From its inception in the 1860s, haute couture displayed contradictory attitudes toward imitation of its models. Couturiers followed a long French tradition of publicity for their models throughout Europe and the New World. Publicity invited imitation. In the first two decades of the twentieth century, many designers became suspicious of the major form of publicity, the rapidly expanding fashion press, because models in the press “could be filched,” in the blunt words of Elsa Chase, long-time chief editor of *Vogue*. Chase explained, “If they wanted publicity and fame, which they did, they had to risk the copying by individuals.”¹ In actuality, most couturiers tolerated copying by “little” dressmakers for individual customers and were only hostile toward larger-scale commercial counterfeiting. After 1905, many struggled to have their ephemeral models covered under national and international laws protecting artistic property and industrial designs from plagiarism or piracy. In the 1920s and 1930s, designers waged a legal assault on commercial counterfeiting. Fashion theorist Gilles Lipovetsky captures the paradox: “No other fashion institution has had to keep on mobilizing a legal arsenal to protect itself against plagiarists and imitators; no other has benefited from the steady, intense publicity of a specialized press.”² The basic problem was legal vulnerability to piracy, but internal differences between upholders of the tradition of style for the few and advocates of the modern system of fashion for the many exacerbated the problem. Directly and indirectly, the interplay of these factors fostered a modest democratization of fashion.
Publicity

One reason for mounting tensions over copying was increased publicity. Paris first set fashion trends in the seventeenth century, certainly because of the political predominance of the French state and the cultural ascendancy of the court of Versailles but also because Lyonnais silk manufacturers pioneered national and international advertising. A few sent dolls dressed in the latest Paris style to other major cities in France and to European court cities to generate orders to be made up in Paris or by local dressmakers. In either case, dressmakers would be expected to order Lyonnais silks. In the twentieth century, the textile industry retained considerable influence on haute couture because it provided the essential materials and because manufacturers often financed couturiers by the returns system of delaying payment until the collections had sold and then settling for a percentage of the previously negotiated price for unpopular fabrics. Of course, textile manufacturers were not only interested in promoting haute couture; they sold some fabrics returned by haute couture to “little” dressmakers and cheaper versions of “exclusive” fabrics to ready-made manufacturers and department stores.

Between 1890 and 1914, French publishers quadrupled the number of long-running women’s and fashion magazines. Fashion plates, fashion albums, and society magazines like *La Gazette du Bon Ton* became more exquisite. Only two of these extravagant magazines survived the First World War, and they only survived for six years. But less expensive society periodicals, such as *Fémina* and *Vogue*, commissioned artists to draw their covers after the war. Less famous illustrators made art deco drawings of designer models in the full-page advertisements that appeared inside the covers. These fashion illustrations evoked elegance and revealed obvious features—for example, the silhouette—but obscured subtle design features. Only very accomplished dressmakers could reproduce the gowns in these illustrations.

Although few women’s magazines were founded during the war, eighteen new magazines appeared in the 1920s and endured for at least a decade between the world wars. At any one time dozens of illustrated magazines depicted and described the “highlights” of the seasonal collections. To do so, editors and reporters had to have access to the collections. As couturiers became more vigilant about who could attend their seasonal shows, in response to pirating, editors and reporters had to maintain good relations with them or resort to subterfuge.
to report on the collections. The already indistinct line between reporting and publicity was further blurred. Magazines also published sketches and photos with captions about what \textit{les élégantes} wore to the theater and to balls during the winter, to major horseracing events in the spring, and on the beaches of the Riviera or Atlantic coast in the summer. Like art deco drawings, these sketches and black-and-white photos provided too few details for neighborhood dressmakers to duplicate them exactly.

The same magazines printed black-and-white drawings of apparel “inspired by” couture styles with accompanying captions explaining their construction and materials, usually alluding to having “your dressmaker” make them up. Some patterns were not just inspired by but were the work of famous designers. Charles Worth permitted \textit{Harper’s Bazaar} and the illustrated magazine \textit{Le Printemps}, with a circulation of 10,000, to publish patterns of some of his models.\textsuperscript{8} Jenny advertised signed patterns in \textit{L’Illustration des Modes} at the not-exorbitant price of twelve francs. She had an arrangement with the Soieries Real firm to sell the “original material” for these patterns. Less-famous designers allowed \textit{La Mode Pratique} to market patterns for some of their designs.\textsuperscript{9}

Although these kinds of articles and marketing disappeared from society magazines after 1928, weekly magazines and supplements for middle-class women continued to run columns on how to sew apparel similar to couture models.\textsuperscript{10} Many weeklies included patterns “influenced by” recent designer models or “inspired” by recent collections. Less than a month might elapse between the presentation of the original model in the seasonal collections and the publication of these patterns in weeklies, which had twenty times the circulation of any society monthly. Together with pattern catalogs promising Parisian styles, these weeklies suggest that more bourgeois women were following Parisian trends, if not buying or exactly copying haute couture.\textsuperscript{11}

Haute couture was uneasy about the new technique of fashion photography. Beginning in the 1880s, designers hired photographers to record their models for deposit at the Conseil des Prud’hommes in order to document their claims to have created the models. The live or inanimate mannequins displaying models were brightly lit to highlight design features rather than to create an overall impression. When it was technically feasible to reproduce photographs in the press in the 1890s, magazines did not print many photographs, because the technology was new and expensive. But designers released photos of \textit{les élégantes} dressed in their models at the Longchamps races and other fashion showcase events.
These photographs mix two genres: news photographs, intended to document, and celebrity photographs, intended to flatter the subject. In the early twentieth century, a few shots were reproduced in color. Most of these shots are more literal than evocative; they denoted rather than connoted meaning. During the interwar years the Séeberger brothers (Louis, 1874–1946, and Henri, 1876–1956) shot up to 150 black-and-white photographs of les élégantes wearing designer dresses at the six major Longchamps races, four Auteuil prize races, as well as at Cannes and other beach resorts during the summer season. Some of these photographs were released to the press. A skilled dressmaker might be able to sew a reasonable facsimile of the outfits in these photographs.

