

Optimizing the Internet Despite Threat to IP: How Fashion Designers in Nigeria are Leveraging Digital Media Platforms for Market Entry and Growth

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ABSTRACT

It has been argued that the file-sharing dimension of the internet undermines the intellectual property rights of creative producers. By simply clicking a button, creative works such as music, films, books and fashion designs can be accessed, used and distributed free-of-charge via digital media platforms. This has led to what some writers termed *copyrights* between those that support the unrestricted sharing of creative works over the internet, and those who support the protection of the copyright of creative producers on the internet. This problem continues to dog creative producers in the knowledge economy. This article examines how this problem has affected fashion designers as creative producers, and how they have managed it. It argues that fashion designers have effectively leveraged and optimized the file-sharing dimension of the internet, and concludes that the internet is a strategic imperative for fashion designers and perhaps for every creative worker in the digital era.

Keywords: Fashion Designing, Intellectual Property Rights (IPR), Digital Media Platforms (DMP), Cultural and Creative Industries (CCI), Marketing Communication.

1 Introduction

The emergence and growth of the internet and broadband connectivity has introduced many changes in the economic structures and frameworks of engagement across various segments of the cultural and creative industries (CCI). For instance, it has meant that fewer people are reading books, watching television, listening to music, buying and watching videos, short films and documentaries, buying clothes and fashion items, etc., in the traditional ways characteristic of the previous decades. More people are buying books, movies, fashion items and many other cultural products online instead of going to media stores.

In many countries around the world, television is losing viewers to streaming services. Even though television still claims a lion share of audiences, more people around the world are watching Netflix, Amazon Prime, YouTube, Hulu Plus, and other such television, video and news streaming services (Luckersen, 2014; Aschiam and Burke, 2017; The Economist, 2017).

In the publishing industry (a key segment of the CCI), the traditional publishing model is fast losing out to the print-on-demand and self-publishing model offered by the likes of Amazon via its Kindle Direct Publishing (KDP) and desktop publishing. This has leveled the playing field and allowed authors to control and publish their works without the tyranny of publishing houses.

This trend is also impacting the practice of advertising and marketing communication among business enterprises. Literature suggest that the internet and digital technologies have democratized and decentralized products sales and distribution, as well as marketing communication. In a nutshell, digital media platforms (DMP) are reconfiguring the entire landscape of cultural and creative production and marketing.

This article explores the internet as a socio-economic phenomenon, and examines how it is promoting the marketing of creative products by fashion designers and how it may be affecting their

intellectual property rights (IPR). Specifically, the article examines how the use of internet-based media platforms helps fashion designers optimize the economic benefits of market entry. It also examines the supposed threat posed to IPR protection by the use of these media platforms. The findings allay the concerns that the internet may negatively affect the IPR of fashion designers. Also, the findings identify the economic benefits embedded in the use of these platforms as strategic marketing and communication channels that foster market entry, brand recognition and growth.

2 Literature Review

2.1 Some trends in the digital economy

John Chambers, former executive chairman, Cisco System, in an online article, noted that, digital technology is compelling changes in every sphere: the way we do business, the rules of capitalism, and entire economic ecosystems at tremendous speed (Chambers, 2017). Chambers argues that an effective digital agenda by nations and leading organizations will help bridge the digital divide and promote economic and social development. This is because DMP create several new possibilities for marketing and distribution and provide profound platforms and opportunities for producers. Any industry segment that neglects the developments in digital technologies and digitization cannot achieve its full economic and social potential.

In fact, with the use of digital media platforms (DMP), small and medium scale enterprises (SMEs) and independent producers are able to by-pass powerful gatekeepers in the retail marketing and distribution of products (Belch and Belch, 2009; O'Guinn, Allen and Semenik, 2009; Baran 2010; Shultz, 2011; Li, 2018; Abbasi, Vassilopoulou, and Stergioulas, 2017). These writers have argued in different writings that, internet based digital media platforms, virtual communities and social networking sites are housing significant audiences across time, space and social demographics. These media platforms often provide more targeted and cost-effective advertising and marketing alternatives to traditional mass media. Thus, the benefits of using DMPs for sale and distribution, and to send commercial messages to vast audiences across time and space is increasingly being exploited by those who understand the workings of the internet and the digital media technologies it supports.

Aaker (2014), for instance, notes that, a US based company, DC Shoes, which started in 2009, and produces shoes and other products for skateboarders and snowboarders, made a remarkable video showing a stunt driver driving around familiar street settings in San Francisco. Aaker remarks that over a 4-year period, DC Shoes earned over 180million views of their videos, potentially worth at least \$5million in paid online media. This made a difference to DC Shoes as a shoe brand. Thus, a successful online video can be an effective brand building platform. Although not easy to achieve, if successfully deployed, it can stimulate quality exposure and engage the audience in unprecedented ways, at a fraction of the cost of using traditional media.

In the same way, fashion designers can showcase their individual talent to the world of potential clients using DMPs. Digital media platforms support fashion designers' brand offerings by making them more visible, and also making the purchase process less frustrating and friendlier. There is evidence on various internet-based digital media platforms that creative workers in Nigeria - fashions designers, bloggers, writers, musicians, comedians and performing artists, make-up artists, etc. are exploring the marketing opportunities presented by DMPs. The possibilities for sharing product and service offering as digital media content is almost limitless. This is impacting and transforming cultural and creative productions, especially, fashion designs from Nigeria, into valuable products in the global fashion economy.

DMP facilitate the virtual hosting and sharing of designers' finished works with many friends, followers or contacts on various social networking sites. They provide designers and creative producers with unprecedented media facilities to showcase their creative works to audiences across the world. But beyond showcasing design works, digital technologies also provide platforms for consummating commercial transactions between buyers and sellers irrespective of the traditional constraints of geography and time differences. In other words, they provide possibilities to circumvent traditional barriers into the market place. Thus, new business models are emerging in response to the diffusion in the use of DMP.

