

# FASHION LAW IN GLOBAL PERSPECTIVE: COMPARATIVE LEGAL FRAMEWORKS OF AFRICAN AND WESTERN FASHION CAPITALS

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# **FASHION LAW IN GLOBAL PERSPECTIVE: COMPARATIVE LEGAL FRAMEWORKS OF AFRICAN AND WESTERN FASHION CAPITALS**

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This report is published by the Fashion Law Institute Africa as part of its ongoing research on fashion law and policy. It provides a comparative analysis of legal frameworks governing the fashion industries in key African and Western fashion capitals, highlighting regulatory structures, intellectual property protections, and commercial practices shaping these markets.

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# INTRODUCTION

The global fashion industry is shaped by creativity, commerce, and regulation. While fashion capitals like Paris, New York, and Milan have more standardised legal and economic frameworks that support their industries, Africa's fashion capitals, in particular, Lagos, Johannesburg, and Dakar are rapidly gaining prominence. These cities not only serve as cultural and creative hubs but also play a crucial role in regional and international trade. However, the legal infrastructure governing fashion businesses in these African cities remains underexplored, particularly in comparison to their global counterparts. As Africa's fashion industry continues to expand, it becomes increasingly crucial to examine the regulatory environments that govern its growth.

Africa's fashion industry is poised for remarkable growth, fueled by a young and digitally connected population, a deep heritage of craftsmanship, and increasing global demand for African designs.

However, legal and policy barriers often determine the extent to which designers, brands, and investors can thrive. Issues such as weak IP enforcement, complex business regulations, and limited access to international markets present significant challenges that must be addressed.

This report examines business laws, intellectual property (IP) protections, and trade policies that shape the fashion industries in Lagos, Johannesburg, and Dakar. By analysing these cities' legal structures, we can assess their efficiency, innovation, and enforcement mechanisms. Understanding both the strengths and gaps in these legal systems is essential for fostering a competitive and sustainable fashion industry on the continent.

In addition to evaluating Africa's legal landscape, this report will compare Lagos, Johannesburg, and Dakar with Paris, New York, and Milan—three global fashion capitals with strong regulatory frameworks.

The following sections will explore the legal environments governing fashion businesses, intellectual property rights, and trade policies in each city, culminating in a comparative analysis with international fashion hubs and strategic policy recommendations for future growth.

# 01.

## REGULATORY FRAMEWORKS GOVERNING FASHION BUSINESSES IN **LAGOS, JOHANNESBURG, AND DAKAR**

The fashion industry operates within a complex legal and regulatory landscape that influences business formation, market access, and international competitiveness. In Africa, where the fashion industry is gaining global recognition, understanding the legal frameworks that govern business operations, intellectual property protection, and trade policies is essential for fostering a sustainable and competitive industry. This section examines the regulatory environments of Lagos, Johannesburg, and Dakar—three of Africa’s emerging fashion capitals—highlighting key legal structures, challenges, and opportunities within each jurisdiction.

# LAGOS, NIGERIA

## **Business Registration & Regulation**

Lagos, Nigeria's commercial capital, is home to a thriving fashion industry driven by a mix of established designers, emerging brands, and a robust informal sector. The legal foundation for business operations in Lagos is the *Companies and Allied Matters Act (CAMA) 2020*, which mandates that all fashion businesses register with the Corporate Affairs Commission (CAC). Business structures range from sole proprietorships—common among small-scale fashion entrepreneurs—to limited liability companies, which provide greater legal protections for expanding brands.

In addition to business registration, fashion enterprises dealing in cosmetics and beauty products must comply with regulations from the National Agency for Food and Drug Administration and Control (NAFDAC). This agency ensures that products meet safety and quality standards before they reach consumers.

However, enforcement challenges have led to a proliferation of counterfeit beauty products in the market.

