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What Happens Before The Runway Lights Go On? *The hidden legal and industrial story behind Nigerian fashion's biggest moments.*



Image: BN Style

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The hidden legal and industrial story behind Nigerian fashion's biggest moments.

PART A: The Designers

1. INTRODUCTION

The recently concluded Lagos Fashion Week was defined by several sensational moments ranging from elegant designs, conveyance of fashion industry giants and other activities.

Fashion shows are often viewed from the perspective of creativity and entertainment. However, behind every successful runway is an industry involving designers, manufacturers, textile suppliers, artisans, models, sponsors, event organisers and other commercial partners. Each of these participants brings something to the table, and their relationships are supported by different legal arrangements.

This year, Lagos Fashion Week's theme was "CRAFTED: Heritage. Innovation. Circular Futures", focusing on traditional skills and sustainability in the fashion industry. Beyond the runway show, the

fashion week was an avenue to advocate for sustainable sourcing and contributing to conversations on how global brands can be built, and a[1]

What the public gets to admire on the runway is merely the final stage of a much longer process. A designer may begin with an idea, translate it into sketches, source materials from different suppliers, engage tailors and artisans to produce the garments, and eventually present the collection to the public. At each stage, different rights and obligations arise.

For instance, who owns the design when a designer engages a tailor to produce a garment? Can the tailor reproduce the design for another customer? Can a fashion brand use a photographer's pictures of its collection for commercial advertising without obtaining permission? What happens when a manufacturer produces more garments than agreed or uses the designer's patterns for another collection? These are not merely business questions. They raise issues of intellectual property ownership, contractual obligations, confidentiality, and commercial liability.

This article examines the production journey behind a fashion runway and the legal considerations that designers, fashion businesses and event organisers should understand as they build and commercialise their creative works.

2. FROM THE DESIGNER'S STUDIO TO THE RUNWAY: WHO OWNS WHAT?

One of the most important legal considerations in the fashion industry is intellectual property protection. A designer's work is not limited to the finished garment. It may include original sketches, illustrations, textile patterns, prints, logos, brand names, and other creative elements developed throughout the production process. However, it is important to note that not every aspect of fashion creation receives the same form of legal protection.

2.1. Copyright Protection for Fashion Creations

The Nigerian Copyright Act, 2022 protects original artistic works, provided the requirements for copyright protection are satisfied. These include the expenditure of sufficient effort to give the work

[1] Style Rave, 'Lagos Fashion Week 2026 Wraps Four Days of African Fashion' (Style Rave) https://www.stylerave.com/lagos-fashion-week-2026-industry-conversations/ accessed 11 November 2026.

an original character and its fixation in a medium from which it can be perceived or reproduced. For fashion designers, this may include original fashion illustrations, sketches, textile artwork, prints, and other eligible artistic expressions.

However, there is an important distinction. Section 2(6) of the Copyright Act excludes an artistic work from copyright eligibility where, at the time it is created, it is intended to be used as an industrial design under the applicable industrial design legislation. This means that while a designer's original sketch may qualify for copyright protection, the design intended to be reproduced industrially may require a different form of protection.

Another important consideration is ownership. Under Section 28(1) of the Copyright Act, copyright initially vests in the author, except where the parties have agreed otherwise, or another statutory provision applies. Consider a designer who engages a freelance illustrator to develop sketches for a new collection. The fact that the designer paid for the sketches does not automatically mean that the copyright belongs to the designer. The parties must expressly agree on the ownership or licensing of the resulting work.

The same consideration applies to photographers, graphic designers, and other creative professionals engaged by fashion brands (section 28 Copyright Act). Ownership of the physical work or payment for a commissioned service does not, by itself, settle ownership of the copyright.

2.2. Industrial Design Protection

Beyond copyright, fashion designers should consider industrial design registration under the Patents and Designs Act[2].

An industrial design relates to the ornamental or aesthetic features of a product. Under Section 12 of the Patents and Designs Act, it includes combinations of lines or colours, or three-dimensional forms, intended to be used as a model or pattern to be multiplied by an industrial process. This is particularly relevant to fashion businesses that intend to manufacture and commercialise garments, textile patterns, or other fashion products on a larger scale.

[2] Cap. P2, Laws of the Federation of Nigeria 2004

Under Section 13[3], an industrial design must be new and must not be contrary to public order or morality to qualify for registration. Section 19[4] further provides the registered owner with the right to prevent unauthorised reproduction of the design in the manufacture of products, as well as the commercial importation, sale or use of products reproducing the design.

One important consideration is timing. A design that has already been made available to the public may lose its novelty for registration purposes. Although the Act provides a limited exception for certain official or officially recognised exhibitions, designers should not assume that every fashion show qualifies for this exception. For this reason, designers intending to register their industrial designs should consider doing so before publicly unveiling their collections.

Trademark Protection for Fashion Brands

While copyright and industrial design protect different aspects of creative works, trademarks protect the identity of the fashion business.

A fashion brand's name, logo and other distinctive signs are valuable commercial assets. They help customers identify the source of a product and distinguish one designer's creations from another.

