

PRESS RELEASE

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Negative Award “Plagiarius“ sheds public light on damage caused by counterfeits!

Plagiarisms and counterfeits are neither a compliment nor harmless trivialities. They are ruthless, destroy jobs and mean stagnation instead of progress. Often produced cheaply and under inhuman working conditions, they sometimes cause damage to innovative manufacturers that threaten their very existence. The explosive spread of product and brand piracy is encouraged by globalisation, the Internet, digital communication - and by the specific demand of gullible (online) bargain hunters. Yet, fakes are usually only deceptively similar to the original at first glance and pose enormous safety risks, especially for consumers.

Plagiarius: Against brazen theft of ideas - for innovation and fair competition

The negative prize "Plagiarius", created by the designer Prof. Rido Busse, was awarded for the 44th time on February 07, 2020 at the Frankfurt consumer goods fair "Ambiente". Since 1977, Aktion Plagiarius e.V. has been awarding the dreaded 'anti-prize' to manufacturers and distributors of particularly bold plagiarisms and counterfeits. The award says nothing about whether a counterfeit product is legally permitted or illegal. The aim of Aktion Plagiarius is rather to raise public awareness of the unscrupulous business practices of product and brand pirates and to sensitise industry, politics and consumers to the problem.

At the same time, the association conveys to entrepreneurs, SMEs and creative people the importance and effectiveness of industrial property rights - e.g. trademark, patent, design - and encourages them to protect their intellectual property and bring imitators to justice. In addition, Aktion Plagiarius wants to contribute to consumers' appreciation of technical and creative achievements by showing them that the development of a product from the initial idea, design, construction, certification and prototyping to marketability costs a lot of time, money, know-how, courage and innovative power. This is also what the Plagiarius-Trophy stands for: a black dwarf with a golden nose - a symbol of the immense profits that unimaginative imitators literally make at the expense of creatives and industry.

Before the annually changing jury selects the winners, the alleged plagiarisers are informed of their nomination and given the opportunity to comment. In addition to case-related information, these reactions, if any, are included in the evaluation. The jury does not want to denounce legally competing products. The intention is rather to focus on crude 1:1 imitations that deliberately resemble the original product in a confusing way and that do not show any creative or constructive contribution of their own. Fortunately, numerous imitators have already sought an agreement with the original manufacturer out of fear of public disgrace and bad publicity and, for example, have taken remaining stocks of the plagiarism off the market, signed cease-and-desist declarations or revealed their suppliers.

Appearances are deceptive: Hidden (health) risks often revealed in counterfeits

The alarmingly huge success of counterfeits has many causes. First, the often very low price. No question, everyone is happy about a bargain. But cheap is not the same as reasonably priced. And the price-performance ratio of plagiarisms is often disastrous. The tricky thing is that at first glance plagiarisms make a good impression. But consumers should not be naive enough to believe that the same appearance automatically means the same quality, performance and, above all, safety. Many plagiarisms and counterfeits are verifiably made of cheap materials, poorly processed and have never undergone quality or security checks. De facto, this can be seen, among other things, in short life cycles, defective electronics and functionality or high levels of pollution. In short: health risks. For example, if the material of the supposedly harmlessly counterfeit backpack is contaminated with toxic, cancer-causing pollutants, or if the counterfeit sunglasses do not provide UV protection against dangerous sunrays. Fake rims, medicines, chainsaws, respirators, etc. are even life-threatening.

Appreciation for producers of the originals, instead of financing unscrupulous counterfeiters

In addition, consumers often apply double standards: With regard to the original, they legitimately demand fair manufacturing conditions, an environmentally friendly, sustainable production and guaranteed quality and safety. With a supposed bargain in mind, unfortunately, all scruples promptly vanish into thin air and social standards in the counterfeiters' factories do not seem to matter anymore. The negative aspects are well known, but are ignored.

