



THE CENTER FOR
INTELLECTUAL PROPERTY
UNDERSTANDING

The Center for IP Understanding

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IP Awareness and Attitudes: A Summary of Research and Data

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Introduction

From media coverage of growing trade tensions between such powers as the United States and China to the rising debate on drug pricing reforms, there is no doubt that intellectual property is occupying a more prominent position in the mainstream. But just because something is seen more often does not mean that it is well understood. IBM Chief Patent Counsel and a board member of the Center for Intellectual Property Understanding (CIPU), Manny Schechter, recently wrote, "[Awareness and understanding of IP are not the same thing](#)." The general public might know that patents, copyright and trademarks exist and even that they are valuable, but they may not know what purpose they serve or why they are valuable.

In order to quantify the current state of intellectual property understanding moving beyond basic awareness of IP, CIPU reviewed 15 studies and surveys focusing on IP awareness and perception. This research surveyed levels of awareness and attitudes among important stakeholder groups including consumers, small businesses and college students. We found that, for the most part, there was significant basic awareness of both intellectual property and the importance of respecting it. However, the research also revealed that there is a low understanding of why IP is important, a deficit that appears to encourage counterfeit purchases and content abuse, discourage small businesses from growing and leads students to misapprehend their ability to protect their work.

In the global economy of the 21st century, it is necessary to do more than pay lip service to IP and this report attempts to unearth some of the factors causing poor IP understanding and negative attitudes, while suggesting efforts that can be made to improve the situation.

A Look at Recent Research about IP Awareness Among Consumers, Businesses and College Students

Surveys of IP awareness among consumers reveal a common theme: although the purchasing public generally believes that intellectual property protections are important, but in practice they are more willing to put those beliefs aside to obtain counterfeit branded goods that are not readily available or are expensive. [A March 2017 survey](#) of more than 26,500 respondents conducted by the European Union Intellectual Property Office (EUIPO) found that the overwhelming majority of respondents (97%) believe that inventors and creators should be able to protect their IP rights and should be paid for their work.¹ According to the survey, strong majorities believe that nothing can justify the purchase of counterfeit goods (70%) and that counterfeits ruin businesses and jobs (78%).² While rates of intentional counterfeit purchases are low in the EU survey, it is noted that the percentage of those who declared that they intentionally purchased counterfeits rose by three percentage points up to 7% in the years since

¹ *European Citizens and Intellectual Property: Perception, Awareness, and Behaviour*, European Union Intellectual Property Office, March 2017 (https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IPContributionStudy/2017/european_public_opinion_study_web.pdf)

² *Id.*

the EUIPO conducted a similar survey in 2013.³ Age seemed to be an influencing factor as 15% of 15 to 24 year olds declared that they bought counterfeits intentionally; this percentage decreased with each successive age group.⁴

When looking at EU respondents who admitted to purchasing counterfeited or pirated goods, availability of legitimate goods emerges as a major contributor. Thirty-one percent of those who purchased counterfeits said that they believed it was acceptable to do so if no legal alternative was available and only 54% felt that lawful services offered more diversity in product offerings than unlawful services.⁵ Consumer confusion was also a major factor for those who admitted to purchasing fake goods. Ten percent of counterfeit purchasers were misled when making their purchases and 35% were unsure if they purchased a legitimate article.⁶

In other jurisdictions, the disconnect between consumer perceptions of IP rights and consumer practices is even more pronounced. [A May 2017 consumer perception survey](#) conducted in Busan, South Korea, showed that, while another overwhelming majority (96%) said that counterfeit branded or trademarked goods were a problem, 41% of respondents admitted to purchasing a counterfeit product.⁷ Most Korean consumers who had purchased counterfeits did so through online platforms such as Alibaba, G-market and Interpark, reflecting the wide availability of counterfeit products on those e-commerce sites. Apparel products, specifically clothing and shoes, were the most popular purchase among those procuring counterfeits. 56% of those who bought counterfeits did so because of the low price of those products.⁸ This survey also indicates that consumers believe that law enforcement needs to engage in more effective policing to stem counterfeit purchases, perhaps showing that consumers have low ability or faith in their own capacity to self-police their purchasing habits. More than two-thirds of the survey's respondents wanted to see increased punishments for those involved in counterfeits and 17% felt that criminalization for selling counterfeits was appropriate.⁹

