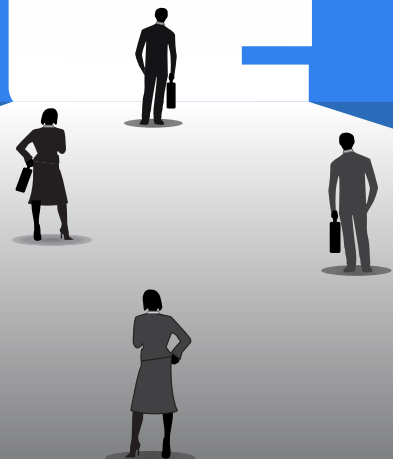


FINAL REPORT | MAY 2024

# 2023 Presidential Task Force

# Unlocking IP



# Table of Contents

<b>1.</b>	Introduction: 2023 INTA President Jomarie Fredericks.....	<b>p3</b>
<b>2.</b>	Introduction: INTA CEO Etienne Sanz de Acedo.....	<b>p4</b>
<b>3.</b>	Executive Summary and Introduction.....	<b>p5</b>
<b>4.</b>	Members of the 2023 Presidential Task Force.....	<b>p6</b>
<b>5.</b>	Recommendations.....	<b>p7</b>
<b>6.</b>	Objectives and Methodology.....	<b>p9</b>
<b>7.</b>	Discovery.....	<b>p11</b>
	a. Media Coverage	
	b. INTA Resources and Activities	
	c. USPTO	
	d. US Customs and Border Patrol	
	e. US Chamber of Commerce	
	f. US Copyright Office	
	g. EUIPO	
	h. WIPO	
	i. Task Force Consumer Survey	
<b>8.</b>	Messaging Framework.....	<b>p32</b>
<b>9.</b>	Media Toolkit.....	<b>p36</b>
	a. Video	
	b. Introduction	
	c. Fun Facts About IP	
	d. Fact Sheet for Media	
	e. Misconceptions	
	f. Contact Info and Resources	
<b>10.</b>	Appendix .....	<b>p49</b>

When I began my year as INTA President, I knew a core goal for 2023 was to make what we do as clear to as many people as we could. Why? Aside from my personal passion for intellectual property (IP), I truly believe it is important. It doesn't just drive a global economy of ideas, innovation, and daily improvements to our collective quality of life, it preserves consumers' ability to rely on the products they know and trust while making it possible for today's dreamers to become tomorrow's creators.

Where to begin this quest evolved over time and after many conversations with a great number of people I respect and admire. Ultimately, the Task Force, Unlocking IP, coalesced around the idea of making IP intelligible and relatable to the public, and a primary source of information for the average person is the media. Let's face it, IP can be a complex topic...and we need to "unlock" it so that everyone can appreciate the invaluable role it plays in the economy, in society, and in the daily lives of consumers everywhere.

With a focus on increasing the visibility and understanding of IP through the media, we faced the Herculean task of providing tools that will make it easier for the media to communicate about IP in a way that is efficiently and clearly usable by the media. In doing so, we hope that the media coverage of IP will not only increase in volume, but also in quality and accuracy. By raising awareness with those who deliver news and information, we foster a world in which the public can read stories about IP that reflect the world in which they live and understand its relevance to their daily life.

Accurate reporting around IP is key to unlocking IP. To this end, we must support the media—and provide them with the resources they need. Our research has been extensive. We gathered information (discovery materials and an incredibly robust global consumer survey, the results of which we proudly include here), solicited the ideas of marketing specialists, and listened to colleagues from all sides of the conversation, including IP practitioners (both media-focused and not) and, importantly, journalists. We made sure these voices provided a global perspective, with members from France, Hong Kong SAR, New Zealand, Nigeria, and multiple cities throughout the United States.

On behalf of the INTA community, I extend my gratitude to everyone who made this report possible, in particular, Susan Natland (Knobbe, USA) and Trevor Little (World Trademark Review, UK), who took an idea and, as co-chairs of the Task Force, led an extraordinary team of dedicated people to the creation of a report, together with detailed suggestions for future work and approaches, and a media toolkit, which more than meet our original objective. Thank you, also, to the INTA staff at every level who supported our efforts.

The Task Force has taken an idea and brought it to life in ways I could not have imagined. I am excited and humbled to be a part of efforts the end goal of which is so dear to me.



**2023 INTA President Jomarie Fredericks**

Each year, I have the privilege of partnering with a new president in leading the International Trademark Association (INTA). Every year, this new president brings fresh ideas and perspectives that energize the staff and members, including me! Without exception, we have been fortunate to have the energy, enthusiasm, and focus of a new leader, each one of whom has spent decades volunteering their time and passion helping to make INTA the best it can be.

With the “Unlocking IP” Presidential Task Force (PTF), 2023 INTA President Jomarie Fredericks brought laser focus to an issue that we have observed for some time now. While we cannot expect the mainstream press to be conversant in the particulars of intellectual property (IP), the potential for inaccuracy or incompleteness in mainstream reporting can have serious implications for those that consume that media: the general public.

This PTF set itself an ambitious goal in tackling this issue and bringing to the public at large an appreciation for and understanding of what IP brings to their lives—new ideas and innovations, trust at the checkout counter—and decided to tackle the daunting task of providing the media with the tools and resources they need to relate to and cover the issues that emerge from IP.

The Task Force Jomarie assembled has provided recommendations that will allow INTA to think broadly and ambitiously about how we can serve as the go-to source of information for the media and beyond. No doubt, this will advance the INTA mission of extending the understanding, enforcement, and range of influence of IP in so many ways. I extend my thanks and appreciation to the members of the Task Force for all of their efforts.



**INTA CEO Etienne Sanz de Acedo**

# Executive Summary and Introduction

INTA is a global network of brand owners and professionals dedicated to supporting trademarks and complementary intellectual property (IP). Its members understand and embrace IP. However, a challenge faced by INTA members and the IP community as a whole is that the public often misunderstands IP—and trademarks in particular. Facilitating a better understanding of IP and trademarks by the public is crucial for brands, as well as the future of the profession. In addition, providing tools and materials to address these issues aligns with INTA's strategic objectives of promoting and reinforcing the value of brands, and supporting the development of IP professionals.

As a starting point in this endeavor, the 2023 Presidential Task Force (the Task Force) was given the mission of investigating and making recommendations related to “unlocking IP,” in particular, by engaging the media, and bolstering its understanding of the nuances of IP—and through its reporting, boosting public awareness and understanding of trademarks and other forms of IP. The mission of the Task Force was not to create IP evangelists in the media. Rather, it was to ensure access to the tools, information, and resources that will help the media better report on IP issues. As an objective, the group was tasked with formulating messaging that would resonate with, and be useful to, journalists in the form of a media toolkit.

By providing the media with the tools to better understand and, when needed, explain IP issues as they relate to the news they are covering, we hope to ultimately reach consumers so that they can better understand why and how IP affects them and why they should care about IP. In addition, the Task Force developed recommendations that suggest ways INTA can more effectively engage with and be a resource for the media. The Task Force also offers thoughts on how the tools and resources it developed for the media might be used to boost awareness of IP to other groups—for instance among SMEs, academics, public relations professionals, and marketing experts.

The Task Force was composed of professionals—INTA and members, and those from outside the IP system—boasting a range of expertise including legal, marketing, psychology, journalism, and media. We thank them for their energy, commitment, and contribution to this effort.



Presidential Task Force  
Co-Chair

**Trevor Little**

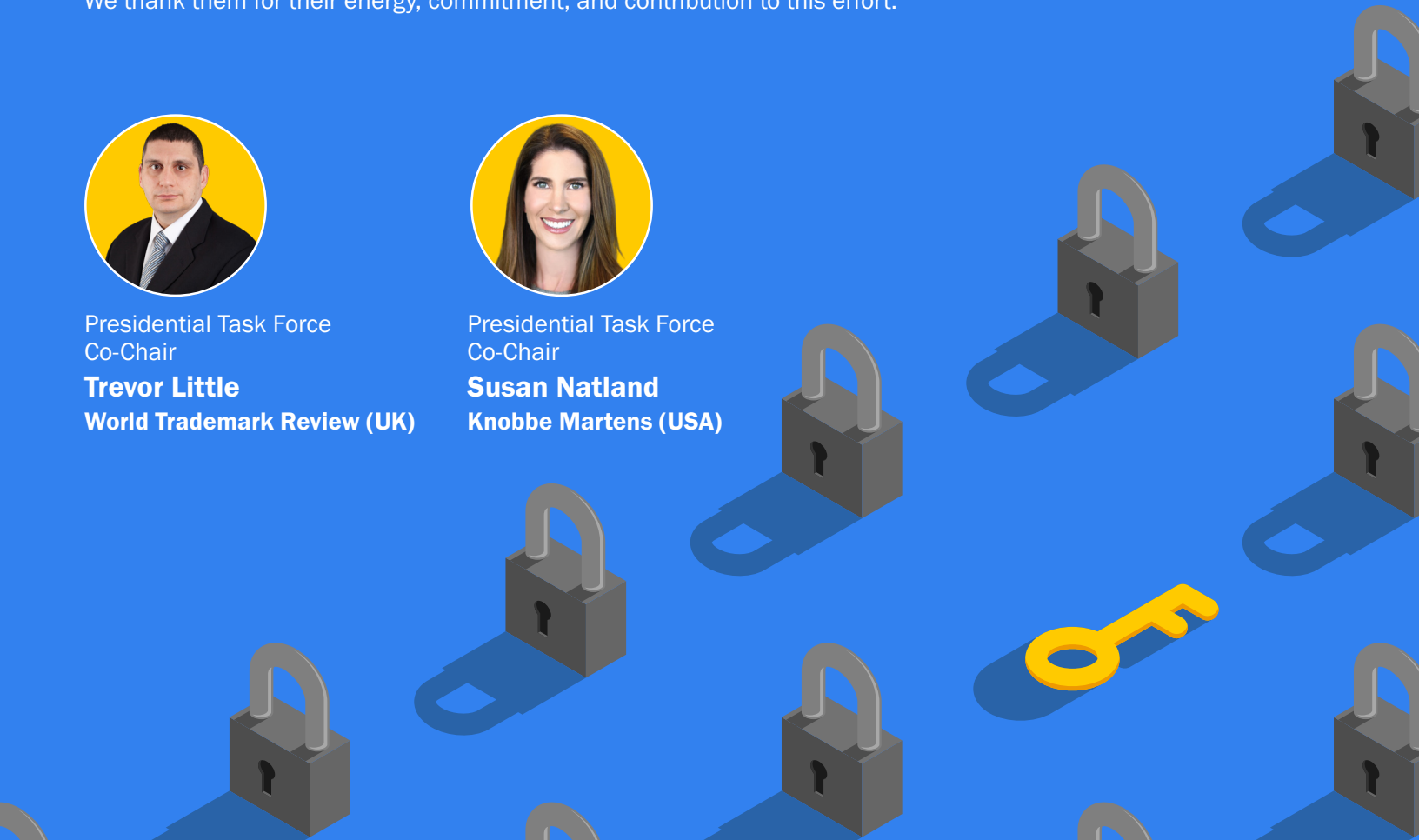
**World Trademark Review (UK)**



Presidential Task Force  
Co-Chair

**Susan Natland**

**Knobbe Martens (USA)**



# Members of the 2023 Presidential Task Force

**Co-Chair: Trevor Little** World Trademark Review (UK)

**Co-Chair: Susan Natland** Knobbe Martens (USA)

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Samuel Fifer, Dentons (USA)

Kevin Kirkpatrick, Metropolitan Group (USA)

Benedicte Linden, Linden & De Roeck (Belgium)

Tirzah Lowe, Knobbe Martens (USA)

Jeff Parnass, News Corporation (USA)

Charles Sennet, Tribune Media Company, (ret.) (USA)

Barry Yen, SKYS (Hong Kong)



# Recommendations

The Task Force conducted extensive research and discovery in order to identify current views, awareness, and sentiments about intellectual property(IP) on the part of the media and consumers, and offers these recommendations as next steps for INTA:

## 1. Build on and scale the media toolkit:

- a. Use the media toolkit content created by the Task Force to **create a dynamic, interactive online media toolkit** that could live on the INTA website and be accessible to non-members.
- b. **Scale the media toolkit** (which in its first iteration was aimed at mainstream media in the U.S.) **by creating tailored, regional/jurisdiction-specific** versions to most effectively speak to mainstream media outside the U.S.
- c. **Create different versions of the media toolkit to resonate with different media channels** to meet consumers where they are (local, specialist, social, etc.).
- d. **Develop/adapt specialized media toolkit formats for younger journalists** and influencers.
- e. **Expand on the current content of the media toolkit to create other deliverables such as additional videos** that could be part of the toolkit and used on social media. In addition to explaining the value of IP and the harm from IP misuse (such as the current video in the media toolkit), videos could be created to emphasize how IP—and brands in particular—support consumers’ purchasing decisions. **A video entitled “A World Without Brands”** for example could be a powerful tool to emphasize this point.