## **Industry-Specific Regulations**

Unlike other global fashion capitals, Lagos does not yet have a dedicated regulatory framework for the fashion industry. Instead, businesses must navigate a mix of trade, labor, and tax laws that apply across various sectors. The Standard Organisation of Nigeria (SON) is responsible for maintaining textile and apparel quality standards, particularly concerning imported fabrics and locally manufactured garments. However, issues such as inconsistent enforcement and the dominance of the informal sector pose challenges to industry-wide compliance.

## **Intellectual Property Protection**

Lagos serves as a dynamic hub for fashion innovation, yet the country's legal framework presents both opportunities

and challenges for designers seeking intellectual property protection. *The Copyright Act*, amended in 2023, extends legal protection to original fashion sketches, designs, and other creative works. However, enforcement remains a persistent issue, limiting the effectiveness of these protections in practice.

Similarly, brand names, logos, and distinctive symbols benefit from trademark protection under the *Trade Marks Act 2004*. While this legislation provides a legal foundation for brand identity, the registration process can be slow and cumbersome, creating barriers for emerging designers.

Notably, Nigeria is yet to establish a legal framework for the protection of overall fashion designs which is similar to jurisdictions such as the United States. While the lack of a this legal protection exposes fashion designers to significant risks, it also presents an opportunity for the country to strengthen its legal framework for fashion design protection which underscores the need for policy reform to strengthen intellectual property protections within the country's growing fashion industry.

## **Trade Policies and Agreements**

Nigeria, stands at the intersection of opportunity and challenge within Africa's evolving fashion trade landscape. As a signatory to the *African Continental Free Trade Area (AfCFTA)*, Nigeria's fashion industry stands to benefit from expanded market access across the continent, with reduced trade barriers creating new opportunities for designers and manufacturers. However, the country's stringent import duties on textiles and fabrics, designed to promote local production, have also led to unintended consequences, including increased smuggling and the circulation of counterfeit goods.

Additionally, while Nigeria has significant export potential, bureaucratic inefficiencies at the nation's ports create logistical challenges that can hinder fashion brands from scaling internationally. Addressing these regulatory and infrastructural constraints will be key to positioning Nigeria as a significant contributor to the global fashion economy.



# JOHANNESBURG, SOUTH AFRICA

## Business Registration & Regulation

South Africa's economic hub, Johannesburg offers one of the most structured and business-friendly regulatory environments for fashion entrepreneurs in Africa. The *Companies Act 2008* requires fashion businesses to register with the Companies and Intellectual Property Commission (CIPC), ensuring compliance with corporate governance and consumer protection laws. The country also provides several incentives for small and medium enterprises (SMEs), including tax benefits and funding opportunities from the Department of Trade, Industry, and Competition (DTIC).

*The Consumer Protection Act 2008* further enhances the regulatory landscape by ensuring fair trade practices, particularly in retail fashion. This law provides safeguards against misleading advertising, substandard products, and unfair contractual terms, which are crucial for protecting both designers and consumers.

## Industry-Specific Regulations

Johannesburg is one of Africa's leading cities in promoting sustainable fashion. Environmental and labour laws govern textile manufacturing, ensuring that factories adhere to ethical labor standards and environmentally friendly production processes.

*The South African Retail-Clothing, Textile, Footwear, and Leather (R-CTFL) Masterplan* plays an important role in shaping the industry by driving local production, increasing procurement from domestic suppliers, and enhancing value chain competitiveness. Established in 2019, the Masterplan aims to create a more resilient and inclusive sector by boosting employment, improving technology and skills, and growing local retail sales. By 2030, it seeks to expand local procurement from 45% to 65%, equating to R66 billion (\$3.65 billion USD) in value, while fostering innovation and transformation within the industry.

## Intellectual Property Protection

South Africa, offers a relatively robust intellectual property framework for fashion designers, providing stronger legal protections compared to many other African markets. *The Copyright Act of 1978* and the *Trade Marks Act of 1993* establish clear safeguards for creative works, ensuring that original designs, brand names, and logos receive legal recognition. Additionally, the *Designs Act of 1993* grants designers the ability to register unique garment patterns and accessories, affording a level of protection that surpasses what is currently available in Nigeria. While South Africa's enforcement mechanisms are more developed, particularly in comparison to Lagos, the proliferation of counterfeit imports remains a significant challenge. Strengthening border control measures and increasing industry awareness will be crucial in bolstering the country's efforts to protect fashion innovation.

