



SYSTEMATIC REVIEW OF VARIOUS ANTI COUNTERFEIT STRATEGY

1. Shantanu Raman, Research Scholar
2. Dr. Sibichan Mathew, Professor , NIFT, Delhi

ABSTRACT

The tough issue of counterfeiting of branded goods has major implications for governments, corporations, and consumers everywhere in the world in terms of the economy, security, and health. According to estimates, the production of counterfeit goods on a significant scale each year amounts to a multi-billion dollar industry. Since counterfeiting is an increasingly high-tech crime, there must be high-tech solutions to stop and discourage the practice. **The important issues in this field, including the implications for anti-counterfeiting applications are briefly described and addressed in the present study.** The authors have applied anti counterfeit strategies like technological solutions, managerial solutions and institutional solutions to deal with counterfeiting. Numerous technological options are available to safeguard ownership rights and lawful supply chains. The market for anti-counterfeiting technology is large and complicated, nevertheless. Information regarding the technologies is difficult to find as they develop quickly. The Anti-Counterfeiting Technology Guide (also known as the ACT Guide) can help in this situation. It covers all of the primary anti-counterfeiting technologies now available on the market, provides a concise explanation of each, outlines their key traits, and quickly lays down the implementation requirements. Trademark Act, Copyright Act, Patents Act, Design Act, IT Act, Drugs and Cosmetics Act, Food Safety and Standard Act, etc. are some of the laws that make up the legal framework. In this study we conclude that Government and non-government organizations will be able to create policies and plans using the knowledge gained from the research. These tactics will aid in solving the issues facing struggling businesses and provide guidance for putting an end to countrywide counterfeiting.

Keywords: Counterfeit; Anti-counterfeit; Non-Government Organization; RFID; Copyright Act; Patent Act.

INTRODUCTION

A brand communicates about the consumer, her life, her personality and her journey. Brand is a representation of quality, dependability and gives the customers extra symbolic significance for their lives and personalities. The roles of various brands fluctuate considerably and it reflects more than the product's major characteristics (Jamil 2017). Brands have a social significance and individuals use brands to try and express viewpoints about themselves to other people. Corporations profit from brands on a social, psychological, and hedonistic level. The Chief Executive Officer of Louis Vuitton (LV) stated that "luxury goods are extraordinary things made by everyday citizens and fantastic products.". Since long, fake products have been sold practically everywhere in the world. Consumption of fashion accessories including watches, wallets, and shoes are growing in several dimensions. It is now widely acknowledged as a world economic issue. According to the International Fake Anti-Federation Federation, counterfeiting will cost the economy \$200 billion a year in lost employment and tax revenue (Furnham & Valgeirsson, 2007). Counterfeit fraud develops as a risky factor that permeates every aspect of the political and economic system (Prendergast, Hing Chuen, & Phau, 2002). For the manufacture and sale of fake products, Southeast Asia including India is a booming market. **The study is more significant since there**

haven't been any studies done before that offers a compilation of all the key Anti Counterfeiting Strategies with a focus on technologies. As the volume of counterfeit goods has dramatically increased this study will help the managers with a handy solution to select best practices that are specific to their needs.

Counterfeit

The practice of counterfeiting, which is described as the unlawful production of goods that imitate extensive product range by reproducing specific attributes (e.g., Fink, Maskus, & Qian, 2016; WTO, 1994), is bad for both citizens and merchants. For consumers, counterfeit goods are frequently of poor quality and a danger for businesses, they usurp market share and can harm a company's reputation (Chakraborty, Allred, Sukhdial, & Bristol, 1997; Green & Smith, 2002). In actuality, it's estimated that counterfeiting costs the world close to half a trillion dollars annually (OECD and Kazimierzak, 2016). According to the United States Customs and Border Protection and U.S. Immigration and Customs Enforcement (2006), counterfeit batteries were valued at more than \$2.3 million in 2004. An OECD survey on counterfeiting from 2008 revealed that one major mobile manufacturer had seized up to 34 million counterfeit batteries carrying its name over a 1-year period. Academic studies have examined the tactics businesses may use to reduce counterfeiting. Corporations can benefit from development of new technologies and education, or pursue legal action, for instance (Rullani 2021). **One aspect where future researchers can work to study the importance of the product's distinguishing characteristics in the creation and effectiveness of genuine companies' anti-counterfeiting tactics.**

Some of the key examples of counterfeit goods include counterfeit handbags, clothing, accessories, perfumes, and electronics. **However, the most commonly seized counterfeit goods are athletic shoes, specially, from brands like Nike and Adidas.** Valuable artworks, especially paintings, have also been the subject of counterfeited goods though they are usually referred to as "forgeries."

