

## Research Articles

# Intellectual Property Frameworks in the United Kingdom: Growth and Challenges Facing London's Fashion Industry

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This paper investigates the evolving role of intellectual property (IP) frameworks in shaping the growth and resilience of London's fashion industry, particularly in the wake of Brexit and global digital transformation. As London asserts itself as a leading fashion capital, designers and brands face both opportunities and challenges in navigating a fragmented IP landscape. The research evaluates how existing IP protections support innovation, brand identity, and economic sustainability, while also examining the limitations posed by counterfeiting, legal inaccessibility for small designers, and regulatory divergence from the European Union. Drawing on a wide range of legal, economic, and policy-oriented literature, this study emphasizes the importance of adaptive legal policies, international cooperation, and emerging technologies like blockchain and AI in enhancing IP enforcement. It also highlights the gaps in current frameworks and suggests reforms to strengthen protections for creatives, ensuring that London remains a hub for ethical, innovative, and globally competitive fashion.

### Introduction

The global fashion industry is a dynamic and rapidly evolving sector that combines creativity, commerce, and legal governance. Within this industry, intellectual property (IP) rights play a crucial role in protecting original designs, fostering innovation, and ensuring that designers and brands maintain a competitive edge. London, as one of the world's emerging fashion capitals, is particularly influenced by international intellectual property frameworks that shape the business strategies and growth of designers, retailers, and fashion houses.

The impact of Brexit on the United Kingdom's IP framework has introduced significant changes that have affected fashion businesses operating in London. Prior to Brexit, the United Kingdom (UK) was subject to the European Union's (EU) harmonized IP system, which provided protections under mechanisms such as the EU Trademark and Registered Community Design (UK IPO, 2022). However, following the UK's departure from the EU, businesses must now navigate a separate UK-specific IP regime. This has led to increased administrative burdens, as companies seeking protection in both the UK and the EU must file for separate trademarks and design rights. Additionally, unregistered design rights, which were previously afforded automatic protection across the EU, have become more complex, requiring businesses to assess the scope of coverage under both UK and EU laws (Cornish et al., 2019).

Intellectual property in the fashion industry encompasses trademarks, copyrights, patents, and design rights, each serving a distinct function in protecting works. How-

ever, the effectiveness of these protections varies, leading to discrepancies in enforcement and accessibility. While international treaties such as the Berne Convention, the TRIPS Agreement, and the Hague Agreement provide a foundation for IP governance, their implementation is often influenced by domestic legal systems (Cornish et al., 2019). In London, designers and brands navigate a complex system of national and international IP laws, impacting their ability to protect designs and compete in global markets. Moreover, globalization and technological advancements have amplified challenges related to counterfeit goods, digital piracy, and design imitation, making the enforcement of IP protections all the more complex. Understanding these dynamics is essential for policymakers, legal professionals, and industry stakeholders seeking to create a balanced system that fosters both creativity and economic growth. It is also important to examine the role of digital innovation in reshaping how designers assert and protect their intellectual property rights, particularly because of blockchain technology, AI-generated designs, and social media's influence on brand identity.

Through this paper, discourse will aim to contribute to the broader conversation on the role of intellectual property in the creative economy, emphasizing the need for adaptive legal frameworks that accommodate the unique needs of fashion businesses. The findings of this research will provide insights into how London's fashion industry leverages IP protections to maintain its global reputation while addressing the constraints faced by current regulations.

## Literature Review

### Intellectual Property Law Overview

A wide body of literature explores the intersection of intellectual property law and the fashion industry. Foundational works such as Arrow (1962) discuss the role of intellectual property in incentivizing innovation, while Maskus (2000) examines the global economic implications of IP rights. These studies highlight the economic rationale behind IP protections and their broader impact on industry growth and competition. Economic assessments from the Department for Digital, Culture, Media & Sport (DCMS, 2020) illustrate the contribution of creative industries, including fashion, to the UK economy. Towse (2019) further explores the intersection of cultural economics and intellectual property, discussing how IP regulations shape market dynamics and creative output. Towse emphasizes the ways in which IP frameworks influence artistic expression and economic sustainability within creative industries, underlining the need for more adaptive legal mechanisms.