³ *Id.*

⁴ *Id.*

⁵ *Id.*

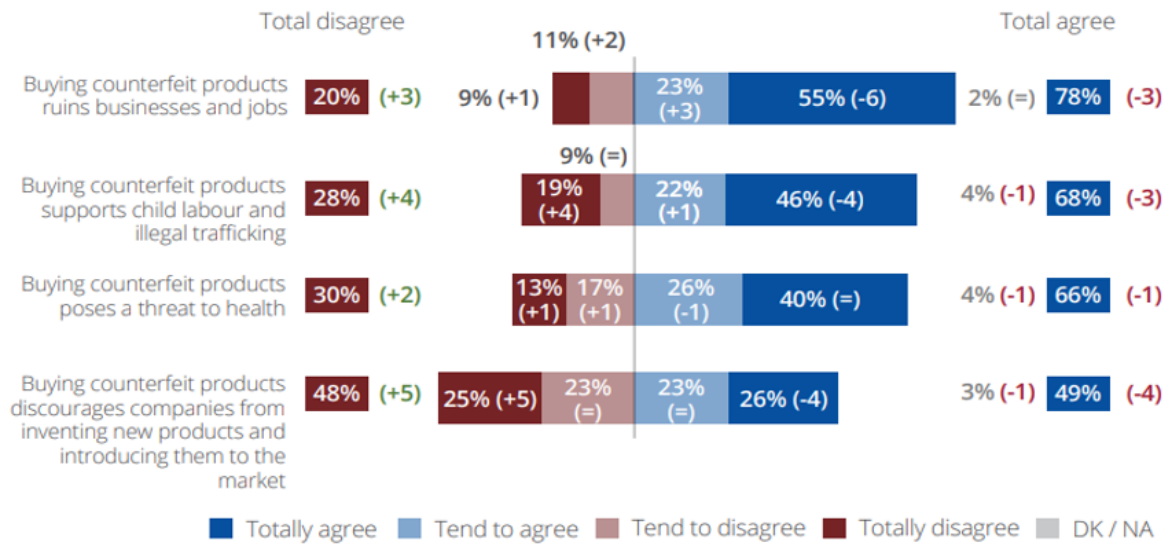
⁶ *Id.*

⁷ *Busan Consumers' Perception of Counterfeit Products*, European Chamber of Commerce in Korea, 2017 (https://ecck.eu/wp-content/uploads/2017/06/2017-Busan-Consumers-Perception-of-Counterfeit-Products_ENG.pdf)

⁸ *Id.*

⁹ *Id.*

While the majority believe that counterfeits damage the economy the perceived impact on innovation is weaker



Source: "European Citizens and Intellectual Property: Perception, Awareness, and Behavior," Pg. 10
European Union Intellectual Property Office

While consumers in the general public traditionally have not been expected to engage in intellectual property topics on a regular basis, collegiate-level students in many areas of study could benefit from understanding IP issues that are likely to become important during their professional careers. However, [a thorough survey by the Intellectual Property Awareness Network](#) (IPAN) of 2,800 students across 152 UK-based higher education institutions reflected low levels of student understanding and poor education regarding IP topics. The survey found that 68% of student respondents expected to engage in an IP activity related to their ideas but nearly one-fifth of students (19%) had no idea whether there was any IP that was related to their project work completed at school.¹⁰ Despite higher expectations among students of their involvement in IP activities, 60% of students said that they had sought out any information about IP or IP protections while in school.¹¹ Further, the IPAN study found a significant disconnect between student expectations on getting advice from faculty and the faculty's ability to provide that guidance. Sixty-eight percent of students surveyed indicated that they would seek advice on IP rights from their school and while 38% said that they would simply review the IP policy, 27% expected to be able to obtain advice from faculty members.¹² However, of the 250 academic and tutorial staff surveyed by IPAN, only about one-third indicated that they were confident that they could handle student questions on IP matters.¹³ The study also revealed that

¹⁰ *University IP Policy: Perception and Practice*, Intellectual Property Awareness Network Education Group, July 2016 (http://ipaware.org/wp-content/uploads/2016/10/IPAN_NUS_University_IP_Policy_16aug16.pdf)

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

staff member belief that IP should be taught at higher education institutions was not resulting in actual coursework on those topics. 76% of staff surveyed said that IP should be taught at the school, but 69% of students said that they received no IP education, or they did not know whether they had.¹⁴

Low levels of IP awareness exist among small- and medium-sized enterprises (SMEs), enterprises could benefit from the ability to scale-up through the protection and licensing of their intellectual property. In 2015 the UK Intellectual Property Office (UKIPO) published [a survey on IP awareness issues](#) as they relate to small- and medium-sized enterprises (SMEs). Analysis of 502 responses during this study showed that, while 94% of all businesses felt that it was important for businesses to understand how to value their IP, 96% of firms had not valued their IP.¹⁵ Overall, this survey found low rates of recognition of patents as important as only 10 to 15% of respondents indicated that they believed patents were important and only 5 to 9% of respondents actually obtained patent protections.¹⁶ Trademarks were believed to be more important but larger firms placed a greater importance on this form of IP than smaller firms. Only 46% of micro-entities with less than 10 employees said trademarks were important, compared to 52% of SMEs and 61% of larger firms.¹⁷ SMEs outperformed larger firms slightly in terms of obtaining trademark protections, but micro-entities lagged as only 21% of those firms obtained trademarks.¹⁸

The United States is widely considered to be the bastion of intellectual property rights and enforcement, but studies of U.S. consumers also showed a low understanding of the legality surrounding purchases of counterfeit and pirated goods. Lack of consumer awareness of illegal activities in an IP context were also discovered in [a study of more than 1,700 U.S. adults](#) published in the *Florida Law Review* in 2014. When presented with a series of intellectual property enforcement scenarios in different IP contexts, the perception of respondents between IP protection and what the law actually protected was only partially consistent regarding copyright. In two of three scenarios, no more than 60% of respondents agreed with copyright law and a third scenario involving joint creator status produced an even lower percentage.¹⁹ The study also unveiled a poor understanding of patent law among respondents. In a scenario looking at the threshold for creativity required for patent protection, only 26% of respondents understood that obviousness could render an invention unpatentable.²⁰ However, there seems to be a belief that patent protections are more valuable to creators than copyright protections. A scenario contemplating infringement in both the copyright and patent contexts found that 70% of

¹⁴ *Id.*

¹⁵ *Intellectual Property Awareness Survey 2015*, UK Intellectual Property Office, 2015 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/50021/1/IP_awareness_survey_2015.pdf)

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *The Public Perception of Intellectual Property*, Gregory N. Mandel, *Florida Law Review*, 2014 (<https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1178&context=flr>)

