

Press Release | June 8, 2023

SUPREME COURT UPHOLDS AMERICAN INNOVATION AND INVESTMENT ON WORLD ANTICOUNTERFEITING DAY:

WASHINGTON, D.C. – June 8, 2023 – The American Apparel & Footwear Association, the Footwear Distributors of America, the Council of Fashion Designers of America, Inc., and the Accessories Council applaud today’s announcement by the Supreme Court regarding the Jack Daniel’s case 21-16969 on World Anticounterfeiting Day.

Our nation was founded on principles of innovation and invention. The decision in this case reflects that the nation’s highest court values and will protect American intellectual property on behalf of brands, workers, consumers, and the American [economy](#).

On June 8, U.S. Supreme Court said in a [unanimous opinion](#) in Jack Daniel’s Properties, Inc. v. VIP Products LLC that the Ninth Circuit was wrong to hold that a dog toy version of a Jack Daniel’s whiskey bottle does not infringe trademark rights because parody is protected speech. This decision in favor of trademark rights was made on World Anticounterfeiting Day.

“The court’s decision gives certainty to American brands that investments in new designs and innovation are not lost by allowing others to pilfer the intellectual property of another. Counterfeiting cheats everyone - consumers, U.S. workers, and the economic input that brands provide in so many communities across this country. AAFA applauds the court’s edict that counterfeiting will not be tolerated or protected by the first amendment under the law; illicit creation puts American consumers, companies, workers, and local communities at risk. We should not glorify or justify any type of counterfeiting or trademark infringement; it is illicit and those standing by the sidelines are complicit,” said **AAFA president and CEO Steve Lamar**.

FDRA, CFDA, and AC filed an amicus in support of IP in Vans, Inc. v. MSCHF Product Studio, Inc. to oppose a court approved artistic right to counterfeit. The [final amicus brief](#) was filed with the Supreme Court on January 18, 2023.

The court (2nd Circuit Court of Appeals), in which the aforementioned groups filed this amicus paused further consideration of Vans, Inc. v. MSCHF Product Studio, Inc. to await the Supreme Court decision in the [Jack Daniel’s Properties, Inc., v. VIP Products LLC](#) case, reviewing if parody dilutes the trademark and creates counterfeit opportunities.

These groups are also outspoken advocates for the importance of protecting American consumers from counterfeits, including proposed [SHOP SAFE legislation](#); the [dangers of counterfeits and illicit products extend across industries](#).

About the American Apparel & Footwear Association

The American Apparel & Footwear Association (AAFA) is the national trade association representing apparel, footwear and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than three million U.S. workers, and its contribution of \$470 billion in annual U.S. retail sales. AAFA drives progress on three key priorities: Brand Protection; Supply Chain & Sourcing; and Trade, Logistics, & Manufacturing. AAFA approaches this work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

About FDRA

Founded in 1944, the Footwear Distributors & Retailers of America ("FDRA") is governed and directed by footwear executives and is the only trade organization focused solely on the footwear industry. FDRA members range from small family-owned footwear businesses to multinational footwear companies. Members include the majority of U.S. footwear manufacturers, brands, retailers and importers. In all, FDRA supports nearly 500 companies and brands worldwide, representing 95% of total U.S. footwear sales, making it by far the largest and most respected American footwear trade and business association.

About CFDA

The Council of Fashion Designers of America, Inc. (CFDA) is a not-for-profit trade association founded in 1962 with a membership of 474 of America's foremost womenswear, menswear, jewelry, and accessory designers. Pillars include Diversity, Equity, and Inclusion through the IMPACT initiative, as well as Sustainability in Fashion. The organization provides its Members with timely and relevant thought-leadership and business development support. Emerging designers and students are supported through professional development programming and numerous grant and scholarship opportunities. In addition to hosting the annual CFDA Fashion Awards, the organization owns the Fashion Calendar, is the organizer of the Official New York Fashion Week Schedule, and recently launched RUNWAY360. The CFDA Foundation, Inc. is a separate, not-for-profit organized to mobilize the membership to raise funds for charitable causes and engage in civic initiatives.

About The Accessories Council

The Accessories Council is a not-for-profit, international trade organization established in 1994. Our mission is to stimulate global consumer awareness and demand for fashion accessory products. We serve the industry globally which generates over \$50.8 billion dollars annually in the United States alone. In nearly 30 years, membership has grown internationally to include over 350 companies and organizations, representing the world's leading brand names, designers, publications, retailers, and associated providers for the accessories, eyewear, and footwear industries. The Accessories Council sponsors educational seminars, networking events, publishes Accessories Magazine, hosts marketing & advertising co-op initiatives, design & marketing awards for area fashion students, and the esteemed black-tie ACE Award Gala, an annual tribute to the leaders of the accessory industry.