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BALTIC JOURNAL OF LAW & POLITICS

A Journal of Vytautas Magnus University

VOLUME 15, NUMBER 4 (2022)

ISSN 2029-0454

Cite: *Baltic Journal of Law & Politics* 15:4 (2022): 1078-1090

DOI: 10.2478/bjlp-2022-004097

A Study on Counterfeit Brands in Relation with Consumer Attitude with Special Reference to Fashion Industry

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Received: August 8, 2022; reviews: 2; accepted: November 29, 2022.

Abstract

Counterfeiting may be a global international phenomenon that is steadily growing because of globalization. Furthermore, exchanges between various countries and cultures are promoted. In other words, the very fact that products with lower quality or value are similar to genuine ones also entails brand piracy and imitation of the logos and even packages of brands. These goods are generally unlawfully placed on the market without charging government taxes. China and Turkey are accused of manufacturing, distributing and hitting brand shares of those products to nations. Counterfeits of designer merchandise still be made and sold throughout the world causing drastic social and economic outcomes everywhere. Despite the illegality of producing and distributing counterfeit goods, this business has far-reaching effects that society isn't generally aware of. The target of the paper is to explore the counterfeit markets in India in order to study the counterfeit consumption behaviour. The creation of the same replica of the first version was also liable for the proliferation of such goods on the market. The most aim of the paper is to combat the counterfeit goods/products in India. Total of 200 responses were collected. Inquiry conducted and convenient sampling methods used. SPSS software went to interpret the data into graphical representation. The research implemented quantitative methodology, and results found an immediate relationship between branding, counterfeiting, and brand image. Findings resulted that folks are not aware about the counterfeit products being manufactured and sold, therefore widespread awareness must be made so as to combat counterfeits problems.

Keywords

consumer, counterfeit products, luxury, lawful, intellectual property rights and patents.

INTRODUCTION

Counterfeit goods are those goods which usually bear the trademark of a legitimate brand, but they are produced by another company but are not the original manufacturer. They are often produced illegally and sold at profit. Sellers of such goods often violate or may infringe trademark, patent, copyrights of the origin brand. Counterfeits include producers, distributors or retail sellers. The misleading fake

products are sold in the market with an intention to deceive consumers. Counterfeiting is a very common issue in both developing and developed countries. Consumers usually purchase counterfeit goods as they are unable to purchase original goods due to high prices. Counterfeit goods are comparatively cheaper than that of the original. The counterfeit market was valued at \$464 billion in 2019 and continued to grow after the world spike in online shopping during the covid pandemic era. Counterfeit targets are usually the luxury brands due to their reputation and consumer trust associated with it. Counterfeit does not only hurt the reputed brand but also the consumers being the biggest victim themselves. The main motive behind this is to attract consumers, mislead them and to repurchase. They buy a product thinking its durability and quality that the brand has promised but due to buying counterfeit goods the quality of the product cannot be promised. Counterfeit goods not only take away the consumers but it also impacts the revenue growth of the economy. Due to the counterfeit goods being produced largely in the market the real owners of the brands increase the price of the products produced to differentiate themselves and to showcase luxury. The real increase in Producing and selling counterfeit products especially in the clothing industry began in the late 70s , with the rising popularity of designer jeans.

Government initiatives to combat counterfeiting in India - IAAC defines counterfeiting as an offence of manufacturing or producing and distributing lower quality imitating goods under someone else's name or some other brand name without their consent or permission. Intellectual property rights are those rights which are to secure the originality of ideas and identity of the creator. It also protects one's intellectual creation from those who try to steal or to unjustly enrich it for one's own purpose. Originality in creativity results in an idea, something who will never be able to replicate. Under the Indian copyright act, 1957, copyright protection is available to the expression of an idea but not the idea itself. In the context of the fashion industry, branding and reputation forms the backbone of the industry carrying a sense of gravitas and reverence that few other industries could. The bigger problem is however the consumer attraction to the pirated Product is directly proportional to the price of these products. A layman with a small amount of knowledge falls into the trap of counterfeiting due to its cheap price and discounted price.

