

**REGULATING THE INDIAN THRIFT MARKET: AN ECONOMIC ANALYSIS OF THE TRADEMARKS
ACT, 1999**

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ABSTRACT

‘Thrifting’ in layman’s language, is the practice of purchasing commodities that have not been sold to the primary consumers, or have been used by them and are up for sale again. Naturally, the idea of thrifting clothes is to lengthen the cycle of the apparel and delay its ultimate disposal. A typical thrift market for apparel in India is a street market with vendors selling clothing items that have been discarded by their producers due to defaults as minor as a wrong stitch. These items are available in bulk and are sold at a price much below than what the brand would sell in their outlets otherwise. The growth of social media platforms has also given an opportunity to resellers, especially small businesses, to capitalise on the wide reach. The creation of secondary markets has become a bone of contention between original producers and resellers in mature jurisdictions such as those of the European Union for example, where the intellectual property rights of the former have been demanded for. The Indian legal regime for trademark protection, however, does not provide solace to brands that aim to protect their exclusivity and reputation in the domestic thrift market. This article uses statistical tools to assess consumer responses to analyse whether resellers are posed as competitors to brand manufacturers. Further, a model has been proposed to impose product liability on resellers to protect the interests of consumers and brands alike.

Keywords: *Thrifting, Trademark, Product Liability, Income, Environment*

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1. INTRODUCTION

Exclusivity to a brand is of prime importance to the producer since it is the first step to creating an image in the minds of consumers. A company can achieve this distinctiveness through using the tool of trademarks. Essentially, trademarks are the means through which consumers relate to a brand's quality. These intellectual property tools reduce the search costs for a consumer who wish to purchase a commodity with certain qualities. On the supply side, it also creates an incentive for the manufacturers to supply goods of great quality (Cooter and Ulen, 2016).

On this note, thrifting culture includes the secondary market of brand surplus or preowned clothes which are sold to buyers at cheaper rates (Panda, 2022). This challenges the relevance of a brand's identity. The situation becomes more alarming for luxury brands for whom the maintenance of rarity is the key to stay relevant in the market. A notable American case in this regard is that of the renowned French luxury brand Chanel, which filed a trademark infringement suit against a luxury secondhand retailer, The RealReal. (*Chanel, Inc. v. The RealReal, Inc.*, 2021). The allegations include false endorsement and advertisement, apart from unfair competition under the American Trademark Act (Lanham Act, 1946). The elementary dispute in the case is whether the retailer has the requisite authentication process to qualify products manufactured by Chanel that deceived the consumers into falsely believing that it obtained the necessary approval from the brand to resell its apparel. The proliferation of thrift stores presents itself as an avenue to companies for pursuing opportunities to extend their trademark protection rights into the resale transactions (Robertson, 2023). However, the case has not been concluded as of now, but it could provide a concrete precedent for determining the extent to which brands in general have an authority over the reselling of their products in the second-hand market.

Conversely, in the case of *Tiffany v. eBay (Tiffany (NJ) Inc. v. eBay Inc.*, 2010), it was alleged by the brand that eBay, a popular second-hand merchandise seller was selling counterfeit Tiffany merchandise. The American court rejected its allegations to state that eBay was itself not selling counterfeit items (contrary to the case of RealReal where the retailer had a verification process to check such counterfeiting) as vendors had the autonomy to sell their infringed merchandise. RealReal itself controlled a second-hand market of trademarked luxury goods and therefore, can be subjected to the burden of potential liability for "selling, offering for sale, distributing, and advertising goods in the market it created." Even if costs are imposed

on RealReal for violation of the abovementioned, Chanel cannot obtain a total injunction to bar it from reselling the products by virtue of the Doctrine of First Sale (Barer and Villazon, 2024).

