

UNIT 3: RESOURCE OUTLINE



UNIT TITLE: It's a fake!

TARGET AUDIENCE: 12 – 13 year olds

AIMS: Building on young people's awareness of branding, this unit will develop knowledge and understanding of the reasons why fake products are produced, where they might be sold and what problems might be associated with them.

CURRICULUM AREAS: Citizenship, Information Communications Technology, Religious & Moral Education, Social Studies; and cross-curriculum dimensions such as Identity & Cultural Diversity and Technology & the Media.

CONTENT

The unit contains five sections.

Section 1 – Introductory activities based around the meaning of the word 'fake' used in a range of different contexts. What associations and connotations does this word have? What is the history of the word? What is the connection between the terms fake, brands, counterfeits, trademarks and copyright?

Section 2 – Using a range of activities, this Section develops young people's understanding of the term 'copyright'

Section 3 – Based on a range of scenarios, role-play activities encourage young people to think about where fake goods might be traded and the problems that might arise from this trade.

Section 4 – Referencing case studies where copyright is infringed, activities encourage young people to discuss and reflect upon the legal and ethical implications of these infringements with a particular focus on the rights of workers and consumers.

Section 5 – With reference to advertisements for well known copyright-protected goods, young people plan an awareness-raising campaign that highlights the roles of the workers who produce the products.



SECTION 1: INTRODUCING THE TERMS

Exercise 1 - This matching activity introduces students to some of the different contexts in which the word 'fake' can be used. The correct order is as follows:

| PHRASES USING THE WORD 'FAKE' | MEANING |
|---|--|
| With her hair colour out of a bottle, her tan from a sun bed and her false eyelashes, she just looks so fake. | She has an unnatural physical appearance |
| He's always lying to me about where he's been and who he's spending time with. He's just a fake! | He's not genuine; he's a liar. |
| The flowers in the vase looked so realistic but actually they were fake. | The flowers were artificial. |
| She faked her husband's signature on a really important form. | She forged her husband's signature. |
| I thought the painting was an original work of art by a really famous artist but it turned out to be a fake. | The painting was a forgery. |

Exercise 2 - This vocabulary task introduces students to synonyms – words with similar meanings – for the word 'fake'. These include: affected, assumed, bogus, concocted, counterfeit, fabricated, fictitious, forged, fraudulent, invented, make-believe, mock, phony, pretended, pseudo, reproduction, sham, simulated and spurious. Students work through this list and discuss which have the most negative connotations.

Exercise 3 - The downloadable extracts all use synonyms for fake (highlighted in the text) The correct answers:

| EXTRACT FROM NOVEL | ILLEGAL ACT OR SOMETHING ELSE? |
|--|--------------------------------------|
| <i>Emma (1815) - Jane Austen</i> | Something else – i.e., impolite |
| <i>Jane Eyre (1847) - Charlotte Bronte</i> | Something else – i.e., false emotion |
| <i>Les Misérables (1862) – Victor Hugo</i> | Something else – i.e., false beliefs |
| <i>Great Expectations (1861) - Charles Dickens</i> | Illegal act |
| <i>War and Peace (1869)- Leo Tolstoy</i> | Illegal act |



For exercise 4 the suggested answers are :

| SCENARIO | BREACH OF COPYRIGHT OR TRADEMARK LAW? | FURTHER INFORMATION REQUIRED? |
|---|---------------------------------------|---|
| Mr Roberts manufactures cheap running shoes. He wants them to look like a well-known brand so has copied the NIKE logo and tick symbol into his shoes. | Breach of trademark | None |
| Rizwan created an original video about his home town which he plans to sell to tourists as a DVD. He did not have the equipment to create his own soundtrack so downloaded a popular song from iTunes and included this in his video. | Probable breach of copyright law | Find out if Rizwan has asked permission from the creator of the popular song to include it in his video? Has he credited the creator of the song? |

The suggested answers to the additional scenarios are as follows:

| | | |
|---|---|--|
| Mrs Ojo runs her school's drama department. She photocopied twenty-five copies of a well-known musical and distributed them to students for their rehearsals. | Possible breach of copyright law | Find out which well-known musical. When was it published and is it still within copyright? Has Mrs Ojo asked permission from the writers to reproduce it? Are the school charging entrance to the performance? |
| Mrs Smith has a company producing plastic handbags that she has made look like the high-end brand Prada. The designs are a straight copy and the name of the brand looks exactly like the original. | Breach of trademark and copyright law | None |
| Li Wu is a jewellery designer who has produced a collection of pieces that she called The Lady Gaga Assembly, copied from photos of jewellery worn by the star. | Probable breach of trademark and copyright law. In some countries, possibly an infringement of Lady Gaga's rights in her image. | Find out if "Lady Gaga Assembly" is registered as a trademark for jewellery. Ask an expert whether the jewellery is original work of artistic craftsmanship. |



