



**Encouraging young consumers to buy real**

# HANDBOOK

Supported by:



# Hello anti counterfeiting expert and welcome to **JUST ORIGINAL project!**

*JUST ORIGINAL has been funded by EUIPO - European Observatory on Infringements of Intellectual Property Rights and aims at improving the understanding and awareness of young consumers (aged 11-17 years old) about the counterfeiting phenomenon and the effects of the Intellectual Property Rights' (IPR) violations.*

*In particular, the project wants to engage young consumers in creating knowledge and disseminating relevant information related to the dangerous consumption of counterfeited goods. Considering the framework of the project, thus, its specific objective is to engage a significant number of young consumers in all participating countries, as crucial part of the priority audience of the call.*

*If you are reading this message it means you want to be involved in our project (during or after its implementation), that's great! And so you have to get familiar with JUST ORIGINAL Handbook.*

*This Handbook has been realized by the project partners and it is divided in 6 sections:*

- 1) Counterfeiting: impact and risks;*
- 2) Patents and inventions;*
- 3) Copyright;*
- 4) Privacy and online consumption;*
- 5) Brand protection;*
- 6) Open space for discussion: quizzes, games and case studies.*

*Since you are expert in these topics, this Handbook is not a manual but it is more a vademecum, a guide on what has to be discussed with young people during the informative sessions to be sure that in all the countries where JUST ORIGINAL is implemented we discuss the same topics and aspects about the counterfeiting phenomenon and the effects of the Intellectual Property Rights' (IPR) violations.*

*Naturally, you can enrich your storytelling with examples of your context and experiences and this is particularly important for the section 6. However, remember that for each information session you are going to organize you have to touch all the 6 sections of this Handbook.*

# COUNTERFEITING: IMPACT AND RISK

## WHAT IS A COUNTERFEITED PRODUCT AND HOW ARE THESE PRODUCTS MADE?

A product for which we have no guarantee that its quality is identical or close to that of the original product nor that its manufacture has complied with the quality standards in force.

## WHAT ARE THE RISKS AND CONSEQUENCES FOR CONSUMERS OF COUNTERFEIT PRODUCTS?

- a) Risks related to the insecurity or danger of counterfeit products
  - Chemical – substances, which can cause acute or long-term harmful effects on health.
  - Mechanical – various types of injuries from impact, trapping, etc.
  - Electrical – danger of electric shock, burns, fire, even death.
  
- b) Risks related to causing economic damage to the consumer
  - Loss of consumer trust.
  - Loss of consumer guarantees and warranties.
  
- c) Risks not directly related to consumer rights, but to the impact and losses on society as a whole in the sale of counterfeit goods
  - Practices that harm the environment.
  - Disregard of labor law.
  - Patent infringement.
  - Financial losses.

## HOW MUCH DOES COUNTERFEITING COST US?

Counterfeit causes a loss up to 19 billion EUR in the EU every year from sales in the most affected sectors.

# COUNTERFEITING: IMPACT AND RISK

## TIPS ON HOW TO SPOT A COUNTERFEIT PRODUCT

- **Unexpected offer**

Among the motives for consumers to buy counterfeit goods are low prices, affordability and not particularly strong public condemnation of such actions. If you answer "yes" to any of the questions below, it may mean that you are being offered a counterfeit product.

"Did they contact you unexpectedly?"

Unexpected calls or emails should arouse suspicion, especially if you are asked to provide personal or payment information. It is very unusual for legal organizations to contact you and ask for sensitive information when you do not expect it. If you are not 100% convinced of the identity of the caller or the received e-mail, contact the company directly.

- **Unclear product details**

The contact details of the product offering are unclear?

Estimated contact data can be a mailbox, a value-added number (starting with "0900") or a feedback form. If something goes wrong with the delivery, it is important to contact the dealer / manufacturer. This will be difficult if you do not have accurate contact information. Value-added numbers are also a favorite trick to squeeze every penny out of you.

- **Keep it a secret**

Are you asked to keep the purchase of the product a secret?

It is important to discuss any agreements with friends or family. Asking you to be silent is a way to protect you from the advice and support you need to make a decision.

# COUNTERFEITING: IMPACT AND RISK

## TIPS ON HOW TO SPOT A COUNTERFEIT PRODUCT

- **The price is too good to be true**

The offer is too good, the price is too good (unexpectedly low) to be true?

Offering counterfeit products often promises high returns, excellent quality, amazing results, for small financial commitments. They can say / write that the deal is too good to miss. Use your common sense to feel if a deal is too good to be true.

