



**OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET**
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EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

REPORT

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THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

Table of Content

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

FOREWORD	3
EXECUTIVE SUMMARY	7
LITERATURE REVIEW	15
OBJECTIVES OF THE LITERATURE REVIEW AND RESEARCH METHODOLOGY	16
MAIN FINDINGS	17
QUALITATIVE INVESTIGATION	19
KEY LEARNINGS AND INSIGHTS	23
I) Awareness of Intellectual Property	23
II) Understanding of Intellectual Property	23
III) Who creates Intellectual Property?	24
IV) Understanding of sub-notions and Intellectual Property pillars	24
OVERARCHING HYPOTHESIS & CONCLUSIONS	26
QUANTITATIVE SURVEY	34
KEY FIGURES	35
DETAILED ANALYSIS	36
I) Knowledge of IP and attachment to the concept	36
II) The perception of counterfeiting by European citizens	43
III) Europeans, youth and digital issues	54
APPENDIX A – ADDITIONAL TABLES	60
APPENDIX B – QUANTITATIVE QUESTIONNAIRE	69
APPENDIX C – METHODOLOGICAL NOTE	78



THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



FOREWORD

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



The economic well-being of the EU relies on sustained creativity and innovation. The Europe 2020 Strategy has defined "Smart Growth" as one of the European Commission's three policy priorities for the future to create a more competitive economy with higher employment. In this respect, intellectual property rights (IPRs) have been identified as instrumental for the Union's future prosperity, innovation capacity and growth policies.

However if European efforts to preserve the integrity and respect of IP rights are to be properly acknowledged, it is necessary to make use of robust evidence and facts to accurately communicate the positive aspects of IP to the public. An important step in this complex process is to carry out a comprehensive assessment of citizens' perceptions of IP and the relevant drivers of consumer behaviours. This comparative work needs to be carried out and balanced against modern consumption trends. Once these factors are analysed, adequate measures can then be designed to more effectively raise public awareness and protect IP. This report is a key element in this process.

This survey provides an analysis of how IP is perceived at EU citizen level. It is launched at a time when IP has never been so present in the day-to-day lives of European citizens. Intellectual property rights cover everything from the food people eat, to the clothes they wear, the cars they drive and the music they listen to. And through the explosion in digital content and technology over the past decade, people are now closer to IP than ever before. The report complements the recently released study "Intellectual Property Rights intensive industries: contribution to economic performance and employment in the EU", carried out by the Office for Harmonization in the Internal Market (OHIM), through the European Observatory on Infringements of Intellectual Property Rights and the European Patent Office, which stated that IP-intensive industries contribute 26% of employment and 39% of GDP in the EU, and pay significantly higher wages than non IP-intensive ones, creating over 77 million jobs. Together, the two reports provide robust evidence and facts enabling to measure accurately the current state of IP in the economy and citizens' opinions. This creates a solid basis for effective, well targeted awareness activities, especially with a younger generation and for further investigating particular issues raised by the report.

This report has been carried out and delivered by Edelman Berland, a strategic research and consulting firm specialising in stakeholder perceptions and public opinion evaluation. The research took place between December 2012 and August 2013 and covered the 28 of the European Union.¹ It was made up of three phases: a literature review, a qualitative investigation and a quantitative stage. The literature review analysed relevant studies and publications on the subject from the last five years. The qualitative stage carried out more than 100 hours of discussion with 250 Europeans between 15 and over 65 years old. Focus groups and in depth interviews have been held in a selection of nine Member States: Croatia, France, Germany, Italy, Lithuania, Poland, Sweden, Spain and the UK.

These countries were selected to represent the diversity of the EU in terms of cultural heritage, standards of living,

¹ - It is acknowledged that Croatia was not (at the time of the fieldwork) a Member State of the European Union; however, considering the publication date of the report, it was decided that quantitative and qualitative diagnosis should be based on EU 28 and not EU 27.

accession date to the EU and geographic position. In the quantitative process, over 26,500 Europeans expressed their views through a questionnaire carried out by telephone.² The structure of the sample is representative of the population of each Member State according to the latest available census. It is identical to the sample used in telephone surveys conducted on behalf of other European institutions and allows advanced socio-demographic analysis, enabling focus per country, age group, education level, occupation and place of residence (urban, semi-urban, rural). The questionnaire contained two questions from a Eurobarometer questionnaire nr.363 published in September 2011.

The research measures awareness levels and depth of understanding from European citizens on intellectual property, and explores perceptions associated with the value IP brings to Europeans' day-to-day lives. The report is part of the European Observatory on Infringements of Intellectual Property Rights' 2013 work programme.

We would like to thank all EU citizens who took the time to participate in this survey.

2 - Telephone fieldwork (sample design/data collection/quality management/translation support) was executed by TNS Opinion Europe. The data analysis and report creation remain Edelman Berland's sole responsibility.



THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



EXECUTIVE SUMMARY

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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, and being convinced that it is an important pillar of the economic and social organisation of their country; and 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 disconnection 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 the 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 differ significantly from 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 show consensual attachment to IP, both as a legitimate way to reward artistic creation and 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 for innovation and economic performance.

- 76% of EU citizens agree that innovation and IP go hand in hand and the one cannot really exist without the other
- 69% agree that companies that 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 strictly 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”
- 80% 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”
- 75% 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”³
- 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”⁴

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.⁵

- 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 months⁶

3 - When reviewing results from similar questions asked in March 2011 [Special EB 363 released in September 2011] and taking into account the impossibility to establish a strict comparison [EB 363 being a face-to-face survey covering several dimensions of the single market, when this survey is based on a telephone questionnaire only focusing on intellectual property] it seems the social ban of counterfeit purchase has grown across the EU. In 2011, 51% of EU27 disagreed with the statement that buying counterfeit is acceptable if the price is too high, in this survey this is 75% (24 points more). In 2011, 62% of respondents to the EB 363 disagreed with the idea that it was acceptable to purchase counterfeit when the original product was not available; this is 80% in this survey (18 points more). Further investigations may be needed to differentiate true opinion shift from methodologically induced ones, however, the importance of the change in results measured and the fact this phenomenon is particularly important in new Member States, suggest a diminution of the social acceptability of counterfeit purchase across the EU over the last three years.

4 - In the EB 363, 68% of EU27 citizens agreed that the purchase of counterfeit products ruins business and jobs (13 points less than in this survey) and 66% agreed with the idea it supports child labour and trafficking (5 points less than in this survey)

5 - For detailed results per Member State please see Table 1 in Appendix A, “Incidence of intellectual property related behaviours for each Member State”

6 - It should be noted that unlike some other surveys measuring the incidence of counterfeit purchase or illegal download among certain populations, here a time dimension was introduced in the question: “over the last 12 months”; probably resulting in a lower incidence compared to a similar question with no time reference



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 those between 25 to 34 years of age, 9% of those between 35 to 44 years of age, 5% of those between 45 to 54 years of age and below 3% of those over 55 years of age.
- Women and men report quite similar purchase 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 (on average 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).⁷
- 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 date of their accession to the European Union: 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.⁸

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.

7 - For detailed results per Member State please see Table 2 in appendix A, “Share of citizens (EU 28 average) engaging in legal and illegal purchasing habits regarding counterfeit products and online contents by gender and age group”

8 - In this study, the level of understanding of intellectual property was assessed with a test in which respondents were asked to give true or false as an answer to seven statements about intellectual property and the way it works. The statements were designed for the purpose of this research with the aim to assess a general understanding of the basic IP concepts by the general public. They do not necessarily reflect specific legal provisions/definitions.

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.⁹

- 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.¹⁰

9 - Q2.1-Q2.7: For each of the following statements, please indicate whether they are true or false, or if you do not know at all. This test provided the research team with a consistent and cohesive set of metrics enabling comparison of some of the understanding of intellectual property concepts by citizens. It is acknowledged that this test is only one -certainly not perfect but operative- approach to measure understanding of intellectual property.

10 - For detailed results per Member State, please see Table 3, “Percentage of respondents agreeing with statements legitimating intellectual property infringements” in appendix A



- 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 is consistently decreasing 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 making “a smart purchase”, this is also consistently decreasing with age: 39% of 25 to 34-year-olds, 34% of 35 to 44-year-olds, 31% of 45 to 54-year-olds, 29% of 55 to 64-year-olds and 25% of citizens aged 65 years old and more.¹¹
- Perceptions also vary significantly depending on **respondent’s occupation**. 50% of EU citizens seeking a job agree with 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%).¹²
- **The level of education** is not influencing results in a linear fashion on this question. However, it can be noticed that citizens who studied for the longest 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)¹³
- Generally speaking the level of agreement with the two statements is significantly higher in **Member States that 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.¹⁴

11 - For detailed results per Member State, please see Table 3. bis, “Percentage of respondents agreeing with statements legitimating intellectual property infringements by age group” in appendix A

12 - For detailed results, please see Graph 1 : “Percentage of respondents agreeing 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” by occupation category” in appendix A

13 - For detailed results, please see table 4 : “Percentage of respondents agreeing that buying counterfeit products is an act of protest by education level” in appendix A

14 - For detailed results please see tables 5 “% of Europeans that agree that it is acceptable to download content from the internet when there is no legal alternative in their country, results per age groups” and 6 “% of Europeans that agree that it is acceptable to download content from the internet when it is for their personal use, results per age groups” in appendix A

- 22% of Europeans consider it is 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 is 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.¹⁵

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:¹⁶

15 - For detailed results please see table 7 “Who benefits most from the protection of intellectual property? Multiple answers question, % measured on total European population” in appendix A

16 - For detailed results please see Table 8 “Awareness of legal offers to access copyright-protected content of different nature in each Member State” in appendix A



- 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 are 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-year-olds and 61%-30% for 25 to 34-year-olds. 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-year-olds 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-year-olds 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.¹⁷

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-year-olds.



LITERATURE REVIEW

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



OBJECTIVES OF THE LITERATURE REVIEW AND RESEARCH METHODOLOGY

In order to fulfil the goal of understanding and measuring the level of understanding and awareness of European Union citizens regarding intellectual property and its components, Edelman Berland carried out a comprehensive literature review of publicly available surveys prior to the launch of the quantitative survey. The aim was to capitalise on the existing intelligence available on the topic and identify opportunities for the creation of the quantitative questionnaire.

Internet search engines were used (Google search, Google scholar) to identify relevant studies. Due to the rapidly changing nature of the topic driven by all the changes induced by the internet and to base our analysis on reasonably up-to-date data, only surveys published since 2007 were analysed. The research focused on surveys from the European Union as well as from the US, Australia and Canada. Studies shared by the Observatory's Public Awareness Working Group members were also integrated into the literature review.

In total, 50 surveys were analysed according to their:

■ Methodology:

- Online
- Telephone
- Face-to-face interviews

■ Target respondents:

- Consumers
- Businesses
- Students

■ Geographical scope:

- Pan-European
- National (UK, USA, Canadian, Australian, French etc.)
- Worldwide

■ Main focus of study:

- Understand attitudes and behaviours regarding counterfeiting and piracy
- Attitudes about intellectual property infringement and audio-visual copyright theft in particular
- State of IP awareness
- Attitudes towards intellectual property in general

■ Interesting questions that could be used in the questionnaire

MAIN FINDINGS

In terms of geographical scope, most surveys are carried out on a national basis. Except for the Eurobarometer study, there are no existing Pan-European surveys around IP awareness, understanding and related practices. Of all the studies carried out in European countries, half originate from the UK alone and a quarter from France. The largest survey aimed at understanding attitudes and behaviours of consumers on counterfeiting and piracy is the Gallup study with 64,579 interviews across 51 countries.¹⁸

Regarding methodology, an overwhelming majority –two thirds– of surveys were carried out online while a little less than a third are telephone surveys. A few surveys were face-to-face interviews or carried out on the street. In terms of target audience, over half of the surveys are consumer-oriented. The other audiences are split between businesses and surveys targeting students.

Most surveys fell into one of the following two categories (in an almost 50/50 proportion) focusing either on understanding attitudes and behaviours of consumers on counterfeiting and piracy or on audio-visual copyright theft in particular.

Overall, **three conclusions** are recurrent across countries in the different surveys analysed.

The first one is that there is a lot of confusion about what is legal and what is not in relation to access to online content. In the UK, the majority of consumers are confused about copyright law, with 73 per cent agreeing that they are never quite sure what is legal and illegal under current copyright law.¹⁹ In addition, more than one in four (43%) UK respondents think a site is legal if it has terms and conditions, while 29% think the same if the site appears high in Google search results.²⁰ In Hungary, legal online services are hardly known: 22% of the respondents think that it is not obvious that music, movies or other content have been posted on the internet by legal means and only 45% of the respondents know sources on the internet where it is possible to listen to or download music legally.²¹ In France, there is also confusion between what is legal and what is not, especially as some illegal services are charged for. Labelling is the third most important cited factor that enables to determine whether an offer is legal or not.²²

Overall, price is the main reason for buying counterfeit goods. Regarding illegal downloading, the emphasis is placed on the ease of access and immediate availability of the illegal option compared to the legal alternative: 63% of UK participants and 77% of those from US said they would have purchased the original DVD if they had not been able to copy from the internet.²³

18 - <http://www.ccapcongress.net/archives/Geneva/Files/Stewart.pdf>

19 - <http://www.consumerfocus.org.uk/assets/1/files/2010/02/Consumer-Focus-Time-to-change-the-tune1.pdf>

20 - "Digital Entertainment Survey - Key Piracy Findings", Entertainment Media Research for Wiggin LLP, 2012

21 - http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=218383

22 - <http://www.hadopi.fr/sites/default/files/page/download/hadopiT0.pdf>

23 - http://www.wired.com/images_blogs/business/files/dvdpiracy.pdf



The UK study “Fake nation” investigating UK consumers’ attitudes on counterfeiting shows that cost is a key driver for the purchase of fake goods with the majority of respondents indicating that they purchased counterfeit goods because they were cheaper and 56% of respondents who had purchased a fake DVD declaring they bought it because they wanted to see a film as soon as possible.²⁴ The BASCAP study also comes to this conclusion, confirming that the main reasons for purchase of counterfeits are lower price and availability.²⁵

Another overarching conclusion that can be drawn from these surveys is that there has been a clear shift regarding the preferred technologies to access content online: besides traditional downloads, streaming sites are increasingly being used. The Hadopi “Survey of the online music consumption” shows that a majority of the respondents listening to music online on a weekly basis have a mixed consumption (streaming and downloading).²⁶

Regarding perceptions of the value of intellectual property, most studies tend to show that when asked (prompted awareness), respondents mostly agree with statements demonstrating the value of intellectual property and the importance of protecting it. However, these results are not to be taken literally because although there is strong agreement that IP is a valuable asset and should be protected, these thoughts do not always translate into action.

The Canadian study “Looking for Leadership: Canadian Attitudes towards Intellectual Property” concludes that the consensus in Canadian society about the value, the need for protection, and the economic importance of IP is very broad, with remarkably little variation in opinion according to political affiliations. Overall, the vast majority of Canadians (83%) believe that IP deserves the same respect and protection (from theft) as other, more tangible, physical goods. Nine in ten Canadians agree that “strong patent, copyright and trademark laws are required to protect those who create intellectual property for a period of time so that they can sell or commercialise their ideas before competitors are allowed to copy their creations”.²⁷ The UK study “The Hidden Marketplace: Protecting Intellectual Property in the Workplace” highlights that although 92% of respondents agreed with the statement: “Protection of intellectual property (IP) is an essential business activity. It protects investment in innovation, with income streams generated by IP rights enabling creators and investors to dedicate time and resources to new projects” – this strongly stated belief in the value of protecting IP reflects an aspiration rather than a reality.²⁸ In France, the IPSOS study “The French and illegal downloading of music from the internet” reveals that 80% believe that artists and authors should be remunerated when their songs are downloaded from the internet and that furthermore, 74% are favourable to stricter laws regarding illegal downloading.