## 2. Empower INTA Committees to use the messaging framework created by the Task Force when they craft communications documents to those outside the IP community, as it provides guidance for developing messaging content and strategy for reaching that audience.

## 3. Focus on and specifically tailor outreach efforts to younger consumers, as the Task Force survey results suggest that while younger generations are “brand conscious” in making purchasing decisions, they are (i) less sympathetic to trademark and brand protection efforts and (ii) rely on different media channels (e.g., social media) than older generations. This could include:

- **Developing and disseminating additional materials based on the messaging framework to engage younger consumers using approaches that speak to them** (e.g., “Test your IP IQ game” for a social media campaign), childrens books focused on the value IP brings to communities and the harmful effects of IP misuse, and other similar creative ideas.

## 4. Provide the INTA Communications team with these recommendations so they can:

- **Include on every press release a link to the media toolkit as part of the boilerplate copy.**
- **Consider creative ways to disseminate the media toolkit** and other media resources (e.g., using QR codes to easily access INTA resources).
- **Continue to focus on producing press releases and disseminating articles that place IP in a positive light.**
- **Engage in relationship-building predicated on supporting journalists** to cover more IP topics with higher accuracy and nuance.
- **Promote the media toolkit in a way that is proactive.** Just making the media toolkit and other resources available to the media will likely not be enough. Journalists are time-poor and won’t always “know what they don’t know.” We need to go to them.

5. **Ensure that appropriate resources** (either through the INTA Communications team or an INTA committee structure) **are available to support media outreach and timely responses to media inquiries, as well as outreach to other non-IP professionals, to facilitate the following:**
  - **INTA as a fact-checking entity for the media on IP-related matters.**
  - **The creation of a database of journalists who report on IP issues**, including those inside and outside of the ‘IP media.’
  - **The media seeing INTA as both an industry spokesperson and as a conduit to a roster of industry experts.** This would include developing and keeping current a database of volunteers from the INTA membership (from different jurisdictions and specialties) to offer information, feedback, or source information to media who ask for expertise.
  - **A “watch system” to monitor media for inadvertent misuse of IP terms and/or misconceptions** in order to ‘gently’ interact with and support journalists/media outlets (potentially including an email address that INTA provides and promotes to its members to which they can forward press or articles for potential action).
  - **Initiate engagement with journalists on emerging and breaking stories with a brand dimension.**
  - **An annual audit of the Task Force media toolkit and messaging framework**, to update the underlying data and messaging.
  - **Hold “media days/events” for reporters and journalists** alongside INTA events, Unreal Campaign events, or as stand-alone events at which brand perspective and content can be offered and connections made between the media and local IP stakeholders and businesses.
  - **Create and maintain a “How to Talk About Issues Related to Brands” section of the INTA website** based on the messaging framework for members, to support them in efforts to communicate about, and unlock, IP in particular to non-IP professionals.
  - **Expand and adapt the resources developed by the Task Force to target other audiences, including to SMEs, marketing professionals, and educational institutions** (for instance via MBA programs and paralegal programs).
6. **Analyze, utilize and share the Task Force survey results for educational purposes** (i.e., to draft press releases and to share with the IP community the main findings) **and to guide future policy work.** In addition, consider extending the Task Force survey to other countries and in particular non-English speaking countries, such as Brazil and China, to capture international variations.
7. **Create a “Media Committee” to continue the work of the Task Force, implement these recommendations, and support the outreach efforts** (this could fall under the INTA Communications team or as a subcommittee under the “Public Information Committee”) and **consider whether the INTA Communications team should also be expanded to support and meet these recommendations.**
8. **Continue existing INTA efforts by the INTA Brands and Sustainability Committee to encourage “brands doing good”** as this (so long as done in a genuine way) helps create positive views of brands overall by the public.
9. **Continue existing INTA work to educate SMEs about IP basics, and the value of businesses to protect their IP.** The Task Force survey found that in jurisdictions with a higher rate of business owners, in particular owners of SMEs, there is a higher appreciation of the financial loss created by misuse of trademarks. Therefore, the more INTA can educate all businesses, especially SMEs, on the value of brands, brand protection, and trademark registration, the more all consumers will understand and appreciate brand protection and brand enforcement.



# Objectives and Methodology

In addition to formulating a report for the INTA Board of Directors and membership, including recommendations for future engagement and advocacy work with the media and other stakeholders, a core objective of the 2023 Presidential Task Force was to deliver the materials and framework for a media toolkit.

Our focus, as underscored by the use of “IP” in the title of the Presidential Task Force, was to be inclusive of all types of IP—which manifests, for example, in elements of the toolkit that address different types of IP rights. However, to devise an adaptable and scalable toolkit, the decision was made to lean into ‘brand IP’ as a key focus.

To meet these objectives, alongside activities engaged in by all Task Force members, we created two subcommittees to tackle our goals: one tasked with discovery as it related to media reporting on IP, existing resources, and consumer perception of the media and IP; and the other tasked with creating the first iteration of a media toolkit.

## **Discovery**

For discovery, the group explored current media reporting on IP, existing resources and toolkits aimed at non-IP experts, whether the media, SMEs, children and young people, or policymakers. Additionally, the group studied existing consumer perceptions about IP and the media. That discovery encompassed:

- An exploration of media reporting and, where identified, misreporting on IP issues and topics.
- A review of existing INTA resources and toolkits, including engagement with the leadership of INTA committees with public-facing communication remits.
- An assessment of current offerings from IP organizations, including the U.S. Patent and Trademark Office, U.S. Customs and Border Patrol, U.S. Chamber of Commerce, the U.S. Copyright Office, The European Union IP Office, and the World Intellectual Property Organization.

To uncover how the public views IP and interacts with and perceives media coverage of IP issues, as well as to build out a nuanced picture of the public engagement with brands and IP (to support our messaging efforts), the Task Force also curated and conducted our own consumer surveys.

For the question set, we designed the study to look at consumers’ views of counterfeits, trademarks, trademark enforcement, and the media. Our goal was to compare consumers’ views and assess any generational, gender, or jurisdictional differences (or interactions) and connect those findings to media outlets.

Given the time limitations, we determined that we would examine four English speaking countries from different continents:

- Singapore (survey conducted between December 4, 2023 and December 18, 2023).
- South Africa (survey conducted between December 4, 2023 and December 18, 2023).
- the United Kingdom (survey conducted between December 4, 2023 and December 18, 2023).
- the U.S. (survey conducted between October 26 and October 30, 2023).

## **The Media Toolkit**

The combined discovery efforts underpinned the media toolkit group's approach to messaging and also the first iteration of the media toolkit. With the media spanning multiple channels and outlet types, each appealing to different audiences and often in different parts of the world, creating a single toolkit to speak to every media type and location would result in an offering of little practical use.

The decision was therefore made to create the initial version of the media toolkit—framework, messages, and materials—aimed at the mainstream U.S. media. As part of our recommendations, we suggest that iterations and formats for other media types (such as social media and specialist outlets) and geographies (utilizing the materials the Task Force collated for Europe and Asia) be developed in the future.

Importantly, the messaging framework included in this report should form the basis of all future iterations of our media toolkit.

The messaging framework also presents communication themes and provides appropriate evidence for conveying information about IP and trademarks to a variety of other audiences, whether for communicating to marketers, SMEs, young people, or consumers.

Employing the messaging framework, the group developed a media toolkit. The toolkit content was drafted with the ultimate intent of a dynamic, interactive online tool being built at a later date that would appear on the INTA website and would be provided to users outside of the INTA community.

# Discovery

## Discovery: Key Themes Identified in Media Coverage of IP Issues

As part of the initial discovery phase, the Task Force scrutinized current media coverage of IP, to identify whether IP is portrayed in a negative/positive light, and whether IP terms are being accurately used (i.e., referring to the various types of IP, such as patents, trademarks, and copyrights, with the correct terminology and nuance). It quickly became apparent there was a wide range of IP-related issues getting traction in the media—with some common themes among the stories getting published and being shared the most.



### **Themes that resonate with mainstream media and on social media:**

- **Stories involving famous people or businesses (either as IP owners or infringers).**  
Famous or vulnerable parties involved in IP disputes appear to make stories more popular (including celebrities, sports stars, and conflicts between local and foreign companies). The media gravitates towards these because they generate views (i.e., they are “clickbait”), which then result in more advertising revenue. An example is the dispute [between Neil Young and Donald Trump](#).
- **So-called trademark bullying.**  
The ‘David v Goliath’ narrative is common, serving to generate reads in the same way as stories involving famous people (who are sometimes positioned as the bully). Examples include [Apple Inc. and ‘Apple logo’](#), [Monster Energy and ‘Monster’](#), and; [Mariah Carey and the ‘Queen of Christmas’](#).
- **Stories about polite and cleverly worded cease and desist letters vs. those that are seen as bullying.** Cease and desist letters surface in coverage of bullying but the flip side can also generate significant reads and shares, with brands seen as doing things “the right way” or a less aggressive and more customer-friendly way. An example is [Netflix’s Stranger Things themed letter](#).
- **Stories about ownership of IP rights that seem unfair.**  
A twist on the bully angle, where there is a perceived inequality between the original (often beloved) creator or author and the subsequent corporate owner. In some instances, this can create significant social media buzz where big celebrities are involved. Previous examples have centered on [Paul McCartney vs. Sony](#), and [Taylor Swift](#).

- **Stories where IP rights are perceived as doing harm (or acting as a barrier to good).**  
This type of story cuts across IP rights. For instance, where patents are characterized as making drugs “too expensive” in the developing world, or where trademarks prevent the use of descriptive or common words. An example is [coverage of GSK’s patent policy](#).
- **Stories of individuals and businesses behaving in “good” ways.**  
This tends to focus on instances where brands are deemed to be doing the right thing, whether changing racist or culturally offensive names, relinquishing perceived generic names, giving copyright and patents to the public domain, or providing open-source licenses. These can generate significant clicks. Examples are pieces about [Tesla battery patents](#), and Taco Bell ‘freeing’ the [Taco Tuesday trademark](#).
- **Stories about surprising infringement awards.**  
Massive or unexpected damages awards attract attention and can result in coverage of legal disputes (especially where big brands are involved). One example is coverage of a [New Balance win in China](#).