- **Pressure**

Are you being pressured to make a quick decision?

Counterfeit products often make you rush to make decisions. Don't let anyone make you feel pressured - it's a good idea to take a break and think about things if you're not sure. Sales staff should always give you time to make an informed decision. Anyone trying to rush you should not be trusted.

- **Spelling and grammatical errors**

Are there spelling and grammatical errors in the message?

Emails or messages dotted with spelling and grammatical errors are fraudulent. Legitimate organizations will rarely make spelling or grammatical errors in their emails to you because they are usually prepared by professionals and checked before being sent.

## THE MOST COMMON COUNTERFEITED PRODUCTS

*Dear expert, here you can discuss about the most counterfeited products in your country (music, books, fashion...).*

# PATENTS AND INVENTIONS

## PATENTS PLAY AN INCREASINGLY IMPORTANT ROLE IN INNOVATION AND ECONOMIC PERFORMANCE

### WHAT IS PATENT AND WHAT IS INVENTION?

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the invention must be disclosed to the public in a patent application.

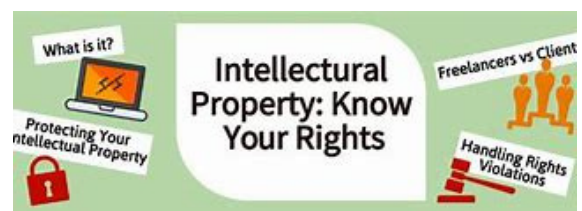
The increasing use of patents to protect inventions by businesses and public research organisations is closely connected to recent evolutions in innovation processes, the economy and patent regimes.

Scientific and technological advances have created new waves of innovation, notably in information and communications technology (ICT) and biotechnology.

### THE LEGAL AND REGULATORY FRAMEWORK OF PATENT AND INVENTION

Currently, (technical) inventions can be protected in Europe either by national patents, granted by the competent national IP authorities in EU countries or by European patents granted centrally by the European Patent Office.

### THE ADVANTAGES AND DISADVANTAGES OF PATENTS AND INVENTIONS FROM THE CONSUMER'S POINT OF VIEW



Nowadays, one of the most important patent we can mention is the patent for Covid vaccine. Big Pharma have invented the anti Covid vaccine and now they have the patent to sell the doses. There are many different anticovid vaccines and any of them has its own patent that allow big Pharma to sell them on the market. *In this, situation would you agree with the patent or would you prefer a patent free vaccine? (Food for thoughts).*

# COPYRIGHT

## WHAT IS A 'COPYRIGHT'?

Copyright is defined as a system of mandatory rules governing relations in connection with the creation and use of scientific, literary, artistic and other works, a product of intellectual work.

## WHAT ARE THE MAIN CHARACTERISTICS OF COPYRIGHT?

- The author – the creator of the original work
- The protected works – types of intellectual property
- The law – how the law protects intellectual property

## WHAT ARE THE AUTHOR'S RIGHTS?

- Disclosure – the circumstances under the use of the work
- Preservation of the integrity of the work
- Withdrawal opportunity
- Reproduction and Distribution

## COPYRIGHT INFRINGEMENT

- Compensation
- Piracy – illegal provision and consumption of digital content in media
- Surveys concerning copyright infringement
- Punishment for copyright infringement

## WHY COPYRIGHT LAWS SHOULD BE RESPECTED?



# PRIVACY AND ONLINE CONSUMPTION

## WHAT IS THE GENERAL DATA PROTECTION REGULATION (GDPR)?

It is a European regulation that establishes all the requirements for the treatment of personal data in the EU. Thus, any company or organisation that processes personal information from people resident in the EU must uphold its stipulations. This regulation entered into force May 25th 2018.

## WHAT IS PERSONAL DATA?

Any data that allows a person to be identified, such as: a name, location, a photograph, etc. On its own, a telephone number, postal address or e-mail address is not personal data unless it identifies a person by name, surname or surnames and the company he or she works for.

## WHY IS IT PROTECTED?

To protect the privacy of individuals.

## WHAT IS A PRIVACY POLICY?

A privacy policy is a legal document that communicates the website's treatment of the personal data collected. It verifies that the website complies with the Data Protection Act and guarantees digital rights, for which, at least, it must include:

- Reasons and purposes of the data processing being conducted.
- Name and contact details of the person responsible for the site and the data protection officer.
- Legal legitimacy for the data processing.
- Recipients of the data.
- How long the data will be stored.
- Intention to provide the data to third parties, including in another country.
- Right of access to information and/or data deletion
- Right of appeal to the competent data protection authority.



