

Title: Every look tells a story: what we can learn at the intersection of IP education, fashion heritage and emerging technologies

(formerly Fashion Heritage and Intellectual Property: From the archives to an experience)

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Managing and understanding the value of intellectual property (IP) is vital to global creatives, citizens and consumers alike. In a digital space, expectations on what to be able to access, reuse and experience are increasingly at the forefront of museum programming, whilst an approach to creative education and enterprise is to navigate new pathways where art, design, technology and innovation intersect.

To date IP education has been focused on future law professionals rather than those working in creative practice. Similarly a working knowledge of how to manage IP in museum practice has been overlooked. IP education and awareness in both key areas of the creative industries are still emerging and constantly evolving as new ways to communicate, share and influence present themselves.

For fashion exhibitions, museums are shifting from didactic displays to more digital multi-sensory experiences. Digital platforms such as the EC funded initiative Europeana Fashion have led the way in creating universal standards of best practice for managing IP in fashion heritage. In the fashion industry, block chain technologies are being embraced to encourage transparent practice in the supply chain and deep fake initiatives have the potential to transform the consumer experience.

This paper explores the intersection of IP education, fashion heritage and emerging technologies and considers how both museums and universities can remain relevant as spaces for collective cultural memory, social transformation and encourage good ethical practice.

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Cultural institutions and art and design universities have shared goals as hubs for learning, knowledge exchange and inclusive spaces for innovative thinking and creative practice. In a digital space, expectations on what to be able to access, reuse and experience are increasingly at the forefront of museum programming, whilst an approach to creative education is to navigate new pathways where art, design, technology and innovation intersect.

Intellectual property (IP) is a legal right to protect the interests of creatives and innovators and equally for society to benefit from cultural production. In a data-driven society, IP has become an unprecedented asset for innovation, economic growth and sustainable futures. It's like an invisible business partner oiling the wheels of trade and encourages creative and cultural exchange. Simultaneously it's a powerful tool for speaking up, making a difference and balances the interests of those who own IP with public interests and freedom of expression.

Managing and understanding the value of IP is vital to global creatives, citizens and consumers alike. It's an opportunity to learn, share and influence. To date IP education has been largely reserved as black letter law to future law professionals. It is only in more recent years with the rise of intangible IP and growth of the creative economy that any consideration has been made to embed IP education within interdisciplinary courses of business, innovation and enterprise¹. It is still largely overlooked within the curriculum for art and design courses and is an emerging field to embed into creative practice.

London College of Fashion (LCF), University of Arts (UAL) identifies four values for its students; fashion shapes lives, looking at fashion as a tool for social transformation, examining the past and building a sustainable future. Fashion has commercial currency and education and collaboration with industry can help pave the way for future creative practice. Fashion is a platform for communication, a way to tell stories, to connect, to make a difference. Lastly, fashion sets trends, captures a moment, embraces the zeitgeist and sparks innovation and inspiration. In this context it is essential for fashion students to understand the value of IP as a critical business and life tool and an effective way to communicate and collaborate.

Historically IP has always been connected to education and the dissemination of knowledge. However within the creative industries and particularly for fashion, it's evident that with transformative platforms such as Instagram and the increasing intersection of fashion and technology, the landscape has shifted. There has been a transition from the notion of a creative as a lone genius to an industry that is evolving through shared approaches and collective practice.

It is this undefined landscape of collaboration which is perhaps of most interest to discussions on IP ownership, what unlawful copying looks like and ethics in relation to outputs which are the product of man and machine. Consider activities ranging from crowdsourcing, hackathons, open source projects, audience participation and facial recognition consent to be part of artworks to VR catwalk shows, deep fake

¹ Soetendorp R., 2008 *'Intellectual Property education- in the Law School and Beyond'*, Research Gate, sent via the author on 23 May 2019

initiatives², machines ‘inventing’ tangible outputs. More and more questions are being asked about who owns what, when inspiration becomes unlawful imitation, who benefits financially and reputationally.

It is in this arena of ownership and what copying means both creatively and culturally that cultural institutions are navigating in a slightly different albeit equally as complex space.