### **Themes that seem to resonate with academics and lawyers:**

Notably, coverage on these topics by the mainstream media would be beneficial to further assist the public in understanding the value of IP and the harm of IP misuse.

- **Stories that had clear and factually correct information about IP law.**  
These include stories that dispel myths about IP or correctly report on IP judgments.
- **Stories about how IP rights are an asset that can be worth something or that can help a business to be more productive or profitable.**  
Content that shows how IP improves margins or is a valuable item on the balance sheet, validating the concept of intellectual property.
- **Stories about counterfeits and knock-offs.**  
Coverage around product safety, low value rip-offs and how IP rights help prevent counterfeits support the pro-IP narrative.
- **Stories about the correlation between innovation, protecting the resulting IP, and economic wellbeing and growth.** Slow or cumbersome IP registration or enforcement means less investment in innovation and less wealth or economic well-being, especially in the developing world.



### **Key observations**

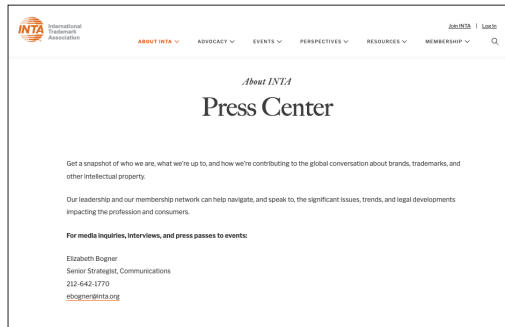
Based on an audit of mainstream media coverage of IP and other topics, it is fair to say that IP rights are often a side issue. They do not generally interest mainstream or social media unless:

- The parties or brands involved are famous and therefore likely to drive more clicks;
- The outcome is perceived as unfair or unjust and therefore likely to drive more clicks;
- The writer is one who draws a readership regardless of topic and readers will come to IP-focused articles because of the source, not topic; or
- The story is already getting traction (everyone will jump on the bandwagon), e.g., clicks by association.

## Discovery: INTA Resources And Activities Related To The ‘Unlocking Ip’ Mission

The Task Force investigated current INTA toolkits, resources, and media outreach, liaising with INTA committees—including both committee leaders and INTA staff liaisons—that have remits overlapping with the Task Force’s goals.

### The INTA Press Center



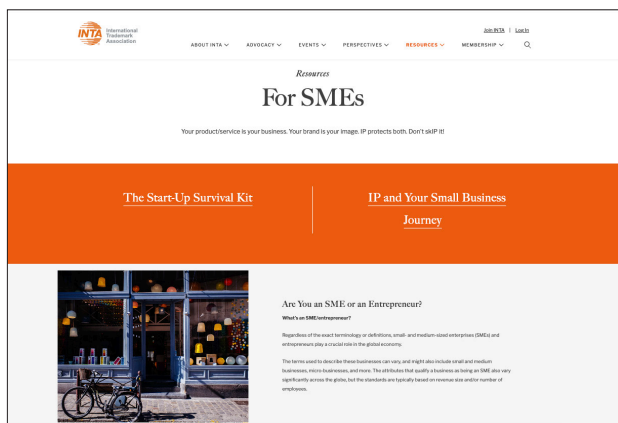
- INTA’s website currently boasts a [press center](#) that offers “a snapshot of who we are, what we’re up to, and how we’re contributing to the global conversation about brands, trademarks, and other intellectual property.”
- This area of the website contains press releases related to association activities and milestones, links to coverage of INTA activities in media outlets around the world, and press assets (including biographies/pictures of association leaders, a boilerplate description of the association, and a [guide to proper trademark use in reporting](#)).



- Press releases are distributed via Cision. INTA does not have a proprietary central database of contacts as such. Staff do have a list of around 30 reporters— in particular, trade press. On Cision, if a reporter or editor defines their role, focus/specialty, and platform in a particular way, that is how they show up on the database for targeting purposes.
- In terms of current inbound inquiries from the press, there are very occasional inquiries from non-IP press, typically with a business bent. These tend to be from journalists who already understand enough about IP to know they have questions, and to come to INTA.

## Resources for SMEs

- The INTA website has an array of [resources](#) designed to appeal to a small- and medium-sized enterprise (SME) audience and equip them to better understand/utilize IP.



- The materials communicate about brands to a non-legal audience. An example is the '[Counterfeiting \(intended for a non-legal audience\)](#)' fact sheet. Structured in a Q&A format, the document provides information on counterfeits that frames the issue in everyday language.
- The content in this section of the site addresses what IP is and why it matters to small businesses, reflects on how strong trademarks drive growth, and provides insight into the trademark registration process. It also offers links to resources such as those focused on INTA's pro bono activities, and answers to the most common IP questions asked by entrepreneurs and SMEs.
- There are also a range of "introduction to trademarks" fact sheets, free-to-view, on the INTA website:
  - [Assignments, Licensing, and Valuation of Trademarks](#)
  - [International Trademark Rights](#)
  - [Learn the Language](#)
  - [Trademark Registration](#)
  - [Trademark Strength](#)
  - [Trademark Symbols](#)
  - [Trademark Use](#)
- The Public Information Committee is crafting an SME survival toolkit.

## Brands and Sustainability Committee

- The [Brands and Sustainability Committee](#) researches and analyzes brand involvement in advancing corporate social responsibility ("CSR") principles in business and brand development and protection. The Committee raises awareness of strategies for brands to get involved in pro bono and CSR initiatives, best practices, and the benefits to brand value of such a commitment.
- The Committee has identified potential pitfalls when an organization communicates externally. For instance, positive action must be genuine to resonate and convert skeptics. If a brand is pointing to good practice, there is the risk that the brand doesn't fully "walk the talk," and that can backfire.
- As the Committee has multiple aims, its approach when targeting external organizations is tailored individually, rather than drawing on templated resources.

### **Public Information Committee**

- The [Public Information Committee](#) (PIC) creates digital content to inform the general public about trademarks and brands. Committee work includes researching, writing, editing, and updating online resources as well as exploring new ways of presenting information.
- In the 2016–17 term, the PIC had a subgroup that had a few relevant deliverables, including creating a podcast script for content designed to inform journalists about correct reporting of trademark issues. However, it appears that no podcast was subsequently created.
- In the 2022–23 term, rather than break into smaller groups to address communication to different audiences, the PIC has focused almost entirely on SMEs. Making formal connections with media outlets is something that could be considered for a future term of the PIC. One of its deliverables for 2023 was a toolkit for SMEs.
- The PIC tests its materials on a non-legal focus group, composed of individuals from SMEs or organizations that support SMEs. The focus group is likely still to be available for the 2024–25 committee term and could be used to test media toolkits developed by INTA.

### **Building Bridges Committee**

- The [Building Bridges Committee](#), a relatively new committee, focuses on fostering strategic partnerships with non-intellectual property and non-legal organizations, including advertising and marketing associations; associations that support the development of SMEs; consumer associations; licensing associations; and retail and manufacturing associations.
- Outreach tends to be tailored, depending on who is being targeted. The Committee regards members as the best source for contacts within non-IP organizations for outreach. There is no bank of resources or methodology for collecting feedback.

### **Unreal Campaign**

- The [Unreal Campaign](#) is a consumer awareness initiative to educate those aged 14 to 23 about the importance of trademarks and brands and the dangers of purchasing counterfeit products—through illustrative, relatable presentations, largely at schools, youth-oriented events, or virtual platforms, and through social media engagement.
- For its outreach, the Unreal Campaign utilizes templated resources, which are the basis for local presentations (to ensure consistency in messaging) and have been translated from English into Arabic, Malay, Chinese, French, German, Italian, Swedish, Turkish, and Vietnamese. Among the resources are a presentation deck, a letter to schools explaining what the initiative will deliver to students, a “take home” packet giving students more information, and quizzes and activities.
- In October 2023, the campaign kicked off a year-long, social media campaign to push messaging to the youth wherever they are, rather than just through schools.



## Discovery: USPTO, U.S. Customs and Border Patrol, U.S. Chamber of Commerce, U.S. Copyright Office, EUIPO, and WIPO

For this phase of discovery, the aim was to identify how the U.S. Patent and Trademark Office, the U.S. Customs and Border Patrol, the U.S. Chamber of Commerce, the U.S. Copyright Office, the European Union Intellectual Property Office, and the World Intellectual Property Organization are engaging with the media and the public, what tools they have available, and which data points could be of interest for journalists (and therefore helpful in terms of the toolkit and messaging framework).

### United States Patent and Trademark Office (USPTO)

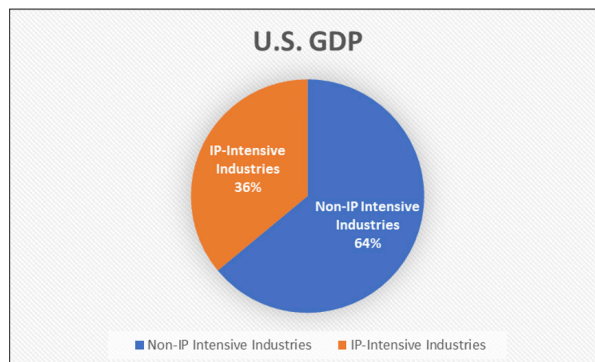
#### **USPTO Office of the Chief Communications Officer**

The website for the USPTO Office of the Chief Communications Officer (the Office) provides contact information for the press and media who have questions about intellectual property. The Office reaches out to the media to pitch news stories and provide up-to-date information about the USPTO and the state of intellectual property in the United States.

#### **USPTO Study Supports Positive Effect of IP on Economies, Business and Employees**

The USPTO [reported](#) on the effects of IP and the U.S. economy in the years 2012, 2016, and 2022. The reports underscore the value that IP brings to economies, businesses, and employees. The most recent report shows:

- **IP-intensive industries [accounted](#) for \$7.76 trillion in U.S. annual gross domestic product, which is over one-third of the entire U.S GDP.**



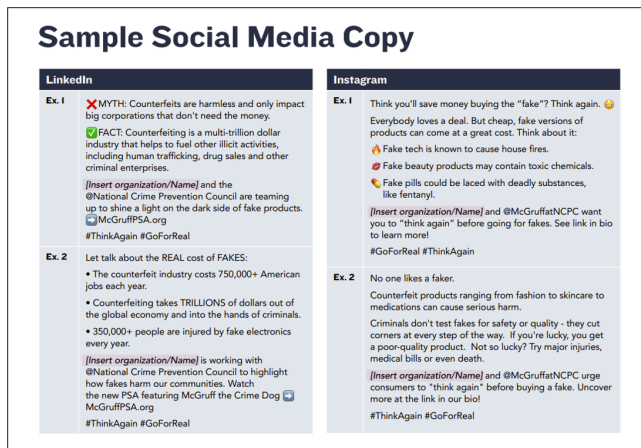
- The percentage increase of the number of employees over time in patent-intensive industries is at least double that of non-patent intensive industries.
- IP-intensive industries overall fuel almost 63 million jobs in the U.S. annually, and IP-intensive industry employees earn 60 percent more than employees in non-IP intensive industries.