Cornish, Llewelyn, and Aplin (2019) provide a comprehensive legal perspective on intellectual property, detailing the mechanisms of patents, copyrights, and trademarks that shape enforcement in the fashion industry. Drahos (2002) expands this discussion by analyzing the globalization of IP rights and how developing economies navigate access to knowledge and protection. From a policy perspective, Hargreaves (2011) evaluates the balance between digital growth and IP enforcement, while the UK IPO (2022) and UK Parliament (2018) reports outline the post-Brexit regulatory landscape and its implications for IP enforcement. These reports highlight the challenges that UK businesses face in protecting their designs and trademarks following the country's departure from the EU.

On an international scale, the World Trade Organization (2021) TRIPS Agreement provides a crucial framework for understanding how IP rights operate globally, influencing how London's fashion industry aligns with broader trade and legal standards. TRIPS has played an instrumental role in standardizing IP laws across different jurisdictions, ensuring a degree of legal certainty for multinational fashion brands while also sparking debates regarding access to knowledge and market entry for smaller designers.

Additionally, Cornish et al. (2019) discuss the nuanced interplay between national and international IP regulations, demonstrating how different legal environments affect enforcement strategies and market competition. Their work provides insights into the advantages and disadvantages of the UK's post-Brexit IP landscape, especially in comparison to the broader EU market. Similarly, Drahos (2002) highlights the implications of IP law on economic development, shedding light on the disparity between developed and developing nations in terms of access to protections and enforcement mechanisms.

Further, the literature suggests that Brexit has not only created legal challenges but has also prompted shifts in business strategies. The UK IPO (2022) details how companies are adjusting their IP strategies by filing separate registrations in both the UK and EU to maintain market access.

This transition has led to higher costs and administrative burdens, particularly for small and medium-sized enterprises (SMEs) that lack the resources of large multinational corporations. The UK Parliament (2018) report also highlights concerns regarding innovation incentives, suggesting that weaker IP protections post-Brexit could hinder investment in creative industries. The literature also touches on the rise of digital IP challenges, with Hargreaves (2011) advocating for a modernized approach to enforcement that reflects the rapid growth of digital content creation. The rise of digital platforms has enabled widespread design dissemination, but it has also increased the risk of IP infringement, encouraging the creation of new strategies for rights management.

Overall, this literature review processes these discussions, highlighting key themes and gaps in existing research. While many works have focused on IP enforcement in the United States and the European Union, limited research has specifically examined London's fashion industry within an international IP framework. This study seeks to fill that gap by providing an in-depth analysis of how global IP laws influence business operations in one of the world's most influential fashion capitals. By addressing the intersection of Brexit, globalization, digital transformation, and policy shifts, this research aims to contribute to ongoing discussions on the future of intellectual property in the fashion industry.

### The Budding Fashion Industry in London

London's fashion industry has experienced substantial growth over the past few decades, evolving into one of the world's most influential fashion capitals. This growth is driven by a combination of creative talent, institutional support, and economic investment. The city is home to some of the most prestigious fashion schools in the world, including Central Saint Martins and the London College of Fashion, which have produced industry-leading designers such as John Galliano, Stella McCartney, and Phoebe Philo. In fact, Stella McCartney is widely regarded as a pioneer of sustainable luxury fashion, advocating for environmentally friendly production methods and cruelty-free materials. Since founding her brand in 2001, McCartney has consistently integrated sustainable practices, from using innovative plant-based leather alternatives to developing supply chains that reduce carbon footprints. Her collaborations with organizations such as the Ellen MacArthur Foundation and Kering have further emphasized the importance of circular fashion and responsible manufacturing. As a result, Stella McCartney has not only influenced consumer attitudes toward ethical fashion but has also set industry standards for sustainability that other London-based designers and global brands have sought to emulate (Fashion Revolution, 2021; The Business of Fashion, 2022). Overall, institutions like these have the potential to play a pivotal role in nurturing innovation and providing a pipeline of fresh talent to the industry (British Fashion Council, 2023).