## Trade Policies and Agreements

Johannesburg, South Africa, occupies a unique position in

the global fashion landscape, benefiting from both regional and continental trade agreements. As a member of the *Southern African Customs Union (SACU)* and a signatory to the *African Continental Free Trade Area (AfCFTA)*, South Africa enjoys preferential trade terms that facilitate cross-border commerce. However, while these agreements create opportunities, local designers face stiff competition from well-established international brands entering the market.

In response to global sustainability trends, the South African government has implemented policies such as the *South African Sustainable Textile and Apparel Cluster (SASTAC)*, to support the export of ethically produced textiles, reinforcing Johannesburg's reputation as a hub for sustainable fashion.

Despite these initiatives, the dominance of European and fast fashion brands poses a significant challenge to the growth of domestic designers, necessitating strategic policies to strengthen local industry resilience and brand competitiveness.

# DAKAR, SENEGAL

## Business Registration & Regulation

Dakar's fashion industry operates within the broader legal framework of the *OHADA Uniform Act on Commercial Companies and Economic Interest Groupings* which is part of the *Organisation for Harmonisation of Business Laws in Africa (OHADA)* legal framework; meaning a notary is typically required to register a business in Senegal as per the OHADA guidelines. The OHADA Act standardises business regulations across 17 African nations, simplifying business incorporation for fashion entrepreneurs.

Companies register through the Agence de Développement et d'Encadrement des Petites et Moyennes Entreprises (ADEPME), which provides financial and technical support to small businesses.

## Industry-Specific Regulations

Senegal has taken a proactive approach to supporting its creative industries.

Initiatives such as the Cultural Industries Development Fund (Fonds de Développement des Cultures Urbaines - FDCU) provide financial support for designers and emerging brands. Additionally, Dakar benefits from investment-friendly tax policies and government-led digital innovation programs that promote entrepreneurship in its fashion industry.

## Intellectual Property Protection

Dakar, Senegal, operates within the intellectual property framework of the *Organisation Africaine de la Propriété Intellectuelle (OAPI)*, a regional system that provides extensive protection for patents, trademarks, industrial designs, and copyrights.

This structure offers a more comprehensive approach to safeguarding fashion-related intellectual property than what is currently available in some other African countries.

Senegalese designers have the option to seek national, regional, and international protection for fashion designs depending on the IP rights involved. Trademarks can be registered regionally under the OAPI or internationally under the Madrid Protocol; Copyrights can be registered nationally and regionally under the OAPI; while industrial designs can be registered regionally under the OAPI framework.

Registration grants them legal recognition and protection against unauthorised reproduction. In addition to conventional IP protections, Senegal has made significant strides in preserving its rich textile heritage. Efforts to safeguard traditional fabrics such as Thioup and Bazin ensure that local artisans and designers retain control over their cultural innovations, preventing exploitation and fostering sustainable economic growth within the fashion industry.

## **Trade Policies and Agreements**

Senegal, enjoys strategic advantages in regional trade, benefiting from its membership

in the *West African Economic and Monetary Union (WAEMU)* as well as the *African Continental Free Trade Area (AfCFTA)*. These agreements facilitate trade across West Africa, enabling Senegalese fashion designers and manufacturers to access a broader market with reduced tariffs and trade barriers.

In line with this, the Senegalese government has made substantial investments in revitalising traditional textile production, aiming to enhance the country's export potential and strengthen its position in the global fashion market.

02.