## USPTO “Go For Real” Anti-Counterfeiting Campaign

The USPTO engages in an anticounterfeiting education campaign called “[Go For Real](#).” This campaign educates young people about counterfeit products and encourages consumers to purchase genuine goods and services. The Go For Real campaign:

- Posts YouTube videos for children hosted by a crime-fighting cartoon dog named [McGruff the Crime Dog](#) that describe scenarios in which people are harmed by counterfeit products, some of which have been viewed upward of 1.5 billion times.
- Provides a social media toolkit called [Think Again](#), which includes resources to post on social media to spread awareness and which emphasizes that counterfeiting: (i) is an illegal industry; (ii) takes away hundreds of thousands of jobs; (iii) is tied to organized crime and terrorists; (4) and can cause serious harm or death to consumers. A few snippets from the toolkit are below:

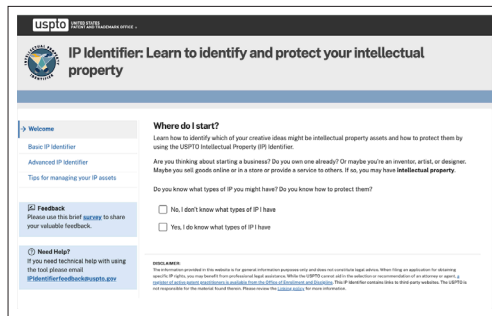


## The USPTO Spreads the Message that IP is Not Just for Big Companies

The [USPTO](#) emphasizes that IP is not just for large businesses, it is for small businesses and individuals too. This messaging is made, for example, by way of its Women’s Entrepreneurship (WE) initiative, which empowers women entrepreneurs and small businesses to understand their intellectual property rights and the value IP can bring to their businesses. Its goal is to set women entrepreneurs up for IP success by providing online tools showing them:

- How to protect their business with IP
- How to fund their businesses
- How to expand their network and connect with a mentor

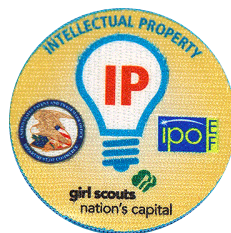
The USPTO also has an online tool called the [IP Identifier Tool](#) that allows users to discover what type of intellectual property rights they may have and should protect. This tool is free and accessible for anyone to use and caters to people who do not have any prior knowledge of intellectual property.



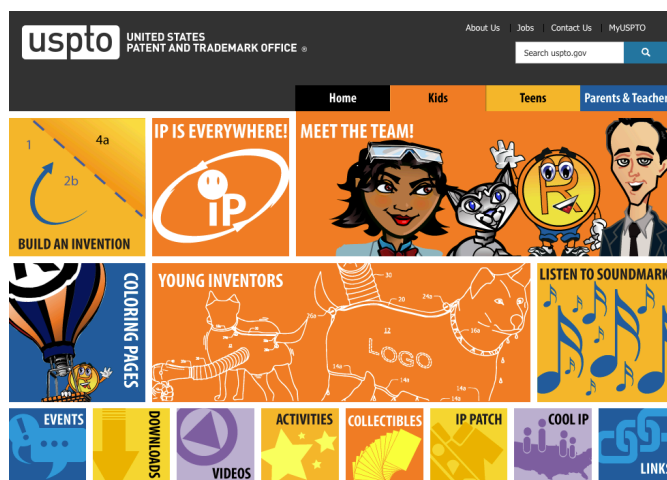
## USPTO Resources for Children

The USPTO provides resources to educate children about intellectual property rights, such as, by:

- [Partnering](#) with the National Inventors Hall of Fame Museum to provide educational, in-person field trips and summer camps.
- Providing [digital space](#) for kids to learn about intellectual property by reading, playing games, watching videos, and engaging in activities, such as “Build An Invention,” “Spot The Invention,” and “Cool IP,” which spark creativity in children and encourage them to think outside of the box while drawing, inventing, and imagining.
- Collaborating with the Girl Scouts of the U.S.A. to provide an intellectual property patch for girls who learn how to think like an inventor.



- Actively [posting](#) graphics, videos, and other colorful content on its social media accounts, such as Instagram, which has thousands of followers and makes information about IP more accessible to kids and the public.
- Having a dedicated “Kid’s Page” on their website; some snippets from that web page are shown below:



## USPTO Supports Patents and Trademarks “Doing Good”

The USPTO rewards companies and individuals who use IP for the good of the community through the [Trademarks for Humanity and Patents for Humanity Awards](#). These awards shine the spotlight on IP that is helping humanity in various ways and supporting a positive image for IP. Winners of the patent award have included the inventor of a new and improved, extremely effective vaccine for Malaria, and the inventor of a prosthetic limb system that can be taken off the shelf and adjusted in under an hour for amputees in need.



## United States Customs and Border Protection

The U.S. Customs and Border Protection (CBP) provides information and statistics about seizures of counterfeit goods at the United States border. The [value of seizures of counterfeit goods](#) is more than \$3.3 billion annually in the United States and up to \$4.5 trillion worldwide, making counterfeiting the [tenth largest economy](#). CBP also [tracks](#) which categories of goods are most counterfeited and has found that handbags and wallets represented 38.39 percent of the goods seized in 2022.

## United States Chamber of Commerce

The U.S. Chamber of Commerce is the world’s largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. Its Global Innovation Policy Center ([theglobalipcenter.com](http://theglobalipcenter.com)) works around the world to champion intellectual property rights as vital to creating jobs, saving lives, advancing global economic growth, and generating breakthrough solutions to global challenges. This center:

- Shares instances of intellectual-property boosting innovation, for example how IP-driven technology is improving clean energy efforts and addressing climate change and how hundreds of products on the World Health Organization’s “Essential Drug List” have patent protections
- Advocates for enforcing intellectual property rights so consumers can feel safe and protected when purchasing, by ensuring that products are authentic, high quality, and reliable



- Via its report on [Measuring the Magnitude of Global Counterfeiting](#), reveals the harm caused by counterfeit goods such as that counterfeit parts are being used in military machinery such as airplanes and brake pads, technology that can trickle down and underscores the link between counterfeiting and organized crime and terrorism.

## U.S. Copyright Office

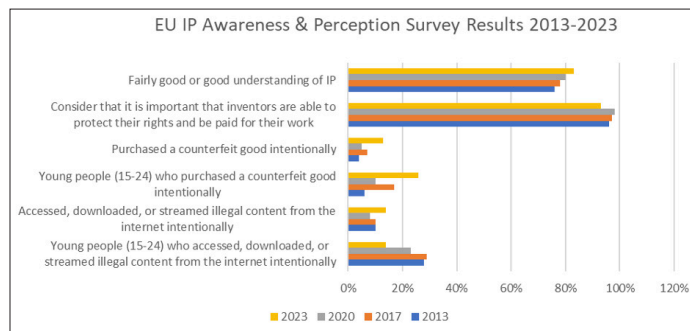
- The [U.S. Copyright Office](#) is part of the Library of Congress. It enables authors to register their claims of copyright ownership. Registration information is available in a searchable [database](#).
- The Copyright Office publishes numerous downloadable [circulars](#) and short [YouTube](#) videos that explain aspects of copyright law. It also maintains a searchable [database](#) of court decisions involving “fair use” disputes.

## European Union Intellectual Property Office (“EUIPO”)

### **IP Awareness & Perception Survey Results 2013-2023**

The [European Union Intellectual Property Office](#) (EUIPO) and the [UK Intellectual Property Office](#) (UKIPO), have undertaken perception surveys to assess the public’s view of IP, encompassing aspects like counterfeiting and piracy. The graph below illustrates recent trends in the EU during the years of [2013](#), [2017](#), [2020](#), [2023](#): Based on this data, the following observations can be made:

- Despite an enhanced understanding of IP and the widespread acknowledgment of the significance of safeguarding inventors’ rights and ensuring fair compensation for their work, there has been a rise in the percentage of EU citizens intentionally purchasing counterfeit goods or accessing illegal content from 2013 to 2023.
- Young people are increasingly buying counterfeit goods online, likely due to both the convenience of purchasing platforms on the Internet and pricing considerations.
- In contrast, intentional access to illegal content has declined among young people, possibly because legal access through streaming platforms for music, TV, gaming, and movies is more accessible and affordable.



### **Impact of Counterfeit Goods on Consumer Goods Industries**

The EUIPO has also studied the [direct impact of counterfeit goods](#), conducting a comprehensive review of the financial, health, and safety impacts of these goods. The findings of the study: (i) confirm the profound economic consequences that fake products impose on significant sectors, including clothing, cosmetics, and toys; (ii) underscore the staggering scale of this impact, with counterfeit goods costing these industries a substantial €16 billion in sales annually; and (iii) emphasize the grave health and safety concerns associated with counterfeit products, revealing the serious risks they pose to consumers.

Specifically, the study reveals:

- **Economic Impacts of the Counterfeit Industry**

- Counterfeit goods cost the EU clothing, cosmetics, and toy industries a total of €16 billion in sales and almost 200,000 jobs annually.
- The clothing industry bears the highest losses, with nearly €12 billion in annual sales lost (5.2% of turnover), leading to an estimated reduction of 160,000 jobs.
- EU cosmetics and toy industries also suffer losses of €3 billion (4.8% of sales) and EUR 1 billion (8.7% of sales), respectively, resulting in job losses of 32,000 and 3,600 in the respective sectors.
- Germany, France, Italy, Spain, and Austria collectively incurred the largest losses, with nearly €8 billion in reduced sales of genuine goods.

- **Health and Safety Impacts of Counterfeits**

- Counterfeiting not only causes economic loss but also fuels organized crime, undermines trust in the rule of law, and negatively affects the environment.
- Harmful counterfeit products in the cosmetics and toy sectors, which pose significant health and safety risks to consumers, constitute 15 percent of seized counterfeit articles at the EU's borders.

To combat these issues, the EUIPO employs a comprehensive approach, collaborating with EUROPOL, European Anti-Fraud Office (OLAF), and the European Commission to identify and eliminate fake goods, emphasizing the interconnectedness of IP crime with other serious criminal activities.

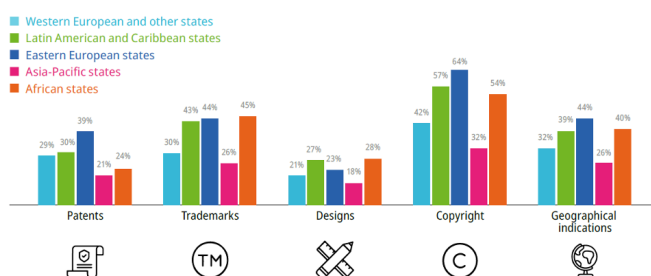
## World Intellectual Property Organization (“WIPO”)

### **IP Awareness & Perception Survey 2023**

In 2023, WIPO [surveyed](#) 25,000 individuals from across 50 countries to capture consumer perceptions about IP. The findings reveal that:

- 66.4 percent of consumers recognize the positive economic impact of IP, with highest awareness in Asia-Pacific (76%), Africa (70%), and Latin America and the Caribbean (67%).
- Despite scoring high on the regions like the U.S. and Western Europe lag behind in IP awareness compared to other regions.
- On a global scale, the survey reveals diverse awareness levels of specific elements of IP, with 32 percent understanding copyright, 27 percent recognizing geographical indications, and a mere 18 percent and 19 percent familiar with patents and designs, respectively.
- Interestingly, young people show lower awareness across all IP categories.
- These results underscore the need for increased IP awareness worldwide, particularly in Western countries and among young people.

