

FROM RUNWAY TO RIGHTS: LEGAL REFLECTIONS OF PRADA KOLHAPURI CASE

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Abstract

The intersection of global fashion with traditional Indian craftsmanship has often been a concerning matter of intellectual property protection. The controversy surrounding the launch of “leather sandals” by Prada which is strikingly resembles the Kolhapuri chappals at Milan Fashion Week 2025 has highlighted the gap in the existing laws regarding the protection of local traditional crafts in the global arena. This incident brings out the gap in the existing framework governing Geographical Indications (GI). While Kolhapuri chappals are protected under the GI regime of India, the absence of explicit use of the GI name or indication of its origin by the foreign entities raises the question whether imitation of design alone constitute infringement of the same.

This article examines the scope of protection provided under the governing domestic laws and international instruments like the TRIPS Agreement, analysing whether the current provisions adequately address the cultural appropriation through imitation of design. Furthermore, this article argues that the existing legal framework does not adequately provide protection to the artisans and is limited in its scope when misappropriation occurs without misrepresentation or consumer deception.

This article delves into how GI protection remains constricted to names and indications rather than the underlying cultural expression and craftsmanship. Through analysis of some case laws, international obligations and statutory provisions, this article provides for expanded international protection mechanisms, including the extension of domestic GI safeguards beyond the wines and spirits and the development of a sui-generis system to prevent further

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infringement and for the preservation of traditional cultural expressions in a globalised market.

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The Runway Meets the Roots: Unveiling the Prada-Kolhapuri Incident

In mid-2025, at Milan Fashion Week, Prada unveiled its Spring/Summer 2026 collection which included sandals that bore a striking resemblance to Kolhapuri chappals – handcrafted artisanal footwear with cultural roots in Maharashtra, India. Though protected under India's GI law, Kolhapuri chappals appeared on a runway without collaboration or attribution with the indigenous artisans. Though the product was simply labelled as “leather sandals” and made no explicit claim of Kolhapuri origin, the resemblance sparked controversy among the public. Although Prada has now acknowledged the Indian inspiration behind the design, it follows significant social media backlash alleging cultural misappropriation and infringement of GI laws. Despite GI protection under Indian law, it remains unclear how such safeguards can be enforced when foreign designers with greater resources produce close imitations. This incident raises a crucial question in public international law: can “design mimicry” or “evocation” amount to violation of international obligations, especially when the GI name or origin is not invoked explicitly?

This article argues that while domestic GI registration provides a base, it is insufficient for curbing fashion industry appropriation. It aims to find out whether international law relating to protection of traditional designs provides protection when a foreign brand copies a traditional design or style even if the GI name or origin is not mentioned or used explicitly.

Whose sole is it? Prada and the Kolhapuri Controversy

At Milan Fashion Week, 2025, Prada presented “leather sandals” that strongly resembled the centuries-old GI-tagged Kolhapuri chappals. This striking resemblance to the traditional Indian crafted footwear drew a lot of criticism. The Kolhapuri chappal are a centuries-old artisanal tradition from Maharashtra which is officially registered under India's Geographical Indications of Goods (Registration and Protection) Act, 1999 (GI Act). The showcase of Prada's sandal design raised issues of cultural misappropriation and infringement of intellectual property rights.

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Prada recently in its runway debuted a leather sandal which looks eerily similar to the Indian Kolhapuri sandals. The kolhapuri sandals are GI tagged and registered, however as per the GI Act, 1999, what amounts to infringement is when a GI name or misleading mark is used to imply genuine origin or mislead consumers regarding the product's origin. This is mentioned under Section 22 of the Act (India Code). In this particular incident, Prada's imitation of the kolhapuri sandals' design does not result in GI infringement under the law since it did not explicitly use the GI name or falsely indicated the geographical location.

