



OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)



EUROPEAN CITIZENS and INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

EXECUTIVE SUMMARY

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PERCEPTION, AWARENESS AND BEHAVIOUR

This research presents results of the quantitative survey, fine-tuned and nuanced by the insights collected through the qualitative stage and the literature review. The first part of the diagnosis shows a picture of European citizens being largely favourable to IPR; being convinced that it is an important pillar of the economic and social organisation of their country, and being supportive of associated regulations as well as their enforcement. However, the results also show that even if only a tenth of Europeans openly admit to having engaged in IP infringing behaviours over the last 12 months, more than a third of them tolerate these same behaviours when considered subjectively.

The paradox lies in the fact that these two attitudes are not mutually exclusive. A large majority of EU citizens display strong support for IP and yet consider that at a personal level, breaking these rules may be justified to cope with the consequences of limited purchasing power or to protest against an economic model driven by a market economy and premium brands. This apparent contradiction highlights the gap that exists between shared principles (that would apply when considering society at large) and the realities of a pragmatic and probably more self-centred individual way of life.

This disconnect may partly find its source in the lack of understanding of IP value and the fact that a large majority of Europeans believe IP protection does not primarily benefit consumers and citizens like them but rather benefits business and artistic elites. When asked who benefits the most from the protection of IP, only 11% of EU citizens mentioned consumers and less than 20% mentioned small and medium enterprises. On the other hand, over 40% mentioned large companies and famous artists and, to a lesser extent, inventors, as the primary beneficiaries of the protection of IP.

Therefore, it seems that efforts should be made to demonstrate the value that intellectual property brings to European citizens in their day-to-day lives. This is especially so for younger generations, which differs significantly for the other age groups.

THE MAIN FINDINGS OF THE RESEARCH ARE THE FOLLOWING:

I – EUROPEANS ARE ATTACHED TO THE PRINCIPLES OF INTELLECTUAL PROPERTY

Europeans are attached to IP as a fundamental component of the economic and social organisation of their country. They demonstrate a consensual attachment to IP, both as a legitimate way to reward artistic creation and a way to help improve and guarantee the quality of products and services.

- 96% of EU citizens agree that it is important that inventors, creators and performing artists can protect their rights and be paid for their work
- 86% of EU citizens agree that protecting intellectual property is important because it contributes to improving and guaranteeing the quality of products and services

EU citizens also largely recognise the important role intellectual property plays in innovation and economic performance.

- 76% of EU citizens agree that innovation and IP go hand in hand and one cannot really exist without the other
- 69% agree that companies which create a lot of IP contribute significantly more to the creation of jobs and economic growth than others



- 67% of EU citizens agree that without intellectual property protection there would be economic chaos

This attachment leads a very large majority of Europeans to condemn IP infringement behaviours and more specifically the purchase of counterfeit goods. Only a small minority of EU citizens seems to find this acceptable.

- 84% of EU citizens surveyed disagree with the statement “it is acceptable to buy counterfeit products when it concerns luxury products”
- 79% of EU citizens surveyed disagree with the statement “it is acceptable to buy counterfeit products when the original product is not available where they live”
- 74% of EU citizens surveyed disagree with the statement “it is acceptable to buy counterfeit products when the price for the original product is too high”
- 81% of EU citizens surveyed agree with the statement “buying counterfeit products ruins businesses and jobs”
- 71% of EU citizens surveyed agree with the statement “buying counterfeit products supports child labour and illegal trafficking”

Effectively, the declared purchasing of counterfeit products and/or illegal downloading is very low within the European population surveyed: more than nine out of ten Europeans say they have not purchased any counterfeit products or downloaded illegally in the past 12 months.

- 9% of EU citizens surveyed report they have accessed/downloaded or streamed illegal content from the internet intentionally over the last 12 months
- 4% of EU citizens surveyed report they have purchased counterfeit goods intentionally and 6% report they have purchased counterfeit goods as a result of being misled over the last 12 months

However, demographics can be an interesting factor to fine-tune the results:

- Regarding illegal download and access to protected content on the internet the impact of age is particularly important: 26% of citizens between 15 and 24 years old report having downloaded or accessed copyright-protected content illegally over the last 12 months. This drops to 17% of the 25 to 34 years old, 9% of the 35 to 44 years old, 5% of 45 to 54 years old and below 2% of the over 55 years old.
- Women and men report quite similar purchasing habits regarding counterfeits, whereas for illegal downloading, the proportion of men reporting this behaviour over the last 12 months is more than twice as high as the proportion of women (13% of men versus 6% of women). This tendency also applies to the 15-24 age group where the proportion of men reporting having bought counterfeit products is aligned with that of women (7% of men versus 5% of women) whereas the share of men from 15 to 24 years old reporting having accessed, downloaded or streamed illegal content from the internet intentionally is 10 points higher than that of women from the same age group (31% for men versus 21% for women).