But despite the merits and opportunities which DMPs provide to cultural and creative producers, literature also suggests that they pose challenges to the economic exploitation of intellectual property and creative works by their authors. For instance, Spender (2009) argued, that in the modern networked society, current copyright laws are losing both social relevance and economic efficacy. This is because changes in technology have created a new information environment that has altered economic structures and social practices of producers and users. Internet-enabled digital devices are now routinely used in the creation, recreation and distribution of cultural products and services such as music, texts, audio, video, photographs, graphic arts, crafts, fashion design outputs, architectural and landscape designs, etc.

In other words, the established patterns and structures of creative production have been altered by the rapid diffusion of digital culture. Copyright laws are therefore, no longer as effective as before in many aspects of cultural production. According to Spender (2009), there is evidence that the file-sharing dimension of digital culture is undermining the property interests of producers in many segments of the cultural and creative industries (CCI) - film and video, publishing, music, fashion, etc. Thus, there is a need to rethink the effectiveness of IP laws in a way that reflects the current digital media realities of a networked society. This old model where copyright owners hold exclusive rights to their IP and like to see their works protected from unauthorized copying and distribution, is now outdated and under threat.

This adverse situation does not, strictly, apply to every segment of the CCI. As can be observed, the fashion designers have leveraged this situation to their advantage. This is because it is more beneficial for designs to be unprotected and ubiquitous via the internet than to be protected and not seen. Fashion designs have to be seen before they can be appreciated and purchased. In other words, the more publicly accessible a designer's work is, the better for the designer. Research clearly indicates that fashion designers are now effectively using DMT platforms for marketing communication (Guercini, Bernal and Prentice, 2018; Fuchs, Prandelli, Schreier and Dahl, 2013; Sorensen, 2009).

The reality of the present digital age is that the global digital community is unprecedented in mass and immediacy, and the potential to reach large numbers of people in an instant is phenomenal. Thus, social networking sites such as Instagram, Facebook, Pinterest, Snapchat, Twitter, WhatsApp, blogs, etc. are now in wide use among fashion designers and other creative workers to reach and communicate with new audiences, customers and market segments. Websites, blogging sites, online video and TV channels, the smart phone world, and more, have become a necessity for fashion designers and other creative producers who want to create breakthrough brands in the global market place. But Samuelson and Davis (2000, p.1) have suggested that 'the information age brings both promise and peril to content creators and consumers alike', and this manifests in various ways in different industries. Indeed, the digital information age poses challenges to the exploitation of creative works and intellectual property rights. Yet, it provides an infrastructure environment that hosts a new world of multiple virtual fashion runways, catalogues and glossy magazines that define the new world of fashion.

2.2 Digital technologies and marketing practice

With the emergence of various DMTs, there are now new digital platforms facilitating commercial exchange relationships. In fact, the goal of marketing – which is to facilitate exchange processes – has largely remained the same. But the practice, processes, philosophies, distribution and communication channels, media platforms and technologies, communication style, ways and means of facilitating exchanges have all evolved and will continue to evolve. This evolution has largely been driven by the rapid changes occurring in the information communication technologies, and how they are affecting human behaviour and commercial activities in almost a deterministic manner. Digital media technologies are essentially redefining the course of marketing practice – market research, production processes, distribution channels, advertising and communication, customer relationship management, etc. Hence, marketing practice, in the digital age, will continue to evolve at a fast pace, as digital communication technologies become more advanced in the coming years.

Marketing in the digital age is increasingly about understanding the consumers, their needs and delivering relevant and useful information that assist them make choices in their everyday life. This requires insight into consumers' behaviour – previous consumption patterns, lifestyle preferences, expectations, etc. Marketing is also now about how digital technologies facilitate the process whereby producers and marketers acquire consumer insights that enable them meet consumer needs. These insights enable marketers send assistive messages to consumers at critical times in the consumers' journey. These assistive messages make the purchase decision somewhat easier. Marketers of goods and services in the information age are now expected to think of how to optimize their brands' digital footprints in order to ensure they remain accessible to consumers at critical moments in the consumer's journey. That is, moments when purchase decisions are to be made. This is because consumers are happy to use assistive messages at such times. But sellers must be careful to send only assistive messages and not generic marketing messages that tend to irritate consumers.

In the digital age, marketers now recognize that shopping does not necessarily require a physical journey to a store. Buyers can now visit various stores by simply surfing the web with a digital device. Buyers can compare product prices and choose whichever meets their budget. Hence, distribution channel decisions should be seen and made beyond physical store locations. Channels decisions are to be seen in the light of how easy consumers can access products and product information, and then consummate transactions when they want to make purchase decisions. Marketing is also increasingly about breaking the traditional barriers to exchange and enabling even small producers to reach distant and diverse markets without putting up with the tyranny of gatekeepers - large retailers and other vested interests in the commercial distribution of good and services. It is also evident that marketing communication channels and methods are changing from traditional and relatively expensive print and electronic mass media. There are online communication and distribution channels consisting of websites, social networking sites and applications that meet the communication and distribution needs of both small and large producers. These platforms have made it possible for just any producer to reach and sell to target markets across the world.

Artificial intelligence (AI), advanced machine learning, and GPS/mapping technologies have also revolutionized marketing. With AI, marketers can gain near accurate insight into the store visits of large numbers of consumers. Such insights are then used to tailor and deliver targeted advertising messages (ads) to consumers. Ads can then be delivered to consumers just at the right moments depending on their location and/or activity. For instance, with mapping technology now pre-installed in virtually every mobile digital device, marketers can receive notification about a consumer's visit to a mall or shopping center in an area of a city. They can precisely know that an individual is near a store and can then send a prompting message that may influence buying behaviour. This means an ability to anticipate and respond to customer needs and changing preferences with relative precision in real-time.