Figure 1. Awareness index



Awareness index – a share of respondents (%) considered knowledgeable about patents. Condition: personal understanding evaluated as “know very little, fairly well or very well” (subjective awareness), combined with correctly answered control question (objective awareness).

### **How WIPO Spreads IP Awareness**

WIPO aims to collaboratively engage with member states globally, as well as both public and private entities, to foster a comprehensive understanding and respect for IP. The goal is to cultivate an environment where IP can effectively drive innovation and creativity worldwide. This is achieved through: (i) awareness campaigns, (ii) cultural encouragement, (iii) educational materials for consumers, and (iv) resources for member states.

To engage a younger audience, WIPO has developed [educational materials](#) like comic books, cartoons, classroom materials, and brochures that convey fundamental IP principles. Additionally, to support member states, WIPO provides resources, including the , enabling the measurement of consumer attitudes towards piracy and counterfeiting.

## **Discovery: Task Force Consumer Survey**

To further draw out insights into consumer attitudes towards brands, their stance on brand enforcement, and the ways consumers view the media, the Task Force launched a consumer survey. To ensure that we captured a global perspective to reflect INTA membership, we included four countries that represent a significant economic block, a diverse geography, and a large proportion of INTA members:

- Singapore (Asia; 32nd largest economy)
- South Africa (Africa; 41st largest economy)
- United Kingdom (Europe; 6th largest economy)
- United States of America (North America; largest economy)

With a tight timeline, we did not tackle translation to non-English languages.

The consumer survey questions cover a focused set of topics (i.e., shopping behavior, media views, trademarks/brands, counterfeits, and enforcing trademarks) and include three factual scenario questions focused on current trademark issues in the news. Each survey was modified to reflect the cultural norms and retail environment of each survey jurisdiction.

Dr. Cynthia R. Cohen, a designated survey expert and Task Force member (who has designed online studies for Lanham Act cases), hosted, designed, executed, and analyzed the survey and produced the survey graphs. Dr. Cohen balanced each country's survey with the same number of consumers in four generations and balanced an equal number of males and females within each generation. Data collection occurred between October 26 and December 18, 2023 and the total sample included 1600 qualified consumers. Note: Only consumers over 18 were admitted into the survey, thus Gen Z included only those born between 1997 and 2005.

### **Findings**

A few of the select findings follow. The complete set of findings are in the Appendix.

#### **Business Owners and Trademark Protection**

- Overall, 28 percent of our consumer sample self-identified as business owners, with Millennials slightly outpacing the rest of the pack with 31 percent being business owners (Q11).
- Men outpaced women in this category with 32.0 percent of men self-identifying as business owners, and only 24.4 percent of women self-identifying as business owners.
- South Africa outpaced the other countries with self-identified business owners at 51.7 percent, followed by Singapore at 24.3 percent, the United Kingdom at 20.5 percent and the United States at 16.3 percent.
- A great majority said that business owners do the right thing by getting trademark registrations for their brand names, with agreement rates as follows: Gen Z (born 1997–2005) 70.3 percent, Millennials (born 1981–1996) 67.0 percent, Gen X (1965–1980) 62.0 percent and Boomers (born 1946–1964) 59.3 percent (Q28).
- That said, only 5 percent of respondents reported that they have ever tried to protect the name of their business or protect their trademarks (Q26).

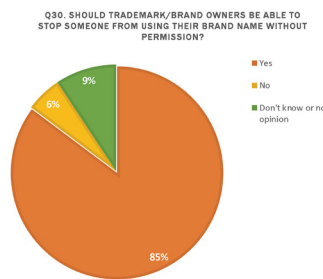
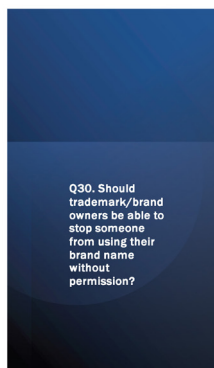


## Brand "Conscious", Reason for Choosing a Brand, Fashionista, Generic Drugs, Influences, and View of Brands

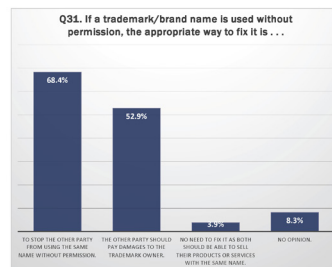
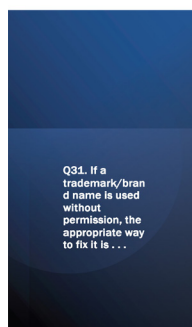
- Gen Z outpaced the other generations in terms of the percentage responding that the “brand” is the top reason to purchase a product (Q13).
- As the reason they choose a brand, Gen Z selected “influencer endorsements” at a higher rate than did the other generations (i.e., six times higher than did Boomers) (Q14).
- Gen Z self-identify as “fashionistas” at the highest rate (37.0%), followed by Millennials at 24.5 percent, Gen X at 13.8 percent, and Boomers at 4.5 percent (Q12).
- On the other hand, Gen Z were less likely to buy generic pharmaceutical drugs (23.8%) than Boomers (37.3%) (Q19).
- Gen Z is far more reactive to all types of “influences” (e.g., celebrities, experts in the industry, friends, political figures, posted reviews, social media influencers, and sports figures) than Millennials, Gen X, and Boomers (Q20).
- Younger generations have a more positive view of brands than older generations (Q21) and South Africa far outpaced the other countries with a 63.7percent positive view of brands versus the other countries (Singapore, the United Kingdom and the United States are in the 41.8% to 45.3% range).

### Views of Trademark Enforcement

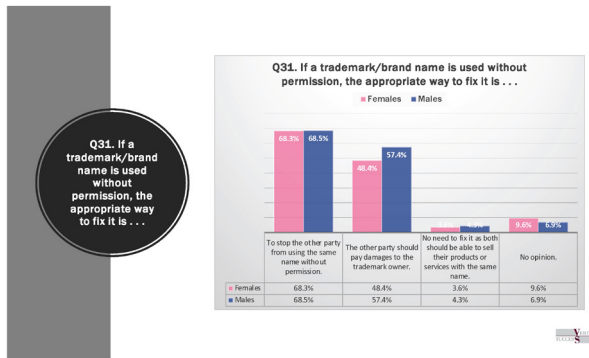
- 85.2 percent of survey respondents believe that trademark owners should be able to stop someone from using their brand name (Q30).



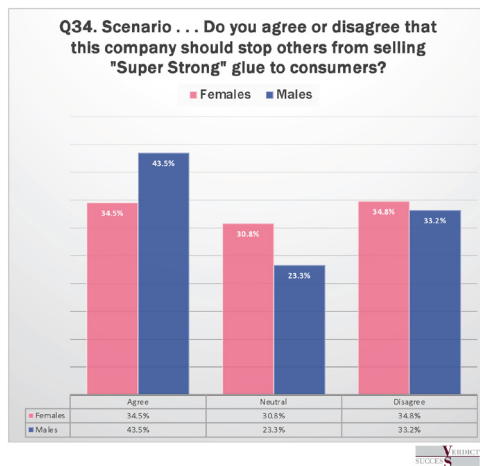
- More respondents think the injunction is more important than compensating for the infringement. 68.4 percent of respondents believe in stopping the other party from using the name without permission, while 52.9 percent believe the other party should pay damages (Q31).



- When it comes to using a trademark without the owner’s permission, most agree that the use should be stopped; beyond this, men are 9 percent more likely than women to believe that the infringer should also pay monetary damages to the trademark owner (Q31).

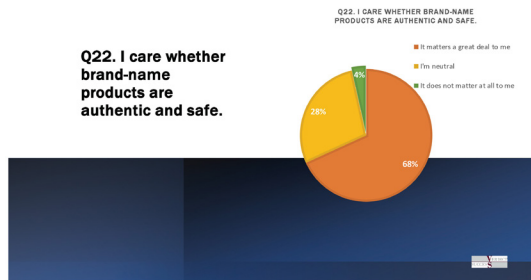


- One area of trademark law that varies from jurisdiction to jurisdiction is whether descriptive marks can or should be protectable. The survey tested a scenario where a business registered the descriptive mark “SUPER STRONG” for glue after using it for 20 years. When the respondents were asked whether this business should be able to stop others from using the name SUPER STRONG for glue, more men supported trademark enforcement than not.
- As one Singaporean man indicated, it would be “[m]isleading to [the] consumer if they believe they are buying the original super strong glue.” Women, however, were evenly split between agreeing that the use should be stopped and believing that the mark SUPER GLUE should not be protected as a trademark. One British woman who disagreed that the name should be protected asked, “...isn’t superglue always meant to be super strong hence the actual name of the product?” (Q34).

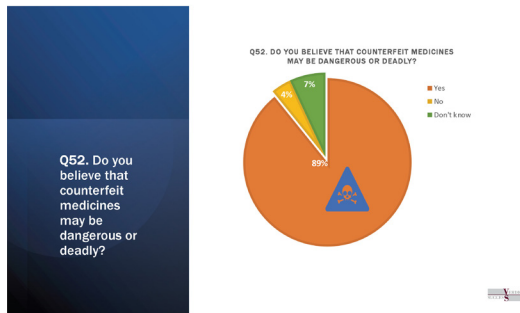


## Experience with and Views on Counterfeits

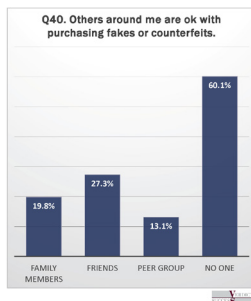
- The authentic and safe nature of products matters a great deal to 68 percent of consumers (Q22). That goods are authentic and safe matters more to respondents (68%) than being environmentally conscious (44.6% as in Q23) or politically correct (28.4% as in Q24).



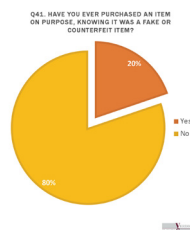
- Similarly, 89 percent of respondents were concerned that counterfeit medicines may be dangerous or deadly (Q52).



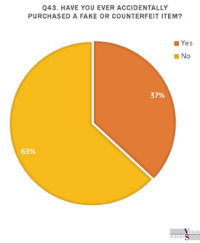
- 60.1 percent of respondents say no one around them is ok with purchasing fakes or counterfeits (Q40).



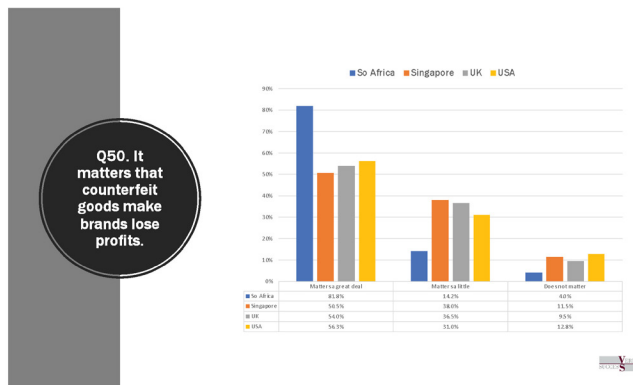
- 20 percent of respondents have, at some time, purchased an item on purpose, knowing it was a fake or counterfeit item (Q41).



- 37 percent of respondents have accidentally purchased a fake or counterfeit item (Q43).