2. CONCEPTUAL FRAMEWORK

a. Infringement of Trademark of brand manufacturers

The fundamental idea behind intellectual property laws is to provide as much safeguard which is required for incentivising innovation, but not to make it too rigid which shall hamper free competition in the market. In this regard, intellectual property rights are distinct from the species of real property, as the legal protection in the former is strategized to tackle the tragedy of commons (Lemley, 2005). This tragedy foresees the depletion of resources when they are open to use by public without any regulations. Thrift markets, like the primary markets for apparel, permit brands to earn enough income to cover their costs, but it does not help in realising the full social value of the product. These social values impose social costs, that become externalities which remain uncompensated for. The goal of property rights would be to equate private and social costs. An efficient intellectual property law regime would, therefore, focus on internalising the costs & benefits, thereby facilitating the selling of the product to the consumer who values it more (Demsetz, 1967). This internalisation would create the problem of free riding by the competitors, where they obtain a benefit from the manufacturer's investment.

b. Creation of Monopoly

In the case of secondary markets of thrift, the extent to which the original producer can control the resale should be carefully determined. This takes us to the flipside of granting exclusive rights of reselling to the brands. Trademarks enable the brands to have a monopoly if they are permitted to infiltrate the thrift market (as was counter-alleged by RealReal against Chanel) (*Chanel, Inc. v. The RealReal, Inc.*, 2021). Naturally, consumers are driven towards the market for thrift owing to the cheap rates. In a scenario where brand manufacturers are permitted to sell their clothing in the thrift stores, they will have the scope of selling their items at a price which is similar to their outlet prices. If the brand is allowed to become an unfettered monopolist in the secondary market, it will price its products to equate its marginal costs to its marginal revenue. This is because it will not prefer to lose money by selling an additional unit if it has the option to recoup its costs. If the pricing is set at a level which is very high than the marginal cost, it will create the problem of deadweight loss. The deadweight loss is a market inefficiency where the potential consumers of thrifted clothing are drawn out of the market

since their marginal benefit from the clothing item is lower than the price at which the monopolist brand would potentially sell it. In other words, it is the loss of potential transactions that could have taken place if not for the high prices set by the monopolist.