In addition, counterfeit goods are also known as "rip-offs," "fakes" or "knock-off" products. While some goods, such as CDs, DVDs and video games may be counterfeit, they are usually called "pirated goods".

Products that are counterfeited can be divided into those that use deceptive and non-deceptive practices. Users may quickly spot the phony goods during the latter case based on factors like price, quality, and sales location, as in the case of an expensive brand-name product for sale by a street vendor for a very cheap price. On the other hand, deceptive copies frequently match the genuine goods in relation to price and packaging but still not quality. To uninformed customers who are tricked into risky and frequently fatal purchases, they are indistinguishable (Grossman & Shapiro, 1988).

Furthermore, businesses have to be concerned about more than just the safety of their own products; they also have to deal with counterfeits, which are notorious for posing major safety risks in a variety of sectors, including the food and drug industries (Deisingh, 2005; Rose, Hassan, & Falder, 2010). To make problems worse, customers frequently can't tell the difference between genuine and knockoff goods (e.g., Grossman & Shapiro, 1988; Pathak, Velasco, & Calvert, 2019). In light of this, the current article concentrates on deceptive counterfeit goods, or goods that customers do not recognise as fakes (Grossman & Shapiro, 1988). Producers of genuine products may thus suffer severely damaging reputational spillover effects from security concerns resulting from a counterfeit product, providing them a strong motivation to combat risky counterfeiters.

Solution of counterfeit

One of the biggest underground sectors, counterfeit products, is expanding significantly and is expected to cause increasingly severe issues. The outcomes are absurd and detrimental. Industries and customers are suffering severe losses in terms of brand value, reputation, and client loyalty. Identification, arresting, and convicting offenders are becoming more and more challenging every day. Only in the USA are billions of dollars being lost from the economy.

False items are being sold by counterfeiters through dishonest tactics all throughout the world, generating them handsome profits. Many times this money is routed for illegal activities too.

Past literature has highlighted a variety of anti-counterfeiting strategies. They have been categorized basis the subjects they target eg. Government, Institutions, Channel partners, Brands etc. There has been literature as early as the 1980s when researchers identified this as a potent problem and authors began to explore possible solutions against anti-counterfeiting.

Types of anti-counterfeiting solutions

Tech Based anti-duplication solutions are as follows.

Digital: Digital anti-duplication solutions may be overt or covert and need electronic and automated means of authentication. Digital tools including QR codes, RFID tags, serialized numbers, comparison databases, and other technologies are used to combat counterfeiting.

Overt: Overt solutions do not require any additional instruments because they are obvious and accessible with the unaided eye. They can be used on packing, labels, and paperwork to make spot visual authentication easier.

Covert: This class of anti-faking solutions is difficult to identify and could be seen with the unaided eye. Microtext, distinctive synthetic tagging, ultraviolet and infrared inks, and other applications of this technology require specialized techniques and apparatus for marketing and brand.

Forensic: Due to their clandestine nature, these generally pro technologies need specialized techniques and tools to identify counterfeit goods. It is necessary to send the samples and goods to laboratories for validation (Tags, 2020).

Technology to fight against counterfeiting

Even if technology often makes things worse, it also gives producers tools to stay one step ahead of counterfeiters when battling them. An effective technological anti-counterfeiting technique is based on three main ideas:

- using uniform and consistent labeling and identifying procedures for pharmaceutical secondary packaging;
- using both overt and hidden elements to verify a product's authenticity; and
- assurances about the packaging's integrity from the initial manufacturer throughout the whole supply chain.