## REGULATORY FRAMEWORKS GOVERNING FASHION BUSINESSES IN **PARIS, NEW YORK, AND MILAN**

The regulatory landscape for fashion businesses varies across global fashion capitals, each shaped by unique legal, economic, and cultural contexts. Paris, New York, and Milan stand as key players in the global fashion industry, each with distinct business registration processes, industry-specific regulations, intellectual property protections, and trade policies. Understanding these frameworks provides insight into how these cities maintain their status as fashion powerhouses while adapting to evolving legal and economic trends.

# PARIS, FRANCE

## Business Registration & Regulation

Fashion businesses in Paris operate under the French *Commercial Code* and EU regulations. Entrepreneurs must register with the *Registre du Commerce et des Sociétés* (RCS) in compliance with the Act of 19th December 2002, ensuring official recognition. Additionally, companies must adhere to provisions in the *French Civil Code* and the *Monetary and Financial Code*, covering contracts, liability, and financial matters.

For startups and independent designers, the *Pacte Law (2019)* has introduced significant reforms aimed at simplifying the process of business registration, reducing financial barriers, and fostering innovation within the fashion industry.

The regulation of haute couture houses is unique in Paris, where the *Chambre Syndicale de la Haute Couture* plays a central role in ensuring only the highest standards of craftsmanship and exclusivity.

To qualify as a haute couture house, businesses must meet stringent criteria set by the French Ministry of Industry, marking them as a prestigious part of Parisian fashion.

## Industry-Specific Regulations

France enforces rigorous consumer protection laws under the *French Consumer Code*, which mandates accurate labeling, fair advertising, and transparent pricing in the fashion industry. This ensures consumers receive high-quality and ethically produced goods. Sustainability has also become a central focus in Parisian fashion law. The 2023 ban on destroying unsold clothing was a landmark policy, requiring fashion brands to recycle or donate unsold inventory rather than incinerate or discard it. Additionally, the *Anti-waste for a Circular Economy (AGEC) Law* and the *Climate and Resilience Law* mandates brands to disclose the environmental impact of their products, including carbon emissions and water consumption, promoting transparency and eco-conscious consumption.

## Intellectual Property Protection

France provides strong intellectual property protection for fashion under the *French Intellectual Property Code*, particularly Article L112-2, which extends copyright protection to fashion designs as "original works of the mind."

Additionally, designers can register trademarks and industrial designs with the Institut National de la Propriété Industrielle (INPI), France's national intellectual property office. By doing so they ensure exclusive rights over brand logos, patterns, and unique garment designs. However, despite strong IP laws, luxury counterfeiting remains a persistent issue, particularly with counterfeit goods entering the market through international supply chains.

## Trade Policies and Agreements

As part of the *EU Single Market*—also known as the European internal market, Paris enjoys trade within the European Union, benefiting from tariff-free exchanges among member states. However, import tariffs on non-EU goods

raise costs for brands sourcing textiles and fabrics from outside Europe.

France also dominates the luxury export market, being the world's largest exporter of high-end fashion, benefiting from trade agreements with key global markets. Some of these trade agreements include the *EU-Japan Economic Partnership Agreement (EPA)*, *EU-Republic of Korea Free Trade Agreement*, and the *EU-Canada Comprehensive Economic and Trade Agreement (CETA)*.

These agreements lower trade barriers, reduce tariffs, and strengthen IP protections, ensuring that French luxury brands can export seamlessly to key global markets like China, Japan, the U.S., and the Middle East while protecting their designs from counterfeiting.



# NEW YORK, USA

## Business Registration & Regulation

Fashion businesses in New York operate under *New York State Business Corporation Law* or Limited Liability Company (LLC) regulations, depending on their chosen business structure. Entrepreneurs must register with the New York Department of State and adhere to tax and employment laws enforced by the Internal Revenue Service (IRS) and New York State Department of Taxation and Finance.

Consumer protection and advertising laws are primarily overseen by the Federal Trade Commission (FTC) and the New York State Department of Consumer Protection, ensuring fair business practices and preventing deceptive marketing tactics in the fashion industry.

## Industry-Specific Regulations

New York has introduced significant legislative measures to protect workers and regulate industry practices.

