

Fighting counterfeiting, suggested strategies to protect Apparel Designs and products

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Abstract:

The purpose of this paper is to investigate the design counterfeiting practices in Egypt, analyse the process and suggest some applicable design and marketing strategies to eliminate counterfeiting. This way the original designer's intellectual properties and investments are protected by reducing piracy.

In order to develop this paper, an initial market analysis was made to form the main aspects discussed through semi structured interviews. These interviews were held with 38 Egyptian manufacturers and retailers working in the Egyptian market in individual sessions made face to face. The interviews results in combination with the literature were analysed to develop a better understanding of the counterfeiting process and practices. Some strategies were developed which are supposed to help protecting designer's intellectual properties and eliminate fashion counterfeiting.

On the one hand, awareness of intellectual property and copyright is progressing in Egypt; however, current legislated laws are not enough; modifications to current laws are required. On the other hand, some strategies were developed to help reduce apparel design counterfeiting. These strategies include establishing a design organization to protect designers and increase customer awareness of the piracy influences. Other strategies were meant to lengthen the counterfeiting process or maximize its benefits where possible.

This paper suggests -from a designer's point of view- some applicable strategies to help designers and apparel marketers deal with piracy to reduce design counterfeiting and its various negative effects. This research is limited to the Egyptian apparel market and retailers. Researchers are encouraged to study other sectors of the Egyptian and international fashion market.

Keywords:

- *Design piracy,*
- *apparel counterfeiting,*
- *apparel retailing,*
- *Egyptian trade.*

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Introduction

Counterfeiting is the illegal reproducing of intellectual properties. It is defined as the action of forging an artistic or literary work or an industrial product to the disadvantage of its author or inventor (Catherine and Florence, 2014). Fashion counterfeiting is illegally reproducing a product and marketing it; thus imitating the original one's properties. These products are made with the intent to capture value from the established products name (Michael Ba, 2013). However, counterfeiting can be done to capture value from the product specification only, not the brand name. This way counterfeiters imitate successful product properties in all or part of them, and reproduce them under their names; to benefit from its proven success.

On the one hand fashion brands and apparel designers rely on creativity and design as an ultimate advantage in this competitive industry. On the other hand fashion counterfeiters are copying the successful products and creative work

at all levels of the market.

The problem is that it is difficult to come up with a creative content, while it is easy to copy. If the content is not protected by exclusive economic and moral rights, the creative incentive will be lost to the detriment of the creator, and most importantly to the society at a larger scale (Raustialla and Sprigman, 2006). Moreover, counterfeiting fashion items is much cheaper than creating it. A product can have many costs associated with its original production; a counterfeited version of that product can be produced at much lower costs. This allows counterfeiters to be able to sell the product at a lower price compared to the original one, even if the counterfeited product is of comparable quality (Michael, 2013).

Continuous creation of new product designs and improving existing ones are very important for customers, designers, and fashion brands. Such new creation must be protected for both ethical and economical reasons to empower this industry

which relies heavily on creativity as a competitive factor. Various arguments lead us to view counterfeiting as a major problem for marketing; those responsible for the strategic management of brands are constantly faced with counterfeiting and need to develop effective strategies to minimize the risk of copying (Viot et al., 2014).

In Egyptian fashion market, like many other developing countries, counterfeiting is an existing problem; it continues to frustrate creativity, constrain new product creation and reduce both local and international brand revenue. Accurate records to determine the problem in Egypt are not available, however, according to Wall and Large (2010) it has been estimated that counterfeited goods make up about 5-7% of all world trade in the early 21st century. Increasingly, the share of fake products in global trade has been estimated to be about 8% in 2014 (European Commission, 2014). The increasing demand for counterfeit products, from year to another, could be the main cause of the fast development of counterfeit product business (Santi and Tony, 2014). Unfortunately, apparel and clothing products are heavily suffering from this problem. In Europe alone 20% of all clothing and shoes are counterfeit (Wall and Large, 2010). The retailing of counterfeit apparel products is going online too. In a research about online counterfeit, Jeremy and Roy (2014) investigated 270 apparel retailing websites; they identified only 68 authorized retailers and 208 websites promoting counterfeit products.

The Egyptian apparel market is a big one. In Marketline report (2013) the market grew 6.7% in 2012 to reach a value of \$8.8 billion and is forecasted to have a value of \$13.4 billion in 2017, with an increase of 52.3% since 2012.

The analyses of the Egyptian market shows that fashion counterfeiting usually happen in three main ways:

- Counterfeiting the product with the exact same brand name and product design.
- Reproducing the product with the exact same design under another brand name. and,
- Producing different products imitating the original product properties.