In the first decade of the twentieth century, fashion magazines began to include a few studio photographs taken by photographers. Early fashion photographers favored soft-focus shots and the vague pictorial conventions of fashion plates. Then Poiret began to employ art photographers. With the 1911 publication of Edward Steichen’s photographs of Poiret dresses in Art et Décoration, the modernist preference for sharp focus and clean geometric lines entered fashion photography. As director of La Gazette du Bon Ton and the Paris edition of Vogue, Lucien Vogel used fashion shots to promote photography as art. For instance, the chief photographer for Vogue in 1926, George Hoyningen-Huene, imported surrealist elements, such as shooting plastic mannequins to simulate real mannequins. These photographs vacillated between the fashion magazine’s need “to report the dress” and the artist’s desire to take risks, but they never had the documentary quality of the photographs deposited at the Conseil des Prud’hommes. Couturiers preferred the documentary photograph for property claims and evocative photography for public consumption.

During the First World War, the Chamber of Couture, Milliners, Lace Makers, and Embroiders complained to the Ministry of Commerce and to the Paris City Council about photographs taken of “the most outstanding models” worn at the Longchamps races and other showcase events. Convinced that color photography constituted “an immense danger” to their models, they asked that “appropriate police measures be taken to remedy this prejudice to their interests.” In 1913, the City Council supported their request for a police ordinance forbidding anyone taking pictures of models in shop windows “or in any public place” and for a law with the same restrictions. The council added the qualification that the law should only repress the criminal use of photographs for counterfeiting. Because the National Office of Industrial Property did not support such draconian censorship, nothing came of this improbable proposal.
As the number of photographs rose, designers hired specialized fashion photographers to represent their ensembles. In the late 1920s, the House of Worth employed Séeberger Frères and three other photography studios, eighteen professional models, and a dozen style setters, including a princess and a baroness. Through the interwar years, the firm employed forty-five photographers, including three women: Helen MacGregor, Mme. d’Ora, and Mme. Perstel.\textsuperscript{20} Most of their publicity photos were studio shots of a single mannequin with few props, although some were shot outdoors and included a natural background, usually tall, slender trees, mirroring the tall, slender appearance of the mannequins. Only the natural backgrounds in any way beckoned “into a world of unbridled fantasies by placing fashion and the body in any number of discursive contexts.”\textsuperscript{21} Up to a hundred photographs were distributed to twenty-eight magazines and three newspapers in France, Great Britain, Germany, Sweden, the United States, and Canada. Among the French magazines were the monthlies \textit{Femina}, \textit{Vogue}, \textit{L’Officiel de la Couture}, and \textit{L’Illustration des Modes}, and the newspaper supplements \textit{Figaro Hebdomadaire} and \textit{Excelsior Modes}. English outlets were \textit{Eve} (English version), \textit{Queens}, \textit{Harper’s Bazaar}, \textit{World Traveler}, and \textit{Westminster Gazette}; American outlets were the \textit{Ladies Home Journal}, the \textit{New York Times}, and the \textit{Cleveland Plain Dealer}; and Canadian outlets were \textit{Chatelaine} and \textit{Mayfair} Canada.\textsuperscript{22}

Abroad, French designs were prominently displayed in fashion magazines. Especially in the 1920s, when the number of glossy fashion magazines increased in the United States and Great Britain, many of the illustrations in the American and British editions of \textit{Vogue}, \textit{Harper’s Bazaar}, and other magazines were of Parisian couture. Their Paris correspondents covered the seasonal collections and wrote articles about specific designers; both types of article had more illustrations than text.\textsuperscript{23} \textit{Vogue} London put out special issues on the Paris collections.\textsuperscript{24} \textit{Women’s Wear Daily}, the trade organ of American “Retailers, Jobbers, and Manufacturers,” maintained a Paris bureau and routinely published illustrations of the latest Paris creations, as well as reviews of the seasonal collections, usually on the front page. \textit{Women’s Wear Daily} also ran photographs with captions like “Worn in Paris” or “Seen at St. Moritz.”\textsuperscript{25}

A pivotal figure in the distribution of fashion photographs to the United States was Thérèse Bonney, an American expatriate, fashion model, photographer, Paris Fashion Editor of the \textit{New York Times} between 1925 and 1935, and owner-operator of the first American illustrated press service in Europe (opened in 1923).
Her fashion photographs appeared in the *New York Times* and other major newspapers in the United States, as well as in advertisements in *Vogue* New York and *Harper’s Bazaar*. Bonney also introduced Americans to art deco art and design, notably in the Lord and Taylor department store’s Exposition of Modern French Decorative Art held in 1928. With her sister, Louise Bonney, she wrote for visiting Americans the user-friendly *Shopping Guide to Paris*, which spotlighted major couture houses, among other luxury good businesses.26

Most couturiers and couturières encouraged publicity in high-end publications and used the opportunity to establish how couture differed from ready-made clothing. An ad for the House of Chantal in *Vogue* New York explicitly appealed to snobbish readers: “Chantal makes no pretence of giving the public what it wants. She does not cater to the crowd. There is no mass production in the House of Chantal.”27 French designers were less sanguine about *Women’s Wear Daily*, because of the number of American clothing manufacturers that engaged in piracy. They were openly antagonistic toward a dozen illustrated fashion magazines published in Paris but distributed in Germany and Austria, because, in their words, these magazines helped Austrian and German manufacturers “pillage” French couture.28

Textile and clothing makers’ associations had long presented their creations at international, national, and specialized trade fairs. Many couturiers were represented at the 1900 fair in Paris, and Paquin mounted a show at the 1914 Lyonais fair (the second largest sample fair in Europe). Other couturiers did not attend the fair because silk producers had outlets in the capital.29 After the war, couturiers participated in specialized fairs, like the Silk Fête, which was organized by the Silk Manufacturers’ Syndicate in March 1923. With the help of the Association of Daily News Journalists of Lyon, the syndicate publicized the forthcoming event in appropriate media in France and selected foreign countries. Twenty couture houses, including Callot Soeurs, Drecoll, Doucillet, Jenny, Lanvin, Poiret, and Worth, brought thirty-three live mannequins with them to present their models. Eight local dressmakers, members of the Dressmakers Syndicate of Lyon, had only wax mannequins.30