The trademarks act is the principal legislation governing trademarks in india. The act provides both civil and criminal statutory remedies against infringement of registered trademarks. The geographical indications act 1999, protects the sign or name that identifies products that are located in geographical areas. The penal code set out punishment for cheating as well as counterfeiting and machines involved in manufacturing counterfeit products. Various other measures are also taken by indian government to combat online counterfeit especially by setting up cell ie. cybercrime cell to investigate and prosecute offenders for the same. The procedure for civil cases are governed by the civil procedure code of Indian legislation. In recent times , the prevalence of streetwear has increased and has also given more opportunities for counterfeiting. This ease of access to fake deduces is one of the key practices of online markets and access to goods online . Online markets have been selling counterfeit products for a very long time.

Guccio Gucci SPA V. Intiyaz Sheikh Case

Global luxury giant Gucci obtained an ex-parte reprieve from the Tis Hazari District Court in Delhi, which restrained an area manufacturer from using the brand's iconic logo on its products. Suit was filed by the Plaintiff seeking to restrain defendant from infringing its trademark and copyright with reference to socks of sub-standard quality being sold by them under the GUCCI branding. The Plaintiff came to understand that defendant is illegally manufacturing socks using the registered trademark and logo of The Plaintiff, and accordingly additionally to suit for permanent injunction, had also filed for grant of ad-interim injunction together with an application for appointment of Local Commissioner to conduct raid at the premises of the defendant. The Court not only

passed a final injunction in Gucci's favour, but also directed the defendant to cough up INR 200,000 in damages and INR 166,000 as costs.

Hermes International & Anr. v Macky Lifestyle Private Limited & Anr case

Hermes International & Anr (The Plaintiff) had filed a suit for infringement of its registered trademarks and copyrights, passing off, dilution, tarnishment, rendition of accounts, damages, delivery up, unfair competition, misappropriation etc. against the Defendants. Hermès International is that the adopter and registered proprietor of the famous three-dimensional shape trademark(s), by virtue of which it enjoys exclusive proprietary rights within the shape of the "Birkin" Bag, and therefore the trademarks "Hermes" and stylized mark "HERMÈS" for its products – including its luxury bags and accessories. A few months back in December 2021, Hermes obtained an ad-interim injunction from the Hon'ble Delhi supreme court , inter alia restraining the defendants from advertising on their website or the other third-party websites, the infringing goods. Comparison India is the fifth biggest exporter of fake goods globally, while China is on the top with a huge 63 per cent share in the estimated half-a-trillion dollar worldwide imports of counterfeit and pirated goods. China-made products accounted for 63.2 per cent of total seizures of fake imported goods globally, while the second- ranked Turkey's share was just 3.3 per cent. Singapore, Thailand and India stood at 1.9 per cent, 1.6 per cent and 1.2 per cent, respectively.

As such, the instances of action being taken against counterfeiting in the fashion industry in India are growing day by day. As an example , In March 2021, the police had seized huge quantities of counterfeits of popular brands, including Killer, Mufti, Allen Solly, Louis Philippe. They also seized huge quantities of labels and tags popular apparel brands. The seized goods were worth over INR 20,000,000 (20 million) through social media and online platforms. The case under Section 63 of Copyright Act, 1957 and Section 420 of Indian legal code was registered against the two persons for selling fake garments of different brand names .Six primary factors that influence counterfeit purchase are identified and the TRA has been applied to investigate the impact of these factors on consumer behavioral patterns. The factors are (1) social motivation, (2) personal gratification, (3) perception, (4) value, (5) brand loyalty, and (6) ethics. The Aim of the paper is to combat the counterfeit goods/products in india.