24 - http://www.cric.ac.uk/cric/staff/Jason_Rutter/papers/FakeNation.pdf

25 - <http://www.iccwbo.org/Advocacy-Codes-and-Rules/BASCAP/BASCAP-Research/Consumer-perceptions/>

26 - http://www.hadopi.fr/sites/default/files/page/pdf/Consommation_musique_en_ligne.pdf

27 - <http://www.wipo.int/ip-outreach/en/tools/research/details.jsp?id=160>

28 - <http://www.ipo.gov.uk/pro-ipresearch/ipresearch-policy/ipresearch-policy-attitude.htm>



QUALITATIVE INVESTIGATION

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



Methodology reminder

During the qualitative stage of the research more than 100 cumulated hours of conversations and debates with more than 250 European citizens from nine countries were carried out. The main objective of these sessions was to listen openly and with as little bias as possible to what citizens had to say about intellectual property in order to:

- ▮ Gauge awareness and understanding of intellectual property and of its key components
- ▮ Find out what the drivers and deterrents are to engage in behaviours supportive or disrespectful of intellectual property rights
- ▮ Analyse the relationship that Europeans maintain with intellectual property in their day-to-day life
- ▮ Explore symbolic associations and underlying perceptions driving citizens attitude toward intellectual property

Qualitative research was carried out in **Germany, Sweden, UK, France, Italy, Spain, Lithuania, Poland, Croatia**. In each market **two focus groups and three triad interviews** were moderated (in local languages):

- ▮ Focus Group 1: 8 to 10 citizens from 25 to 45 years old
- ▮ Focus Group 2: 8 to 10 citizens from 46 years old and more
- ▮ Triad 1: Girls from 15 to 17 years old
- ▮ Triad 2: Boys from 15 to 17 years old
- ▮ Triad 3: Young adults between 18 and 24 years old

In each group a mix of social level, education level and income level was elaborated, groups held in capital cities with at least two respondents living at least 80 km away from the capital.

INTRODUCTION

Although there were differences between countries and socio-demographic groups, one striking fact was that from one country to another, whether in Lithuania, Sweden, Spain or the UK, perceptions were quite aligned and consistent, particularly among younger citizens.

During the conversations it became apparent that globalisation (especially of culture and information) impacted the framework in which most European citizens form their perceptions, beliefs and attitudes, symptomatic of the examples anecdotes or 'stories' shared by participants. Brands such as Coca-Cola, Apple, Microsoft are American corporations and yet they occupy a massive share of spontaneous associations from European citizens. They were discussed in almost each group as iconic brands, patent holders and trademark originators. When discussing intellectual property and connected concepts very few citizens limited their reasoning to the national or even European territory. Symbolically the discussion about "the creation of the mind" is in a majority of cases a globalised one.

The importance of USA pop culture (music, TV shows and videos) is visible in most discussions around copyright and illegal download. As a result, even if the research is centred on citizens from the European Union, it quickly appeared somewhat artificial to postulate that the attitudes and perceptions from EU citizens could be analysed independently from a broader international context.

The economic context in which the research was carried out also played a very important role and tainted discussions. The words “crisis” or “unemployment” emerged frequently and spontaneously in the discussions and it must be acknowledged that the findings and analysis cannot be fully isolated from this macroeconomic context.

“It is difficult to explain to people that it is better to buy original products rather than illegally download them at a time when the economic situation is what it is.” Dalia, 25-45, Lithuania

This should be kept in mind especially when considering the surprisingly high level of mistrust vis-à-vis multinational companies and why in turn IP suffers from a negative association with “big corporations”.

“Big corporations are greedy and overprice their products.” Agneza, 25-45, Croatia

“This discussion on IP infringement leads me to conclude that it is unacceptable to steal intellectual property but we still do it and we justify our actions by saying that the people we steal from have already made enormous amounts of money.” Adrijana, 46+, Croatia

“Of course artists are affected by illegal download in some way, but I also feel that artists are not the poorest in this world. It would be different if I stole a homeless person’s money; that would cause real damage.” Sandra, 15-17, Sweden

Overall it appears that for the European citizens engaged in the research, intellectual property and its components are quite distant from their reality.

“It is hard to understand the importance of IP protection when it doesn’t affect us. Things would be different if I was the victim of some kind of fraud.” Zoran, 18-24, Croatia

“All these words [copyright, patents, trademarks etc.] are not familiar to me; they make me think of multinationals, they belong to a reality that is not mine” Fabio, 15-17, Italy

“I understand the meaning of these words but they are not very ‘warm’ so to speak and they belong to a world which is quite distant from mine.” Elisa, 25-45, Italy



Even if the notions and principles are sometime understood, they fail to trigger positive emotional response or any feeling of empathy. It is as if these notions were “foreign” to their personal universe and belonged to the world of the successful artists, powerful industry leaders, fancy lawyers and business elites.

“IP is not a word used in your daily routines. It is a very specific term that is only used correctly by a small part of society.” Rosa, 46+, Spain

“I have heard about intellectual property but it still feels like something far away. It does not seem relevant to my daily life.” Lea (F), 45+, Sweden

“Patents are used by large corporations, they are not relevant to people.” Vania (M), Lithuania, 25-45

In challenging economic times, as elite resentment starts to grow among European populations, it seems that a symbolic divide is growing between “struggling citizens” and “distant elites”. In the groups it appeared that notions like intellectual property, copyright, patents or trademarks clearly stand in the elite camp, initially triggering negative spontaneous associations from both men and women.

“The protection of IP and copyright is not about protecting but about collecting money. You are trying to collect money? Then I will try to download whatever I want.” Carlos, 25-45, Spain

“If you illegally download a single by Jay-Z and then you think about how he’s rapping about how much money he has, you know he’s not going to miss 70p.” Tom, 15-17, UK

“I don’t think I’m going to hurt a multibillion company when I buy something from a person selling counterfeits in the street who needs the money to eat. If my money makes a rich person richer, I prefer to give it to a poor man.” Marga, 15-17, Spain

“I am annoyed by companies who make their money out of IP. They don’t want to protect individual rights; they only want to make money out of it.” Dominik (M), 18-24, Germany

“I’m not too concerned about the effects that buying certain counterfeit products can have. I think big companies make so much money anyway.” Felix, 18-24, UK

“I only download from big acts, because they won’t go bankrupt because of that. I wouldn’t do it for smaller acts. If I identify or have an emotional connection with the artist, then I won’t do it.” Frank, 15-17, Germany

“I am keener on supporting the smaller companies than the bigger ones. The big companies will continue releasing games anyhow.” Victor, 15-17, Sweden

KEY LEARNINGS AND INSIGHTS

I) Awareness of intellectual property

In terms of awareness of intellectual property and its components, the prompted awareness of the expression “intellectual property” is quite high across the nine countries in the sense that EU citizens “recognise” and “identify” the terms as something they have heard before. However, although respondents spontaneously feel they know the “words” related to IP, this “prompted awareness” translates in very diverse understanding levels.

II) Understanding of intellectual property

Evaluating the understanding of IP was more of a challenge because it required qualifying what is a correct/incorrect understanding of IP in the first place.

In a majority of cases, evaluated to 3/5th of the qualitative stage participants, citizens have “some” understanding of what intellectual property is, for instance because they can match it with key components such as copyright or patents. However, most citizens can only give a partial definition of IP and its components, where correct elements can coexist with wrong assumptions.

A minority of participants, across countries and age groups, seem to have a correct and comprehensive understanding of intellectual property but overall, Europeans are aware of the fragility and lack of substance of their understanding. They share the fact that these notions are “fuzzy”/“blurry”/“unclear” and that they are not confident in the quality/extent of their understanding. As a result the rules related to IP infringements and what is legal or illegal are also misty for many citizens.

“There are a lot of laws related to the defence of IP but it’s the infringement that is vague. What are the rules when it comes to the internet?” Andrea, 25-45, Italy

“It seems to me that the private usage of illegally downloaded products keeps me in a sort of “legal area” but if I was to make money of it, then it would become illegal.” Giulia, 15-17, Italy

“I have read that it is legal to make a copy of a CD for personal use. But is it okay to give copies to your family and closest friends for example?” Heidi, 46+, Sweden

“The websites where you can watch football matches continuously change names and you don’t even notice it. In the end you don’t know if they are legal or not.” Tomaso, 25-45, Italy



“There have been no campaigns that explain what is okay to do online or not. What is legal and what isn’t?”
Alice, 25-45, UK

“A more precise definition of what is considered infringement and what is punishable and what isn’t is needed.” Jozef, 25-45, Poland

III) Who creates intellectual property?

Most participants associate IP to an “individual ownership”, they see it mostly as something that is fundamentally attached to a physical person, not a group, a corporation or a university. The concept of transferring/licensing/trading intellectual property seems to be a challenging concept for most citizens.

There is also a lot of confusion as to the relationship and link between different IP components. A common perception is that patents and copyright always go together: patent would be the title, the proof that you own the idea and copyright the reward you get from exploiting it.

“Patent is just an idea, not the final version, copyrights mean that it is the end product.” Tomas (M), 25-45, Lithuania

“Patent is a product and copyright protects this product” Piotr (M) 15, Poland

IV) Understanding of sub-notions and intellectual property pillars

Looking into more detail into the different components of intellectual property, copyright was discussed quite extensively and is a notion quite well understood overall. The term is mostly associated with artistic creation. More particularly, it is associated with the control that an artist can establish over his or her creation.

However, the rules associated with copyright remain blurry. As with many other components of IP, a basic understanding of what copyright is does not mean that people understand the rules attached to it. The debate about illegal downloading clearly permeated most of the discussions with EU citizens and most of all with the younger ones. The debate probably contributed to a stronger awareness and basic understanding of the notion but at the same time contributed to taint it with a quite negative and “oppressive” halo, making it a symbol of how intellectual property might be more of a limiting and forbidding tool more than a protective and constructive one.

“What are the limits of copyright? What if you are in school and children are singing some well-known songs and you do the performance without asking permission. And if you ask for some type of entrance fee because it’s for charity, then suddenly I have committed copyright infringement and can be sued without being aware of it. It gets tricky very fast.” Eva (F), 25-45, Germany

Along with copyright, patent is a term that citizens were quite familiar with and discussed widely. The term patent is mostly employed in reference to:

- *A stamp of approval*

“When a product is patented it means it is 'approved'.” Francesca, Italy, 15-17

“When something has been patented, then it is approved. It may now be used.” Stefan, Poland, 15-17

- *A label of quality*

“Patents ensure quality.” Manuel, Spain, 46+

- *A registration document, paperwork similar to a “passport” or a “diploma”*

- *An identity card for a product*

“Patent is like a passport. It identifies that work as the only one and certifies its uniqueness.” Anna (F) Lithuania, 25-45

- *An authorisation to commercialise or manufacture*

The most educated groups often associate patents with licensing rights and duration of validity. These groups tend to use the example of pharmaceutical patents to describe these mechanisms. More commonly than expected, in addition citizens report that a patent “needs to explain and describe how things work”.

In short, the basic rules behind patents are quite well-integrated by the most educated audiences (although there is confusion regarding the duration of validity) while less educated participants tend to associate patent with a commercial argument to praise the qualities of a product.

The concept of a trade mark seems to be a little more fuzzy for citizens because it encapsulates different notions for different people. Trademarks are visual symbols in the first place: “a logo or anything designed to make you think of a specific brand”. But participants that have more sophisticated opinions on trade marks associate them with a diversity of objects/forms: words, symbols, names, shapes and even sounds. Others just associate trade marks with “brands”. Trademarks are associated with a form of “signature” of a brand or a company. A trademark would be everything that can trigger the identification of a brand and in many occasions are supposed to be a sign of quality.



With trade marks – more than with patent or copyright – participants refer to concepts related to marketing and consumption.

OVERARCHING HYPOTHESIS & CONCLUSIONS

IP is first perceived as an individual-driven concept. IP and identity are strongly connected concepts.

By analysing the lexicon used by participants from the nine countries to describe their attitudes towards intellectual property, great similarities were found with the vocabulary of identity. Patents are “identity cards” or “passports”, trade marks are “signatures” or “business cards”, copyright is attached to individual talent or creativity and uniqueness. It seems that in many cases intellectual property is primarily perceived as an individual’s right to claim ownership of the product and more specifically claim ownership over its intellectual value, its intelligence or talent. In turn, IP infringement triggers moral blame primarily when it is associated to theft.

It seems that European citizens’ ethic primarily focuses on the creative or ideational process of individuals/inventors/authors but does not apply to mercantile interest or trade considerations.

Participants in the qualitative stage seldom express any form of guilt when reporting that they download illegally or purchase counterfeit goods. They feel they have a moral right to do so because they think they are not harming anyone directly and because there is social and even legal tolerance for these behaviours.

“In Thailand I bought counterfeit watches and t-shirts. It feels good because it is cheap and it feels very harmless.” Max, 46+, Sweden

“Downloading illegally is like jaywalking and littering, we know it’s bad but everybody does it from time to time and we don’t treat it as a crime.” Piotr, 18-24, Poland

“I don’t think about illegally downloading as stealing. I know that I am breaking the law, but it doesn’t feel as if it was affecting someone else, it is not like stealing from someone.” Jonas, 25-45, Sweden

“Going to a place to shoplift is socially frowned upon, whilst downloading isn’t, as everybody does it. Almost 70-80% of people download songs and films.” Violeta, 15-17, Spain

“There is a social approval that downloading of movies, music albums is not considered a bad thing. And therefore people don’t feel like thieves.” Maciej, 18-24, Poland

“There’s a different perception within society: if you steal a car, society considers you a thief. But downloading music is ‘allowed’.” Joaquin, 25-45, Spain

“Everybody downloads illegally. It doesn’t feel like something illegal, it is tolerated and OK to do it.” Marie, 15-17, Sweden

On the contrary they seem to morally reprove the attitude consisting in claiming ownership over an idea or an artistic creation that is not one’s own. To the extreme, plagiarism or bragging would be much more of a ‘social sin’ than purchasing a counterfeit or infringing copyright through illegal download.

“I download music but I keep it for myself, I mean it’s only for my personal use. It’s different from plagiarising and saying “I wrote this piece, look how good I am”. Cosima, 15-17, Italy

“IP is important to me. When I write my BA thesis, I wouldn’t want anyone copying it just like that. Tomasz, 18-24, Poland

Europeans give IP an intellectual value, not an emotional one. They agree social and economic order demands IP protection but they do not celebrate it or value it as such.

One of the exercises of the focus groups and triads consisted in imagining what the world would be like if there were no patents, no copyright or no trademarks. A consensus emerged across all countries that this world would be close to chaos. Most respondents agree that in a world without IP the economy would suffer, there would be no more incentive to create or be innovative and that consumers would be easily fooled and would no longer be able to differentiate quality products from others. The logic would like that the opposite would be true, but not really. Although the absence of IP is seen as dreadful, this does not convert into a protective or positive attitude toward IP protection or promotion. In many ways, it seems like IP is a ‘given’, something taken for granted that no longer holds an ability to trigger care or protective impulse.

European citizens do not feel a responsibility to protect intellectual property. In some sort of well-practiced justification speech, they often consider that corporations and governments are failing intellectual property - not citizens.

“My internet provider should protect those materials so that I couldn’t get through to them in the first place. It is not my responsibility.” Jozefina, 46+, Croatia

“If we didn’t have the possibility to illegally download, we wouldn’t do it.” Nicolas, 15-17, Spain

“The real criminal is the one who puts the content online and uploads things illegally.” Anna, 25-45, Germany



When asked about their responsibility and role in promoting the respect of IP rules, most participants said they felt it was not their responsibility. They often use the same justification narrative highlighting the fact that corporations practice unethical pricing and make profit at the expense of quality (the “Made in China” effect, and the horsemeat scandals were quite recurring examples) and they also blame governments for not acting and enforcing IP protection.

“Though IP rights exist, I don't think protection is enforced as effectively as it should, it is not serving its complete purpose.” George, 25-45, UK

“I think that there are a lot of laws about IP but they aren't applied; there isn't a proper governmental authority that enforces them or controls IP infringements.” Marco, 25-45, Italy

“There are websites for illegal downloading that everyone has heard of. Obviously, the police know about uTorrent but if they really thought it was an issue they'd do something.” Steven, 15-17, UK

“You do not feel anything when you download, because there is no punishment, nobody will catch you, and nobody will punish you” Kristina, 15-17, Lithuania

“The high costs of products have to be taken into account, they are a justification for illegal behaviours sometimes. I believe that university students are definitely entitled to infringe on IP by copying books because they are so expensive!” Elisa, 25-45, Italy

“Laws on IP are made but not enforced. They need to be more serious about it if they want things to change.” Sophie, 46+, France

They regularly state that sanctions against owners of pirate sites are not adjusted to the harm committed (mega-upload example).