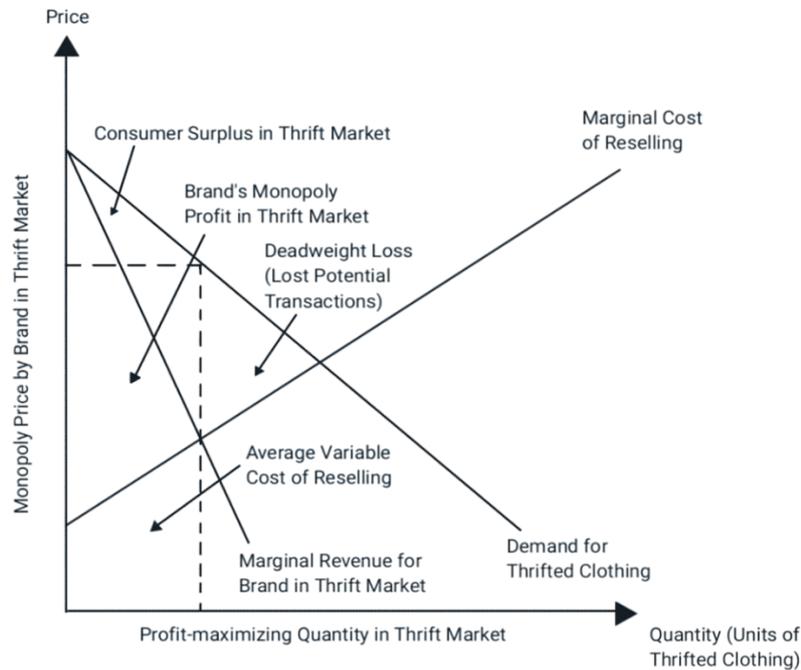


Figure 1. The Monopolist Pricing of Brand Manufacturers

Source(s): Authors' own construction

c. The Principle of Exhaustion

The Principle of Exhaustion allows lawful owners of trademarked products to freely resell it without any restriction. The origins of this principle can be found in the 'Doctrine of First Sale' that was developed in the American jurisprudence in the century old the case of *Bobbs-Merrill Co. v. Straus* (*Bobbs-Merrill Co. v. Straus*, 1908). The United States Supreme Court in this case did not identify the right of the original producer of the book (defendants) to restrain the booksellers (plaintiffs) from selling the book further at lower prices, despite an explicit condition in the first transaction against it. In the words of the Hon'ble bench, "there is no privity between the future purchasers of the book with the copyright holder and hence cannot attempt to limit the sales".

In India, the Trade Marks Act 1999 ('The Act') has incorporated the principle, which has been further developed by judicial precedents (*Kapil Wadhwa & Ors. v. Samsung Electronics Co. Ltd. & Anr.*, 2012; *Philip Morris Products S.A. & Anr. v. Sameer & Ors.*, 2014). The Act states that when the goods bearing a registered trademark are lawfully acquired by a person, and he

further intends to sell that product, it shall not be an infringement of the trade mark (Trade Marks Act, 1999). Conversely, the proprietor of the trademarks has a right to oppose further dealings in these goods, if their condition has been changed or impaired after they have been presented in the market (Trade Marks Act, 1999). The Act, however, mandates that for the proprietor of the trademark to sue for infringement, the quality of the product in question should be considerably changed (*Patanjali Ayurved Limited v. Masala King Exports Trading Pvt. Ltd. & Ors.*, 2020).

So far, there is no specific precedent of trademark infringement in the Indian apparel industry with respect to resale in secondary markets. The limited mention of reselling in the Act and the requirement of ‘considerable’ alteration of the commodity is a loophole open for exploitation by the vendors who currently escape liability. The following article establishes how resellers infringe the trademark rights of the proprietors using the economic tools for patent protection, thereafter which presents the model for imposing product liability upon them. In the concluding sections, certain policy recommendations have been presented, that may be incorporated in the existing regime to adapt to the secondary market of thrifting.

3. RESEARCH PROBLEM AND OBJECTIVES

As described in the introductory part so the article, the advent of thrift markets in India poses a newfound challenge of protecting trademarks for brands. It is pertinent to note here that thrifting is not bad for the society. On the contrary, it is good for the environment since there shall be a reduced demand for novel clothes, which will result in lesser utilisation of resources in apparel production. However, it is important from a consumer’s perspective that the identification of the brand in the thrift market is made simpler, to facilitate concrete authentication. This is currently lacking in the market for thrifting in India, which this paper addresses in the following sections. Through a statistical analysis of consumer opinions, the authors present the need of imposing product liability upon the resellers using economic tools.

The following are the objectives that the paper aims to address: -

(i) To explain the infringement of trademark owned by the proprietors in the thrift market where resellers pose a competition to them by selling the clothes at lesser prices by applying statistical analysis of consumer responses to the economic theory of trademark protection.

(ii) To present a model for incorporating liability on resellers because of dearth of information about the brand's identity amongst the consumers by applying statistical analysis of consumer responses to the economic theory of product liability.

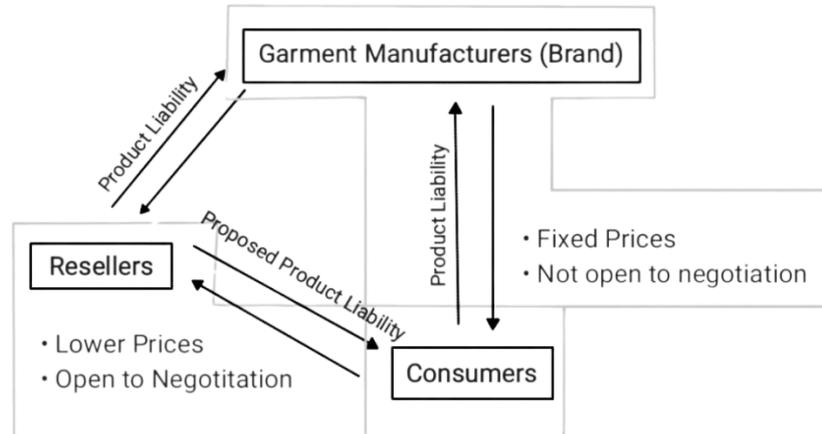


Figure 2. Proposed Product Liability Framework for Thrift Markets under Trademark Law