Packaging: It is crucial to retain the original manufacturer's packaging's integrity throughout the whole supply chain. It guarantees that the packaging code used by the original manufacturer remains unaltered, making it simpler to identify tampered items and packaging. The packing of the pills within the box, which serves as secondary packaging, may be kept secure using tamper-evidence technology, supporting the integrity of the contents. For instance, product packaging might be bonded with perforated cartons or secured with security seals. A different choice is to create carton folding boxes that rip (tamper evidence) when the shipment is first opened.

Special markings: Product authenticity is made possible at every level of the supply chain by overt or visible marks (e.g., wholesalers, pharmacies, hospitals, etc.). There are several security features on the market, including guilloches, color-shifting inks, and holograms (also used for banknotes). Manufacturers utilize covert or concealed marks to distinguish genuine goods from imitations. Examples include chemical tags, such as ink, which serve as a chemical signature and may be included into various packaging components.

To lessen the possibility of copying by counterfeiters, each manufacturer should always select their own authentication mechanisms. Counterfeiters would have to attempt to duplicate as many different sorts of markers as there are items they are trying to imitate if each firm had its own unique system.

Standardized and serialized coding and identification systems: A third phase, a standardized coding and identification system, can be used by manufacturers in addition to sophisticated inner and outer packaging, overt

and covert marks, and sophisticated inner and exterior packaging. Specific codes engraved on inside packaging can be used to control the traceability and security of medications, especially if pharmacies are able to decipher the codes. They are attempting to imitate.

Although this technology is currently in place and is used to identify batches or huge numbers of items, it can and ought to be employed at the pharmacy level. In addition to the batch number and expiration date that are encoded in the product's barcode, pharmacists might utilize a barcode reader to confirm a product's legitimacy. Each box is scanned at the distribution point and linked to e-prescription systems, ensuring that each patient receives the appropriate medication and automatically identifying expired and fake items. Furthermore, the distribution of fakes can be stopped by assigning a distinct, random number to each box.

Even though this technology is already in existence and is used to identify batches or large numbers of products, it can and should be utilized at the pharmacy level as well. A barcode reader may be used by pharmacists to verify a product's authenticity in addition to the batch number and expiration date that are included in the barcode. At the distribution center, every package is scanned and connected to e-prescription systems, ensuring that every patient receives the right medication and instantly identifies expired and phony goods. Additionally, by giving each box a unique, random number, it is possible to stop the dissemination of fakes (Bobée, 2009).

Managerial Solutions to fight against Counterfeit

As previously said, it is the business responsibility to take the commitment to combat counterfeits. In Figure 1, a structure for this course is provided. There are, in general, five steps, and each one is carefully covered here.

Search for Counterfeits

They can search for counterfeits using a variety of resources, namely investigators, periodicals, and distributors. These resources all offer assistance in various ways. For instance, it can be challenging and rare to get publicly available information at the local level; as a result, it would be extremely helpful to rely on proper distribution participants like stores and distributors. Investigators can be employed to determine where the fake products are made. The macro image is created with the use of published materials. Such information sources need to be used carefully by organizations.

Effect on Firm

Analyzing the impact of looking for counterfeits should result in an overall evaluation. Corporations must anticipate the appearance of counterfeits even if they are rare in the market. This paints a clear picture of the tactics that are suitable at various times. Loss of sales, profitability, brand loyalty, as well as time and human resources, are important areas that need to be evaluated.

Look for suitable strategies

If organizations anticipate their appearance in the future, they should put the right preventative measures in place well in advance. Organizations must use preventative actions if counterfeit goods are available and their impact on the company is clear. If the impact of fake goods on a company is little now but is expected to grow in the future, proactive techniques should be used in addition to reactionary ones.

Responses

Businesses should be aware that putting a stop to counterfeiting could be too much to ask. As a result, the comments received should be integrated into next strategic initiatives. This is so that tactics used today might not work in the future.