After the war, textile manufacturers resumed international publicity at the Lyonais fair. For the 1925 fair, held before the art deco exposition in Paris, the organizers sent invitations in French to potential exhibitors and buyers in fifty-seven countries, in English to thirty-one countries, in German to twenty-one countries, and in Spanish to eight countries. One hundred thirty-nine of the 1,580
stands at the fair displayed textiles, 157 displayed ladies ready-to-wear, and 147 displayed men’s ready-to-wear. Foreign buyers came from forty-four countries, mostly European, but also North and South American and Asian. Some “faithful buyers,” such as the major Paris department stores Au Printemps, Bon Marché, Galeries Lafayette, and Aux Trois Quartiers, rented stands for their representatives. Four hundred and twenty-two buyers for thirty-two department stores acquired entry cards; individual Paris department stores sent eighteen to thirty buyers apiece. Ten percent of the foreign buyers came to buy silks alone, while 8.5 percent came for other textiles, and 9 percent came for ladies’ ready-to-wear.

Couturiers resumed international outreach before the armistice. In October 1918, Maurice de Waleffe (later the impresario of Miss France beauty pageants) gave a talk on couture in Zurich illustrated by a parade of “the most delicious models of our great couture houses, accompanied by an orchestra.” As the fashion columnist for La Soieirie de Lyon exclaimed, “What propaganda!” Especially during crises, couturiers revived the tradition. In January 1929, the director of the Martial and Armand House, Mme. Valle, organized a “French Fashion Show in London.” She also arranged a fashion show in Cairo, Egypt, where Parisian mannequins and “one of the famous Parisian actresses, Regina Camier, paraded in 120 of Mme. Valle’s new models.” During the Great Depression, Lucien Le-long flogged the superiority of French couture originals over copies in foreign markets through interviews, speeches, and fashion shows in major markets.

The 1925 Exhibition of the Decorative Arts helped increase exports from 57,169 million to 77,966 million francs. Encouraged by the results, experts had high expectations for the 1931 colonial exhibition. In 1927, planners made contact with the national and foreign press; in 1930 and 1931, they distributed monthly information bulletins to 1,100 French and foreign-language newspapers and spent 4 million francs on ads in the French and colonial press. They also employed cinema and conferences. Despite the colonial themes, most foreign publicity was directed to major markets—Great Britain, the United States, and Germany. The class of exhibitors known as the “luxury clothing industry destined for use in the colonies,” presided over by Jeanne Lanvin, consisted of a central stage and nine stands, with nine couture houses, including Lanvin, Worth, Cheruit, and Drecoll, presenting models on four live mannequins. Nineteen furriers, thirty-five embroidery firms, and even more lace and trim makers participated. Textile manufacturers were better represented than couture at this and other colonial exhibitions, so the main impact on couture styles was the introduction of new fab-
The exposition was credited with staving off the full impact of the world depression.

Especially after France devalued the franc in 1936, an unusual alliance of the Popular Front government, export industries, and luxury good industries put their hopes on the 1937 world fair boosting the economy. Planners spent more than ever before on publicity. The government paid 765,778 francs to Paris daily newspapers, 647,392 francs to provincial dailies, 628,475 francs to the periodical press, and 198,445 francs to business publications. For the first time, a world fair included a “Publicity Palace” and hosted an international congress on publicity.

Representatives of haute couture and the ready-to-wear industries worked closely with government to ensure that fashion would have a prominent site and role. The president of the Republic invented the post of “Lady of the 1937 Exposition.” Instead of mounting “some stylized statue of the Parisienne” — a reference to the huge statue at the 1900 Paris fair — he selected Daisy Fellowes, who was welcomed by the artist Jean Cocteau as “a Parisienne in flesh and bone.”

In planning the 1937 exposition, Jeanne Lanvin and the adornment group decided to abandon the formula of commercial sampling adopted by the preceding expositions and “to imagine a new presentation theme permitting all four classes to be grouped together in a decorative ensemble.” The Elegance Pavilion cost 2,110,874 francs, 1,458,174 of which exhibitors raised, while the government contributed 652,700 francs. Alix, Chanel, Heim, Jane Duverne, Jeanne Lanvin, Lucien Lelong, Lucien Paray, Maggy-Rouff, Martial et Armand, Molyneux, Nina Ricci, Patou, Schiaparelli, Vionnet, and Worth invested 24,400 francs apiece; twelve others, including Callot Soeurs, Jane Regny, Jenny, and Louise Boulanger, each paid 7,400 francs.

Although the economic impact of the 1937 exhibition was not as great as those of 1925 or 1931 had been, couture welcomed the return of the “Parisienennes in passing” and “elegant foreigners.” They also began preparing for the next major international fair. At least twenty couture houses exhibited in 1939 in New York.

**Copying**

As an informed insider remarked, “counterfeiting started at the same time as haute couture, at the very moment when Worth began confecting a series of models destined for export.” Counterfeiting of couture models expanded along with the international market for haute couture in the Belle Epoque. The custom of pre-
senting models to foreign buyers before domestic customers allowed unscrupulous buyers to sell advance information to unscrupulous domestic copiers, who produced cheaper copies before the originals had been formally presented domestically. The custom of selling models and instructions for reproducing the models to foreign manufacturers also facilitated foreign copying on a far greater scale than couturiers had intended. In 1896, a defense committee of members of the Couture, Lace, and Embroidery Syndicate tried to prevent domestic piracy by refusing to sell to foreigners before set dates, on the premise that this would reduce the opportunities for preemptive domestic copies. Designers began to present two seasonal collections a year, and counterfeiters scrambled to anticipate trends in the collections. Industrial espionage abounded.