- Similarly, education levels do not seem to play a part in the voluntary purchase of counterfeit products, whereas they have a significant impact on illegal downloading/streaming and access: 3% of Europeans who finished their studies before the age of 15 reports having illegally downloaded or accessed copyright-protected content over the last 12 months. This proportion rises to 6% of citizens who finished their studies between 16 and 19 years old; up to 10% of those that finished their studies after 20 years old and 27% of citizens still studying. Finally, differences exist between member states and according to the European Union accession date: 13% of citizens from the member states, which joined the EU after 2004 report having purchased counterfeit goods during the last 12 months, when it is only a third of this number (4%) in the 15 other member states. This gap does not apply to illegal downloading or access, where differences are minimal.

II – BEYOND A THEORETICAL SUPPORT OF THE PRINCIPLES OF INTELLECTUAL PROPERTY LIES A MORE COMPLEX AND SOMETIMES CONTRADICTIONARY REALITY

Prima facie findings describe generally positive perceptions of IP from a theoretical point of view. It should however be contrasted with a deeper subjective analysis.

The understanding of IP and related notions by Europeans is far from being consistent and reveals important gaps between self-evaluated/'subjective' understanding and verified/'objective' understanding.

There is a clear contradiction and a gap between the subjective understanding that Europeans declare having of IP, and the objective knowledge which they actually have.

Three quarters of Europeans say they understand the term “intellectual property” and related terms such as patents, copyrights, trademarks etc.

- 73% of EU citizens surveyed state they have a good understanding of the term “intellectual property”
- 85% of EU citizens surveyed state they have a good understanding of the term “copyright”
- 79% of EU citizens surveyed state they have a good understanding of the term “patent”

However, the objective knowledge indicators paint a different perspective – with only 13% of Europeans demonstrating a good knowledge of what is behind the term IP and 51% displaying moderate knowledge and 37% poor knowledge.

- 46% of Europeans surveyed know that the statement “after a certain period of time, patented inventions can be legally copied by anyone” is correct.
- 34% of Europeans surveyed know that the statement “geographical indications are details put on the products that identify the manufacturer in case of a complaint” is incorrect.
- 44% of EU citizens surveyed know that the statement “the design of a product cannot be protected, it is only possible to protect logos and product names” is incorrect.



In conclusion, IP and its main related terms are more heard of than really understood in detail by Europeans.

The second element that should nuance the strong intellectual attachment of Europeans towards the principles of IP is the existence of a certain level of tolerance for the idea that IP infringements could be considered legitimate.

A significant minority of Europeans (around a third) view counterfeiting in a favourable light, as a 'smart' way to preserve purchasing power and also as an 'act of protest' against large premium brands and the unbalanced economic system.

Condemned on an ethical level, and judged to have very negative consequences on a macro-economic level, counterfeiting can be seen more favourably when it is presented from an individual perspective and in the light of personal benefit.

- 34% of EU citizens surveyed agree with the statement "buying counterfeit products allows making a smart purchase that enables you to have the items that you wanted while preserving your purchasing power"
- 38% of EU citizens surveyed agree with the statement "buying counterfeit products is an act of protest and a way to resist to the market-driven economy and the large premium brands"

These perceptions are not consistent throughout the EU populations. They are more or less prominent depending on respondents' age, occupation and country of residence. The two statements (buying counterfeit seen "an act of protest" and/or "a smart purchase") follow similar patterns:

- **Age** seems to be a strong variable to consider, the younger they are the more EU citizens are likely to agree with these statements. 49% of EU citizens between 15 and 24 years old agree that the purchase of counterfeit can be seen as "an act of protest", this figure consistently decreases with age: 44% of 25 to 34-year-olds, 38% of 35 to 44-year-olds, 35% of 45 to 54-year-olds, 34% of 55 to 64-year-olds and 32% of citizens of 65 years old and over. In turn, 52% of EU citizens between 15 and 24 years old agree that the purchase of counterfeit allows the consumer to make "a smart purchase"; this figure also consistently decreases with age: 39% of those aged between 25-34, 34% of those aged between 35 to 44, 31% of those aged between 45 to 54, 29% of those aged between 55 to 64 and 25% of citizens of 65 years of age and above.
- Perceptions also vary significantly depending on the **occupation of the respondents**. 50% of EU citizens seeking a job agree that buying counterfeit could be seen "an act of protest" versus 38% of EU citizens on average. This result is also higher amongst "supervisors and foremen" (46%), "manual workers" (44%), but most of all "students" (50%, the highest level of agreement measured amongst occupation groups)
- **The level of education** does not influence results in a linear fashion on this question. However, it can be noticed that citizens who studied for the longest period of time (i.e. finished their studies after 20 years old) report the lowest agreement level (35% agree that buying counterfeit can be an act of protest)
- Generally speaking, the level of agreement with the two statements is significantly higher in **member states which joined the EU after 2004** (45% agree with the idea that buying counterfeit can be an act of protest) than in the other member states (36% agree)

