

Design Piracy: A Constructive Controversy

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1. Level	UG
2. Pre-requisite knowledge required by educators	C. Some knowledge of discipline required
3. Pre-requisite knowledge required by students	C. Some knowledge of discipline required
4. Number of students	8-80
5. Length of time required	50 to 60 minutes
6. Type of activity	Group work, Discussion and debate
7. Discipline	Business, Cross-curricular, Design
8. Topics covered	Branding, Companies, Consumers, Prices

OBJECTIVES / LEARNING OUTCOMES

- To work cooperatively in small groups to discuss the pros and cons of the practice of design piracy in order to stimulate problem-solving and reasoned judgment.
- To gain a better understanding of the implications of design piracy considering the diverse viewpoints of designers, garment workers, manufacturers and consumers.



This classroom assignment presents the format and content information for a constructive controversy activity on the subject of design piracy or “knocking-off” the ideas of another designer or manufacturer’s work. It is a controversial practice of the apparel industry, but one that is pervasive and legal. The constructive controversy format challenges students to move from simplistic viewpoints to critical evaluations of a complex issue. Students practice communication and listening skills while debating a critical concept in the apparel industry. Within the constructive controversy format, students are asked to use information provided to them and their experiences to consider the topic of piracy from diverse viewpoints, including those of the designer, the garment worker, the manufacturer and the consumer.

ACTUAL MATERIALS PROVIDED TO STUDENTS

Proponents of Design Piracy

Your position is that design piracy is a **positive and much needed aspect** of the ready-to-wear apparel industry. To support your position, use the information given below and any information from your own experiences that is appropriate. Consider the positive implications of design piracy from the diverse viewpoints of the designer, the garment worker, the manufacturer, and the consumer. Challenge the opponent team’s viewpoints; think of loopholes in their logic; insist on compelling information to support their arguments.

1. One of the major reasons for and results of design piracy is the succession of popular garment styles into lower price points. When a particular arrangement of elements in a garment catches the public’s imagination, other designers and manufacturing interests imitate the garments. Some manufacturers and designers change minor details such as color, pattern, and use or type of trimmings. Other manufacturers and designers copy the garments in exacting detail, substituting the more invisible elements such as fiber type or quality of materials. Manufacturers copy exactly or make minor changes to approximate their target markets’ price range. Nearly all price ranges in the apparel industry copy, especially since there are few visual differences between copies and the originals to the inexperienced eye.

2. The business of copying allows for greater employment opportunities in the apparel industry. The excess number of style variations produced due to piracy creates jobs (and thus income) for both skilled and unskilled labor.
3. For a garment to become a fashion, it needs to diffuse to a large mass of people. Design piracy makes it possible for cheap reproductions of fashionable goods to diffuse to women of all economic levels. If piracy did not exist, there would be obvious class distinctions between the wealthy, the poor, and all those in between. Consumers of all economic levels have a legitimate interest in obtaining fashionable, albeit pirated, merchandise.

Opponents of Design Piracy

Your position is that design piracy is a **negative and detrimental aspect** of the ready-to-wear apparel industry. To support your position, use the information given below and any information from your own experiences that is appropriate. Consider the negative implications of design piracy from the diverse viewpoints of the designer, the garment worker, the manufacturer, and the consumer. Challenge the opponent team’s viewpoints; look for loopholes in their logic; insist on compelling information to support their arguments.

1. Styles copied at lower price points flood the market with cheap imitations of higher end goods. Piracy permeates the industry; even copies are copied. According to fashion writer and social historian, Ida Tarbell (1912, p.122-123):
“From top to bottom we are copying. The French or Viennese mode, started on upper Fifth Avenue in New York City, spreads to 23rd St., from 23rd St. to 14th St., from 14th St. to Grand and Canal. Each move sees it reproduced in materials a little less elegant and durable; its colors a trifle vulgarized, its ornaments cheapened, its laces poorer. A travesty, and yet a recognizable travesty.”
2. One of the ways in which pirated copies appear so quickly on the market is through the use of cheap materials. These materials are often of poorer quality than the more expensive resources used by the higher priced manufacturers. Great waste results from the use of poor quality merchandise. Consumers need to replace their clothing more frequently, and retailers



and manufacturers are forced to continuously turn over their merchandise because consumers desire new items. Copying also shortens the life of a product. As copies flood the various price lines of the dress industry, higher priced merchandise is knocked off. If piracy were eliminated, women would not buy so many goods, and would save time, money, and energy purchasing goods less sensitive to change. Consumers who desired distinctive articles could safely rely upon the exclusiveness of protected items. Further, fewer resources would be needed to produce so many pirated goods.