In the 1920s and 1930s, changes in the nature of haute couture intensified the problem of counterfeiting. With the simplification of women’s dress, fashion was easier to copy and hence more accessible. Looser dresses could more easily be copied from sketches than form-fitting styles; simple, loose styles also reduced sizing problems in manufacturing. Most of Chanel’s garments required little material, and her nearly straight cuts could be made from less expensive materials. Some designers advocated introducing fancier styles requiring intricate cutting and sewing, as well as more fittings, as a solution to the problems of counterfeiting and undercutting prices. But even when Paris successfully launched fitted bodices and fuller skirts in the late 1920s, the new line did not require the sewing skills or meters of material involved in prewar designer clothing. Copying merely became a less pressing problem.

A dramatic increase in and redistribution of export models had a similar effect. Great Britain, the largest foreign market for French clothing, and the United States, the second largest market from the mid-1920s, engaged in widespread piracy. Some British and American department stores and lady’s wear shops advertised that half their ladies’ wear stock was French. In the United States, high duties on French fashions and a regime of temporary exemptions for models displayed in America and then returned to France meant that 80 percent of the models made in France were displayed in exclusive events in New York, dismantled to create patterns, then reassembled and returned to France. The patterns were used to produce copies, with French labels, that cost considerably less than the French originals. In the 1920s, a group of New York businessmen specialized in buying models temporarily admitted into the United States, transporting them or patterns based on them to Canadian and South American dressmaking networks, then “im-
porting” copies made in these countries at much lower duties than those imposed on French apparel.\(^5\)

Serving the rapidly increasing foreign clientele contributed to the dilemmas of copying. Interwar designers resumed the practice of two showings per season, the first for foreign buyers and the second for individual customers.\(^5\) The two to three week delay between these two shows allowed counterfeiters enough time to copy popular models before the originals were introduced in the domestic market.

Large foreign department stores like Bloomingdale’s, Bonwit Teller, Macy’s, and Gimbel’s in the United States, Harrods in England, and T. Eaton in Canada established their own buyers’ offices in Paris.\(^5\) Most foreign buyers only came to the twice-yearly seasonal collections, hiring agents to attend the midseason collections. As their numbers overwhelmed experienced agents, less reputable agents filled the gap.\(^5\) Buyers and agents usually bought five to twenty-five models apiece and received for each model a certificate with information about the fabric and notions needed to produce them. Implicit if not always explicit in the production certificate was the right to reproduce the model, albeit in limited quantities. Although couture houses made up some models in the two or three weeks visiting foreign buyers were willing to wait for their purchases before returning home, couturiers knew that far more models would be duplicated in the buyers’ home countries.\(^5\)

Some foreign buyers and their agents hired women to attend collections, memorize models, and sketch them to be reproduced. As a young woman, Elizabeth Hawes (an American designer who apprenticed in Paris) was paid $1.50 per sketch for up to fifteen sketches per collection. To ensure that they could replicate the materials and trimmings, buyers and agents ripped swatches of material, trim, and accessories from models in the salons after runway shows. Hawes described one buyer who “tore fringe off all the fringed dresses so she could have it copied in New York.” Even some resident buyers, with permanent offices in Paris, were complicit in this activity. The French head of Macy’s office authorized Hawes “to obtain some modern sweater designs in Paris and send them to Vienna to be copied at $3.25.”\(^5\) In 1930, several couturiers accused a resident American buyer, Mrs. Ida H. Oliver, and another American, Mrs. Carolina Davis, of selling sketches of registered models to manufacturers. Police raids led to seizures of 800 sketches in Mrs. Davis’s apartment and 115 more in the apartment of one of her employees. Mrs. Oliver admitted that she possessed sketches of coats and suits designed by Callot, Lanvin, Patou, Vionnet, Worth, and four other couturiers but insisted.
that she did not realize that this was illegal, “since sketches of couture models were bought and sold openly during the seasonal openings.”

Although couture houses refused to sell the rights to reproduce their designs to French firms, between two hundred and five hundred copy houses operated in Paris in the 1920s. Many of their copies went to foreign buyers; others were sold as haute couture models in France, notably in provincial cities. Twenty of these copy houses grossed over 5 million francs a year. Several of these large houses joined together to purchase sketches or actual designer models of the most popular styles through intermediaries (who changed frequently, as designers identified the complicit individuals). Since copy houses did not pay designers, made only popular styles, and sold them at lower prices than the originals, they moved most of their merchandise and were very profitable. A few “maisons de belle copies” located in the heart of the couture district in Paris offered knockoffs with imperceptible differences from original Chanel, Patou, and other designers’ models. One kept stolen toiles and original models in a room that could be locked electronically from a distance, in case of a police raid. Yet most copy houses were humble places, located upstairs on side streets, in order to avoid prosecution and taxes. Savvy Parisiennes bought counterfeit couture models at a fraction of the price of the originals there.

Copy houses acquired designer models by various devious means. They hired women to pose as customers to buy models or they rented models from foreign buyers, mannequins, and individual customers. Individual customers left designer clothes overnight at the copy house on the pretext of having alterations done, despite couturiers’ policy that alterations must be done in house. Couture houses justified this policy in terms of maintaining standards, but they also hoped that it would limit counterfeiting. Overnight, the copy house dismantled the model to make patterns from the pieces and then made knockoffs from the patterns. In addition, copy houses enticed top seamstresses and saleswomen from couture houses into their employ and expected them to bring with them patterns, customers, and expertise gained in their previous job.

At least two interwar couturières—Madeleine Vionnet and Augusta Bernard—began their careers copying couture designs. Ironically, Vionnet would lead the second phase of the legal battle against pirating.

