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DEVELOPMENT AND APPLICATION OF UNITED KINGDOM CONSUMER RESEARCH TO COUNTER-INFRINGEMENT INTERVENTIONS – A UNITED KINGDOM CASE STUDY

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ABSTRACT

The United Kingdom (UK) Intellectual Property Office (IPO) has a long-standing history of conducting research in relation to IP infringement. We do this to ensure access to timely, relevant and impartial evidence on what the problem looks like, and how it is changing in the UK. Collaboration between researchers and policymakers within the UK IPO, other UK government departments, and industry bodies aims to leverage these insights to target intervention design and delivery more effectively.

Our consumer research and awareness-raising activities are an example of how this works in practice. In this contribution, we will set out a case study of how findings from UK IPO research have directly shaped a recent public campaign to better reach those most at risk of purchasing particular counterfeit goods.

I. A CASE STUDY ON EVIDENCE-BASED DECISION-MAKING IN CAMPAIGN DESIGN AND DELIVERY

A. RESEARCH AT THE UK IPO

1. The UK IPO has an ongoing research program whose activities range from regular analysis to understand trends in applications for patents and trademarks, to one-off studies to address an identified evidence gap. In this context, the UK's Online Copyright Infringement Tracker Survey¹ and Counterfeit Goods Research are examples of two well-established surveys that are directly commissioned and managed by the UK IPO. The studies ask respondents about their attitude and behaviors towards a range of both legitimate and IP-infringing products.

2. The surveys have a sample size of 5,000 respondents each, reached through an online consumer research panel. This large sample size allows for a detailed breakdown both by respondent characteristics and product categories. Specifically:

- The Online Copyright Infringement Tracker Survey, now in its thirteenth iteration, asks UK respondents aged 12 and above about digital behaviors and attitudes towards infringement. It includes questions on music, film, television programs/series, live sports, video games, software, e-publishing and digital visual images.
- The Counterfeit Goods Research, now in its fourth iteration, focuses on UK consumers aged 18 and above to understand counterfeit purchasing behaviors and attitudes.² The study includes the following product categories: beauty and hygiene; clothing, footwear and accessories; sports; toys; electricals; and alcohol.

3. Development of the survey was completed in consultation with a range of stakeholders, including internal UK IPO teams, academics and industry representatives. Each wave of research has since been reviewed to ensure topics are relevant and respond to ongoing and emerging policy needs. This has enabled resulting analysis to inform UK government activities. However, publication and dissemination of findings means that UK IPO-funded research has a greater reach, also supporting industry bodies and research centers. Reflecting our ambition to strengthen the wider evidence base, the UK IPO has also shared the Online Copyright Infringement questionnaire materials, in English and other WIPO languages.

4. Results from the survey play an important role in informing our understanding of the demand for IP-infringing products in the UK, and how and why consumers access them. As set out in this paper, these results are used by the UK IPO to inform and target relevant intervention design.

B. APPLYING RESEARCH TO THE “CHOOSE SAFE NOT FAKE” CAMPAIGN

5. In recognition of the role that consumer demand plays in the persistence of IP-infringing products, the UK Intellectual Property Counter-Infringement Strategy 2022 to 2027³ committed to a program of campaigns seeking to educate consumers. The campaigns seek to increase consumer awareness of the risks of counterfeit and pirated goods, in order to encourage

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

¹ UK IPO (2023) Online copyright infringement tracker survey (12th Wave), (www.gov.uk).

² IPO counterfeit goods research (Wave 3), (www.gov.uk).

³ IPO (2022) Intellectual Property Counter-Infringement Strategy 2022 to 2027, (www.gov.uk).