Under the Trademarks Act[5], designers can register their brand names and logos in the relevant classes of goods and services. This gives them statutory rights to prevent unauthorised use of identical or confusingly similar marks within the scope of their registration.

For a fashion business, trademark protection should not be limited to the name appearing on its clothing labels. Depending on the business model, it may also be necessary to consider protection for accessories, retail services and other related commercial activities.

It is important to note that trademark protection is territorial. A Nigerian trademark registration does not automatically protect the brand in other countries. Designers seeking to expand internationally should consider registration in their target markets.

Protecting the garment, protecting the design, and protecting the brand are three different legal considerations. Fashion businesses should understand which rights apply to their creations and take steps to secure them.

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[3] Patents and Designs Act Cap. P2, Laws of the Federation of Nigeria 2004
[4] Patents and Designs Act, Cap. P2, Laws of the Federation of Nigeria 2004
[5] CAP. 436, 1965, No 29

PART B: The Show

Legal Considerations for Putting on a Fashion Show

Beyond the production of the collections, the fashion show itself raises additional legal and regulatory considerations. These extend to intellectual property, data protection, consumer rights, labour obligations and event safety**.**

a. **Music and Content Licensing:** Music is an important part of the fashion runway experience. It sets the mood, complements the collection, and contributes to the overall presentation. However, playing music at a commercial event may involve the exercise of copyright-controlled rights. Under the Copyright Act, 2022, copyright owners have exclusive rights over specified uses of their musical works and sound recordings, including public performance and communication to the public. Consequently, event organisers are required to obtain the appropriate licences or permissions before using copyrighted music during their shows. In Nigeria, the Nigerian Copyright Commission recognises the Musical Copyright Society Nigeria (MCSN) as an approved collective management organisation for musical works and sound recordings.

   Organisers should therefore ensure that they obtain licences from the relevant rights holders or appropriately approved collective management organisations, and confirm that the licence covers the intended use, including live performances, recordings, livestreams and subsequent promotional use, where applicable.

b. **Photography, Image Rights and Data Protection.** Fashion shows are heavily documented through photographs, videos, livestreams, and social media content. While these activities help promote designers and event organisers, they also raise questions about ownership, image rights, and data protection.

   First, the photographer or videographer may own copyright in the photographs and recordings they create, subject to the applicable agreements[6]. A designer or event organiser

[6] Section 28 (1) Copyright Act, 2022

who commissions a photographer should therefore ensure that the agreement clearly addresses ownership or licensing of the resulting content and the rights to reproduce, publish and commercially exploit it[7].

Secondly, the use of models' images and likenesses should be covered by appropriate contractual permissions. A model's participation in a fashion show does not automatically give the organiser unlimited rights to use their image for every future advertising campaign.
There is also the issue of data protection. Under the Nigeria Data Protection Act, 2023, photographs and videos containing identifiable individuals constitute personal data. Event organisers who collect attendee information, operate registration platforms, use CCTV or capture and publish identifiable images must consider their obligations under the Act[8].

These include identifying an appropriate lawful basis for processing[9], providing the required privacy information[10], ensuring that personal data is used for specified purposes, and implementing appropriate security and retention measures. For example, the fact that an attendee has purchased a ticket to attend a fashion show does not automatically mean that their photograph can be used in every subsequent commercial campaign. The purpose of the photography and the lawful basis for using the images must be considered.

c. **Consumer Protection.** The relationship between event organisers and ticket holders is also subject to consumer protection requirements. The Federal Competition and Consumer Protection Act, 2018 requires businesses to provide consumers with accurate and understandable information about the goods and services they offer[11].

For fashion events, this includes providing clear information about ticket prices, event dates, access arrangements and other material conditions attached to attendance. Section 120 of the Act addresses consumers' rights to cancel advance bookings, reservations and orders, subject

[7] Section 28 (3) Copyright Act, 2022
[8] Section 29, NDPA 2023
[9] Section 25 , NDPA 2023
[10] Section 27, NDPA 2023
[11] Section 114 FCCPA, 2018

to reasonable cancellation charges. Sections 128 and 129 also address contractual notices and terms that seek to limit or exclude a business's liability.

Organisers should therefore avoid relying on blanket terms and conditions that seek to exclude all liability or deny consumers any form of redress. Where an event is cancelled, postponed or materially changed, the applicable contractual terms and consumer protection requirements should be considered when determining the appropriate remedy for ticket holders.

Conclusion

Francis Bacon is attributed with the remark, ***"Fashion is only the attempt to realise art in living forms and social intercourse."*** This captures the artistic significance of fashion. But fashion is also an industry that creates jobs, attracts investment, drives advertising and contributes to economic development.

Bernard Arnault of LVMH captures this relationship between creativity and business when he says: ***"I like that combination between creativity and the creative process, and the organisation needed to make a business like this successful worldwide."*** Ultimately, creativity may put a fashion brand on the runway, but the right legal and commercial structures are what help it grow beyond the runway and stand the test of time.

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We are available to provide specialist legal advice on the readers' specific circumstances when they arise. For further enquiries, please reach out to our Intellectual Property and Data Privacy Team at people@hamulegal.com.

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