Intellectual Properties and Copyright Law

Fashion designers and companies spend time, pay money and make effort in the risky process of creating fashion collections. Without protection, style pirates may ride on the coattails of the designers work and success costing designers potentially huge sums of revenue (Kevin, 2010). Protection of intellectual properties law supports

creators and allows them to continue creating new designs and products. It is the exclusive right of an author, artist, photographer or composer to own written or printed composition; all these items are treated as “intellectual properties” from the legal perspective (Okiy, R. B., 2005). Despite the potential loss of substantial revenue and exclusive control over the use of original designs facing designers, few legal rights exist to protect these valuable creative and economic interests from misuse by style pirates (Kevin, 2010).

According to 2012 copyright law of the US, copyright holders have the legal rights to protect their published or unpublished original works of authorship including literary, dramatic, musical, artistic and certain other intellectual works. This protection is precisely the grant of exclusive rights and ability to license protected items to others for use, thereby securing commercial gain (Kevin, 2010). It is concerned with ensuring that authors receive adequate monetary compensation and/or recognition from those who exploit their original intellectual work presented in permanent form. This makes it illegal to reproduce original work without their permission (Okiy, R. B., 2005). It is obvious that the main purpose of copyright protection is to safeguard the exclusive rights of the authors and keep enriching the public domain to guarantee sustainable innovation at the same time (Tian and Chao, 2011). The core rationale of both national and international systems of copyright protection is to maintain a balance between the entitlement of authors (or other intellectual content owners) to exclusive right of their works, and the public interest in using these intellectual and cultural works (Abdulla, 2008).

Egypt like many other developing countries is progressing in design protecting and copyright law. Adolf claimed in 2011 that society, in developing countries, did not consider intellectual property as an important aspect which had a substantial impact either on society itself or on the development process. Soon after that, Egypt legislated the Egyptian Intellectual Property Law (2002) to protect intellectual properties including designs and industrial samples. About the same time, the KSA legislated four main intellectual property laws (Afida, 2014). However, developing countries should take the copyright protection more seriously and not just follow the international trends. For example the major reason of developing copyright laws in the Gulf Cooperation Council (GCC), Adolf (2001) argued, was external influences and pressures from developed countries to make frameworks to

protect their copyrights, rather than a proactive local appreciation of the importance of comprehensive copyright protection.

Fashion copyright arguably exists only to the extent that truly original texture is added to the basic design (Kevin, 2010). Copyright and trademark laws protect certain elements of fashion designs such as unique fabrics and logos (Tedmond Wong, 2012) as well as drawings (Marianne Dahlén, 2012). In this way the fashion design of utilitarian products lacks protection in some developed and many developing countries including Egypt according to the apparel nature. It cannot be said that fashion designs lack sufficient originality for copyright protection where designers use artistic vision to create garment concepts and designs (Kevin, 2010). However, the protections do not extend to the general shape and appearance of a fashion design (Tedmond Wong, 2012).

Copyright and trademark laws in many countries do not grant protection to products and features that serve a utilitarian purpose (Tedmond Wong, 2012, Marianne Dahlén, 2012). That is due to the general useful nature of clothing and apparel. As a result, a number of legislative attempts have been made to provide more comprehensive protection to fashion designs in an effort to promote new designs and to protect the economic investment of the original designers (Kevin, 2010).

Copyright limitations and exceptions curtail the exclusive rights assigned by copyright law to the copyright holder. The Egyptian law allows usage of copyright designs for research, education, training, non-commercial purposes and any other activity that does not affect the copyright owner commercially. Such limitation in intellectual property protection is intended to promote the public interest and to respect user 'legitimate' interests in using copyright-protected material in certain circumstances without the permission of the rights holder (Tobias and Caroline, 2011). The unauthorized use of protected works is permitted, if the use can be considered fair in light of the underlying purpose. Examples of underlying purposes are research, private study, criticism, review, news reporting, teaching, use by disabled persons and use by archives as well as libraries (Gervais, 2005); this is "fair use".

This fair use allows making selective copies of material or documents. For example, if a person reviews or criticizes material, reports current events or requires the material for judicial proceedings. Also if he teaches in a school or a non profit educational establishment or helps

visually impaired people (Will Doherty, 2006). Fair use includes such harmless acts as posting gifted photographs to a personal web site, having a tattoo of a famous cartoon character, singing the happy birthday song, taking a video where a famous artwork might appear in the background and more (Tehrani, 2011).