“The sanctions for downloading are really disproportionate. I have heard that the Piratebay managers are getting higher sentences than murderers or rapists.” Fredrik, 15-17, Sweden

“There was some guy that got a 20 year long sentence and had to pay a huge sum of money because he had an illegal website. On the other hand you have someone that killed people and he only got 2-3 years. It is really weird, it should be the opposite.” Hella, 15-17, Sweden

Regarding sanctions, in many cases, citizens report that they would stop downloading illegally if they felt authorities cared enough to warn and fine citizens engaging in such activities.

“If I got a warning on my screen when I am downloading such as “you are being watched, we know who you are”, then I would really react.” Klaus, 25-45, Sweden

“The government has to enforce sanctions to give people a reason not to download illegally”. Adam, 18-24, UK

“I am afraid of stealing a car because I could end up in prison; however I am not afraid of downloading a song from e-mule or Ares because there are no sanctions.” Luis, 46+, Spain

“The difference between stealing from the shop and downloading is that in a shop there’s a symbol of security. There’s a physical thing that could get you in trouble. If there was a pop up saying, ‘Using UTorrent will give you a virus’ less people would use it. If HMV had no security it would get looted.” Peter, 15-17, UK

Quite surprisingly they claim they would “understand” that they could be fined for downloading illegally. Again, if the sanction was adapted and only if there was an affordable and accessible legal alternative to access the content they seek.

A majority of European citizens would like the IP definition and protection models to be more modern. They value the principle of IP protection but claim that its current form is outdated.

In this qualitative stage there were often complicated reactions; citizens claiming they valued creativity, the right to benefit and profit from an idea, the importance of being protected from counterfeit or plagiarism while in the same conversation participants could claim to be proud of downloading illegally. The paradox lies in the fact that the value of IP is recognised as a social need and a fair reason to trigger protection and legal enforcement, yet citizens refute the responsibility to promote and defend these values.

Additionally, when presented with the official IP definitions or when discussing IP related concepts they report that some of the regulations and revenue models around IP are obsolete or ill-fitted to our times. They expect that businesses and governments would recognise this and propose innovative/disruptive solutions that benefit all involved parties. To that regard “all included” approaches are often praised, a monthly fee of a few euros to have a license to download any kind of content from the web for personal use is the most common “dream solution”. Some citizens argue this system already exists (officially or not) through the subscription they have with their internet provider. This is generally described quite positively.

“When it comes to dealing with IP infringements, I think it’s better to adopt positive rather than punitive methods. For example we could create new websites where you may legally buy/download content at reduced costs.” Alessandra, 25-45, Italy



“A downloading flat rate would be great. 20€ and you can download any legal content from some webs. I would pay for that.” Alvaro, 25-45, Spain

Overall, what stands out from the discussions is that citizens do not clearly see the link between IP and employment, job creation and economic growth. This makes it difficult in turn for them to support and take it upon themselves to defend IP rights. Looking at citizens’ reactions to typical messages used to convince about the importance and value of IP, it is striking to see that none of the messages tested during the discussions really resonated with and convinced the participants.

Regarding the statement “intellectual property supports the economy and jobs in my country”; it appears as though participants do not properly understand the connection between the protection of intellectual property and the support for the economy and job market. This probably explains why by and large the message did not really convince participants.

“I don’t think many people care about that or think in that way. Not many people would think that it is bad for the country you live in if you are downloading things.” Max, 15-17, Sweden

“There are many other factors influencing the economy of this country, not only illegal downloading so I don’t think this message is credible.” Pablo, 25-45, Spain

“Intellectual property has nothing to do with jobs.” Erika, 15-17, Croatia

Overall, participants mostly disagreed with the statement “by refraining from illegally downloading music and videos I help promote culture and creativity”. The main argument used by those who disagree with the latter is that on the contrary, illegal download is a sort of advertisement/benefit for the artist, a way to disseminate culture to the wider number. The current price of the legal offer is seen as a barrier to promote culture as only those most wealthy can have access to it. Others say that creativity is not driven by money but by inspiration and passion.

“If you like the things you download then there is a big possibility that you also go and purchase it.” Marcus, 46+, Sweden

“I don’t agree on this message because downloading helps you get to know artists that you would never have heard of otherwise.” Leo, 15-17, Croatia

“It is nonsense because I don’t think that by downloading content in a legal way I will promote culture. On the contrary, even if many people download illegally, culture and creativity are promoted to a higher extent. If a product is expensive and only a few people can buy it, then that ‘culture’ will only be bought by those few people. If the product costs 0€ and 100 people can have access to it for free, that promotes culture.” Carla, 18-24, Spain

“When I download I am still contributing to an artist, because if I like it then I may buy his/her music in the future, or pay for a concert ticket.” Artur, 25-45, Poland

“This is the least credible message because creativity isn’t promoted by money but inspiration.” Jürgen, 18-24, Germany

“Illegal downloading influences people to put more efforts into their work, to create things you would really love to buy.” Valdas, 18-24, Lithuania

“If stuff continues to be illegally downloaded, the increase in illegal downloads will promote culture because only those who have a passion for their art will continue.” Judith, 15-17, UK

Although the main idea behind the statement “IP is one of the most powerful weapons the EU has to compete in the global economy” seemed to resonate with some citizens, the statement as such was mostly dismissed or considered not credible because of its wording which is considered a bit too extreme.

“I think it is important that IP is strong and protected in Europe. There are a lot of iconic European things. I don’t like the word ‘weapon’ though but it is a good argument.” Ivan, 15-17, UK

“The vocabulary is too belligerent.” Romain, France, 25-45

Participants point out that although IP is important for the economy, it is neither the “sole” instrument at the disposal of the EU to regain its competitiveness nor a “weapon” which appears as a misfit to talk about IP. Another argument against using this statement is its association with the defence of the EU at large; some participants point out that they do not feel part of the EU entity and do not really care about its defence. The lack of an emotional attachment with the EU means that citizens would probably care more about the message if it made reference to their own country and not the EU as a whole.

“Being competitive doesn’t depend only on IP, in my opinion it only represents a small percentage of European production.” Daphne, France, 18-24

“The EU is such a broad area that I don’t think people see themselves as part of the EU. I don’t see wanting to protect the EU as a really strong argument. I don’t associate myself with it.” UK, 18-24

Interestingly, the statement “I would download less illegally if there was a reasonable legal offer” appears to be the most credible message of all for participants.



“If prices were more accessible and affordable, illegal downloading would be reduced.” Andrea, 18-24, Spain

“I 100% agree with that message. CDs are pretty expensive and that’s why piracy happens. You can’t afford to go to the cinema, theatre and concerts at the same time. People download illegally just to save money.” Ed, 18-24, UK

The argument that in order to protect the health and safety of your family you should make sure to buy only original products and not counterfeits was considered credible overall to the extent that only certain products are concerned such as drugs, cosmetics and electrical appliances but the message doesn’t apply if we talk about music or films.

“You realise very often that cheaper products or piracy products can be dangerous especially when it comes to technical devices because cables are not put together properly or insulated.” Stefan, 15-17, Germany

“I mostly agree with this statement but it all depends on what we think about, for drugs it makes sense but not for music.” Anne, 18-24, France

Regarding trademarks, a large majority of participants agree with the message that trademarks guarantee the quality and safety of the goods you buy. However, the recent horsemeat scandal negatively impacted the idea that trademarks are always a guarantee of quality and as a result, citizens seem more ready to distrust brands. Citizens mostly question the link between trademark and quality when talking about brands in the food and textile industries (‘Made in China’ argument).

“In the apparel area I’ve noticed that nowadays it’s hard to find a “made in Italy” product. So even if you buy a product from a well-known brand, a lot of its products are ‘made in China’. This means trademarks do not necessarily guarantee quality anymore.” Lorenzo, 25-45, Italy

“A few days ago we learnt that a product of La Cocinera contained horse meat and it is a well-known Spanish brand. What this means is that we don’t have any guarantees anymore.” Carlos, 15-17, Spain

“With the horsemeat scandal, this message is less credible, I used to trust brands but now I know they can easily fool customers.” Paul, 18-24, France

Despite these messages, citizens continue to believe that IP rights only benefit a small and already wealthy elite which in turn provides them with some sort of moral justification for buying counterfeits and illegally downloading. The exclusive association of IP rights with famous artists and big companies leads to a lack of remorse for IP infringing behaviours that is difficult to counter. However, citizens themselves point out that this might change if they had more and clearer information about revenue models – among other things – in order to be convinced about the value of IP.

“To convince people to stop downloading, transparency would help in order to see what actually happens with the money after we have bought a CD for example.” Claudia, 25-45, Germany

“The focus of the message to help stop illegal downloading should lie in the work that is done behind the stage, who is involved in the entire production/creation of a play or a song.” Ina, 25-45, Germany

“We need proof points for the message that IP supports the economy and jobs to be credible. They [authorities] can present a figure for specific businesses, like the music industry for instance. Tell us how much exactly they are contributing to the Swedish economy; tell us how many billions we are talking about.” Odette, 46+, Sweden

“I think it's important to show the negative consequences that IP infringement could bring i.e. on the employees of a company which got fired” Lara, 25-45, Italy

“In order to convince people to stop downloading a threat that says that companies are closing down and that shows the number of people being fired could have an impact. The message could be: a total number of families watch a pirated DVD at home and at the same time a total number of families become jobless. You could be the next”. Marco, 18-24, Italy

Citizens also say that if IP was explained in a way that made it relevant to someone's daily life that might contribute to changing their behaviours.

“They have to convey the message that IP is important in a way so that I understand that this is really about me and my life. I never got the message that this is something I encounter on daily basis. I have just heard about it.” Ludvig, 18-24, Sweden

“Make the explanation of the value of IP simpler and explain the consequences if you break the law. It should be made clear and legible for everyone. Make it tangible!” Goran, 25-45, Sweden



QUANTITATIVE SURVEY

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



METHODOLOGY REMINDER

The quantitative survey forms the third and last phase of the study after the literature review and the qualitative investigation. Fieldwork was carried out by TNS Opinion in 28 countries of the European Union (the then EU27 plus Croatia) between the 21st and the 27th of May 2013. In each country, the survey sample is representative of national populations. All interviews were carried out over the phone using TNS e-Call centre (centralized CATI system) with citizens aged 15 years and over.

KEY FIGURES

- 73% of Europeans feel that they either have a “very good” or a “rather good” understanding of the term intellectual property.
- Objective levels of knowledge of intellectual property are however significantly lower than the declared ones: tested with seven questions, 13% of Europeans demonstrate a good objective knowledge of intellectual property and its different components, whereas 51% display only moderate knowledge and 37% poor knowledge.
- 96% of Europeans consider that “it is important that inventors, creators and performing artists are able to protect their rights and be paid for their work”.
- More than two thirds of Europeans (67%) feel that “if there was no longer any intellectual property protection there would be economic chaos in Europe”.
- Three quarters of Europeans deem it unacceptable to purchase counterfeit products, even if the price or the original product is too high.
- 81% of Europeans consider that “buying counterfeit products ruins businesses and jobs”.
- 53% consider that “buying counterfeit products discourages companies from inventing new products and introducing them to the market”, 43% do not share this opinion.
- 38% of Europeans, and 49% of 15 to 24-year-olds, see counterfeiting as “an act of protest and a way to resist the market-driven economy and the large premium brands”.
- 34% of Europeans, and 52% of 15 to 24-year-olds, believe that buying counterfeit products is “a smart purchase that enables you to have the items that you want while preserving your purchasing power”.



- 22% of Europeans, and 42% of 15 to 24-year-olds, consider illegal downloads from the internet to be acceptable when no other legal alternative is immediately available.
- 9% of Europeans, and 26% of 15 to 24-year-olds, admit to having already downloaded illegally from the internet during the past 12 months.
- 19% (42% of 15 to 24-year-old) have wondered whether a site where one could download music or videos was legal or not and 12% (26% of 15 to 24-year-olds) actually researched to find out if a downloading site was legal or not.²⁹
- 65% of Europeans, and 83% of 15 to 24-year-olds, know that there are legal offers available for downloading or streaming music; 56% (67% of 15 to 24-year-olds) know that this also exists for downloading or streaming films.
- 55% of Europeans agree with the following statement: “the quality of content offered by lawful services is at least as good as what can be found through illegal solutions”, 27% believe the opposite. 33% of 15 to 24-year-olds do not agree with this statement.

DETAILED ANALYSIS

I) Knowledge of IP and attachment to the concept

1.1 Intellectual property is a well-known concept, largely misunderstood by a substantial part of European citizens

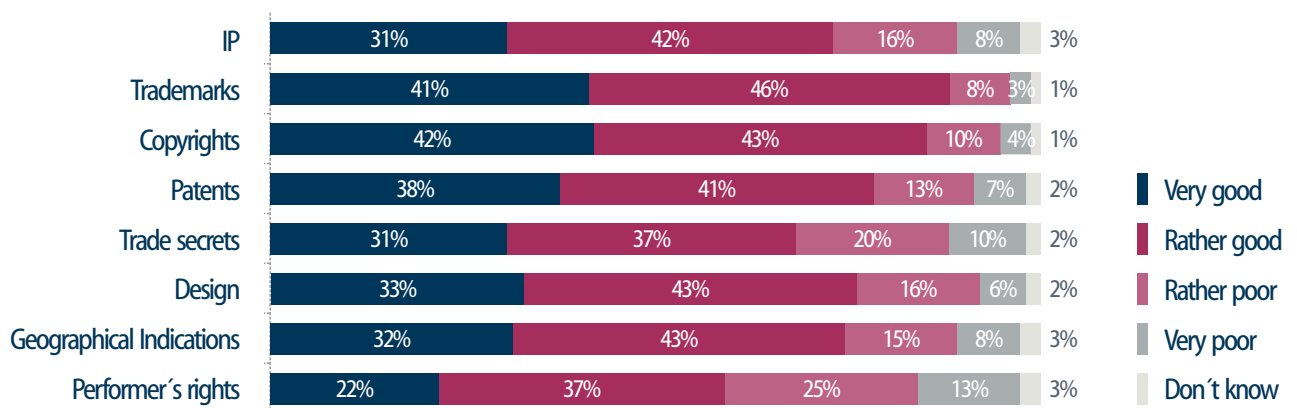
Subjectively, European citizens feel they understand the concept of intellectual property, both in general and in detail. Nearly three quarters of Europeans (73%) state that they have a very good (31%) or rather good (42%) understanding of the concept of intellectual property. A majority also claims to understand the main terms relating to intellectual property. Over eight out of ten respondents state that they have a good understanding of the terms “trademarks” (87%) and “copyright” (85%). Three quarters or more claim to fully understand the terms “patents” (79%), “design” (76%) and “geographical indications” (75%). Over two thirds claim to understand the notion of “trade secrets” (68%). Finally, 59% say they understand what “performer’s rights” are, this being the concept which was the least understood from the list (38%).³⁰

29 - Q5: Over the last 12 months which of the following situations have you experienced personally? (multiple answers possible)

30 - Q1.1-Q1.8: Personally, would you say that you have a very good, rather good, rather poor, or very poor understanding of the meaning of the following terms?

Graph 1. Subjective understanding of IP and its components. EU28 average

Q1 - Personally, would you say that you have a very good, rather good, rather poor, or very poor understanding of the meaning of the following terms:



Objectively, Europeans citizens' level of knowledge about intellectual property is substantially lower than their declared understanding. The quiz on intellectual property gives more measured results.³¹ For four out of seven items of this knowledge test, the total number of wrong answers and “don't know” is superior to the total of correct answers. This indicator shows that possibly a certain number of intellectual property notions remain unclear or misunderstood for a majority of Europeans. Europeans know what a trademark is, they are aware that software piracy is illegal, and know that keeping trade secrets is legal.