Final Thoughts and Future Plans

Businesses should view the existence of counterfeit goods as a challenge rather than a burden. They ought to see the existence of fake products as an opportunity to better service customers, increase brand loyalty, cut costs, and foster goodwill. Organizations should be aware that hoping for a complete halt to counterfeiting may be

unrealistic. A comprehensive effort from the government, organizations, civil society, and consumers is necessary to stop counterfeiting.

Another of the paper's shortcomings was that we were only able to briefly touch on the six common reactive and proactive techniques that organizations use. Additionally, some market segments may not respond well to the general tactics that are presented here. Additionally, the issue of counterfeit goods has been perceived as purely economic, even in this research. Recognizing counterfeits as a complex issue that requires study on other aspects like cultural and social context is crucial (Shridhar 2007).

In order to stay ahead of the fake goods market, producers include advanced emerging authentication technology into the packaging. **The organizations' integrity is protected by these technologies.** Retailers, distributors, and even final customers are now able to check the items' validity.

RFID: Radio-frequency identification (RFID) can assist reduce the expenses associated with contaminated or counterfeit medicines by tracking pharmaceuticals or other commodities in the distribution chain.

BarCode/QR Code: The technology category, which consists of barcodes and QR codes, has so far contributed the most share of the market to the anti-counterfeit packaging market and is anticipated to expand at the second-fastest rate throughout the forecast timeframe. This is due to the fact that practically all sectors significantly favor it for brand protection. These businesses are optimistic about this innovation since it makes it more difficult for counterfeiters to duplicate as the data and code embossed over the barcode prevent the hidden data from being shown on the label.

Holograms and smart labels: Personalized trademark protection services. These may be quickly integrated and utilized in a partner network and are created at the product level. The interaction here between user and the business is digitalized, there can be quality personalization and analysis of each product. This creates an IoT ecosystem that is most advantageous to partners and customers.

The present packaging procedures can be strengthened by tamper-proof technology paired with hidden security elements including infrared (IR) and ultraviolet (UV) pigments, micro text, and microscopic tagging. The latest distribution network tracking efforts to combat counterfeiting can be strengthened even more by incorporating technology into pharmaceutical packaging.

Digitalization will not only give customers greater knowledge and control over their ability to avoid ingesting fake medications, but will also give companies and authorities a more efficient way to address the problem of counterfeiting.

When combating counterfeiting, the pharmaceutical business places a high priority on monitoring and traceability. To make it simpler for companies and governments to trace items along the distribution chain, there has to be a greater use of digital serialization through identification like QR codes, barcodes, and other distinctive alphanumeric codes. One method of avoiding fake medications is to combine this procedure with the use of anti-counterfeiting applications that instantly verify the drug's legitimacy.

Last but not least, pharmaceutical businesses must have effective brand protection procedures in place to safeguard themselves in the event that a fake version of their drug is offered on the market, just as it is crucial to protect customers from counterfeit medicine. Consumers find it challenging to trust the goods of a certain firm without a successful brand protection plan. A technique for protecting a brand is to actively include businesses in the search for anti-counterfeiting solutions. From 2021 to 2026, it is anticipated that the APAC region would have the greatest market for brand protection and authentication.

Institutional solution to fight against counterfeit

For businesses, especially those who sell their goods online, upholding product integrity and brand reputation is of utmost importance. Products that are fake but do not match the genuine article in terms of appearance or functionality hurt a company's sales and reputation.

So it might be important to spot counterfeit goods and take legal action against those who sell them. The following are some strategies you may use to safeguard your goods and stop others from peddling knockoffs.

Secure global protection of IP

You should make sure you obtain a patent, trademark, or copyright in order to prevent others from exploiting or producing your items without your permission. And register them in other nations where possible counterfeit goods come from.

For example, this article expressly mentions that a staggering 86 percent of counterfeit items originate in China and Hong Kong. There may be nothing preventing individuals in other nations from copying your goods if your ownership rights do not apply internationally.

Embrace technology

Without the need for technology, it may be practically hard to keep an eye on counterfeiting. As a result, companies that make good use of social media and make it simpler to spot and deter counterfeiters. Use recognisable packaging or designs that can only be seen with a certain tool, or add nano-optic graphics to your goods. You can verify your products and find fakes using a variety of high-tech techniques.