²⁰ *Id.*

respondents felt that the creator of a patented invention should be entitled to monetary damages while 59% believed the creator of a copyrighted work should be entitled to damages.²¹

The *Florida Law Review* study also identifies useful demographics which correlate with those who have a desire for stronger IP rights. Americans who are older, have lower incomes or have higher educations all tended to prefer stronger IP rights; conversely, youth, high income and low education correlated with a preference for weaker IP rights.²² The study author, Professor Gregory Mandel, now Dean of the Temple University School of Law, found the correlation with lower incomes to be surprising but reasoned that perhaps these individuals were more attracted to the idea of a lone inventor or creator being able to profit from a creative idea. Also interesting was the fact that those individuals with more IP experience preferred weaker IP rights and while Mandel notes that this “may seem incongruous at first,” it leads to the conclusion that those with more copyright or patent experience may prefer weaker rights to provide greater access for improving upon previous works or inventions.

Mean intellectual property strength rating (by segment)



Source: “The Public Perception of Intellectual Property,” Pg. 41 *Florida Law Review*

A 2010 survey commissioned by the U.S. National Crime Prevention Council (NCPC) further shows that U.S. consumers have a poor understanding how counterfeit purchases impact intellectual property owners. The survey found that most people could not accurately describe either “intellectual property” or “intellectual property crimes” and also felt that, if IP theft

²¹ *Id.*

²² *Id.*

was a serious problem, they would see more arrests or news stories on the subject.²³ Most consumers also did not believe that IP theft could be likened to other forms of theft like shoplifting or robbery but the survey also revealed a low understanding of what constituted an IP crime. The NCPD study found that more than 80% of Americans over age 18 believed that it was illegal to knowingly purchase counterfeit or pirated products when the truth is that such purchases are only illegal when the products are obtained in large quantities and intended for resale²⁴

The limited amount of available research quantifying IP awareness among U.S. college students paints a bleak picture of low understanding among those individuals who will likely encounter IP matters during their professional careers. In 2012, Brookings Institution published an op-ed containing the findings of [an informal survey of graduate engineering students](#) at University of California, Los Angeles (UCLA) conducted by a UCLA professor who wanted to gauge IP awareness at that school. Although the survey had a small sample size (60 students), it could be assumed that these students should have a high understanding of IP importance given their involvement with engineering topics as well as obligations those students must disclose potentially patentable inventions developed in the course of school-directed research under UCLA's IP policy. However, more than one-fifth (21%) of the students surveyed said that they did not know enough about patents to answer the question "what is a patent?"²⁵ Thirty-two percent could not answer the question "what is copyright?"²⁶ Trademarks and trade secrets were even less understood as 51% of students surveyed could not identify what a trademark was and 68% of students could not identify what a trade secret was.²⁷ The UCLA professor conducting the survey indicated that the low level of IP awareness among the students was likely the result of faculty members who fail to discuss even the basics of intellectual property or are unequipped to. As the author points out, an engineering student without an understanding of trade secrets could unwittingly contribute to the theft in the course of his or her career.

The Philippines ranked 37th among international IP systems in [the U.S. Chamber of Commerce's International IP Index](#) and yet recent research from that country shows that college students there receive a more robust IP education than the UCLA students identified in the 2012 Brookings op-ed.²⁸ [A 2018 survey of students and faculty members](#) from Bataan Peninsula State University solicited 124 respondents. According to that survey, 39% of students learned

²³ *Intellectual Property Theft: Get Real*, U.S. National Crime Prevention Council, 2010, as printed within *Intellectual Property Consumer Surveys: Literature Review*, Edelman Berland, June 2013 (https://www.lrpv.gov.lv/sites/default/files/media/Observatorija/Intellectual_Property_Consumer_Surveys.pdf)

²⁴ *Id.*

²⁵ *Intellectual Property Awareness at Universities: Why Ignorance Is Not Bliss*, John Villasenor, Brookings Institution, November 27, 2012 (<https://www.brookings.edu/opinions/intellectual-property-awareness-at-universities-why-ignorance-is-not-bliss/>)

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Inspiring Tomorrow: U.S. Chamber of Commerce International IP Index, 7th Edition*, Global Innovation Policy Center, February 2019 (https://www.theglobalipcenter.com/wp-content/uploads/2019/02/023593_GIPC_IP_Index_2019_Full_03.pdf)

about IP topics at the secondary level of education prior to attending university.²⁹ 85% of those students who received information on IP topics did so by asking for advice on IP topics.³⁰ Other common ways that students received their IP education was through IP briefing workshops (77%), learning modules focused on IP (64%) and integration of IP issues into coursework (60%). These high percentages suggest that students have been reached with IP information in more than one way. There was also high agreement between student and faculty members about the importance of everyone who is involved in collaborative work receiving some recognition (74% of students, 80% of faculty) and the relevancy of knowing where to find patent information (91% of students, 80% of faculty).³¹ This shows that, despite its low relative ranking compared to the United States, it may be the case that schools in the Philippines, and possibly in other countries, are doing a better job of preparing the future generation of professionals for their encounters with IP matters.