However they are unsure of basic notions of copyrights concepts, as well as the function of patents, how the protection of design works and the meaning of protected geographical indications.

In detail, three of the statements in the intellectual property quiz revealed a good level of understanding:

- “A trade mark could be a logo or anything designed to help consumers identify the product or service”: 86% of Europeans stated that this statement is true, with 9% giving an incorrect answer.
- “When someone has purchased computer software legally, they have the right to let other people install it and use it on their computer”. 70% of Europeans stated that this statement is untrue, 19% declared it to be true and 11% do not know at all.
- “It is illegal for a business to keep trade secrets”: 60% of Europeans stated that this assertion is false, 28% think it is true, and 12% do not know.

31 - In this study, the level of understanding of intellectual property was assessed with a test in which respondents were asked to give true or false as an answer to seven statements about intellectual property and the way it works. See also footnote 8. Q2.1-Q2.7: For each of the following statements, please indicate whether they are true or false, or if you do not know at all.

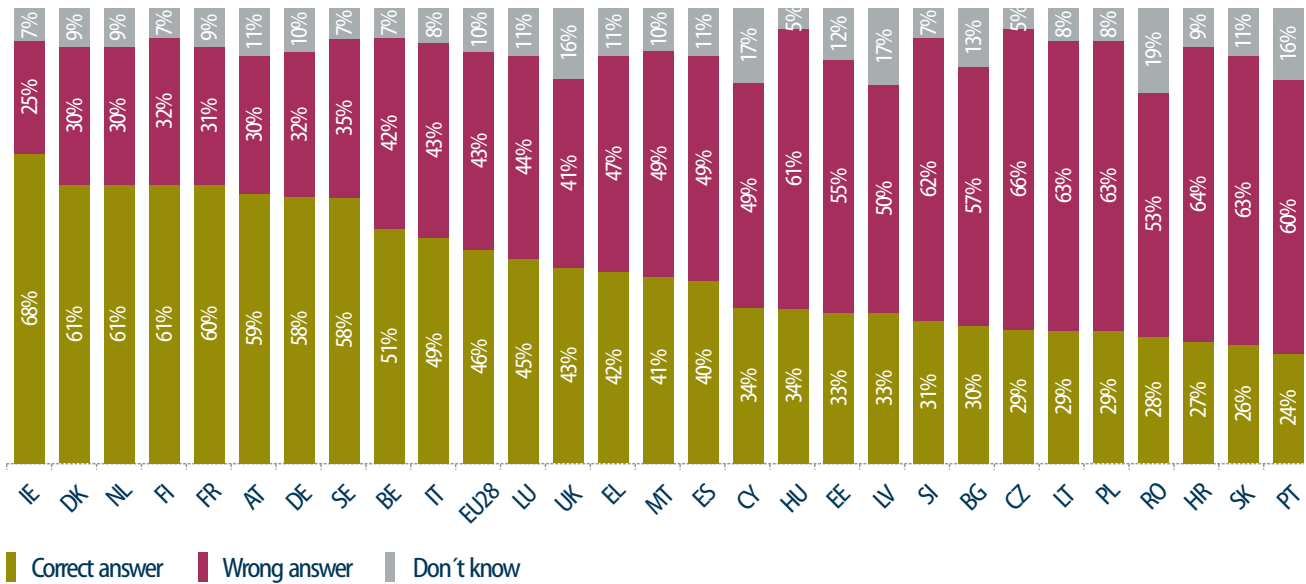


Four statements raised a majority of misconceptions within Europeans:

- “Copyright allows all the creators to share freely everything they create”: 39% of Europeans stated that this sentence is false, 49% stated it was true, and 12% did not know.
- “After a certain period of time, patented inventions can be legally copied by anyone”: 46% of Europeans stated that this sentence was true. 43% stated this sentence was false and 10% do not know.

Graph 2. % of respondents in each Member State answering true or false to the statement

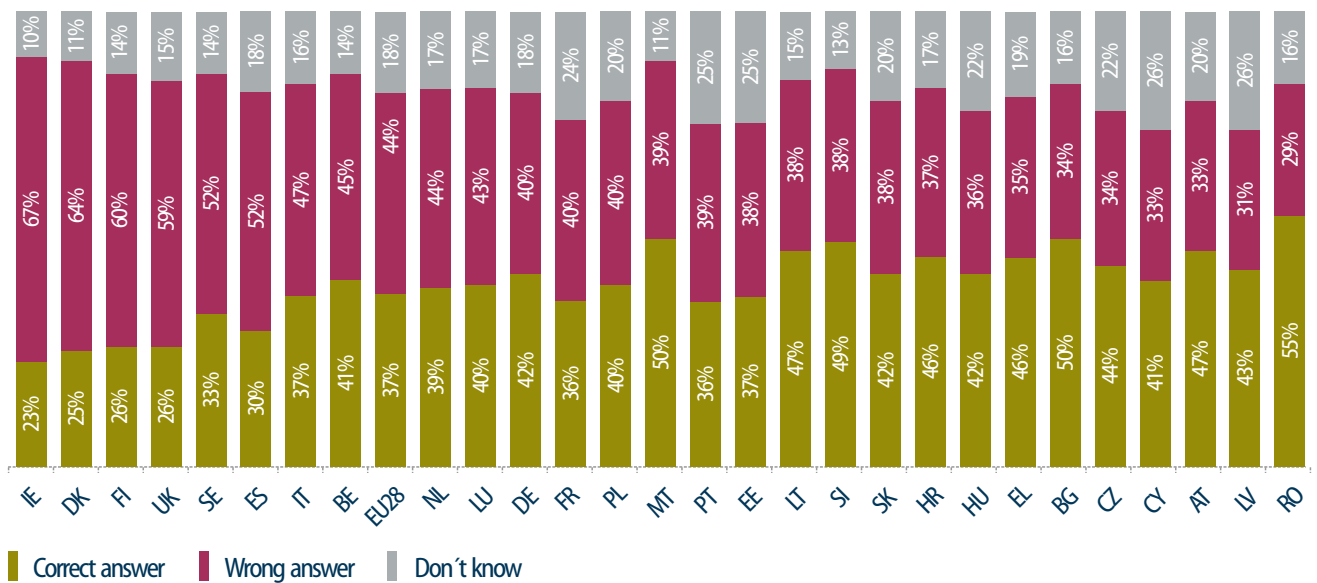
Q2.4 – After a certain period of time, patented inventions can be legally copied by anyone. Correct answer was true



- “The design of a product cannot be protected; it is only possible to protect logos and product names”: 44% of those interviewed were able to say that this statement is false, whereas 55% are not, with 37% giving a wrong answer and 18% not answering. Only in six EU countries – the three Nordic countries, Spain, the United Kingdom and Ireland – did a majority of respondents give the correct answer in this test of their understanding of protection of design.

Graph 3. % of respondents in each Member State answering true or false to the statement

Q2.5 – *The design of a product cannot be protected, it is only possible to protect logos and product names. Correct answer was false*

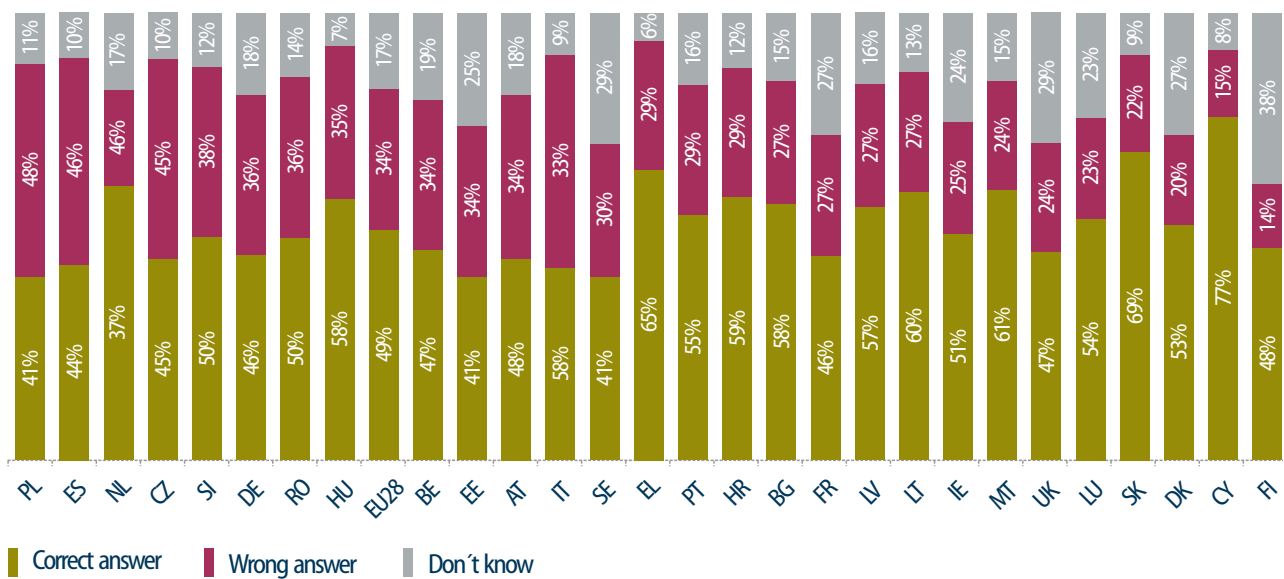


Geographical indications are details put on the products that identify the manufacturer in case of a complaint”: this statement is the one which gives rise to the highest level of ignorance (66%). Only 34% of Europeans are able to identify this statement as false, 49% believing it to be true, and 17% saying they do not know the answer. There is no country in the EU where a majority of interviewees gave the correct answer. The number of correct answers is however substantially higher than the European average in three Member States: Poland (48%), Spain (46%) and the Netherlands (46%). Even amongst the most highly educated (38% of correct answers) a majority display a lack of knowledge about the meaning of geographical indications.



Graph 4. % of respondents in each Member State answering true or false to the statement

Q2.6 – Geographical indications are details put on the products that identify the manufacturer in case of a complaint.
Correct answer was false

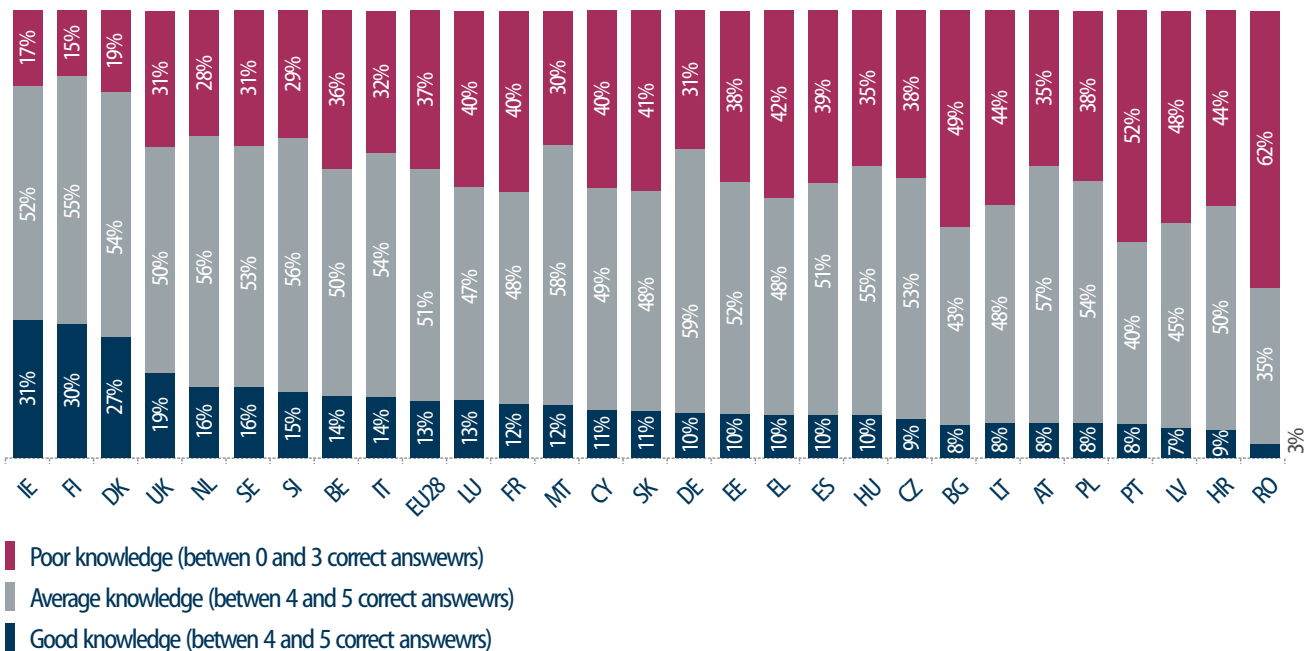


Aggregated, these questions serve as an indicator to show objective knowledge of intellectual property and its components. It demonstrates that citizens have in reality an incomplete and partial knowledge of intellectual property. It mitigates the self-declared (subjective) feeling of understanding of intellectual property and its mechanisms by showing that the latter is overvalued in the answers given in the interviews. For instance, 49% of people who give no correct answer in the knowledge test and 60% of those who only give one correct answer out of seven say that they have a good understanding of the term “intellectual property”. In total, it enables us to structure Europeans’ opinions into three main categories:

- Those who know intellectual property well (six or seven correct answers in the quiz): these account for 13% of respondents.
- Those who have an average knowledge of intellectual property (four and five correct answers out of seven): these account for 51% of European respondents.
- Those who have a poor knowledge of intellectual property (between zero and three correct answers): these represent 37% of respondents.

This classification highlights some important gaps between Member States. In Romania (62%) and in Portugal (52%), a majority of respondents display a poor objective knowledge of Intellectual Property. The percentage of people with poor knowledge is also remarkably higher than the European average (37%) in Bulgaria (49%), Latvia (48%), Croatia (44%), Lithuania (44%), Greece (42%) and in Slovakia (41%). Inversely, Ireland (31%), Finland (30%) and Denmark (27%) stand out by displaying a level of good knowledge far higher than the average in the rest of the EU (13%).

Graph 5. Level of the objective knowledge of IP (good, average or poor) according to the number of correct answers on the quiz for each Member State



The degree of knowledge of intellectual property varies slightly depending on the age of individuals, but it is highly structured by the level of education which appears to be the most differentiating variable: 49% of those with a low level of education have little knowledge of intellectual property compared to 39% of those with an average level of education and 29% of those with a high level of education.



Detailed results: Level of objective knowledge of intellectual property according to age and education level in EU28

Poor knowledge = between 0 and 3 correct answers in the quiz; average knowledge = between 4 or 5 correct answers; good knowledge = between 6 and 7 correct answers in the quiz

	EU28 Average	Age				Education (End of)			
		15-24	25-39	40-54	55 +	15-	16-19	20+	Still studying
Poor knowledge	37%	37%	31%	32%	41%	49%	39%	29%	36%
Average knowledge	51%	53%	56%	52%	48%	45%	50%	55%	53%
Good knowledge	13%	10%	13%	16%	11%	6%	11%	16%	11%

To summarise, the reported high level of understanding of "intellectual property" and related key terms must be analysed more in terms of awareness than precise knowledge. In other words, these terms are known to the European citizens (who have heard of them and therefore have a superficial sense of understanding) without being systematically understood. A large number of citizens, especially the least educated, find it difficult to grasp the exact content and to develop a really clear understanding of intellectual property and its mechanisms.

Lack of knowledge of intellectual property and its components by a certain number of Europeans can to some extent be explained by the fact that intellectual property remains an abstract and distant concept to a lot of citizens. This is apparent when Europeans are asked to identify the main beneficiaries of intellectual property: first, they point to the big companies (43%), before famous artists (42%), inventors (37%) and creators of artistic content (31%). Less well-known artists (20%) smaller companies (16%) and consumers (11%) are much less identified.³² Thus, in the dominant social representations of Europeans, intellectual property is first and foremost the business of big companies and well-known artists. Citizens do not spontaneously see the link between intellectual property and the protection of consumer rights, for instance with regard to product quality and security. Consequently, citizens feel little concerned by intellectual property, which is seen as a principle which applies primarily to the "powerful", celebrities and big companies.

