

Curtailing Counterfeit Consumption: Deciphering Ethical Attitudes and Consumer Intention

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Abstract

Research related to differing ethical attitudes of consumer choices between genuine or counterfeit products, or a combination thereof, is strangely sparse. As much of the literature has demonstrated, consumers' ethical attitudes are related to studying the social status benefits of luxury brands, but more theories and studies are needed to better ascertain the impact of differing ethical attitudes on consumer intention. Anti-counterfeiting operations will not prove successful solely through law enforcement or the imposition of administrative fines against consumers.

Keywords: Counterfeit; Ethical attitudes; Consumer intention; Curtailing; Trademark

Introduction

Luxury brands enable consumers to express themselves culturally, socioeconomically, financially, and even ethically. This paper will explore the ubiquitous, everyday consumption of *counterfeit goods*, the various theories related to the issue of curtailing counterfeit consumption, and the corresponding trends in consumer behaviour through the lens of such dynamics as culture, educational attainment, social class, and ethical attitudes. Secondary studies related to consumer intention are utilized to help discern why some consumers behave responsibly, seeking luxury items at often exorbitant cost, while others neglect ethical conduct entirely, seeking counterfeit goods for the sake of retaining or acquiring perceived social status. Analysis herein embeds the intersecting relationship between conspicuous consumption and trademark law (i.e., why people care about brands at all) and the differing social and cultural motives for which consumers value brand prominence, including perceived social/emotional, utilitarian, and economic value. Select Canadian trademark law and jurisprudence is included to reinforce the significance of trademark protection, why the value of brands is important, and how trademark law contributes to sustaining brand value in a marketplace teeming with counterfeit merchandise.

Brand Stature and Trademark Protection

Consumers acquire counterfeits to meet the demands and expectations of brand stature and class. Status markers distinguish consumers in the ordinary marketplace; some insignia or logos are visible from wide distances, while others are discreetly placed or hidden to limit recognisability to particular consumers exhibiting a certain wealth and status. If trademark law did not protect brand logos, a product's image would not exude so much power. Brand prominence exhibits itself differently relative to what Han et al. dub "quiet versus loud branding [1]." Trademark protection is significant because of rampant counterfeiting, but trademark law also serves as a tool to uphold the allure and prestige of luxury fashion brands in a competitive marketplace. As the landmark *Louis Vuitton Malletier SA* [2] Federal Court of Canada decision highlighted, a bad faith intention to wilfully manufacture, advertise, and import counterfeit Louis Vuitton handbags by a recidivist offender constituted egregious conduct warranting strong deterrence and significant statutory, punitive, and exemplary damages. The plaintiffs received \$2.48 million. The court referenced a criminal counterfeiting case from the British Columbia Provincial Court, *R v Lau* [3], noting: "[...] the concept of

intellectual property is a very important one in our society. Intellectual property protects creativity. It protects original ideas and creates property in those ideas, enabling people who come up with those ideas to be rewarded [...]. Indeed what differentiates a progressive society or a society with a higher standard of living from other societies is the level of original thinking, creativity and inventiveness [...] this kind of theft constitutes a very serious offence, more serious than a theft of some other material or property because it strikes at the heart of what differentiates a progressive, creative society from one that is not."

Canadian jurisprudence offers more protection to registered trademarks compared to unregistered marks under the *Trade-marks Act* [4]. Nevertheless, the notion of unfair competition mainly emerged amidst development of the "passing off" doctrine.

At common law the right to a trade mark thus arose through the use of a mark by a business to identify its products to the public. There was no need for the business to register its mark in order to protect its right to use the trade mark and prevent the misuse of its trade mark by other businesses. The passing off action was the enforcement mechanism available for the protection of trade mark rights. Without the passing off action, common law trade mark rights would have little value [5].