Also, with amazing taken-for-grantedness, there is a constant demand for new and multifaceted products of the highest quality and attractive design - available 24/7, delivered within 24 hours and, if possible, for an almost free-of-charge rate. This gratis- and bargain mentality entails risks and plays into the hands of the counterfeiters: If you pay (almost) nothing for a product, you do not know its realistic value. Consequently, no appreciation or respect can result for the product creator and his accomplishments for creating the original product. However, originals should not be taken for granted.

This year's laudator, Christiane Nicolaus, Director of the Design Center Baden-Württemberg, emphasized in her speech: "Design is a driver of innovation, a distinguishing feature and an economic success factor - across all industries. It is the interface between product and people. Design and engineering services require not only very complex specialist knowledge, but also a sense for markets, trends and economic feasibility. Product development costs time, money and know-how. Innovative companies are entitled to the reward for their work. Getting inspired is one thing - clumsy imitation for one's own profit, at the expense of others, is disrespectful and unfair".

Markets are regulated by supply and demand. It is therefore the responsibility of every consumer to consciously choose original products and to deprive the counterfeiters of their business model.

Theft of intellectual property = design plagiarism, brand forgery, technology theft

Imitators unashamedly copy products that have been successfully established on the market. The manifestations range from design plagiarisms to technology theft to brand forgeries. The counterfeit goods are offered for sale in all price and quality gradations: From cheap and dangerous counterfeits to high-quality plagiarisms that are hardly cheaper or even more expensive than the original product. The damage for the original producers is enormous: loss of sales, loss of jobs, unjustified damage to their image, lack of earnings for future product developments.

A global problem with many profiteers along the value chain

According to the EU Commission, in 2018 the European customs authorities confiscated more than 27 million infringing products with a value of over 740 million Euros at the EU's external borders. China (incl. HongKong) is on the one hand the No. 1 country of origin for counterfeits. At the same time, many Chinese companies are developing from the extended workbench of the West into innovative competitors on the world markets who protect their products themselves. Furthermore, imitations are often also produced, distributed or even commissioned in industrialised countries. This is often done by competitors with poor ideas or former production or distribution partners. Western competitors very specifically check the existence of industrial property rights. If none are registered, aspirations and scruples are thrown overboard and external design and technology solutions are issued as one's own achievement.

Easy job for counterfeiters on the WWW - Fake shops are booming

Demonstrably, well-known global eCommerce platforms do not only offer original goods but also large scale illicit plagiarisms and counterfeits. Mainly, the last-mentioned are being distributed from third-party suppliers who change their (fake) identities whenever required, and successfully veil themselves in the anonymity of the World Wide Web. A lucrative business without (liability) risks, where the platform operators incidentally also earn money. Parallel to this, more and more "fake shops" are emerging. Dubious providers either take over expiring domains of well-known brands or register domain names in which brand names appear. The fake shops look deceptively similar to the websites of brand manufacturers. They often use original photos, -reviews etc. in order to mislead consumers.

As long as it is possible for anyone in the world to register (de-) domains without identity verification or to log on to e-commerce portals with fake names and addresses, these loopholes will be exploited for unfair purposes. Especially when buying on the Internet, consumers should take a close look, listen to their common sense and not click on "Buy" hastily and without criticism: Is the price unrealistically low? Does the domain name sound strange? Is there an SSL certificate (https)? Is a supposed trust seal linked? In addition, it is useful to carefully check the imprint, payment conditions (attention with "prepayment only"), revocation possibilities and the general seriousness of the provider, in order that no one will become an easy victim of fraudsters.

Plagiarius prize winner products 2020 presented in Museum Plagiarius from February 14

In its unique exhibition, the Museum Plagiarius presents more than 350 Plagiarius prize winners from a wide variety of industries – the originals and plagiarisms in direct comparison. Also on display: Typical counterfeit brands confiscated by customs. Exciting facts and details are conveyed in guided tours. www.museum-plagiarius.de.

The Prize Winners 2020 of the Negative Award “Plagiarius”:

The jury met on January 11, 2020. **Four main prizes (3rd prize has been awarded twice)** and six distinctions (equal in rank) were awarded; total entities: 23.