Source(s): Authors' own construction

This diagram encapsulates the core argument of the paper: integrating product liability into India's thrift market to protect both consumer interests and trademark integrity while balancing affordability and brand exclusivity. Currently, garment manufacturers (brands) maintain fixed, non-negotiable prices and are subject to product liability for defective goods. Resellers in thrift markets, however, offer lower, negotiable prices without assuming liability, despite competing with brands while using their goodwill and trademarks. The paper proposes extending product liability obligations to resellers, ensuring they internalize risks associated with selling potentially defective or counterfeit goods in the second-hand market. This framework aims to create an equitable balance where consumers retain affordability and choice, brands protect their trademark and reputation, and resellers ensure transparency and quality, thereby supporting a sustainable, legally robust thrift ecosystem in India.

4. RESEARCH METHODOLOGY

An empirical survey consisting of questions intended to understand the consumer behaviour towards thrifting was conducted through the dissemination of an anonymous virtual form. The questions are close ended, and are operative on the 5-point Likert Scale. The available options were Strongly Disagree (1), Disagree (2), Neutral (3), Agree (4), Strongly Agree (5). The ordinal data then obtained was statistically analysed to check the correlation and the strength of it.

A total of 59 responses are analysed, and the consumers belong to the age range of 15-25 since thrifting is an upcoming trend that is popular amongst the younger generation. The tool which has been used in this statistical analysis is convenience or purposeful sampling. The sample size is free from geographical restraints, but is limited to consumers in the Indian thrift market. The results have been derived from conducting a statistical analysis using the Jeffreys's Amazing Statistics Program ('JASP').

5. STATISTICAL FRAMEWORK AND RESEARCH FINDINGS

The vendors in a thrift market are essentially competitors to the brands as they do not have to incur the initial costs of designing and manufacturing the clothes, which enables them to sell the same product at a lesser rate. Due to a lack of a justified pricing mechanism where there are no base prices, the cost of an item is negotiable and open to bargain. However, the Act provides solace to the manufacturers when it restricts reselling of products in the primary market, allowing the brand manufacturer to recoup its initial costs of designing without the threat of being undersold. A statistical analysis of the consumer responses for the propensity to thrift amongst the sample and its correlation with the feature of low prices in the thrift market is presented as follows:

1. **Null hypothesis (H0):** That there is no correlation between the propensity to thrift amongst consumers and the feature of low prices for thrifted items
2. **Alternative hypothesis (H1):** That there is a correlation between the propensity to thrift amongst consumers and the feature of low prices for thrifted items

	Propensity to thrift	Attractiveness of low prices
Valid	59	59
Missing	0	0
Mean	3.172	3.508
Std. Deviation	0.966	0.954
Shapiro Wilk	0.885	0.878
P-Value of Shapiro-Wilk	<.001	<.001
Minimum	1.000	1.000
Maximum	5.000	5.000

Table 1. Descriptive Statistics

Source(s): Author's construction

Propensity to thrift	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	1	1.695	1.695	1.695
Disagree	5	8.475	8.475	10.169
Neutral	17	28.814	28.814	38.983
Agree	23	38.983	38.983	77.966
Strongly Agree	13	22.034	22.034	100.000
Missing	0	0.000	-	-
Total	59	100.000	-	-