Another key factor in London's fashion growth is the presence of globally renowned fashion weeks. London Fashion Week, organized by the British Fashion Council,

generates millions in revenue and attracts top-tier designers, buyers, and media from around the world. The event provides a platform for both established brands like Burberry and emerging designers such as Molly Goddard and Simone Rocha to showcase their work on an international stage (Vogue Business, 2022). The industry has also benefited from government-backed initiatives such as the British Fashion Council's NEWGEN program, which provides financial support and mentoring to young designers. This has helped cultivate new talent and foster a culture of innovation within the city's fashion landscape (British Fashion Council, 2023). Additionally, the Fashion Trust initiative has provided funding and networking opportunities to emerging designers, helping them scale their brands in an increasingly competitive global market.

Economic investment in the fashion industry has further bolstered its growth. In 2022, the UK fashion sector contributed approximately £32 billion to the economy and employed over 890,000 people, with London serving as its epicenter (UK Fashion & Textile Association, 2022). The city's thriving retail sector, from high-end districts like Bond Street and Knightsbridge to more eclectic shopping hubs such as Shoreditch and Carnaby Street, ensures a steady stream of both local and international consumers, further driving industry expansion. Furthermore, London has positioned itself at the forefront of technological innovation within fashion. The integration of artificial intelligence in design, 3D printing for sustainable production, and digital fashion platforms like FARFETCH have redefined how consumers interact with clothing. Virtual showrooms and augmented reality experiences have enhanced the retail landscape, providing consumers with immersive fashion shopping experiences (McKinsey & Company, 2023).

Despite its remarkable growth, the industry faces challenges such as Brexit-related trade barriers, increasing production costs, and concerns over sustainability. However, London's ability to adapt and innovate bodes well for continued success on the global stage. With the rise of sustainable fashion initiatives, digital transformation, and government support, London remains a growing competitor in the fashion industry, setting trends and shaping the future of fashion worldwide.

### **The Impact of Brexit**

The UK's departure from the European Union has had profound implications for London's fashion industry, altering trade relationships, supply chains, and regulatory frameworks. Many British designers previously relied on the EU's seamless trade policies to export and import materials without additional costs or delays. Post-Brexit, increased tariffs and customs duties have made it more expensive and time-consuming for fashion businesses to source fabrics and distribute products across European markets.

Additionally, Brexit has directly affected talent mobility, which has long been a crucial factor in London's reputation as an international fashion capital. The free movement of fashion professionals, including designers, textile specialists, skilled garment workers, and models, was a key ad-

vantage for British fashion houses operating within the EU. Pre-Brexit, brands could easily recruit talent from across Europe without visa restrictions, fostering cross-border collaboration and innovation. Now, with new work visa requirements and bureaucratic hurdles in place, hiring skilled professionals from the EU has become a complex and often costly process. These restrictions have hit emerging designers particularly hard, as they frequently rely on international partnerships, freelance creative teams, and low-cost European manufacturing to establish and grow their brands. The limitations on mobility not only affect the workforce but also reduce the fluid exchange of ideas and expertise that has historically fueled London's dynamic fashion scene.

Beyond labor and trade concerns, Brexit has also created regulatory uncertainty, especially in the realm of sustainability and ethical sourcing. The UK's departure from the EU means it need no longer adhere to European environmental policies, leading to potential discrepancies in sustainability standards. As the UK government implements its own regulations, fashion brands operating across both markets must now navigate differing compliance requirements, adding another layer of operational complexity. Many sustainability initiatives, including the push for eco-friendly materials, ethical labor practices, and waste reduction, were driven by EU directives. With the UK pursuing its own environmental policies, there is concern that progress in sustainable fashion could slow down or become fragmented, complicating efforts to align with global sustainability goals. British designers and retailers must now independently adapt to shifting regulations, which may lead to inconsistencies in sustainability commitments between UK-based and EU-based brands.

