural traditions, which support millions of livelihoods. However, in the contemporary global fashion market, this legacy has been turned into a place of consumption, where global high-end brands have been taking aesthetic labor away without referring to, working with or rewarding the owners. The frequent scandals of such large fashion houses like Prada, Dior, Gucci and various Scandinavian brands are suggesting a structural issue, as opposed to a few cases of imitation. These are the illustrations of how the traditional Indian designs which have been co-created over the generations are not covered by the protective scope of the modern intellectual property law. Because of this, these designs are susceptible to exploitation by the strong international brands, which have access to economic resources, marketing coverage, and legal acumen, and can therefore steal the cultural heritage and get away with it. This imbalance is no longer a simple creative decision, but a structural one, which has been formed by more serious inequities concerning the cultural value recognition, protection, and monetization in global markets. The sandal collection of Prada was one of the most obvious demonstrations of this imbalance, and it resembled Kolhapuri chappals closely. Kolhapuris are custom-made handmade leather shoes of Maharashtra and Karnataka, which were made with the help of vegetable tanning of leather, hand-carved soles and unique stitching style which took years of artisanal mastership. Although this is under the Geographical Indication regime, Prada sold visually similar almost identical sandals at high-end prices without attributing it to the craft, the region, or the craftsmen who made it. The

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scandal revealed one of the inherent flaws of the GI protection: although it protects the geographical name and the image of a product, it does not stop imitating its design in case it is sold under another brand. Traditional artisans, therefore, incur the cultural expense whereas the multinational brands enjoy the commercial benefits. The same cultural obliteration was done with the experience of Scandinavian fashion brands that were accused in selling scarfs based on the Indian block-printing traditions. These scarfs were decorated with floral jaal motives, geometrical borders as well as dotted designs which were more related to the textile traditions of Rajasthan and Gujarat Bagru printing and Bandhani. They were however sold as an accessory of Nordic heritage, a de facto rebranding Indian visual language as European. Another aspect of Dior that has continued to attract criticism is its use of Indian craftsmanship, especially its application of embellishment techniques that are similar to the Mukaish embroidery. Mukaish is a technique that started in Lucknow, where the metallic dots or wires are carefully inserted into the piece of fabric in order to decorate the ceremonial garments and festive wear. Couture collections of Dior also feature the same detailing using metallic, which it presents as a modern haute couture without linking it to their cultural roots. Whereas luxury brands tend to focus on the tradition and craft of European workshops, what is missing in the case of Indian craftsmen is a manifestation of a hierarchy of value that is concealed within global fashions discourses. Another instance of commodification of traditional clothes in luxury fashion is the case of Gucci kaftan. The brand also launched a cotton kaftan that cost a number of lakhs, and looks exactly like the Indian kurta, which is an item worn in South Asia, to be comfortable, match the climate and familiar with the cultural background. Trying to make a socio-culturally embedded utilitarian garment a luxury product, Gucci has made familiarity turn into exclusiveness and loosely associated the design with its socio-cultural environment. The fundamental element of these scandals is the inadequacy of the current intellectual property models. The copyright regulations in India as well as in other countries are based on originality, identifiable authorship and personal ownership. Conventional Indian designs are not in line with these requirements. They are shared works, perfected over centuries, and handed down in oral tradition, in the form of apprenticeship and community practice. As a result, they cannot receive a copyright protection even though they have a huge cultural, historical, and economical significance.

This is not just a problem with larger brand catalogues, and retail spaces but has manifested itself on the biggest red carpet of the year: The 2026 Academy Awards. Gracie Abrams appeared in a floor length transparent tulle drape that trailed behind her so obviously that it could have been taken directly from any South Asian formal wear gift registry within the last

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50 years, clearly representing the traditional lehenga-choli silhouette that has shaped how people from South Asia have celebrated their culture for decades. The outfit, created by Chanel featured an embroidered sleeveless top with matching column skirt and long black scarf trailing behind. While many media reported on the outfit they did not state that it was part of the lehenga-choli silhouette or mention where the inspiration for the outfit originated from; instead using very vague terms such as 'ethereal layering' and 'dramatic draping'.

The Designs Act, 2000 has design law that has similar limitations. Only the new, original and registered designs are offered protection. However, the very nature of traditional motifs and techniques does not pass the test of novelty, thus can be considered belonging to the realm of the public. Although this categorization might even seem legally rational, it fails to acknowledge the fact that public domain does not imply the absence of exploitation, especially in the case where there are power disparities between multinationals and rural artisan groups with low legal literacy or bargaining power. The Geographical Indications provide a partial solution but they are not enough. GIs guard the name and image of products that are regional, but not to the design and its techniques. Additionally, GI rights are costly to enforce overseas, there are also procedurally complicated and generally unavailable to artisan groups. This gives a chance to the luxury brands to access a lot of the GI-protected crafts without infringing on their products by simply re-packaging, renaming, or doing minor adjustments. Although, there are discussions that are still going on in the world intellectual property organization, there is no detailed law that is being applied in India that considers collective cultural ownership nor offers rights that can be enforced on traditional designs, motifs and techniques. In the absence of this protection, the artisans are still legally anonymous, despite the fact that their work is being commoditized in international runways, fashion week and in retail outlets. The handloom and textile industry in India has millions of artisans with a large number of who are completely reliant on the traditional craft as a way of their livelihood. When luxury brands steal such designs without consensus and payment, they strengthen the economic inequality and continue to develop extractive business that had the models of colonial trade. More so, introducing traditional practices as Western inventions, such brands confuse the world about the meaning of authorship, causing cultural disappearance and falsification of history. On the policy front, India has worked harder to advertise GI-tagged products and revive ancient crafts by government initiatives, exhibitions, and export mechanisms. The fashion law is also becoming a specialty, with academic and professional interest in the topics of cultural appropriation, textile protection, and the rights of artisans. Nevertheless, the multi-pronged strategy is necessary to introduce meaningful reform. India needs to reflect on implementing specific law

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over classical cultural expressions, which identify community owning, moral, and benefit sharing, institutions. The role of luxury brands itself is also important. The reason why ethical fashion cannot be attained by inspiration only is because it needs accountability. Brands should shift in the direction of open donation of cultural origin, substantive partnership with craft communities and fair payment strategies. Finally, the future of fashion will be based on a switch of appropriation to partnership. Indian traditional crafts are not just aesthetic materials which can be used in the world and consumed according to the international standards; they are the collections of the past, identity and human work. The global fashion industry is increasingly using heritage narratives to establish a definition of luxury, but it is forced to deal with the dilemmas that come with them. The one-sided exploitation of Indian craftsmanship will continue to be exploited and not reformed by the law without legal accountability.

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