Table 2. Frequency Table for Propensity to Thrift

Source(s): Author's construction

Attractiveness of low prices	Frequency	Percent	Valid Percent	Cumulative percent
Strongly disagree	1	1.695	1.695	1.695
Disagree	9	15.254	15.254	16.949
Neutral	15	25.424	25.424	42.373
Agree	27	45.763	45.763	88.136
Strongly Agree	7	11.864	11.864	100.000
Missing	0	0.000	-	-
Total	59	100.000	-	-

Table 3. Frequency Table for Attractiveness of Low Prices

Source(s): Author's construction

Variable		Propensity to Thrift	Attractiveness of Low Prices
Propensity to Thrift	Spearman's Rho	-	-
	P-Value	-	-
Attractiveness of low prices	Spearman's Rho	0.353	-
	P-Value	0.006	-

Table 4. Correlation

Source(s): Author's construction

Since the p-value (0.006) is less than the significance level (0.05) we can reject the null hypothesis (H₀) to state that there is a statistically significant monotonic correlation between the propensity to thrift amongst consumers and the feature of low prices for the thrifted item. The Spearman's rank correlation coefficient of 0.353 indicates that there exists a moderate monotonic relationship between the propensity of the consumers to thrift and the fact that cheap rates of the clothes is what attracts them to the thrift market. This finding suggests that the vendors of the secondary market present themselves as competitors to the brands.

6. PRODUCT LIABILITY MODEL

Product liability refers to the legal responsibility imposed upon manufacturers and sellers when consumers suffer harm due to a defective product (Ottley et al., 2013). This legal framework primarily addresses products with observable utility but hidden risks, where the appeal of these items lies in their observable utility despite the potential for injuries due to undisclosed risks (Hylton, 2012). This unique combination of features often leads to market failure, as consumers may lack sufficient information to make informed choices, and producers may not have incentives to prioritize safety in their designs. In contrast, products with openly apparent risks are more effectively regulated by the market.

In cases where safer alternatives offering similar utility are available, consumers tend to opt for these alternatives, leading to the exclusion of riskier products from the market (Landes and Posner, 1985). However, the regulatory reach of product liability law is extensive, covering a wide range of products, making it challenging for government regulatory agencies to entirely replace the role of courts. Even without issues like regulatory capture or sluggish government incentives, courts applying liability rules have an advantage over regulators as they respond directly to actual injuries rather than mere breaches of regulatory mandates, which may not always result in significant harm (Huber, 1995). Product liability law plays a crucial role in correcting market failures and ensuring consumer safety.

The landmark case of *Henningsen v. Bloomfield Motors, Inc.* (*Henningsen v. Bloomfield Motors, Inc.*, 1960) marked a pivotal moment in the evolution of American product liability law, as it deliberated on the transition from implied warranty to strict liability as the prevailing theory. Over time, it has become apparent that the principles governing liability for sellers of new products are equally applicable to sellers of used goods such as second hand clothing in the present case (Metzger, 1977). Notable cases such as *Turner v. International Harvester Co.* (*Turner v. International Harvester Co.*, 1975) and *Peterson v. Lou Bachrodt Chevrolet Co.* (*Peterson v. Lou Bachrodt Chevrolet Co.*, 1974) have affirmed the legitimacy of applying strict liability to the sale of used goods, citing familiar policy arguments often used to justify strict liability for new product sellers. Despite sellers of used products not being the creators of risk in the same sense as manufacturers or retailers, courts have recognized that they still contribute to the flow of commerce and thus should be held to similar standards (Metzger, 1977). Moreover, the concept of a minimal level of quality has been extensively discussed in cases like *Overland Bond & Investment Corp. v. Howard* (*Overland Bond & Investment Corp. v. Howard*, 1972), where the court emphasized the lack of justifiable reasons for distinguishing

between new and used goods in terms of liability. Despite the beneficial aspects of product liability, such as incentivizing firms to enhance product safety, ensuring prices reflect associated risks, and compensating injured consumers, criticisms persist regarding the potential for heavy litigation and associated costs to outweigh these benefits (Shavell and Polinsky, 2010).

