

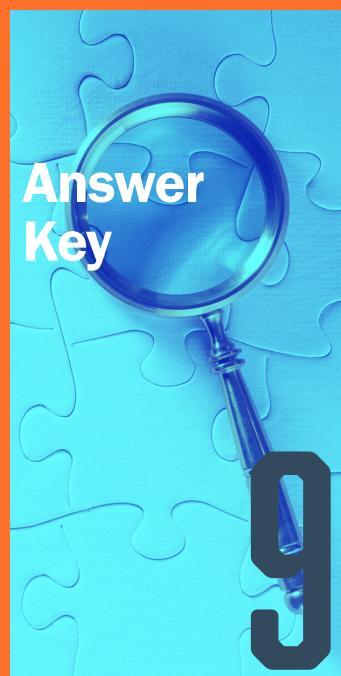
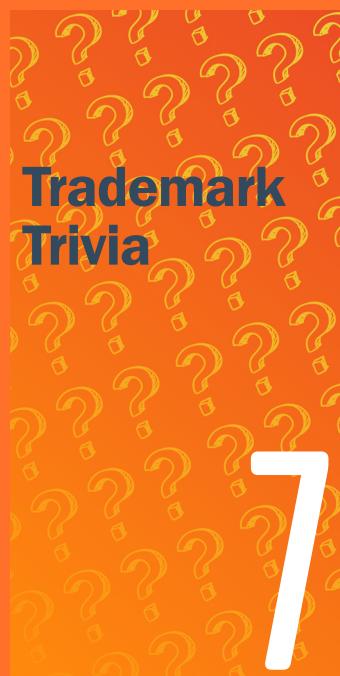


unREAL

DIGITAL TAKE HOME PACKET



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WHAT IS TRADEMARK?

A trademark is any word, name, symbol, or device (or any combination thereof) that identifies and distinguishes the source of the goods of one party from those of another. A service mark, on the other hand, is any word, name, symbol or device that identifies and distinguishes the services of one party from those of others. Service marks are often referred to as trademarks for convenience or because certain jurisdictions may not recognize the term service mark.

A trademark and service mark can be a word, slogan, design, a product configuration, package design or any other cognizable thing that indicates a particular source of a good or service.



TRADEMARK AND SERVICE MARK EXAMPLES

Word Marks

BIG MAC is a word mark used for hamburgers; FACEBOOK is a word mark used for an online platform for sharing photos, videos and messages; and GOOGLE is a word mark used for search engine services.

Slogans

I'M LOVIN' IT is a slogan used by McDonald's for its restaurant services; and THE ULTIMATE DRIVING MACHINE is a slogan used by BMW for its automobiles.

Trade Dress

The PEEPS Bunny Design is a product design trademark (also called trade dress) for candy.

DESIGN MARKS / LOGOS

used for Instagram photo and video sharing social networking services.



used for Starbucks coffee and coffeehouses.



NON-TRADITIONAL MARKS

Even a sound, smell, motion, color, color combination or a shape can be a trademark under certain circumstances (often referred to as non-traditional trademarks). For instance, the color pink has become a well-known trademark for insulation used in building construction, the color brown has become a service mark for package delivery services and the sound of certain chimes representing the notes G-E-C has become a trademark for NBC, a television broadcast company.

Trademarks, often known and used as brand names, are a part of everyday life. The main purpose of a trademark is to enable the public to recognize the goods or services of a particular company. Trademarks are protected by law in order to serve this source-indicating function and prevent the public from being confused about the origin of the goods or services. By doing this, a trademark also helps to assure that the trademark owner, and not an imitative competitor, will reap the rewards associated with a desirable product.

By acting as indicators of source, trademarks promise a consistent level of quality, helping the consumer to decide whether to purchase a desirable product or service again or to avoid an undesirable one.

For a more in depth discussion of trademarks, please see the following link:

<https://www.inta.org/wp-content/uploads/public-files/resources/INTATMBasicsBrochure.pdf>

WHAT IS A COUNTERFEIT?