3. Manufacturers who spend the time, effort, and money to create original garments see their profits diluted when imitators create similar goods in lower prices. Copyists profit unfairly by imitating the hard work of originators. They then undersell these same originators causing great losses to the original designers and manufacturers.
4. Companies that practice piracy reduce production costs by not hiring designers to create original goods, and pay workers minimal wages for long hours (Hurley and Faiz, 2007). Because pirated goods utilize a relatively few number of designers, competent designers may find it difficult to find profitable and satisfying work.

INSTRUCTIONS FOR USING THE LEARNING ACTIVITY

In the constructive controversy format, the cooperative goal is for each student to reach a deeper understanding of the subject. The instructor assigns students to groups of four. One pair of students in each group develops the best case possible for the pro position, while the other pair of students does the same for the con position. After constructing arguments for their positions (approximately 15 minutes), and debating their points (approximately 15 minutes), the pairs reverse perspectives; the proponents of a viewpoint become the opponents (approximately 15 minutes). Finally, students seek consensus of the issue (approximately 10 minutes), and report either verbally or in writing their consensus to the class and the instructor. The instructor is encouraged to move around the room during the process, listening to the groups' constructive controversies and encouraging deeper understanding of the issue at hand. Instructors may choose to present

introductory information to the class regarding piracy or require students to research resources from the internet and the library prior to the class discussion.

FEEDBACK FROM STUDENTS

Students have expressed great interest in learning about design piracy, and enjoyment from participating in this exercise.

Regarding the ways design piracy impacts **designers**, students have stated:

- *"The designers whose work is copied achieve "names" very quickly. We see piracy as a compliment to the original designer."*
- *"Design piracy does not allow designers and others within the apparel industry the opportunity to receive credit for their work."*

Regarding the ways design piracy impacts the **garment worker**, students have stated:

- *"Because trends change so quickly there are always employment opportunities in the apparel industry."*

Regarding the ways design piracy impacts the **manufacturer**, students have stated:

- *"Piracy maintains equilibrium in supply and demand in the apparel industry."*
- *"Piracy allows for an increase in the number and types of manufacturers to satisfy all of the different income brackets."*

Regarding the ways design piracy impacts the **consumer**, students have stated:

- *"Consumers are able to evaluate quality of goods. For each purchase made, consumers can decide if quality, style or price is more important."*
- *"Piracy is detrimental to the apparel industry. Consumers could be "ripped-off" if they do not know how to evaluate quality or unknowingly purchase a pirated garment."*

Regarding the ways design piracy impacts the **environment**, students have stated:

- *"Piracy creates more waste in the apparel industry because people buy lots of clothes and accessories just to stay current with trends."*



Students have stated the following **general comments** regarding the constructive controversy activity:

- "I appreciate experimenting with new techniques to help us think in different perspectives, and the opportunity to share our ideas with our classmates."
- "Trying to debate against something you agree with opens your eyes to other opinions. I was not aware of all of the different views on one single topic."
- "It's really hard to think the "other" way once you debate one particular side that you agree with. This activity made me think about both sides of the issue."
- "Our group was surprised by how much we were persuaded by both the negative and positive sides of this argument."

READING LIST

Horyn, C. (2002, April 9) 'Is copying really a part of the creative process?' *The New York Times*

Hurley, J. and Faiz, N. (2007) *Assessing the impact of purchasing practices on code compliance: A case study of the Bangladesh garment industry*. Retrieved July 3, 2008 from <http://www.mfa-forum.net/>

Johnson, D. and Johnson, R. (2003) *Joining together: Group theory and group skills* (8th ed.) Boston, MA: Pearson Education, Inc. (Original publishers of constructive controversy idea with teaching instructions)

Marcketti, S. B. and Parsons, J. L. (2006) 'Design piracy and self regulation: The Fashion Originators' Guild of America: 1932-1941' in *Clothing and Textiles Research Journal*, Special issue on social responsibility, 24(3), 214-228

Tarbell, I. (1912) *The business of being a woman*, New York: The Macmillan Company



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