This conclusion also seems to be borne out by [a 2012 survey of 111 students](#) by faculty at Malaysia's Multimedia University of attendees at both that school as well as LimKokWing University. This study revealed that university students generally understood that both plagiarism of peers, textbooks or Internet sources as well as unauthorized downloading of music and movies constituted infringement of IP rights.³² The students in the Malaysia survey were also in agreement on ways that more information on intellectual property could be conveyed effectively online through social networks, blogs and chat rooms.³³ The active participation of government bodies and universities in promoting and enforcing IP rights as well as university-level workshops on IP rights were identified as other effective methods of increasing IP awareness among students.³⁴

Factors Impacting IP Awareness: Cost, Age and Corporate Interests

One of the common threads tying both consumers and SMEs to low IP awareness is cost, whether that is the high price of obtaining authentic consumer articles or the high cost of getting involved in the intellectual property system. Consumer surveys in both Europe and South Korea point to the fact that an expensive price tag is perhaps the most important factor behind a consumer's decision to obtain counterfeit or pirated goods. The 2017 EUIPO study found that 27% of respondents agreed that purchasing a counterfeit was acceptable if the price of the original or authentic article was too high, with 10% of respondents indicating that they "totally agree" that counterfeit purchases were acceptable in such instances.³⁵ By contrast, only

²⁹ *Taking Intellectual Property Rights Seriously: Are We In or Out?*, Eduardo S. Tinao, Arlene D. Ibañez, Cristina G. Rivera, Aaron Paul Rivera, Charity S. Enriquez and Andrea O. de Jesus, Bataan Peninsula State University, 2018 (<https://knepublishing.com/index.php/Kne-Social/article/view/2390/5258>)

³⁰ *Id.*

³¹ *Id.*

³² *Intellectual Property Rights (IPR) Awareness Among Graduate Students*, Hway-Boon Ong, Yih-Jian Yoong and Bahma Sivasubramaniam, *Corporate Ownership & Control*, Vol. 10, Issue 1, 2012 (http://www.virtusinterpress.org/IMG/pdf/10-22495_cocv10i1c7art7.pdf)

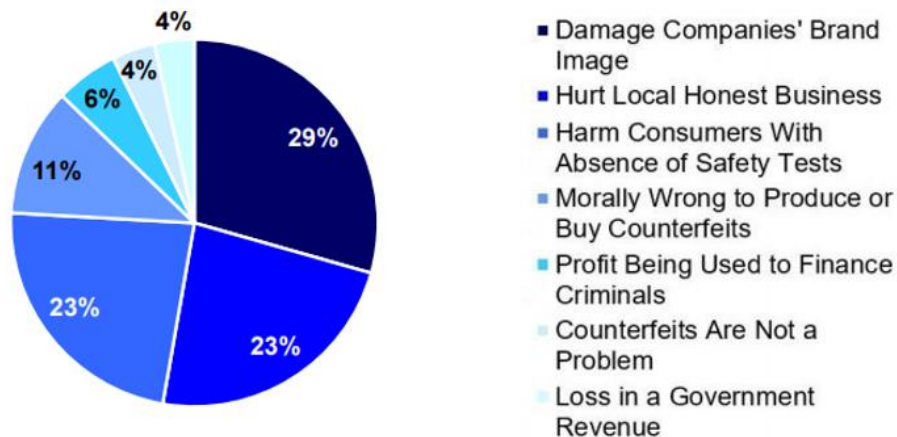
³³ *Id.*

³⁴ *Id.*

³⁵ *European Citizens and Intellectual Property: Perception, Awareness, and Behaviour*

17% of respondents agreed that counterfeit purchases were acceptable in situations involving luxury products or where product quality did not matter.³⁶ Availability was another important concern and 24% agreed that counterfeits were acceptable when the original or authentic article was unavailable where a consumer lived, but product price remained the single greatest factor pushing consumers towards purchasing counterfeits.³⁷

Do you think counterfeits are a problem? If yes, what is the reason?



Source: "Busan Consumer's Perception of Counterfeit Products 2017" Pg. 10
European Chamber of Commerce in Korea

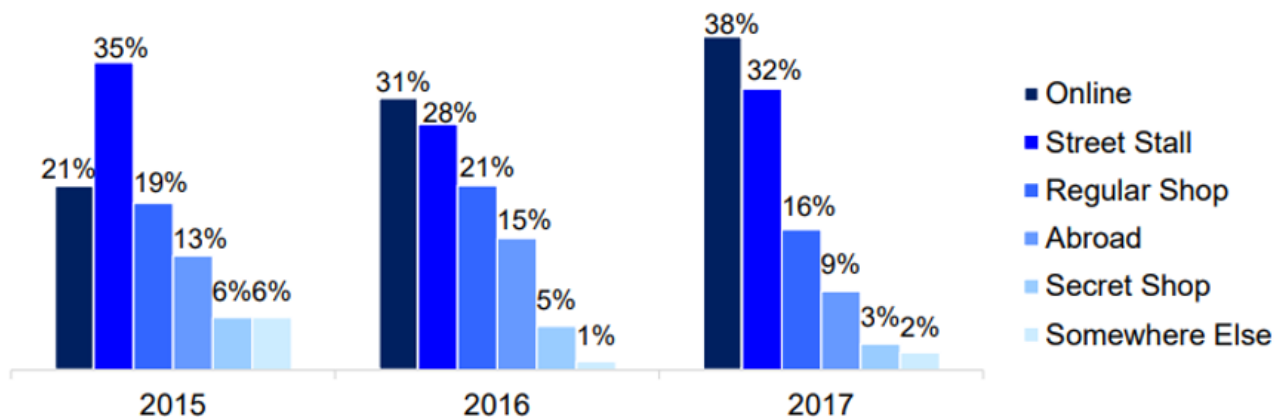
The low cost of counterfeits was the single-greatest factor leading towards counterfeit purchases in the May 2017 South Korean consumer survey. As noted above, 56% of respondents in that survey found that low price was the main reason for such purchases ahead of people being unaware of a product's counterfeit status (23%), no belief that a counterfeit is less quality than an authentic article (17%) and social acceptance of counterfeits (4%).³⁸ It is probably fair to assume that low price may have been a secondary consideration in those cases where the authenticity of the product was unknown as that scenario does not rule out purchasing decisions made because one product is priced lower than another.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Busan Consumers' Perception of Counterfeit Products*

Where did you buy counterfeit goods?