Today, Canadian courts also preside over legal claims comprising both trademark and copyright infringement, which achieves maximum compensation and offers strong deterrent effects against luxury brand counterfeiters [6]. The *Trade-marks Act* states: "No person shall use a trade-mark registered by another person in a manner that is likely to have the effect of depreciating the value of the goodwill attaching thereto [4]." However, "a mark [...] is not protected *per se* as an isolated object but rather as an indicator of *source* to distinguish one person's goods (or services) from another person's [7]." Thus, consumers' signalling of source is an important element in their determination to seek genuine luxury merchandise or counterfeit products, or their attempts to use

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Received December 31, 2015; Accepted January 08, 2016; Published January 18, 2016

Citation: Ponsford MP (2016) Curtailing Counterfeit Consumption: Deciphering Ethical Attitudes and Consumer Intention. J Civil Legal Sci 5: 167. doi:10.4172/2169-0170.1000167

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counterfeits to masquerade authentic merchandise [8].

Conspicuous Consumption and the Evolutionary Origins of Signalling Status

Brand prominence exists in many forms and spans a wide range of the social spectrum. As Han et al. note:

“Wealthy consumers low in need for status want to associate with their own kind and pay a premium for quiet goods only they can recognize. Wealthy consumers high in need for status use *loud luxury goods* to signal to the less affluent that they are not one of them. Those who are high in need for status but cannot afford true luxury use *loud counterfeits* to emulate those they recognize to be wealthy [1].”

From the perspective of trademark law, “the *purpose* and *value* of a mark is the mental link that is created over time in the minds of prospective buyers between a mark and the goods or services of a particular source [7].” *Brand value* and *luxury* is therefore a complex by-product of a consumer’s interpretation of wealth, prestige, elitism, exclusivity, high social status, affordability, and value, among other considerations [9].

A fascinating scientific study has attempted to comprehend costly signals of wealth and status. Research published in *Evolution and Human Behavior* [10] found conspicuous consumption and displays of luxury “elicits status-dependent favourable treatment in human social interactions.” Historical evolutionary perspectives suggest other social primates have yearned for increased social status through *costly signalling* traits, but that the consistent interpretation and understanding of conspicuous consumption between signallers and receivers (others within the same social sphere) is essential. Specifically, the study utilized brand-labelled clothing to demonstrate luxury purchasing and displays are a strategy for evolutionary adaptation and maximizing social capital.

Displays of luxury impact people in unexpected ways. For example, drivers are less inclined to honk at an expensive or luxury car in front of them at a green light. In this way, luxury directly affects social restraint or, conversely, exemplifies social liberation, promotion, or “capital.” Experimental methodologies and procedures are not the focus of this evaluation. However, four comprehensive experiments will be highlighted, which include studies pertaining to: (1) *Status and wealth perceptions* (n=80); (2) *Compliance to requests* with and without brand-labelled (logoed) shirts (n=45); (3) *Social preferences* for job applicants and accompanying financial benefits or salaries (n=99); and (4) The relationship between brand labels and *charity donations* (n=230). The Table 1 condenses the results.

The select experiments above demonstrate favourable treatment of individuals wearing brand-labelled clothing compared to identical clothing without logos. Differing brand labels and gender were

controlled and had no influence on the results. The study’s authors suggest incorporating a more diverse range of participants in future experiments, from a variety of educational and cultural backgrounds (e.g., more than 99 university students as seen in Experiment 3). Nevertheless, these experiments consistently demonstrated a preference for luxury products over “functionally-equivalent goods,” suggesting conspicuous consumption does indeed offer wide-ranging benefits to a person’s social status.

Consumer Behaviour and Curtailing Counterfeit Consumption

One cannot dismiss the significance of the trademark law doctrine in Canada, and how the application of the law sustains and reinforces brand value. Discussion to follow will include commentary of other jurisdictions and will contextualize consumer behaviour analysis as it pertains to the consumption of counterfeit products. The impact of counterfeit goods on luxury brands [11], as well as ethical responsibilities of consumers to the poor — including society’s “ethical crises”— is well documented elsewhere [12]. Vast case law across many jurisdictions also exists prosecuting individuals and companies who distribute and manufacture counterfeit products. Still, limited research has explored the dichotomy between ethical attitudes [9] and intentions of counterfeit consumers and luxury brand purchasers—the “demand side” of counterfeiting. Consumer demand complements the “supply side,” or manufacturing, of counterfeits. Discussion to follow will attempt to uncover and synthesize this important research area.