By making sense out of historical data, AI algorithms increase the likelihood that marketing messages and ads are served to the most relevant audience. Belch and Belch (2009) observed that *Google* and other companies outside the traditional advertising and marketing communication industry continue to change the process of making and delivering advertising messages. By leveraging AI and machine learning, Google advertising services -*AdWords* and *AdSense*, permanently disrupted the global advertising landscape. These services have reconfigured the competitive landscape by removing barriers to entry that made it previously difficult for small-scale producers to communicate their brands (on a large scale) to potential buyers. By using *Search* advertising many small businesses that could not advertise regionally or nationally can now reach even global audiences (Belch and Belch, 2009).

These advertising services by Google have brought more accountability to marketing communication spending. Google introduced a business model whereby payment for advertising messaging became based on user-action. By this model, advertisers can now determine with relative accuracy, how many times their messages have been seen. This service is however, not without drawbacks. There is the click-fraud phenomenon which involves the use of software or other means to create bogus clicks. But this

is a matter of ethics, and now a crime in some countries. There are now web audience measurement techniques and tools that have emerged to deal with this problem

Google *AdSense* ensured that individual websites with web content that generate internet traffic can profit from the visitors they attract to the internet. With this service there are more opportunities to create your own content and to commodify the audience you succeed in gathering. So, a local designer or individual who commands millions of followers, friends or visitors to their website or webpage can benefit from potential advertising revenues. The interesting thing about digital platforms is that they can achieve communication at scale and at the same time can be customized for specific audience targeting, thereby making them very cost-effective (Belch and Belch, 2009). They can be used by all types of enterprises – large, small, bricks and mortar, virtual, e-commerce, not-for-profit, etc. (O’Guinn, Allen and Semenick, 2009).

Digital technologies, among other factors, have combined to make the marketing communication landscape significantly more fragmented. Online channels and the various audiences they gather are growing rapidly around the world. For this reason, many companies are building brands online with little or no use for traditional mass media advertising or, for large retailers (Belch and Belch, 2009). Many fashion designers, make-up artists, comedians and performing artists in Nigeria are taking advantage of digital communication and social networking platforms to build their brands. But this is not to suggest that traditional mass media channels and physical distribution of goods have ceased. Rather, the trend for many companies today is to combine both online and offline channels as parts of robust and scalable marketing strategies that facilitate mutually beneficial exchange processes and relationships.

O’Guinn, Allen and Semenick (2009) argue that the internet and digital technologies are not just affecting marketing practice, but are revolutionizing human existence in fundamental ways, and altering the basic nature of human communication. According to O’Guinn, Allen and Semenick, the internet-connected consumer enjoys the membership of a virtual community of consumers in real time, and is therefore, empowered and even liberated from the tyranny of gatekeepers with vested interests. Thus, digital technologies have had a reconfiguring and transforming effect on the landscape of marketing and advertising practice. They have not only affected processes but have also affected the way products are conceptualized and presented to markets. All of these suggest that the future of marketing is going to be more about digital engagements.

2.3 Fashion marketing in the digital age

The global fashion design industry is highly fragmented even though there are leading players and trend-setters. A fragmented industry structure means that there are several market players but no player has a large enough share of the market as to control and dominate it. The implication of this is that there is room for many small-and medium-scale players to seize a small portion of the market. This structure encourages many talented individuals to launch fashion businesses with a view to getting a share of this vast market while exploiting their creativity in fashion designing. Over the years some of these individual fashion designers grow to become notable players in the fashion market. Easey (2009) notes that many fashion brands in Europe and the United States such as GapTM, ZaraTM, H&MTM etc. grew from small beginnings to become internationally recognized.

Indeed, the fashion designing industry requires artistic genius and creative skills. But, Easey (2009) observes that skills and artistry are not enough to guarantee market success in fashion. Even when those skills are exceptional, there is still the constant risk of failure and bankruptcy. Enterprise management abilities and business acumen are required to improve the chances of market success. Yet, it seems ‘relatively few fashion designers have had formal training in business or marketing’ before starting their business enterprises (Easey, p.7). Many designers simply followed their passion and creative talents and then, along the way, got some formal/informal training in fashion designing. But fashion ventures need the right marketing strategy to succeed. The right strategy mix includes: distribution channels, publicity and promotion, media hype and brand positioning, pricing, etc. All of these combine toward ensuring market

success. This is why marketing is a business imperative in the fashion designing. But not many fashion producers have the resources to provide all that is needed in this regard. Hence, Easey (2009) notes that the fashion industry is known for the high failure rate of new ventures. In fact, many of the after-season and during-season discount sales are usually part of measures taken to cut financial losses from unsold stock that can often lead to bankruptcy and failure. This high rate of failure reflects the significant risks in fashion business because of ever shifting trends, customer preferences and the ephemeral nature of fashion goods.

A key aspect of fashion marketing is store location and the distribution channels used for selling the goods. If products are not found at the right location and in the right distribution channels, then sales may be negatively impacted. This means that designers have to partner with large retailers with strategic store locations to carry their brand items. The alternative is to have their own physical store locations in major cities and high streets. This requires a lot of resources not typically available to most designers, especially start-ups. But this has changed in the digital age because a defining characteristic of the internet age is the paradigmatic shift in the perception of the notion of distance and location. For this reason and more, store location is no more a big factor in product availability and marketing success. Online presence and availability of online shopping provides options to overcome this problem. Digital technologies have therefore positively impacted fashion marketing in the area of sales and distribution. This is seen in the emergence of the online market place facilitated by various financial technologies (Fintech) and e-commerce platforms. The BoF-McKinsey report (2018), notes that many fashion companies are experiencing a steep decline in brick and mortar traffic as customer traffic is increasingly migrating online.