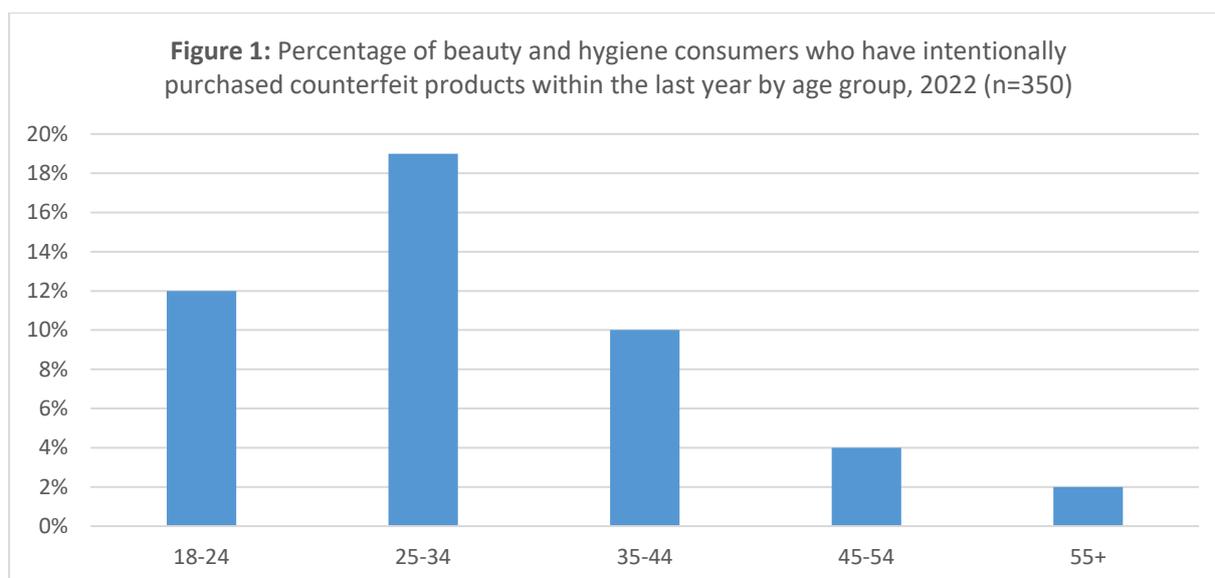
behavioral change. UK IPO research, including the surveys, play an important role in targeting the campaign to reach the most “at-risk” groups, and in learning which campaign strategies most successfully resonate with consumer audiences.

6. Previous independent research has highlighted the potential risks to consumer health arising from counterfeit beauty and hygiene products, including through exposure to toxic or contaminated ingredients. In recognition of this risk of harm, the UK IPO commissioned research to develop a more detailed understanding of UK consumer attitudes and behaviors towards these specific product categories, and more general demographic profiles and consumer patterns.

7. Analysis of the UK IPO Counterfeit Goods Research (Wave 3) was fundamental to informing the targeting of the campaign, from product focus to consumer segments and messaging used. In addition to questions on general purchasing habits, the survey asks respondents a series of follow-up questions regarding their attitudes and behaviors towards “fake” or “replica” items.⁴ Data collection took place in 2022, and was published in 2023 on the GOV.UK website. Key findings of the study, and how it influenced the “Choose Safe not Fake” health and beauty campaign design, are discussed in the following paragraphs.

8. Demographic analysis of UK counterfeit purchasing behaviors informs the understanding of the UK IPO of at-risk groups. For example, as shown in Figure 1, the research found that UK consumers aged under 35 are more likely to buy beauty and hygiene counterfeit goods. This supported targeting of the campaign, including considering the methods of delivery and potential “credible voices” that could reach critical segments of the population.