An Indonesian-based study of 170 well-educated women consumers, between the ages of 15-50, where about half held at least bachelor’s degrees, revealed an equal intention to purchase original and counterfeit brands. Although past purchases were indicative of future intention, there was no overwhelming differentiation in “ethical attitudes” between consumers obtaining original merchandise compared to counterfeits, yet consumer affordability was a significant factor in consumer intention. Another Federal Court of Canada decision noted a similar trend in a consumers’ deliberation process: “[...] Given the nature of this counterfeit business, it is simply not reasonable to assume that someone who buys an LV ‘knock-off’ from K2 Fashions would otherwise have bought a product with the genuine LV Trade-mark. I would think it reasonable to assume that a person buying one [of] the counterfeit LV products would be motivated almost exclusively by price and would not likely pay the full price of the genuine article.”

Thus, influenced by price, purchasing *loud counterfeits* for status purposes or to mimic wealthier purchasers, instead of necessity or survival, is the hallmark of conspicuous consumption and self-indulgence. Luxury brands separate consumers from other social groups. Income levels certainly play a role in the ethical considerations

	Luxury Brand-Labelled Shirt	Non-Labelled Shirt (Control)
Experiment 1: Status Perceptions (Sample Size: 80)	<ul style="list-style-type: none"> Higher status ratings and perceptions of wealth (i.e., Tommy Hilfiger or Lacoste shirts.) Limited set of perceptions tested. 	<ul style="list-style-type: none"> Lower status ratings and reduced perceptions of wealth. No significant differences in perceived attractiveness, kindness, or trustworthiness.
Experiment 2: Compliance (Sample Size: 45)	<ul style="list-style-type: none"> 52.2% compliance rate with requests when approaching an unaccompanied person; luxury display yielded significant social interaction benefits. 	<ul style="list-style-type: none"> 13.6% compliance rate with requests when approaching an unaccompanied person. No social interaction benefits when wearing ordinary shirts.
Experiment 3: Social Preferences (Sample Size: 99)	<ul style="list-style-type: none"> Increased levels of job suitability and higher proposed earnings for logoed shirts. Job candidates considered of higher social status. 	<ul style="list-style-type: none"> Reduced levels of job suitability and lower salaries for job candidates wearing ordinary shirts. Considered lower social status.
Experiment 4: Charity Donations (Sample Size: 230)	<ul style="list-style-type: none"> Higher average donations from door-to-door heart foundation charity initiative. 	<ul style="list-style-type: none"> Lower average donations from door-to-door heart foundation charity initiative.

Table 1: Experimental methodologies and procedures.

consumers employ; for instance, a direct, positive relationship was uncovered between Indonesian consumers' authentic purchases and their income [9]. Past behaviour was also a strong predictor of future purchase intention (i.e., consumers who historically purchased counterfeits were likely to repeat their behaviour, and likewise for those purchasing original products.) Referencing the "economic benefit" and "hedonic benefit" benchmark analysis, a 2009 study by Yoo and Lee concluded:

[A] Attitudes toward the *economic benefits* of counterfeit purchase are positively associated with consumer purchase intention of *counterfeits*;

[B] Attitudes toward the *hedonic benefits* of counterfeit purchase are positively associated with consumer purchase intention of *counterfeits*; and

[C] Attitudes toward the *hedonic benefits* of counterfeit purchase are negatively associated with consumer purchase intention of *originals*.

In addition to variations of pleasure and economic value derived from materialism [9] noted above, which indicate equal purchase intention of counterfeit and genuine goods to appease the "materialistic mind," (i) self-image and (ii) present or future social status are also important indicators of ethical attitudes. For instance, luxury brand consumers aiming for "upward social mobility" and improved self-image through the possession of particular products were more likely to purchase genuine, original luxuries. Authentic self-representation amidst the social stratification of luxury comes at a cost. The effects of social status may also explain why increased levels of materialism increases the likelihood consumers will purchase originals over counterfeits, but another study revealed people exhibiting higher rates of ethical decision making held less materialistic values [13].