Another issue that arose in most arguments against any attempt to control copying at a lower price was ethical; the need to provide women of lower incomes with fashionable clothing that did not set them apart. Copying practices in the industry led to the widely-held belief that fashion flowed rapidly from high-priced designs to the bargain basement. This presumably led to a democratization of style, that allowed women of all classes to wear the latest fashion, even if it was not in the highest quality (Sara and Jean, 2006)

Egyptian Intellectual Property Law is supposed to provide protection to the industrial design intellectual materials but the situation is that there are some minor shortages which are:

- A design must be registered prior to displaying it for the public, otherwise it cannot be registered. That's any design shown to public by any means cannot be registered (section: 3, 120).
- A design must be totally original, while the apparel design is not considered original enough for registration (section: 120).
- A design must be registered for fee (section: 11).

Fashion Piracy and Apparel Counterfeit

The popularity and status attached to certain designers and their trademark designs have led to the rise of "style piracy" (Kevin, 2010). A style pirate will copy a designer's original creative work to gain fame at the expense of popularity or desirability of the product. The copying can occur in varying degrees including attempts to pass off counterfeit copies, or the creation of "designer-inspired" products that seek profit by giving the impression of relatedness to the original (Kevin, 2010).

OECD (2008) estimates counterfeit product size worldwide of over \$200 billion each year, While BASCAP (2011) estimates that the value of internationally traded counterfeit goods will reach an astounding level of \$770-\$960 billion by 2015. While copying has always occurred in the fashion industry, copying in the fast fashion era poses a greater threat to designers. Fast fashion businesses churn out low-cost imitations of high-fashion styles within weeks of their debut on the runway (Susan Scafidi, 2006). The situation is becoming

worse as the counterfeiting process is getting faster using high technologies and communication tools. Now pirates are able to produce copies of fashion items faster than ever. Within weeks after the runway shows in the fashion capitals of the world, consumers are offered similar apparel at significantly lower prices at their local retailers. Fashion piracy and copying have been practiced on an industrial scale during at least the last 100 years using similar methods (Marianne Dahlén, 2012).

Recent internet communication and production technology resulted in wider and faster counterfeiting of original fashion designs, hence a new approach fighting piracy is required. Online protection means protecting copyright and fighting against copyright infringement, for creativity and innovation on the internet. (Dexin and Chin-Chung, 2013).

Most researches investigated the application of law in eliminating design counterfeiting, since obviously, an illegal issue must be addressed by law. Traditional intellectual property solutions may be ill-suited to the type of short-life-cycle products (Marianne Dahlén, 2012). The fashion industry itself and the special nature of apparel products require special strategies that suit this nature. Few researches focused on the fashion designer and marketer role in dealing with fashion counterfeiting. This research aims at setting some applicable marketing and designing strategies that may help reduce or eliminate apparel design piracy.

Method

Some strategies made to reduce fashion counterfeiting were suggested by the literature review, which then was followed by an initial market research to form the main aspects discussed through qualitative “semi-structured” interviews. *Shape (1)* illustrates the sources used to form suggested strategies. Combination of both literature review and market research is supposed to develop some new strategies alongside existing ones; with the intention to improve existing strategies where possible.

Shape (1) sources used to form suggested strategies



Figure (1)

The interviews were held in three cities in Egypt: Cairo, Giza and Alexandria. The three cities were chosen because they are considered as wide product retailing capitals within the country. The Arabic language was used during the interviews to ensure interviewee’s accurate understanding and responding. The results were then translated into English by the interviewer himself.

The participants were informed of the interview’s purpose which is studying apparel retailing business within the Egyptian market. The interviews included questions about the source of products designs and the process of manufacturing them. However, the subject of counterfeiting as an illegal practice was not discussed nor the negative effects of counterfeiting.

The interview’s aim was to investigate the applied counterfeiting methods within the Egyptian fashion business focusing on apparel retailing. The retrieved data was then analysed to discover the shortages of the apparel counterfeiting process, develop new methods to reduce fashion counterfeiting in addition to improving strategies mentioned in literature.

Interviews were made face to face to ensure better understanding of the interviewee’s response. This way gave space for non-structured discussion that was expected to result in better understanding of the Egyptian counterfeiting practices adopted by the 38 participants interviewed. The participants were supposed to be 47 persons, however, a number of 9 persons refused to participate. All of the 38 participants were Egyptians: 23 were local apparel manufacturers and the other 15 were Egyptian apparel importers used to import goods from overseas. The selection of the 38 participants was random within the women apparel market.

Table (1) below shows the main aspects discussed through the interview accompanied by the results.