Objectives

To explore the counterfeit markets in india in order to study the counterfeit consumption behaviour

To examine the consumer attitude towards purchase of counterfeit fashion products

REVIEW OF LITERATURE

(Eunju Ko), 2012. The articles are grouped by topic—luxury status/values, luxury consumer behaviour, luxury brand management, and luxury brand counterfeiting—even though many of the articles include information relevant to at least one other topic. **(Gabriel Humphreys), 2022** This article states about the evolution of counterfeit brands in the fashion industry. The practice of counterfeiting is hardly new – currency counterfeiters are mentioned in Dante's writing in the 13th Century **(Nandita Abraham), Oct 2010.** The article has been drafted on the basis of researched project done by her student of PG Diploma in Fashion Merchandising Ms. Harpreet Kaur of 2008-2010 batch. **(Abraham; Nakassis) , 2012** This article investigates the circulation and production of branded apparel consumed by lower and lower-middle class young men in urban Tamil Nadu, India, focusing on garments. **(Bhatia) , 2018** This paper aims to investigate the factors affecting consumers' attitude towards counterfeit fashion products and the relationship of consumers' attitude towards counterfeit fashion products with purchase intention. **(Y Jiang, M Miao, T Jalees, SI Zaman) , 2019** Purpose The purpose of this paper is to extend the theory of reasoned action and the theory of planned behaviour to measure the effects of ethical and moral antecedents. **(Y Jiang, M Miao, T Jalees, SI Zaman -; N Shah, MS Kalwar, BA Soomro), 2020** - Purpose

This study aims to explore individuals' attitudes and intentions towards mask purchase in Pakistan at an initial outbreak of COVID-19. **(Bashir), 2021** This article captures the present state of research on counterfeit luxury consumption by providing a critical review of the existing body of knowledge. **(NM Kassim, M Zain, N Bogari, K Sharif) , 2020** Purpose This paper is to examine customer attitudes toward purchasing counterfeit luxury products (ATP CLP) in two cities in two different countries. **(Handa), 2014** This paper gives an overview of counterfeit brands market scenario and explains how it affects the economy. A recent study conducted by Business Action to Stop Counterfeiting and Piracy indicates that the global value of counterfeit and pirated goods, currently \$650 billion, is likely to be more than double by 2015. **(Marcelo), 2011** The ancient Latin phrase "Caveat emptor" "Let the buyer beware" is still relevant today. Being made aware and being warned, society may be motivated to shut down this illicit business of counterfeiting designer goods. **(A Arvidsson) , 2016** The concept of brand community has been used to understand how consumers create value around brands online. Recently consumer researchers have begun to debate the relevance. **(A Arvidsson; K Bridson, J Evans, R Varman, M Volkov) , 2017** - Purpose This study aims to illuminate the way in which consumers question the authenticity and worth of musicians, leading to a classification of selling out. **(Mangalasserri) , 2021** The creation of an equivalent replica of the first version was also liable for the proliferation of such goods on the market. More customers are already able to purchase them as they imitate, since buyers demand a comparable commodity while asking for fewer at a reasonable price. The research implemented quantitative methodology, and results found a direct relationship between branding, counterfeiting, and brand image. **(Mangalasserri; JM Carpenter) , 2011** The current research uses hierarchical structural equation modeling (SEM) to examine gender as a moderator of attitudes toward counterfeit fashion products among a sample of U.S. consumers (N = 305). Findings suggest that while gender does not moderate the social cost and anti-big business components of consumer attitudes toward counterfeit fashion products, gender does affect beliefs about the ethicality of counterfeiting. **(S Agarwal) , 2016 - search.ebscohost.com** The purpose of this study is to deepen the understanding of consumer psyche and to explore consumer attitudes and intentions with respect to purchase of counterfeit fashion products. **(Sejin Ha) , 2006** The purchase and ownership of fashion counterfeit products were fairly common. The findings of these exploratory studies can be used in the development of course lectures and activities, as well as strategies to offset fashion counterfeiting purchasing. **(Paul) , 2021** This study extends prior research on such behavior by investigating the factors influencing non-deceptive counterfeit purchase behavior of luxury fashion goods in India, a country that scores high on collectivism and low on indulgence in regard to Hofstede's cultural dimensions. **(J Juggesur), 2009** The aim of this conceptual paper is to address how the role of fashion and the public display of high fashion brands have contributed to the development of counterfeited brands. **(KW Miller) 2012** This study focuses specifically on this issue within the pre-eminent luxury fashion brands category. Carefully examining brand luxury and the dimensions and relationships underlying the luxury fashion brand, this study develops a conceptual mode