Interestingly, a study by Wilcox et al. concluded that brands with logos best serve the function of self-expression and representation, and those who seek counterfeits are often of a *lower social status* [14]. Counterfeit purchasers seem to create and shape their identities through both *social-adjustive* and *value-expressive* functions [14]; that is, either for self-representation or self-presentation. However, purchasers exhibiting value-expressive functions are not necessarily less likely to hold negative attitudes about counterfeits. Consumers' personal values and moral beliefs are also important, and vary widely. Moral attitudes are less important in the social-adjustive context because self-image objectives override price considerations and affordability [14]. Consumers who had already purchased a counterfeit product were also more likely to consider purchasing an original, and consumer intention to purchase original products demonstrated a positive relationship with their willingness to purchase counterfeits [9]. Price differentials and cost-benefit analysis clarifies this inverse relationship and why this finding contradicted the original hypothesis.

Related to the authors' third hypothesis, product judgment by consumers relates to logo and emblem prominence and conspicuousness (e.g., Gucci's logo is ubiquitous, while Marc Jacobs is more subtle and less visible.) In contrast to the recognisability and visibility of particular brands, inconspicuousness reduces the social functions a luxury brand offers consumers. *Brand citizenship*, coined by Margaret Chon, speaks to the construction and deconstruction of the value of brands through complex relationships among consumers, as well as the suppliers of those goods and services [15].

Perceived Social/Emotional, Utilitarian, and Economic Value of Luxury Brands

Fashion lifestyles contribute significantly to consumers' purchasing behaviour and their likelihood to pay for luxury goods [16]. Luxuries also represent symbolic expressions of social value, according to a Chinese-focused study by Li et al. who utilized four study groups to understand consumer behaviour (n=480). Opinions of social/emotional, utilitarian, and economic value as indicators of *brand value* accounted for 58.5% variance in consumer perception. Linear regression analysis yielded significant relationships ($p < 0.05$) between the three study variables noted previously and a consumer's inclination to pay for luxury products. These findings are important because it incorporates the relationship among past purchasing behaviour, fashion "lifestyles" as a social construction (i.e., self-representation model), and *perceptions* of social/emotional, utilitarian, and economic value.

The word "perceptions" is important to emphasize since there may never be a reliable standard to compare *perceptions* of social/emotional or utilitarian value to *actual reality*, given the subjective nature of the assessment. However, future studies may wish to contrast perceptions of economic value with actual financial indicators or price differentials between luxury brands and counterfeits. It is possible to establish a benchmark to determine and explain differences in perceived economic benefit to the financial realities facing consumers and their purchasing choices. One example is incorporating consumers' discretionary incomes.

The study confirmed that perceived social/emotional and utilitarian value is a strong indicator of willingness to pay for luxuries for the *luxury-brand-only* consumer group because these individuals primarily react to intrinsic brand value and positive customer service. The *counterfeit-only* consumer group required the coexistence of "brand prestige lifestyle" and perceived social/utilitarian value to influence consumers' willingness to pay for genuine products. This suggests fashion lifestyles denoting success, sophistication, and social respect—or luxury marketing strategies projecting similar lifestyle images—will result in higher rates of genuine luxury purchases for both groups, while the *counterfeit-only* group is most susceptible to prospects of higher brand prestige lifestyle. The group comprised of consumers with *no counterfeit or luxury brand experience* were more likely to purchase luxuries because of *value* and *economic* perceptions of genuine products. Finally, no variables had significant influences on consumers' willingness to pay for the group purchasing *both original and counterfeit* luxury items; further research of these individuals is necessary to better understand differing ethical attitudes, especially since the group challenges and contradicts the standard *ethical* and *unethical* consumer behaviour dichotomy.