The implementation of strict product liability laws in the second-hand clothing market aims to ensure quality assurance, transparency in product information, and fair return and refund policies for both sellers as well as purchasers (Metzger, 1977). These laws require sellers to internalize the costs associated with potential product defects, prompting a comprehensive assessment of the product's benefits versus risks before offering it for sale. In situations where neither party is negligent, it is preferable for sellers to assume these costs, as they are better equipped to manage them and can adjust pricing accordingly to mitigate risks, effectively serving as insurers against defective clothing

Furthermore, such product liability laws will help in addressing the information asymmetry between sellers and purchasers, which is particularly evident in the second-hand clothing market where purchasers may lack knowledge about the item's history and authenticity. Sellers, possessing more information on the product's condition and potential risks, are responsible for identifying, addressing, and communicating any concerns to purchasers. An overall evaluation, considering both benefits and trade-offs, occurs when individuals seek information and weigh options to achieve the perceived value of goods. This assessment encompasses various factors including price, risk, and convenience, as depicted in the provided figure, viewed through the lens of mental accounting theory (Boedecker and Morgan, 1993).

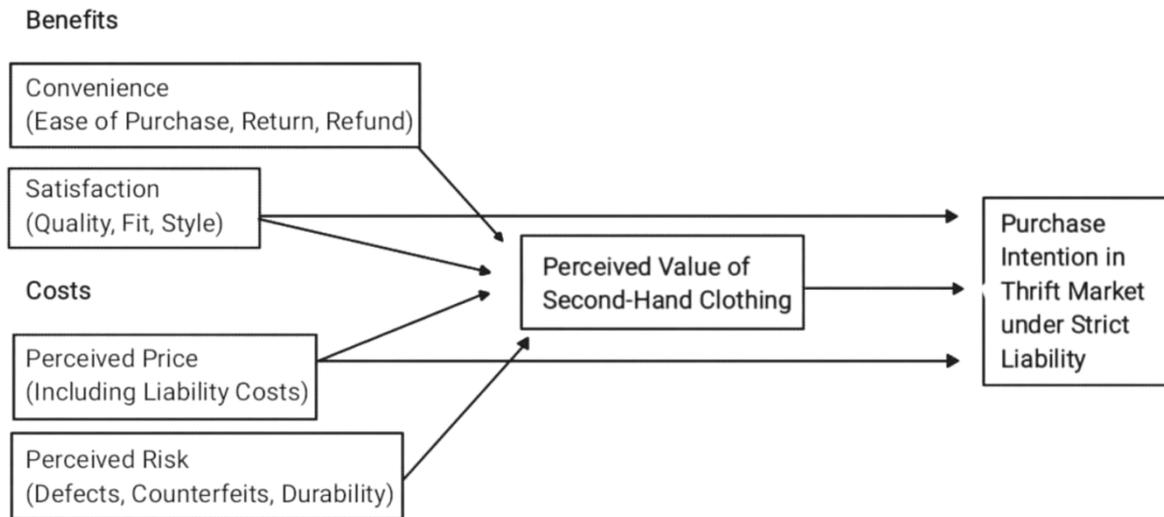


Figure 3. Mental Accounting Theory Model for Strict Liability in Thrift Markets

Source(s): Authors' own construction. Also refer to Gupta, S., and Kim, H. (2009).