There are several cases pertaining to GI rights in India, however, none of them provide an insight on the unauthorised use of GI which is similar to the Prada-Kolhapuri incident. In the case of *Tea Board India v. ITC Limited (2011)*, it was seen that the protection of GI only extended when the actual name or term of the product had been used explicitly (The Legal School, n.d.). Section 21 of the GI Act, 1999 mentions the rights conferred by registration of a product under the Act. Section 21(1)(b) grants the authorised users of a GI the exclusive right to use such sign in relation to goods for which it is granted (India Code). And as per Rule 56 of the Geographical Indications of Goods (Registration and Protection) Rules, 2002, for registration as an authorised user, a producer has to submit an application to the Registrar along with a "Statement of Case" (IP India). In 2018, Sant Rohidas Leather Industries & Charmakar Development Corporation (LIDCOM) and Dr. Babu Jagjivan Ram Leather Industries Development Corporation (LIDKAR) secured GI registration for Kolhapuri chappals, as proprietors under the GI Act. Therefore, one who is not an authorised GI user commits infringement under Section 22 by using it (India Code).

In the case of *Comite Interprofessionnel Du Vin De Champagne v. M/S Chinar Agro Fruit Products* (widely known as the Champagne case) (IPLF, n.d.) the Delhi High Court granted a permanent injunction, declaring that the use of the name "champagne" on non-alcoholic sparkling beverages constitute the infringement of a registered GI product. The court gave this direction in order to prevent misleading of consumers and protecting the reputation of the producers from the Champagne region of France, which is also a registered proprietor in India as well, and preventing the term to be a generic one.

This ruling sets an important role for the protection of GI integrity, even when the infringing product was not the exact product that was allegedly infringing a geographic indicator. In the current matter there are similar underlying rationale considering that Prada's high-end sandal is remarkably similar to the Kolhapuri Chappals that is protected as a Geographical Indicator.

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While the alleged infringement is based on design, rather than name, the principles of the Champagne Case is relevant. Prada's unauthorized use of the signature Kolhapuri design is passing off as a substitute, and confuses and misleads purchasing consumers who may think that Prada's items are Kolhapuri products which unjustly enriches Prada by trading upon the culture and skills of artisans from Kolhapur. It can be argued that Prada's design for their high-end sandals dilutes the name Kolhapuri Chappals, and their high-end sandals cause clear economic harm to artisans who earn from this craftsmanship of traditional sandals. These collective rights and reputation once again reaffirm the value to treat basic human rights from cultural heritage a Geographical Indicator should be protected.

In this scenario Prada described the sandal as toe-braided leather footwear in a very clever manner in order to avoid any explicit reference to "Kolhapuri" therefore not triggering the GI infringement provisions. Therefore, under the current legal statutes and supporting case laws, Prada's sandal design **does not** violate the GI laws protecting the kolhapuri sandals until and unless it is marketed using the name "Kolhapuri" or provides any indication as to mislead the consumers into believing that they originate from Kolhapur.

What "Protection" means for Kolhapuri Chappals

The protection provided to GI registered products is primarily focused on the safeguarding of the name, indication and the geographical location of origin rather than the underlying product design under both Indian law and international frameworks like the TRIPS Agreement. Under the GI Act, 1999 it defines GI as any indication that identifies goods as originating from a specific location, and its special qualities must be attributable to that place. In the case of *Scotch Whisky Association v. JK Enterprises* (World Trademark Review, n.d.), the courts stressed that the protection provided under the law is reserved only for the exclusive rights to use the GI name associated with a region's reputation, and not the physical features of the goods. As per Article 22 of the TRIPS Agreement, it requires all member states to prevent the use of any indication that misleads the public about a product's origin (WTO| intellectual property (TRIPS)). However, it does not regulate the imitation of traditional designs or manufacturing unless the GI name has been used explicitly for unfair competition. The Lisbon Agreement and its Geneva Act, which apply in certain parts of Europe, protect geographical indications to a reputation and dilution approach, however the focus of the protection is still based on name and reputation, not design (Kumar).