1.2 European consensual attachment to intellectual property as a value

There is a broad consensus regarding the attachment to intellectual property as a value and set of principles in Europe. Intellectual property stands out as a legitimate principle which protects artistic creation and innovation.³³ It is considered as a fundamental regulatory economic principle, illustrated by the fact that over two thirds of Europeans (67%) believe that "if there was no longer any intellectual property protection there would be economic chaos" which is an opinion shared by a majority of people interviewed throughout the EU Member States.

In detail:

- 96% of Europeans consider that "it is important that inventors, creators and performing artists are able to protect their rights and be paid for their work".

32 - Q3: In your opinion, who benefits the most from the protection of intellectual property? (Multiple answers are possible)

33 - Q7.1-Q7.7: Please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree with each of the following statements

- 86% believe that “protecting intellectual property is important so no one can claim that they are the creator of a piece of art or the inventor of something when in reality this is not the case”.
- 86% consider that protecting intellectual property “contributes to improving and guaranteeing the quality of products and services”.
- 76% agree that “intellectual property and innovation go hand in hand, one cannot really exist without the other” and 68% think that “if there was no longer any intellectual property protection, business and individuals would become less innovative”.
- Finally, 69% believe that “companies that create a lot of intellectual property contribute significantly more than the others to the creation of jobs/growth”, indicating that intellectual property is consensually seen as an important right, essential for economic and industrial innovation. These opinions are shared by a majority of persons interviewed in all EU countries, regardless of age, gender and social class.

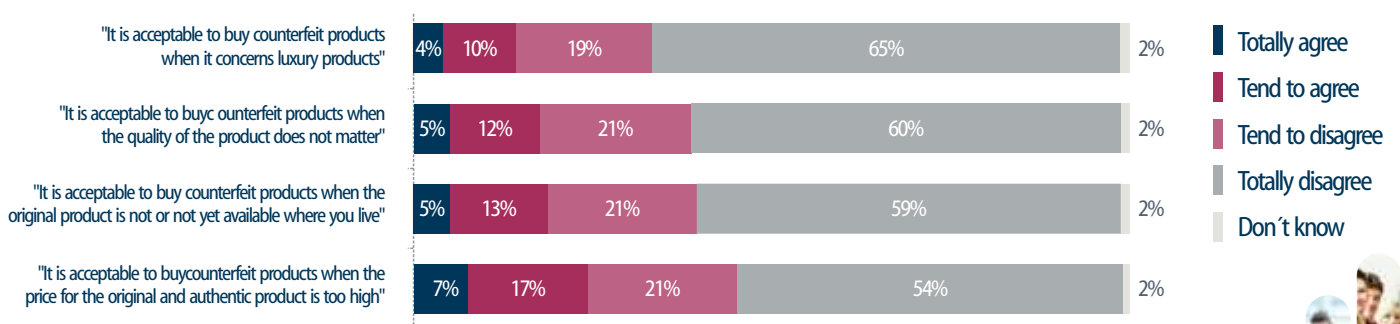
II) The perception of counterfeiting by European citizens

2.1 A strong condemnation of counterfeiting

Attachment to intellectual property as a fundamental value goes hand in hand with a strong principled condemnation of counterfeiting. For over three quarters of Europeans, nothing can justify the purchase of counterfeit products – not luxury goods (84%), nor quality concerns (81%), nor that a product is not available in a certain region (80%), nor that the original product is too expensive (75%).³⁴ The highest percentage of respondents, over 50%, systematically answer with the strongest attitude (“totally disagree” with the idea that counterfeiting can be acceptable on certain conditions) thereby demonstrating how strong the position is on the ethical condemnation of counterfeiting.

Graph 6. Acceptability for buying counterfeit products. Total % for EU28.

Q6 - Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements:



The questions on the conditions of acceptability of counterfeiting were part of the September 2011 Special Eurobarometer “Internal Market: Awareness, Perceptions and Impacts”.³⁵ Comparisons must be made with caution however, as the methodologies used in the Eurobarometer and in this study are quite different. This study was conducted by telephone and was focused only on intellectual property, whereas the Eurobarometer study was conducted in person and only included a few questions on counterfeiting within a much wider scope of questions on topics such as the economy and innovation. In this study, it is possible that the format of the questionnaire (the questions on counterfeiting came after a positive image test of intellectual property) and the type of fieldwork (telephone interviews can cause a certain amount of distrust towards interviewers) play a role and that combined, could amplify the attitudes of condemnation towards counterfeiting. Despite these reservations, the tendency seems to indicate that within the last two years, Europeans have developed a stronger stance against counterfeiting. In comparison with 2011, the number of Europeans who believe it is acceptable to purchase counterfeit products when the original product is too expensive has decreased by 20 points (from 44% in 2011 to 24% in this study); those who think it is justified for luxury goods have decreased by 18 points (from 32% in 2011 to 14% in this survey); those who consider buying counterfeit products acceptable when the original product is not available in their region have decreased by 14 points (from 32% in 2011 to 18% in this study), and finally the percentage of those who believe that buying counterfeit products is acceptable when the quality of the product is irrelevant has decreased by 11 points (from 28% in 2011 to 17% in this survey).

This tendency is consistent throughout the EU, but it is particularly apparent in Cyprus, where the percentage believing it is acceptable to purchase counterfeit products when the original product is too expensive decreases by 32 points between 2011 and 2013, and in Eastern Europe, in Romania (-38 points), Slovakia (-44 points), Bulgaria (-29 points) and in the Czech Republic (-30 points).

These developments show that the strong stance against counterfeiting is now generalised within the European Union: in each Member State an absolute majority of respondents consider that there is no condition under which it is acceptable to purchase counterfeit products, which was not the case in the 2011 Eurobarometer. Nonetheless, the Baltic States (Lithuania, Latvia, Estonia), Slovenia, Greece and Cyprus stand out within the EU on these indicators, with an acceptance rate still substantially higher than the European average. For instance, 43% of Latvians, 42% of Cypriots, 41% of Greeks and Lithuanians, 40% of Estonians and 37% of Slovenes consider it to be acceptable to use counterfeit products when the original product is too expensive, compared to a European average of 24%.

Detailed results: Q6.1 - *It is acceptable to purchase counterfeit products when the price for the original and authentic product is too high*

	Total 'Agree'	Total 'Disagree'	Don't Know
LV	43%	54%	3%
CY	42%	56%	2%
EL	41%	58%	1%
LT	41%	57%	2%
EE	40%	55%	5%
SI	37%	62%	1%
BG	36%	62%	2%
MT	35%	64%	1%
ES	34%	65%	1%
BE	34%	65%	1%
PT	31%	66%	3%
SK	27%	71%	2%
HU	27%	72%	1%
HR	27%	71%	2%
NL	27%	72%	1%
LU	26%	73%	1%
PL	25%	73%	2%
EU 28	24%	75%	1%
AT	24%	74%	2%
RO	23%	75%	2%
IE	23%	76%	1%
FR	22%	76%	2%
IT	22%	77%	1%
SE	21%	78%	1%
UK	19%	78%	3%
CZ	18%	80%	2%
DK	17%	82%	1%
DE	16%	83%	1%
FI	15%	83%	2%



Detailed results: Q6.2 - It is acceptable to buy counterfeit products when the original product is not or not yet available where you live

	Total 'Agree'	Total 'Disagree'	Don't Know
SI	41%	58%	1%
LT	39%	58%	3%
EL	35%	64%	1%
CY	34%	65%	1%
BG	33%	64%	3%
EE	33%	59%	8%
MT	32%	66%	2%
LV	31%	66%	3%
PT	28%	69%	3%
BE	27%	71%	2%
HR	26%	71%	3%
AT	24%	74%	2%
SE	24%	75%	1%
RO	23%	75%	2%
NL	22%	76%	2%
SK	22%	74%	4%
HU	21%	77%	2%
ES	21%	76%	3%
LU	21%	77%	2%
PL	19%	79%	2%
EU28	18%	80%	2%
IE	17%	82%	1%
DK	16%	82%	2%
FR	16%	82%	2%
CZ	16%	80%	4%
DE	16%	82%	2%
UK	14%	84%	2%
IT	12%	87%	1%
FI	12%	85%	3%

The most significant variable in the opinions on counterfeiting is undoubtedly age. Acceptance of counterfeiting decreases consistently with age. In other terms, the judgement on counterfeiting is largely different from one generation to another, with the younger population showing much more tolerance towards justification of counterfeiting. 34% of 15 to 24-year-olds consider it acceptable to buy counterfeit products when the price for the original product is too high, which can be compared to a European average of 24% and 18% of respondents above the age of 55. Furthermore, buying counterfeit products when the original product is not available in a local region is acceptable to 31% of 15 to 24 years old but only for 19% of the overall European population and only 15% of over 55s. One third of young Europeans are therefore prepared to find acceptable reasons to voluntarily use counterfeit products.

If age is essential in determining opinions about counterfeiting, the level of understanding of intellectual property, however, is not a major determinant regarding acceptability of buying counterfeits. A good knowledge of intellectual property does not decrease favourable attitudes towards counterfeiting. This is demonstrated by the fact that 24% (totally agree + tend to agree) of those who gave all seven correct answers in the quiz deem counterfeiting acceptable if the original product is too expensive, compared to 19% (totally agree + tend to agree) of those who got all the answers wrong in the test.

Detailed results: Q6.1 - It is acceptable to buy counterfeit products when the price for the original and authentic product is too high

<i>Results by age group</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU 28	7%	17%	21%	54%	2%
15 to 24-year-olds	9%	25%	29%	36%	1%
25 to 34-year-olds	8%	21%	22%	47%	1%
35 to 44-year-olds	8%	17%	22%	51%	1%
45 to 54-year-olds	6%	16%	20%	56%	2%
55 to 64-year-olds	6%	14%	18%	61%	1%
65+ year-olds	4%	12%	15%	66%	3%

Detailed results: Q6.1 - It is acceptable to buy counterfeit products when the price for the original and authentic product is too high

<i>Results according to the number of correct answers on the quiz</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU 28	7%	17%	21%	54%	2%
7 correct answers	7%	17%	28%	47%	1%
6 correct answers	6%	17%	21%	55%	1%
5 correct answers	6%	15%	22%	56%	1%
4 correct answers	7%	18%	21%	53%	1%
3 correct answers	8%	19%	18%	53%	2%
2 correct answers	7%	16%	20%	54%	3%
1 correct answer	7%	16%	17%	56%	4%
0 correct answer	7%	12%	20%	47%	14%

Detailed results: Q6.2 – It is acceptable to buy counterfeit products when the original product is not or not yet available where you live

<i>Results by age group</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU28	5%	13%	21%	59%	2%
15 to 24-year-olds	9%	22%	27%	42%	1%
25 to 34-year-olds	6%	16%	24%	54%	1%
35 to 44-year-olds	4%	12%	21%	60%	2%
45 to 54-year-olds	4%	11%	21%	63%	1%
55 to 64-year-olds	4%	11%	17%	66%	2%
65+ year-olds	4%	11%	16%	65%	4%

Detailed results: Q6.2 – It is acceptable to buy counterfeit products when the original product is not or not yet available where you live

<i>Results according to the number of correct answers on the quiz</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU 28	5%	13%	21%	59%	2%
7 correct answers	4%	16%	25%	54%	1%
6 correct answers	5%	11%	24%	59%	1%
5 correct answers	5%	13%	22%	59%	1%
4 correct answers	4%	14%	21%	60%	1%
3 correct answers	6%	15%	20%	57%	2%
2 correct answers	6%	12%	19%	59%	4%
1 correct answer	5%	14%	15%	61%	5%
0 correct answer	5%	17%	17%	50%	11%

Detailed results: Q6.3 – It is acceptable to buy counterfeit products when the quality of the product does not matter

<i>Results by age group</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU28	5%	12%	21%	60%	2%
15 to 24-year-olds	7%	22%	31%	38%	1%
25 to 34-year-olds	6%	15%	23%	54%	1%
35 to 44-year-olds	5%	12%	20%	60%	2%
45 to 54-year-olds	4%	10%	20%	65%	2%
55 to 64-year-olds	4%	9%	16%	68%	3%
65+ year-olds	5%	8%	15%	69%	3%

Detailed results: Q6.3 – It is acceptable to buy counterfeit products when the quality of the product does not matter

<i>Results according to the number of correct answers on the quiz</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU 28	5%	12%	21%	60%	2%
7 correct answers	7%	18%	19%	54%	2%
6 correct answers	4%	13%	22%	59%	2%
5 correct answers	5%	12%	22%	59%	2%
4 correct answers	5%	12%	21%	60%	2%
3 correct answers	6%	12%	20%	60%	2%
2 correct answers	7%	11%	19%	60%	3%
1 correct answer	5%	12%	16%	63%	4%
0 correct answer	5%	16%	15%	54%	10%

Detailed results: Q6.4 – It is acceptable to buy counterfeit products when it concerns luxury products

<i>Results by age group</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU28	4%	10%	19%	65%	2%
15 to 24-year-olds	6%	17%	28%	49%	1%
25 to 34-year-olds	5%	11%	23%	60%	1%
35 to 44-year-olds	4%	10%	21%	63%	2%
45 to 54-year-olds	3%	9%	18%	68%	2%
55 to 64-year-olds	4%	8%	15%	71%	2%
65+ year-olds	3%	7%	13%	74%	4%

Detailed results: Q6.4 – It is acceptable to buy counterfeit products when it concerns luxury products

<i>Results according to the number of correct answers on the quiz</i>	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
EU 28	4%	10%	19%	65%	2%
7 correct answers	4%	13%	23%	59%	1%
6 correct answers	4%	8%	19%	68%	1%
5 correct answers	3%	8%	20%	67%	2%
4 correct answers	4%	10%	19%	65%	2%
3 correct answers	5%	10%	19%	64%	2%
2 correct answers	5%	11%	20%	62%	2%
1 correct answer	4%	11%	16%	66%	3%
0 correct answer	2%	14%	14%	60%	10%

2.2 Counterfeiting's bad image overall does not prevent Europeans from considering it to be a smart purchase made in protest

The image test of counterfeiting enables us to classify the most powerful arguments in Europeans' opinions.³⁶ Out of the four arguments tested (negative impact on the economy, encouraging illegal trafficking, threat to public health, discouraging innovation), the economic argument seems to carry the most weight to discourage counterfeiting, as it is the one which is shared by most Europeans. 81% of Europeans consider that "buying counterfeit products ruins businesses and jobs". This opinion is shared by at least two thirds of the respondents interviewed in all the EU countries and by 78% of 15 to 24-year-olds. As a sign of Europeans' sensitivity to the economic crisis, the belief in this argument is the one which has seen the sharpest rise (13 points) since the 2011 Eurobarometer.