WHAT IS A COUNTERFEIT?



IS COUNTERFEITING ILLEGAL?

- The short answer is “yes.” In most countries, manufacturing and selling counterfeit products is against the law.
- Counterfeits infringe upon brand owners’ trademarks because they use them without the permission of the brand owner and deceive consumers into thinking the products are associated with an established brand. As a result, brand owners can sue counterfeiters to prevent them from continuing to make and sell the fake products.
- In certain countries, the government can fine, and even imprison, persons or manufacturers found guilty of selling counterfeit goods.

WHY SHOULD CONSUMERS CARE ABOUT COUNTERFEITING?

WHAT TYPES OF PRODUCTS ARE COUNTERFEITED?

- Counterfeiting is the manufacture, import, export, distribution, and sale of products that are not genuine.
- A counterfeit product is designed and branded to look identical to the authentic product in order to deceive consumers into believing that it is genuine. Such products often include the use of the trademark or logo of the authentic product.
- Knockoffs, on the other hand, are designed to look like authentic products, but they are not exact copies and may differ in some ways. Moreover, knockoffs do not feature the trademark or logo of another brand but rather typically use the trademark of the maker of the knockoff.

WHERE ARE COUNTERFEITS SOLD?

- Common places where you may find counterfeits include:

- Social media platforms (through individuals advertising products for sale)
- Online marketplaces
- Outlet stores
- Flea markets
- Street vendors

- Commonly counterfeited products include:

- Clothing and footwear
- Jewelry and purses
- Personal care, medications, cosmetics, and home care products
- Food, alcohol, and cigarettes
- Electronic equipment and parts
- Automobile parts
- CDs, DVDs, and toys

A common misconception is that counterfeiting is a victimless crime. Consider the following:

The health and safety of consumers

- To keep production costs and sale prices low, counterfeits are often made using cheap or unsafe materials, toxic chemicals or are assembled in faulty ways.
- There can be serious health and safety concerns for purchasers, especially in the case of counterfeit baby formula, cosmetics, hair care products, medications, electronics, and automobile parts.

The lost sales, damaged reputations, and diminished value of brand owners

- Counterfeiting causes missed sales opportunities for retailers selling legitimate products. Counterfeitors have learned to create low-quality copies of products that lure buyers into purchasing the fakes instead of the authentic products.
- Counterfeiting also damages a brand's reputation and lowers consumer confidence in the genuine products. If someone unknowingly buys a faulty or unsafe counterfeit, thinking it is authentic, they will hold the brand responsible.
- The value of the authentic products could be diminished if purchasers can so easily buy fakes. This could result in potential loss of income for employees of brand owners (or even their jobs) if the production of genuine products is slowed or discontinued.

The low-wage workers and children who are involved in manufacturing counterfeits

- Often times, counterfeiters do not invest in humane factories or follow the laws, so purchasers of counterfeits are potentially supporting child labor and slave labor.

The health and safety of civilian populations, economies, and national security

- In some cases, counterfeiting is linked to organized crime and terrorist groups, which pose serious threats to the health and safety of civilian populations, economies, and national security.

TIPS AND BEST PRACTICES WHEN PURCHASING PRODUCTS



Be wary of aggressive discounts.

- Find a product's current retail price by reviewing the brand owner's website or the websites of authorized retailers (which are often listed on the brand owner's website).
- If it is "too good to be true," it probably is.

Compare how brand logos are placed on products and product packaging with how brand logos are displayed on the brand owners' websites.

- Before purchasing a product, be familiar with the brand markings of a real product (including the placement of the brand markings) and be familiar with the material used for a real product.
- Misspellings or differences in design are often indicative of a counterfeit product.
- A product packaged in generic wrapping could possibly be a counterfeit product.
- Visible differences in the quality of the packaging and its printing, even with the brand logo may often be counterfeit product.

Look for missing or expired "use by" dates, broken or missing safety seals, or unusual or pre-opened packaging.

Look for missing sales tax charges, which could be a sign of a counterfeit product.