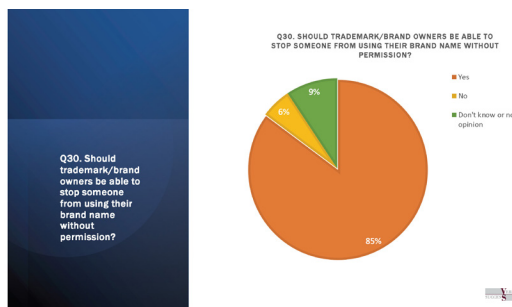


- South African respondents appeared to have a much greater understanding and/or sympathy for the financial loss or economic damage caused to genuine brand owners when their goods are counterfeited. This is illustrated by their answers to Q50 and Q51 where they were asked how much it matters that counterfeit goods make brands lose profits. A staggering 81.8 percent said it matters a great deal compared to respondents in other jurisdictions where between 50.5 and 56.3 percent of respondents answered that it mattered a great deal.

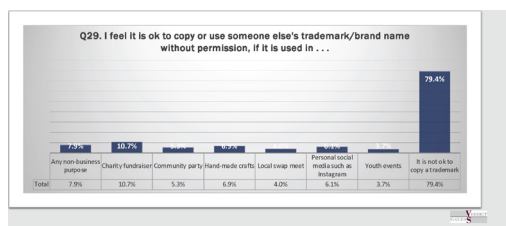


## Views of Infringers' Conduct and Consequences

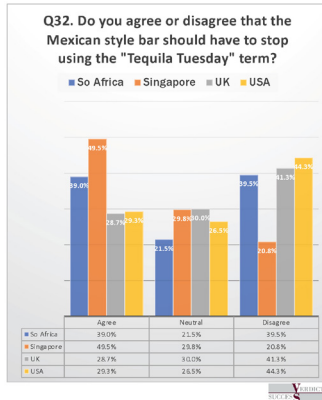
- Respondents overwhelmingly responded (at 85%) that trademark/brand owners should be able to stop others from using their brand without permission (Q30).



- An almost as significant percentage of respondents (79.4%) say that it is not ok to copy or use someone else's trademark under any circumstances.



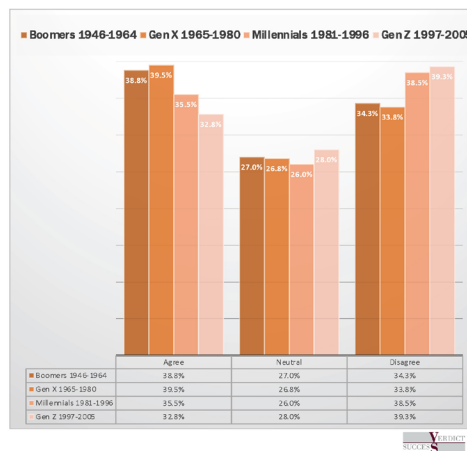
- Singapore respondents show the strongest dislike of infringers' conduct and perhaps a higher degree of understanding about the value and function of registered trademarks. This is illustrated by their answers to Q32 about the misuse of the registered trademark TEQUILA TUESDAY. When asked if they agreed that the bar should stop using the term "Tequila Tuesday," 49 percent of Singapore respondents said they did agree, while only 20.8 percent disagreed. Only 39 percent of South Africa respondents agreed, 29.3 percent of U.S. respondents, and 28.7 percent of UK respondents.



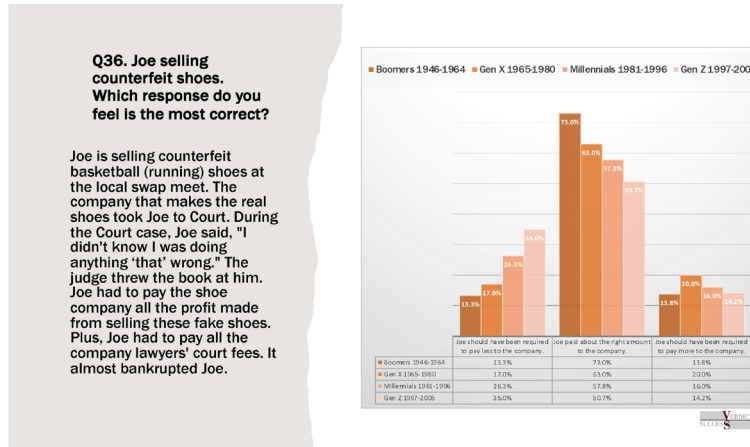
- Many comments from Singaporean respondents, in response to the follow up question (Q33), "Why do you say that?" simply highlight the illegal nature of the activity. Quite a few responses showed an understanding of why misusing a trademark is bad, and the likely adverse outcomes arising from such misuse. But perhaps more interesting is that Singapore appears to have a slightly higher morals-based response rate:
- "...unethical..."
- "...morally wrong..."
- In terms of generations, the younger generations were less sympathetic to the brand owner enforcing their mark than the other generations (Q32).

A large international company owns the registered trademark "TEQUILA TUESDAY" and built a following for the brand. The corporation's lawyer sent a letter to a local community Mexican style bar, requesting it stop promoting a Tuesday night special called "Tequila Tuesday" where they sell tequila for half price.

**Q32. Do you agree or disagree that the Mexican style bar should have to stop using the "Tequila Tuesday" term?**

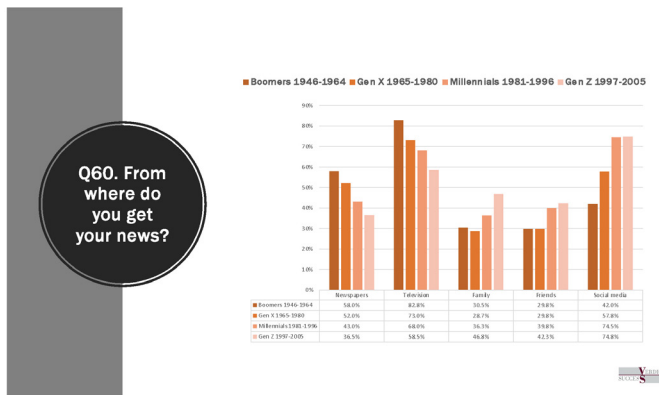


- As to views on consequences for counterfeit activity, in responding to a hypothetical where the counterfeiter had to pay all profits and lawyer fees to the brand owner, older generations generally were more likely to say that the brand owner paid either the "right amount" or "should have paid more" (Q36).

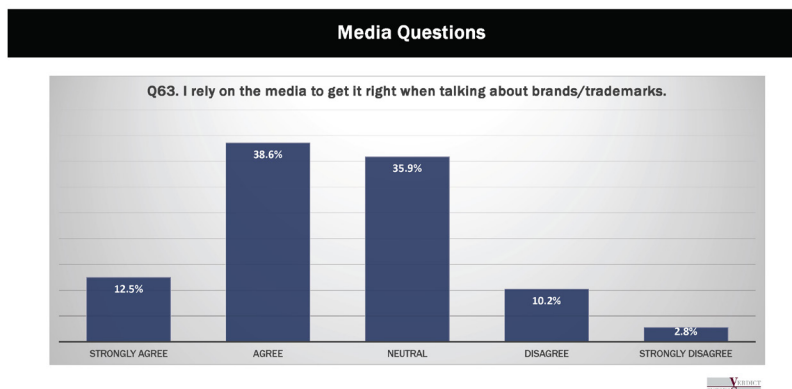


## Reliance on the Media

- Boomers were significantly more likely to get their news from television (82.8%) than from social media (42%). This trend was reversed with Gen Z, which favored social media (74.8%) well above television (58.5%) (Q60).



- Only 13 percent of respondents indicated that they disagreed or strongly disagreed that they rely on the media to get it right when talking about brands/trademarks.



## **Key Takeaways**

- The survey data shows a correlation between a higher rate of business owners in a jurisdiction and a higher rate of understanding of financial loss created by misuse of brands (e.g., in South Africa). It is possible that the more we can educate all businesses including, in particular, SMEs on the value of brands, brand protection, and trademark registration, the more all consumers may understand and appreciate brand protection and brand enforcement.
- Although Gen Z outpaces other generations when it comes to a “brand” being a top reason to purchase a product, and Gen Zers are more likely to self-identify as “fashionistas,” this same group supports brand enforcement at a lesser rate than other generations.
- Gen Zers are much more influenced by others when purchasing products relative to the other generations.
- Despite respondents admitting to purchasing counterfeits, the survey results support the proposition that consumers care quite a bit about authentic and safe products. We did not separate out “authentic” from “safe,” so it may be that “safe” was the driver in answering this question.
- Across all respondents, a high percentage said that trademark owners have a right to enforce their rights, although once specific hypothetical infringement scenarios were introduced, such as enforcement of arguably descriptive marks or “David and Goliath” scenarios, the percentage went down.
- Singapore had the highest percentage agreeing that brands should be able to stop misuse, and a somewhat higher degree of understanding about the value and function of registered trademarks. To ensure that INTA’s messaging is optimal in the future, it is important to recognize regional nuances and differences, such as this.

# Messaging Framework





# Messaging Framework

To support the creation of the media toolkit, the initial work was to build out the messaging using a communications framework to: (i) identify key messaging; (ii) explain why the key messages elements are important to the intended audience; (iii) provide supporting data; and (iii) deliver calls to action.

MESSAGING	SUPPORTING EVIDENCE/PROOF POINTS
<b>WHAT?</b> <i>What do we want people to know?</i>	
<p>For consumers around the world, brand names on everything from breakfast cereal and sneakers to medical devices and personal care products represent a promise of quality and consistency. Brands also connect us to the things that matter most to us: our friends and family, our memories and history, and our traditions.</p> <p>The protection of brands and the products they represent—through trademarks, copyrights, patents, and other forms of intellectual property—help make it possible for this promise to be kept.</p> <p>In addition, the <a href="#">intellectual property</a> at the heart of a brand is what drives innovation; creates jobs and higher wages; and fuels economic growth, business profits, and competitiveness. Intellectual property also offers protection against counterfeits and fakes that put consumers at risk, hurt the economy, and cost jobs.</p>	<ul style="list-style-type: none"> <li>• According to a <a href="#">recent study</a> by the U.S. Department of Commerce, IP-intensive industries employ over 63 million Americans and hundreds of millions more people across the world in over 121 identified industries.</li> <li>• <a href="#">These</a> 121 industries are expected to continue growing, and jobs in IP-intensive industries are expected to grow faster than the national average in the U.S. over the next decade. This will be an important economic metric as the job roles associated with the companies driven by that IP are also expected to keep plenty of well-paying jobs available (on average, IP-intensive industry employees make 60% more than employees in non-IP intensive industries).</li> <li>• IP owned by <a href="#">American</a> companies and entrepreneurs generated U.S. \$7.76 trillion in GDP in 2019 and is anticipated to increase steadily each year.</li> <li>• <a href="#">IP-intensive</a> industries account for over a third, or around 36.2 percent, of total U.S. GDP. Intellectual property also accounts for over half of all U.S. merchandise exports, resulting in almost U.S. \$842 billion of revenue created.</li> <li>• According to a 2022 article in <a href="#">Forbes</a>, counterfeiting is responsible for the loss of 2.5 million jobs globally.</li> </ul>

**SO WHAT?** *Why should they care?*

The theft or misuse of intellectual property by creating knock-offs, look-alikes, or fakes of protected brands is a growing problem with significant economic and social costs. And as more companies enter global markets, the risk of misuse and theft of intellectual property grows.