Table (1) Interview results:

Discussed aspects during interview	Local manufacturer (23 manufacturers)	Overseas importer (15 importers)
The counterfeiting process length	Mean: 8.5 Standard deviation:1.5 Confidence level: 0.76	Mean: 16.8 Standard deviation:4.6 Confidence level: 3.42
Design sources to counterfeit/imitate	Magazine/stores(local)	Stores (Turkey/China/Dubai)

Reasons preventing them from developing their own designs	Fail/cost/designer	Fail/cost/image
Having your own brand?	Mostly no	Mostly no
Price levels compared to other brands/stores in the same market	5/10 Standard deviation:1 Confidence level: 0.50	7/10 Standard deviation:1.1 Confidence level: 0.76
Quality of garment finishing	5.4 Standard deviation:1.1 Confidence level: 0.57	7.2/10 Standard deviation:1.2 Confidence level: 0.76
Quality of garment fabric	4.8 Standard deviation:0.8 Confidence level: 0.40	8 Standard deviation:0.6 Confidence level: 0.47
Quality of accessories materials	4.6 Standard deviation:0.7 Confidence level: 0.40	7.4 Standard deviation:1.0 Confidence level: 0.76
Do customers know it is not original?	Yes and don't care	Yes and don't care
Reasons for customers to buy fake garments?	Price	Price
Using fake labels	No	No
Previously faced any illegal issues with government/design's owner	Mostly no	Mostly no

Results

During the interviews, the interviewees were describing their business model which consists of searching for new apparel items expected to suit the market. The next step was to purchase a sample garment if possible; otherwise they used a magazine photography as a start point for the production process. Sample garment is usually obtained from local stores, but it is preferable to get it from international ones. That's why others

prefer to travel abroad searching for a fresh look. Magazines and internet are the main sources to obtain product photography.

Sample garment or magazine photography is then transferred to the factory, whether this is done locally or overseas where a sample is made. After sample approval, a mass production of the garment is started, after production is done the goods are moved to local stores.



Figure (2) suggested strategies and source.

The current procedures of apparel counterfeiting in Egypt are negatively affecting the industry. They

are frustrating creative designers and new apparel product creators, besides they are not helping the

customer choose from enough variety of apparel designs and products. Moreover they are causing ethical issues. The current counterfeiting procedures are long and usually start after the original products are already distributed to stores; this is the main shortage within the studied model. Some strategies were suggested to help reduce counterfeiting in the Egyptian apparel market, lengthen the process and increase original designers profit.

Discussion

Most of the efforts made to eliminate counterfeiting were focusing on the customer's ethical values, the legislation and/or the customs role. Customers are different in their ethical values and awareness levels, moreover they can be tricked to buy counterfeited products without knowing the truth too. The legislation and activation of law require an action from the brand owners in the first place since customs is not capable of seizing a 100% of counterfeit goods. Alongside these efforts, the fashion designers and brand owners can play an effective role to decrease apparel counterfeiting by dealing differently with it. *Shape (2)* show the suggested strategies classified according to the strategies source.

Following strategies developed through the analysis of the Egyptian market counterfeiting practices, combined with the interview results and the historical review of the problem, besides solutions suggested in the literature are not enough to eliminate counterfeiting entirely. However, this research aims at reducing counterfeiting and its negative effects.

Strategy (1) Benefit from the Counterfeiting Process Length:

While copyright and trademark laws protect very few qualifying designs, the wholesale exclusion of most other designs is justified because designers generally enjoy the benefits of being the first providers of the garment. In the past, the amount of time required for a competitor to reproduce and offer a counterfeit or knockoff effectively secured sufficient commercial benefits for the original designer as the sole provider of the garment. This limited period of exclusivity promoted continued innovation in fashion design by motivating designers with the promises of obtaining the benefit of their work and creativity.

Recently, designers no longer have the promise of a limited period as the exclusive provider of a particular fashion design (Kevin, 2010). Globalization along with lower cost overseas

production and the fast communication era all three factors resulted in fast copying of fashion designs. The rate of global copying appears to have speeded up over the past five years and the introduction of new technologies such as computer-aided design has facilitated this process (Dickson et al., 1997).

The interview results show that the period needed to counterfeit a design is 8.5 weeks if the production is done locally, while it is 16.8 weeks if the production is done overseas. Most of this time is spent in pattern making, sample making, and embroidery/printing pattern imitation. If the sample contains special sewing details, the process is supposed to go longer. The standard deviation for overseas manufacturing and importing is (4.6) which is higher than local production (1.5) due to the variety of production sources and the time needed for transferring and importing.

Eight weeks is not a very long period, however, if a designer or retailer can market the original designs and products fast enough and in suitable time this would reduce counterfeiting, or at least reduce its negative effects. Another strategy that may complicate the process of counterfeiting is by using specially treated fabrics, adding embroidery over a print or adding special sewing details that are not usual. This will make it lengthy enough for the counterfeiter to give up, or in worst case scenarios, reducing the loss.