As mentioned above in the Darjeeling Tea case, action was justified only when a third party used the name "Darjeeling" in connection with products that did not originate in the Darjeeling region of India, irrespective of any similarity or differences in packaging, taste, or manufacturing. The same principle was applied in the Banasari Saree case, where the judges stressed that a GI only protects the registered name and its associated value, not the imitation of weaving methods or weaving patterns. This fundamental principle is also underscored by TRIPS, which obligates countries to provide protection against indications that mislead consumers with respect to the true origin of a product, but not against designs or techniques or even copycat names unless these are deliberately paired with a misleading protected name. Article 22 of the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement provides for the protection of Geographical Indications (WTO| intellectual property (TRIPS)). It provides protection to the use of any goods which indicates or suggests that it originates in a geographical area other than its true place of origin in a manner which misleads the public into believing the true origin of the good. Article 23 provides additional protection of wines and spirits which is absolute and unqualified, and, unlike right holders of other goods, the proprietor of GI relating to wines and spirits do not have to prove that incorrect use of the geographic origin is misleading as well (WTO| intellectual property (TRIPS)).

A major practical limitation to the enforcement of rights under the GI Act is the restriction to enforcement within territories. The GI registration, which protects Kolhapuri Chappals, is recognized only in India. This results in a territoriality limitation. India protects Kolhapuri chappal under the GI Act, 1999 which is effective domestically but international enforcement raises complex challenges. The GI law is ineffective against the borrowing of cultural and traditional elements by anyone who then applies these elements to products under their brand-name without acknowledging the origin of it. The GI registration would allow Kolhapur Chappals to prohibit Prada from marketing and selling its sandals in India under Kolhapuri, however, this registration would provide no recourse to the registered proprietors of Kolhapuri Chappals to stop Prada from making sandals in Italy or any other country and marketing them abroad under a different name. Indian law does not provide extraterritorial enforcement against these sales abroad.

Therefore, the focus of enforcement relates solely to misrepresentation by way of the GI name or false indication of origin, and any remedies for passing off or infringement are then

limited to cases involving misrepresentation as described. This position, consistent across Indian and international case law, shows that protection is not available for traditional (design) or even processes of manufacturing, unless the product is misrepresented as originating from the protected region or is sold in the market using the GI name. This limitation highlights the dire need for stronger international frameworks for protection of GIs. While the TRIPS Agreement provides a minimum standard for GIs, it does not create a global GI registry nor does it automatically provide reciprocal protection for the enforcement of rights.

Beyond Borders: Limits of International Law for Traditional Designs

International law currently confers very limited and often ineffective remedies when foreign brands imitate traditional designs without asserting the origin of the products themselves. The main international instrument, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), offers protection for trademarks and geographical indications; however, TRIPS primarily prohibits misleading indications of geographical origin or other acts of unfair competition. In practical terms, this means that there are few remedies available to the person of traditional designs unless the business in question falsely claims an origin that is protected (such as by using a registered GI).

Article 22 and Article 23 of TRIPS are designed to protect products against misleading claims of origin, and then the wines and spirits are given greater protection, but there is no explicit reference to protection of design, or cultural expressions more generally. Which means that international law does not directly address who can, and who cannot copy traditional designs or design techniques, without making an origin claim, and so these creations are susceptible to cultural appropriation (WTO| intellectual property (TRIPS)). Noting a case study of traditional marks, specifically the attempted UK trademark of “*kikoi*” which is an example of an East African cultural textile, it can be seen that use of the name can be challenged and prohibited, using trademark law or GI law, but there is nothing in TRIPS or similar international instruments that prohibits copying of the actual design without making an origin claim.

The Paris Convention for the Protection of Industrial Property (as amended on September 28, 1979) has not defined GIs, Article 1(2) provides protection of industrial properties which includes “indication of source or appellations of origin” (WIPO Lex). It does not explicitly mention the term GI products but through this provision it is assumed that the term

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“indication of source or appellations of origin” mean the geographical indications of goods. Article 10 of the Paris Convention states that in the cases where goods use false indication of the source of goods, either directly or indirectly, can be seized (WIPO Lex). The provisions of Article 9 mention the instances where seizure of goods is to be done and it also applies to the provisions of Article 10. Thus, it says that names or labels should not be used in such a manner which misleads the public into thinking a product comes from a place it actually doesn't and mandates legal measures to prevent such practices.