Social and Cultural Contexts Influencing Counterfeit Consumption

Wide varieties of social and cultural circumstances influence the likelihood of consumers purchasing counterfeit goods; for example, different "cultural norms" and purchasing environment are significant indicators [14]. Some cultures also value materialism more than others, or interpret the effect of luxury purchases on social status differently. One example stems from a comparative study of the attitudes toward purchasing counterfeits and associated ethical beliefs among American and Korean university students [17]. Culture is one of four variables used in the study, which also incorporates perceptions of consumer and business ethics, and attitude toward counterfeits. Social norms never

receive absolute consensus, but the process of socialization dictates to consumers what purchasing behaviour is acceptable or unacceptable or what society may deem “deviant behavior.” Tolerant attitudes of peer groups can also have a large impact on a consumers’ decision to buy counterfeits, depending on one’s culture, values, moral principles and standards.

The United States is an individualist culture compared to the more collectivist cultural norms of Korea. Purchasing counterfeits or luxury brands is one way to conform to group norms, but purchasing counterfeits can also violate established cultural standards. For instance, in many Asian countries the exchange of counterfeit products between sellers and buyers is “not viewed as morally, ethically, or legally wrong,” whereas purchasing counterfeits in the United States is “misbehaviour.” Findings confirm this assertion: 97.9% of Korean students surveyed purchased counterfeit luxury-brands compared to 53.7% of Americans, and 94.2% of Koreans purchased authentic products compared to 77.9% of Americans. Korean students also indicated increased likelihood of purchasing authentic goods in the future, yet they held more positive attitudes toward counterfeit products compared to Americans. These findings are consistent with previous research studies.

Differences in consumer ethics behavior were insignificant between Korean and American students, as well as purchasers and non-purchasers of counterfeits, but counterfeit purchasers saw little wrong with their behavior compared to non-purchasers. Counterfeit purchasers also failed to identify the negative impact of counterfeit consumption on the economy, job market, and the genuine luxury-brand manufacturing industry. Korean students were also more likely to have purchased both counterfeit and authentic luxury-brands, a cultural trend explained, in part, by the value placed in social hierarchies within Korean society.

Wong and Ahuvia’s insightful article on luxury consumption in Confucian and Western societies sheds some light on why Korean students purchased authentic luxury-brand products. For example, *strong social hierarchies common in collectivist cultures* are made visible through ownership of luxury-brand goods. Luxury-brand fashion goods provide one means to a *socially appropriate appearance* that communicates wealth, success, and social class.

Korean students also perceived counterfeits as less practical compared to authentic goods when compared to American students surveyed, reinforcing the interconnectedness of strong social dimensions, public and social status, heightened self-consciousness in collectivist societies, and cultural norms—all influencing Korean students’ purchasing intentions.

Consumers’ Ethical Decision Making and Businesses’ Unethical Practices

An interesting correlation between consumer purchasing intentions of counterfeit products is that ethical decision-making is directly influenced by big businesses’ unethical practices and profit-driven motives. For instance, “counterfeit purchasers had more negative perceptions of business ethics than non purchasers,” and further, “if consumers perceive that businesses disregard ethics to be competitive and profitable, consumers may violate norms of conduct in exchange situations to protect their own interests [18].” That is, “consumers often condone the mistreatment of business by the idea that companies ‘deserve it’ because they ‘rip off customers’ [19].”

Perceived guilt is thus *neutralized* or *diminished* by consumers as

they convince themselves the vendor or counterfeit seller *deserve* the mistreatment for their corporate or business misbehaviour. Unethical consumer behaviour is thought to “restore balance” when committed consumers become frustrated by a business or corporation’s unethical actions, despite this seemingly hypocritical rationalization. A hypothesis tested with 334 consumers found that “consumers’ level of commitment attenuates the level of perceived fairness [17].” In other words, when perception of harm is low, committed consumers are more forgiving, but as perceived harm and unfairness increases, consumers’ dissatisfaction rises, resulting in diminished ethical behaviour. Interestingly, Korean students viewed business ethics more negatively than Americans, which may account for the 44.2% higher purchasing rate of counterfeit products for Koreans surveyed [20]. However, Korean students were less exposed to and educated about social corporate responsibility business practices, which is more prominent in the American education system and culture.

