# ICPEN demands transparency in fashion sustainability claims amid IP and colour trademark disputes



In a recent development, the International Consumer Protection and Enforcement Network (ICPEN) has issued an open letter to fashion retailers, pressing for a reform in environmental marketing practices within the industry. The letter, published on May 2, 2025, emphasises the importance of honest sustainability claims, which the organisation argues are currently undermined by vague or misleading advertising tactics.

The fashion industry, responsible for an estimated 8% of global greenhouse gas emissions and 20% of wastewater, faces an escalating critique regarding its engagement in greenwashing—where brands make unverified or exaggerated claims about their environmental efforts. ICPEN's communication highlights the necessity for “meaningful, verifiable claims” that accurately reflect the real environmental impact of products.

Key issues flagged in the letter include:

* Vague Claims: Retailers are urged to avoid broad statements such as “eco-friendly,” “green,” or “sustainable” unless they can substantiate these claims.
* Misleading Visuals: The use of images suggesting environmental benefits, like rainforests or greenery, must accurately represent the product’s impact.
* Sustainability Filters: The letter cautions against employing filters in online shops that may mislead consumers about what constitutes a sustainable product range.
* Data Use: Brands should avoid making product-specific claims based on generic or global data averages.
* Future Goals: Fashion companies should focus on existing measures rather than vague promises about future initiatives.
* Labelling: The use of proprietary labelling schemes that lack widespread recognition is discouraged.

Meanwhile, in brand-related discussions, Chris Davis, Brand President and Chief Marketing Officer of New Balance, took to LinkedIn to elaborate on the notion of a brand "owning a colour." He highlighted New Balance's association with the colour grey, claiming it as a hallmark of the brand since the late 1970s when it transitioned to a more muted palette, distinguishing itself in a market dominated by brighter hues. Although the company asserts a strong link to grey, legal records show no specific trademark registration for the colour. However, New Balance has established usage rights through various marketing channels and its campaigns, including the “Grey Shop Collection” and annual “Grey Days.”

In a related case, the Federal Circuit recently upheld the denial of a trademark application for the dark green colour of chloroprene medical gloves submitted by Medisafe Technologies. The court agreed with the Trademark Trial and Appeal Board (TTAB) that the colour was generic within the industry, meaning it could not serve as a unique identifier for Medisafe’s products. The ruling cited substantial market evidence demonstrating that the colour was commonly used by multiple entities in the medical glove sector.

Finally, the United States Trade Representative (USTR) released its annual Special 301 Report, highlighting concerns over the intellectual property (IP) protections in more than 100 international markets. Mexico's status was elevated to the Priority Watch List, signalling significant unresolved IP issues affecting fashion brands, including challenges related to trademark counterfeiting and copyright piracy under the United States-Mexico-Canada Agreement (USMCA).

The report flagged ongoing problems in China, identifying it as a major source of counterfeit goods, particularly in luxury fashion, while also noting issues such as bad faith trademark registrations and failures to honour trade agreement commitments. Other countries, including Indonesia and Brazil, also face scrutiny for their roles in the proliferation of counterfeit products and inadequate copyright protections in an increasingly digital marketplace.

This broad overview of industry practices and regulatory challenges emphasises the need for more transparent marketing in the fashion sector, alongside stricter enforcement of IP rights in critical global markets.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - This article discusses the International Consumer Protection and Enforcement Network's (ICPEN) efforts to address greenwashing in the fashion industry, highlighting the need for honest sustainability claims and the prevalence of misleading advertising tactics.
* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - The piece emphasizes the fashion industry's significant environmental impact, noting its responsibility for an estimated 8% of global greenhouse gas emissions and 20% of wastewater, and the rising critique of greenwashing practices.
* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - The article highlights ICPEN's call for 'meaningful, verifiable claims' that accurately reflect the real environmental impact of products, addressing the issue of unverified or exaggerated environmental claims in the industry.
* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - This source corroborates the key issues flagged in ICPEN's letter, including vague claims, misleading visuals, sustainability filters, data use, future goals, and labeling, urging retailers to substantiate their environmental claims.
* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - The article discusses the fashion industry's engagement in greenwashing, where brands make unverified or exaggerated claims about their environmental efforts, aligning with ICPEN's concerns about misleading advertising tactics.
* <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - This piece emphasizes the need for more transparent marketing in the fashion sector and stricter enforcement of intellectual property rights in critical global markets, echoing ICPEN's call for reform in environmental marketing practices.
* <https://news.google.com/rss/articles/CBMidEFVX3lxTE0xWjE1ejJDZDhndkJiaWpEblBSdzhpUk5zcjBBdzdSSzlpVEJMV2E1QS1NY2otdUFDbVoyeDh4enNSc1FRdmhpRDliZlFGVDJMaVFlWGlmaklvX05YWEJJV1BsbzZQdy01MDFqaTZCaGNrZENC?oc=5&hl=en-US&gl=US&ceid=US:en> - Please view link - unable to able to access data