Source: "Busan Consumer's Perception of Counterfeit Products 2017," Pg. 6
European Chamber of Commerce in Korea

Costs were also a hurdle to SME awareness of the value of IP rights, albeit in a different sense. [A 2009 study of SMEs in the UK](#) commissioned by the Economic & Social Research Council (ESRC) concluded that SME reluctance to consider IP effectively was due to a combination of a low understanding of IP's value as well as the high initial costs of IP protection.³⁹ While SME accountants are in contact with legal professionals who may be able to provide expertise on patents and IP matters, they are rarely in touch with attorneys specializing in patent matters and many accounting firms themselves have low IP awareness levels.⁴⁰ The authors of this particular study concluded that the need to reduce the costs of participating in the IP system was as important to improving SME awareness of IP rights as convincing those companies of the value of IP.⁴¹ [A 2010 IP awareness survey conducted by the UKIPO](#) reiterated costs as a concern in noting that cost-effective means of promoting and disseminating IP-related advice was essential for closing the gap between SMEs and larger corporations.⁴² This gives us multiple SME studies on IP awareness which have shown that system costs have an outsized effect on the ability for SMEs to participate in IP systems. The 2015 UKIPO IP awareness survey did not discuss the impact of costs but that could likely be a factor leading toward the large disconnect between the 94% of businesses that believed IP protection was important and the 96% of companies that had not valued their IP.⁴³

³⁹ *Intermediation of Intellectual Property Awareness*, Robert Pitkethly, Economic & Social Research Council, 2009 (<https://graduate.accaglobal.com/content/dam/acca/global/PDF-technical/small-business/rr-107-001.pdf>)

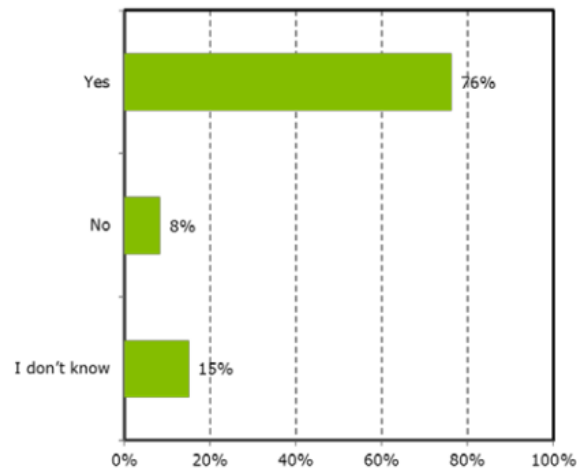
⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *UK Intellectual Property Awareness Survey 2010*, UK Intellectual Property Office, 2010, as printed within *Intellectual Property Consumer Surveys: Literature Review*, Edelman Berland, June 2013 (https://www.lrpv.gov.lv/sites/default/files/media/Observatorija/Intellectual_Property_Consumer_Surveys.pdf)

⁴³ *Intellectual Property Awareness Survey 2015*

Should IP be taught at the Higher Education Institution? (teaching staff responses)



Source: "University IP Policy: perception and practice," Pg. 37
Intellectual Property Awareness Network, UK

It is also clear that age is another concern that affects the understanding of IP rights as important to economies. This was made clear by the 2017 EUIPO study which included various findings which were broken down by age groups showing that, for the most part, younger individuals were more inclined to obtain counterfeit or pirated goods than their elders. 15% of those aged 15 to 24 years old purchased counterfeits intentionally as opposed to 9% of individuals aged 25 to 39 years old and 7% of the overall EU population surveyed.⁴⁴ Among those accessing illegally streaming content, 27% of 15 to 24 year-olds did so intentionally compared to 18% of 25 to 39 year-olds and only 10% of the total population.⁴⁵ This 2017 survey also found that 15 to 24 year-olds also found it more acceptable than other age groups to obtain counterfeits when the price of the authentic article was too high, when the authentic article was unavailable where they live, when product quality does not matter and when the purchase involves luxury products.⁴⁶

Despite this, the 2017 EUIPO survey also indicates that younger people have a better understanding of how to access legally authorized digital services, even if they intentionally obtain access to unauthorized services at a higher rate than other age groups. Whereas 27% of the total EU population surveyed paid for access to a legal download or stream of copyright-protected content, that figure rose to 41% both for the 15 to 24 year-old and 25

⁴⁴ *European Citizens and Intellectual Property: Perception, Awareness, and Behaviour*

⁴⁵ *Id.*

⁴⁶ *Id.*

to 39 year-old cohorts.⁴⁷ So if younger people are more inclined to obtain infringing content, they also know where to find legal content and have shown a propensity towards obtaining content through those channels.