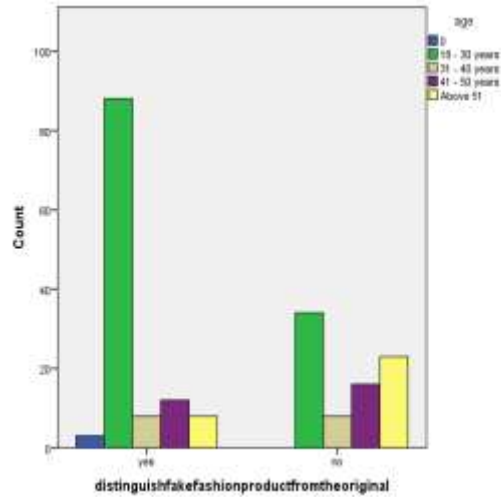
METHODOLOGY

The researcher obtained primary sources of data by conducting an empirical study on seeking responses from the general public based on a questionnaire and also relied on secondary data such as books, journals, e-sources, articles, and newspapers. The present research is conclusive, and based on empirical design. Qualitative data was generated to test the research Hypothesis. In order to collect data on dimensions of study, a research instrument was designed. This study made use of a total sample of 200 responses. Among the 200 respondents, females were well aware about this and also male had a very good knowledge on this subject. The independent variables used are gender, age, educational qualification, occupation and income status . The dependent variables are how well they distinguish fake products from original, actions

taken by the government are severe against fake product production, major impact of counterfeiting to the brand. A software SPSS is used to interpret these data into graphical representation. The graphs used were bar graphs clustered and pie charts. The test done for this research was the chi-square test.

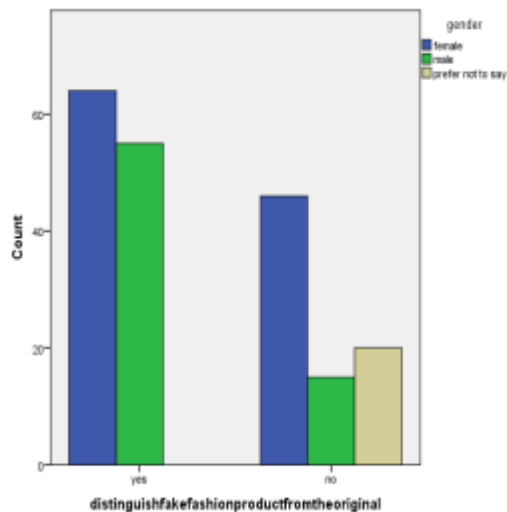
Analysis

Table 1



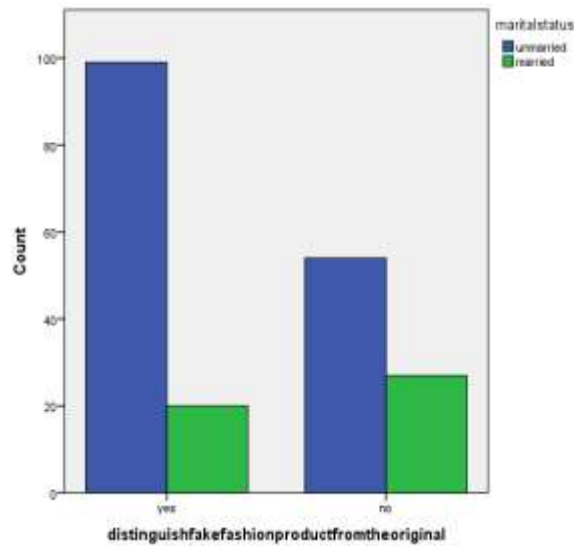
Legend: The fig. 1 is a graphical representation between the age group of the respondents with respect to how well they distinguish fake products from original.