SECTION 2: COPYRIGHT PROTECTION

Whilst students are expected to give their own examples we have given some suggestions below which you may like to use as prompts to generate discussion.

| PRODUCT | EXAMPLE | WHERE IT WAS |
|-----------------------|---------------------------|------------------------------|
| Music | Lady Gaga's Greatest Hits | Amazon |
| Movies | Frozen | Amazon |
| Books | Harry Potter | Local bookshop |
| Computer games | Minecraft | Minecraft website |
| Board games | Monopoly | Local toy shop |
| Wall poster / picture | Poster of Alexis Sanchez | Football merchandise website |

Activity 2 - Correct answers:

| JUSTIFICATION FOR BUYING PIRATED PRODUCTS | COUNTER ARGUMENT |
|--|---|
| The music and movie production companies are so rich they don't need all the money from us buying their expensive versions. | The production companies employ a large number of people whose salaries and wages are paid partly by the sales of music and movies. |
| The artists don't even get any of the money from the purchase of official DVD and downloads. | Copyright law ensures that artists can contract with distributors to receive a fee or a percentage of the sales price when a DVD or download is purchased. If we buy pirated versions, the artists don't receive any money. Criminals sometimes use IP crime to finance other criminal business activities. |
| It's not like we're stealing from a person. These big companies don't suffer from a few hundred copies being made of their movies and music. | Piracy is akin to theft. Millions of pirate copies of movies, games and music are made each year, which has a huge impact on people who work in the creative industries. |



| JUSTIFICATION FOR BUYING PIRATED PRODUCTS | COUNTER ARGUMENT |
|---|--|
| We're helping poor people because otherwise they wouldn't be able to hear or see any of this popular stuff. | Many popular films and music are freely available on radio and television. If you really care about poverty, then people need jobs in safe working conditions. Illegal traders who do not pay taxes and don't pay a fair wage to workers control piracy. Genuine products cannot be sold at a fair price if they are undercut by illegal ones. |
| We're keeping people in employment by producing this alternative economy. | The people who are employed producing pirate copies of movies, music and games have no workers' rights and often work in unsafe conditions. Child labor is used to produce and sell some pirate and counterfeit goods and people who sell the products are at risk of arrest. Piracy is part of an illegal economy. |

Activity three encourages students to reflect on how intellectual property rights are relevant for the growth of the film industry in the developing world, specifically Burkina Faso and Kenya. The clips illustrate how a growing filmmaking industry reduces poverty and unemployment by creating work opportunities for people both in creating digital films and exhibiting in cinemas. If films screened and consumed in these countries are made in these countries (rather than being imported from elsewhere), then the money stays within the country's economy and all the country's citizens will benefit. With copyright laws respected, the artists, directors, producers are paid every time every time a film is screened. If films have been pirated, filmmakers will be less able to pay off their debts. This has a negative knock on effect on the whole economy. Copyright law protects economies allowing them to grow. The point is made clearly that a growing film industry, with the rights of filmmakers respected, has a positive impact for a country's whole economy and for all the people who live in that country.

The correct answers for the final activity are:

| STATEMENT | TRUE or FALSE |
|---|---|
| Copyright does not last forever. | TRUE |
| If a product is in the 'public domain' it means it is freely available to be copied. | TRUE |
| If you're not making money out of a website, you can upload any video or music that you like. | FALSE. You can upload material in the public domain. If the material is copyrighted you have to ask permission. |



| STATEMENT | TRUE or FALSE |
|--|---|
| You can use a short clip lasting up to one minute from a movie or video clip in your own movie or website without asking permission. | DEPENDS. If the movie or video clip is in the public domain you can use it freely. If the use falls within a legal exception, such as use for news reporting or as a quotation in accordance with fair practice, giving credit to the source and the author, it may be permitted. If not, you have to ask permission to use it. |
| Copyright status is only for well-known, professional authors, musicians, artists and filmmakers. | FALSE. Anyone who produces original work in a tangible form is eligible to copyright in it. |
| You bought an official DVD of a Star Wars movie in a shop. It would be illegal to then sell it on EBay. | FALSE. |
| You read an online article on a news website about the health risks of smoking. If you quote from the article in your school essay on this topic you will be breaking copyright law. | FALSE. If you use a short quote for study purposes, this falls within an exception. |
| You write a brilliant poem that wins a national competition. You did not register your poem before you submitted it to the competition. You are no longer eligible to protect it by copyright. | FALSE. Copyright protection comes into force as soon as your work is in a tangible, fixed form. |

SECTION 3: TRADING PIRATE PRODUCTS

This Section offers students the opportunity to be creative and apply their knowledge in new ways. Encourage students to think about the real people who create, consume and produce both legitimate and pirated products. The final activity offers students the opportunity to capture their ideas on camera. If this technology is available, keep safe what they produce so it can be used in the final presentation work at the end of the unit.

