

LEGAL/PRIVACY

Moschino fights copyright lawsuit citing First Amendment protection

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Jeremy Scott with Katy Perry at the Met Gala

By STAFF REPORTS

Italian apparel and accessories label Moschino and its fashion designer Jeremy Scott are being sued by street artist Rime over intellectual property violations.

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Rime, born Joseph Tierney, claims in the lawsuit that Moschino and Mr. Scott repurposed his mural "Vandal Eyes" without permission for a dress worn by pop star Katy Perry at the Metropolitan Museum of Art's Met Gala in May. To boot, the designer also altered the work of Rime for the dress' print by superimposing the Moschino and Jeremy Scott brand names in spray paint as if it were part of the original.

First Amendment fashion

In his lawsuit, Rime says that the Italian fashion label and Mr. Scott violated copyright regulations and has created unfair competition between artist and designer as well as dealings in publicity rights.

Last week in response to Rime's lawsuit, processed over the summer, Moschino filed a motion based on the SLAPP law of California. The law, according to [The Hollywood Reporter](#), "gives an advantage to those who are trotted into court over their First Amendment-protected activity on a matter of public interest. If a plaintiff cannot show a likelihood of prevailing in the lawsuit, the litigation ends early."

Essentially, Moschino must convince a judge that the dress worn by Ms. Perry is an example of the label's right of free speech. To back up this claim, the brand cited comic book and video game likenesses of musicians and celebrities being seen as free speech exercises.

In its motion, Moschino says, "It is well-established that the wearing of fashion (let alone its design and dissemination) is a form protected First Amendment activity as a form of expressive conduct."

Indeed, Moschino must sway the judge to feel that its demonstration of free speech is connected to public interest due to Ms. Perry's status in popular culture, the brand and its designer being "household names in high-fashion" and the visibility of the Met Gala.

Moschino's legal brief explains further saying, "Ms. Perry, as a major celebrity with a strong public following, is alleged to have generated tremendous publicity as she was widely photographed in the clothing,' and garnering immense international publicity including The New York Times, CNN, Vogue, Vanity Fair, People, US Weekly and on social media.' Thus plaintiff alleges that Moschino's activities at issue in this suit arise from a matter of public

interest."



Jeremy Scott and Katy Perry wearing the clothing in question, as seen on social media following the Met Gala

Additionally, Moschino argues that its use of Rime's work was transformative and not the "very sum and substance of the work in question." If that is the case, it means that the artist finds fault not in the wearing of the dress but its design.

To this, Mr. Scott explained his role in the dress' design saying, "I did not design the actual print on the dress and suit (worn by himself during the Met Gala) and I did not design the Rime graphics on two items reproduced in the plaintiff's complaint. Those graphics were selected and created by a graphic artist at Moschino completely independently of me."

Mr. Scott's statement can be read [here](#). Moschino's memorandum can be found [here](#).

During his career Mr. Scott has become known for a design aesthetic that appropriates pop culture motifs and characters into garments and accessories. Most recently, Moschino partnered with Mattel's Barbie doll for an apparel and accessories collection and collector's toy ([see story](#)).

While this is not the first time Mr. Scott has been brought to court over copyright violations, it is interesting considering Moschino's luxury standing and the industry's dealings with intellectual property forgeries in the form of knock-offs.