Table 2



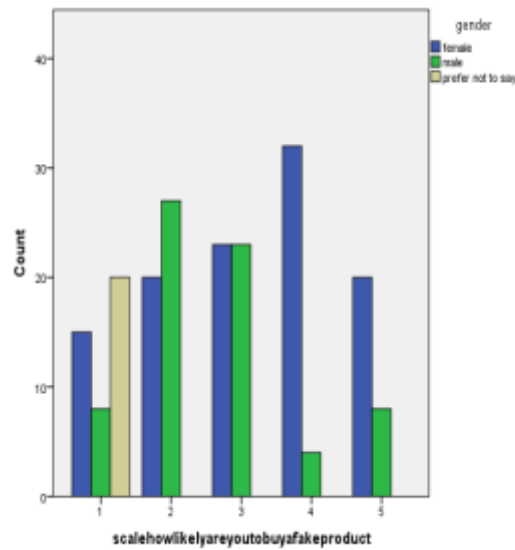
Legend: The fig.2 is a graphical representation between gender distribution of the respondents with respect to how well they distinguish fake products from original.

Table 3



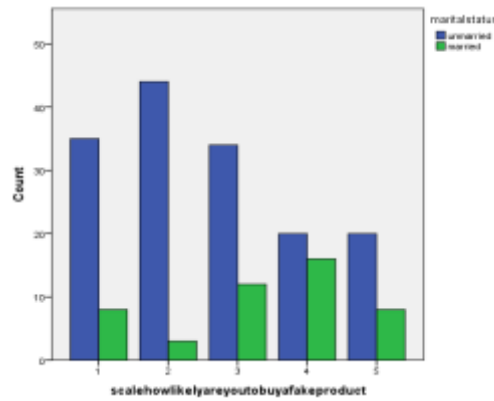
Legend: The fig.3 is a graphical representation between marital status of the respondents with respect to how well they distinguish fake products from original.

Table 4



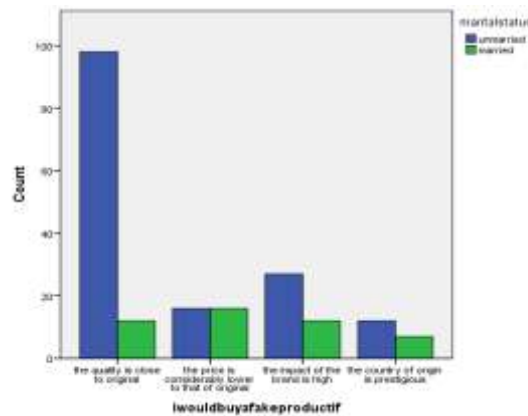
Legend: The fig. 4 graph depicts the gender distribution of the respondents with respect to scaling of how likely you are to buy a fake product.

Table 5



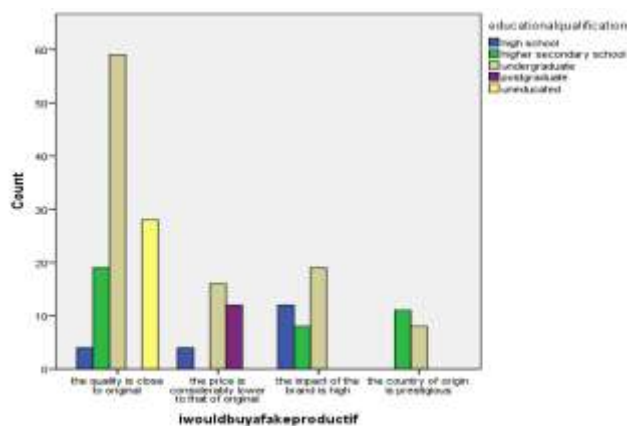
Legend: The fig. 5 graph depicts the marital status of the respondents with respect to scaling of how likely you are to buy a fake product.