Ask a trusted adult for help if you are unsure about something.

Additional Tips When Purchasing Products Online

Review the seller's information on marketplace and e-commerce websites.

- Click on such links as "Seller Information" or "Sold and shipped by." Such links can show the other items that the seller sells, where its business is located, and feedback on its products.
- Review the seller's website (if any), and review whether the seller is selling products on other online marketplaces.

Review the website listing carefully.

- Misspellings or improper grammar in product descriptions may indicate a possible counterfeit product.
- Low-quality photos of the product may indicate a possible counterfeit product.
- Same product with a much higher price on the official brand owner website may indicate the lower priced product is a possible counterfeit product.

Take notice of customer reviews.

- Very different reviews for the same product could indicate problems with the quality of the product.
- A grouping of many reviews posted within a short period of time can indicate that the reviews are fake or were created by an automated bot, especially if they use similar language.
- If a reviewer has only posted one product review on one product, that may be an indication the review is fake.
- Verified purchaser reviews are generally more trustworthy.
- Be skeptical of overly positive reviews.

Be cautious of social media accounts because counterfeiters can use them to sell and advertise their products.

- Requests to wire money or for personal information is a strong indicator the social media account is not a legit account.
- If a social media account has a lot of product promotion but lacks conversations with users, then that may also indicate the social media account is not legit.
- If a social media account for a well known brand or public figure lacks a verification indicator, then that may be a sign the account is suspect.

If a product will be used in or around the body (for example, medicines, cosmetics, or hair products), shop at a retail store or through the brand owners' websites in order to mitigate the risk of purchasing a counterfeit or to be certain the product is legitimate.

Notify the seller if you think you purchased a counterfeit product online.

- The seller might not have known that the product was fake and may quickly refund you.
- If the seller does not, then file a complaint (or ask a trusted adult for help in filing a complaint) with the online marketplace.
- You can also often report online seller counterfeits to government agencies (such as STOPfakes.gov in the U.S.).

IDEAS/TOPICS TO DISCUSS WITH FRIENDS AND FAMILY

**1. Have you ever purchased a counterfeit product. How did you discover it was a counterfeit?
Where did you purchase it?**

2. Are there any common signs or indications of a counterfeit product?

3. Do you think a person would knowingly buy a counterfeit item? If so, why?

4. If a counterfeit is of a product that many people cannot afford, does it really hurt anyone to purchase it?

5. What can do if you find out you have purchased a counterfeit product?

6. What steps you are going to take to avoid buying counterfeit products?

TRADEMARK TRIVIA

True and False Questions

True **False**

A trademark identifies the source of a good.

True **False**

A service mark identifies the source of a service.

True **False**

The design and shape of a product cannot serve as a trademark.

True **False**

The only adverse effect from the sale of counterfeit products is the loss of sales for the legitimate brand owner.

True **False**

Trademarks help consumers by communicating the quality of a good.

True **False**

A service cannot be counterfeited.

True **False**

The Unreal Campaign helps teenagers understand the value of trademarks.

True **False**

INTA stands for International Trademark Association.

True **False**

A sound can serve as a trademark.