Designs and Models

Haute couture and textiles were vulnerable to copying because of an uncertain legal position regarding protection of their products.
Textiles patented their products; haute couture rarely did. Despite patenting the mix of raw materials and designs in new products, the Lyonnais silk fabrique experienced counterfeiting both of composition and motifs on their fabrics when customers sold their sample books to unscrupulous textile firms. Several American manufacturers hired key employees of major silk firms who brought their knowledge or samples of their previous employers’ fabrics with them to copy. Few couturiers bothered with patents, except for technical innovations, such as a method of weaving beads into fabrics patented by Madeleine Vionnet in 1923. Vionnet thought this method could be applied to partially ready-made as well as made-to-measure dresses. Because the method worked better on draped than tailored dresses, and because beaded fabric was very expensive, it was not widely adopted. National and international patent laws, which mandated exploitation of inventions within three years of registration, were not compatible with haute couture because couture models were rarely completely original, instead being new combinations of existing design elements, and because only a small fraction of all models found favor with buyers, and then only for a season or two. The challenge was to protect models before and after their introduction in seasonal collections, when copiers could rush out cheaper imitations, undercutting designer prices and consumer demand for expensive designer models.

Many textile manufacturers and couture houses registered brand names and trademarks under an 1857 French law and under international conventions of 1891, 1900, and 1911. Registration was part of a larger French trend, as the number of brand names registered annually quintupled between 1886 and 1920. Many recorded the company name or initials—often in antique letters—but more and more included a graphic symbol on the assumption that symbols were more easily remembered than words or initials. Couture, like liquors, employed hieratic silhouettes, signifying elegance. Designers commissioned stylized art deco labels and logos. Silk manufacturer Bianchini-Férier had bees on its labels. Fashion magazines advised readers concerned about the quality of their dry goods and clothing to recognize trademarks and buy brand names. However, brand names and trademarks could more easily be simulated than models. During Poiret’s trip to the United States in 1913, he discovered knock-offs of his models selling for as little as fifteen dollars apiece and copies of his dress label being “freely hawked.” After he returned to Paris, he met with prominent fashion magazine publishers to propose that leading couturiers form an association to protect their interests. To avoid arousing suspicions about his
motives in this hypercompetitive business, he asked publishers to approach other designers. The publishers persuaded Jacques Worth (another son and successor of Charles Worth), Jeanne Lanvin, Jeanne Paquin, the Callot sisters, and the Rodier brothers to constitute the Protective Association of French Couturiers, “to bring to an end counterfeiting of labels and illicit use of their names.” The war interrupted this promising development.

After the war, Madeleine Vionnet tried to foil label forgers by including her signature, fingerprint, and a specific number for each model on her labels. As Molly Nesbit has explained, this was a perfect expression of a new legal definition distinguishing between cultural and industrial labor on the basis of the imprint of an individual personality. However, dishonest label producers quickly duplicated signature, fingerprint, and numbers. Despite inventions like secret seals, phony labels proliferated. In 1931, one police raid alone turned up more than 52,000 fake couture and millinery labels, as well as evidence of ten years of dubious transactions by manufacturers, buyers, and agents. In response to this exposé, the French Wholesale Dress Association tried to negotiate a deal with the couturiers’ associations to authorize reproductions of models bearing the creator’s label and to sell these reproductions domestically and internationally. Couturiers’ commitment to limited production and their distrust of wholesalers stymied this initiative.

In the nineteenth century, branches of the garment industry had tried to protect models under two separate French laws, neither of which explicitly applied to their industry. Hat, corset, and lingerie makers either appealed to the 1793 law on literary and artistic property rights, which applied to “designers,” or to the 1806 law protecting industrial design, which applied to manufacturers. The 1793 law was enacted to protect authors and artists from plagiarism, primarily by depositing copies of printed or graphic works at the Ministry of the Interior and eventually at the Bibliothèque Nationale, in order to prove that the depositor had created the literary or artistic work and could collect royalties. The 1806 law on industrial property rights required manufacturers to deposit a sample of a product, or a depiction and description of a product, to the appropriate Conseil des Prud’hommes in order to prove their invention of the product. After an 1887 judicial interpretation of this law, manufacturers had to reserve products “as exclusive property” for three to five years or in perpetuity. Until 1902, commercial courts had to determine whether dress models were works of art or manufactured products, whether dress models were unique, and what constituted a counterfeit.

Despite many court cases, no clear jurisprudence emerged. As early as 1857,
the Commercial Court applied the 1806 law to millinery on the grounds that the sample hat deposited by the plaintiff at the Conseil des Prud’hommes had “a special cachet of novelty that constituted a kind of individuality” and fined the defendants for making “servile imitations.” Although milliners hailed this decision, it had a fatal flaw: “servile imitation” precluded reproductions with such a slight alteration in detail as the exact position of trim on a hat. In 1860, the court denied that the same law applied to hats on the grounds that the sample hats in this case merely “reconfigured” familiar forms. The same year, the Civil Court ruled that neither law covered clothing, because an item of clothing was “neither a work of art, nor a new invention, but a compilation . . . of objects of a known form.” Other rationales for refusing coverage were the ephemeral nature of fashion and the practical nature of clothing.\footnote{With these kinds of rulings, it is hardly surprising that couturiers did not pursue counterfeiters in the courts.}

In 1902, the law on artistic and literary property was amended to encompass designers of ornaments, whatever the artistic merit or destination of the ornament.\footnote{Although the amendment did not mention couture, it seemed to apply to clothing designers, since they too designed and produced goods that were both aesthetic and commercial in nature. In practice, depositing examples at the Bibliothèque Nationale, predicated on the eternal value of literature and art, did not suit the changeable and competitive clothing industry.\footnote{After intensive lobbying by the French Association for the Protection of Industrial Property and by the Paris Chamber of Commerce and Industry,\footnote{the legislature passed an act that met some of the needs of industrial designers. The 1909 law applied to “all industrial objects that differ from similar objects, whether by a distinct and recognizable configuration . . . or by one or several external effects giving it a new and distinct physiognomy.” Drawings or photographs of up to one hundred models at a time could be deposited at the Conseil des Prud’hommes; these models were then the legal property of the depositor for five years without any requirement for exploitation of the designs. Deposition in perpetuity was reduced to fifty years. Publicity, such as a fashion show, did not cancel ownership. Before any publicity, the depositor could have officers of the court seize alleged copies. Anyone found guilty of copying models was subject to fines of 25 to 2,000 francs.\footnote{The 1909 law had several disadvantages. Photographing and paying deposit fees for 250 to 300 models annually was costly, given that perhaps only one-tenth of the models would find favor with customers. Depositing photographs also meant twenty to thirty trips per year to the office of the Conseil des Prud’hommes.}}}}
ing associations worried about the potential for piracy of models implicit in the system of keeping depictions and descriptions of models at the industry-specific offices of the conseil. These associations came up with a scheme for deposition at the National Industrial Property Office, which protected designers and producers by publishing details about deposits in the *Bulletin Officiel de la Propriété Industrielle*. The further expense of publication ensured that fewer deposits were made to the National Industrial Property Office than to the industrial relations board. A third defect of the law was the absence of provisions prohibiting unfair competition (*concurrence déloyale*), which meant that stealing *toiles* and selling them to competitors were not legally linked to counterfeiting. Instead, articles 425 and 426 of the penal code covered industrial espionage and theft by competitors. Penalties were limited to fines and expenses.