Government Impact on Public Perception of Intellectual Property and Trademarks

As discussed previously, cultural differences, as the case between Korea and the United States, can highlight distinctions in consumers’ willingness or resistance to purchase counterfeit products. However, wider cultural influences and government regulation can also have substantial impacts on the ethical decisions made by consumers. One example is the intersection of culture, poverty and economics in China, which often results in unenforced intellectual property laws and regulations. A country of over 1.3 billion people, and an estimated 128 million living below the poverty line, means many consumers do not have the financial resources to buy authentic merchandise. And given the economic challenges in many regions, “Authorities are more concerned with developing local economies, and often have a stake in the counterfeiting operations themselves, so investigation and closing of the ventures runs counter to their interests.”

Western countries and developed regions have placed consistent pressure on countries such as China to help curb the rampant supply and demand of counterfeits. Yet, developed nations often fail to grasp the complex cultural and economic circumstances of the region. Chinese culture prioritizes regulation for the basis of state authority and control, whereas Western nations—to a greater degree—tend to regulate intellectual property and trademark law to incentivize creativity, innovation, and product development and invention. Thus China’s social understanding of intellectual property rights is more adverse to the enforcement of counterfeiting and trademark protection and most efforts are seen as a “façade to appease international concerns [21].”

Chun-Hsien Chen largely reiterates the cultural bases for the distinction between varying levels of intellectual property law enforcement of many countries, noting counterfeit products were not “culturally objectionable in ancient China.” Chen highlights various socioeconomic development factors which contribute to counterfeit consumption, namely (i) *Price differentials* between genuine and counterfeit products, which is much greater in China compared to the United States; (ii) China’s *lower income levels*, which means accessibility to counterfeits overrides trademark protection and quality considerations of purchasers; (iii) *Market freedom*, which means fewer products are available, since intellectual property-related goods are infrequently imported; and (iv) *Lower awareness levels* of intellectual property law by the general Chinese population.

The public’s awareness and education about intellectual property rights is an interesting cultural dissimilarity. The source or legality

of a luxury brand, for instance, is prioritized less in developing or underdeveloped countries, and often a consumer's determination of a counterfeit or genuine product is disregarded in order to economize. Even when there are efforts to differentiate between counterfeits and authentic goods, purchasers often lack adequate intellectual property knowledge; further, cost differentials are not always indicative of the discrepancy. Law enforcement and government may also lack sufficient knowledge of intellectual property rights. General insensitivity or apathy toward trademark infringement also exists.

Lastly, the author emphasizes educational attainment and literacy rates as another overlooked but contributing factor in the vast demand for counterfeit goods that likely exists. For instance, understanding new regulations poses difficulties for illiterate individuals or citizens lacking even the most basic education. This principle applies to all jurisdictions around the world, not just the underdeveloped or impoverished areas, but certainly countries consisting of less developed economies may experience disproportionate impact between education and counterfeit consumption. Economic growth is encouraged in order to improve and develop a sound legal culture that respects and adheres to trademark laws protecting luxury brands and intellectual property rights owners. Strengthening trademark rights is possible with improved political freedom in China and elsewhere, which may minimize complicit actions of government toward counterfeiting [22].

Future Recommendations

Consumer demand will continue to fuel counterfeit purchases over genuine luxury products, but understanding ethical beliefs may further reduce counterfeit demand. The dimensions and links between attitude and behavior as indicators of consumer purchasing trends is a challenging research area, but it offers an opportunity to devise and improve public policy and educational outreach [23]. Studies highlighted throughout this analysis indicate significant likelihood that young women may purchase counterfeit products, particularly university-aged students. This illustrates a gap between consumer behaviour and public education opportunities for these women, and perhaps consumers of all genders and ages. Culturally tailored programming may assist marketing strategists, business ethics practitioners, industry and government, in combatting the allure of counterfeits. Studies may integrate discretionary income and spending limitations of participants in the future, as it is uncertain to what degree this variable affects willingness or ability to purchase luxury brands versus counterfeits. Reducing poverty may also play a significant role in reducing counterfeit consumption. As consumption levels subside, supply and manufacturing rates will also decline.

