



CAMMINO DIRITTO

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PRADA: THE SAME DRESS ON THE COVER OF DIFFERENT MAGAZINES. IS IT WAR?

A PR Officer of the Milanese fashion house of PRADA dispatches to famous newspapers the same dress, in different colours, of fall-winter collection 2015-2016 in order to use it for the editorials of the September issue. It's chaos.

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The case

The world of fashion magazines is extremely complex as well as fascinating, especially in view of the coming out of the most important issue of the year, the September issue.

The *September issue* is a sort of fashion Bible, because inside it numerous trends are already available for fall-winter collection, the most productive and profitable season of the year.

Therefore, it is obvious that every editor in chief of a fashion newspaper wants to do his best, with his issue. Indeed, every year, among fashionistas the waiting is great in order to discover, above all, who is on the cover of September.

The cover is for a fashion magazine the 90% of the job. If it is unsightly nobody will buy the magazine and, as a consequence, hundreds of thousands euros would be wasted without any confirmation.

From Beyoncé for *Vogue US* to Emma Watson for *Vogue UK* moving to Rosie Huntington-Whitley for *Harper's Bazaar* and Katy Perry on *Vogue Japan*, the issues of this year are particularly rich of celebrities and very beautiful models.

Nevertheless, two covers have caused a sensation and that is to say that of *Vogue Japan* and that of *Harper's Bazaar*. If you observe, indeed, the **cover image**, the two celebrities have in common something very important: the **same Prada dress (!!!)** but of different colour. Pink for *Vogue*, Blue for *Bazaar*.

Now, as jurists as we are, we must ask ourselves the following question: Whose fault is it? That is, Who is responsible for the fact that the same dress, of the same brand, appears on two different covers?

Here comes into play the figure of the PR Officer, Public Relations, in this case, a Prada PR Officer, not to be confused absolutely with PR discotheques or those who hand out leaflets in the street for discount vouchers for clubs (these are coming later!). Here, in the fashion industry, we talk about money, so much money.

Who is a PR Officer?

There are a lot of types of PR Officers and roles among them, but principally the **PR Officer** is the one who **deals with the management and the coordination of his client's image** and the relationships with the outside, that can be a brand like Dior until Simmenthal. The PR Officer looks after everything that arrives of a product to the general public.

However, in the world of fashion things become a little more complex (but more glamorous too), because the PR Officer is the one who, besides looking after the brand's image, organises events, fashion shows, has contacts with the photographers, with the celebrities throughout the world and the journalists as well as, ordinarily, draws up the press review and writes the press releases.

As a consequence, for a brand like Prada, it is essential that a certain celebrity wears its own dress and that a magazine photographs him/her and puts the celebrity on the cover. It is simply appearance.

2. The PR Officer normatively and legally

But more elaborate and interesting is the legal analysis of the aforesaid profession.

2.1 Types of PR Officer

There are, essentially, two ways of doing public relations for a brand: that is to say either recruiting and then **having internally a press office** (a lot of PR Officers constitute a press office) or **turning to a communication agency that supervises Public Relations from outside**.

In the field of private law Basic Contracts that these two types of situations establish are, in the first case, **a subordinate job contract linked to a contract of agency, on the contrary in the second case it is a simple contract of agency**.

Indeed the PR Officer, both he/she works internally and for an agency, has to have results and that is to say to take care that his/her own client appears on more magazines as possible, that the brand is worn and expended to as many "ordinary" people as possible: the more people talk about the brand, the more the situation gets better.

Legally, very interesting are instead the communication agencies, because they carry out the tasks above-mentioned for a considerable number of clients. An example is Karla Otto's office (www.karlaotto.com) a great communication agency, founded in the 1990s by the German Karla Otto. At the moment The Karla Otto Ltd. counts more than 200 employees among the seven branches around the world: Milan (where it all began), New York, London, Paris, Los Angeles, Hong Kong and Beijing, with a turnover, according to what reported in 2011 informazioni-aziende.it, that is between 6 and 30 million euros. Then, the clients portfolio is considerable with excellent brands moving from Marni to Berluti until reaching Diane Von Furstenberg and the young designer Mary Katrantzou.

So, in the world of fashion communication and not, what controls the relationships between client and employee is the contract of agency ex. art. 1742 c.c.

Nevertheless, in our case, what arouses our interest is the discipline of the PR Officer itself and that is to say if there is a code of conduct or some legal pretext for the PR Officer's job.

2.2 The PR Officer normatively

What is amazing, in this huge and mysterious world, is that the promoters of the twenty-first century's image don't have any internal regulation.

I mean.

Neither in Italy, nor abroad, there is a PR Professional Order nor any normative text that regulates and disciplines these communicators' job.

"That of PR Officer is different from any other job, we - says exclusively the watchmaking PR Officer Giancarlo Parolini for Cammino Diritto.it - have a relationship of "trust" with our client: we base ourselves on custom, on unwritten relationship and we act accordingly".

"So, dear Giancarlo, in this case, who should be blamed for having published the same cover?"

"Nobody, because unless there was for some magazine a franchise either for the brand or for that particular dress, which obviously the PR Officer in question should have respected, the fault can't be attributed to anybody. Furthermore, editorially, the best photograph, for instance that that should be published on the cover, is chosen by the masthead managing director together with the photographer

and the PR Officer in question, who has simply dispatched the dress to the editorial office, unless he isn't acquainted with the photographer in question, he can't participate in the choice."

"So, in conclusion, what can we maintain?"

"That this Prada dress has been a stunning success."