Internationally, protecting models was even more difficult. Several importing countries had no laws on artistic and industrial property rights, and other countries only extended the protection of these laws to foreigners if they had bilateral treaties with that foreigner’s country. Application for coverage under these laws involved complicated and costly formalities. A provision of American copyright laws required registration of the product before publicity for the product, a requirement incompatible with the seasonal fashion shows in France, which identified the models worth importing and reproducing. American officials often refused to register any item of practical utility, like clothing, under their design patent law. Finally, there were quarrels about which country had registered a model first. Although the International Bureau of Industrial Property, in Bern, Switzerland, kept a registry, not all companies or countries sent documentation on their designs to the bureau.

Despite recent European Union laws, international piracy of luxury goods has not abated. France, with 70 percent of the brands counterfeited worldwide, is the principal victim, due to the importance of luxury goods production in France. Outside France, court rulings still recognize “acceptable knockoffs” if they can be construed as a “remix” of elements or an obvious fake.

**Internal Differences**

Economists who observed the volatility of the luxury goods and textile industries recommended better coordination of industrial and commercial interests, not in trusts or cartels but in a corporative form. Syndical efforts had some success in textiles, but not in couture, where designers were hopelessly divided on how to cope with copying.
The Central Woollen Committee, the French Silk Federation, and the French Cotton Cartel scrutinized legislative bills and treaty negotiations that might affect their industries and engaged in collective bargaining.\textsuperscript{91} Couturiers were neither as financially secure nor as easily organized as silk manufacturers. Although they belonged to the Union of Textiles, Clothing, and Furnishings Producers, its sixty-five employer associations were too diverse to take concerted action on behalf of couture.\textsuperscript{92} The Chambre Syndicale de la Couture Parisienne, with 241 members in 1928 and a central committee composed of representatives from twenty-six houses, could not agree on the appropriate response to copying. Not until 1936, in response to massive labor and social unrest, was the Syndical Chamber reorganized by Lucien Lelong and Daniel Gorin and reoriented toward unity.\textsuperscript{93}

Despite the deficiencies of the French legislation, textile manufacturers tried a combination of corporate vigilance and court actions to protect their models. The Silk Manufacturers’ Syndicate monitored the distribution of sample books that domestic and foreign silk manufacturers could plagiarize and kept a list of domestic and foreign companies plagiarizing their members’ fabrics.\textsuperscript{94} In 1924, the House of Ducharne accused an American firm already identified as a copier of “poaching” two of its key employees and copying Ducharne fabrics. The Silk Syndicate modified its constitution to sanction William A. Weiner, first by warning him, then by informing the Silk Association of America of his deeds, and finally by expelling him from the Lyonnais Syndicate. In the course of investigations, the syndicate’s newly formed Designs and Models Committee discovered that Mrs. Weiner, a former première at the House of Doucet, had taken advantage of her connections to procure samples to be copied. In another important case four years later, Ducharne successfully sued a Lyonnais company for plagiarizing two designs.\textsuperscript{95} Rejecting several proposals for binding arbitration, the syndicate relied on voluntary arbitration and publication of arbitration decisions. The system, which did not reveal the companies implicated, was ineffective.\textsuperscript{96} In the Great Depression, the Lyonnais Silk Syndicate looked to the National and European Textile Congresses for international arbitration about designs and models, and to the International Chamber of Commerce to deal with a serious new international threat: Japanese copying.\textsuperscript{97}

Meanwhile, a division appeared between manufacturers of simple silks and of “haute nouveautés” (more elaborate prints and textures). Bianchini-Férier, which produced both, stopped defending the texture and composition of one of its most famous light silks, georgette, though they did pursue competitors that used the
name georgette. The two principals banded together with other producers of haute nouveautés to guarantee their “creations” against counterfeiting. Although the haute nouveautés group avoided the commercial or criminal courts to pursue plagiarists, they resorted so often to syndical arbitration that critics worried about the growing number of expulsions from the syndicate, which was already losing members due to the depression.98

By contrast, couturiers acted alone or in small groups. Some focused on preventing illegal actions. During the Great War, Poiret returned to the United States with a line of ready-made clothing described as “genuine reproductions . . . exclusively for the women of America.”99 He hoped to institute a system whereby Americans could copy these models and pay a royalty for every copy, but American manufacturers were not prepared to pay royalties. (Thirty years later, when the American industry was more developed and secure, they adopted such a scheme.)100 Chanel issued invitations to her shows, reserved the right to refuse entry to guests suspected of copying, and confronted suspects. However, most designers were wary about confrontations, because they risked insulting a buyer who might purchase a dozen or more models.101 Most designers worried about commercial counterfeiting simply multiplied the labor-intensive and luxurious details that distinguished couture models from ready-made clothing, while the fashion press promoted the doctrine that real distinction meant combining all the details into a “look.” Nevertheless, designers like Coco Chanel realized that copies did not reduce sales of the original models, because copies did not offer the fit, fabric, and finishing touches of the originals; these designers recognized that overseas copies would popularize their designs in the lucrative overseas fashion market.102 Two consequences were the spread of commercial knockoffs and a democratization of haute couture styles.