As a matter of fact, distance is not necessarily a matter of geographic space between people and things but a matter of ease of access to a network. Borgmann (2000) observed that in the information age, social distance (farness or nearness) is measured not in terms of geographic expressions, but in terms of inclusion in a network (nearness) or exclusion from a network (farness). Digital social networks have therefore reconfigured the notion of distance in human social interactions. The implication of this is that previously distant markets and audiences are now near, insofar as they are accessible within a network of participants. Thus, small-scale producers can by-pass traditional gatekeepers that mediate access to the urban-elite-controlled cultural economy.

In the past, powerful gatekeepers in production and distribution ‘significantly influence the value of and market for cultural products’ (Shultz, 2011, p.40). These gatekeepers include established retailers, art dealers, art critics, fashion editors, specialized journalists and media houses who govern and set the agenda in the art and fashion world. They influence public perception and determine what is fashionable, valuable, trendy and acceptable (Becker, 1982; Crane, 1988; Caves, 2000; Currid, 2007; etc.). These gatekeepers control the channels of retail and wholesale distribution. They therefore determine what will be available to consumers. Products they refuse to carry or offer to consumers will likely remain locked out of mainstream markets. But the internet age has changed all this, and has granted market access to all. Producers can access the market and its participants directly, without the barriers created by powerful gatekeepers.

Under this old model, start-up designers were largely excluded and kept far and away from mainstream markets. But with the aid of digital platforms, they can now be a part of the social networks of fashion producers and buyers across the globe who converge on the internet. This is why Shultz (2011, p.37) observed that the internet and digital technologies have led to ‘the growing phenomenon of amateur cultural productions’. Easey (2009), also noted that the internet is influencing fashion business in a significant way (the search for product information - price, features, store location, easy comparisons between competing products, retailers ability to manage supply chains and distribution networks, etc.).

Easey (2009) further observed that retailers like Zara™ have developed supply chain management information systems that bring designers, manufacturing teams and retail staff much closer together, ‘with the result that customers can be offered fast fashion at affordable prices and the company can make more profits’(p.10-11). Fuchs, Prandelli, Schreier and Dahl (2013, p.76) observed that ‘being active in the

emerging Web 2.0 era seems to be an imperative for any brand', especially fashion brands. With the aid of digital media and e-commerce technologies, fashion retailers and buyers can get together and consummate sales transaction for fashion items and accessories. In Nigeria, we have e-commerce companies such as Jumia, Konga, Yudala, Jiji, and others, offering online shopping services for fashion and other products. These e-commerce sites complement the use of social networking apps such as Instagram, WhatsApp, Facebook, etc. This is why practically all major retailers with physical shops also offer online shopping on their websites and social media webpages. Sales and purchase transactions can now be consummated online from start to finish.

In fashion marketing, the need for adequate publicity and marketing for fashion items remains a problem that dogs small scale fashion designers. Prior to the digital era, this was indeed a major problem because only few designers could afford appearances at the fashion shows and on glossy magazines that defined top fashion designing. It typically took a long time of hard work and reputation building to get to that level. Yet, it was a level necessary to ensure national and international marketing success. This critical need for marketing and publicity underscores the importance of the media in the fashion industry. This made the media (fashion press) one of the most powerful institutions in fashion marketing. The after show press reviews and reports by fashion editors, writers, and in recent times, fashion bloggers, go a long in influencing the market and sales outcome of a designer's collection. This made fashion editors major influencers of fashion trends. In the digital age, editors of online fashion magazines and popular fashion bloggers continue to constitute influencers in fashion markets.

Fortunately for small and upcoming designers, many aspects of these marketing activities are now happening via the internet, and therefore, no more as centralized as they were in the past. With the emergence of online social networking platforms designers do not have to wait for periodic fashion shows/exhibitions or the publication of glossy magazines and catalogue pages before their creative designs can be seen. Rather than wait for the fashion shows, fashion designers are, on a daily basis, releasing new clothing designs to their social media audience. In other words, designers can share their creative output with consumers and other stakeholders as often as they wish. They can communicate with their audience and stakeholders on a moment-to-moment basis through social media feeds on Instagram, Twitter, Facebook, Pinterest, online chats, fan pages, etc. In essence, these platforms constitute the new virtual fashion catalogues, magazines and runways. This is a radical departure from the past.

Designers now need to share their designs with the public as quickly as possible so as to be seen as trailblazers, rather than hide the designs until the fashion shows. This is different from the culture of secrecy and design protection that once characterized the fashion design industry. Because fashion is largely visual, designs must be out there so that designers can remain relevant in the minds of people. But designers must strike a balance between the dilemma of over-exposing their designs and over-protecting them. When designers protect their designs, they promote elite exclusivity. If they over expose designs, they also risk losing the social distance effect which elite exclusivity promotes. Yet, if designs are too exclusive, they may remain unknown and never become trendy, and the designer may lose popular appeal even amongst his/her target elite audience.

It is important that fashion designs remain trendy and desirable. Thus, designers have to actively manage this dilemma in order to maintain a healthy balance for the brand. In the digital age, social media networks help fashion designers to maintain public visibility while maintaining private relationships and attending to the exclusive design needs of elite customers. With the use of social media platforms, designers can stay connected with the larger fashion market, form friendships for the brand, build alliances and enter into mutually beneficial commercial relationships with the public.

Celebrity endorsement is another marketing technique that has always been a core part of the marketing strategy of most fashion brands. In the digital age, celebrity endorsement remains an important part of fashion marketing strategy. This is why fashion bloggers and photographers daily comb the red carpet sessions of social events to identify fashion labels worn by celebrity personalities and then share same on their blogs. But in the digital age the dynamics have changed in response to digital realities. The

amount paid to brand endorsing celebrities is now tied to the number of people following them on social media. So, it is not enough to be a celebrity, you should have significant online following. This is exemplified in the reason why UK fashion brand, Burberry, chose Brooklyn Beckham, a relatively young and inexperienced photographer, as the brand's official photographer for its 2016 new fragrances campaign. Burberry chose Brooklyn over more experienced options because of the large number (over 5.9 million) of followers he had on Instagram at that time. This is an example of how celebrity endorsement works in fashion marketing in the digital age.