Strategy (2) Be Careful With Visual Merchandising:

The imitators search for suitable products to copy in local and foreign stores as well as magazines. Displaying products in stores is necessary for marketing purposes. However, displaying a holistic fashion illustration instead or showing only few samples of the collection may keep the rest of products safe. The timing of disclosing a product on magazines or in TV shows is critical too. It should not be long before displaying them at stores.

Strategy (3) Establishing the Egyptian Fashion Designers Organization:

A fashion organization may be a solution to stand against the fashion counterfeiting. The idea of a guild aiming at protecting members is not new. In 1932 in the USA, the Fashion Originators Guild of America "FOGA" was founded to organize and protect fashion designers creativity and inventions. Once registered, manufacturers obtained labels for their designs that stated "Registered with the Fashion Originators' Guild of America" or "An Original Design Registered by a member of the

Fashion Originators Guild.” (Sara and Jean, 2006). The clothing manufacturers involved agreed to sell exclusively to specific retailers who restricted their purchases to only original designs (Kimberly, 2010).

Dealing exclusively with other guild members may not be suitable in modern industry; however, the intended Egyptian organization may blacklist counterfeiters to prevent them from trading in the local market, as well as updating the customs with information about counterfeiting.

Strategy (4) Increase Customers Awareness of Quality:

Counterfeiters usually use low quality finishing, cheaper fabrics and accessories too. The local producers estimated the quality of garment finishing to be (2.87) with standard deviation: 1.1 and confidence level: 0.45, which indicates no sufficient difference. Following the same routine with local manufactures, the quality of garment fabric means: 2.35, the standard deviation: 1.1 and confidence level: 0.45. The overseas importers estimated their garment fabric, accessories and finishing quality at higher levels while local manufactures and overseas importers tend to produce cheaper garments with lower quality inputs. They focus on the defiance between quality of materials and production process while marketing original fashion items may be useful. Furthermore, educating customers on how to recognize quality garments may help.

Strategy (5) Increase Customer Awareness of Ethical and Moral issues:

Egyptian media specialized in fashion and other creative industries should focus more on the ethical values; explaining how purchasing counterfeit products is negatively affecting the business and the customer too. The luxury goods industry should raise awareness that not only the purchase of counterfeits is harmful to the economy, but is also immoral (Cedwyn, 2013).

Besides being unethical, the negative effect of counterfeiting should be explained. Recently, the designers understood the importance of customers role in fighting piracy. They have been more than vocal in their attempts to educate the public about the domino effect of buying knockoffs (Robin, 2009). They should emphasize that buying a counterfeit product is equivalent to buying stolen goods. Imposing no religious or moral sanctions against the purchase of stolen goods may have negative impact. (Cedwyn, 2013)

Strategy (6) Documenting the Design and Sample Making Process:

To secure copyright protection, it is necessary to keep documentary records of the design process as it is evolving to prove originality (Bainbridge, 1999). Such documentation may help in special cases when counterfeiting is so obvious, hence the designer may go to a court with a strong case. Furthermore a declaration about documentation may prevent counterfeiters from copying the designs.

Strategy (7) Taking Care of Fabric Designs While Printing off House:

Many fabric suppliers use the same mail and printers, so there is always a chance that a design may be counterfeited before launch. Many firms emphasize the importance of good relationships throughout the production process (Adrian et al., 1999). That would help the designer observe the printing mail to take necessary action in suitable time. However, in some situations changing the printing mail is essential.

Strategy (8) Register a Trademark to Protect Products:

Many designers have turned to trademark law and secondary meaning in trademarks as a means of circumventing the requirements of copyright law to receive some form of legal protection (Kevin, 2010). They aggressively protect certain elements of their merchandise through trademarks or patents (Sara and Jean, 2006). In light of the protection granted to trademarks, a fashion designer that incorporates a registered trademark into a fashion design may obtain indirect protection of the design itself from those who misappropriate the mark for use on counterfeit goods. Protection would be available because the owner of a registered mark generally retains the exclusive right to use that mark in commerce (Kevin, 2010)

Establishing a fashion trademark would provide protection for the company merchandise, despite the fact that this does not protect design itself, but indirect protection may be useful. Moreover, a trademark would help consumers recognize the company image, which should be promoted as a creative and an honest one. This image supplies them with genuine and innovative products since fashion customers do always search for new styles.