Even if the World Intellectual Property Organization (WIPO) Intergovernmental Committee has been discussing this, there is as yet no definitive international treaty to protect traditional cultural expression or design in its own right. As a result, there is a substantial void of effective legal protection as copyright and patent regimes are developed to protect originality and invention—not communal, traditional knowledge or artisanal design—which severely narrows remedies available to affected communities. Even if some countries are developing sui generis systems to fill these gaps, the protections are still largely domestically enforced, with little to no international recourse against foreign imitation unless it involves trademark, copyright, or GI name infringement (Awopetu).

However, there are several ongoing legal initiatives that have tried to address the misappropriation of traditional designs though there does not exist a comprehensive global treaty yet. One of the main international efforts include the World Intellectual Property Organisation (WIPO) which established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The IGC has developed Draft Articles for Protection of Traditional Knowledge (TK) and Traditional Cultural Expression (TCE), which aims to prevent outsiders from using, copying or commercialising traditional designs.

The Final Stitch

The Prada-Kolhapuri dispute hinges on a pivotal legal question. Infringement could be proven if an Indian court accepts that the Kolhapuri Chappal's iconic design constitutes a figurative representation of its origin, thereby protecting more than just the name. However, a court could reject the claim, citing the absence of precedent and Prada's non-use of the "Kolhapuri" name. Even if infringement is established in India, the territorial nature of the GI Act presents the greatest hurdle. It offers no power to stop Prada from manufacturing in Italy

and selling globally, making effective enforcement against the luxury brand nearly impossible.

This situation with the Kolhapuri Chappals (as well as with GIs in general) illustrates the limitations of the individual-focused philosophy behind IP law. It is clear that GIs do not adequately protect collective rights, as evident in the absence of a trickle-down effect of benefits to small-scale artisans, and through cultural appropriation of traditional Indian knowledge (like yoga).

We can observe that even the sui generis value of a GI system is flawed and simply protects the use of a registered product's name. Prada (and others, like Dior) have used legal loopholes to their advantage - as already noted, artisans do not have a right to monetary compensation and giving credit is enough from an ethical standpoint. GI restrictions fail to work against appropriation of culture by anyone who can then apply cultural appropriation to branded products. This was illustrated when British designer Paul Smith sold shoes 'inspired' by Peshawari Chappals from Pakistan (not registered as a GI) and had to acknowledge that after it was revealed on social media.

An appropriate method to address cultural appropriation as a policy response may be to implement the Additional Protection provided to wines/spirits under Article 23 of TRIPS to all goods. Under Article 23, wines/spirits receive 'absolute and unqualified' protection under GIs: they are to be protected regardless of whether their use would mislead the public. In comparison, Article 22 provides protection for GIs limited to the objectives of preventing unfair competition and/or avoiding misleading consequences. The possibility for cultural appropriation remains open since numerous WTO Members have not adopted any additional protection or rules for goods other than wines/spirits.

Although the TRIPS GI system has its shortcomings, it is sufficiently expansive to protect reputation linked to a product's origin, even if the characteristic attributes of the product are not connected to a geographical area-specific physical/climatic specification. However, the usefulness of GIs (and the relevance of GIs to equalize protection of a product's authentic heritage) would depend on the practices of promotion. The Union Government, for example, recognises the potential of Kolhapuri Chappals to secure close to \$1 billion in India's merchandise exports, whilst the Karak community is still struggling to find sufficient means to live. After this controversy, the Maharashtra government has now had its own government

begin the process for over 30 products to secure GI tags. Prada also has entered into discussions with local artisans and the Maharashtra government regarding future partnerships and co-branding of Kolhapuri Chappals.

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