In summary, one can argue without much contradiction that the internet, and the social networks that ride on it, promote social inclusion and diversity in the cultural and creative economy. This is especially so in the fashion designing industry that was highly discriminatory against start-up designers, and this made marketing a major challenge to many fashion designers.

2.4 Research Questions

This article set out to address the following research questions:

RQ1: How has the use of internet-based digital media platforms by fashion designers in Nigeria facilitated market entry, brand recognition and growth?

RQ2: How has the use of internet-based digital media platforms by fashion designers in Nigeria affected the protection of their intellectual property rights?

3 Method

This article was borne out of the need to disseminate some of the findings of an unpublished doctoral dissertation which looked at the marketing activities of fashion designers in Lagos, Nigeria. The research process adopted in-depth interviews, online observations and digital content review, as data collection methods. Combining more than one method of data collection helps improve data validity. The sample of fashion designers was drawn from various lists of fashion designers who are active users of digital media platforms for marketing and promoting their outputs.

Purposeful sampling was employed, which means the study participants were selected because of the likelihood that they will generate useful data for the project by providing insightful answers to the research questions (Tashakkori & Teddlie, 2003). To further improve data validity, the maximum variation approach was applied. This involves identifying key demographic factors that are likely to have an impact on participants' view of the topic, and ensuring that they are reflected on the sample units (Marshall, 1996). For this reason, fashion designers from different age brackets, gender, fashion segments, and business locations across the city of Lagos, constituted the sample.

Age as an important sample characteristic ensures the representation of different generations of fashion designers. Gender as a factor also ensures a measure of gender representation to the sample. Business segment of focus ensured that participants chosen covered various market segments. Finally, participants were chosen from the two key geographical axis of the city of Lagos – Lagos mainland and Lagos Island. This was done to ensure proper coverage of the city's diverse economic backgrounds, social perceptions and idiosyncrasies. In all, 16 fashion designers were interviewed and used for the study.

All the interviews and online observations were transcribed within a few days after each interview event. Subsequently, the audio file for each interview was replayed and listened to several times, in an iterative fashion. During each iteration, important themes and clues were identified, noted, categorized and coded. The words, phrases, sentences and themes that emerged from this process were then connected and used as a basis for developing a logical proposition and an interpretation of what the data revealed. This is now presented in the next section as the research findings.

4 Key Findings.

Studies highlighted in the literature review indicated that despite the pitfalls associated with the use of the internet, especially the risks posed to IPR, there has been an observed rise in the use of digital media

platforms by creative workers. Samuel (2019), identifies the digital media platforms used by fashion designers in Nigeria to include: Instagram, WhatsApp, Facebook, Twitter, fashion blogs and corporate websites. Samuel (2019) further observed that Instagram and WhatsApp are the most commonly used platforms among fashion designers for marketing their fashion brands and designs. Figure 1 below, provide a snapshot on the digital platforms used by fashion designers. It is important to note that Pinterest was not used as a marketing channel but as a platform that designers occasionally checked-out to draw inspiration and to help them stay in-the-loop of fashion trends.

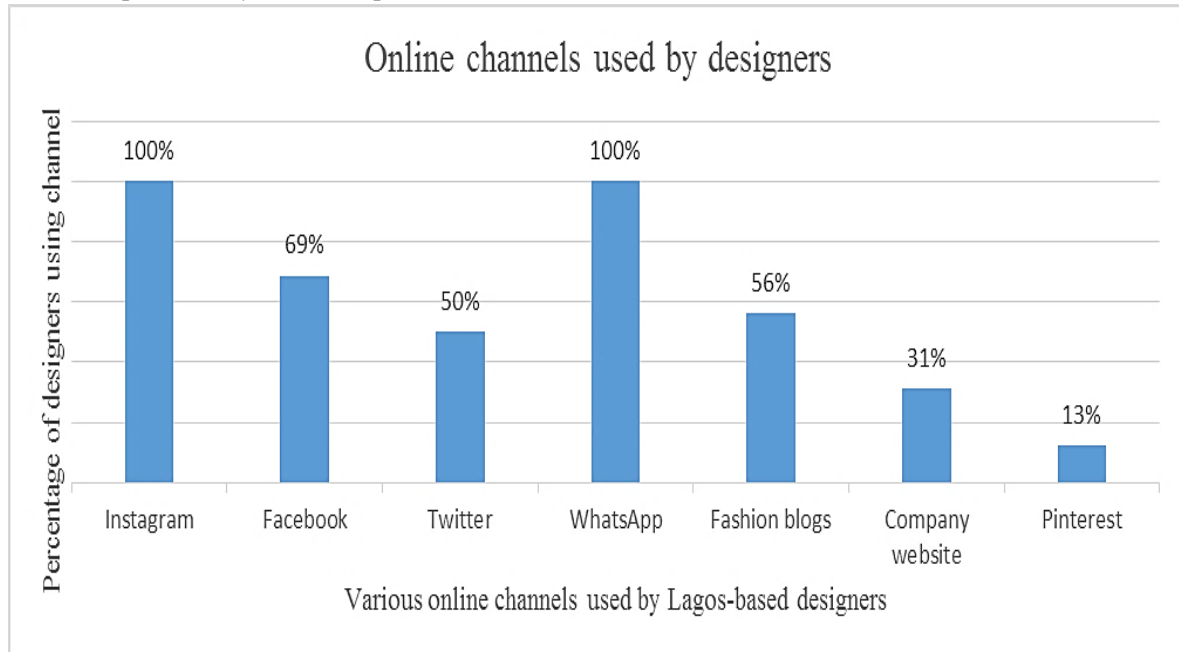


Figure 1: Chart showing percentage of fashion designers that use each online platforms (Samuel 2019).