Andrew Bolton, Head of the Metropolitan Museum of Arts Costume Institute recognises the universal appeal of fashion, ‘The beautiful thing about fashion and clothing is that it’s accessible... we all wear it, so we all have an opinion about it’.

The role of museums as custodians of shared cultural memory is evident in the increasing number of high profile fashion exhibitions. In the last decade a number have focused on the legacy of individual influencers, fashion contextualised within defining chapters of popular culture to exploring current debates on environmental and ethical issues facing the fashion industry.

Christian Dior: Designer of Dreams, the latest exhibition at the Victoria and Albert Museum, London embodies the V&A’s tour de force as one of the leading cultural institutions celebrating fashion heritage. Its programme along with other institutions not only acknowledges the legacy of fashion archives for future generations of creatives and consumers of culture, but also explores the potential of technology to engage with new audiences and showcase unseen areas of its collections.

As part of the creative process, cultural institutions such as the Victoria and Albert Museum, London (V&A) are vital sources of inspiration for future fashion creatives and provide a space for creative and cultural exchange. The 2017 collaboration with LCF, the V&A and the Balenciaga Archive as part of the 2017 exhibition *Balenciaga; Shaping Fashion* is an example of using technology (in this case digital pattern cutting) as a tool to explore the construction of vintage couture.

In planning and executing exhibitions of such wide reaching impact, considering intellectual property in practice is essential. Whether acquiring a work from a design house, publishing a magazine spread, filming a creative process, being inspired by a fashion archive to create a new range of ceramics, using archival catwalk footage in an exhibition space; managing and understanding when to seek permission from a rights holder is essential for cultural institutions. Their vital role in society as custodians and repositories of collective cultural memory is dependent on navigating the complexities that intellectual property can present e.g. who owns an archive of unauthored 1950s fashion illustrations?

Emerging technologies present many opportunities for cultural institutions to encapsulate the fashion ‘experience’. It has also positioned intellectual property at the forefront of discussions around how the public engage with fashion heritage. Over the last decade technology has breathed new life into traditionally didactic displays of still-life fashion. Many fashion exhibitions have transitioned from static mannequins to multi-sensory encounters such as holographic works, x-rays revealing stitching techniques to multi-sensory ‘cabinet of curiosity’ style finales. Equally for smaller collections, moving from an analogue to digital space offers new ways to explore new platforms and provide access to previously invisible pockets of rich cultural heritage. Smartphone technology and digital platforms have arguably placed the role of the public as ‘curators’ of their own exhibition experience, whilst 3D technology encourages innovative ways to make perfect copies of fashion garments.

²<https://www.forbes.com/sites/katiebaron/2019/07/29/digital-doubles-the-deepfake-tech-nourishing-new-wave-retail/#6b55ca644cc7> (Accessed 12 August 2019)

Opportunities also present challenges. In an industry context, fashion is inherently subjective and notoriously ambiguous in a legal sense. Often the utilitarian role of fashion is recognised over any aesthetic value. For cultural institutions who recognise pioneers of fashion for their creative contribution to society, it makes day to day practical decisions on when to seek permission, when to share and how to share it problematic.

In recent years digital platforms such as the EC funded initiative Europeana Foundation have made significant inroads to creating universal standards of best practice for managing intellectual property in cultural content, including fashion heritage. In the fashion industry, block chain technologies are being embraced to encourage transparent practice in the supply chain.

This paper/study will explore the current issues cultural institutions and art and design universities are addressing as hubs for learning, knowledge exchange and inclusive spaces for innovative thinking and creative practice. It will consider the intersection of IP education, fashion heritage and emerging technologies, look at where the opportunities lie for knowledge sharing and how both museums and universities can remain relevant as spaces for collective cultural memory, social transformation and encourage good ethical practice.

Statement of the Research Question:

The research questions addressed in this paper are: *How can art and design universities lead in IP education for innovation? How can cultural institutions fulfil their public access remit when faced with complex IP issues?*

Major Research Areas of the Paper: IP education, Creative industries, Cultural Heritage, Open Culture, Digital Heritage, Collections Management, Fashion, Intellectual Property

Theoretical / Conceptual Framework Used: Museology, Digital Humanities,

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