Strategy (9) Train Professional Designers to Eliminate Counterfeiting:

The Egyptian retailers avoid creating new designs to escape the potential failure and cost. Many of them had negative experiences with novice Egyptian designers. Since, in business, it is

common that higher risk equals greater money, Egyptian retailers should be braver and do the business as it should be done. In other words, designers need to think of apparel design as a business, it is supposed to make new products suitable for customers, fulfilling their needs and answering their demands. The Egyptian apparel industry lacks the experienced designer who can help manufacturers improve their brands. Training such a designer would help many companies stop pirating others creations, as some of the Egyptian apparel retailers claimed that they could not find a professional designer to create new products for them in an economical way.

Strategy (10) Perform Accurate and Deeper Market Research:

Many retailers and brand owners focus only on the price as a competitive advantage, while this may be true, to some extent and in some situations, this leads also to producing low quality products. Many of the Egyptian customers are willing to pay more to get better quality apparel; furthermore, a better understanding of the Egyptian market and its various sectors is needed, so that the Egyptian retailers can address them accurately.

Strategy (11) Counterfeiting May Result in free Advertisement for Innovator:

We generally like to think of the exclusive fashion houses as the ‘victims’ of design piracy, not the ‘perpetrators’ (Marianne, 2012), however, Lungström (2008) mentioned a Marc Jacobs mistake by using a copyright print made by an amateur Swedish painter called Gösta Olofsson lives in a village called Linsell. Marc Jacobs admitted the copying was a mistake. This imitation accident was very helpful for Olofsson the innovator (Lungström, 2008). In similar situations, the original creator of a design may enjoy free advertisement, once he/she prove the ownership of such designs.

A creative designer will keep creating new designs, letting the customer know the innovator and the imitator. This is an important position for fashion brands in this special nature industry. Such strategy may work well with haute couture and similar product lines. Marianne (2012) described the fashion business as a pyramid; at the narrow top segment is the fashion with a ‘high’ content of innovation and design, where fashion changes very quickly and with big differences between seasons (Marianne, 2012).

Hauge describes it as follows; among producers there are ‘innovators’ and ‘imitators’, while

among consumers there are ‘early adopters’ and the ‘followers of fashion’ (Hauge, 2007). Focusing on the early adopters will reduce risk. When the latest fashion – in the form of copies and knockoffs – has trickled down to consumers at the lower strata of the fashion pyramid, the ‘early adopters’ need something else to keep up their status as consumers at the top. When ‘anybody’ can wear the latest trends, the ‘early adopters’ will go hunting for new and different trends (Marianne, 2012).

In such a scenario, the game will change and the creators of new fashion will be the winners. In doing so they speed up the fashion cycle, ultimately augmenting the designers, manufacturers and retailers profits. Therefore, fashion designers ‘anchor’ certain models of their extravagant runway shows in Paris or New York, so they may be copied on a large scale and create ‘induced obsolescence’ (Marianne, 2012). Not just the benefit of being copied by a big name, but retailers known among customers for their innovative designs and original apparel will help them establish a fundamental base in the apparel market. Customers in this market do value innovation and reward it.

Strategy (12) Activate the Copyright Law:

Copyright was made to protect the creator of intellectual property. In the USA the creator or the copyright holder has exclusive rights to control the copying and distribution of the creation for his or her life plus 70 years (Sarah Long, 2006). Thus providing a legal protection that gives the original author of a document ownership rights to the material he/she created (Will Doherty, 2006). Egyptian retailers should act more bravely and face the counterfeiters. One successful case would stop hundreds of intellectual property thefts. However, a court will not react unless designers claim their rights.

In addition, when counterfeit products are available in stores, this would encourage customers to buy them willingly or fooled. The availability and access to counterfeits are crucial issues in combating counterfeiting (Ervina and Fandy, 2013). By activating the law, it is supposed to prevent counterfeit products from crossing borders, or from being sold in stores if they happened to pass.

Strategy (13) Extend the Law to Protect Apparel Designs by Launch:

The Egyptian Copyright Law protects industrial designs from counterfeiting, however, a design must be registered for a fee before it can enjoy

protection. Moreover, a design cannot be registered if it was shown to public before registration (Egyptian Intellectual Property Law, 2002, section: 119). In addition to the protection afforded by copyright, design registration before launch is available as an alternative form of protection of designs that are aesthetically appealing. The designs must be new in the sense that they have not been registered before. Protection lasts initially for five years from the date of registration renewable up to a maximum of 25 years, but there is a set charge for each design registered (Egyptian Intellectual Property Law, 2002, section: 120).

The situation in the EU, US and many other countries is different. A design may enjoy protection just by presenting it in a fashion show or magazine under the unregistered community

design protection law. It was conceived, with a view to industrial sectors with short intervals, to offer a formless three-year term of protection from the day of disclosure (Marianne, 2012).