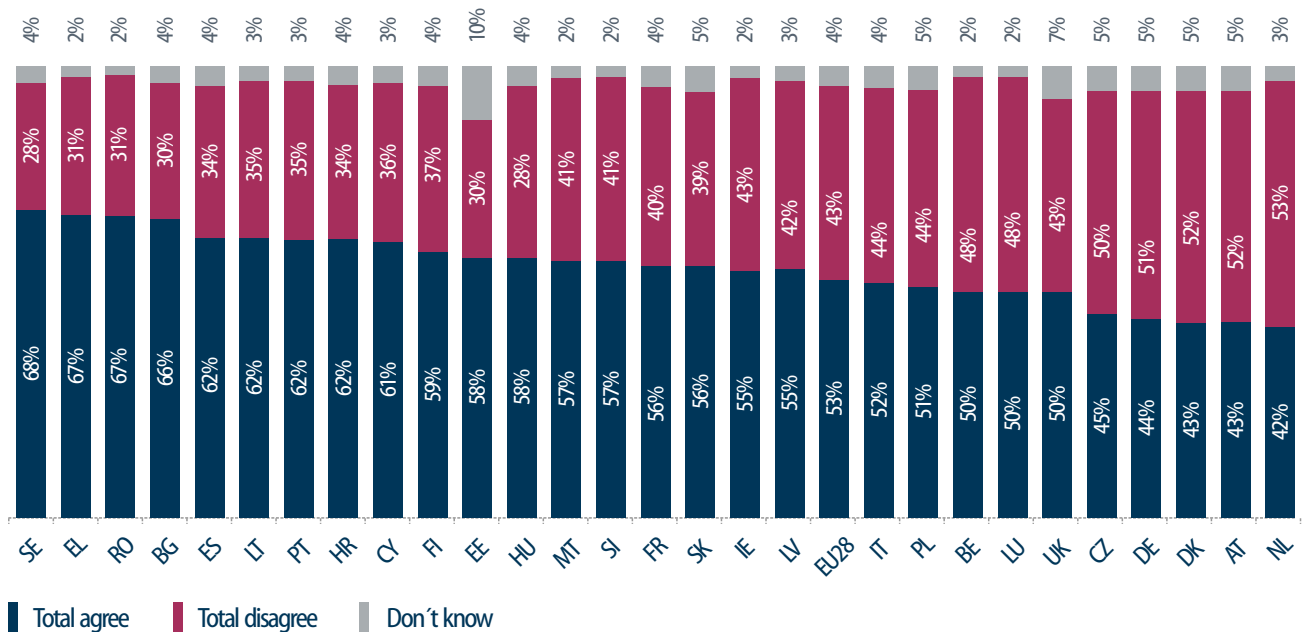
The criminalisation of counterfeiting is the second strongest argument: more than seven out of ten Europeans agree with the statement that counterfeiting "supports child labour and illegal trafficking". A majority of respondents share this opinion; however a strong minority of people interviewed in Bulgaria (43%) and in Romania (42%) do not agree. Agreement with this argument has increased by five points since 2011.

67% of Europeans agree with the argument linking counterfeiting to health hazards, which is six points higher than in 2011. This argument seems to be persuasive in all EU countries except Denmark (from 48% in 2011 to 40% in 2012) and the Netherlands (from 49% in 2011 to 46% in 2012), where a relative majority of respondents does not believe that buying counterfeit products has a negative effect on health. The younger population is less convinced by this argument than other categories of the European population: 45% of them do not see how consuming counterfeit products can be a health hazard.

Whereas Europeans see a clear link between intellectual property and innovation, they do not see quite so clearly how counterfeiting can discourage innovation. Only 53% of Europeans (+ four points compared to 2011) consider that "buying counterfeit products discourages companies from inventing new products and introducing them to the market" and 43% do not agree with this statement. In the Netherlands (55%), Austria (52%), Denmark (52%), Germany (51%), the Czech Republic (50%), a majority of the public opinion does not link buying counterfeit products with discouraging companies from investing in innovation. The opinion ratio is also closer than the European average in Belgium (50% agree to 48% disagree) and in Luxembourg (50% agree to 48% disagree). In this instance again, the younger generations are the least convinced by this argument: 48% of 15 to 24-year-olds and 52% of 25 to 34-year-olds do not see counterfeiting as something which discourages innovation and the invention of new products, compared to 41% of 45 to 54-year-olds and 37% of persons above the age of 55.

Graph 7. Counterfeiting can discourage innovation – Average agreement rate EU28 and per Member State

Q6.10 - Buying counterfeit products discourages companies from inventing new products and introducing them to the market



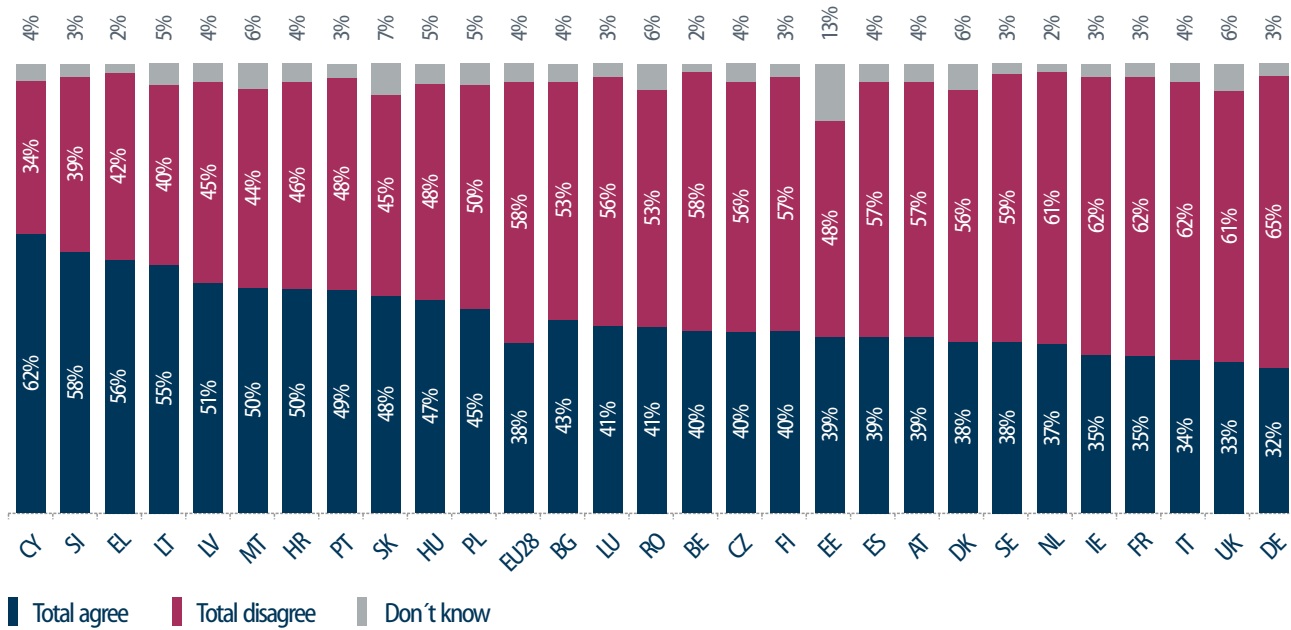
The disapproval of counterfeiting and its negative image as an economic threat do not prevent an important minority of Europeans from being tempted to consume counterfeit products when it is presented in a positive light – either as a sign of resourcefulness to improve one’s purchasing power, or as an act of protest against large premium brands. This temptation is especially apparent within the younger generations:

38% of Europeans see counterfeiting as “an act of protest and a way to resist to the market-driven economy and the large premium brands” while 58% share the opposite view. This idea of consuming counterfeit products as an act of protest against the capitalist system is even shared by a majority of respondents interviewed in seven EU countries: Cyprus (62%), Slovenia (58%), Greece (56%), Lithuania (55%), Latvia (51%), Malta (50%) and Croatia (50%). It is the view of 49% of 15 to 24-year-olds and 44% of 25 to 34-year-olds (and 33% of those over the age of 55), demonstrating once again the importance of age as a variable in representations of counterfeiting. Inversely, knowledge of intellectual property does not seem to have an impact on these views of counterfeiting as an act of protest: the level of agreement is identical whether respondents scored 7/7 in the test (34%) or whether they did not give a single correct answer (35%).



Graph 8. Counterfeiting as an act of protest – Average agreement rate EU28 and per Member State

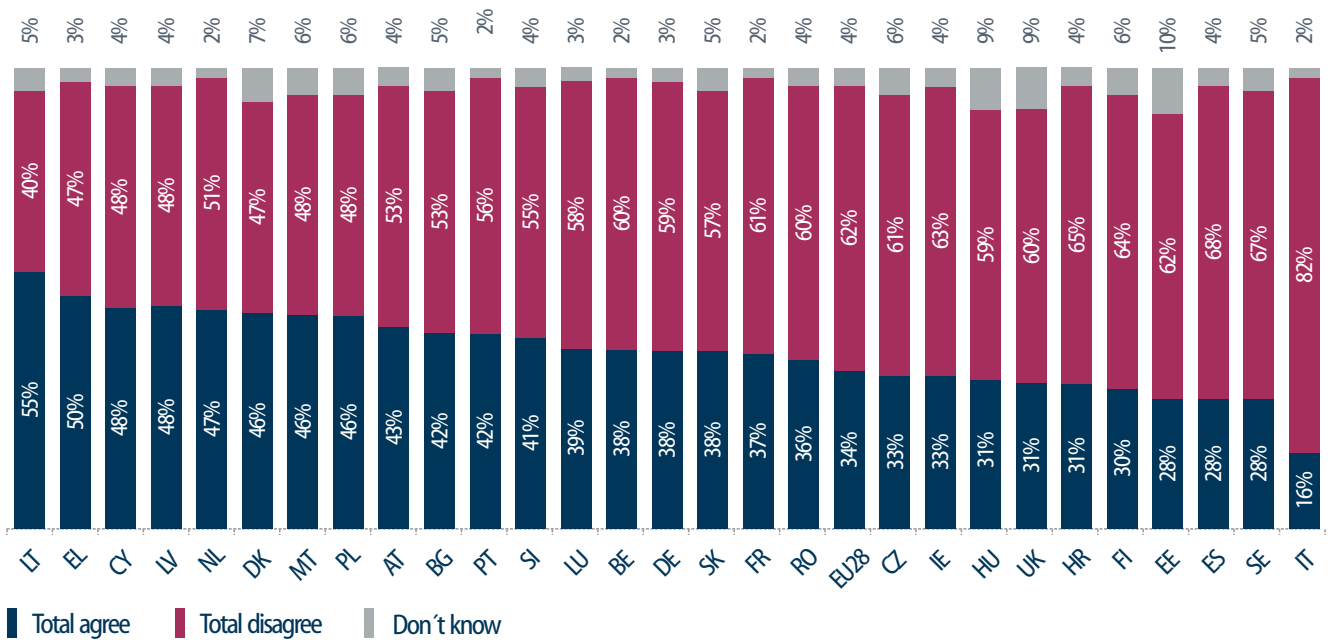
Q6.12 – Buying counterfeit products is an act of protest and a way to resist to the market-driven economy and the large premium brands



34% of Europeans believe that counterfeiting allows making “a smart purchase that enables you to have the items that you wanted while preserving your purchasing power”, whereas 62% believe the opposite. In Lithuania (55%), Greece (50%), the Netherlands (47%), Malta (46%), Poland (46%) and Denmark (46%), respondents are the most receptive to the argument that counterfeiting is a way to protect one’s purchasing power. Age differences once again show differences in perceptions: 52% of 15 to 24-year-olds see counterfeit products as smart purchases as opposed to only 29% of respondents between 55 and 64 years old.

Graph 9. Counterfeiting as a smart purchase – Average agreement rate EU28 and per Member State

Q6.11 - Buying counterfeit products allows making a smart purchase that enables you to have the items that you wanted while preserving your purchasing power



To summarise, the European public including the younger generation readily condemns counterfeiting when the latter is presented through a macro-economic prism, as an economic threat or as supporting illegal trafficking. Tolerance towards counterfeiting is much more visible, particularly amongst the younger generations when it is presented on an individual and micro level, as a sign of resourcefulness, or as an act of protest against the capitalist 'system' at large. In other terms, a very large majority of Europeans know the negative macro effects of counterfeiting on a medium and long-term scale. However a strong minority, reaching nearly a majority amongst 15 to 24-year-olds, is receptive to the individual benefits of counterfeit products in the short term.

Frustrations about purchasing power (only 18% of Europeans anticipate an increase of their household income in the future according to the Flash Eurobarometer 335)³⁷ and the growing distrust of large companies and the financial system on the part of European citizens perhaps go some way into explaining these more individualistic views encouraging the use of counterfeit products.

2.3 Few have declared acting on temptation

In their statements, very few Europeans admit to actually having bought counterfeit products. This is certainly due to moral and legal restraints, but probably also because it is always difficult to declare to an unknown interviewer that one has engaged in illegal behaviour. Effectively, only 4% of Europeans admit to having knowingly bought counterfeit



37 - Flash Eurobarometer 335, "The Euro Area", July 2012, 8.

products in the past 12 months. 6% admit that they have done so as a result of being misled. Although the consumption of counterfeit products is undeniably limited by sanctions, ethics and the negative effects that are linked to it, it appears from the attractiveness of the “smart purchase” and the “act of protest” position that purchasing counterfeit goods is probably under-declared by respondents that are more readily wary of a telephone interview.

The declared rate of intentional purchases of counterfeit products is weak in all EU countries, with the highest level (9%) in Cyprus, Latvia and Lithuania. On this indicator, the younger generation does not stand out: only 6% say that they have bought counterfeit products. Percentages of respondents declaring that they bought counterfeit products as a result of being misled are remarkably higher than the European average in Romania (23%) and Bulgaria (19%).³⁸

11% of Europeans declare having considered buying counterfeit products but not done so for ethical reasons; 6% have thought about it but have not gone through with it for fear of prosecution or fines. The highest numbers of persons interviewed having considered buying counterfeit products but not having gone through with it are found in Romania (33%), Poland (30%), Latvia (26%), Greece (25%) and Spain (25%). 27% of 15 to 24-year-olds say that they have considered buying counterfeit products against 9% of persons above the age of 55.³⁹

III) Europeans, youth and digital issues

3.1 Europeans and illegal downloading

Like counterfeiting, illegal downloading from the internet is very much condemned on principle. 72% of Europeans consider it to be unacceptable “even when there is no immediately available legal alternative”, 22% hold the opposite belief. This opinion is shared in all EU countries. It is most widely condemned in Germany (84%), the United Kingdom (79%), Nordic countries (80% in Finland, 79% in Denmark, 75% in Sweden), in Poland (76%), in the Czech Republic (75%) and in Ireland (75%). It is less important in Estonia (49% against 27% and with 24% who do not know) in Latvia (54%), Cyprus (55%), Greece (56%), Bulgaria (57%), Lithuania (58%) and Malta (58%).

As for counterfeiting, the opinions of these six countries are the most permeable to the acceptability of illegal downloads.⁴⁰

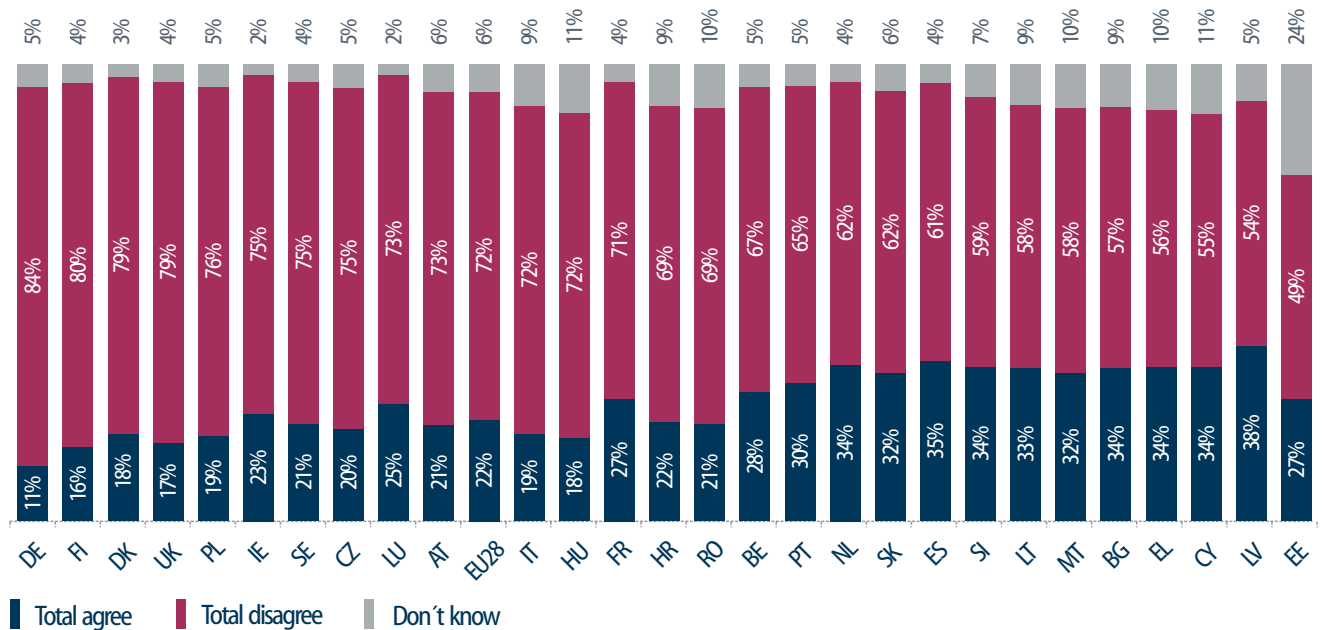
38 - Q4: During the past 12 months, have you done any of the following? (multiple answers possible)

39 - Q5: Over the last 12 months which of the following situations have you experienced personally? (multiple answers possible)

40 - Q6.5: Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements

Graph 10. Acceptability of illegal downloading – Average agreement rate EU28 and per Member State

Q6.5 – It is acceptable to illegally download content from the internet when there is no immediately available legal alternative



The level of acceptability of illegal downloading when there is no immediately available legal alternative decreases regularly with age: starting with 42% amongst the 15 to 24-year-olds, 31% amongst those between 25 and 34, 23% amongst 35 to 44-year-olds, 18% amongst 45 to 54-year-olds and finally 11% amongst persons above 55. Over four out of ten young Europeans therefore consider that illegal downloading is justifiable.

