



**The “LULULEMON DUPE” Trademark:  
Strategic Brand Protection or Novel Legal Experiment?**

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On 21 October 2025, the United States Patent and Trademark Office (USPTO) registered the trademark “LULULEMON DUPE” (Reg. No. 7990938) for Lululemon Athletica Canada Inc. The mark, falling under Class 35 covers retail and online store services, advertising, and marketing related to clothing, footwear, yoga, and athletic accessories.

# What is a “Dupe”?

Within the beauty and fashion sectors the term **dupe** refers to a **lower-cost duplicate or look-alike product**.

On social media platforms, such as TikTok, the hashtag #LululemonDupes is widely used by social media influencers to promote copycat products. Such content creates an improper association with Lululemon’s authentic products and risks misleading consumers as to the origin, endorsement, or affiliation of those goods.

One of Lululemon’s most recent IP enforcement actions is the lawsuit **Lululemon Athletica Canada inc. v. Costco Wholesale Corporation**, filed before the U.S. District Court in California. In this case, Lululemon alleges that Costco infringed its trade dress and engaged in unfair competition by selling lower-priced “dupes” or knockoffs of its popular athletic-wear products—such as the Scuba hoodies, Define jackets, and ABC pants—under the Kirkland Signature brand. The proceedings are still ongoing and will be particularly interesting to follow, given their potential implications for dupe-driven retail strategies.

However, such disputes are typically lengthy and costly. Against this background, Lululemon appears to be taking a different and more proactive direction in its IP strategy by seeking trademark protection for **“LULULEMON DUPE”** and **“DUPE SWAP.”**

Considering that Lululemon is one of the most heavily “duped” brands globally, these trademark registrations represent a highly strategic move aimed at countering the growing dupe culture and strengthening brand control through non-traditional trademark enforcement mechanisms.

# The “DUPE SWAP” Trademark

In a Lululemon’s Los Angeles campaign named “DUPE SWAP”, customers were invited—over a two-day period—to exchange their knock-offs (duplicates) for authentic Lululemon products. This initiative directly confronted social-media-driven consumer behavior, particularly the TikTok trend of actively seeking “dupes.”

Dupe culture challenges both consumer trust and brand integrity. The aim of this campaign was to show the customers that brands invest substantial financial and creative resources into building and maintaining brand identity. For consumers, trademarks function as a guarantee of consistent quality. Dupe culture undermines this: although dupes are cheaper, they do not guarantee comparable quality, which can ultimately harm both brand value and consumer trust.

Following this event, the Company has filed for a trademark registration of the mark “Dupe Swap” which was secured before the USPTO on August 19, 2025 under Reg. No. 7908805 for the Class 35.

# Trademark Use Requirement and Associated Risks

Almost under every trademark law as well as under article 19 of the TRIPS Agreement “If use is required to maintain a registration, the registration may be cancelled only after an uninterrupted period of at least three years of non-use, unless valid reasons based on the existence of obstacles to such use are shown by the trademark owner”.

This means that as in USA as well as in almost every other country member to the international conventions for the protection of IP rights, every registered trademark must be used by its owner; otherwise, it risks cancellation for non-use. The question is, therefore, **how will Lululemon actually use the mark “LULULEMON DUPE”?**

# A Shift From Traditional Enforcement to Market-Driven Strategy

Instead of relying solely on traditional legal enforcement mechanisms (e.g. anti-counterfeiting actions or litigation) Lululemon appears to be experimenting with brand-positioning strategies. By trademarking the term dupe, the company may be seeking to influence consumer search patterns, ensuring that queries such as “Lululemon dupe” ultimately drive traffic toward its official product range.

This approach may represent an emerging trend in the fashion industry, which remains the sector most heavily affected by imitation and counterfeit goods. The interplay between marketing creativity and trademark law is becoming increasingly relevant as brands explore alternative methods of safeguarding their market presence.

This case shows that effective brand protection today requires highly specialized IP expertise—capable of integrating trademark law, enforcement strategy, marketing considerations, and digital-market dynamics.

As brands explore unconventional trademark filings and novel enforcement approaches, IP practitioners remain central to designing lawful, effective, and future-proof protection strategies.

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