The discussion of findings has been divided into two parts in line with the two research questions posed. This is to foster clarity and a better understanding of the research findings. Based on the identified online media platforms used by designers, a summary of the study findings with respect to the research questions are presented below.

RQ1: How has the use of internet-based digital media platforms by fashion designers in Nigeria facilitated market entry, brand recognition and growth?

All the participating designers (16 of them) indicated that they regularly leverage various digital media platforms for marketing, and that this has helped build their brand very quickly. These social networking and communication platforms facilitate free trade, help designers expand their market outreach, and grow sales revenue. These DMPs engender individual creativity and artistic freedom and have given designers more control over the marketing of their products and brands. These platforms have democratized fashion marketing in ways that fast-tracked the building of fashion brands, created market visibility for young and emerging designers, and provides the new route to the market place. Even the more established designers affirmed that it is far easier to become known today as a designer, than it was many years ago.

The findings indicate that all participating fashion designers considered digital media platforms as cost-effective advertising channels, easy to use, highly interactive in real real-time and can help the designer stay current with fashion trends. These benefits help designers to access fashion markets more easily. These platforms also promote artistic collaboration and cross selling among complementary artists such as make-ups artists, fashion photographers, entertainment and lifestyle bloggers and fashion designers.

These platforms are used to mine data for market analytics, and also bring speed and immediacy to fashion marketing campaigns in unprecedented ways. They eliminate the need for middlemen, and provide e-commerce channels for distribution and sale that can be accessed from anywhere and at any time.

Through these digital channels designers can offer and sell their clothes to new and old customers from different parts of the world. Even bespoke (made-to-measure) clients can be served via digital media technologies. This is one of the ways designers use the WhatsApp instant messaging platform.

The findings further indicate that an important effect the use of these platforms has had on fashion marketing is the decentralization and democratization of the international fashion runway and the glossy magazines and catalogues. The discriminatory nature of the fashion shows and magazines which typically admitted the works of a few for exhibition and media publicity has been largely neutralized. The participating designers affirmed that they don't have to attend international fashion shows before their works can be seen by an international audience. By the push of a button on Instagram, WhatsApp, Facebook, Twitter, Pinterest, etc., a designer's works can be seen across the world in a matter of seconds after they were shared. In other words, designers now enjoy the privilege of having their own virtual fashion catalogue, magazine and runway hosted on their social media webpage or corporate website. Thus, the international fashion runway is now accessible to any start-up designer who has access to the internet, and is willing to leverage its many possibilities. This affirms the participatory and socially inclusive nature of social media.

The diagram below (Figure 2), highlights the role of online channels in the process of transporting the creative outputs of fashion designers from being mere artistic expressions of talent and creativity to valuable intellectual products or IPs in global fashion markets. This validates the central CCI idea of the exploitation individual talent, skills, creativity and intellectual property as pathways to economic prosperity and socio-cultural change (DCMS, 1998, 2001). Without these channels entry into global markets will be more difficult for many fashion designers.

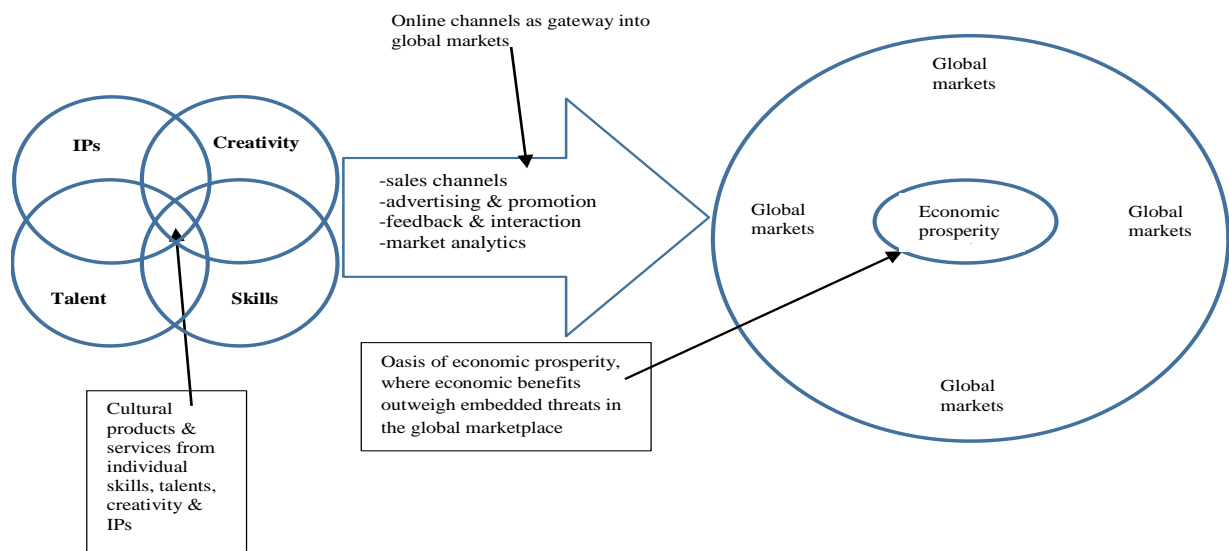


Figure 2: Diagrammatic model showing how the use of online digital media platforms for marketing communication impacts the economic prosperity of fashion designers. (Samuel 2019)

RQ2: How has the use of internet-based digital media platforms by fashion designers in Nigeria affected the protection of their intellectual property rights?

