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AFTER AUTHORS

Sign(ify)ing Fashion from Paris to Tehran

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Abstract

This article explores the relationship between aspects of copyright law (as understood in France), copying as a practice employed or condemned by fashion designers (sometimes both at the same time), and the meaning that 'authorship' has for the political economy of fashion production. The empirical substance is the result of 18 months of research in the fashion industry in two locations: Paris and Tehran. Foucault's archaeological method applied to 'the author' points to the constellation of conditions that make the existence of the author possible. This study follows 'the author' in two differently located fields of power, interrelated through similar and communicating practices. The first part of the article presents the historic formation of legal authorship in the (Paris) fashion industry, the practices of authoring fashion, and the current legal debates connected to the European Law. The second part is an ethnography of the dynamic of authoring practices in Tehran.

Key Words ◆ author ◆ brand name ◆ copyright ◆ consumption ◆ fashion
◆ Iran ◆ signature

This article explores the relationship between aspects of copyright law (as understood in France), copying as a practice employed or condemned by fashion designers (sometimes both at the same time), and the meaning that authorship has for the political economy of fashion production. The empirical substance is the result of 18 months of research in the fashion industry in two locations: Paris and Tehran. Foucault's archaeological method applied to 'the author' (as to any other category) points to the constellation of conditions that make the

existence of the author possible.¹ This study follows 'the author' in two differently located fields of power, interrelated through similar and communicating practices. The first part of the article presents the historic formation of legal authorship in the (Paris) fashion industry, the practices of authoring fashion, and the current legal debates connected to the European Law. The second part is an ethnography of the dynamic of authoring practices in Tehran.

When I returned from my second sojourn in Tehran, I went to see some of my 'stylists-cum-friends' in Paris. I was curious to see their reaction to the pictures I brought from Tehran, displaying stylists, models, and street scenes. While visiting Maria (a Parisian designer), we talked again about making copies. She saw the photo displaying a drawing taken by an Iranian stylist from a European fashion magazine. I told her that copying is current in Tehran, to which she replied: 'Everywhere is the same. Here we also copy. It is normal, you cannot create out of nothing'. Maria was preparing a line for an outside contract, and some of her drawings were on her work table. She browsed through more of the photos and put aside a couple of them. After finishing, she looked at me, smiling, and said: 'speaking about copies . . . I like this model, it is very nice, I shall draw it. Don't worry, anyway it will never look the same, but I like the form of it'. She looked for a white piece of paper, and drew a dress vaguely inspired by the photograph.

WHAT IS A COPY?

In the world of fashion, the issue of copying is a sensitive one. It is hard to define what represents a copy; and what a copy is anyway. From a legal point of view, in France, fashion creation is potentially protected under the incidence of two different rights: the right of authorship and the protection of designs and models. Among fashion designers in Paris, copying is a matter-of-fact issue, it is something that exists and one has to deal with it. For many, counterfeiting is an engine of creativity:

If you call yourself a 'designer' (*créateur*) and you do not renew yourself, you cannot hold the line, you cannot resist. If you have one idea and you rework it every year, you will find your jewelry and your bags at Monoprix.² The force of the designer is to renew oneself. (Gaby, Paris designer)

There are two major types of copying closely related to the legal definition of the counterfeit. One refers to the reproduction and commercialization of a model or design under a different name. This is what Gaby is complaining about. In these cases, it is very hard to establish, legally, what a counterfeit is. In legal language, a counterfeit is an object that 'does not differ in a significant manner' from another product, already registered. This defines the 'proper character' of an object,

recognizable, in legal terms, by a well-informed observer. Beyond the discussion of what a 'well-informed observer' might be (Duchemin, 2002), fashion is in a delicate position regarding the 'proper character' because both designers and lawyers agree that in the fashion industry there is no *ex nihilo* creation. As opposed to other industries, in fashion-related production it is more difficult to determine the proper character of an object. Thus, in the last decade one could see brands that precisely 'follow fashion', like Zara or H&M (sometimes pejoratively called the 'IKEA of fashion'). These brands do not have a creative department, but they produce the same designs as well-known fashion brands every season at significantly lower prices. Zara has in its budget an allocation for settling potential legal disputes involving copyrights.

The second case of legally defined copyright breach is the use of the brand name, logo, or designer's name on a product of different fabrication without licensing. This practice can be put under the category of authorship rights. In the fashion industry, famous brand names and logos are used to mark clothes and accessories that are not the product of the brand name they bear. In the years after the Second World War, the house of Dior introduced the idea of licensing other products under its name. By the 1970s licensing became one of the main sources of profit for big fashion houses (Crane, 2000). It is likely that the worries involved in protecting one's name or signature on fashion industry products and the laws protecting them came to the fore *after* the 'discovery' of the economic utility that the use of a *name* may bring. Practices of licensing gave birth to the necessity of protecting the brand name under a copyright law and not the other way around. If one follows the chronology of the principle of the 'unity of art' specific to French law of copyright, one may observe a certain correspondence.