The *Fashion Workers Act (2024)* brought increased labour protections for models, freelancers, and independent contractors within the industry, addressing long standing issues of wage theft and lack of job security. The Act was signed into law on December 21, 2024, and will take effect on June 19, 2025. Further, in 2022, New York introduced the *Fashion Sustainability and Social Accountability Act ("Fashion Act")*, a pioneering legislative proposal aimed at establishing the state as a global leader in fashion industry accountability. While it is still currently under review, if passed, the Act will mandate supply chain transparency and require companies to disclose environmental impact, labor conditions, and animal welfare policies.

Urban policy also shapes the industry. The *Garment District Rezoning Law (2018)* aimed to revitalise Midtown Manhattan by removing zoning restrictions that had long preserved industrial spaces for apparel manufacturing.



The reform allowed property owners to convert buildings for office and mixed-use purposes, address zoning violations, and attract new investment, while also seeking to maintain the area's status as a fashion hub. This law altered manufacturing dynamics by reducing protected industrial spaces in Manhattan, leading to a shift in production to outer boroughs and neighboring states. This has impacted small-scale manufacturers while benefiting large brands that rely on offshore production.

Additionally, textile regulations in the U.S. fall under the *FTC's Textile, Wool, and Fur Acts*, which require clear labeling of fiber content and country of origin, ensuring transparency for consumers.

### **Intellectual Property Protection**

Unlike France, the U.S. does not grant copyright protection for the overall design of fashion garments under the *U.S. Copyright Act*. Instead, only design elements that can be separated from the garment, such as fabric prints or decorative features, may qualify.

Trademark and trade dress protections under the *Lanham Act* allow brands to safeguard distinctive visual elements, but overall, legal protection for fashion garments remains more limited than in France. Additionally, designers can apply for design patents under the U.S. Patent and Trademark Office (USPTO), provided the designs meet strict novelty criteria. This offers some level of protection, though the process is lengthy and costly.

### **Trade Policies and Agreements**

New York's fashion trade is shaped by regional and international agreements that regulate market access, tariffs, and intellectual property protections. The *United States-Mexico-Canada Agreement (USMCA)* supports duty-free textile and apparel trade within North America, reinforcing supply chains. Similarly, the *U.S.-Japan Trade Agreement (2020)* reduced tariffs on American exports, aiding luxury brands in entering Japan's high-end market, where demand for leather goods and designer apparel remains strong.

However, ongoing trade tensions have disrupted key markets. The absence of a free trade agreement between the U.S. and the EU has not hindered strong bilateral trade, but regulatory differences create market entry challenges for New York brands in Paris, Milan, and London. Meanwhile, escalating tariffs on imports from China have increased production costs, prompting luxury brands to diversify sourcing and explore alternative markets.

Despite these barriers, New York remains a global fashion hub, bolstered by strong e-commerce regulations and consumer protection laws. This legal framework enables luxury brands to expand internationally through direct-to-consumer sales and cross-border online platforms, mitigating some of the effects of trade disputes.

*“Ongoing trade tensions have disrupted key markets. The absence of a free trade agreement between the U.S. and the EU has not hindered strong bilateral trade, but regulatory differences create market entry challenges for New York brands in Paris, Milan, and London. Meanwhile, escalating tariffs on imports from China have increased production costs, prompting luxury brands to diversify sourcing and explore alternative markets.”*

# MILAN, ITALY

## Business Registration & Regulation

Milan's fashion businesses must register under the Italian Chamber of Commerce, complying with both Italian corporate law (the *Italian Civil Code*) and broader EU trade regulations. Italian fashion companies benefit from strong protections under "Made in Italy" legislation (*Legge 166/2009*), which safeguards national craftsmanship from counterfeiting and ensures authenticity in luxury goods. The *Italian Industrial Property Code* governs registration for trademarks, and design patents, reinforcing Italy's strong intellectual property protection for fashion businesses.

