THE HISTORY OF TRADEMARKS

With a starter video to define key terminology, the main element of this activity is an interactive timeline providing students with an overview of the history of how trademarks developed internationally.

Key terms include:

- **Trademark** - a unique, distinctive sign that allows us to distinguish the goods and services that we acquire in everyday life. It can be constituted by various types of signs. The most commonly used trademark is a name or logo. However, many modern trademark laws allow any distinguishing sign - a sound, a smell or even a gesture – to be registered. Examples of sound marks registered in the United States are accessible here: https://www.uspto.gov/trademark/soundmarks/trademark-sound-mark-examples

- **Brands** - the perceived character of the source of a product or service as distinguished by its trademarks and other features.

SPOT THE QUALITY

This interactive task provides students with ways into thinking about their own consumption of products and services. It builds on students' existing knowledge and stimulates discussion and thought about why products might be counterfeited and what impact this has on both consumers and producers. With a focus on identifying the features of counterfeit products, this activity is particularly well suited to students of business studies and media studies.

The correct answers to the interactive task are on the following page:

TRADEMARKED BRAND	PRODUCT
Realmadrid	Football club
Levi's	Jeans and fashion manufacturer
adidas	Sportswear manufacturer
PORSCHE	Car manufacturer
Instagram	Social media
SAMSUNG	Communications and information technology company
BURGER KING	Fast food burger restaurant
Red Bull	Fizzy drinks manufacturer
HSBC	Bank

WIPO WORLD INTELLECTUAL PROPERTY ORGANIZATION

When thinking about why some products and services might be easier to counterfeit than others, key issues might include:

- Whether the product is a physical entity that can be manufactured easily and without technical difficulty
- The size and material cost of a product – i.e., a fake pair of branded jeans is easier to copy than a fake branded car
- The transportability of a product (or its parts, such as labels) from manufacturing location to market
- The use of security features on genuine products, such as holograms or watermarks
- The difficulty of distinguishing genuine from counterfeit products.

For the interactive text box activity, the comments in the right-hand column are suggested to stimulate further discussion:

Branded products are usually expensive and the people who produce copies are trying to offer consumers cheaper alternatives.	Although this sounds like a socially progressive position, the reality is very different. Those who produce counterfeit products do so in unregulated environments which do not respect workers' rights, the needs of the environment or the rights of consumers to purchase safely manufactured goods.
People who copy branded products are trying to make a profit by tricking people into buying an inferior quality product.	Those who organise the production of counterfeit products are aiming for the biggest profit margins possible. The profits are sometimes linked to illegal trading in drugs, arms and people.
Some branded products are very expensive and people who don't have very much money can only afford to buy cheaper, forged versions which are poorer quality but superficially look the same.	This is a very real issue for many consumers. For some products, the poor quality may not matter that much, but there is always the danger that because products are manufactured illegally they do not meet safety regulations which means clothing may be highly flammable, pharmaceuticals may contain toxic products and electronic devices may have engineering faults that cause harm to users.

Branded products usually have a loyal customer base so people who copy the product packaging are trying to appeal to that target group without having to create any new advertising for their products.	This is a classic example of how counterfeiters undermine the intellectual property of artists and designers and damage consumer trust in a quality brand. Instead of working to produce a new product and branding, they piggy-back on existing brands for their own profit.
It's very hard to create a new idea for a brand so it's easier to copy a well-established, successful brand.	It is hard to create new ideas and new designs but that is precisely why those who spend the time and energy doing this, and who have the talent and skills to execute their ideas should be valued and respected. This creative talent is what intellectual property laws protect.

JUST A COPY

With video explanations of how trademarks are registered and the nature of the protection they give, this activity contains two active listening tasks. By raising awareness of the importance of respecting trademark laws, the activity encourages students to start to reflect on some of the dangerous consequences of counterfeiting, concluding with a task involving the creation of content to post on social media. The unit is particularly targeted at students of business studies, art and design and media studies.

Key issues to raise during discussion about the impact of counterfeiting on consumers and society at large include:

- Impact on the economy and loss of jobs in companies trading under a registered trademark
- Poor quality fake products which can be dangerous for consumers, e.g. flammable clothing, toxic substances in pharmaceuticals, faulty engineering of electrical goods
- Some fakes may be of similar apparent quality to the original and sold for similar prices in the legitimate supply chain, making them difficult to detect
- Criminal gangs trading in illegal products produced in sub-standard working conditions – using unregulated factories and work environments and sometimes coerced or child labour
- Impact on environment of manufacturing waste disposed of without accountability to regulatory bodies and the difficulty of safely disposing of seized counterfeit products (containing unknown materials).