Education also arises as an important factor behind IP awareness among individuals. As noted above, the 2014 *Florida Law Review* article found that higher levels of education correlated with individuals who preferred stronger IP rights.⁴⁸ A correlation between levels of education on IP-specific matters and an understanding of IP were also a common thread in the surveys of college students, especially in the Brookings op-ed where low levels of understanding of important IP topics among graduate engineering students were tied to a lack of education in relevant coursework.⁴⁹ While the 2012 study of Malaysian students did not quantify the amount of IP education received by students, it noted that, of the two schools surveyed, one had a focus on drama, art and creative technology programs while the other had reputable programs related to management, engineering, information technology, law and creative media.⁵⁰ Education programs for these creative professional sectors could very well involve some coursework on IP subject matter. Certainly, the disparate findings of the Brookings op-ed and the 2018 survey at Bataan Peninsula State University shows that the U.S. lags behind other countries in terms of IP-related education.

It is possible that poor IP understanding enabled by a lack of IP education allows the general public to be misled on IP matters, including patents, thanks to the influence of large corporate interests. This point is borne by the 2014 *Florida Law Review* article by Mandel. In a section about intellectual property debates, Mandel gives a short history of the failed Stop Online Piracy Act (SOPA) and PROTECT IP Act of 2011 (PIPA). These proposed laws were both intended to penalize or prohibit Internet entities which were providing access to or disseminating copyright infringing material. Despite initial bipartisan support of both bills, and despite statistics from other surveys showing that the general public supports IP protections as an ideal, a “rapid groundswell of public opposition” formed after various technology and Internet companies opposed the bills, framing the debate as one over Internet censorship and free speech rather than IP rights.⁵¹ Mandel further notes that influence from major industries in the U.S. affected the debate in Congress leading up to the passage of the America Invents Act of 2011 (AIA). If the general public is kept uninformed (moreover, misled) about intellectual property, it allows major corporate interests to advocate for IP reforms that suit their business agenda rather than the larger world of creative and innovative industries.

Global consumer surveys have generally shown that there are regions where the purchasing public more actively seek out counterfeits in clothing brands and pirated music. [A 2007 survey of nearly 65,000 consumers across 51 countries](#) conducted by the Gallup Organization identified several countries where more than two-thirds of respondents had

⁴⁷ *Id.*

⁴⁸ *The Public Perception of Intellectual Property*

⁴⁹ *Intellectual Property Awareness at Universities: Why Ignorance Is Not Bliss*

⁵⁰ *Intellectual Property Rights (IPR) Awareness Among Undergraduate Students*

⁵¹ *The Public Perception of Intellectual Property*

purchased counterfeits in the 12 months prior to the survey.⁵² Music pirated from protected sources was the most common among fake items purchased by consumers across the world. Pirated music was purchased by more than 40% of consumers surveyed in Asia (43.5%) and Latin America (42.6%) and nearly 40% of respondents in former Soviet Union countries (37.9%).⁵³ Counterfeit clothing, footwear and cosmetics were also high on the list of fake goods purchased by consumers in the global regions surveyed. While this survey data is more than 10 years old, more recent studies cited above make it clear that music piracy is still a problem today.

More information on global consumer counterfeit habits is available through [a 2009 survey conducted by Business Action to Stop Counterfeiting and Piracy](#) (BASCAP). BASCAP's study of more than 175 consumer perception studies and more than 200 consumer awareness campaigns reflected major analysis of existing consumer perceptions studies as well as original qualitative and quantitative research in the UK, Russia, South Korea, Mexico and India. The study found that there is not a typical socio-type for counterfeit purchasers and while almost anyone could end up engaging in such buying activities, the types of products purchased depended upon nationality, income level and age.⁵⁴ The BASCAP study also points out that counterfeit purchases are often made on impulse without the customer paying much attention to product origin or the distribution system for the product.⁵⁵ When buying counterfeits, consumers realize that what they are doing is unethical but the perception is that the activity only harms big corporations, reducing any personal guilt associated with the activity.

While China is still under Communist rule, that nation's leadership has made strides in improving that country's intellectual property regime in recent years. [A 2008 survey of nearly 100 firms in China's pesticide industry](#) is not broken down by company size but it does reflect some interesting findings on IP awareness for firms in that country. Respondents in that survey rated their nation's patent system as only slightly less effective than the United States' system and 71% of companies surveyed were in favor of stronger patent protections in their own country and only 3% were in favor of less enforcement.⁵⁶ Perhaps unsurprisingly, this study found that there are more proponents in favor of IP rights at private entities than China's state-

⁵² *Global Consumer Awareness, Attitudes, and Opinions on Counterfeiting and Piracy*, Gallup Organization, 2007, as printed within *Intellectual Property Consumer Surveys: Literature Review*, Edelman Berland, June 2013 (https://www.lrpv.gov.lv/sites/default/files/media/Observatorija/Intellectual_Property_Consumer_Surveys.pdf)

⁵³ *Id.*

⁵⁴ *Consumer Attitudes and Perceptions on Counterfeiting and Piracy*, BASCAP, 2009, as printed within *Intellectual Property Consumer Surveys: Literature Review*, Edelman Berland, June 2013 (https://www.lrpv.gov.lv/sites/default/files/media/Observatorija/Intellectual_Property_Consumer_Surveys.pdf)