It seems, paradoxically at first, that levels of acceptance of illegal downloading when there is no immediately available legal alternative increase with the level of knowledge about intellectual property and its components. 10% of those who give no correct answer and 15% of those who only give one consider illegal downloading to be acceptable, when 26% of those who give six correct answers and 33% of those who answered all questions correctly consider it acceptable. This paradox can be explained with the level of education variable. Those who spent the most time in education are the most digitally connected and therefore most likely to download illegally, although they are also the most knowledgeable about intellectual property.

Like counterfeiting, illegal downloading is seen as a threat to the economy and jobs by a large majority of Europeans: seven persons out of ten and two thirds of 15 to 24-year-olds agree on this point. This argument is supported by a large majority of respondents in all EU countries.⁴¹



41 - Q9.4: For each of the following statements regarding lawful services offering content protected by copyright and related rights (such as music, films etc.) on the internet please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree

In this context, the declared preference for legal downloading is particularly significant: “whenever there is an affordable legal option” 80% of Europeans (and 80% of 15 to 24-year-olds) say they prefer to download or stream content via authorised platforms, only 10% (and 17% of 15 to 24-year-olds) stating that they prefer to do so illegally.⁴² Based on the Europeans’ statements, legal downloading is more popular than its illegal counterpart. 19% of Europeans declare having already paid to download or stream content, whereas only 9% say that they intentionally downloaded illegally from the internet. As with counterfeiting, it seems however that there could be a difference between actual behaviours and admitted behaviours. Baltic countries show the highest levels of self-declared illegal downloading (20% in Latvia, 16% in Lithuania and Estonia) as well as Spain (18%). Inversely, legal downloading practices are the most developed in Nordic countries (39% in Denmark, 35% in Sweden, 28% in Finland) in Ireland (34%) and in the Netherlands (28%).⁴³

This relationship to internet is closely linked to age: 15 to 24-year-olds are by far the most to have already paid to download content (32%) or to have downloaded illegally (26%). Both of these practices decrease in a linear manner according to the age of respondents.

Detailed results: Q4. *During the past 12 months have you done any of the following?*

	Accessed - downloaded or streamed illegal content from the internet intentionally	Paid to access, download or stream copyright protected content from a lawful service on the internet (for instance music, video, film or TV series)
15 to 24-year-olds	26%	32%
25 to 34-year-olds	17%	31%
35 to 44-year-olds	9%	25%
45 to 54-year-olds	5%	18%
55+ year-olds	3%	15%

When it comes to legal or illegal downloading, the urbanization level of citizens does not seem to play a part as there is no significant difference between respondents living in rural areas, small towns or large towns. For instance, the percentage of respondents having accessed, downloaded or streamed illegal content from the internet intentionally is of 9% for citizens living in rural areas or villages, 9% in small or middle-sized towns and 10% in large towns. It can be noted however that the percentage of citizens of the Member States, which entered the EU in 2004, living in large towns, who report having accessed, downloaded or streamed illegal content from the internet intentionally is slightly higher (13%) than citizens from EU15 living in large towns (10%).

Beyond the low number of people who declared illegal downloads, the study shows how familiar Europeans are with issues relating to illegal downloading, and how it affects the daily lives of citizens. Percentages of people who “at least

42 - Q9.3: For each of the following statements regarding lawful services offering content protected by copyright and related rights (such as music, films etc.) on the internet please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree

43 - Q4: During the past 12 months, have you done any of the following? (multiple answers possible). For detailed results per Member State, please see table 1 in Appendix A

questioned” the legality of their download are quite important, particularly amongst the younger population: 19% (42% of 15 to 24-year-olds) wondered whether a site where one could download music or videos was legal or not and 12% (26% of 15 to 24-year-olds) actually researched to find out if a downloading site was legal or not. 16% of respondents and 35% of 15 to 24-year-olds admit they have considered downloading illegally but did not go through with it because of safety concerns for their personal computer; 12%, and 16% of 15 to 24-year-olds considered it but did not do so for ethical reasons; and finally 9%, and 21% of 15 to 24-year-olds thought about it but were discouraged by the possibility of prosecutions or fines. Protecting a computer against viruses therefore seems to be the most efficient restraint to illegal downloading.⁴⁴

3.2 The legal offers are well known and their quality is acknowledged, but a majority of 15 to 24-year-olds still believe the illegal offers to be more attractive

Citizens’ awareness of the legal downloading offers depends largely on the content. It is therefore 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%).⁴⁵

The degree of awareness of the legal offers on internet varies significantly from country to country. Whatever the content, the legal offers is overall better 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 significantly less so than the European average, in Croatia, Bulgaria, Romania, Poland, Malta and Italy.

Detailed results: Q8. *As far as you know, which of the following types of content are available online for legal access or download/stream in your country?*

	EU28	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	HR
Music	65%	75%	58%	61%	81%	60%	60%	89%	57%	71%	67%	55%	58%	71%	60%	69%	58%	53%	79%	63%	47%	68%	53%	54%	73%	75%	75%	86%	45%
Films	56%	63%	53%	57%	69%	48%	51%	82%	49%	61%	60%	41%	51%	61%	58%	54%	51%	43%	67%	47%	39%	56%	45%	46%	66%	65%	68%	80%	36%
TV series	51%	52%	37%	54%	66%	50%	47%	76%	45%	63%	45%	31%	50%	52%	42%	45%	45%	34%	61%	48%	43%	47%	30%	35%	56%	72%	68%	78%	30%
Live sports events	44%	50%	36%	48%	54%	39%	41%	66%	39%	53%	33%	29%	48%	57%	45%	43%	40%	41%	55%	46%	45%	42%	32%	45%	55%	65%	61%	62%	35%
Books	50%	49%	35%	43%	66%	47%	46%	77%	44%	63%	43%	37%	44%	50%	45%	52%	43%	46%	63%	51%	35%	54%	32%	40%	49%	52%	60%	80%	32%
Newspapers	55%	62%	33%	51%	77%	55%	52%	77%	53%	73%	48%	39%	61%	55%	48%	62%	45%	55%	74%	62%	39%	61%	32%	47%	58%	76%	69%	75%	41%
Photographs	46%	56%	32%	47%	56%	47%	42%	68%	45%	58%	32%	32%	45%	52%	40%	46%	43%	42%	65%	50%	35%	56%	29%	37%	54%	61%	55%	67%	30%
Videogames	46%	57%	39%	48%	58%	44%	40%	67%	45%	49%	42%	34%	48%	52%	43%	43%	42%	35%	54%	45%	29%	48%	34%	39%	51%	59%	50%	67%	34%

44 - Q5: Over the last 12 months which of the following situations have you experienced personally? (multiple answers possible)

45 - Q8: As far as you know, which of the following types of content are available online for legal access or download/stream in (OUR COUNTRY) (multiple answers possible)



There is much more awareness of these legal offers within the younger generations, who are more exposed to illegal downloading. Whatever content is tested, the awareness of the legal offers are at least eight points higher within the younger generations than the European average:

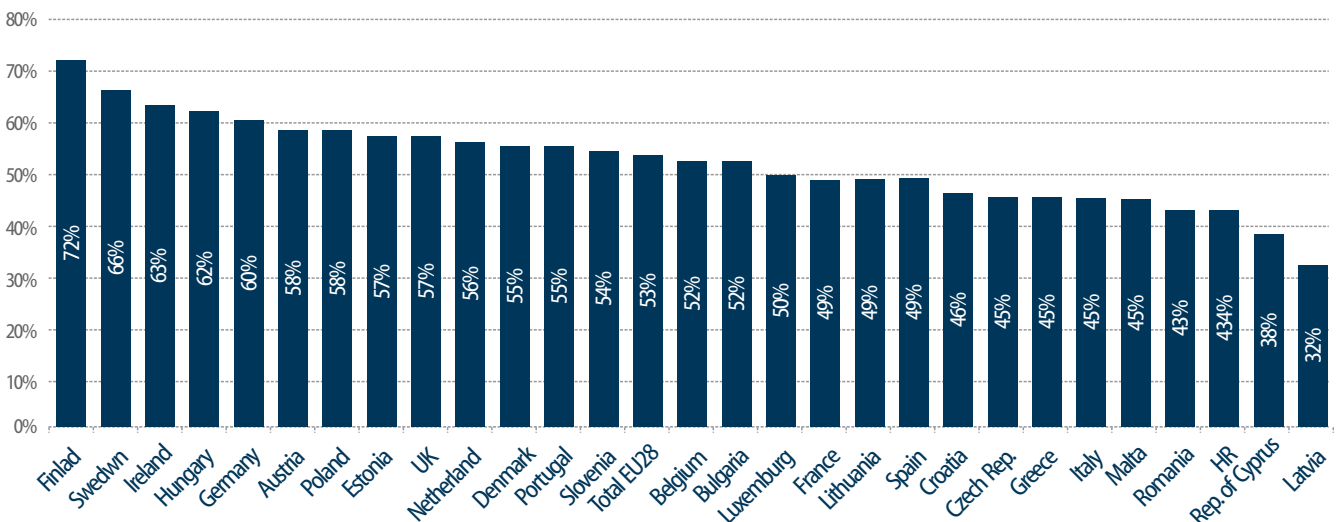
- 83% of 15 to 24 year-olds know that there are legal offers available online for music
- More than two thirds of 15 to 24-year-olds are aware of legal offers to access films (67%) or television series (65%)
- At least six out of ten respondents say that they know how to legally access newspapers (63%), photographs (62%) and books (60%)

Over half 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 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”, 27% disagree. For those who know both offers well, i.e. the younger generations, the ratio is 63%-33% for those between 15 to 24-years of age and 61%-30% for 25 to 34-year-olds. One third of young Europeans therefore believe illegal content to be of better quality.

The fact that the legal offers is 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-year-olds and of 54%-37% for 25 to 34-year-olds. Nearly four out of ten young Europeans declare that illegal content on Internet is more diverse than content, which is available via legal methods.⁴⁶

Graph 11: % of citizens under 35 years old who agree that both the quality and diversity of content offered by lawful services is at least as good as what can be found through illegal solutions



46 - Q9.1 and 2 : For each of the following statements regarding lawful services offering content protected by copyright and related rights (such as music, films etc.) on the internet please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree

Coherently, the diversity and the quality of what is available legally is more recognised in countries where the offer is most well-known; it is assessed less favourably (with more respondents withholding their opinion) in countries where the legal offers are the least well known.

In conclusion, the legal offer on internet appear to provide some of the necessary leverage to diminish the extent of illegal downloading activities; however the persistence of favourable opinions towards illegal downloading amongst 15 to 24-year-olds, despite the legal offers being well known within this category, shows that more efforts are needed.

Focus: 15 to 24-year-olds

This study shows a real particularity of Generation Y concerning the challenges of intellectual property and its violations. It appears that 15 to 24-year-olds have a principled opinion on counterfeiting and illegal downloading and also qualms about their negative macroeconomic consequences, which are overall similar to those of other generations. However, they clearly stand out as they are able to find advantages to counterfeiting and illegal downloading insofar as they create a personal benefit.

As a result, according to indicators, between 35% and 50% of young Europeans can display attitudes which favour counterfeiting and/or illegal downloading, which is a proportion far superior to the European average, as the following figures show:

- 34% of 15 to 24-year-olds deem it acceptable to purchase counterfeit products when the price of the original product is too high – 10 points above European average.
- 52% consider counterfeits to be “smart purchases” to improve their purchasing power – a percentage which is 18 points higher than the average of the European population.
- 48% consider that consuming counterfeit products is an act of protest and a way to resist the market-driven economy and the large premium brands – which is 10 points above European average.
- 42% feel that illegal downloading from the internet is acceptable “when there is no legal alternative” - reaching 20 points above European average.
- 26% of 15 to 24-year-olds admit to having downloaded content illegally in the past 12 months, which is 17 points more than the average of the European population.
- 39% of 15 to 24-year-olds, nine points above European average, consider that the illegal download offer is more diversified than the legal offer.

In conclusion, an important part of the younger European generation, despite supporting IP, is ready both in theory and in practice to challenge and question it.



APPENDIX A

ADDITIONAL TABLES

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



Table 1: Incidence of intellectual property-related behaviours for each Member State

	During the past 12 months have you done any of the following? - Bought counterfeit products intentionally	During the past 12 months have you done any of the following? - Accessed - downloaded or streamed illegal content from the internet intentionally	During the past 12 months have you done any of the following? - Paid to access, download or stream copyright-protected content from a lawful service on the internet (for instance music, video, film or TV series)	Over the last 12 months which of the following situations have you experienced personally? - I wondered if a site where I could download music or videos was legal or not	Over the last 12 months which of the following situations have you experienced personally? - I researched to check if a site where I could download music or videos was legal or not
Austria	3%	8%	17%	17%	12%
Belgium	7%	15%	20%	18%	12%
Bulgaria	8%	14%	12%	20%	12%
Cyprus	9%	11%	12%	21%	13%
Czech Rep.	4%	11%	19%	27%	14%
Germany	2%	4%	18%	17%	12%
Denmark	3%	10%	39%	14%	10%
Estonia	5%	16%	11%	9%	8%
Spain	8%	18%	19%	20%	12%
Finland	2%	10%	28%	19%	11%
France	4%	14%	17%	17%	9%
Greece	8%	12%	9%	23%	12%
Croatia	5%	12%	6%	11%	8%
Hungary	2%	5%	10%	12%	7%
Ireland	4%	16%	34%	26%	18%
Italy	3%	5%	10%	19%	9%
Lithuania	9%	16%	12%	13%	9%
Luxemburg	5%	10%	29%	21%	18%
Latvia	9%	20%	20%	28%	18%
Malta	4%	11%	13%	12%	10%
Netherlands	2%	14%	28%	16%	9%
Poland	3%	10%	28%	27%	20%
Portugal	5%	13%	11%	19%	15%
Romania	7%	8%	10%	21%	14%
Sweden	4%	14%	35%	13%	10%
Slovenia	5%	17%	14%	13%	8%
Slovakia	2%	11%	13%	17%	13%
UK	3%	5%	32%	21%	17%
EU28	4%	9%	19%	19%	12%

Table 2: Share of citizens (EU28 average) engaging in legal and illegal purchasing habits regarding counterfeit products and online contents by gender and age group

<i>Q4. During the past 12 months, have you done any of the following?</i>	15-24 Male	15-24 Female	25-34 Male	25-34 Female	35-44 Male	35-44 Female	45-54 Male	45-54 Female	55-64 Male	55-64 Female	65+ Male	65+ Female
Bought counterfeit products intentionally	7%	5%	7%	4%	4%	4%	4%	3%	4%	3%	2%	3%
Bought counterfeit products as a result of being misled	8%	7%	8%	5%	6%	4%	6%	5%	5%	5%	5%	6%
Accessed - downloaded or streamed illegal content from the internet intentionally	31%	21%	22%	11%	13%	5%	8%	3%	4%	1%	2%	/
Paid to access, download or stream copyright-protected content from a lawful service on the internet (for instance music, video, film or TV series)	36%	29%	37%	26%	29%	21%	22%	14%	13%	8%	6%	3%

Table 3: Percentage of respondents agreeing with statements legitimating intellectual property infringements

Q6. Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements

	% Agree that "buying counterfeit products is an act of protest and a way to resist to the market-driven economy and the large premium brands"	% Agree that "buying counterfeit products allows making a smart purchase that enables you to have the items that you wanted while preserving your purchasing power"
Cyprus	61%	48%
Slovenia	58%	41%
Greece	56%	50%
Lithuania	55%	55%
Malta	51%	46%
Latvia	51%	48%
Croatia	50%	31%
Portugal	49%	42%
Slovakia	49%	38%
Hungary	47%	31%
Poland	45%	46%
Bulgaria	43%	42%
Luxemburg	41%	39%
Romania	41%	36%
Belgium	40%	38%
Finland	40%	30%
Austria	39%	43%
Czech Rep.	39%	33%
Spain	39%	28%
Estonia	39%	28%
Denmark	38%	46%
EU 28	38%	34%
Sweden	38%	28%
Netherlands	37%	47%
France	36%	37%
Ireland	36%	33%
Italy	34%	16%
Germany	33%	38%
UK	33%	31%

Table 3 Bis. Percentage of respondents agreeing with statements legitimating intellectual property infringements by age group

	% Agree that "buying counterfeit products is an act of protest and a way to resist to the market-driven economy and the large premium brands"	% Agree that "buying counterfeit products allows making a smart purchase that enables you to have the items that you wanted while preserving your purchasing power"
15-24	49%	52%
25-34	44%	39%
35-44	38%	34%
45-54	35%	31%
55-64	34%	29%
65+	32%	25%

Table 4. Percentage of respondents agreeing that buying counterfeit products is an act of protest by education level

How old were you when you stopped full-time education?