Legal Campaigns

In the first two decades of the century, the leading couturière, supported by a dozen designers, launched a legal campaign to control representations of her models in the fashion press and to use existing laws on artistic and industrial property rights to stop reproduction of her models by competitors in haute couture. When designers made peace with the fashion press in the early 1920s, a younger couturière who believed in a distinctive style for a select clientele, backed by another association dedicated to protecting models, pursued the new counterfeitors, known as copy houses, in a series of widely reported court cases.
In 1906, Jeanne Paquin brought two important complaints about piracy to the courts, one about the publication of photographs of new models before they were presented in her collection under the 1902 law on artistic and literary property, and one about the reproduction of her models by another couture house under the 1806 law on industrial property. Five years later she instigated a suit against another competitor, citing the 1909 law on designs and models. A defense group composed of twelve leading couturiers supported her during twelve years of trials and appeals.103

In 1905 and 1906, *Le Chic* and *Le Chic parisien* (magazines about French fashion published in Paris but sold in Germany and Austria) included drawings of models by Paquin not yet presented in her collection. Paquin sued the Parisian publishers of these magazines, Bachwitz, Brentano, Gruenwald, for plagiarism, citing their publication of engravings of four models she had deposited, in the form of photographs, with the Conseil des Prud’hommes. Her representatives cited the 1902 law on artistic property and the 1806 law on industrial models. Because the models had not legitimately left her workshop, Paquin’s lawyers argued that they had been removed fraudulently and alleged infraction of articles 425 and 426 of the penal code against counterfeiting. The first court refused to consider deposits in the form of drawings or photographs as works of art subject to plagiarism and therefore refused to grant any protection under the law on artistic property. That court also declared that drawings in the press could not be illegal copies, which could only be made in workshops in the same way as the original. However, this court ruled that there had been a “quasi-infraction” of the code that constituted a “prejudice” to the “novelty” of the models, and it fined one of the newspapers. After examination by a panel of experts, including a fashion illustrator, the appeal court overturned the decision and declared that a drawing in a periodical could result in reproduction of a model. The court ruled that drawings depreciated the value of designs and promoted “unfair competition” by other designers, who could copy them.104

In 1906, Paquin successfully sued the Beer couture house for copying several models that, her lawyers argued, were her exclusive property, because she had deposited photographs of the models at the Conseil des Prud’hommes in accordance with the century-old law on industrial property. The court convicted Beer and ordered him to pay Paquin 8,000 francs in damages. When Beer appealed, the court confirmed the original decision. The appellate court consulted another panel of experts, which contended that slight differences in design details between the originals and the knockoffs did not preclude charges of piracy. The decision ap-
peared to override earlier judicial decisions limiting coverage to “servile copies.” Contending that the complainant had to prove “bad faith” or intentional reproduction on the part of the copiers, Beer launched several more appeals. Ultimately, the original ruling was upheld.105 Despite this setback, Beer continued to show collections into the 1930s.

In 1911, Paquin decided to test the 1909 law on designs and models. She had learned from one Mme. Moissenet (who was likely a “plant,” sent to a ladies’ tailor shop to get evidence) that a ladies’ tailor had promised to deliver to Mme. Moissenet a red striped dress and a belted jacket that resembled Paquin models. Paquin contended that the offending outfits were “servile copies” of models she had deposited at the Conseil des Prud’hommes but not yet revealed to the public in her seasonal collection. Assuming that someone in her employ had been bribed to sketch the models or to sneak their toiles out of her workshops to be reproduced, she filed a complaint that led to a police seizure of these two costumes at the ladies’ tailors shop, and she sued the owners for 20,000 francs in damages. Her business manager also asked authorization to publicize the judgment in twenty newspapers and magazines. The first court rejected Paquin’s attempt to prove “bad faith” by mean of similarities between the knockoffs and the originals without stolen toiles or other tangible evidence. After two appeals, the appellate court appointed a panel of experts composed largely of couturiers, and it accepted their decisions that the seized outfits differed from the Paquin models only “in the dimension of the collar [on the dress] and the cut of the jacket” and that these differences did not modify “the general character of the costume.” The panel concluded that the similarities between the seized outfits and the designer originals could not happen fortuitously and “sufficed, by themselves, to constitute undeniable proof of bad faith.”106 The appeal court ruled in Paquin’s favor on 31 December 1918. Designers hoped this decision would provide guidelines in a murky area of jurisprudence. Women’s magazines, which had been selling patterns “in the style” of various couturiers, started to clarify that they “interpreted” rather than imitated designer models.107

After the war, discouraged by governmental “inertia,” syndical groups made peace with the fashion press. They supported a glossy new trade organ, L’Officiel de la Couture et de la Mode. Couturiers gave Officiel reporters “free access into their houses, closed at all times against the attempted inquisitiveness of some foreign buyers.” The purpose was to defend couture and confection against “the practices of certain foreign clients and . . . to provide information for buyers of
models.” The trade organ closely followed a series of legal cases against counterfeiting that dragged through the commercial courts, and it lobbied for changes in the laws against copying. The editor, Lucien Chassaigne, tried to rally the entire French press against the audacious pillage of fashion plates from fashion magazines. Although his principal targets were foreign buyers, he also castigated “our own counterfeiters . . . who present collections from Paris in large foreign cities and offer to reproduce these copies.” Soon society magazines began reporting couturiers’ campaign against counterfeiting, and women’s legal guides instructed consumers not to buy copies. In the early 1930s, the Bulletin Officiel de la Chambre Syndicale de la Couture Parisienne also followed court cases. The editors were incensed when the court of appeal refused to confirm a lower court conviction of a première who had copied one of her previous employers’ models exactly and had produced thirteen models that were “not of original inspiration,” on the grounds that these did not constitute “repeated plagiarism.”