⁵⁵ *Id.*

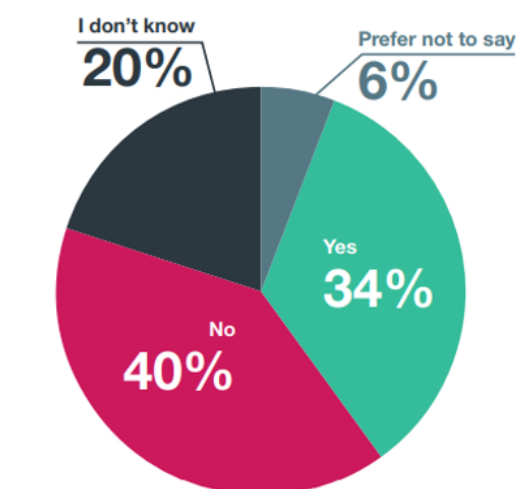
⁵⁶ *Effectiveness of Intellectual Property Protection: Survey Evidence from China*, Guanming Shi, Carl Pray and Wenhui Zhang, Northeastern Agricultural and Resource Economics Association, 2012 (<https://ageconsearch.umn.edu/bitstream/141895/2/shi%20-%20current.pdf>)

owned enterprises.⁵⁷

Tools for Increasing IP Awareness

There are some tools which may be useful to educators or business people who want to take the initiative on improving the awareness of IP rights and their impact. For the most part, those resources are scant and seem geared towards limited audiences, though it is possible that the narrow focus of those resources may help targeted audiences more thoroughly assimilate the IP-related subject matter.

Does your business own any IP that you have chosen not to protect?



From 493 respondents

Source: "Intellectual Property Awareness Survey 2015," Pg. 28
United Kingdom Intellectual Property Office

The U.S. Patent and Trademark Office (USPTO) has developed an [IP Awareness Assessment](#) in partnership with the National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP) that allows professionals to test themselves in anywhere from five to 10 categories related to intellectual property.⁵⁸ Each assessment includes the following five categories: IP Strategies & Best Practices; International IP Rights; IP Asset Tracking; Licensing Technology to Others; and Using Technology of Others. Those taking the assessment can also choose to take any or all of the following five categories: Copyrights; Design Patents; Trademarks; Trade Secrets; and Utility Patents. The first five categories are more general in scope while the optional categories cover individual areas of IP

⁵⁷ *Id.*

⁵⁸ *IP Awareness Assessment*, U.S. Patent and Trademark Office (<https://ipassessment.uspto.gov/>)

assets which may not be important to certain businesses. The full IP Awareness Assessment contains 62 questions across the 10 categories and can be finished within about 20 to 30 minutes while a pre-assessment tool can help users opt out of unnecessary topics, reducing the amount of time needed to complete the assessment. Most of the questions in the assessment are answered with either “Yes,” “No” or “Not Sure.”

After completion of the IP Awareness Assessment, test takers are provided with an Assessments Results page that provides a customized list of further training resources based upon the answers submitted during the assessment. That page also allows users to retake either a customized assessment or an entirely new assessment to retest their understanding of IP subjects.

Over the past two decades, the World Intellectual Property Organization (WIPO) has developed a series of [Publications for Young People](#) intended to reach children as young as eight years of age with IP-related subject matter.⁵⁹ Between 2001 and 2004, WIPO released comic books providing narratives which frame discussion of copyright, trademarks and patents. These comic books are geared towards children aged eight to 12 years and are available in at the six UN official languages: English, French, Spanish, Arabic, Chinese and Russian. In 2010, WIPO released two publications in a *Learn from the Past, Create the Future* series, one focused on copyright in the arts and the other discussing inventions and patents. These publications are geared towards children aged nine to 14 years and are available in the same languages although the copyright publication is not available in Russian. The most recent WIPO educational publication was released in 2017. Titled *Your Own World of IP*, this booklet covers the major aspects of intellectual property including patents, copyright, trademarks and designs and is geared toward adolescent readers.

In 2011, WIPO released a publication called *Honmono* which was created as part of a competition sponsored by the Japan Office of WIPO and other Japanese government agencies. This publication is a manga, a style of graphic novel which is endemic to the Japanese culture. It provides a narrative which is meant to explore health and safety issues related to counterfeit products. Along with the six UN official languages, *Honmono* is also available in Japanese and nine South-East Asian languages. The use of the manga style might make this publication less useful to a Western audience that also might benefit from this information, but it is possible that the use of this artistic style makes the publication even more relevant to the Japanese and South-East Asian audiences which are targeted by this booklet.

WIPO also makes resources for young audiences available through its [Respect for IP](#) website.⁶⁰ This site provides access to a series of educational units related to either copyright or trademarks which teaches these subjects through activity-based programming. Both of these IP educational programs have Teachers’ Zones which provide support notes and other resources for teachers who want to implement the programs into their class curriculum. While both

⁵⁹ *Publications for Young People*, World Intellectual Property Organization (<https://www.wipo.int/publications/en/series/index.jsp?id=151>)

⁶⁰ *Respect for Intellectual Property*, World Intellectual Property Organization (<http://respectforip.org>).

programs are available for access online, all five units of the copyright program are available as offline printable resources.

UKIPO "[Cracking Ideas](#)" portfolio of resources covers materials and activities for ages 5 through 16. The organization also provides resources for students and teachers at [universities and colleges](#).

High school-aged audiences across North America, Latin America, Asia, Africa and Europe are the focus of the [Unreal Campaign](#) coordinated by the International Trademark Association (INTA) along with more than 90 members partnering with the initiative.⁶¹ The Unreal Campaign seeks to educate students on the importance of trademarks as IP and the dangers of counterfeits. The program has reached nearly 40,000 students aged 14 to 18 years since its founding in 2012 through both direct and online channels.⁶² Along with [its official website](#), which features various counterfeiting statistics and a video blog, as well as various social media channels, Unreal Campaign programming is also available through in-class outreach, student engagement events at participation at third-party, youth-targeted events. The Unreal Campaign held 55 events during 2018, most of them being student engagement sessions. Multiple student engagement sessions were held in countries such as the U.S., the UK, Nigeria, Venezuela, Trinidad and Tobago, Brazil, Germany and France. The campaign held five student engagement sessions in January 2019 including two events in the U.S., two in Nigeria and one in Turkey.