The sheer presence of counterfeit merchandise risks continued consumption by the public. There is a significant correlation between past consumer purchase behavior and future consumer intention. The trend and cycle jeopardizes intellectual property and trademark rights and has significant economic implications, including misappropriation of income, reduced tax revenue, and unemployment [24]. Law enforcement must pay equal attention to the "supply and demand" side of counterfeit goods, by targeting sellers and buyers, in addition to the "manufacturing or distribution" source of counterfeit products. Buyers currently seem less criticized [25]. If successfully and consistently enforced, consumer intention to purchase counterfeit products will naturally decline, despite social/emotional or utilitarian status, self-image, cultural or economic reasons, or other indiscernible motives. However, one obstacle is the cross-jurisdictional nature of counterfeit production and distribution, which makes combatting counterfeit

sales and purchases increasingly difficult, especially in the online marketplace [26]. National security risks are also a concern [27].

Conclusion

Research related to differing ethical attitudes of consumer choices between genuine or counterfeit products, or a combination thereof, is strangely sparse. As much of the literature has demonstrated, consumers' ethical attitudes are related to studying the social status benefits [17] of luxury brands, but more theories and studies are needed to better ascertain the impact of differing ethical attitudes on consumer intention. For example, although Korean students surveyed in the referenced study purchased counterfeit products at much higher rates compared to Americans, it is unclear why Korean students were less likely to reveal their luxury-brands were unauthentic [28].

Anti-counterfeiting operations will not prove successful solely through law enforcement [24] or the imposition of administrative fines against consumers [20]. More generally, society must continue to improve its understanding of the absence of consumers' ethical guilt in choosing to purchase counterfeits over authentic luxuries. This process is no easy task and, as discussion has demonstrated, differences in ethical decision-making are often culturally dependent; and certainly, "the idea that Western nations can successfully force their own intellectual property concepts and laws on a culturally polar opposite country is misplaced" [29]. Still, it is equally important to reiterate significant consumer investment in trademarks by those who *do make ethical decisions* to purchase authentic products. Deborah Gerhardt best encapsulates this notion:

Trademarks are much more than labels reflecting a product's source. They are not mere bull horns amplifying only the brand owner's story. They are more like libraries filled with many stories. They are repositories that collectively amount to tremendous value and cultural significance filled with contributions from many voices.

Studies affirm the social function of a consumers' attitude serves as an important signal of their likelihood of purchasing counterfeit products over original brands or vice versa. A significant research finding is that the ultimate goal of consumers is to alter and improve self-representation through a luxury "product image," even when genuine products are financially burdensome. Likewise, ethical propensities challenging counterfeit merchandise is comparatively less about affordability than consumers' motives to accelerate and improve upward social mobility. Certainly, the implication of social status and hierarchy on counterfeit sales will continue, unless our laws, regulations, and education systems adapt to understanding the cultural and social realities of the times.

References

1. Han YE, Nunes JC, Drèze X (2010) Signaling Status with Luxury Goods: The Role of Brand Prominence. *Journal of Marketing*.
2. Malletier SA (2011) Singga Enterprises, Canada.
3. Lau RV 48082-1, 48984-2C.
4. Trade-marks Act (1985) RSC, c T-13.
5. (2005) *Kirkbi AG v. Ritvik Holdings Inc.* 3 SCR 302, 2005 SCC 65.
6. Tu KV (2010) Counterfeit Fashion: The Interplay between Copyright and Trademark Law in Original Fashion Designs and Designer Knockoffs. *Tex Intell Prop LJ* 18: 419-450.
7. Gervais D, Judge EF (2011) *Intellectual Property: The Law in Canada*.
8. International Trademark Association (2004) *The Protection of Well-Known*