French law of copyright is based on the 'unity of art', meaning that 'there is no dichotomy between pure art and art applied to industry and commerce' (Benhamou, 2002: 38). Although the distinction was active in a law promulgated in 1793, the law suffered a series of modifications that finally erased this distinction. The 14 July 1909 law regarding copyright referred solely to art applied in industry and commerce; in March 1957 (Dior started name licensing by that time) a new text unified the two forms of protection (pure art and art applied to industry and commerce). The last modification took place in 1992. Under the incidence of the code of intellectual property from 1992, intellectual property and industrial property came under the same protection. Every product with an identifiable author can be claimed under the right of authorship, or intellectual property, and under the right of design protection, in a cumulative manner.

The standardization of laws in the European Union fuels current debates because some fear the 'unity of art' principle will not be

recognized in the new laws. Without entering into detail here, it is necessary to mention that fashion designers rely on the right of authorship for practical reasons. Every season, a fashion house produces a great number of designs, ranging anywhere from 50 to 500; if each of these models had to be registered for copyright, the costs would be detrimental to the profitability of the enterprise. More important, the timeframe of fashion calendars is very tight. The bureaucratic time required for the registration of designs would be too long, and the models would already be out on the market (and out of fashion) by the time registration was complete. Thence, fashion designers prefer to rely almost exclusively on authorship rights.

The 'field reality' of copying is iterative and it combines the two infringements. There are fashion products that copy the design and the signature, there are those that use the signature without worrying about design, and there are those that reproduce the model under a different name. Theorists and law researchers agree upon the fact that the object of protection is an 'immaterial' one. The 'object' of protection is the form, the appearance, or the design. But even this definition is a problematic one, as Vivant observes:

Take the example of the authorship rights and the particularly interesting case of the rights over a title. We know very well . . . that the owner of the rights cannot forbid the descriptive use of the title. (Vivant, 2003: 9)

Following this reasoning, Vivant argues that the protection of copyrights addresses only the 'economic utility' of the object.

A copy is defined as such only *after* the registration of the model or brand name establishes something as 'original'. The object of protection is the one defined in the legal act of registration. The design protection is thus an *a posteriori* fact, justified through a 'natural' law that attributes rights to an individual assumed to be the sole generator of an immaterial object, be it form, sign, or invention. The rights of authorship give the author the possibility to claim ownership of the object before the model has been registered. This difference between authorship rights and design and model protection is another source of endless debate, but is not central to our current inquiry.

The copyright establishes an ascendancy of the author over the object of her/his creation. This is not, however, the entire story. The ascendancy is over the field of potential and actual profit that the object may generate.³ The act of counterfeiting, in legal terms, constitutes a use of this ascendancy by another individual. Vivant identifies thus the copyrights with territorial rights. In legal terms, the counterfeiter trespasses the intellectual territory of an author, and uses, for economic purposes, the ascendancy over the territory thus defined. This article will concentrate on the territorial aspect of authorship, and on the

way in which an individual becomes an author, that is on the myth of authorship.

SIGNATURE, MARK, TERRITORY

Around the middle of the 19th century, a hat maker from Paris had clients asking him to repair hats allegedly bought from his shop. The hat maker was not sure if they had indeed originated in his workshop. To avoid further confusion, he embroidered a distinctive mark⁴ on the hats he produced. In other words, he signed the fashion accessories, thus giving birth to a practice that today stands at the heart of copyright disputes. Today, the form of the object is central to these disputes; its character of 'novelty and originality' demanded by law. In a way, in the fashion industry today, the signature is the warrant of the originality of an object (especially in terms of a well-known signature). If the fashion designer invokes the authorship rights, the signature is indeed the mark of originality and authenticity of the object; prestige is the word that expresses the cumulative qualities of a sign, and licensing is the artifice that adds economic utility to prestige.

Nevertheless, it is imperative to observe that, for a variety of reasons, our hat maker was interested in distinguishing his products from (similar) others, rather than establishing his models as new and original. He was more concerned with having hats returned to him that he never made (but could not distinguish from his own) than with being copied or establishing his claim on a model or design.

During the same period, Charles Frederick Worth, an English designer living and working in Paris, transformed the role of fashion designers and couturiers.

Worth's position was above that of a dressmaker or tailor in that *he was not expected to copy designs created by others*. He hired artisans and helpers to assist in the creation and realization of his styles. He sold designs that epitomized the fashionable styles of the period. He invented the idea of seasonal collections containing his latest ideas and displayed in the couture house by models. (Crane, 2002: 136, my italics)

It is important to remark that he was one of the only persons not expected to copy, even though copying was a legitimate practice. It was significant that copy was oriented towards styles, *because the practice of signature was not current* in the 19th century. In this sense, styles were a-temporal. Although changing with years (and, following Worth, with the seasons), they did not belong to an easily identifiable person (designer) or fashion house for that matter. It was thus hard to say to whom a certain model belonged, and this was not a primary concern for tailors or dressmakers. Also, at that time the principle of unity of art did

not apply, and a signed dress would not be considered under cumulative authorship and industrial model protection rights. At that time, the concern over being copied was much less common than it is today. In fact, since Paris became the centre of fashion for the western world, all other couturiers from Europe and the United States directly copied styles from Paris. With the interruption of the Second World War, and with few exceptions, this tendency continued until the 1960s, when the explosion of media and visibility of alternative styles introduced a great variety in fashion (e.g. Crane, 2002). When taking this context into consideration, we can perhaps better understand the famous Madame Coco Chanel's attitude to copying, who declared herself delighted if her models were copied, because it was a measure of her prestige. Interestingly, while this statement may hold little meaning for most of the fashion designers in Paris, it seems sensible to designers encountered in Tehran, for reasons explored shortly.