These intellectual property rights come into effect the moment the work is created and do not require any registration or certification (Will Doherty, 2006). This means if a designer creates a new product and he/she has enough documents to prove originality, then there is no need to register it. Copyright protection should just guard this original creation the moment it has been created, without registration. This is more suitable for fast changing industry with a lot of new creation every day; however, a sort of documentation must be present to support the creator claims.

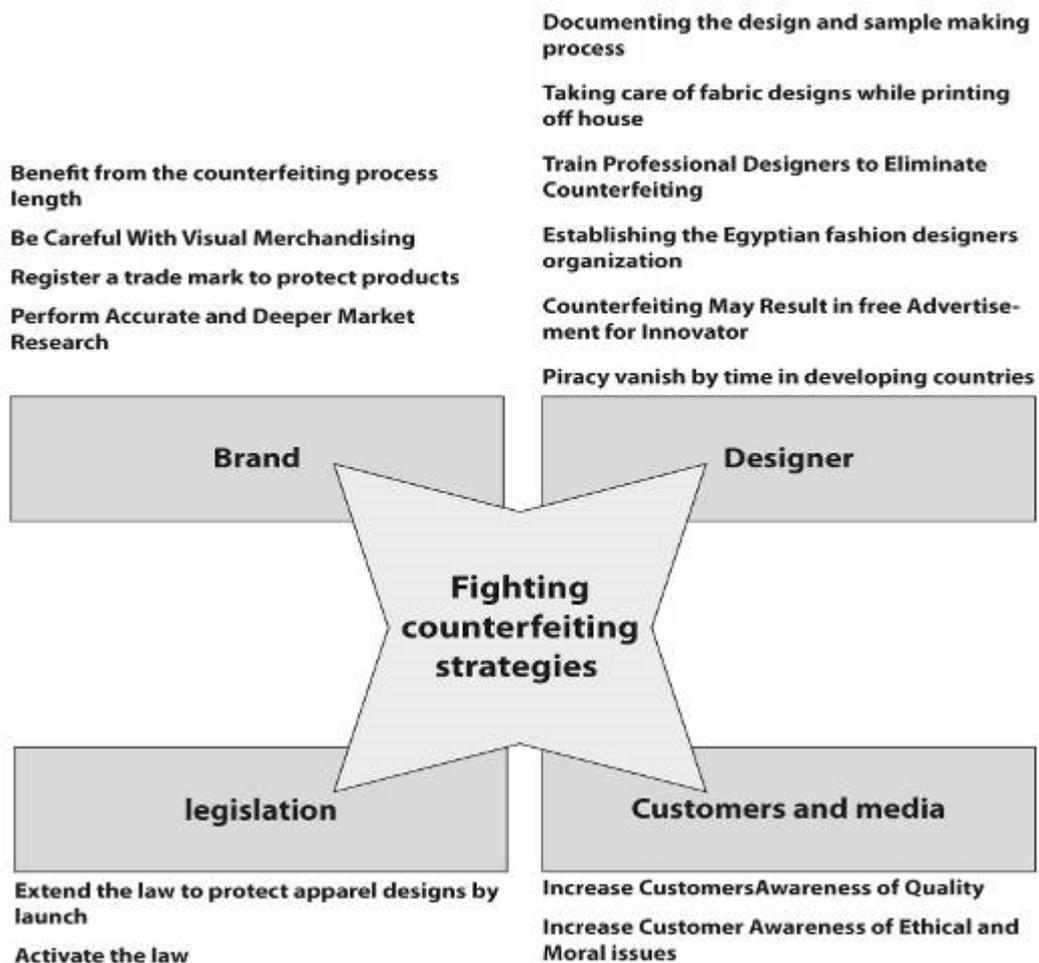


Figure (3) suggested strategies and responsible.

Strategy (14) Piracy Vanish by Time in Developing Countries:

Sociologists agree that it is not uncommon for industries in a new and developing economy to undergo an initial period of piracy. Once that

period launches a creative revolution, local creators eventually appear and then the law steps in to protect their creative works (Kimberly, 2010). Historically, counterfeiting is normal in some stages of the industrial development, but the process can be speeded up by preparing for a

“creative revolution” by spotting local creative designers and innovative companies in the media. The responsible for applying suggested strategies is 'for great extent' the designer himself to protect his own creation, however other parties are responsible too, brand owners have to act to save their own investments. customers should be aware of counterfeiting effects, and media should focus on the problem and educate customers about its various negative effects, plus throwing the light on the legislation action should be taken be lawmakers and legislators. *shape* (3) below shows the suggested strategies classified according to the responsible.

Conclusion:

Fashion counterfeiting is a serious problem in the Egyptian fashion market. Like many other developing countries it frustrates creativity, affects the process of new design creation and reduces the revenue of local brand owners and international ones as well.