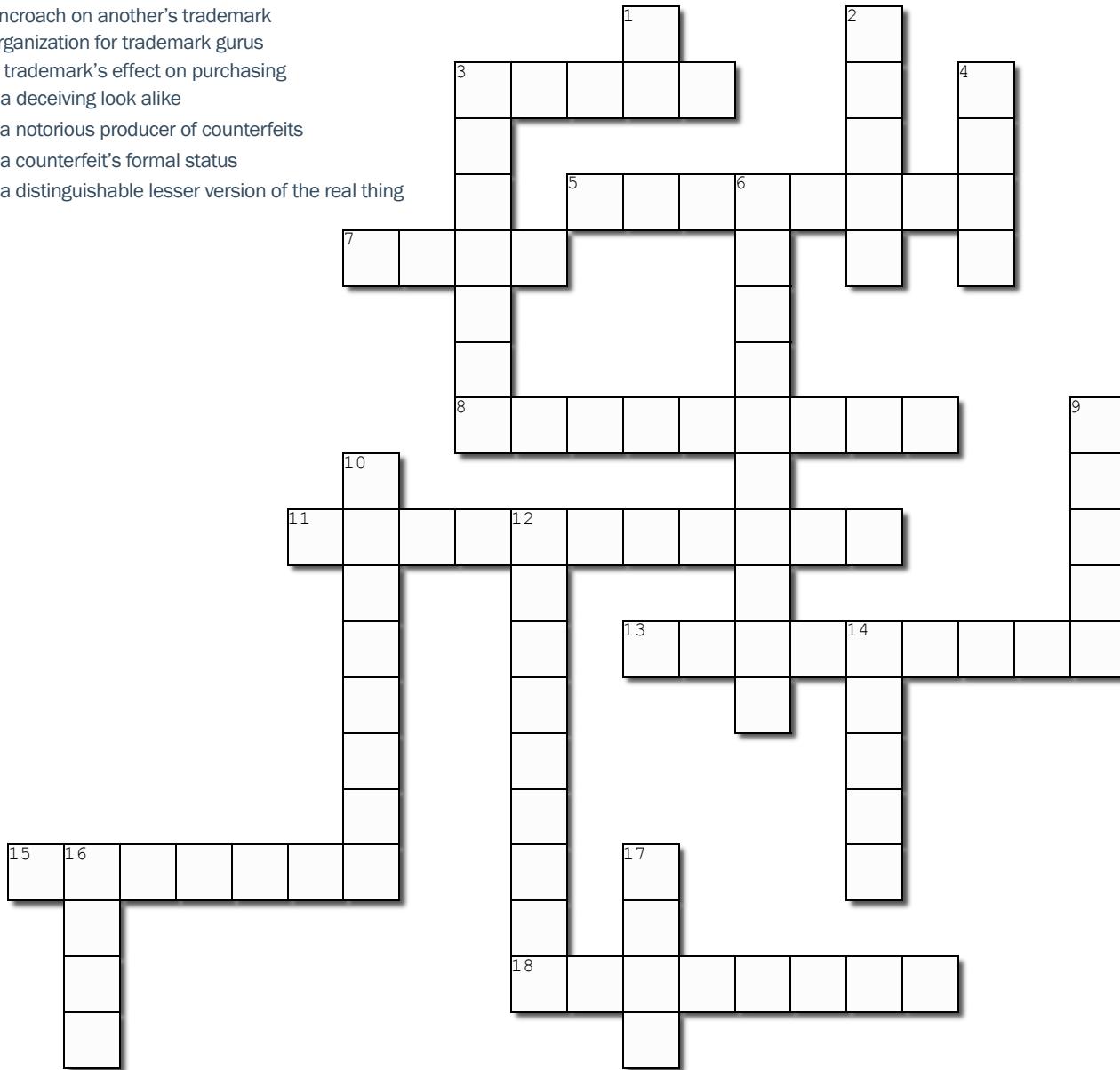
True **False**

A company's logo cannot serve as an identifier of source.

CROSSWORD PUZZLE

Across

- 3. selling counterfeits is a...?
- 5. encroach on another's trademark
- 7. organization for trademark gurus
- 8. a trademark's effect on purchasing
- 11. a deceiving look alike
- 13. a notorious producer of counterfeits
- 15. a counterfeit's formal status
- 18. a distinguishable lesser version of the real thing