Contrary to Madame Chanel's position, today copying is not only unappreciated, but it is even condemned. At the individual level, an anecdote from maison Le Sage, a lace producer that has made laces for all famous Parisian fashion designers since the beginning of the 19th century, is telling about the rivalries and accusations that circulate in the world of Parisian fashion. While visiting Le Sage workshops, I was invited to admire a dress carrying the signature of a famous contemporary fashion designer. At the same time, my guide pulled out from the archival drawers a lace ordered and used by Elsa Schiaparelli for a robe in between the two World Wars. The lace was almost identical with the one used for the dress of the current design. My guide told me that, in fact, the dress I was admiring was not the first one inspired by Schiaparelli's work, but that there had been another designer who had more recently accused the creator of the model I was seeing of copying. Nevertheless, both of them passed by Le Sage's archives.

At the legal level, commentators on copying equate it with acts of banditry, international criminal networks, or even financing for terrorism.

There is always need to remember that the counterfeit is a delinquent act, an attack to the public order, but also to economic order (eluded charges and taxes), and to the social order. (Benhamou, 2002: 39)

Beyond the interesting jump the author makes from economic to social order (as if a 'good society' is based on economic laws) it is worth mentioning that counterfeiting is a constructed delinquent act. This became important because of practices such as licensing, which brought benefit to the use of a name or mark of prestige. This was not the case 50 years ago, before the practice was in place. The economic order and legal spaces create their own categories of legitimate gain and illegitimate actions.

In the foregoing summary, one can observe how the idea of copyright has been transformed in the fashion industry, and how it transformed practices in the industry. *It has shifted from an open definition of creation and copy as a mode of diffusion of models and popularity to today's closed legal system, in which signs, signatures, marks or models are defined as intellectual territories that bring potential profit and that engender specific profitable practices like licensing.* This tendency emerged after the Second World War and resulted from the convergence of several factors: the increased importance of the figure of the designer (Steele, 1998) right up to its transformation into a superstar, the practices of signing and licensing fashion products (the first clothing license was in 1940 by Schiaparelli), a practice later generalized by Dior's house (Crane, 2000), and the legal unification of pure art and art applied to industry in 1957 which created a legal framework for this practice and subsequently constructed the illicit counterfeit as we know it today. All these elements introduce the historicity necessary to understanding the counterfeit in fashion not as an inherently delinquent act, but rather as a historical product of social, legal, and economic transformations.

We can conclude this section with the observation that the author is created through the legal process of the depositing of a patent, and that the author is *a posteriori* rationalized as the agent of creation. That is, even in the case of non-registered models, the author is assumed to be the person 'naturally' entitled to undertake the legal process of patent acquisition. The roots of this assumption can be found in the theory of possessive individualism as Locke formulated it. The 'natural law' of possession of one's products of labor (that is, anything that bears the *mark* of one's labor becomes one's property) stands as the unquestioned basis of authorship rights. This concept is of course complicated by further developments. An overview of the attitudes of Tehran designers towards copying (that is the act of making a copy) and of the dynamic of the copyright laws in Iran help to clarify the multitude of factors and their interaction that concur in the creation of a naturalized legal territory.

'EVERYBODY IS A COPY'

The practice of copying and the issue of copyrights, while undeniably linked, must be treated separately. Copyright refers to the legal construction of an author, of an intellectual territory, and of an illegitimate actor who copies, while the practices of copying are multiple and sometimes hard to define. It will become obvious that the practice of copying (in the legal definition of the term) is 'natural' in any process of creation, especially in fashion creation, while 'counterfeit' as a category emerged from legalization for economic (and political) reasons.



FIGURE 1 Luxury-style boutique in Tehran.

Foreign enterprises (and local ones) may register their mark in Iran. Nevertheless, the brand copyright law has never been really applied. Iran is not a member of OMC, and it did not ratify all the international acts regarding intellectual property. Consequently there is no juridical procedure effective to stop the selling of counterfeits on the market. (Felizia, 2003)

Tehran offers a great variety of fashionable boutiques in which one can find clothing produced locally or in Turkey, Taiwan, or Thailand. Many of the boutiques bear western brand names, without being necessarily (or at all) authorized distributors of the brand name in Tehran. Thus one can find Levi's boutiques, Mango, Zara, Esprit, or Armani (sometimes written in the Arabic script, as in Figure 1). These boutiques, however, seldom offer the commodities produced by the brand displayed. The usual brand names are prestigious among Tehranian clients because of the private circuits that bring products in small number, and sell them at private occasions. The original products also arrive from France or other occidental locations via Dubai, through parallel commercial circuits.

Nevertheless, before the counterfeits arrive on the market, they need to be produced somehow, somewhere. Although the issue of copyright in Tehran is much greater, and it includes the market for counterfeits, this

analysis will focus on designers' practices regarding copying and brand-signature in Tehran, with brief references to their Parisian counterparts.