The awareness of intellectual property and copyright in developing countries is getting more attention lately; however, for example, Egyptian law is not enough. New specified and extended laws need to be legislated. On the other hand, traditional intellectual property solutions may be ill suited to this type of short life cycle products. Copyrights in the fashion market arguably exist only to the extent that truly original texture is added to the basic design. Some applicable strategies need to be developed, to help designers and apparel marketers deal with counterfeiting and reduce design counterfeiting and its negative effects.

Face to face interviews were arranged with 7 local Egyptian manufactures and 14 Egyptian retailers producing apparel locally and overseas. An initial market review was made to form the main aspects discussed through the interviews. This helped in a better understanding of the counterfeiting

practices, thus led to the development of some strategies to protect designer’s intellectual properties.

The fashion counterfeiting in Egypt could happen in three main ways:

- Counterfeiting the product with the exact brand name and product design.
- Reproducing the product with the exact same design under another brand name.
- Producing different products imitating the original product properties.

Suggested solutions to deal with product counterfeiting would be:

1. Benefit from the Counterfeiting Process Length.
2. Be Careful With Visual Merchandising.
3. Establishing the Egyptian Fashion Designers Organization.
4. Increase Customers Awareness of Quality.
5. Increase Customer Awareness of Ethical and Moral issues.
6. Documenting the Design and Sample Making Process.
7. Taking Care of Fabric Designs While Printing off House.
8. Register a Trademark to Protect Products.
9. Train Professional Designers to Eliminate Counterfeiting.
10. Perform Accurate and Deeper Market Research.
11. Counterfeiting May Result in free Advertisement for Innovator.
12. Activate the Copyright Law.
13. Extend the Law to Protect Apparel Designs by Launch.
14. Piracy Vanish by Time in Developing Countries.

Table (2) summarize the suggested fourteen strategies based on the responsibility level and the origin of the strategy.

Table (2) Suggested strategies:

Origin of Strategy Responsibility level	Strategies suggested through interviews	Strategies suggested by literature
Designer	<ul style="list-style-type: none"> • Documenting the design and sample making process • Taking care of fabric designs while printing off house 	
	<ul style="list-style-type: none"> • Train Professional Designers to Eliminate Counterfeiting 	<ul style="list-style-type: none"> • Establishing the Egyptian fashion designers organization • Counterfeiting May Result in free Advertisement for Innovator • Piracy vanish by time in developing countries

Brand	<ul style="list-style-type: none"> • Benefit from the counterfeiting process length • Be Careful With Visual Merchandising 	<ul style="list-style-type: none"> • Register a trade mark to protect products • Perform Accurate and Deeper Market Research
Customers and media	<ul style="list-style-type: none"> • Increase Customers Awareness of Quality • Increase Customer Awareness of Ethical and Moral issues 	
legislation	<ul style="list-style-type: none"> • Extend the law to protect apparel designs by launch • Activate the law 	

The most effective strategy is to make use of the process length, which is about 8.5 weeks; if counterfeiting is done locally and can be 12.8 weeks for overseas reproduction. Moreover, a special sewing detail or uncommon print would make the process longer combined with smart marketing and in time store display. These two factors give both retailers and designers some time to benefit from their own creation.

Another strategy would be establishing an Egyptian fashion designers organization, which is a closed trade community. Such a bond would be responsible alongside the media to increase customers awareness of the ethical issues; regarding design counterfeiting and its negative effects on the market and customers as well.

Documenting the design process may help in some cases, or at least it may caution pirates. Carefulness is needed if not printing/embroidering in-house. Trusted printers and embroiderers should be selected. Establishing small units for such work in-house is a good option too.

Establishing trademarks in apparel market would provide protection for the company merchandise to benefit of the trademark's indirect protection. Designing innovative products that do not focus only on price and marketing them under this trademark would help consumers recognize the company and establish an image of creative, honest and legal company; which supplies them with genuine and innovative products.

The Egyptian apparel industry lacks those experienced designers who can help manufacturers improve their brands. Training such designers would help many companies stop pirating others creations, since many Egyptian apparel retailers claimed that they could not find professional designers to create new products in an economical way.

Piracy in the apparel industry may guarantee some sort of media spotting for the products designers and creators. Retailers should establish and stress on an image; being known among customers for their innovative designs and original apparel will

help them establish a fundamental base in the apparel market. Customers within this market do value innovation and reward it.

Finally, Egyptian retailers should act more bravely and face the counterfeiting. The parliament should legislate more extended and specified laws to protect apparel designs. One suggestion is "protected by launch" where designs are protected once shown on TV or magazines. After all, displaying products in the media is intellectual property documentation of its own.

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