With regard to IPR protection, the findings suggest that most fashion designers did not consider sharing and publicizing their creative designs (intellectual assets) on the internet a serious risk to their business success. All the participating fashion designers, however, acknowledged that one of the potential pains of using internet-based media platforms for marketing their designs is the fact that these channels exacerbate the traditional problem of unauthorized design copying and appropriation. The designers

indicated that once designs are shared over the internet, they can be copied by copy-cats and made to become common within weeks of release of such designs. This is because once fashion designs have been seen a few times online, they begin to appear old and common. This means that some exclusive designs may lose the appeal of exclusivity which many elite fashion lovers want. When designs lose appeal, they may become obsolete and *die*. This is related to the traditional challenge of rapid obsolescence of fashion designs.

All the participating designers also affirmed that the potential effect of design copying was a lesser problem than the opportunity of publicizing designs which these platforms provided. In other words, although the use of these online marketing channels pose a threat to the optimal exploitation of certain creative designs (IP), yet it does not constitute a serious issue of concern to fashion designers. As a matter of fact, most of the designers did not think they lost significant revenues as a result of copying. Rather they believed that more revenues would be lost if they failed to share and publicize their designs through these online channels. In fact, the designers believed that there was very little designers can do to avoid copying, even outside the internet. Hence, copying is a problem they have come to accept as part of the terrain and challenges of fashion designing. For fashion designers, internet publicity and popularity is a good problem. So, from the point of IPR protection, sharing designs on the internet was not considered a big problem. However, all the designers indicated that they sometimes felt irritated to see their designs copied by copy-cats, even though in some other instances, they felt it was complimentary to be copied. So, IP protection arising from internet use is not a serious concern for fashion designers as it is for some other creative workers. This is because the benefits of their use far outweigh the potential threat to fashion IPs.

Perhaps for this reason, it was observed that many of the designers had not registered proper IPs like trademark and copyrights. Fifteen out of sixteen designers (94%) had registered their trade-names (fashion labels) as business names (corporate entities). But it is important to note that a trade-name is not necessarily a registered fashion IP. The data indicates that only six out of 16 designers (37.5%) had registered a trademark (logo, word or phrase). With regard to the registration of copyrights, only two designers out of 16 (representing 12.5%) had registered a copyright in the form of a textile design/pattern. These numbers are low given that 10 out of 16 designers indicated that they knew and understood the inherent benefits of registering IPs. No designers had registered or attempted to register a fashion design as IP. Perhaps this is because all 16 participating designers believed it was essentially meaningless to do so. However, four out of the 16 designers (representing about 25%) believe that IP laws, if strengthened, can be used to effectively protect some fashion IPs like trademarks.

In the final analysis, all the participating designers indicated that although unauthorized design copying and appropriation by copy-cats can be a problem over the internet. But generally, the participating designers did not consider this a serious problem to dwell on. The designers, rather, acknowledged that the internet can fast-track the emergence and visibility of a fashion brand, even while exposing it to copying and unauthorized appropriation. This makes online media channels use a two-edged sword and a slippery slope. Designers should therefore learn how to use this sword while navigating the slippery market-place, lest they cut themselves and their brands.

5 Conclusion

This article considered two questions. Firstly, how the use of internet-based digital media platforms by fashion designers has enhanced market entry and growth for fashion designers and their labels. Secondly, how the use of internet-based digital media platforms by fashion designers has affected fashion IP protection. It noted that internet-based media platforms such as Instagram, WhatsApp, Facebook, Twitter, corporate websites and fashion blogs have enabled designers showcase their products and transact with far and near customers. These digital platforms have contributed to the changes we continue to witness in the fashion marketing landscape. They have had a reconfiguring and economically beneficial effect on fashion designing and marketing. These platforms have modified consumer behavior and expectations, altered sales and distribution structures, democratized and decentralized the powers of institutional gatekeepers, and

changed marketing practices around supply-chain management systems. Essentially, digital media platforms have lowered and/or eliminated some barriers to market entry, provided access to cost-effective advertising, introduced new sales and distribution channels, and brought market visibility, recognition and traction to fashion brands. Despite some embedded pitfalls, especially, the risk of unauthorized copying and others ways in which the use of these platforms negatively impact IP protection, fashion designers are continuously seeking ways to leverage the benefits while avoiding these pitfalls. The fact is that, unlike some other segments of the creative industries where the narrative may be different, the internet and its various expressions via digital media platforms (DMPs) pose no significant economic risk to the successful exploitation of IPs by fashion designers. The reality of the digital age is that the internet and the many DMPs it supports have become strategic business imperatives for creative producers in the CCI. No creative producer, especially fashion designers, can afford to ignore their use.

6 Declarations

6.1 Study Limitations

Every research work will typically have limitations. Some of the limitations of this work include the following: a) firstly, the philosophical and methodological paradigm of a researcher creates a limitation. This is because researchers' paradigms affect the way social inquiry is carried out and interpreted. This researcher adopted the pragmatic paradigm. Nevertheless, measures were taken to improve the validity of the findings; b) secondly, the time frame of the study may be considered a limitation. The study lasted only 6 months (July 2018 to December 2018), and some may consider this a short period; c) thirdly, and closely related to the timeframe is the fact that statistical data from social research only provide a snapshot of behavior within a specific period in time. Such behavior may change shortly afterwards; d) fourthly, the study only covered the city of Lagos, even though the choice of Lagos was made because Lagos is the number one fashion and entertainment hub in Nigeria; e) finally, another limitation may be the relatively rapid obsolescence that attends fashion and ICT trends. This means findings validity may be affected if trends change.

6.2 Competing Interests

The author did not disclose any known conflict of interest in this publication.