The analysis of the perceptions and attitudes of the youngest generation of Europeans demonstrates that citizens between 15 and 24 years old hold the most tolerant opinions regarding counterfeiting and illegal downloading.

Beyond the above-mentioned results, the younger generation is particularly inclined to consider that illegal downloading or accessing copyright-protected content is acceptable, even if a majority of them do share the general attachment to the overarching principles of IP.

- 22% of Europeans consider it acceptable to download or access copyright-protected content illegally when there is no legal alternative in their country. This is 20 points higher amongst citizens from 15 to 24 years old (42%)
- 42% of Europeans consider it acceptable to download or access copyright-protected content illegally when it is for personal use. This number rises by 15 points to 57% amongst citizens from 15 to 24 years old

The analysis of questions related to the primary beneficiaries of IP may provide some explanation to the paradox described above.

When asked who benefits most from the protection of IP, only around a tenth of Europeans mention “consumers like themselves” and much more frequently mention large companies and successful artists as the primary beneficiaries of this set of rules and their enforcement.

This may illustrate a sentiment that IP mainly serves the interests of elites and tends to demonstrate the lack of understanding, or disagreement with the idea of the value that it brings to European citizens at large.

Legal offers

As a part of this section a specific focus was made on legal offers to access typical copyright-protected content (music, films, TV shows, books, sports live events, photographs, newspapers or videogames) on internet.

People’s awareness of legal downloading offers depends largely on the content. It is quite high for music (65% of Europeans know that there are legal offers to download or stream music in their country); more than half know this about films (56%), newspapers (55%), television series (51%) and books (50%); less than half know about video games (46%), photographs (46%) and live coverage of sports events (44%).

The degree of awareness of the legal offers on the internet varies significantly from country to country. Whatever the content, the legal offers are systematically most well known in Nordic countries (Denmark, Sweden, Finland), Anglo-Saxon countries (United Kingdom, Ireland), Belgium and the Netherlands. Inversely, legal offers are least well known, and much less so than the European average, in Croatia, Bulgaria, Romania, Poland, Malta and Italy. There is much more awareness of the legal offers within the younger generations, who are most exposed to illegal downloading. Whatever content is tested, the awareness of the legal offers is at least eight points higher within the younger generations than the European average:

- 83% of 15 to 24-year-olds know that there are legal offers available online for music



- Over two thirds of 15 to 24-year-olds is aware of legal offers to access films (67%) or television series (65%)
- Six out of ten respondents say that they know how to legally access newspapers (63%), photographs (62%) and books (60%)
- A majority of the young generation knows how to legally access video games (55%) and live sports coverage (55%)

The quality and diversity of these legal offers are seen favourably by Europeans. There is however still a significant minority of 15 to 24-year-olds, around a third, who find the illegal offers more attractive:

- 55% of Europeans share the belief that “the quality of content offered by lawful services is at least as good as what can be found through illegal solutions” and 27% disagree. For those who know both offers well, i.e. the younger generations, the ratio is 63%-33% for 15 to 24 years-old and 61%-30% for 25 to 34 years-old. One third of young Europeans therefore believe illegal content to be of better quality
- The fact that the legal offers are at least as diverse as the illegal one is recognised by 50% of Europeans, with 30% disagreeing with this fact. The ratio is of 55%-39% for 15 to 24 years-old and of 54%-37% for 25 to 34-year-olds. Nearly four out of ten young Europeans declare that illegal content on the internet is more diverse than legally available content
- 19% of Europeans wondered whether a site where one could download music or videos was legal or not and 12% actually researched to find out if a downloading site was legal or not. It should be noted that these figures are much higher for the 15 to 24 years-old as 42% have wondered whether a site where one could download music or videos was legal or not and 26% actually researched to find out if a downloading site was legal or not.

The existence and awareness of legal offers might have an influence on illegal downloading activities as 80% of Europeans agree with the statement “whenever there is an affordable legal option I prefer to access/download/stream content through authorised platforms and not do it illegally”, a figure this time strictly identical amongst citizens from 15 to 24 years old.