

Met Gala: A stage for extravagant outfits and copyright infringement

By [Shaawn Legodi](#)

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The copyright laws of many countries, including the United States of America and South Africa provide that in order for a work to be afforded copyright protection, it must be original in nature (in that sufficient skill and labour was expended by the author in creating the work) and reduced to a material form, among other requirements. Copyright protection extends to many different works including artistic works such as paintings, sculptures, drawings, photographs and even prints or patterns appearing on textiles and clothing. Infringement of copyright can occur when someone copies, reproduces or makes an adaptation of a protected work without permission from the copyright owner.



Image source: Silvia from [Pexels](#)

The annual Met Gala event, where many celebrities in the entertainment industry meet annually to raise funds for the Costume Institute is no stranger to being at the forefront of an allegation of copyright infringement. The event is characterised by celebrities dressed in luxurious and extravagant outfits and/or designer clothing in order to stand out. In 2016, street artist Joseph Tierney brought an action of copyright infringement against Katy Perry's designer as he believed that a dress worn by her at the Met Gala, was a reproduction of one of his street graffiti paintings and therefore infringed on the copyright that subsisted in that work. The case was heard in the California District court and the court held that Joseph Tierney had valid grounds for an action of infringement. However, the matter was ultimately settled between the parties. The full court case can be accessed [here](#).



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Designers ought to be cautioned against reproducing or copying works which enjoy copyright protection, such as graffiti paintings. As witnessed in the US District Court in 2018, Judge Frederick Block upheld a claim for damages arising from

the infringement of graffiti paintings of up to \$6.75m. The full case can be accessed [here](#).

These cases show that there is a fine line between drawing inspiration from existing works and copying, reproducing or adapting those existing (and potentially protected) works in new works. If that fine line is crossed, infringers could face large financial repercussions, amongst others. It is vital that designers (and authors of creative and original works alike), ensure that they are not overstepping the line into the realm of copyright infringement. We wait with bated breath to see if any infringement claims arise out of the most recent Met Gala.

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