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References

- Aaker, D.A. (2014). *Aaker on branding: 20 principles that drive success*. New York: Morgan James Publishing.
- Abbasi, M., Vassilopoulou, P., & Stergioulas, L. (2017). Technology roadmap for the creative industries. *Creative Industries Journal*, 10(1), 40 – 58. Retrieved from <https://doi.org/10.1080/17510694.2016.1247627>.
- Aschier, T., & Burke, K. (2017, Jan. 31). What's the future of television? (Yale Insights). Retrieved from Yale University, School of Management website: <https://insights.som.yale.edu/insights/what-s-the-future-of-television>
- Baran, S. J. (2010). *Introduction to mass communication: Media literacy and culture* (6th ed.). New York: McGraw-Hill.
- Becker, H. S. (1982). *Art worlds*. Berkeley: University of California Press.
- Belch, G.E., & Belch, M.A. (2009). *Advertising and promotion. An integrated marketing communications perspective* (8th ed.). New York, NY: McGraw-Hill/Irwin.
- Borgmann, A. (2000). Information, nearness and farness. In K. Goldberg, H. Dreyfus, A. Goldman, O. Grau, M. Grzanic, B. Hannaford, M.,... M. Kusahara (Eds.), *The robot in the garden: Telerobotics and telepistemology in the age of the internet* (pp.90 – 107). Cambridge, MA: MIT Press.
- Business of Fashion (BoF) & McKinsey & Company. (2017). *The state of fashion 2018: Renewed optimism for the fashion industry*. New York, NY: BoF-McKinsey.
- Castells, M. (2000). *The Rise of the Network Society*. (2nd ed.). Oxford: Blackwell Publishers.
- Caves, R.E. (2000). *Creative Industries: Contracts between Art and Commerce*. Cambridge, MA: Harvard University Press.
- Chambers, J. (2017, Jan. 16). Economic prosperity in the digital age. Retrieved from Project Syndicate website: <https://www.project-syndicate.org/commentary/us-needs-digitization-strategy-by-john-chambers-2017-01>
- Crane, D. (1989). *The transformation of the avant-garde: The New York art world, 1940-1985*. Chicago: University of Chicago Press.

- Currid, E. (2007). The economics of a good party: Social mechanics and the legitimization of art/culture. *Journal of Economics and Finance*, 31(3), 386 - 394. doi: 10.1007/BF02885728.
- Dicken, P. (2007). *Global shift: Mapping the changing contours of the world economy* (5th ed.). New York: The Guilford Press.
- Department of Culture, Media and Sport (DCMS). (1998). *Creative industries mapping document 1998*, London: DCMS. Retrieved from webarchive.nationalarchives.gov.uk/+/http://www.culture.gov.uk/reference_library/publication/4740.aspx
- Department of Culture, Media and Sport (DCMS). (2001). *Creative industries mapping document 2001*. London: DCMS. Retrieved from <https://static.a-n.co.uk/wp-content/uploads/2016/12/DCMS-Creative-Industries-Mapping-Document-2001.pdf>
- Easey, M. (2009). The fashion markets and the marketing environment. In M. Easey (Ed.), *Fashion marketing* (3rd ed., pp. 3 – 17). West Sussex, UK: Wiley-Blackwell.
- Fuchs, C., Prandelli, E., Schreier, M., & Dahl, D.W. (2013, September). All that is users might not be gold: How labeling products as user-designed backfires in the context of luxury fashion brands. *Journal of Marketing*, 77, 75 – 91.
- Guercini, S., Bernal, P.M., & Prentice, C. (2018). New marketing in fashion e-commerce. *Journal of Global Fashion Marketing*, 9(1), 1-8. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/20932685.2018.1407018?needAccess=true>
- Li, F. (2018). The digital transformation of business models in the creative industries: A holistic framework and emerging trends. *Technovation*. doi: 10.1016/j.technovation.2017.12.004. Retrieved from <http://openaccess.city.ac.uk/id/eprint/18730>
- Luckerson, V. (2014, Dec. 3). Fewer people than ever are watching TV. *Time magazine*. Retrieved from <http://time.com/3615387/tv-viewership-declining-nielsen/>
- O'Guinn, T.C., Allen, C.T. and Semenik, R.J. (2009). *Advertising and integrated brand promotion* (5th ed.) Mason, OH: South-Western Cengage Learning.
- Samuel, K.C. (2019). *Prosperity or Precarity? Digital marketing communication and intellectual property protection by Lagos-based fashion designers in Nigeria*. (Unpublished doctoral dissertation). Pan-Atlantic University, Lagos, Nigeria.
- Samuelson, P., & Davis, R. (2000). The digital dilemma: A perspective on intellectual property in the information age. A paper presented at the 28th Annual Telecommunications Policy and Research Conference to the Computer Science and Telecommunications Board of the National Research Council, Washington, D.C. Retrieved from <http://people.ischool.berkeley.edu/~pam/papers/digdilsyn.pdf>
- Schweitzer, E. J., (n.d) Digital divide. *Encyclopaedia Britannica*. Retrieved June 11, 2017 from <https://www.britannica.com/topic/digital-divide>
- Shultz, B.J. (2011). *Handmade and DIY: The cultural economy in the digital age* (Unpublished doctoral dissertation). The University of Tennessee, Knoxville. Retrieved from http://trace.tennessee.edu/utk_graddiss/1025.
- Sorensen, C. (2009). The fashion markets and the marketing environment. In M. Easey (Ed.), *Fashion marketing* (3rd ed., pp. 18-59). West Sussex, UK: Wiley-Blackwell.
- Spender, L. (2009). *Digital culture, copyright maximalism and the challenge to copyright law* (Unpublished doctoral dissertation, University of Western Sydney, Australia). Retrieved from <https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A7052/>
- The Economist (2017, Feb. 9). A slow motion revolution. Traditional TV's surprising staying power. *The Economist: Special report*. Retrieved from The Economist website: <https://www.economist.com/news/special-report/21716459-peak-tv-its-way-slowly-traditional-tvs-surprising-staying-power>

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