

Debunking the Fashion Industry's "Three Change" Rule

Published in the *New York Law Journal*

August 28, 2017

This article discusses the important difference between legal inspiration and illegal infringement. While fashion designers depend on the "Three Change Rule," the "Five Change Rule" or the "20% Rule" to differentiate their products, there is, in fact, no rule. Designers who rely on the common misconception that making a set number of changes will circumvent infringement put their businesses at risk; and the consequences are costly, including potential lawsuits that result in risk of business disruption and responsibility for disgorging profits or paying damages, and in today's increasingly social media-oriented world, negative public perception. The article addresses the proper legal standards for trademarks and trade dress, as well as copyrights. Most importantly, it states that no brand is immune from potential claims. Increased education, careful consideration and specialized legal review will allow brand owners to develop strategies to minimize the threat of infringement actions; and while fashion may move fast, there is no fast "rule" to avoid potential infringement, and in the end, there is no replacement for originality. ([Debunking the Fashion Industry's "Three Change" Rule](#). August 28, 2017)

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