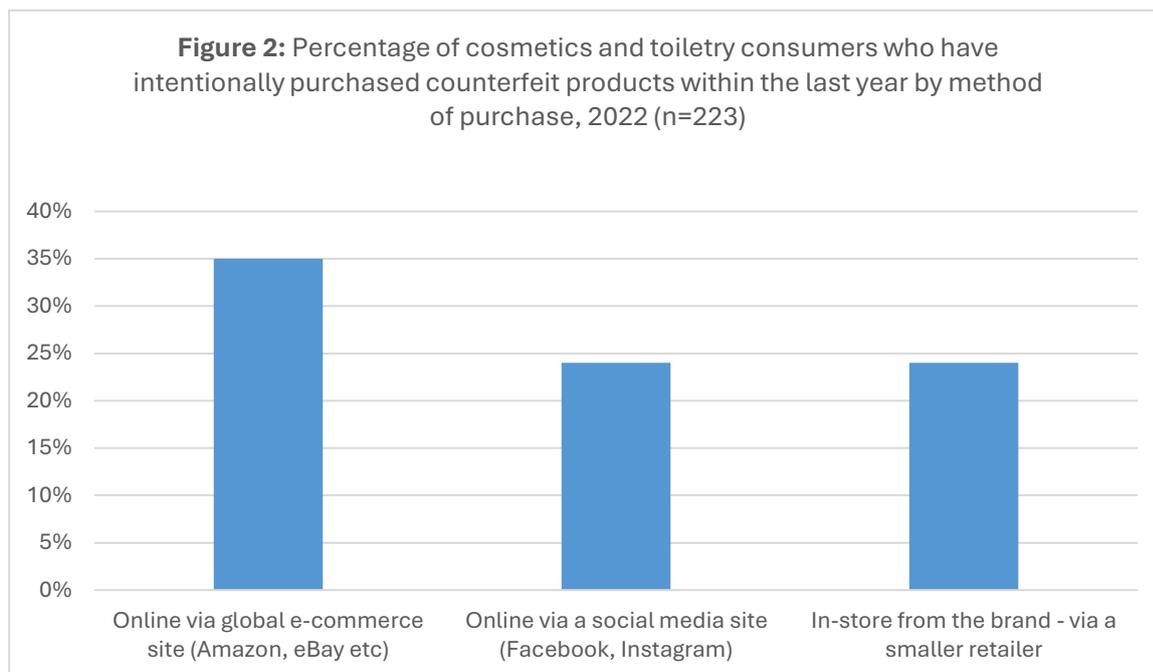
⁴ In Wave 3, respondents who indicated that they have purchased a “fake” or “replica” item in the last 12 months are asked the following question: “We will now go on to ask you a bit **more about the product categories** in which you have knowingly purchased “fake” or “replica” products (i.e. you were aware it was a fake before you bought it). Which, if any, of the following categories **have you knowingly purchased** “fake” or “replica” products in the past year?”. Response options to this question include 21 subcategories relating to: health and beauty; clothing, footwear and accessories; sports; toys; electricals; alcohol; and ‘none of the above’. For each product category selected, respondents are routed to further questions including the frequency, reasons, and source of fake or replica purchases. It should be noted that the language used in the survey means that it will also capture items that are not technically counterfeits, including replicas. This is a limitation of the study. For subsequent data collection, this phrasing has been changed to “fake or counterfeit” products, but it is possible that respondents will still incorrectly include some non-counterfeit items due to consumer knowledge limitations on how to verify that a product is counterfeit.