Enforcing product liability laws in the second-hand clothing market ensures consumer safety, transparency, and financial security by holding sellers responsible for product quality. This promotes fairness and efficiency in the marketplace for both sellers and buyers. The following are the scenarios where product liability is imposed upon resellers via measures like quality and durability assurance.

a. Scenario 1: Increased search costs vis a vis low prices of items

Consumers are attracted to the low prices set by resellers, regardless of its quality. Thrift stores do not operate on brand identity, and as a result, consumers are not offered the information about the quality of the product. Thus, there is an increase in time, effort and money spent by consumers i.e. the search costs, in comparing the thrifted garment pieces within a shop and amongst different shops. Thus, if search costs are fixed for consumers in a thrift market, resellers will compete against one other to lower the prices of the garment itself. This results in excessive consumption of risky items and suboptimal societal welfare. Imposing product liability upon resellers which factors measures of quality and durability assurance, disclosure of product information, and return and refund policies will result in shifting of injury costs to the reseller.

b. Scenario 2: Enforcement of product liability will result in increased costs for resellers

To enforce product liability on resellers, they will be required to undertake inspection and quality-check measures for the items which they sell. They may also be required to offer refund schemes. This mechanism may exploit the ecological cycle, where items which are found unfit for resale are discarded. For consumers, this may lead to a negative trickle-down effect where they will bear the increase in costs. Thus, these markets will witness reduced consumer purchases and promote safer consumption choices which enhances the overall societal welfare. In a situation where consumers purchase multiple items, if the fixed costs for taking regulatory measures is same for all resellers, consumers will compare the total purchase price of all items that they wish to thrift and not their individual prices. Resellers will thus, compete against one another to capture the larger market share by offering incentives in the form of discounts and schemes to promote consumers to purchase items in bulk. With low shifting costs, consumers will not hesitate to purchase items at the next best alternative price for same items.

c. Scenario 3: Informed Consumers Behaviour

With full awareness of product risks and liability in place, consumer behaviour adapts accordingly. Resellers can take advantage of advertisements and promotion schemes to educate consumers about the durability of the item. This increase in advertisement costs, in addition to the increase in injury costs, will incentivise resellers to allocate their resources efficiently to drive their profits. While appealing features (like the uniqueness of an item) may still drive demand for riskier items, consumer awareness about associated risks will moderate this demand. This will result in a new equilibrium where prices and quantities optimize consumer welfare, balancing product appeal with risk factors. Compensation payments can further optimize the equilibrium quantity, ensuring a socially optimal level of consumption.

7. POLICY RECOMMENDATIONS

With insufficient oversight, second-hand apparel platforms risk becoming breeding grounds for counterfeiters, where pre-owned counterfeits are offered alongside genuine items or new counterfeits disguised as pre-owned goods (Elias et al., 2023). This dual threat of brand authentication and counterfeit detection is further complicated by the difficulty of distinguishing lightly worn genuine pieces from expertly crafted fakes. A recent Bengaluru police raid seized approximately INR 30 lakh worth of counterfeit branded apparel featuring imitations of Levi's, Nike, Puma, Ralph Lauren, and Polo operating through informal second-

hand channels (Times of India, 2025b), highlighting the real-world prevalence of this challenge.

a. Enforcement Under the Trade Marks Act, 1999

Under the Trade Marks Act, brand owners have recourse to Section 103 (Trade Marks Act, 1999), which imposes criminal penalties for the application and sale of goods and services under false trademarks. However, the practical enforcement of these provisions within the complex online second-hand apparel ecosystem is limited, often requiring proactive efforts from brands to monitor marketplaces, collect evidence, and initiate complaints. As the second-hand fashion sector continues to expand, brand owners are urged to adjust their strategies, acknowledging the potential advantages of engaging with this market rather than simply resisting its growth.

b. Brand-Led Strategies to Navigate the Second-Hand Market

Embracing the second-hand market represents a significant stride toward bolstering the sustainability of the fashion industry. Numerous brands have already commenced exploration of this sector by establishing online platforms for selling vintage items or permitting consumers to list their pre-owned goods, akin to The RealReal. Alternatively, brands could establish temporary or permanent stores exclusively dedicated to marketing pre-owned goods, empowering them to retain oversight of quality while upholding their esteemed luxury image. This approach allows brands to secure a share of the second-hand market revenue they might otherwise overlook while enabling them to connect with fresh audiences, thereby showcasing adaptability to evolving consumer preferences. Additionally, brands can leverage insights gleaned from second-hand buyers to pinpoint new target demographics.

