

Intellectual Property Rights on Creativity and Heritage: the Case of Fashion Industry

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JEL codes : K11, Z1

Key words : property rights, creativity, heritage, fashion.

In contemporary societies, science and technology are increasingly significant and command attention of many economists. But luxury goods, fashion, design, gastronomy, and other activities contribute more and more to economic growth. For different commentators, their ever greater impact may be related either to the development of a creativity paradigm (Caves, 2000; Towse, 2001, 2003; Throsby, 2001), or to the advent of intellectual capitalism (Grandstand, 2000), or to the growing importance of semiotic products (Barrère and Santagata, 1998). Moreover, the production of creative goods becomes a mass production and a new type of industry appears -the creative industries.

In these fields, the purpose of producers is not to improve but to create. They introduce creativity and are specifically based on creative heritage always moving and adapting itself to demand. But their creations remain unique and, as non cumulative knowledge, escape from the incremental character of technical progress. Thus creative products have a strong cultural and economic value and raise the problem of the value management through intellectual property rights (IPR).

The paper addresses the case of fashion industry and, mainly, of the French fashion industry. It is an interesting industry because its production is strictly linked to creativity and heritage as the main inputs. So, the management of IPR is, there, a key point. Moreover the fashion industry is now moving from an Old model, the Haute Couture system based on Maisons owned by the great creators (Chanel, Dior, Balenciaga, ..) to a new system, with industrial, financial and creative groups as LVMH (B. Arnault) and PPR (F.Pinault). A new model of management through IPR is there emerging.

The paper is organized as follows:

- 1 Producing fashion by culture
- Creativity as input of fashion production
- Heritage as input of fashion production
- 2 The specific characters of fashion cultural products
- 3 The difficulties to use the standard model of IPR
- Entitlement problems
- Transfer problems
- Enforcement problems
- 4 The classical model of management of cultural assets in the Haute Couture industry
- 5 The entry of creative groups and the new model of management of IPR
- The new statute of the creator
- Rights on creation
- Privatization of cultural heritage assets
- Reputation heritage assets, from the griffe to the trademark
- Creative piracy