Living Together in One Civilized World: Why Luxury Companies and Consumers Owe Ethical Responsibilities to the Poor

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The article will examine the role of trademark law in fostering and promoting the ethical responsibilities of luxury companies and consumers. It will argue that luxury companies should take on an ethical responsibility to actively disseminate information about the plight of human life under absolute poverty. For example, each luxury company would be required to hand out a brochure containing information about a poor child and how people can help him or her when the company sells their products to a customer. The article will show that the dissemination of information of that kind would encourage luxury merchandisers and consumers to engage in moral deliberation about the stark contrast between the rich and the poor and the roots of social injustice. The moral deliberation would further play a positive role in inducing them to adopt ethical merchandising, purchasing, or consuming behaviors.

The article will further discuss two changes that trademark law should embrace in order to accommodate and promote the ethical responsibility imposed on luxury companies. First, it argues that judges should consider how luxury companies fulfill their ethical responsibilities as an additional factor in conferring the legal recognition of well-known trademarks. Currently, factors for recognizing well-know trademark status only focus on brand owners’ business promotional activities that increase the popularity of brands. Second, the article proposes that legislators should revise trademark law to provide higher level of trademark protection (for example anti-dilution protection) only to luxury brands that adequately fulfill their ethical responsibilities.