c. Collaborations with Second-Hand Platforms

Forging partnerships with second-hand retailers and online platforms such as Vestiaire, Depop, and Vinted can yield mutual benefits for both brand owners and online platforms. Through collaboration, brand owners can offload logistical responsibilities such as shipping and authentication while accessing a broader customer base and strengthening credibility. Conversely, online platforms stand to enhance their credibility, popularity, and customer base by associating with reputable brand owners. This collaborative approach enables brands to capitalize on the logistical infrastructure of online platforms without incurring additional expenses.

d. The Need for Regulatory Strengthening Under E-Commerce Rules

Currently, the Consumer Protection (E-Commerce) Rules, 2020, particularly Rule 4(3) (Consumer Protection (E-Commerce) Rules, 2020) requiring platforms to display seller details and Rule 5(3)(b) (Consumer Protection (E-Commerce) Rules, 2020) on disclosing product information, are designed to enhance transparency, but primarily protect consumers and fall short in assisting brand owners to trace and act against counterfeiters in India's booming second-hand e-commerce market. The lack of mandatory seller KYC disclosures to brand owners, inadequate requirements for platforms to verify the authenticity of goods before listing, and the absence of clear takedown timelines for counterfeit complaints leave brands exposed to reputational harm and revenue loss. To address these gaps, it is recommended that the E-Commerce Rules be amended to mandate seller identity verification with disclosures to brand owners upon request, establish pre-listing authentication for branded second-hand goods, and require prompt takedowns upon evidence of trademark infringement. This regulatory strengthening would align the consumer protection focus of the Rules with trademark enforcement needs in the second-hand market, ensuring that the sustainability goals of thrifting do not come at the cost of weakened brand protection.

Fundamentally, brand owners and online platforms must collaborate closely to combat the proliferation of counterfeit products. Transparency and comprehensive training from brands are critical for quickly identifying and removing counterfeit items. Platforms should adopt robust seller authentication processes and enforce penalties for violations. A recent coordinated raid in Meerut, conducted by anti-counterfeit firm Brand Protectors India alongside Uttar Pradesh Police, led to the seizure of fake SG cricket gear worth around INR 4 lakhs (Times of India, 2025a) demonstrating the effectiveness of joint operations involving brand partners, platforms, and law enforcement.

8. CONCLUSION

The interface between trademark law and second-hand clothing retailing sheds light on the intricate dynamics of intellectual property rights and market accessibility within the context of thrift shopping. While trademarks grant exclusive rights to original clothing brands, allowing them to recoup costs through pricing strategies, thrift shops sell branded items at lower prices due to the absence of such costs. Despite trademarks, the doctrine of exhaustion permits lawful resale of products, benefiting thrift retailers. However, challenges may arise if thrift retailers exceed the scope of exhaustion, such as reproducing patented designs without authorization.

Moreover, product liability laws play a crucial role in ensuring consumer safety and fairness within the second-hand clothing market. These laws hold manufacturers and sellers accountable for defective products, promoting transparency and quality assurance. Enforcing product liability mechanisms in the second-hand clothing market enhances consumer welfare by shifting injury costs to retailers and incentivizing safer consumption choices. However, while enforcing such measures may be easier for online platforms, the asymmetric physical markets where activities are not regularised may pose a challenge for authorities to impose liability on resellers.

The efficacy of the Act in regulating the secondary market of thrifting in India requires a comprehensive understanding of trademark protection, patent rights, and product liability. Policymakers must consider measures to enhance trademark protection, regulate thrift clothing retailing, and promote consumer awareness to ensure a fair and sustainable marketplace. By addressing these complexities, policymakers can uphold intellectual property rights while promoting economic efficiency and consumer welfare in the fashion industry.

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