Table 6



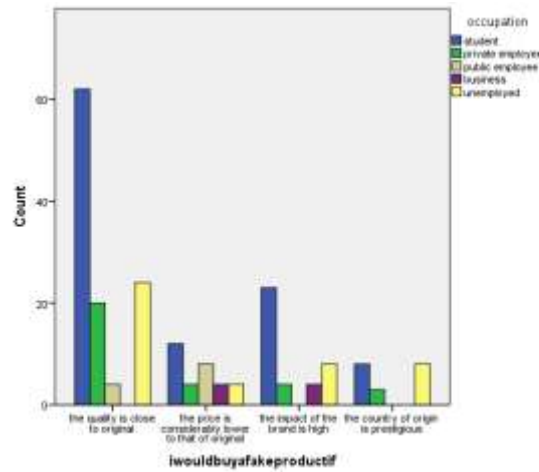
Legend: The fig. 6 represents a graph stating the relation between marital status of the respondent with respect to buying fake products and its related criteria.

Table 7



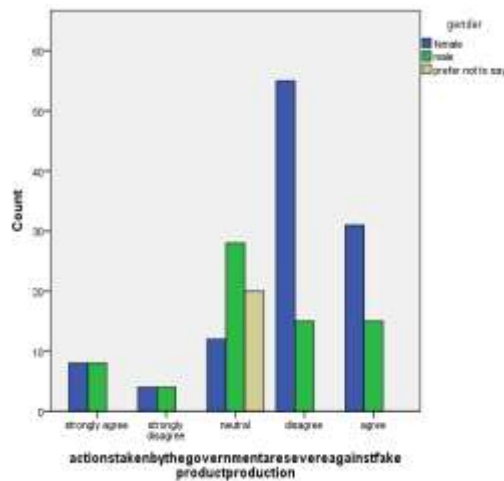
Legend: The fig. 7 represents a graph stating the relation between educational qualification of the respondent with respect to buying fake products and its related criteria.

Table 8



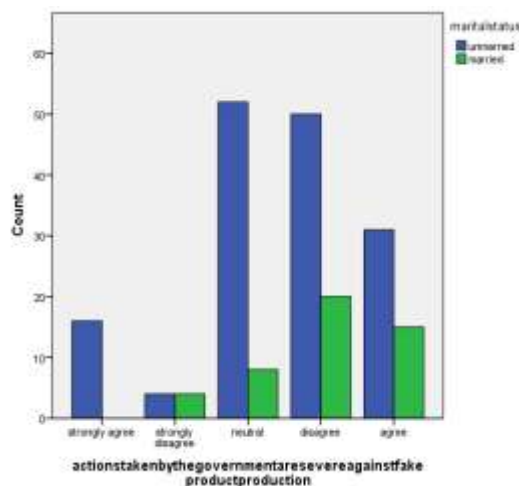
Legend: The fig. 8 represents a graph stating the relation between occupation of the respondent with respect to buying fake products and its related criteria.

Table 9



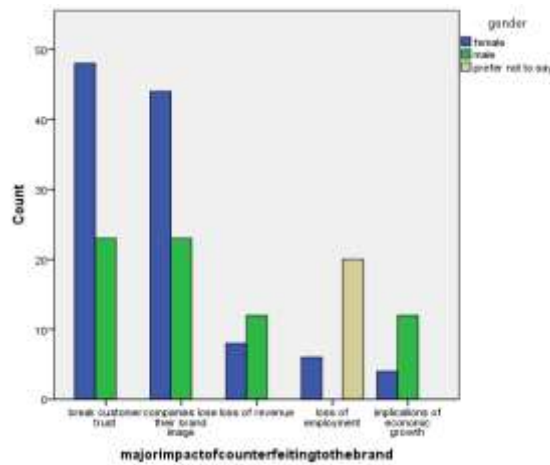
Legend : fig. 9 represents a graph stating the gender of the respondents and actions taken by the government are severe against fake product production.

Table 10



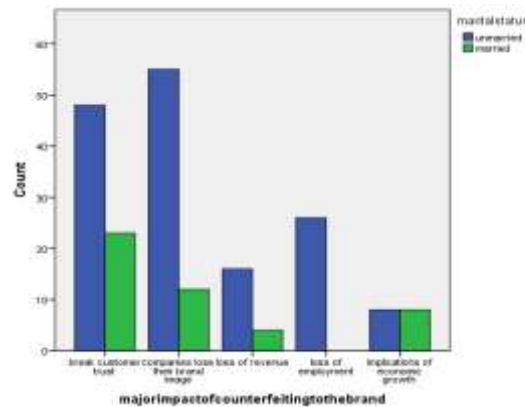
Legend: fig. 10 represents a graph stating the marital status of the respondents and actions taken by the government are severe against fake product production.