SECTION 4: LEGALITY AND ETHICS

Activity 1. The laws in different countries will differ so you the teacher will need to be aware of the different legal position in their country for each of these actions. The key point here is for students to reflect on the difference between legality and ethics as well as to consider the serious of certain illegal acts compared to others.



Activity 2 - WIPO's database provides various useful case studies, which can be found here:

http://www.wipo.int/ipadvantage/en/search.jsp?ins_protection_id=&focus_id=573

This link offers an extension task at the end of the Section for students with access to the Internet.

Activity three looks at the implications of fake products on a number of people. Students are asked to consider the impacts on these three groupings. Possible answers are :

WORKERS – unpaid taxes / poor working conditions / illegal pay /lost job opportunities

CONSUMERS – poor quality of products

ENVIRONMENT – natural environment destroyed

WORKERS / CONSUMERS – toxic elements in products

ENVIRONMENT / CONSUMERS

ENVIRONMENT / WORKERS – raw materials dangerously sourced / unregulated production

WORKERS / CONSUMERS / ENVIRONMENT – pollution / waste products from manufacturing unsafely discarded

Some of the effects to consider include the fact that the IP owner(s) or creator(s) of the original product are likely to be unable to recover their investment. They will have invested in developing their product and so if consumers buy fake versions of their product and do not buy the original, the creators' costs will not be repaid. They probably will not be able to develop more products and therefore violating IP stifles creativity. And of course, the converse is true: respecting IP protects creativity.

Activity 4 - Most of the scenarios cited here illustrate both legal and ethical problems. The suggested answers below, therefore, try to show where the focus lies most strongly. The activity is designed to promote discussion about the ethics of counterfeiting and piracy rather than to limit the focus to the illegality of the behavior.

| | |
|---|----------------------------------|
| <p>The fake goods were sold at markets across London, as well as Kempton Market in Surrey and car boot sales around the country. Items were also sold on eBay and on a Facebook page. – <i>Source</i> News report, Havering London Borough Council, 16 September 2014 http://www.havering.gov.uk/Pages/News/Ringleader-of-counterfeit-goods-outfit-sentenced-to-30-months-in-prison.aspx</p> | <p>Legal and ethical problem</p> |
|---|----------------------------------|



| | |
|---|----------------------------------|
| <p>The analysis shows that criminal networks and organized crime thrive via counterfeiting and piracy activities. – <i>Source</i> Research report, Organisation for Economic Co-operation and Development, 2007 http://www.oecd.org/sti/38707619.pdf</p> | <p>Legal and ethical problem</p> |
| <p>We were able to buy must-have items such as a fake Louis Vuitton satchel for £15, counterfeit Jimmy Choo shoes for £10, fake Beats headphones for £5 and a “Nike England” shirt for £20, all way below prices for the real thing. – <i>Source</i> Newspaper article, 15 June 2014: http://www.mirror.co.uk/news/uk-news/counterfeit-street-sunday-mirror-investigates-3695230</p> | <p>Legal and ethical problem</p> |

Further downloadable scenarios raise the issues outlined in the second column.

| | |
|---|----------------|
| <p>Based on our investigations, we have confirmed that there are counterfeit ... products in the market that are not equipped with protective devices to meet Canon’s designated quality standards. As a result, when they are used with cameras or video camcorders, or charged, they can cause overheating, leakage, ignition, rupture, and other malfunctions in the products they are used with. In the worst case, not only could these counterfeit products damage the cameras and video camcorders in which they are used, but also could cause fire, burns, blindness and other serious accidents and injuries. – <i>Source</i> Product Advisory, Canon U.S.A., Inc.: http://www.cla.canon.com/cla/en/consumer/product_advisories/ProdAdv/0901e02480b7cdf4</p> | <p>Ethical</p> |
| <p>“If you are selling fake things, you are hurting the city, hurting legitimate businesses.” - <i>Source</i> Newspaper article, New York Times, 9 October 2006 http://www.nytimes.com/2006/10/09/nyregion/09bazaar.html?pagewanted=1&_r=1&</p> | <p>Ethical</p> |
| <p>“Many developing countries of Africa, parts of Asia, and parts of Latin America have areas where more that 30% of the medicines on sale can be counterfeit.” – <i>Source</i> Factsheet, International Medical Products Anti-Counterfeiting Taskforce, http://www.who.int/en/ 14 November 2006 http://www.who.int/medicines/services/counterfeit/impact/ImpactFS/en/</p> | <p>Ethical</p> |

SECTION 5: AWARENESS-RAISING CAMPAIGNS

This final Section in the unit of work is designed to bring together students’ knowledge and understanding from the previous Sections. Students are invited to create awareness-raising campaigns about the negative impact of piracy on workers based on adverts sourced from magazines. If possible, students should be encouraged to create their campaigns for real audiences and, where time permits, they should try to produce these campaigns for distribution in their schools and the wider community.