What does it mean to copy? Is it legitimate to talk about illegitimate copying in the age of mechanical reproduction? For the purpose of writing this text, I constantly use the command copy/paste, not to mention the fact that the format of my writing (the immaterial object of copyright laws) is itself the property of Microsoft, and it is only licensed to me as a legal user of Word software. As friends in Tehran remarked, one can copy not only dress, but also ways of moving, attitudes, language, and entire styles.

There are three different practices associated with copying to which designers in Tehran pointed. First, there is the copying of a style, of a mode of behavior, of a kind of dress on the part of consumers. As Saba, a young Iranian woman observed in an interview: 'Here if something becomes fashionable, everybody copies it. This is not really fashion'. In slightly different formulations, this statement was evident among all the people interviewed who knew Tehran's fashionable urban environment. While walking in the chic locations of the city one has the sensation of seeing again and again the same kind of dress or styles. In Paris and other western locations, this type of behavior is known as 'fashion victimization', and it is often used in a derogatory manner for those who do not feel daring enough to experiment with clothing. As a Paris designer observes:

[T]here are panoplies in the spirit of a stylist, and this is not really interesting; the most interesting thing is what people are doing with the clothing, how they appropriate it . . . make it exist, creating its history, but using it in a different manner. (Mark Le Bihan)

In Paris, Japanese consumers are stereotypically associated with fashion victimization. In an article on fashion in Japan, McVeigh (1997) makes the argument that the conservatism of Japanese society does not encourage innovation with dress, but rather the direct copying of prestigious western designers. The researcher argues that fashion in Tokyo is the expression of a hierarchical rigid system, rather than of the social mobility and democratic fashion uses in Europe. Although not completely comfortable with this type of explanation, I found it interesting to think about the unity of style among the Tehranian young people who can afford to be fashionable. There may be a multitude of explanations for the style copying in Tehran.

It is very very hard to buy, but my opinion is because we do not see a lot of good stuff here, we see on MTV or Fashion TV, and we do not have fashion designers, all the girls and boys I think they copy. They copy too much. They have to, they do not have a choice. It is very sad, actually. (Neda, scenographer, Tehran)

Indeed, styles in Tehran are mainly diffused through satellite TV channels such as MTV or Fashion TV. While Fashion TV mainly offers up-market fashion product imagery, MTV displays the counterculture style, recuperated and filtered for the mainstream youth culture. Neda additionally explains in her interview that there is a lack of fashion designers in Tehran. While fashion designers exist in Tehran, they are not widely known, because they are not publicized, and are thus out of reach for most potential consumers. The sources of inspiration for creating a style are thus limited. Nevertheless, TV fashion styles are widespread among the population:

Everybody in the street sees what is going on, try to copy, make-up wise. I think everybody wants to follow, with Fashion TV. Even my employees, very Southern Tehran [low class part of the city], they can have fashion TV. So they follow. (Shadi, fashion designer, Teheran)

In this quotation the sense of copying is in some ways reversed in relation to designers in Paris. Street styles are sources of inspiration for many western designers, while in this case the 'street' is inspired by mainstream fashion. The circuit is closed. A further limitation for style creation in Tehran may be the scarcity of the options, in terms of variety of clothing.

I think you have a choice in Europe, you can go to fashion stores and buy something you like, or you just can construct your own style. You can create by yourself and just wear it. But here you do not see young people being creative, like having their own style. They wear all the same short mantos,⁵ same make up, everyone! Jeans, scarves, I don't like this. (Neda)

Nevertheless, there is something else which induces an absence of creative spirit. Most of my interviewees identified it with the conservatism that characterizes social relations in Tehran. While this argument is partially accurate – especially when it concerns male consumers – there is another important factor that plays into the widespread 'style copying' in Tehran. The social pressure and the complicated surveillance system in public spaces create a context in which experimentation with clothing is gradual and prudent. Beyond the 'natural' tendency of feeling part of the group through clothing identification, there is the step-by-step experimentation with space and social relations specific to the place.⁶ This experimentation may include Parissa's story of her copying the *abba*, the overcoat specific to the *mullah*. She said she made her first *abba* in the years immediately succeeding the imposition of dress codes and Islamic morals on Iranian public space. The style eventually caught up, but she humorously evokes the moments of experimentation with the new style.

I mean I started from outside, I copied the mullahs, what they were wearing (nobody was wearing them), the first thing I started to make was *abba*. And I wear it myself first. And everywhere I went they catch me and they

stopped me. What is this, why are you copying the mullahs?, because I put the scarf around my head in the same way. They did not like it at all. I told them 'don't you tell us every time to copy them? They are the best, what's wrong then? I am copying them!?' 'No, no, we were talking to the men, not the women!' (laughs)

There are several elements that emerge in this fragment: first is widespread identification with a group through imitation of its clothing style. Parissa used the *abba* ironically, but she also proposed it to the public as a practical way of dressing under the new regime. Copying dress and 'copying' behavior is automatically linked and ironically used in this case. Her first remark, 'I started from outside' marks the locus of inspiration outside the designer's realm, that is somehow not in her 'pure creative territory'. Nevertheless, as I remarked further in the interview, Parissa does not seem to see copying as illegitimate as long as the artist puts a personal touch in the creation (an opinion shared to a certain degree by all the designers I met in both Paris and Tehran). On the contrary, she has a rather open opinion about copying, resting assured that the designer's or artist's touch will always mark an original dress. But she, as well as many others I interviewed in Iran, complained about a sort of 'national character' in Iran that makes copying widespread:

We, Iranians, are the best copymakers in the world! (laughs) We copy everything, you know. But, what to do? [sic!] Everybody copies everybody. It has always been like this, and it will always be. Not everybody has the brain to bring out something new . . . So everybody is a copy! (Parissa)

ART FOR DESIGNERS, COPYRIGHTS FOR BUSINESS

The second level of copying is industrial copying, the large-scale production of fashion commodities bearing prestige names like Chanel, Louis Vuitton, or Dior. While important and not without significant impact on the market, it is not the purpose of this chapter to analyze this phenomenon.

The third kind of copying refers to the clothing production by tailors and designers and the use of a prestigious name to increase the value of clothes. On one of my first days in Tehran I went to Sa'adi street, in the center of the city, where many bottom-of-the-market tailors are concentrated. In the window of one store, I saw big rolls of brand names like Nike, Boss or Ralph Laurent, that could be bought, cut, and applied to locally produced clothing (see Figure 2). In the same store one could find a variety of branded buttons, zippers, and so on. I later found out that there are many such stores, and that in the Grand Bazaar there is a special section dedicated to them.

It is a common practice among tailors in Tehran to offer to their clients not only copycats from fashion magazines but branded copies of



FIGURE 2 Brand-name tags for sale on Sa'adi street in Tehran.

will always propose a particular style of his own. Shadi does not deny that she is inspired by western fashion magazines:

I definitely do not copy. I do get inspired by magazines and everything to see what the trend is, to see what has been done, what has not been done . . . But I really do not copy.

Shadi signs her dresses with her name, hand-embroidered with golden letters on a black tag. In pre-revolutionary times, her mother was a well-known dressmaker for high-class women. Shadi started her work by helping her mother and eventually took up the business. While she kept some of her mother's clients, she formed a younger clientele of her own. It was at that point that she invented her signature. I asked if her mother had a signature, and a friend of Shadi present during our conversation responded 'she didn't need one'. The implication was that she was so well known that she did not need to sign her creations. Although Shadi

the client's choice. In contrast, fashion designers of Tehran refuse to provide such services. As Shadi once told me:

I had this request from some man who wanted me just to copy an Armani jacket, I said: 'I am sorry I will not do this'. I don't accept when a customer comes to me and says: 'I want to have this' . . . well, no!

This fact constitutes the main distinction designers make between themselves and the large number of tailors active in Tehran. While one may go to a tailor and order a dress directly copied from a western journal (French *Vogue* is the most widespread but I have also seen various other journals, or just pages cut from fashion magazines), a designer

is also well known, she has a signature. I will argue that there is a series of other factors that play into the presence of a signature, not only in Shadi's case, but in that of other designers in Tehran. For the moment, it is important to remember that Shadi has a large clientele from Tehran and from the Iranian diaspora. She sometimes receives orders by mail or phone from clients in Paris or London; the clients usually ask her to duplicate a piece in a different size, for a friend or relative. At the same time, Shadi has what she calls a small ready-to-wear line: dresses made for daytime use that she produces. During the 1990s, Shadi worked in a publicity production firm in New York. From previous interview excerpts, one can see Shadi's discursive rejection of copying linked to her practice.

The issue of copyright seems to be a new concern among fashion designers in Tehran. Consequently, not all of them had developed brand names. In general, the idea of copies and copying does not seem illegitimate in itself; the many opinions expressed on the topic ranged from considering the copy as a stimulus to imagination, to the copy as inoffensive 'because everybody knows me and my dresses'.

Copying is also present in other domains, for example, in the market of art reproduction in Tehran. In the same commercial spaces where one finds counterfeit clothing, one may also find painting reproductions (Figure 3). The reproduction of famous or even lesser known paintings on different backings (from canvas to carpets) is also a common practice in Tehran, and there are boutiques in which one can watch the entire process of copying.

But having one's own signature and not accepting client's requests for copies are mechanisms of distinction among Tehran designers. The idea that 'everybody copies' in one way or another is however regularly invoked. Designers and stylists in Tehran generally maintain when asked in interviews that they do not copy. In practice they are clearly inspired (and in some cases more than merely inspired) by western journals such as *Vogue*, and professional catalogues (like Secada) at least for the clothes designed for evening use (Figure 4). The quality of the product (copied or not) varies with the designer, with the fabric used, and with the accessories (buttons, zippers, sewing thread and so on). When asked, Shadi told me that she picks her fabrics and buttons without concern for their provenience, but for the quality and aesthetics. She showed me the drawers in which she stored zippers of various makes, ranging from China to Germany.

Other designers I met produced clothing in larger numbers and created their own brand. While Shadi uses her own name hand-embroidered in golden letters on black or dark brown, Nafisseh brands all of her products with the label Z.A.N., accompanied by the logo sign for femininity (the circle and the +); *zan* in Farsi means woman. Nafisseh forms a working team with Roxanne, which may explain why the brand



FIGURE 3 Reproduction of a portrait in an art boutique in Tehran.

is an abstract name. Nafisseh also told me, showing me the label on her own *manto*: 'It makes more "mark", more like a fashionable occidental logo.' The labels are produced locally, and Nafisseh appends them to her 'Islamic *mantoha*' that she sells in a series of small boutiques in Tehran.