## Industry-Specific Regulations

Milan has long maintained regulatory support for artisanal and heritage brands. The *Norma Di Legge No. 883 (26/11/1973)* is Italy's textile labeling law, which took effect on November 11, 1973, requiring accurate disclosure of fiber

content in textiles. *Legge 883/1973* supports traditional craft industries by providing financial incentives and legal protections to sustain Italy's legacy of handmade fashion. This law ensures that small and mid-sized fashion houses remain competitive despite the rise of mass production.

Sustainability laws also play a crucial role in Milan's regulatory landscape. Italy enforces the EU Circular Economy Action Plan, promoting textile recycling and sustainable fashion production. Brands operating in Milan must comply with strict waste reduction policies, which are increasingly influencing global industry standards.

## Intellectual Property Protection

Italy provides robust intellectual property protection through the *Italian Industrial Property Code (IPC)*, which governs patents, trademarks, and industrial designs, ensuring a streamlined framework for registration and enforcement.

Copyright protection is established under *Law No. 633 of 1941*, safeguarding authors' rights.

As part of the European Union, Italy also adheres to EU-wide regulations, including the *Community Design Regulation* and *EU Trademark Regulation*, allowing for uniform protection across member states. Milan, a key fashion capital, benefits from these harmonised IP frameworks, particularly in industrial design protection. Additionally, Italy is a signatory to major international agreements such as the *Paris Convention*, *Berne Convention*, and *TRIPS Agreement*, ensuring global recognition of its IP rights.

Regulatory oversight is managed by the Italian Patent and Trademark Office (UIBM) for industrial property, the Society of Authors and Publishers (SIAE) for copyright, and the Italian Competition Authority (AGCM), which addresses IP-related competition issues. Despite Italy's strong legal protections, enforcement challenges persist, particularly concerning counterfeiting and market competition in the global fashion industry.

## Trade Policies and Agreements

Similar to Paris, Milan follows EU trade regulations, which govern textile imports and exports within Europe. Both cities operate under the European Union's trade policies, benefiting from agreements that facilitate the movement of goods, services, and investments among member states. This common framework ensures that fashion products can traverse borders with minimal restrictions, fostering a cohesive European fashion market.

Additionally, Italy maintains bilateral trade agreements with China and the U.S., influencing the luxury goods export market. Italy has also aligned its trade policies with broader European Union sustainability goals, particularly the *EU Strategy for Sustainable and Circular Textiles*. These policies emphasise reducing waste, promoting circularity in textiles, and enforcing stricter environmental regulations for imported and domestically produced fashion goods.

03.

## HOW LEGAL FRAMEWORKS **IMPACT** **BUSINESS GROWTH** IN FASHION CAPITALS

The regulatory environment of a fashion capital significantly influences its business climate, shaping how companies operate, innovate, and compete globally. Effective legal frameworks provide businesses with stability, intellectual property protection, and consumer trust, fostering growth and economic expansion. Conversely, overly complex or rigid regulations can stifle innovation, increase operational costs, and create barriers to market entry. This section examines how legal efficiency, innovation, and enforcement impact fashion businesses in fashion capitals.

# BUSINESS EFFICIENCY: STREAMLINING REGISTRATION AND TRADE

Fashion businesses rely on efficient legal frameworks for seamless registration, trade, and regulatory compliance. In Paris, New York, and Milan, brands benefit from well-structured commercial laws. Paris streamlines business formation through the INPI (Institut National de la Propriété Industrielle) and tax incentives under the *Pacte Law (2019)*, supporting startup growth. Likewise, New York's corporate registration under the *New York State Business Corporation Law* is digitalised, reducing bureaucratic delays for fashion entrepreneurs.

African fashion capitals also have structured legal systems that support business growth. In Lagos, businesses register with the Corporate Affairs Commission (CAC) under the *Companies and Allied Matters Act (CAMA) 2020*, which introduced reforms to simplify registration and enhance corporate governance. Dakar benefits from *OHADA's Uniform*

*Act*, which provides a harmonised legal framework for business registration across West Africa, improving cross-border trade and investment. Johannesburg, through initiatives such as the South African Small Business Tax Incentives scheme, offers tailored support for fashion startups, encouraging formalisation and industry expansion.

