

Dupe-Proof: Lululemon's New Strategy for Brand Protection in the Social Media Era

November 10, 2025

In today's social media landscape, "dupe culture" is booming. Influencers and retailers frequently promote affordable alternatives to premium brands, using hashtags like **#[company]dupe** to attract attention. While this trend drives engagement, it also creates legal and brand-protection challenges for companies such as Lululemon.

Lululemon's Trademark Filing

To safeguard its brand, Lululemon took a bold step in October 2025 by registering the mark LULULEMON DUPE with the USPTO. This trademark covers advertising, marketing, and retail services, giving Lululemon the right to restrict commercial use of the phrase in influencer campaigns, paid ads, and product listings. This aggressive filing strategy reflects a growing trend among premium brands to control language associated with knockoffs and protect their reputation. With this registration, Lululemon gains a powerful tool to exert brand control in the age of social media.

This move marks a shift in intellectual property enforcement. Lululemon can now challenge businesses and influencers who use 'Lululemon Dupe' commercially, provided it creates a likelihood of confusion. Other brands, such as Aritzia, are following suit, suggesting that trademarking 'dupe' terms may become common practice. Both Aritzia and Lululemon based their U.S. applications on previously filed foreign applications—Canada and Benelux, respectively.

Lawsuit Against Costco

On June 27, 2025, Lululemon filed a lawsuit in the U.S. District Court for the Central District of California, accusing Costco of selling 'confusingly similar' replicas of its jackets, sweatshirts, and pants. The complaint alleges trade dress infringement, patent infringement, trademark infringement, and unfair competition under the Lanham Act, as well as violations of the California Unfair Business Practices Act. Lululemon claims that Costco's knockoff designs mislead consumers, causing some to believe these infringing products are authentic Lululemon apparel. These products are often advertised as 'dupes' in social media posts and viral TikTok videos by influencers, some of whom are paid by Costco.

How can your company use this strategy to enforce your brand in the digital age?

- **Register Strategic Trademarks:** Go beyond product names by securing trademarks for signature phrases, campaign slogans, and even unique hashtags. This creates exclusive rights and prevents competitors from leveraging your brand's equity.
- **Explore Non-Traditional Marks:** Identify distinctive brand elements such as a signature color palette, jingles, or product configurations and work with IP counsel to assess registrability and file applications accordingly.
- **Build a Global Portfolio:** File trademarks in key international markets to protect your brand from counterfeits and the growing "dupe" culture.

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