

# SEEING RED

Christian Louboutin has taken Yves Saint Laurent to court for selling red-soled shoes. But can a fashion house trademark a concept if they didn't invent it? By *Dion Chang*



**T**HERE'S a reason I stepped off the fashion roundabout. The never-ending cycle of déjà-vu was making me schizophrenic. In my last position as a fashion editor, this sense of déjà-vu haunted me continuously. I kept wondering if everyone had lost their short-term memory.

The *Groundhog Day* experience would start with, say, military-style fashion: the minute it passed its "so last season" sell-by date, it was replaced by its polar opposite, gypsies/haute hippies/bohemians (take your pick: same 1970s wardrobe, different cycle), which would then be replaced by the "new" minimalism (translation: the novelty of looking like a hobo wears off very fast), and then another (oh God, here we go again) "new" take on military. But I'm just being cynical.

Occasionally there would be a reprieve, and animal prints would be dragged back to break the cycle, as would bold colour-blocking, pretty florals and — my favourite — a decree that black was once again "The New Black". My point is that everything in fashion has been done before, and if you disagree with that statement, your reaction would say more about your age than your fashion nous.

I remember when our fledgling democracy embraced the concept of afro-chic. We shrugged off the shackles of curiosity-style design and set about exporting a modern African aesthetic. One of the more innovative design concepts, used in both fashion and interiors, was the incorporation of the mane on a buck skin, on a cushion or bag. Strategically placed, the mane unfurled dramatically with the curve of the cushion or over the bag flap. It was a beautiful detail, and it convinced me that we were finally flexing our design muscle, only to discover — at an Art Deco



retrospective at the V&A museum in London — that the very same concept had been applied to furniture in the 1920s.

To the *Sex and the City* fans, discovering the world of Manolo Blahnik, Jimmy Choo and Christian Louboutin was like stumbling into the shoe version of Aladdin's cave. These labels were always a best-kept secret within fashionista circles, but Carrie Bradshaw became the spoiler who spread the word, turned the brand names into nouns, and upped the bottom line for all the design houses — hence this fashion spat: intellectual property battles only take place when there is a lot of money at stake.

Key to Louboutin's claim is the fact that he only uses red lacquered soles on his shoes. In the cutthroat world of fashion, a brand's point of differentiation is that brand's lifeblood — so much so that Louboutin registered this trademark in 2008. I'm not surprised that he did.

This form of "invisible" branding has become a status symbol amongst the women who can afford to flaunt a bit of red underfoot, or more specifically, to flaunt to those who can't afford the pleasure (Louboutin shoes range from a "modest" R3 000 to an eye-watering R40 000).

The YSL camp on the other hand counter that the collection of shoes in dispute (spring 2011) are not exclusively red-soled. Yes, there are red-soled shoes on



**HISSEY FIT:** Top left, Christian Louboutin, and Valentino, above. Top, a red-soled Louboutin

offer, but they are part of a range that includes purple, navy and green, all with matching coloured soles. They also submitted evidence of another collection of red-soled shoes in 2004, before Louboutin registered his trademark. In fact YSL produced monochrome shoes — in a range of colours, much like their spring 2011 collection — throughout the 1970s and 1980s. Camp Louboutin should have studied their fashion history.

But the plot thickens. While the war on heels was raging, a spokesperson for (now

retired designer) Valentino stirred the pot by adding that they, too, had a claim to red-soled shoes. Valentino, it transpires, started using red-soled heels in 1966 to match his red dresses. So Louboutin was only five years old when Valentino began dabbling in red-soled shoes.

Another famed shoemaker, Charles Jourdan, also painted some of his shoe soles red, and Louboutin worked for him in the 1980s before starting his own business.

Who, then, is the real copycat?

Red-soled shoes have, in fact, been around since the 1600s: a portrait of King Charles II in 1675 proves this. It is just that no other designer bothered to trademark the idea, which tips public sentiment against Louboutin. His allegation sits in an era where the very concept of ownership is fluid. Access to information on the internet makes tracing provenance difficult.

Subliminal plagiarism is the scourge of the digital age.

Perhaps Louboutin should google some of his old interviews. In one, he describes his "ah-ha" moment for the red-sole concept. While working on a prototype, he spotted his assistant painting her nails in a "dramatic shade by Chanel". Inspired, he grabbed the nail polish and painted the soles of the prototype, and the red-sole concept was "born". So perhaps Chanel should, in turn, sue Louboutin for copyright infringement for this particular shade of red?

At the end of day, women with a shoe fetish are going to know their YSL's from their "Loubs": if you're going to splurge an average of R 6 000 on a pair — and bear the pain of those vertiginous heels — believe me, you know which brand you're buying. Red-soled shoes have also appeared in high-street stores, even in South Africa.

So to elevate a *haute couture* hissy-fit to a lawsuit is not only ungracious, but speaks volumes about brand insecurity, and sadly, a gross underestimation of the intelligence — and loyalty — of women who can easily distinguish between the two.

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