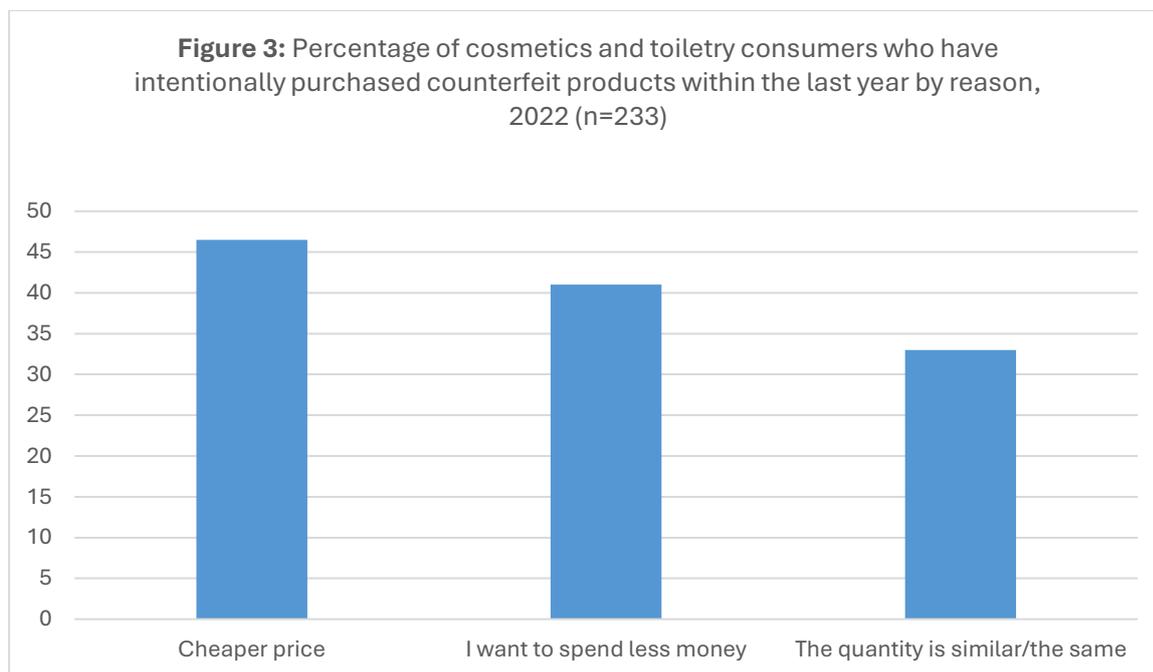
9. The survey also provided insight into the types of beauty and hygiene products UK consumers buy. The analysis showed that 93 percent of the total sample had purchased a beauty and hygiene product in the last year, and 8 percent had purchased counterfeits. However, the rate of counterfeit purchasing was slightly higher in the toiletry and cosmetics sub-category (7 percent) than that of hygiene (4 percent). This suggested the former was an important category to focus on. Additional qualitative feedback suggested that perfume, followed by cosmetics, were the most common counterfeit purchases. These data informed campaign materials to ensure they were relevant to purchasing behaviors.

10. When considering the timing of the campaign launch, the UK IPO considered the purpose for which consumers were buying goods. The research indicated that the majority of counterfeit cosmetic and toiletry product purchasers bought the items for themselves (80 percent), and were less likely to buy them for family (30 percent). This pattern was similar for hygiene products. This suggested that these buying decisions were less likely to be tied to major seasonal gift-buying periods in the UK (i.e. Christmas). The campaign was therefore launched independently of this consideration in February 2024, with the benefits of awareness-raising considered to apply throughout the year.

11. Consumers bought products from a range of online and offline sources, but e-commerce sites were most common (see Figure 2). Linked to this, a few also reported having seen influencers trying out or recommending counterfeit beauty products on social media. For those who saw such content, this was a trigger to trying these counterfeit products out themselves. This informed decisions around how the campaign was delivered. Beyond the campaign being shared through stakeholders and national media, the UK IPO actively used social media advertising and partnered with influencers to share messaging, aiming to improve the reach, timing and credibility of messaging among the target group.



12. As shown in Figure 3, the research identified that consumers were most commonly motivated to buy counterfeit beauty and hygiene products to save money. This suggests that personal costs and risk are likely to be a significant factor in individual purchasing choices.



13. When testing possible campaigns materials, research participants indicated that campaigns that focus on safety implications were the most persuasive. Building on this, the campaign strongly focused on personal risk, and specifically safety. This was emphasized through the “Choose Safe not Fake” tagline.

14. Reflecting on lessons learned from the research and campaign, factors such as using simple and easy-to-remember messaging, an emphasis on safety of products, and partnering with trusted promoters, were identified as important to campaign design and reach. The

research in the development and follow-up phase was critical to underpinning this strategy, both informing the design and priorities. Furthermore, it provided a strong evidence base for gaining stakeholder support and a robust source for responding to media queries throughout the campaign.

II. CONCLUSION

15. This paper has set out an example of how having up-to-date, detailed and relevant evidence allows our teams to shape targeted interventions, and more effectively reach highest-risk areas. We are committed to continuing to develop the evidence base to support current and future decision-making, including additional research via the Online Copyright Infringement and counterfeit goods research programs mentioned in this case study. Beyond this, we are proactively reviewing the wider evidence base and seeking to identify and strengthen priority areas, such as understanding the impacts of infringement. We are keen to work with others to share knowledge and evidence where possible.

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