Allocate resources to monitor the market

You may have to look for counterfeiters in order to locate them. To be able to achieve this, one might start by watching the market. As an illustration, you may have someone who searches internet stores for unlicensed merchants. You can also limit the platforms you use to market and sell genuine goods. If these channels are restricted, it may be simpler to spot phony goods when they are sold through unlicensed websites or retailers.

Make it easy for your customers

Customers that encounter counterfeit products negatively might not buy from you again.

One should thus make it simple for your consumers to spot and report imitations. Giving customers information like product descriptions may be a simple method to educate them. Additionally, clients should find it simple to contact you if they think they received a fake version of your goods. These steps can safeguard the quality of your products and reassure customers.

Anti Counterfeiting Initiatives - Where does India Stand ?

India is a big market for knockoff brands. Numerous legitimate brands are harmed by imitative or stolen brands, causing harm to the Indian economy and industries. Millions of individual consumers face health and safety risks from counterfeit goods. In India, counterfeiting has an impact on nearly every industry. Since counterfeit brands compromise the reputation of legitimate brands, they reduce sales of illegally obtained goods, harm local businesses, and deter legal imports. The amount of money the government collects through duties is decreased by these brands. False labeling, unauthorized use of a trademark, jacking up the price, and using inferior components to create a real brand are significant activities carried out when developing a counterfeit brand.

According to Jones' (2018) article for a news magazine, "the fraudulent items and brand tarnished the reputation of legitimate and locally established firms." Also according to Ritson (2017), "the fake and counterfeit brands are a major threat to the future existence of the brands and producers." On the other hand, Mahajan (2013) stated in an article that "counterfeit brands are good for the authentic brands and economy, because they give the scope for innovation, helps to rethink about the price, gives the benefits of free advertising, causes positive effect on high end brands, and also increases the brand awareness." The claims made go against each other and widen the gap between expectations and reality. It might be argued that two distinct claims demonstrate the confusing picture of effects of counterfeit brands.

Legal recourse - Court cases on Counterfeit Brands in India

Skechers: US based Sports Footwear Brand

With its headquarters in Manhattan Beach, California, Skechers is an American lifestyle and footwear brand that caters to men, women, and children. The internet retailing company "Flipkart" and four other online businesses, including Retail Net, Tech Connect, Unichem Logistics, and Marco Wagon, have been sued by the US-based sports footwear manufacturer Skecher in the Delhi high court (Malviya, 2017). With the approval of a court-appointed officer, The Skechers searched phony product producers' stores in Delhi and Ahmedabad. Nearly 15,000 phony Skechers shoe pairs were seized during a formal raid. The court punished all of those companies' money based on the facts presented in court (Malviya, 2017).

Microsoft Corporation

This case was brought by Microsoft Corporation in the Delhi High Court against Ms. Kiran and others (Warrier, 2017). According to Microsoft, the manufacturer of fake goods has attempted to push their brand on the black market. This trademark and trade name cannot be used by the defendants. This is a confirmed case of product piracy and counterfeiting in addition to a violation of Microsoft's trademarks and symbols. In addition to costing the approved Microsoft company money, it has damaged its reputation in the marketplace by providing customers with inferior goods. After hearing the case, the court sentenced the defendant to monetary punishment and ordered that loss be caused to the victim.

Lacoste

A lawsuit was brought by La Chemise Lacoste against R.H. Garments and Others. The court determined based on the information that other businesses are utilizing the trademarks LACOSTE, CHEMISE LACOSTE, and their insignia CROCODILE without the owner's explicit consent. According to the court, illicit manufacture and the brand image of the legitimate company is damaged by the sale of La Chemise Lacoste products, and the corporation has also incurred the loss of money (Warrier, 2017). The court mandated that R H Garments compensate La for the financial loss. Chemise Lacoste added that the monetary compensation is insufficient to make up for the loss of brand value image.