Madeleine Vionnet knew about copying from her early years in couture, when she had cut, fit, and supervised seamstresses sewing copies for Kate Reilly’s London shop, which advertised that it sold “Paris models and dresses of the season in the very latest styles at about half price.” When Vionnet set up her own house, she made models in many colors, and les élégantes who found styles that suited them bought many differently colored versions of the same styles. Vogue and American manufacturers and importers referred to a “Vionnet type” dress, though the manufacturers and importers likely meant illegal copies of her dresses. Even while reporters repeated Vionnet’s claims that she designed simple, loose outfits for the modern woman, they recognized that her models, many of them in exquisite silks with elaborate beading, represented an older tradition of style for a limited number, not the emerging system of fashion for the many. In 1923, Vionnet’s new business manager, Louis Dangel, entered into an agreement with a made-to-order firm. When other American manufacturers continued to put out “Vionnet-type” or “Vionnet-cut” garments, Dangel took out full-page advertisements to identify authentic Vionnet models in the European editions of American newspapers. In the mid-1920s, Vionnet signed deals for exclusive American rights to reproduce her models wholesale; one deal involved production of one-size-fits-all ready-made dresses, which were produced and marketed as “Repeat Originals” at $150 apiece. These dresses were not marketed for long.

Domestically, Vionnet used publicity, legal suits, and in-house surveillance to combat piracy. Beginning in 1920, her advertisements included the declaration
that “Mme. Madeleine Vionnet does not sell to agents or to dressmakers. The 1909
law protects models. All Madeleine Vionnet’s creations are her property. Copies
and reproductions will always result in legal suits against their authors.” (Other
couturiers confined themselves to notices that all their models were registered at
the Conseil des Prud’hommes.) Other couturiers and the fashion press never-
theless closely watched Vionnet’s first legal suit over copying. On 31 December
1921, she won a ruling that recognized that designing clothing was an artistic en-
deavor and therefore covered by the 1902 law on artistic property. Recogniz-
ing artistic endeavor in clothing design bolstered legal arguments about copying
based on design elements alone, without corroborating evidence about the theft
of toiles or other intentional acts. Of course, courts would still have to sort out
which law applied in particular cases. However, payment of a 1,000–franc fine
and 12,000 francs “damages and costs” did not deter one of the convicted cou-
turiers from operating for several more years.

Throughout the 1920s, Vionnet lodged complaints against copy houses,
prompting police seizures and trials. Her manager, Dangel, formed an associa-
tion, the Artistic Protection of Seasonal Industries, dedicated to defending cre-
ators from “theft of their ideas and counterfeit of their models.” The association
sustained court actions against counterfeiters and kept a blacklist of buyers sus-
pected of using unethical methods. Dangel also used the pages of the Bulletin
Officiel de la Chambre Syndicale de la Couture Parisienne to exhort couturiers
to mount only two collections per year, winter and summer, and “to have the
courage to refuse the undesirables that they know very well enter into their sa-
lons.” The association often orchestrated visits to copy houses by women pos-
ing as customers in order to acquire copies for prosecution, which led in some
cases to initial judgments against the couturiers for “provocation.”

Dangel exercised so much surveillance over Vionnet’s workshops that it oc-
casionally poisoned the working environment. Suspecting that sketches of Vion-
net models were being surreptitiously removed from the workshops to be copied,
he ordered some henchmen to search the workshops overnight, without warn-
ing, and did not return the sketches they seized immediately. When a sketcher by
the name of Mlle. Constantine Martiale and one of her assistants threatened to
sue over the unauthorized search of Martiale’s desk and the removal of her draw-
ings and personal effects, the director fired her on the spot. Subsequently, he disin-
genuously wrote to her explaining that her work had been unsatisfactory for some
time due to her tardiness and “spirit of revolt and anarchy”—not because of her
legal threat. Martiale sued, claiming “abusive rupture of contract” and failure to pay wages owed as well as an indemnity for breaking her contract. The Conseil des Prud’hommes ruled that Vionnet must pay the wages owed and a small indemnity for not giving Martiale notice but awarded no damages for “abusive rupture of contract.”

Jeanne Lanvin, who had fought copying since 1910, founded another society that laid charges against counterfeiters and offered “insurance against copying” by photographing models and depositing them at the Conseil des Prud’hommes. Its office was located in the Society for Author’s Rights, which had 35 agents in Paris and 740 in the provinces. The economic crisis of 1930–31 spurred Jeanne Lanvin, Jeanne Paquin, Jean Patou, and Charles Worth to join Vionnet’s association to protect French couture models from piracy. In the following years, one of the association’s cases involved a notorious “maison de belles copies,” whose proprietor admitted making knockoffs of several prominent designers’ models priced from 3,000 to 5,000 francs, and selling them at 1,500 to 1,800 francs. Chanel, usually aloof from these cases, joined Vionnet as complainant. Another suit resulted in an award of 260,000 francs in damages, for twenty-six separate copies. Fashion commentators compared the dramatic police seizures to the struggle to enforce American prohibition, noting the presence, in both, of bootleggers and police raids. Other employers in the luxury trades disapproved of the police raids and repeated court cases.

Although constant vigilance reduced copying, to be effective, legal intervention had to be swifter and fines had to be higher. Both protective associations lobbied for amendments to the 1909 law but split over the only serious legislative proposal. A 1930 bill would have increased fines, which was acceptable to all, but would also have permitted seizure of alleged copies before photographs of the models were deposited, which was controversial because it could be abused by unscrupulous couturiers and couturières. A more effective law was not enacted until the 1950s.

By the 1930s, many couturiers were trying another approach toward copying: producing and selling their own ready-to-wear clothing. In the mid-twenties, Jean Patou and Sonia Delauney opened ready-to-wear sports boutiques; in the mid-thirties, Elsa Schiaparelli added another ready-to-wear boutique (like others before her, she claimed to have invented this kind of boutique). Lucien Lelong
introduced limited-edition dresses to be sold in authorized dress shops. Schiaparelli, who understood the new dynamic of fashion, considered laws protecting models “vain and useless. The moment that people stop copying you, it means that you are no longer any good.” Of course, Schiaparelli’s humorous and outrageous outfits with colonial artifacts, military details, and bright colors were unlikely to be copied, because few bourgeois women considered them tasteful. A new generation of couturières was beginning to accept that fashion was about emulation and was learning new ways to distinguish haute couture from copies.