1. Prize

Kitchen Cutting Device “Nicer Dicer Quick”

Original: Genius GmbH, Limburg, Germany

Counterfeit: Ningbo A-Biao Plastic Industry & Trade Co., Ltd., PR China

The counterfeiter infringes various industrial property rights of Genius. He not only copies the product and packaging design, but also the company name "Genius", the product name "Nicer Dicer Quick", as well as text and pictures of the English-language operating instructions - only the Genius logo was retouched away here. The cheap materials reflect the inferior quality: the cutting blades are rather blunt and not as firmly anchored - there is a risk of breaking out and thus a risk of injury.

2. Prize

KAYSER Cream Chargers

Original: Kayser Berndorf GmbH, Vienna, Austria

Counterfeit: Female Foods BV, Woerden, The Netherlands (liquidated)

A Belgian vendor acquired the counterfeits "in good faith"

The counterfeiter infringes the figurative mark "KAYSER" and copies 1:1 product and packaging. The fakes do not meet any quality and safety standards: The cap of a counterfeit charger has exploded under normal storage conditions and without any external influence. The chargers are rusted inside; the gas in the chargers is contaminated and not food safe.

3. Prize

JULIUS-K9 Dog Harness “IDC Powerharness”

Original: JULIUS-K9 Zrt., Szigetszentmiklós, Hungary

Counterfeit: Shenzhen Dog Favors Pet Supplies Co., Ltd., PR China

The counterfeiter copies 1:1 the product as well as the brand "JULIUS-K9". The inferior materials and reflectors have a negative effect on wearing comfort, visibility and durability. JULIUS-K9 counterfeits are often distributed via e-commerce platforms (e.g. Alibaba.com) and social media. The JULIUS-K9 Group has international design and brand protection and consistently enforces its rights against fake manufacturers and distributors.

3. Prize

(Laptop-) Backpack “Wenger Ibex”

Original: Wenger S.A., Delémont, Switzerland

Plagiarism: Manufacture: PR China

Distribution: Swiss Bag, Jerusalem, Israel

The Chinese manufacturer has adopted the design and construction of the original 1:1. He sells the plagiarisms through a worldwide distribution network, including Israel. The brand name "Wenger" is not being infringed, but the Wenger emblem figurative mark (cross on a square), which is protected by Wenger S.A. Swiss Bag sells both, original Wenger products and Wenger counterfeit products in its shop and on its website.

Six “Distinctions“ (equal in rank) were awarded:

Packaging design "maria sole Caffè Espresso"

Original: Production / Roasting: Sicily

Exclusive Owner: Caffè Cultura GmbH, Duesseldorf, Germany

Plagiarism: Roasting and distribution: Torrefazione S. Francesco SAS (Mondial Caffè), Bastia Umbra, Italy

Since 2016, Caffè Cultura has the trademark rights to the “MariaSole” brand, registered since 2008, as well as the exclusive usage rights for the well-known packaging design. The previous licensee was withdrawn of all rights to the brand. Also, the fraudulent use of the old product identifiers (EAN) for the plagiarisms subsequently brought to the market, was prohibited. Nevertheless, the roaster Torrefazione S. Francesco S.A.S. continued to sell plagiarism products under the old brand "MariaSole" and also under the name "MariaGrazia". In order to differentiate itself from the plagiarism, Caffè Cultura had to change its packaging design, although it has all the industrial property rights for the well-known design.

Sweeper “haaga 677 Professional” (with battery power)

Original: Haaga Kehrsysteme GmbH, Ebersbach, Germany

Plagiarism: Artred Smart Tech Co., Ltd., PR China

Design and technology of the professional sweeper were copied. The overall impression is identical and there is a risk of confusion. The plagiarism was discovered at a trade fair in the USA. Attempts by Haaga to obtain a sample of the plagiarism via third parties from China, the USA and Russia have so far been unsuccessful.