# PRIVACY AND ONLINE CONSUMPTION

## TIPS FOR SAFE ONLINE SHOPPING

- Use strong passwords, (eight digits or more, including symbols, uppercase, lowercase and numerical digits).
- Go online on a secure connection. Avoid public wifi networks.
- Make sure the website is encrypted: the https:// protocol and a padlock or a green bar should appear in the navigation bar, depending on the type of certificate used.
- Check if the shop's information is available: who they are, their tax address, payment methods, shipping policy and return policy ...
- Look for the shop's reputation online.

## TO PRESERVE YOUR PRIVACY ONLINE, PAY ATTENTION TO THE FOLLOWING SECURITY MEASURES:

- Keep your operating system up to date, to get the security enhancements that previous versions lack.
- Create a user for each person that uses the same electronic device.
- Back up to an external device and control the access to your computer.
- Every time you download make sure it is the application or program's official site.
- Pay special attention to those e-mails whose sender you do not know, do not access links whose origin you do not know, and do not download attachments of unrecognisable origin to avoid possible viruses entering your computer.

## KEEP AN EYE ON

- *Cookies*: these are files that are downloaded to our equipment to collect and store information about our browsing. Check that the business provides their cookie policy, where they have to inform you about the purpose of the installation and its uses.
- *Phishing*: this consists of impersonating the identity of known service pages by services, directing us to a link or through the download of an attached file, with the purpose of requesting information on passwords, personal or bank details, which could then be used or sold to third parties to commit fraud.
- *Carding*: the use of credit or debit card numbers to make fraudulent purchases or debit card numbers to make fraudulent purchases over the internet. At In anticipation, it is advisable to periodically review the movements of our accounts. If unauthorised movements are detected, you should file the corresponding complaint and claim the charge back.

# BRAND PROTECTION

## WHAT IS “BRAND “ AND WHAT IS THE ISSUE OF BRAND PROTECTION

Brand protection is the process of protecting the intellectual property (IP) of companies and their associated brands against counterfeiters, copyright pirates, and infringers of other types of IP, such as patents, design rights, color mark and trade dress. This is done not only to protect the loss of revenue from a company but also to protect a company's image, reputation and overall value. Fundamentally, brand protection prevents brand abuse.

## THE CONCEPTS OF INTELLECTUAL PROPERTY, TRADE SECRETS, COUNTERFEITING

**Intellectual property (IP)** refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. IP is divided into two categories:

**Industrial property:** This includes inventions (patents), trade marks, industrial designs, and geographical indications of origin and plant variety rights.

**Copyright:** This includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programmes.

**Trade secrets** means information which meets all of the following requirements:

1. is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;
2. has commercial value because it is secret;
3. has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

**Counterfeiting** is a crime involving the theft of someone's trademark

# BRAND PROTECTION

## THE TASK OF BRAND PROTECTION

The services offered by brand protection providers can be summed up as four general processes:

- Detection
- Validation
- Enforcement
- Reporting.

## THE CHALLENGE OF THE BRAND PROTECTION: DIGITAL BRAND PROTECTION, DIGITAL TECHNOLOGY AND SOCIAL MEDIA

Effective Online Brand Protection requires continual monitoring and remediation of threats to a company's brands across social, mobile, websites, and other external sources. This approach often requires the involvement of the security, marketing, brand, and legal teams.

## BENEFITS OF BRAND PROTECTION

### 1. Brand perception.

Hence, it becomes important to protect such brands because with brand recognition, comes the risk of counterfeiting.

### 2. Destroys Counterfeiters

Protecting a brand value from counterfeiters is like creating a strong and impenetrable vault against bank robbers.

### 3. Increased Loyalty

Brands are created through a team effort. Moreover, once a brand is created by a company, the consumer uses the brand for their own consumption. A trust factor is established between the two because the product is helping address a problem. This establishes loyalty and in case any counterfeiter infringes this and is eliminated, the loyalty is reinstated, and it keeps growing; thereby creating a stronger bond between the brand and the customer.

### 4. Increase Profits

Having implemented a safe brand protection strategy allows the company to charge a premium; This results in more customers paying the premium because of the trust factor and thereby the company earns profits.

### 5. The advantages and the disadvantages of brand protection for the consumers.

# BRAND PROTECTION

## AN ITALIAN CASE

Young people in Italy usually follow very popular IG influencers such as Chiara Ferragni and Fedez.

They are so famous that in 2020 our PRIME Minister Giuseppe Conte ask them to invite youngsters to wear the mask during Covid 1st wave.