Table 11



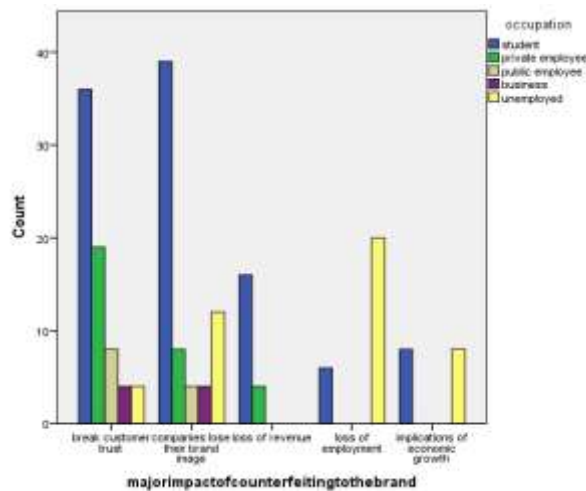
Legend: The fig. 11 graph depicts the gender of the respondents with relation to the major impact of counterfeiting to the brand.

Table 12



Legend: The fig. 12 graph depicts the marital status of the respondents with relation to the major impact of counterfeiting to the brand.

Table 13



Legend: The fig. 13 graph depicts the occupation of the respondents with relation to the major impact of counterfeiting to the brand.

RESULT

In **fig. 1** participation of the age group between 18- 30 years is high when compared to others. Higher percentage of people have stated yes they do distinguish between fake and real products. In **fig.2** graph most of the females have said yes nearly 60 percent of females said yes to distinguish fake and real products whereas 55 percent male have stated yes. In **fig.3** graph 80 percent of the unmarried respondents have said yes and 20 percent of married couples have stated yes whereas 50 percent of unmarried and 30 percent of married couples states no to distinguish fashion products from the original. In **fig.4** majority of them have scaled four that are most likely to buy a fake product. Both male and female have scaled 3 and 4 respectively. In **fig.5** graph shows that most of the unmarried people have scaled 2, nearly 45 percent, whereas the least have scaled less than 10 percent of married couples. In **fig. 6** Unmarried couples 90% have stated the reason to buy fake products as the quality is close to the original one. 30 percent have stated its impact of the bring is high. In **fig.7** tells us that a higher percentage of undergrads choose counterfeit products because their quality is close to that of original and postgraduates choose counterfeit due to the price level being comparatively cheaper than that of original brand. In **Fig. 8** Different occupational sectors, people from private sector respondents have stated the quality is close to original and public sector respondents have stated the price is considerably lower to that of original. In **fig. 9** actions taken by the government are severe against fake product production, the majority of females have disagreed with the statement whereas men are neutral upon their opinion. In **fig. 10** shows us that a higher percentage of unmarried couples have disagreed and stated that actions taken by the government to stop counterfeit product production are not effective enough. In **fig. 11** major impact of counterfeiting brands, female respondents have stated it breaks customer trust and companies lose brand image whereas higher proportion of male have stated there is loss of revenue and brand image of company tarnishes. In **fig.12** higher percentage of respondents belonging to unmarried category have stated the reason that it breaks customer trust whereas married couples have stated implications of economic growth and loss of employment. In **fig. 13** the occupation sector , business class people have stated the main two reasons are loss of customer trust and companies losses brains imagine whereas unemployed people have stated loss of employment and implications of economic growth.