Diving Torch "Ledlenser D14.2"

Original: Ledlenser GmbH & Co. KG, Solingen, Germany

Plagiarism: A German eBay vendor was warned by Ledlenser, he handed over remaining stocks and named his supplier

Distribution: Stels Solutions Sp. z o.o., Poland and SATIS, Poland

The imitator copies not only the protected design including the 3D mark, but also the diver pictogram. The very low price is reflected in cheap materials (plastic instead of stainless steel), an insufficiently dimensioned heat sink and inferior LEDs as well as poor functionality: Despite 2 adjustment options for the light intensity, the result at the plagiarism is the same weak light in both positions.

Shaver “Futur 700”

Original: MERKUR Stahlwaren GmbH & Co. KG, Solingen, Germany

Plagiarism: Manufacturer: Guangzhou Ming Shi Shaver Ltd., PR China

Distribution: Chinese vendor via amazon.de

The plagiarism was advertised on Amazon.de in text and photo as a MERKUR shaver. The Chinese supplier delivered the plagiarism of Ming Shi. Ming Shi copies both, the razor and the packaging construction, incl. 2 viewing windows (over corner / round) and advertises like Merkur with "Tradition & Design".

Pendant Light “Tilt Globe”

Original: Nyta UG (haftungsbeschränkt), Karlsruhe, Germany

Plagiarism: Licht-Design Skapetze GmbH & Co. KG, Simbach, Germany

Design and function (largely free movement of a lampshade around an illuminant) were adopted almost 1:1, so that there is a risk of confusion with the original. The low-priced plagiarism is extremely cheap and inferior in terms of materials and workmanship. Skapetze denies that it is a plagiarism and refuses to stop distribution.

3D-Silicone Baking Mould “ELEGANZA”

Original: SILIKOMART S.r.l., Mellaredo di Pianiga, Italy

Plagiarism: Distribution: Chinese vendor, who sells via Amazon and trade fairs

Shipping: via other Chinese vendors

The individual, protected product design of Silikomart was copied 1:1, the overall impression of original and plagiarism is identical, despite the difference in size. Silikomart uses for all its products high quality, elastic and liquid raw silicone - certified as suitable for direct food contact. The plagiarism is made of solid silicone, the mould is harder. The plagiarism is more expensive than the original.

The Jury of the Plagiarism-Competition 2020:

Each year the jury is put together individually with specialists from diverse industries. The following persons formed this year's jury:

Doerte Brüggemann, Product Management AHW & Design SIEGENIA-Group, Wilnsdorf, Germany

Reinhard Kahler, Managing Director Kahler GmbH, Buch, Germany

Holger Lepold, Managing Director SPRINTUS GmbH, Welzheim, Germany

Dr. Martin Mäntele, Director HfG-Archive / Museum Ulm, Germany

Peter Siebert, Managing Director HANSI - Siebert GmbH & Co. KG, Göppingen, Germany /
Managing Director MLUX GmbH, Gruenwald, Germany

Gerda Straetmanns, Specialised Lawyer SGP Schneider Geiwitz & Partner, Neu-Ulm, Germany

Susanne Tamborini-Liebenberg, Chief Editor and INTERIOR DESIGN ARCHITECTURE,
Konradin Medien GmbH, Leinfelden-Echterdingen, Germany

Danielle Fürstin von Urach, Niederaichbach, Germany

Legal Advice:

Dr. Aliko Busse, Certified IP-Lawyer, Lawfirm Busse & Partner, Munich, Germany

The **award ceremony of “Plagiarism 2020”** took place during the Consumer Goods Trade Fair “Ambiente” at the Portalhaus of Frankfurt Fair on Friday, **February 07, 2020, 12:30 p.m.**

The **‘laudatory speech’** on the prize winners was made by **Christiane Nicolaus**, Director of the Design Center Baden-Wuerttemberg. The Plagiarism prize winners will be presented at the **Special Show “Plagiarism”** from February 07-11, 2020 at **Foyer 11.0, Portalhaus**, Frankfurt Trade Fair.

The prize winners 2020 will be presented in the **Museum Plagiarism from February 14, 2020.**

Contact

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