Without the protection of a brand's intellectual property, consumers cannot be sure that the product they're buying is authentic and safe, or whether its production involved criminal activity (potentially including organized crime), child labor, human trafficking, or slavery. In addition to harming people and their communities, the misuse and theft of intellectual property jeopardizes a business' most important asset—its brand. The protection of brands poses a particular challenge for small- and medium-sized businesses that don't always have the resources to keep a close watch for theft of their intellectual property.

- [According](#) to a 2020 report from the U.S. Patent and Trademark Office and the Library of Congress, the total amount of counterfeit goods sold is estimated to be between U.S. \$1.7 and \$4.5 trillion each year, meaning that counterfeiting is at least the tenth largest economy in the world.
- In fiscal year 2022, [U.S. Customs and Border Protection seized over 20,000 shipments](#) of goods that violated intellectual property rights. The retail value of these goods amounted to U.S. \$2.98 billion, meaning that the legitimate version of these goods would retail for that much if sold through legitimate channels.
- A Michigan State University [2023 global survey](#) found that 68 percent of respondents unknowingly bought a counterfeit product at least once in the previous year.
- According to the [UN Office on Drugs and Crime \(UNODC\)](#), the sale of counterfeit goods provides criminals, including organized crime, with resources to engage in money laundering and other illicit activities.
- As reported by [Europol](#), criminals exploited the global pandemic by selling counterfeit medical products, including vaccines, test kits, and personal protective equipment.
- As reported by the [U.S. Chamber of Commerce](#), counterfeiting is linked to organized crime and terrorism, and Interpol and FBI seizure records suggest that millions of U.S. dollars in proceeds from counterfeit goods (e.g., brake pads and cigarettes) are destined for terrorist organizations, such as Hezbollah and Al-Qaeda.

**NOW WHAT?** *What can the media do about it?*

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Learn the basics of intellectual property so your coverage can be as informed, accurate, and useful as possible.</li><li>• Broaden the lens in your coverage of brands and intellectual property to take into account the value IP brings to—and the impact IP infringement has on—consumers, employees, businesses, the community, and the economy.</li><li>• Avoid genericizing brands by using a brand name to generically refer to a class of products.</li></ul> | <ul style="list-style-type: none"><li>• For resources to support your coverage of intellectual property issues, check out this link. This link includes:<ul style="list-style-type: none"><li>◦ Facts about Intellectual Property and links to data resources</li><li>◦ Answers to frequently-asked questions</li><li>◦ Common misconceptions about Intellectual Property</li><li>◦ And more</li></ul></li></ul> |
| <ul style="list-style-type: none"><li>• Rely on INTA as your go-to resource about intellectual property issues.</li></ul>   | <ul style="list-style-type: none"><li>• Reach out to:<br/><b>Elizabeth Bogner</b>, Senior Strategist for Communications, International Trademark Association<br/>1-212-642-1770<br/>ebogner@inta.org</li></ul>   |

# Media Toolkit



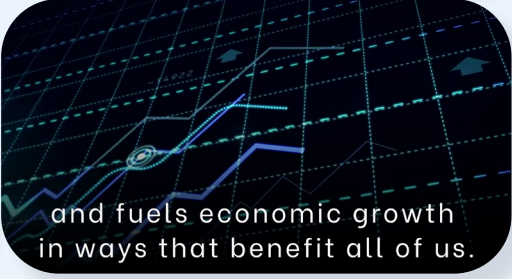
**Video** [Click to view.](#)

Brands matter.

They give us the chance to make choices that reflect who we are...

and who we want to be.

The intellectual property behind a brand drives innovation...



For consumers around the world, brands on everything from breakfast cereal and sneakers to medical devices and personal care products represent an assurance of quality and consistency. Brands also connect us to the things that matter most to us: our friends and family, our memories and history, and our traditions. The protection of brands and the products they represent—through trademarks, copyrights, patents, and other forms of intellectual property—help make it possible for these promises to be kept.

In addition, the intellectual property at the heart of a brand is what drives innovation, [creates jobs](#) and higher wages, and fuels economic growth, business profits, and competitiveness. Intellectual property also offers protection against counterfeits and fakes that put consumers at risk, hurt the economy, and cost jobs.

The theft or misuse of intellectual property by creating knock-offs, look-alikes, or fakes of protected brands is a growing problem with significant economic and social costs, as well as risks to consumer safety and health. As more companies enter global markets, the risk of misuse and theft of intellectual property grows.

Without protection and enforcement of brands, consumers cannot be sure whether the product they're buying is authentic and safe. They also have no way of knowing whether it has been sourced by crime (including organized crime), child labor, human trafficking, or slavery. Beyond this, brand owners have a duty to prevent misuse, as failure to do so will jeopardize a business' most important asset—its brand—because failure to protect a right can lead to a legal loss of that right. This poses particular challenges for small- and medium-sized businesses that don't always have the resources to prevent misuse or theft of their intellectual property.

We encourage members of the press to:

- Learn the basics of intellectual property so your coverage can be as informed, accurate, and useful as possible.
- Broaden the lens in your coverage of brands and intellectual property to take into account the value IP brings to—and the harm IP misuse and counterfeiting has on—consumers, employees, businesses, the community, and the economy.
- Avoid genericizing brands by using a brand name to generically refer to a class of products.
- Rely on INTA as your go-to resource about intellectual property issues.

For more information about intellectual property, check out this [link](#).

FOR MORE INFORMATION:

Elizabeth Bogner, Senior Strategist for Communications, International Trademark Association

1-212-642-1770

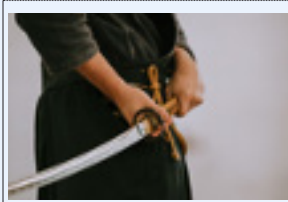
ebogner@inta.org

## **Data Resources For Reference And Reporting Purposes**

The following are data and information resources on intellectual property that may be helpful for reporting purposes and when researching articles:

- [Fact sheets on IP for an SME audience.](#)
- [Data on the contribution of intellectual property to the US economy, United States Patent and Trademark Office.](#)
- [The foreign trade activities of industries that most intensely use IP, the United States Office of the Chief Economist.](#)
- [Global Anticounterfeiting Consumer Survey, Michigan State University.](#)
- [IP right customs seizures statistics, United States Customs and Border Protection.](#)
- [Global intellectual property perception survey 2023, World Intellectual Property Organization.](#)

## INTELLECTUAL PROPERTY FACTS: Did you know...



**...that some of the first trademarks were used on swords?** The [first marks](#)—the branding of livestock depicted in Stone Age cave paintings—were made to assert private ownership, with later marks depicting uniquely crafted swords, with blacksmiths marking finished products to show the makers.



**...that King Henry III required trademarks for bread?** [King Henry III](#) passed legislation in 1266 requiring bakers to use distinct trademarks to differentiate the bread they sold.



**...that Taylor Swift owns hundreds of trademarks?** [Taylor Swift](#) owns 173 trademarks in the U.S. and hundreds worldwide, including TAYLOR SWIFT, TAYLOR'S VERSION, THIS SICK BEAT, and LOOK WHAT YOU MADE ME DO.



**...that a whistle can be a trademark?** The Mockingjay [whistle](#) from *The Hunger Games* is registered in the U.S. Listen to the sound [here](#).



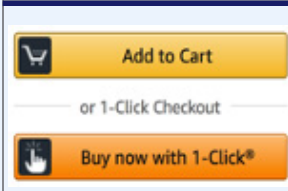
**...that the sound of breathing can be a trademark?** The sound of [Darth Vader](#) breathing from Star Wars is registered in the U.S.



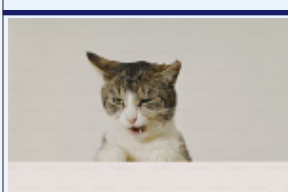
**That the Tiffany & Co. blue color is a trademark?** The blue color of packaging for Tiffany & Co. is registered as a trademark in the U.S., and the color is coined "[Tiffany Blue](#)."



**That the color of UPS trucks is a trademark?** The [brown](#) color of UPS trucks is protected in the U.S. The shade of brown is called "Pullman brown," and UPS chose this particular shade because it is considered more luxurious than other shades of brown.



**That Amazon patented the "1-Click" button?** Amazon filed a patent for the "[1-Click](#)" button in 1999. The "1-Click" button allowed shoppers to enter billing and shipping information only once, so subsequent purchases required just the click of a button. The technology resulted in billions of dollars of revenue.



**That memes can receive copyright protection?** Jurisdictions around the world offer copyright protection for original memes. The owner of the [Grumpy Cat](#) meme has won a copyright infringement case in the U.S.



## 1. What is a trademark?

A trademark includes any word, logo, or anything else (e.g., 3D shapes, scents/smells, sounds, animations, sequences of images, and holograms) that identifies the source of goods and services. Trademarks are often called “brands” or “brand names.”

A trademark is not a patent, which protects inventions, and it’s not a copyright, which protects creative works, such as artistic and literary works.

## 2. Do trademarks have to be registered?

It depends on the country. Many countries only protect trademarks if they are officially registered with the local Trademark Office. However, in some countries, like the United States, registration is not mandatory. That said, trademark registration in the United States is still recommended as it has several important advantages, including providing notice to the public of the registrant’s claim of ownership of the mark, a legal presumption of ownership nationwide, and the exclusive right to use the mark on or in connection with the products or services described in the registration.

## 3. What are the benefits of registering a trademark?

Registration provides a comprehensive range of benefits, including:

- Acting as a deterrent to others from adopting an identical or similar trademark.
- Providing a better defense against someone else trying to stop the owner of the trademark registration from using its mark.
- Helping to stop others from using or registering an identical or similar mark.
- Providing a business asset that can be licensed.
- Providing collateral for loans.
- Operating as a sign to potential investors that a company is sophisticated and/or is prepared to extend its business to other markets and/or a new range of products.
- Depending on local accounting practices and standards, the registered rights may be booked as a valuable asset on the balance sheet of the company.
- In some countries, registration provides a basis for securing a country-level domain name.
- Allowing the use of the registration symbol ® next to the trademark which is of itself a declaration to others of trademark rights.

## 4. What do ™ and ® mean?

“™” is used to show that a trademark is unregistered.

“®” is the symbol used to identify a trademark that is registered. Use of the “®” symbol without a trademark registration is generally not allowed.

## 5. What are common law rights?

In the United States, securing a trademark registration is not required to establish trademark rights. Trademark rights can be established merely by using a trademark in commerce; this is referred to as common law rights. Common law rights only have effect in territories where the mark is actually used or has a reputation. That said, securing a trademark registration is recommended due to the benefits provided by registration.

## **6. Is it difficult to obtain a trademark registration?**

In the U.S. and in most countries, once a trademark application is filed, it is examined by the Trademark Office and, depending on many factors, may encounter bars to registration. Bars to registration include that a trademark is merely descriptive of the goods or services or that the trademark conflicts with a previously filed trademark application or registration.

The bottom line is that each trademark application is decided on its own merits.

## **7. How long does the U.S. Patent and Trademark Office (“USPTO”) trademark application process take?**

According to the metrics provided by the USPTO, on average if no opposition is filed it takes from 14 to 15 months from the filing of a trademark application to registration.

## **8. Are there costs associated with obtaining a trademark registration?**

In all jurisdictions, there will be government fees (and sometimes other costs) associated with the filing of a trademark application, as well as potentially at other stages in the process. In addition, if an attorney is hired, there will be associated legal fees.