- Marks in the European Union, Canada and the Middle East: A Country and Regional Analysis, New York: INTA.
9. Triandewi E, Tjiptono F (2013) Consumer Intention to Buy Original Brands versus Counterfeits. *International Journal of Marketing Studies*.
 10. Nelissen RMA, Meijers MHC (2011) Social benefits of luxury brands as costly signals of wealth and status. *Evolution and Human Behavior* 32: 343-355.
 11. Cademan A (2012) The Affect of Counterfeit Products on Luxury Brands - An Empirical Investigation from the Consumer Perspective.
 12. Sun H (2013) Living Together in One Civilized World: How Luxury Companies and Consumers Can Fulfill Their Ethical Responsibilities to the Poor. *UC Davis L Rev* 47: 547.
 13. Kozar JM, Marcketti SB (2011) Examining ethics and materialism with purchase of counterfeits. *Social Responsibility Journal* 7: 393-404.
 14. Wilcox K, Kim MH, Sen S (2009) Why Do Consumers Buy Counterfeit Luxury Brands? *Journal of Marketing Research* 46: 247-259.
 15. Chon M (2014) Slow Logo: Brand Citizenship in Global Value Networks. *UC Davis L Rev* 47: 935-941.
 16. Guoxin Li, Guofeng Li, Kambele Z (2012) Luxury fashion brand consumers in China: Perceived value, fashion lifestyle, and willingness to pay. *Journal of Business Research* 65: 1516-1522.
 17. Lee SH, Workman JE (2011) Attitudes toward Counterfeit Purchases and Ethical Beliefs among Korean and American University Students. *Family and Consumer Sciences Research Journal* 39: 289-305.
 18. Vermeir I, Kenhove PV (2008) Gender Differences in Double Standards. *Journal of Business Ethics* 81: 281-295.
 19. Ingram R, Skinner SJ, Taylor VA (2005) Consumers' Evaluation of Unethical Marketing Behaviors: The Role of Consumer Commitment. *Journal of Business Ethics* 62: 237-252.
 20. Shane K (2012) Culture, Poverty, and Trademarks: An Overview of the Creation and Persistence of Chinese Counterfeiting and How to Combat It. *IPL Bull* 137: 155-156.
 21. Chen CH (2007) Explaining Different Enforcement Rates of Intellectual Property Protection in the United States, Taiwan, and the People's Republic of China. *Tulane Journal of Technology and Intellectual Property*.
 22. Slocum JT, Collen JM (2011) The Evolving Threat and Enforcement of Replica Goods. *New Eng L Rev* 16: 789-814.
 23. Yoo B, Lee SH (2004) The Buyers of Counterfeit Products in South Korea. *J Int'l L and Bus* 3: 95-112.
 24. Silverman A (2009) Draconian or Just? Adopting the Italian Model of Imposing Administrative Fines on the Purchasers of Counterfeit Goods. *Cordozo Journal of International and Comparative Law*.
 25. Lerner TE (2010) Playing the Blame Game, Online: Who Is Liable When Counterfeit Goods Are Sold Through Online Auction Houses? *Pace Int'l L Rev* 22: 241-267.
 26. Nastase LC (2008) Made in China: How Chinese Counterfeits are Creating a National Security Nightmare for the United States. *Fordham IP Media and Ent LJ* 145-163.
 27. Bartow A (2012) Counterfeits, Copying and Class. *Hous L Rev* 48: 707-743.
 28. Estacio LS (2013) Showdown in Chinatown: Criminalizing the Purchase of Counterfeit Goods. *Seton Hall Legis J*.
 29. Gerhardt DR (2010) Consumer Investment in Trademarks. *NCL Rev* 88: 427-464.

Citation: Ponsford MP (2016) Curtailing Counterfeit Consumption: Deciphering Ethical Attitudes and Consumer Intention. J Civil Legal Sci 5: 167.
doi:[10.4172/2169-0170.1000167](https://doi.org/10.4172/2169-0170.1000167)

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