Not all designers have a brand name. For example, Azadeh makes only one example of every creation, and she does not feel the need to brand her products. Nonetheless, Azadeh brands the bags in which she packs her clients' clothing with her signature and phone number. This idea was greatly appreciated by a Parisian designer I visited after my return to Tehran, and it is not unlikely to appear in Paris in the near future. By labeling her bags, Azadeh essentially engages in the same practice that a ready-to-wear or a prestigious fashion house does. In many parts of the world shopping bags wear the sign, signature, or logo of the store or designer.⁷

Azadeh's approach to her work, in her own terms, is artistic. She explained to me she does not sign her clothes because everyone knows

her style and because she is inspired by traditional clothing. Azadeh differentiates between her creative work and her business-oriented work, giving the example of Mahla as a business-oriented designer.

Mahla is the creator of 'Lotous' dress brand, of the Iranian fashion journal with the same name, and the organizer of the only two public fashion shows held since the Islamic Revolution. Among the designers in Tehran she is the personification of big business and of the differentiation of dressmaking from art. When we touched on the issue of copy-rights, she shared with me her opinion that copy is a stimulus for creation and that being copied also means being well known. When I asked her if somebody had copied her models, she answered:

They did not copy it yet. (Laughs) They did not do it, yet. But they cannot. Do you know why? Because I applied for copyrights. It is a very new office. In a special place they give us a number, and then we put that number on our brand. Nobody else can use it. But as you know, all around the world is the same.

From a legal point of view, Iran offers complete protection to brand names and patents. Nevertheless, there is no regulation regarding the protection of designs and dress models, because they do not come under the jurisdiction of Industrial Property law. The authorship rights have won recent recognition, and only in 1971 did Iran adopt a law regarding authorship and copyrights. Although Iran signed the convention of the World Organization for Protection of Intellectual Property, it did not ratify the Bern convention, meaning that designs and models are not protected. It is likely that Mahla registered the brand name for the Intellectual Property protection. This did not however stop the circulation of the first issue of *Lotous* magazine on the Internet. On email circuits among friends, just two weeks after its coming to market (March 2003), the journal, scanned in its entirety, arrived in electronic mailboxes.



FIGURE 4 Fashion journals offer inspiration.

Of all the designers I spoke to, only Mahla had her brand name registered. There may be many reasons for this. Except for Mahla, who is a public figure, most designers prefer to keep their visibility in public and in legal spaces as low as possible. The main reason for this appears to be the delicate nature of their craft, and its intersection with Iranian state regulation. However, fiscal considerations may also be at the basis of the desire of invisibility. In any case, besides Mahla, the designers who have a brand name seem to ignore even the existence of the patent office. Shadi was amazed when I asked her about registering her brand. It is important to remark that the use of a brand name precedes the registration of the mark, and is a practice independent from the legal space conferred to it. This is completely unlike the young designers I have met in Paris, who mark their existence as such from the moment of brand name registration.

From the perspective of the dynamic of brand name practices in Tehran, Parissa is the designer who epitomizes the transformations in this craft with regard to copyright and branding in Tehran. Although professionally active for more than 20 years, Parissa never signed her clothes. Her opinion on copying is liberal, and she is persuaded that there is no real *ex nihilo* creation.

So I start first with copying these things which they wear in the village, mixing them a little with the western style, and slowly they start to come out of my own brain, you know, not copying anymore . . . Well, altogether, I have the ideas from Ottomans, Ismaili, you know the Turks, all these . . . Turkeman colors, things like this, and all Qajar style. Copying a little, but making them a little different.

As Parissa goes on to explain in the interview, her originality comes from the artistic 'touch' she confers to her dresses; she does not even present herself as a clothing designer, but rather as somebody with a special gift for colors, and their inspired combination. Her clients come from the Tehran upper classes, as well as from the Iranian Diaspora, mainly from Los Angeles. When I asked her about branding her clothes, she told me that 'everybody knows me', and therefore there is no need for her to do so.

Later in our conversation, Parissa shared the details of her current dilemma. She never claimed rights of property over her designs. She told me she could always recognize her clothes by her personal 'touch', as could her clients. Nevertheless, recently she received phone calls from Los Angeles, from clients turned friends, who urged her to tune her TV to a Los Angeles-based Iranian channel in order to see her own clothes presented by somebody else as her own work. Following her account, supported by other friends I met later, the clothes Parissa made and sold to members of the Iranian diaspora were apparently re-bought and

presented under a different signature by an Iranian designer from Los Angeles. Parissa told me:

If my head was made for business, I could sue her and make a lot of money, because I have pictures with these clothes on me taken ten years ago. But I am not like this. And this is my problem.