## **9. What is the relationship between brands and consumers?**

Brands resonate with consumers in many ways. Advertisements depict lifestyles and levels of happiness that consumers want to experience. A strong brand can sway consumer behavior favorably. Imagine there are two products with similar features and performance. Consumers are more likely to choose the product with a strong brand or a brand that they have a relationship with or emotional connection to.

In addition, brands can create a sense of trust, reassurance, and loyalty among consumers. Brands can also create an emotional connection with consumers.

## **10. Why are they called “brands”?**

The idea of a ‘brand’ has been around for centuries.

The word ‘brand’ (as we are using it here) dates back to Old Norse, the ancient North Germanic language from which modern Scandinavian languages derived. “Brand” originally referred to a piece of burning wood. It wasn’t used as a verb until late Middle English, when it came to mean “mark permanently with a hot iron.” By the seventeenth century, it referred to a mark of ownership made by branding.

## **11. Does a company own all the intellectual property (including trademarks) that it commissions (via consultants) or that is created by its personnel (employees)?**

Whether a company owns the IP created by its employees depends on the role of the employee and on local law. To be sure that it owns the intellectual property created by employees, a business should have a formal agreement with the employee transferring ownership to the company of any intellectual property created by the employee during the regular course of business.

As to intellectual property commissioned or created by a non-employee, a company should have a signed agreement with the entity it has commissioned with appropriate language transferring the ownership in the commissioned intellectual property to the company.

## **12. Does a trademark registration give me rights to use the mark internationally?**

Trademark rights are territorial. This means that a trademark registration in a specific jurisdiction only gives rights to the owner to use (or license to use) that mark in that specific geographical territory.

## **13. If I get a trademark registration, do I automatically get a business name or domain name rights?**

Successful trademark registration does not mean you can automatically secure a business name, company name, or domain name rights. Business names, company names, and domain names are separate rights that the owner of the trademark would need to secure separately.

## **14. How can a registered trademark be enforced?**

Registered rights can be enforced in a number of ways, including through:

- Civil actions
- Criminal prosecution
- Customs seizures

## **15. If my mark is unregistered, can I still enforce it against counterfeits and other unauthorized use?**

In the U.S., unregistered trademark rights can be enforced against others, but the rights may be more limited; it is advisable to secure a federal trademark registration to best protect a trademark.

## **16. Does an entity need a trademark registration to use its mark?**

In most jurisdictions around the world, including in the U.S., entities do not need to register their trademark with the Trademark Office to use the trademark in the marketplace. That said, there can be a risk to using a mark without registering it, and trademark registration provides substantial benefits in terms of both (i) helping to defend rights in the mark if another claims they own rights to the identical or similar mark, and (ii) stopping others who may adopt an identical or similar mark to the registered mark or who attempt to ride on the goodwill in the mark.

## Common Misconceptions

The following are some common misconceptions around IP, the clarification of which may assist in your reporting on IP.

### A. You can patent or copyright a trademark.

It is incorrect to say, “*Company ABC’s patented trademark is ...xyz.*” There is no provision for “patenting” a trademark. The patent system is for protecting inventions. By contrast, trademarks are typically signs, symbols, distinctive words or phrases, logos, colors (and more recently animations and possibly sounds or aromas that distinguish a product or service from others and that identify the source of goods or services). It is also incorrect to say, “*XYZ’s copyrighted trademark is ...abc.*” Copyrights typically protect original works of authorship including literary, dramatic, musical, and artistic works such as poetry, novels, movies, songs, software, and architecture.

### B. Once business has commenced, it is too late to register your trademark.

Even if you have already commenced business, companies can still *apply* to register their trademark. However, in the United States, the rule is that the first person to file a trademark application (rather than first person to use that trademark) is entitled to the rights in that trademark.

### C. There is no hurry to register your trademarks.

Many jurisdictions operate on a first-to-file basis. That is, the first person to file an application has priority for the right (other jurisdictions operate on a first-to-use basis). Some jurisdictions may also take into account whether a trademark applicant or a third-party competitor have used a mark before filing. For business reasons, the sooner you apply to register the trademark, the sooner it will be examined and potentially registered.

### D. Registering intellectual property is expensive.

There is a cost for building a portfolio of trademark registrations and patent registrations. However, this cost is significantly less than what businesses spend on such things as rent, staff, capital expenditures, promotion and advertising, and the benefits to the business in registering marks and patents are potentially significant. Investing in your intellectual property has a well-earned reputation for being worth the cost. For example, what a company would spend to secure a trademark registration is far less than what it would spend in a court action to try to stop competitors or infringers from using its unregistered mark.

### E. The cost of trademark filings outweighs the benefits.

A tailored trademark portfolio brings numerous benefits to a business and extends its life and value. In particular, trademark registrations:

- Distinguish a business, products, or services from those of competitors
- Provide a strong basis for stopping unauthorized third-party use of the mark for identical or related products
- Save considerable expense and time compared to what is required to defend or take action against unregistered rights
- Provide a right that can be licensed to third parties for value, helping companies maximize revenue
- Provide a public record, sending a clear public message that the brand owner has invested in and cares about the brand
- Can be offered as collateral for a loan or other commercial financing, which is another way for companies of all sizes to monetize their creative and commercial efforts

## **F. Fake products do not hurt anyone.**

Despite a range of laws to protect IP rights, the profits from manufacturing and dealing in fakes makes them an attractive business for global criminal organizations. Counterfeiting, piracy, and other unauthorized uses of trademarks create many issues.

One is the risk to health and safety. Counterfeit pharmaceuticals and medicines can have serious health implications as they may not be made to the same standards of purity, efficacy, and hygiene as authentic products. At best, such counterfeits may not have any of the desired active ingredients; at worst they may cause real physical harm. These risks can also apply to food and drink products, as well as cosmetics.

Further, products that are purchased with technical engineering standards (e.g., metal structural members, screws, batteries) could fail due to lack of structural soundness and lead to serious damage or injury.

Trade in all counterfeits, regardless of the product, also impacts society and the economy. The loss of tax revenue can mean fewer funds available for public expenditure. Under-the-counter manufacturing could lead to labor losses, and lost revenue for legitimate businesses of all sizes means fewer jobs, less taxes paid, and other economic challenges. Counterfeits are also tied to criminal activity (including organized crime), child labor, human trafficking, and slavery.

Counterfeits that are seized by customs authorities also present disposal problems. Some of these products are sent to a landfill, occupying precious space, and they may contain toxic substances, which require special care in handling, or they may be destroyed in ways that are unfriendly to the environment

## **G. Intellectual property rights are unenforceable.**

Jurisdictions that enact legislation to allow for the registration of rights (whether trademark, designs, or patents—or others) also provide remedies when those rights are wrongly used without permission.

## **H. Trademarks protect only words or logos.**

A trademark can be any sign that is capable of distinguishing goods or services from those of others. In addition to words, depending on the jurisdictions, this can include logos, names; devices; certain three-dimensional shapes; colors (single colors or combinations of colors); slogans; sounds; smells; trade dress/get-up; holograms; motion; or touch marks, as long as they meet the local requirements for being registered as a trademark.

## **I. Intellectual property is reserved for only large corporations.**

Intellectual property is size neutral and benefits companies of all sizes. More to the point, SMEs are at the heart of economies and innovation, and it is IP that makes (and protects) innovation and brands by making it possible to develop an idea into a product or service. In other words, the benefits are available to all, not just the large entities like Apple and Google. If start-ups do not register their intellectual property rights, they may also be the victim of trolls, opportunists, and those seeking to protect IP based on their their ideas or identity.

## **J. If someone else has registered a trademark, subsequent filers and users will be blocked from using the mark.**

Identical or similar trademarks can sometimes be registered and used by different businesses. This is because registrations are specific to the goods/products and services mentioned in the application and, consequently, the registration. Generally speaking, identical and similar trademarks can be used for different products as long as there is no reasonable likelihood of confusion.

## **K. Registering a business or a company name is enough; it's not necessary to register a trademark.**

Even if you have registered your business or company name, that does not give you rights to use a trademark or to stop others from using their trademarks. A business name registration may be a formal requirement to alert the tax authorities that a company is operating/about to operate, or a voluntary option for shielding an individual from liability. Neither provides rights to use a trademark or a mechanism for stopping third parties from using the trademark.

## **L. Once you have a domain name you can use it as a trademark.**

Domain names and trademarks are fundamentally different. Trademarks are used to identify goods and services and a trademark registration provides statutory rights to stop misuse and recover damages if someone else improperly uses the mark. A domain name is merely a digital address allowing users to access a specific website. A domain name is licensed to applicants by a Domain Name Registrar and is not owned by the licensee/user. The license to use a domain name does not of itself come with any rights to stop third-party use of the word portion of the domain name (that is, the "second level domain") and does it block a third party from securing a trademark registration for the same word.

## **M. Once registered, I am protected everywhere and forever.**

Trademark rights are both specific to the claimed goods and services in the registration and are also tied to the specific jurisdiction in which they are established. If the registration is for one jurisdiction, the registered rights do not extend to other jurisdictions. The bottom line is that a trademark registration is not enforceable all over the world.

With regard to the duration of a registration, once a trademark is registered it must be renewed periodically to remain valid (typically, depending on the jurisdiction, at ten-year intervals). In addition, in most jurisdictions a trademark registration will become vulnerable to attack if not used in a certain time frame after registration. In some jurisdictions, including the United States, periodic proof of use of the goods and/or services is required by the local Trademark Office to maintain rights and/or the right to renew.

## Contact Info and Resources

For more resources related to intellectual property and brands, please visit [inta.org](https://www.inta.org). Our website has informational pages related to areas of particular interest, including [For SMEs](#), [For Consumers](#), [Fact Sheets](#), and content of back issues of the [INTA Bulletin](#). For answers to your questions about brands, trademarks, and other intellectual property-related matters, reach out to the INTA Communications Department to connect with members of the INTA community and find out more about the resources available.

# Consumer Survey





# Appendix

## [Task Force Consumer Survey: The Full Results](#)

As part of its work the Task Force launched a consumer survey which covered a focused set of topics (i.e., shopping behavior, media views, trademarks/brands, counterfeits & enforcing trademarks). Each survey was modified to reflect the cultural norms and retail environment of each survey jurisdiction, which were as follows:

- Singapore (Asia; 32<sup>nd</sup> largest economy)
- South Africa (Africa; 41<sup>st</sup> largest economy)
- United Kingdom (Europe; 6<sup>th</sup> largest economy)
- United States of America (North America; largest economy)

Dr. Cynthia R. Cohen, a designated survey expert, designed, executed, hosted and analyzed the survey and produced the survey graphs. Dr. Cohen balanced each country's survey with the same number of consumers in four generations and balanced an equal number of males and females within each generation. Data collection occurred between October 26 and December 18, 2023 and the total sample included 1600 qualified consumers. Note: Only consumers over 18 were admitted into the survey, thus Gen Z included only those born between 1997-2005.

**The complete set of findings, available here include five sets of graphs.**

Appendix 1 includes [COMBINED TOTAL](#) of four countries.

Appendix 2 includes breakdowns BY [COUNTRIES](#)

Appendix 3 includes breakdowns BY [GENERATIONS](#)

Appendix 4 includes breakdowns BY [GENDER](#)

Appendix 5 includes breakdowns BY [INCOME](#)

**Questions?** Contact Dr. Cynthia Cohen at [ccohen@verdictsuccess.com](mailto:ccohen@verdictsuccess.com)



**International  
Trademark  
Association**