Down

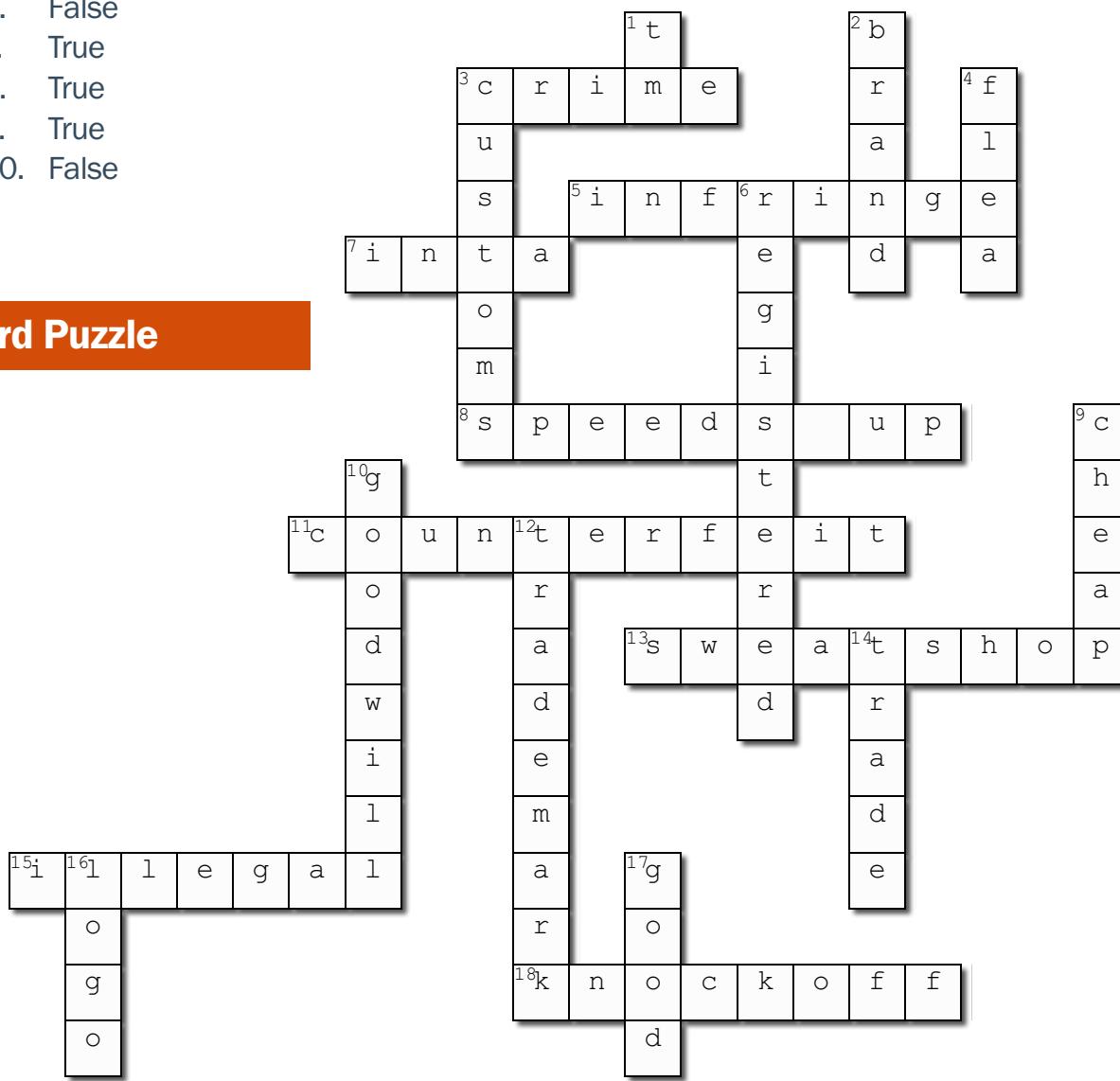
- 1. abbreviation for trademark **2.** another term used for a trademark **3.** counterfeit stopper
- 4.** MARKET where a dog might see a counterfeit **6.** ® meaning
- 9. the quality of materials in a counterfeit **10.** reputational value symbolized by a trademark
- 12.** source identifier **14.** DRESS a mark with a bodice and skirt **16.** a visual icon that can do all the talking
- 17.** "If a deal is too ____ to be true, it probably is"

ANSWER KEY

True and False Questions

1. True
2. True
3. False
4. False
5. True
6. False
7. True
8. True
9. True
10. False

Crossword Puzzle



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