She explained to me that now she is intending to create her own brand, but not in Iran. She does not want to develop it under her own name, either, for the reasons mentioned before. Parissa had been invited to an international show that took place in London in January 2004. 'Because of this, now I have to think about a name, about a brand, maybe a website. Now I have to look for a photographer to make a portfolio'. Thinking about a portfolio, a brand name, and a (commercial) website in fact is the recognition on her part of the necessity of embracing new practices linked to fashion as business. All the three elements she mentioned are in fact part of the creation of a territory, a 'brand territory' that would ideally bring economic gain, and the possibility of exploitation of a name, or signature. From Parissa's perspective, these 'things' are far away from her artistic preoccupation with and approach to fashion. The incident of her creations being resold under a different name does not stir in her the desire to recuperate what is 'naturally' hers.

The distinction between artist and business-person is a valid and operative one in Tehran, among the designers I interviewed. On the contrary, in Paris the designers (*créateurs*) I interviewed operate within the logic of the unity of art and industry, talking about their work as both artistic creation and legally regulated source of economic gain. Being copied is a constant concern for my interviewees in Paris, and to a lesser degree in Tehran.

It becomes evident that in Tehran preoccupations with copyright started in the later period, along with two important mutations: firstly, the change of status of dressmakers from tailor/couturier to couturier/designer, and their entry into the logic of the market. It is notable that three out of four designers whom I have met and who have a brand name belong to a younger generation (between 35 and 50 years old), and all of them studied or worked abroad in Europe or in the United States. As previously mentioned, Shadi transformed her mother's tailor-shop into a fashion design workshop upon her return from New York. Unlike her mother who relied on her prestige among her frequent clients, Shadi created a name, marked the dress, and gave birth to a recognizable brand beyond the network of familiarity.

Nafiseh (Z.A.N.) produces *mantoha* on a large scale. She developed her brand in order to differentiate herself among the industrial producers. Z.A.N. is presented as a ready-to-wear deluxe line. Lotous also started as a commercial brand (Mahla, the owner, studied banking in

Holland). Lotous is a special case. The development of internal textile production, due to the effect of a protectionist economy (imports were forbidden up until March 2002), created a highly competitive internal market. Stylists distinguish themselves through their name, prices and the clientele they have developed (mainly persons from the same privileged class position).

Second, the increased diffusion of locally produced designer clothing threatened those very designers' economic gain. The clients from the Iranian diaspora buy and bring clothing from Tehran to their homes in London, Paris, or Los Angeles. Some of the designers I have met were warned by their clients about being copied by Iranian stylists from abroad (as was the case for Parissa, described earlier). The movement of clothes outside Iranian borders (or rather outside the small 'controlled' area of Northern Tehran) and their exposure to a larger public made poignant the issue of distinction through brand or signature. The individualization of clothing through name is important when the diffusion of style(s) becomes broader, and there are economic gains in prospect.

In Iran, fashion practices and market logic, along with the slowly introduced legislation geared towards the copyright and patents, has led to the ideas of signature and copyright among the designers of Tehran (parts of the myth of authorship). Although most of the designers do not know or follow the legal procedures for registering their brands, they do put names on their creations, and construct prestige and status attached to their name. In the absence of a law on design or model protection, this advantage, however, cannot necessarily be exploited through licensing.

AUTHORS, POWER, TERRITORY

In Iran, the process of introduction of a law regarding copyrights is paralleled by practices in the fashion industry that point to defining the individual as author. The idea of author already exists, of course, but the economic construction and the establishment of an intellectual territory to be exploited is in many ways a new one. In France, in the case of licensing, the fact that the designer may have acquired a new social status, and that prestige became attached to his/her name, created the economic opportunity of using one's name or signature for economic gain. The license protection law came after this practice was in place. The author became a legal incorporation of intellectual property rights.

The economic law of authorship invites new conceptions of the individual and new approaches to art. The unity of art as conceived in French law does not make sense among Tehran designers. The designers from Tehran and their clients discursively separate artist from

business-person. In their opinion, an artist does not look for economic gain, since her work is defined by the timeless creation rather than by temporal economic laws. So is her persona. That is, in many cases, even if a creation belongs to a person, the sources of this creation are diffused in an a-temporal tradition. As Azadeh told me repeatedly, she finds inspiration in old architecture, in villages, or in the clothes of the *kashkay* (nomad tribe of Iran). Azadeh does not sign her clothing, nor does Parissa. They are the two designers most inspired by traditional clothing and farthest from the market logic. Albeit timeless, the inspiration is very well delimited territorially in the designers' views. It is either Iranian or western.

Traditional clothes and national territory articulate in the idea of the territoriality of the copyright. Many designers in Tehran talk about the ease with which western designers integrate Iranian style or patterns in their models, signing them afterwards and gaining intellectual (territorial) property rights and primacy over them. 'Ethnic', 'oriental', or 'bohemian' are so many styles that designate, in Paris or elsewhere, the procedure of 'author-izing' unsigned models. A Parisian fashion designer may create (in) an 'ethnic' style, a fact that does not diminish his/her authorial authority, because the act is already inscribed into a legal field that identifies individuals as authors rather than diffuse entities such as the 'ethnos'. As Marilyn Strathern (1996) observes, intellectual property rights that may be applied to 'cultural ownership' legalize the techniques of production rather than the outcome, the model. They fall under the incidence of intellectual property protecting potentiality, and not under the laws of patent and model copyright. Thus, 'ethnic dress' (and non-western territory) may be legally appropriated through signature (and mimicry, see note 4).⁸