DISCUSSION

In **fig. 1** Many young people have stated they can distinguish fake and real products whereas older people face difficulties. Both genders have quite the knowledge of knowing what is real and fake product. In **fig. 2** Less than four percent of people struggle finding it hard. Unmarried people are dining easier than married couples. This is due to the generation gap between them. In **fig.3** Also younger people are more aware than older people. Both genders have scaled nearly four and five that are mostly likely to buy a fake product and this is due to many factors starting from price level to many more. In **fig. 4** the youth are very well aware about fake and original products and it is evident that they prefer original products over fake ones. In **fig.5** From the graph it's clear that people opt counterfeit products over original ones because the quality is acceptable and price range is lower. In **fig. 6** Also the brand impact is high in society. In **fig.7** It is evident from the graphs that most of the youth know that to differentiate products between counterfeit and origin brands also they buy counterfeit because quality is nearly close to elderly people. In **fig.8** Opt due to the price level and affordability. It is the students who always worry about brand image and quality. In **fig.9** It is always the youth that wants to be fashionable when compared to older people.strict actions must be taken in order to prevent fake or counterfeit brand product production. In **fig.10** It becomes an unhealthy competition in the market and there is no fairness between competitors In **fig.11** Government has to take severe action against counterfeiting as it is a rising issue. Laws must be implemented effectively and

awareness must be spread. loss of employment is also one factor that is impacted by counterfeiting. In **fig. 12** When counterfeit happens the original company loses its brand position and brand image ultimately breaks customer trust. In **fig.13** The main impact of counterfeit is breakage of customer trust and bond through loss of company brand image when there is no potential customer to the brand there generates loss of revenue. Unemployed people have stated the reasons for majors insofar of counterfeiting to the brand as unemployed and loss of brand image.

Suggestions

Counterfeiting has become a serious problem in the 21st century. The counterfeit market is growing day by day, especially in fashion wear products. Price is one of the important factors, along with social status and income which motivates individuals to buy counterfeit products. Generally, people tend to prefer counterfeit products over genuine ones as they are overpriced and out of their reach. So, manufacturers of footwear products can reduce the price so that it is within reach of maximum customers. The company is also expected to perform appropriate segmenting, targeting, and positioning strategies. Proper segmentation based on income would also help manufacturers to get original branded quality at a fair price so that consumers with normal income can also afford original products. The company has to keep an eye on the consumers who are between 18-30 years which are mostly involved in the purchase of counterfeit products. Especially understanding the factors working and making improvements in the factors that influence customers to purchase counterfeit footwear products will help the manufacturers of brands to control losses due to counterfeiting activities.

Limitation

Consumers purchase fakes due to a variety of reasons. In most cases, it is the exclusivity that attracts them. According to this study, social pressure can force people to buy fakes. Buyers attempt to possess something that is not widely available but most of them cannot afford it. As a result, consumers (especially young consumers) have turned to fakes, and huge fashion replica communities have appeared on Reddit. However, unfortunately, not everyone who buys a fake product is aware of it being fake as some sellers deceive consumers and offer replicas in the name of genuine products. Consumers are not always aware of the ways to identify a real product, which can leave them robbed. Brands need to work on educating consumers and make it easier to identify authentic products. Some companies have started to issue QR codes, labels, and identification marks to make it difficult for counterfeiters to cheat people.

CONCLUSION

The Fashion industry is a glamorous one, and is one which dazzles the entirety of humankind. Creativity is the backbone of the industry, and reputation and goodwill is one which took years to build. Besides this, consumer trust is one which takes years to build in the fashion industry, and is one aspect, which can be easily lost – after all, considering the huge number of brands of remarkable quality and similar pricing, it is very easy to switch brands. Thus, the scourge of counterfeiting is one which needs to be weeded out from the fashion industry. As industries have globalized their distribution and production operations, counterfeiting has become easier and easier to sustain and is a problem affecting a whole range of industries worldwide. Top designers limit the impact of copying and counterfeiting by changing designs from season to season and by limiting production and distribution. This has the added value in their field that it confirms their reputation as leading highly creative designers as demonstrated by their capacity to continually re-invent themselves in a manner that others are totally unable to emulate. For this, consumer awareness is more important than ever, as many consumers are now willingly and knowingly parting with their hard-earned money for counterfeits. However, lately the brands in the industry have been fighting fire with fire, as seen from the above illustrated recent cases, and it is hoped that the problem of counterfeiting in the fashion industry would slowly diminish in the coming years.

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Plagiarism