*“While regulatory challenges exist across global fashion hubs, ongoing reforms in African markets continue to strengthen business environments, making them increasingly attractive for investment and growth.”*

# INNOVATION AND SUSTAINABILITY REGULATIONS

Legal frameworks also dictate the extent to which fashion industries embrace innovation, particularly in areas like sustainability, digital fashion, and labour protections. Milan, for example, enforces EU sustainability laws, requiring brands to reduce textile waste and comply with circular economy policies. Paris leads globally with the 2022 ban on destroying unsold clothing and the *Environmental Labeling Law*, compelling brands to disclose the environmental impact of their products.

In Africa, specialised sustainability regulations for the fashion industry are still developing, with most countries yet to enact comprehensive laws on eco-friendly production. However, the continent holds a natural advantage, as many traditional textile practices—such as hand-weaving, natural dyeing, and fabric upcycling—are inherently sustainable and deeply rooted in local craftsmanship.

Africa contributes the least to

global textile waste and emissions yet remains one of the most affected regions by the environmental consequences of the fashion industry. This necessitates an increased responsibility for sustainable and ethical fashion practices globally.

Globally, key barriers to sustainable fashion include limited consumer awareness, inadequate recycling technology, and a lack of investment in circular economy initiatives. While some efforts are being made by independent designers, NGOs, and private enterprises, strengthening policy frameworks, promoting local recycling solutions, and enhancing consumer education will be essential in positioning Africa as a leader in sustainable fashion.

04.

## **POLICY RECOMMENDATIONS** FOR AFRICAN FASHION CAPITALS

As Africa's fashion industry expands, cities across the continent must develop effective legal frameworks to protect designers, encourage investment, and foster innovation. While African fashion markets face unique challenges, strategic legal reforms can position African cities as global fashion hubs.



# 1. STRENGTHEN INTELLECTUAL PROPERTY PROTECTION

A major challenge for growth in African fashion markets is the fragmentation of intellectual property (IP) protections. While legal frameworks exist, enforcement is often inconsistent, leaving many designers vulnerable to counterfeiting, imitation, and unauthorised use of their work. Strengthening design-specific IP protections—similar to those in Paris and Milan—would provide greater security for creatives and encourage investment in the industry.

A key step forward would be harmonising national IP laws with the African Regional Intellectual Property Organization (ARIPO) and the Organisation Africaine de la Propriété Intellectuelle (OAPI). A more streamlined and accessible system for design registration and trademark protection would support designers in safeguarding their creations while promoting innovation and industry growth across the continent.

*“The future of Africa’s fashion capitals hinges on robust and harmonised intellectual property protections. By aligning national laws with ARIPO and OAPI, designers can secure their creative rights, attract investment, and compete on a global scale. Without a streamlined framework, innovation risks being stifled by counterfeiting and unauthorised use.”*

## 2. DEVELOP SUSTAINABLE FASHION POLICIES

African cities can take inspiration from Paris's 2023 *Environmental Labeling Law* and implement regulations that promote sustainable production and waste reduction. However, it is important to recognise that sustainability is already deeply embedded in many African fashion ecosystems. From handcrafted textiles and natural dyeing techniques to small-batch production and fabric upcycling, African designers have long embraced eco-friendly practices.

Additionally, the continent's fashion supply chains operate with significantly lower carbon footprints compared to mass industrial production elsewhere.

Despite contributing the least to global textile waste and emissions, Africa remains disproportionately affected by the environmental consequences of the fashion industry. Implementing policies that formalise and support existing sustainable practices—such as incentivising textile

recycling, ethical sourcing, and responsible labour standards—would strengthen Africa's position in the global market. Also, tax benefits for brands investing in eco-friendly production could further drive sustainability efforts while ensuring that Africa's fashion industry remains both competitive and environmentally responsible.