The author is the contingent emergence of the exercise of copyrights applied to objects, and the signing is the act that incorporates this contingency. Signature transforms dynamic power into a static identifiable entity, the emerging author. The endless reproduction of signature via licensing practices is the generating moment for potential economic gain. Expand the extent and one may talk about territorial possession through signature. Tehran designers complain about the fact that they have to copy western styles that seem a-territorial (because of the Universal-like value attached) but already individually authorized, whereas fashion designers in Paris do not hesitate to employ 'traditional' or 'exotic' styles, which seem timeless and thus non-authored. The intersection of fashion practices between Tehran and Paris manifests itself in a field of power relations that deploys and authorizes (or not) the author. The western fashion centres' domination is based on signature primacy and territorial ascendancy. Practices of copyright entitle those who apply them to conquer new spaces and mark new territories while mimicking the

original already in place. The universal characteristic of western fashion and the engagement with modern forms through desire make many Tehranian designers create in a western spirit that in turn may be permanently identified as copying. That is because, in contrast to non-western ('ethnic') clothing, western clothing always comes already signed, integrated into a system of copyrighted territoriality.

Among the designers from Tehran, western clothes are equivalent to haute couture, gaining thus a universal dimension similar perhaps to that of modernity. But, as in the Eurocentric discourses of modernity in which non-western locations are always mimetic of modernity, fashion designers in Tehran are always already 'copies'. The ethnological approach presented here argues that this is clearly not the case, and that it is the organization of copyrights and authorship into a legal structure, among other elements, that confers to western designs power and ascendancy. Time and space and profit through exploitation and territory are brought together in copyright laws.

In Tehran, practices of commerce and industry (and anticipated profits) induce the desire for law, and the application of law creates notions of authorship. The French Embassy puts at the public's disposal a list of local lawyers specializing in copyright legal matters. Even though most of the designers I talked to do not know how these laws might apply to their products, they are signing their products, thus making possible an eventual recognition of the author. But 'author' need not have the same meaning in Tehran as in Paris, at least not at the moment of this study. Significant differences remain, such as the separation between art and art applied to industry (in Tehran but not in Paris) and the absence of a legal frame that makes 'author' a potentially profitable category.

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Notes

1. See Michel Foucault (1984).
2. French chain of supermarkets that offers a large variety of commodities, from office tools to clothes, passing through food.
3. For an anthropological approach to the link between intellectual property and potentiality, see Marilyn Strathern (1996). Her argument links a dispersed field of intellectual property rights in order to rethink the disembodiment of life (as form) from the body (as vehicle). Legal discourses place form under the category of ownership rights, while the vehicle is non-legislated. Thus, assemblies of independently created forms may constitute new possible

- legal incorporations. The argument of this article is that the author him- or herself is the cumulus of legal forms that are economically sanctioned.
4. Based on Taussig's concept of mimesis, Rosemary Coombe (1996) discusses the trademark as a mode of legal spatial appropriation that effaces the original referent (oftentimes an/other who does not benefit from the economic gains brought by the trademark, in her case Native Americans). The (figurative) trademark is the expression of the mimetic capacity that influences the original. Thus, Native Americans and indigenous people have to claim intellectual property of trademark images that are imitations (and oftentimes mockeries) of themselves. The question of the extension of copyrights to culture as a product of collective human actions preoccupies anthropological inquiries into the legal systems. Strathern (1996) observes the cognitive difficulty of presenting cultures as discrete bodies that may acquire intellectual property rights. See also Michael Brown (1998).
 5. *Manto* (pl. *mantoha*) is a piece of dress resembling an overcoat, varying in form and color, that women in Tehran wear in public spaces. *Manto* is required by the laws of the Islamic Republic of Iran.
 6. The Islamic Republic of Iran is a political state that intended to create a public sphere on a religious basis. One of the first expressions of this regularization was the imposition of a strict dress code. However, over the last 25 years daily social practices transformed and reorganized the dress impositions. In the specific urban geography, different spaces are invested with different types of clothing, an observation valid for any part of the world. The social practices of fashion constitute a source of authority in Tehran's various social contexts, an aesthetic authority that organizes bodies, movements, time, and spaces. This aesthetic authority intersects the Islamic Republican state regulations and the underlying forms of morality that may exist in the social body independent of State regulation and that are manifested through daily practices.
 7. Branded shopping bags bearing Euro-American names such as Zara, Gap, or Mango are used daily by women in Tehran as a mark of distinction, while shopping or simply visiting friends. Imitation luxury boutiques (Fr. *simililux*) also use western branded bags in order to decorate the shop-windows.
 8. A wealth of literature deals with the consequences of generalizing property and reducing the space of common ownership. For a review of this literature see Keith Aoki (no date). Biopiracy is given special attention for two reasons: first, the ethical and ontological questions it gives rise to (e.g. property over life, legally solved in some spaces through the separation between forms and vehicles of life). However, this separation is constantly contested and rearranged in practices dealing with biological matter(s); see also Paul Rabinow (1999). Second, the impact that the patents of forms of life have on peasant populations (and on global food supplies) who are obliged to buy from multinational corporations the patented technique that they previously used and was part of common knowledge. (See Vandana Shiva, 1999.)

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