Despite these significant challenges, Brexit has also spurred London's fashion industry to explore new opportunities beyond the European market. Recognizing the need to diversify their consumer base, many British designers and fashion houses are increasingly targeting markets in North America, Asia, and the Middle East. By adapting their business models and leveraging digital platforms, brands are finding innovative ways to expand their reach and maintain global competitiveness. Additionally, the UK government has introduced initiatives and trade agreements aimed at bolstering international fashion exports, which could help offset some of Brexit's negative effects. Increased trade negotiations with non-EU countries may open up new pathways for British fashion businesses, providing them with alternative sourcing options and market access.

Ultimately, while Brexit has undeniably introduced significant obstacles for London's fashion industry, it has also forced businesses to rethink their strategies, innovate, and explore new avenues for growth. The long-term impact of Brexit on the sector will depend on how effectively fashion brands, policymakers, and industry leaders navigate these challenges, adapt to new regulations, and capitalize on emerging global opportunities.

## Current Intellectual Property Protections in the UK

Intellectual property plays a crucial role in protecting the creativity and commercial interests of designers within London's thriving fashion industry. The UK's current IP framework offers multiple legal protections, including trademarks, design rights, and copyright, ensuring that designers can safeguard their original creations against unauthorized reproduction.

Trademarks are one of the most used forms of IP protection within London's fashion industry. High-profile brands such as Burberry and Alexander McQueen rely on trademarks to protect their logos, names, and brand identities from counterfeiters. Registered trademarks provide legal recourse for brands that encounter infringement, allowing them to act against unauthorized uses of their brand elements (UK IPO, 2022).

Design rights also play a significant role in protecting fashion designs. UK law provides both unregistered and registered design rights. Unregistered design rights offer automatic protection for up to 15 years, whereas registered design rights provide a more robust level of protection for up to 25 years. These rights prevent direct copying of fashion designs, ensuring that unique styles and creative expressions are safeguarded. Many London-based designers, particularly those in high fashion, register their designs to prevent replication by fast fashion brands (British Fashion Council, 2023). Copyright protection in fashion is more limited than in other industries, such as music and film. While fashion designs themselves are not automatically eligible for copyright protection, certain elements, such as textile prints, embroidery, and artistic aspects of garments, can be protected under copyright law. Designers often use copyright in conjunction with trademarks and design rights to build a comprehensive IP strategy that shields their work from infringement.

The UK's IP enforcement mechanisms include legal proceedings, customs interventions to block counterfeit goods, and collaboration with international organizations such as the World Intellectual Property Organization (WIPO). However, the counterfeit industry has expanded dramatically despite these mechanisms. In 2020 alone, the Organisation for Economic Co-operation and Development (OECD) estimated that trade in counterfeit and pirated goods accounted for approximately 3.3% of global trade. Many of these counterfeit goods originate from countries with weaker IP enforcement mechanisms and are distributed globally through e-commerce platforms, social media marketplaces, and underground networks. London's fashion industry is particularly vulnerable to this issue, as it houses both luxury brands and emerging designers whose work is frequently replicated and sold without authorization. The UK Intellectual Property Office has tried to offer guidance and resources to designers, helping them navigate the complexities of IP protection. However, despite these protections, enforcement remains challenging, particularly for independent designers who may lack the financial resources to pursue legal action.

## Strengthening Intellectual Property Protection

While the UK has a solid foundation of intellectual property protections for the fashion industry, there is still room for improvement to ensure that designers, particularly emerging ones, are adequately protected against infringement and counterfeiting. Strengthening IP laws can enhance legal clarity, enforcement, and overall industry sustainability.