### 3. REGULATE THE INFORMAL FASHION MARKET

A significant portion of Africa's fashion economy operates within informal markets, where small-scale designers and retailers drive much of the industry's creativity and production. However, the absence of formal business structures makes regulation, intellectual property protection, and access to financial resources more challenging. Without legal recognition, many designers struggle to secure funding, enforce contracts, or scale their businesses beyond local markets.

To address this, governments should implement policies that support the formalisation of these enterprises, offering legal protections, financial assistance, and business development programmes.

Establishing accessible registration processes, reducing bureaucratic barriers, and introducing tax incentives for legally registered businesses would encourage designers to transition from informal

markets to structured, compliant enterprises.

In key fashion hubs such as Lagos, Dakar, and Johannesburg, initiatives that simplify business incorporation and provide financial incentives for registered designers could create a more sustainable and competitive industry while ensuring that Africa's fashion economy operates within a stronger legal framework.

## 4. ESTABLISH FASHION LABOUR LAWS

African fashion workers, including models, artisans, and tailors, often navigate the industry without adequate legal protections, leaving them vulnerable to exploitation, inconsistent wages, and a lack of job security. Many operate within informal employment arrangements, with little to no access to contractual safeguards, healthcare, or workplace safety standards. This lack of regulation not only affects individual livelihoods but also limits the long-term sustainability and growth of the industry.

New York's Fashion Workers Act provides a strong blueprint for how legal frameworks can establish fair wages, enforceable contracts, and safe working conditions. By adopting similar legislation, African cities can create a structured employment system that protects industry professionals, ensures financial stability, and fosters talent retention. Implementing clear labour laws tailored to the fashion sector—covering areas such as fair pay, workplace

protections, and dispute resolution mechanisms—would contribute to a more equitable and economically resilient fashion industry across the continent.

## 5. LEVERAGE TRADE AGREEMENTS FOR MARKET EXPANSION

African fashion brands frequently encounter barriers when accessing international markets, with high export costs, inadequate infrastructure, and limited trade agreements restricting their global reach. These challenges make it difficult for designers and manufacturers to compete on an international scale, despite the continent's rich textile heritage and skilled craftsmanship.

The absence of streamlined trade policies further exacerbates the issue, as many African fashion businesses face high tariffs and logistical hurdles when exporting to key markets such as the European Union, the United States, and China.

To address these challenges, governments should actively negotiate trade agreements that lower tariffs on African textiles and garments, ensuring more competitive pricing and greater market access. Strengthening diplomatic and economic partnerships with

major fashion-consuming regions would provide African designers with expanded opportunities to showcase and sell their work globally.

Additionally, the African Continental Free Trade Area (AfCFTA) presents a transformative opportunity to build an integrated fashion market within the continent, enabling designers to scale their businesses across Africa before expanding internationally. By improving intra-African trade, streamlining customs processes, and enhancing regional supply chains, AfCFTA could position African fashion brands for long-term global success.

# CONCLUSION

While Paris, New York, and Milan have stronger legal frameworks, there is still room for growth and improvement even in these international fashion capitals. Similarly, Lagos, Johannesburg, and Dakar, despite facing some regulatory challenges, have great potential to develop their legal systems to support business growth and sustainability in the fashion industry. By strengthening intellectual property protections, streamlining business registration processes, enforcing labour laws, and adopting sustainability policies, African fashion capitals can foster a more competitive, sustainable, and legally sound environment for their designers and businesses.

A collaborative approach across Africa, drawing on frameworks like AfCFTA and OAPI, can play a pivotal role in creating a unified, robust legal system that supports the growth of the fashion industry. This will not only protect Africa's rich fashion heritage but also empower African cities to become

thriving global fashion hubs with a strong legal infrastructure that nurtures innovation, entrepreneurship, and international success.

*A collaborative approach across Africa, drawing on frameworks like AfCFTA and OAPI, can play a pivotal role in creating a unified, robust legal system that supports the growth of the fashion industry. This will not only protect Africa's rich fashion heritage but also empower African cities to become*

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