Adobe System Inc:

Adobe Systems, Inc. filed a lawsuit in the Delhi High Court against Mr. Mahindra Saxena, the manufacturer of the fake goods, and others. They were utilizing the trademark of the legitimate software firm while selling pirated software in order to make a tonne of money (Warrier, 2017). The court noted and declared that utilizing illegally obtained or cloned software is a violation of the legitimate brand's legal rights and harms Adobe Systems. According to the court, pirated software not only hurts consumers but also costs the government a tonne of money in lost taxes. Due to their failure to keep an account book and balance, their unlawful manufacture is difficult to detect during raids, and it is also impossible to determine how much loss is brought on by the phony brand.

Government Initiatives to Control Counterfeiting in India

Government and Non-Government Organizations have launched several campaigns to educate the Indian population about counterfeiting and put legal framework. The following is an overview of customer education efforts and the judicial system in India's fight against counterfeiting:

Campaigns to control Counterfeiting

The criminality of the twenty-first century, counterfeiting affects practically all economies and sectors. Initiatives are being taken at the same time to inform customers about anti-counterfeiting campaigns.

- To raise consumer awareness of the risk of using stolen and counterfeit goods, the "Bhagidari" initiative was launched. The Civic body started the campaign (Chandra, 2012).
- To promote the use of authentic brands, HUL and TATA celebrated World Anti-Counterfeiting Day and World Intellectual Property Day. Additionally, buyers were warned about the dangers of bogus brands (Bhatt, 2016).

- In numerous schools in New Delhi, the Government of India launched an awareness campaign through encounters, innovative competitions, and awards. This campaign's goal was to inform students about the dangers of using fake goods (Bhushan, 2015).
- The Ministry of Consumer Affairs of the Government of India created the awareness and information campaign "Jaago Grahak Jaago" to warn customers about scams by fake businesses. In the month of February 2012, this advertising appeared in more than 160 newspapers. The advertisement was broadcast on several TV networks (Dhruv and Shamim, 2016).

Legal Framework to control counterfeiting

- Procedures for preventing the export of contaminated, fake, or misbranded medicines from India are outlined in the Drugs and Cosmetics Act of 1940.
- In order to provide statutory criminal sanctions against copyright infringement, the Copyright Act, 1957, is still in effect for computer programmes as well as literary, dramatic, musical, and aesthetic works.
- Article 27 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which addresses patentable subject matter, aligns with the Patents Act of 1970.
- A registered trademark owner has the legal authority to sue for passing off over an unregistered brand, according to the Trademarks Act of 1999.
- A registered organization may utilize a design, according to the Designs Act of 2000. This encompasses any design, shape, material, or combination of shape and color that is helpful for any kind of thing or object.
- The IT Act, 2000 was designed to regulate dishonest or criminal breaches that are committed using modern, high-tech computer systems.
- The Food Safety and Standards Act, 2006 was created to enable government authorities to seize and take control of erroneously branded and subpar counterfeit goods.

Conclusion

The worldwide economy is currently under threat from counterfeit and pirated goods, which are also damaging and perhaps hazardous to consumers who cannot tell the difference between the real thing and the imitation. The sale of counterfeit and fraudulent brands could not be easily halted, not even with the joint efforts of the official brand producer and government legal departments. In India, there are several authentic brands that are harmed by sellers or manufacturers of knockoffs. According to earlier studies, all industrial sectors in India have been impacted by counterfeiting.

To curb counterfeiting in India, both the government and non-governmental organizations have launched many measures. Campaigns for raising awareness and interactions with business and government are among the activities. In addition, the government consistently takes action by establishing a rigid legal structure to fight counterfeiting in India. Trademark Act, Copyright Act, Patents Act, Design Act, IT Act, Drugs and Cosmetics Act, Food Safety and Standard Act, etc. are some of the laws that make up the legal framework. Finally, the study helped shape consumer perceptions about counterfeit brands, which may be crucial for the government and non-governmental organizations to take action in creating effective controls against counterfeiting.

The results of this study will be significant. Government and non-government organizations will be able to create policies and plans. **The companies and managers can finalize the most appropriate technological solution for them.** These tactics will aid in solving the issues facing struggling businesses and provide guidance for putting an end to counterfeiting.

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