One key area for improvement is extending copyright protections to fashion designs. Unlike music or film, where automatic copyright applies, fashion designs primarily rely on design rights, which have limited enforceability. By expanding copyright protections to cover garment designs, UK lawmakers can offer designers broader rights, preventing unauthorized reproductions. This change would align the UK with stronger copyright protections seen in other jurisdictions, such as the United States. Extending copyright to fashion would also enable designers to license their designs more easily, fostering a more profitable creative ecosystem.

Another challenge is the difficulty of enforcing design rights. While the UK Intellectual Property Office offers registered design rights for up to 25 years, small designers often struggle to take legal action against larger brands due to financial constraints. Introducing a government-backed fund or legal aid program could help independent designers protect their work more effectively. Additionally, the implementation of an expedited dispute resolution system for fashion-related IP cases could ensure that legal matters are resolved swiftly and affordably. Encouraging out-of-court settlements through mediation or arbitration would also provide cost-effective solutions for small designers facing infringement issues.

Furthermore, trademark protection could be expanded to cover more aspects of fashion branding, including signature styles and unique cuts. Currently, trademarks apply primarily to logos and brand names, but allowing designers to trademark distinctive silhouettes could offer greater protection against copycats in the fast fashion industry. A more inclusive trademark system could also prevent larger corporations from co-opting small designers' innovations, ensuring that original creators retain control over their work. Implementing a more flexible system for registering unique fashion elements would enable designers to build stronger brand identities and maintain exclusivity in the market.

The UK could also benefit from stronger international collaboration on IP enforcement. Given that counterfeiting is often conducted by entities outside the UK, stronger cooperation with international organizations like the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO) could improve cross-border enforcement measures. Establishing a centralized global registry for fashion IP could enhance cooperation between different jurisdictions, making it easier to track and prosecute infringers. Additionally, working with international trade agreements to set stricter penalties

for counterfeiting would deter infringement and protect UK-based designers.

Lastly, technological advancements should be leveraged to combat counterfeiting and unauthorized reproductions. Implementing blockchain-based authentication systems and AI-driven scanning tools could help brands track and verify their designs more effectively, reducing the prevalence of counterfeit goods in the market. Blockchain technology can create records of design ownership, providing designers with transparent proof of their creations. AI-powered monitoring tools could be employed to detect and flag unauthorized reproductions on e-commerce platforms, enabling designers to take swift legal action against infringers. The integration of these technologies into the IP enforcement framework would offer a cutting-edge solution to a persistent problem in the fashion industry. By refining and expanding IP protections, the UK can continue to foster a thriving and innovative fashion industry while ensuring that designers receive due recognition and compensation for their creative work.

### Limitations in Research

Despite the depth of analysis presented in this study, several limitations must be acknowledged, as they provide important context for interpreting the findings and identifying opportunities for future research. One of the primary shortcomings is the reliance on existing literature and secondary sources, which, while highly valuable, may not fully capture the most recent and rapidly evolving industry shifts, particularly in the post-Brexit environment. The landscape of intellectual property laws and global fashion industry practices is in constant state of change due to legislative changes, international trade negotiations, technological advancements, and emerging market trends. As a result, relying primarily on secondary data sources, such as scholarly articles, industry reports, and legal analyses, presents an inherent challenge in maintaining up-to-the-minute accuracy.

A more robust approach would have incorporated real-time data collection from primary sources, such as direct interviews with designers, legal experts specializing in fashion IP, policymakers involved in legislative reforms, and representatives from major fashion houses. Such qualitative insights would have provided a deeper, firsthand perspective on the challenges designers face in protecting their work, the legal complexities surrounding IP enforcement in a post-Brexit framework, and the evolving strategies employed by both brands and regulatory bodies to navigate these uncertainties. Future studies could build upon this research by conducting in-depth interviews or ethnographic studies within the fashion industry to capture the lived experiences of stakeholders dealing with IP challenges on a daily basis.