In particular, some years ago, Chiara Ferragni launched her own brand for clothes and accessorize.

The example could be interesting to understand how it is important the brand identification with the concept and the creator behind it.

Chiara Ferragni needs to protect her brand because it is very important and it costs a lot.

Would you like to buy something that is a fake?

Would Chiara Ferragni be happy if somebody copies her brand and start selling similar items?

By giving practical examples as the above, i guess you can introduce and teach some important values to young people.



# OPEN SPACE FOR DISCUSSION

## DEAR STUDENT,

Imagine you and a group of your school mates are given the initial funding to develop a start up. You are completely free to choose the business sector, the service that provides, its target and main characteristics. Thus, you are going to become entrepreneurs!

First, find the perfect business idea for you and answer the following questions:

- What are you going to offer/do?
- Why do you do it?
- Who are your target costumers?
- What is your legal business structure?

Now, it is time to make some branding choices and understanding the diverse rights that protect them:

- Company's name: TRADE NAME RIGHT
- A sign that identifies your company and/or an specific product: TRADEMARK RIGHT

Depending on the characteristics of your business idea, it will be protected by a set of IP rights. Read the list and mark those that apply to your case:

- COPYRIGHT: protects work that is creative and original, such as: books, photos, scientific articles, etc.
- PATENT: applies for an invention that provides a technical solution, for example: a vaccine.
- DATABASE: A set of systematic information, such as a dictionary.
- DRAWING OR DESIGN ART: the appearance or components of a product.

*Is it a service that could be affected by counterfeiting? Write down how would be affected and what can you do to protect your business.*

*Are you trading online? How can you ensure your e-commerce channels are safe for the consumer?*

# DATA REGARDING YOUNG CONSUMERS' HABITS AND OPINIONS ON COUNTERFEITING AND IP VIOLATIONS

This data provides us with some guidelines to reach young consumers and target their main behaviour regarding counterfeiting goods and the use of illegal sources online. In most areas, this group has the highest level of consumption and the lowest concern regarding the illegality of the practice.

Thus, the data allows us to choose examples of products and contents that are more likely consumed by our target group and to use arguments that have a higher impact on them.

## 1. Purchase of counterfeiting goods

10 % of young consumers (YC) have admitted to purchasing counterfeiting goods in the past 12 months (EUIPO, 2020) twice as much as the EU average. (ES 5 %; BG 6 %; IT 2 %).

Main arguments behind the decision to Purchase of counterfeit products: trainers, clothing and shoes (EUIPO; 2017 and 2020)

- The prize of the product is too high: 37 % (Average: 24 %) (2020)
- The product is no available in the local market: 31 % (Average: 18 %) (2017)
- The quality of the product is not the main concern: 29 % (Average: 17 %). (2017)
- It is a luxury good: 30 % (Average: 15 %)(2020)

12 % YC were misled into buying counterfeiting goods, the average is 9 %.

38 % YC wondered if they bought a counterfeiting good, the average is 33%.

Reasons to stop buying or not buying counterfeiting goods (EUIPO, 2020):

- Risk of being punished: 46 % (average 37 %)
- Because of its impact on jobs: 42 % (average 48 %).
- Because of the damage they caused on the economy: 34 % (average 41 %).
- Having had a bad personal experience with a product: 31 % (average 23 %).
- Harm to personal image: 22 % (average 17 %).

# DATA REGARDING YOUNG CONSUMERS' HABITS AND OPINIONS ON COUNTERFEITING AND IP VIOLATIONS

## 2. Access to illegal contents online

23 % of YC have intentionally accessed illegal contents online in the past 12 months (average 8 %).

Reasons to use illegal sources to access digital contents: video games, books, photographs, movies, series, etc.:

- 43 % believe it is ok to access illegal online content if there is not a legal alternative (average 28 %) (ES 36 %; BG 50 %; IT 21 %)
- 41 % think it's alright if it is for personal use. (Average 27 %) (ES 24 %; BG 38 %; IT 26 %).

23 % population wondered if an online source was legal.

- 15 % of YC have uploaded copy-right protected contents online (average 7 %).
- 7 % of YC have used illegal streaming devices (average 3 %).

Reasons to stop using illegal contents for the average population of the EU (EUIPO, 2020):

- Availability of affordable legal sources 58 %.
- Risk of punishment 35 %.
- Understanding of the harm caused to artists 31 %.
- Personal bad experience with illegal sources 30 %.
- Understanding of the harm caused to jobs 22 %.