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Lululemon Sued Costco for Selling Dupes of Popular Clothes. Can it Win?

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Karl M. Zielaznicki

Karl Zielaznicki, a partner in Troutman Pepper Locke's Health Care + Life Sciences Intellectual Property Practice Group, was quoted in the July 1, 2025 *Forbes* article, "Lululemon Sued Costco for Selling Dupes of Popular Clothes. Can it Win?"

The onus of proving the copycat product actually confused customers and impacted the original manufacturer's business falls on the originating company, Karl Zielaznicki, trademark lawyer at Troutman Pepper Locke in New York, told Forbes, and it's very hard to prove: "Customers often know that they aren't buying a $5,000 watch for $100… They know it's a different, dupe product," he said.

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Because shoppers are happily and knowingly buying the fake products, nobody is actually being duped into thinking knock-offs are the real thing, Zielaznicki explained, which makes it much harder to prove brand confusion.

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"It's not enough to have someone admit they looked at or were inspired by your product," Zielaznicki said. "You have to be able to prove in some other way that this is harming you. There has to be a true attempt by the dupe manufacturer to deceive, and it's very hard to prove that that intent exists."

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