Another limitation of this study is its relatively limited exploration of consumer perspectives on intellectual property enforcement in fashion. While the study primarily focuses on how IP protections benefit designers, brands, and industry stakeholders, consumer behavior plays a crucial role in shaping broader industry trends and influencing the

effectiveness of IP laws. The rise of “dupe culture” and the normalization of imitation products further complicate IP enforcement, as consumers often engage in purchasing decisions that blur the lines between legal replication and outright infringement. Understanding how consumers perceive design originality, ethical fashion, and the value of IP protections is critical in assessing whether existing legal frameworks effectively balance the interests of both creators and buyers. Future research could incorporate consumer surveys, focus groups, or behavioral studies to examine how attitudes toward fashion piracy, sustainability, and ethical consumption impact the enforcement and evolution of IP laws. Additionally, a comparison of consumer perspectives in different global markets could provide valuable insights into how varying legal and economic contexts shape the public’s stance on intellectual property in fashion.

Furthermore, this study does not extensively address the role of emerging technologies in reshaping intellectual property enforcement in the fashion industry. The integration of artificial intelligence in fashion design, the use of blockchain for digital authentication, and the legal implications of 3D printing and on-demand manufacturing are rapidly becoming critical areas of discussion. As technology continues to blur the boundaries between physical and digital fashion, traditional IP frameworks may struggle to adapt, requiring a reevaluation of how design rights are defined and enforced in an increasingly virtual marketplace. Future research should explore these intersections, assessing how technological innovation both challenges and reinforces existing intellectual property protections.

By acknowledging these limitations, this study sets the foundation for further research to expand upon the complexities of intellectual property in the fashion industry. Addressing these gaps would provide a more comprehensive understanding of the long-term implications of IP law in fashion. As the industry continues to evolve, ongoing research will be essential to ensuring that intellectual property frameworks remain effective, equitable, and aligned with the dynamic nature of fashion markets in London and beyond.

One key shortcoming is the reliance on existing literature and secondary sources, which, while valuable, may not fully capture the latest industry shifts, particularly in the post-Brexit environment. Given the rapidly evolving nature of intellectual property laws and global fashion industry practices, real-time data from primary sources such as interviews with designers, legal experts, and policymakers would have provided richer insights into current challenges and strategies for adaptation.

Additionally, the study does not extensively explore consumer perspectives on intellectual property enforcement. While IP protections benefit designers and brands, consumer behavior also plays a critical role in shaping industry trends. The increasing demand for fast fashion, resale platforms, and digital fashion challenges traditional notions of IP enforcement. A future research direction could explore how consumer attitudes toward design originality and ethical fashion influence the effectiveness of current IP laws.

By acknowledging these shortcomings, this study sets the foundation for further research to expand upon the complexities of intellectual property in the fashion industry, ensuring a more comprehensive understanding of its long-term implications.

### **Conclusion**

London's fashion industry continues to be an upcoming global leader in creativity, innovation, and commerce. With its blend of heritage brands, emerging designers, and world-renowned institutions, the city remains a vibrant hub for fashion. The industry's growth has been driven by technological advancements, government support, and an evolving emphasis on sustainability. However, the challenges of intellectual property protection, counterfeiting, and design piracy persist. While current IP frameworks provide a degree of security, there remains room for improvement in enforcement and accessibility, particularly for independent designers who lack the resources to protect their work effectively.

Strengthening IP protections, increasing collaboration with international regulatory bodies, and leveraging technology like blockchain authentication can help safeguard designers' rights. Additionally, expanding access to legal resources for smaller brands can create a more equitable playing field within the industry. If these measures are implemented, London's fashion industry can continue to thrive while ensuring that creativity and originality remain at the forefront of its success. As the industry evolves, maintaining a balance between commercial success, sustainability, and legal protection will be critical. By addressing its current limitations and reinforcing intellectual property laws, London can solidify its reputation as a global fashion capital and a beacon of innovation for future generations.

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