Conclusions: There is an Increasing Global Disconnect Between IP Awareness and Understanding

If there is one common theme that can be gleaned from the various studies of intellectual property awareness conducted around the world, it is that most people generally understand *that* IP is important, but not *why* IP is important. The consumer studies considered in this report show that consumers have a general understanding of the importance of IP but find it more convenient to purchase counterfeits or access content in response to cost or availability concerns. Despite a feeling that counterfeit purchases are unethical and pose a threat to legitimate businesses, intentional purchases of counterfeits continue. The SME studies also generally showed that businesses know that IP is important, but cost concerns keep them from incorporating IP into their business models in any meaningful way. Along with a failure to benefit from intellectual property, companies that misapprehend the value of IP are more likely to engage in the infringement of patents and trademarks.

Where there is understanding of IP subjects, studies like the 2014 *Florida Law Review* resource show that there is more understanding of copyright than patents among consumers. A greater understanding of copyright than patents was also evidenced in the 2015 UKIPO IP awareness survey of business entities. While 60% of firms in that survey knew that copyright

⁶¹ *The Unreal Campaign*, International Trademark Association (<https://www.inta.org/Advocacy/Pages/UnrealCampaign.aspx>)

⁶² *Id.*

protection existed outside of government registration, 79% of firms did not realize that disclosing an invention prior to filing a patent application could invalidate the application.⁶³ Both of these studies speak to the fact that copyright law may be easier to grasp for most individuals than patent law. This is particularly concerning because, generally speaking, patents are a more valuable form of IP than copyright. It may be more worthwhile to incorporate IP awareness activities regarding patent-related issues into discussion of copyright and counterfeits because they appear to have a better chance at being understood. Given that consumers also have a strong understanding of the unethical nature of counterfeit products, it is possible that information and educational resources that tie together the topics of trademark infringement and patent infringement, both of which create negative impacts for economies and societies alike, can better inform the public on patent issues.

Another conclusion that can be drawn from the research considered in this report is that both education levels and age have a pronounced effect on an individual's understanding of intellectual property. This seems to suggest that educational efforts to reach young people with IP subject matter may be more successful than IP awareness programs that are developed for the general public. Of particular interest is the fact that the WIPO's Publications for Young People website notes that the comic book publications, which are geared towards children from eight to 12 years old, have also been helpful to higher-level students and adults.⁶⁴ Thus, just because an IP educational program has been developed for a younger audience does not mean that program cannot also be interesting and informative to older persons. If IP can be explained to a child, it can be explained to anyone. Other research, like the 2017 EUIPO findings on younger people being more attuned to authorized channels of digitally available content, show that young people will seek out IP-protected content legally if they know through which channels that content is available. At the very least, the college student surveys explored in this report show that many schools likely have to do a much better job of providing a basic level of IP education to students who will likely encounter IP in the course of their careers.

Finally, it appears that there's a common perception that IP only benefits large corporations which reflects a very low awareness of the fact that IP protections are most beneficial to the small- and medium-sized enterprises that can leverage IP to scale their operations upward. While the 2009 BASCAP survey may be an older study, it found that, even if they know that counterfeits are unethical, most consumers feel that purchasing fake goods does not hurt anyone other than large corporations.⁶⁵ Overall, the findings regarding consumer counterfeit purchases being driven by cost concerns also speak to the belief that many consumers have that it is important to keep their costs down despite the fact that entities in legitimate supply chains lose business. It also shows that consumers have little awareness of the cultural and scientific benefits that strong, enforceable IP rights provide to all people through the incentivizing of innovative and creative activities. Ironically enough, the low awareness of IP

⁶³ *Intellectual Property Awareness Survey 2015*

⁶⁴ *Publications for Young People*

⁶⁵ *Consumer Attitudes and Perceptions on Counterfeiting and Piracy*, BASCAP, 2009, as printed within *Intellectual Property Consumer Surveys: Literature Review*, Edelman Berland, June 2013

among consumers and SMEs allow large corporations to benefit through reduced competition from startups and the ability of large corporations to control the public perception of IP reforms.

The consensus that can be drawn from this research is that, by and large, the public is misinformed (or, at best, underinformed) about intellectual property leading to higher levels of infringement as well as reduced use and value of IP. To improve respect for IP, educational programs must improve by making IP topics more relatable to an individual's circumstances, whether it is for a chemical engineering student who needs to understand how patents can protect their new pharmaceutical compound or a small business owner who can leverage a trademark to start earning licensing revenues. Because intellectual property touches all aspects of our society, IP information must be disseminated more widely and the costs of interacting with the IP system must be kept low. With intellectual property poised to make an even bigger impact on the global economy in the 21st century, there is much work to do in raising awareness about the practical implications of IP on commerce, culture and individual lives.

This report was prepared for the Center for Intellectual Property Understanding (CIPU) by Steven Brachmann, a journalist focusing on intellectual property matters. CIPU is an independent, non-profit organization devoted to increasing IP awareness and its impact on peoples' lives. For more information, visit www.understandingip.org.