	Total agree	Total disagree	Don't know
15 or less	37%	56%	7%
Between 16-19	39%	56%	4%
20+	35%	62%	3%
Still Studying	48%	50%	2%
No full-time education	50%	49%	2%

Graph 1: Percentage of respondents agreeing 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” by occupation category

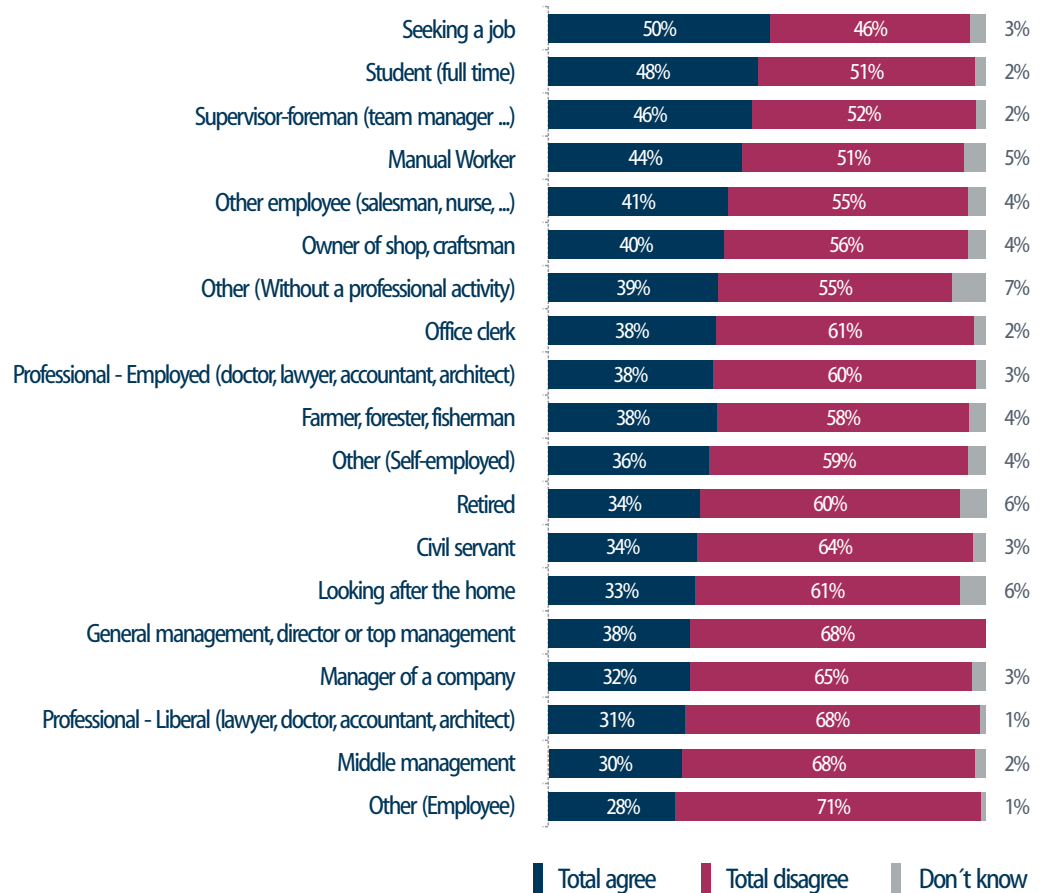


Table 5: % of Europeans that agree that it is acceptable to download content from the internet when there is no legal alternative in their country, results by age groups

Q6: Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements: it is acceptable to download content from the internet when there is no legal alternative in your country

	% Agree%	Disagree%	Don't Know
EU28 All ages	22%	72%	6%
15 to 24-year-olds	42%	57%	1%
25 to 34-year-olds	31%	67%	2%
35 to 44-year-olds	23%	75%	3%
45 to 54-year-olds	18%	79%	4%
55 to 64-year-olds	14%	80%	6%
65+ year-olds	10%	74%	16%

Table 6: % of Europeans that agree that it is acceptable to download content from the internet when it is for their personal use, results by age groups

Q6: Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements: it is acceptable to download content from the internet when it is for your personal use

	% Agree%	Disagree%	Don't Know
EU28 All ages	42%	51%	7%
15 to 24-year-olds	57%	41%	2%
25 to 34-year-olds	52%	46%	2%
35 to 44-year-olds	43%	53%	4%
45 to 54-year-olds	40%	54%	5%
55 to 64-year-olds	35%	57%	7%
65+ year-olds	29%	53%	18%

Table 7: Who benefits most from the protection of intellectual property? Multiple answers question, % measured on total European population

Q3a: In your opinion, who benefits the most from the protection of intellectual property? Firstly? Q3b: And then?

	Cumulated % EU28 population All ages	Cumulated % Under 35 years old
Big companies	43%	48%
Famous performing artists (musicians, singers, actors)	42%	45%
Inventors	37%	34%
Creators of artistic content like photographers, sculptors, painters	31%	30%
Less well known performing artists (musicians, singers, actors)	20%	21%
Small and medium companies	16%	20%
Politicians	15%	18
Consumers like yourself	11%	13%
None	1%	4%

Table 8: Awareness of legal offers to access copyright-protected content of different nature in each Member State

Q8. As far as you know, which of the following types of content are available online for legal access or download/stream in (OUR COUNTRY)?

	Music	Films	TV series	Live sports	Books	Newspapers	Photographs	Videogames	None/DK /NA
Ireland	89%	82%	76%	66%	77%	77%	68%	67%	6%
UK	86%	80%	78%	62%	80%	75%	67%	67%	6%
Denmark	81%	69%	66%	54%	66%	77%	56%	58%	8%
Netherlands	79%	67%	61%	55%	63%	74%	65%	54%	12%
Finland	75%	65%	72%	65%	52%	76%	61%	59%	12%
Sweden	75%	68%	68%	61%	60%	69%	55%	50%	15%
Belgium	75%	63%	52%	50%	49%	62%	56%	57%	16%
Slovakia	73%	66%	56%	55%	49%	58%	54%	51%	14%
Spain	71%	61%	63%	53%	63%	73%	58%	49%	12%
Latvia	71%	61%	52%	57%	50%	55%	52%	52%	14%
Luxemburg	69%	54%	45%	43%	52%	62%	46%	43%	17%
Portugal	68%	56%	47%	42%	54%	61%	56%	48%	19%
France	67%	60%	45%	33%	43%	48%	32%	42%	25%
EU 28	65%	56%	51%	44%	50%	55%	46%	46%	21%
Austria	63%	47%	48%	46%	51%	62%	50%	45%	21%
Czech Rep.	61%	57%	54%	48%	43%	51%	47%	48%	24%
Lithuania	60%	58%	42%	45%	45%	48%	40%	43%	20%
Germany	60%	48%	50%	39%	47%	55%	47%	44%	26%
Estonia	60%	51%	47%	41%	46%	52%	42%	40%	32%
Bulgaria	58%	53%	37%	36%	35%	33%	32%	39%	22%
Cyprus	58%	51%	50%	48%	44%	61%	45%	48%	23%
Hungary	58%	51%	45%	40%	43%	45%	43%	42%	27%
Greece	57%	49%	45%	39%	44%	53%	45%	45%	26%
Italy	55%	41%	31%	29%	37%	39%	32%	34%	34%
Slovenia	54%	46%	35%	45%	40%	47%	37%	39%	25%
Malta	53%	43%	34%	41%	46%	55%	42%	35%	26%
Romania	53%	45%	30%	32%	32%	32%	29%	34%	30%
Poland	47%	39%	43%	45%	35%	39%	35%	29%	25%
Croatia	45%	36%	30%	35%	32%	41%	30%	34%	33%

Table 9: % of each Member State's total population that agree with the following statements related to the appreciation of online content offered by legal services

	The quality of content offered by lawful services is at least as good as what can be found through illegal solutions - Totally agree	The diversity of content offered by lawful services is at least as good as what can be found through illegal offers - Totally agree	Whenever there is an affordable legal option I prefer to access/download/ stream content through authorised platforms and do not access/download/stream illegally - Totally agree
Austria	57%	52%	80%
Belgium	62%	58%	77%
Bulgaria	58%	54%	81%
Cyprus	45%	48%	72%
Czech Rep.	58%	52%	65%
Germany	55%	48%	79%
Denmark	60%	48%	84%
Estonia	49%	43%	71%
Spain	51%	46%	86%
Finland	77%	69%	88%
France	59%	53%	76%
Greece	54%	53%	81%
Croatia	52%	49%	71%
Hungary	59%	56%	84%
Ireland	72%	70%	87%
Italy	40%	38%	77%
Lithuania	57%	58%	73%
Luxemburg	61%	60%	79%
Latvia	33%	53%	80%
Malta	36%	38%	75%
Netherlands	61%	53%	81%
Poland	58%	57%	86%
Portugal	51%	52%	81%
Romania	49%	58%	78%
Sweden	65%	54%	84%
Slovenia	53%	51%	70%
Slovakia	58%	52%	71%
UK	59%	53%	81%
EU28	55%	50%	80%



APPENDIX B

QUANTITATIVE QUESTIONNAIRE

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



Q1 - Personally, would you say that you have a very good, rather good, rather poor, or very poor understanding of the meaning of the following terms: (READ OUT - ONE ANSWER ONLY)

	Very good	Rather good	Rather poor	Very poor	DK/NA
Intellectual property					
Copyright					
Performers' rights					
Trademarks					
Patents					
Geographical indications					
Design					
Trade secrets					

Q2 - For each of the following statements, please indicate whether they are true or false, or if you do not know at all: (READ OUT - ONE ANSWER ONLY) [ROTATE STATEMENTS 1 TO 7]

	True	False	DK/NA
When someone has purchased computer software legally, they have the right to let other people install it and use it on their computer			
Copyright allows all the creators to share freely everything they create			
A trademark could be a logo or anything designed to help consumers identify the product or service			
After a certain period of time, patented inventions can be legally copied by anyone			
The design of a product cannot be protected, it is only possible to protect logos and product names			
Geographical indications are details put on the products that identify the manufacturer in case of a complaint			
It is illegal for a business to keep trade secrets			

Q3a - The process of creation or invention requires work and investment. Intellectual property is the set of principles and rules that guarantee that inventors, performers, artists and authors can protect the rights they have over their creation and receive a financial reward from its potential trade.

In your opinion, who benefits the most from the protection of intellectual property? Firstly? (READ OUT - ONE ANSWER ONLY) [ROTATE ITEMS 1 TO 8]

.....
Consumers like yourself

.....
Big companies

.....
Small and medium companies

.....
Famous performing artists (musicians, singers, actors)

.....
Less well-known performing artists (musicians, singers, actors)

.....
Inventors

.....
Creators of artistic content like photographers, sculptors, painters

.....
Politicians

.....
None (DO NOT READ OUT)

.....
DK/NA





Q3b – And then? (READ OUT - MAX.3 ANSWERS)

Consumers like yourself

Big companies

Small and medium companies

Famous performing artists (musicians, singers, actors)

Less well-known performing artists (musicians, singers, actors)

Inventors

Creators of artistic content like photographers, sculptors, painters

Politicians

None (DO NOT READ OUT)

DK/NA

Q4 - During the past 12 months, have you done any of the following?

(READ OUT - MULTIPLE ANSWERS POSSIBLE) [ROTATE STATEMENTS 1 TO 4]

Bought counterfeit products intentionally

Bought counterfeit products as a result of being misled

Accessed/downloaded or streamed illegal content from the internet

Intentionally

Paid to access, download or stream copyright protected content from a

lawful service on the Internet (for instance music, video, film or TV series)

None (DO NOT READ OUT)

DK/NA

Q5 - Over the last 12 months which of the following situations have you experienced personally?

(READ OUT - MULTIPLE ANSWERS POSSIBLE) [ROTATE STATEMENTS 1 TO 7]

I considered purchasing a counterfeit product but did not do so because of ethical concerns

I considered downloading artistic content from the internet but did not do so because of ethical concerns

I considered purchasing a counterfeit product but did not do so because of fear of prosecutions or fines

I considered downloading artistic content from the internet but did not do so because of fear of prosecutions or fines

I considered accessing/downloading artistic content illegally from the internet but did not do so because of computer safety concerns (e.g. viruses)

I wondered if a site where I could download music or videos was legal or not

I researched to check if a site where I could download music or videos was legal or not

None (DO NOT READ OUT)

DK/NA



Q6 - Please tell me if you totally agree, tend to agree, tend to disagree or totally disagree with the following statements: (READ OUT - ONE ANSWER ONLY)

	Totally agree	Tend to agree	Tend to disagree	Totally disagree	DK/NA
It is acceptable to purchase counterfeit products when the price for the original and authentic product is too high					
It is acceptable to buy counterfeit products when the original product is not or not yet available where you live					
It is acceptable to buy counterfeit products when the quality of the product does not matter					
It is acceptable to buy counterfeit products when it concerns luxury products					
It is acceptable to illegally download content from the internet when there is no immediately available legal alternative					
It is acceptable to download content from the internet when it is for my personal use					
Buying counterfeit products ruins businesses and jobs					
Buying counterfeit products supports child labour and illegal trafficking					
Buying counterfeit products poses a threat to health					
Buying counterfeit products discourages companies from inventing new products and introducing them to the market					
Buying counterfeit products allows making a smart purchase that enables you to have the items that you wanted while preserving your purchasing power					
Buying counterfeit products is an act of protest and a way to resist to the market driven economy and the large premium brands					

Q7 – Please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree with each of the following statements:

(READ OUT - ONE ANSWER ONLY) [ROTATE STATEMENTS 1 TO 7]

	Totally agree	Tend to agree	Tend to disagree	Totally disagree	DK/NA
Protecting intellectual property is important so no one can claim that they are the creator of a piece of art or the inventor of something when in reality this is not the case					
Protecting intellectual property is important because it contributes to improving and guaranteeing the quality of products and services					
If there was no longer any intellectual property protection there would be economic chaos					
If there was no longer any intellectual property protection, business and individuals would become less innovative					
Intellectual property and innovation go hand in hand, the one cannot really exist without the other					
It is important that inventors, creators and performing artists could protect their rights and be paid for their work					
Companies that create a lot of intellectual property (that hold patents, trademarks, designs, copyrights, trade secrets) contribute significantly more than the others to the creation of jobs/growth					





Q8 – As far as you know, which of the following types of content are available online for legal access or download/stream in (OUR COUNTRY)?

(READ OUT - MULTIPLE ANSWERS POSSIBLE)

.....
Music

.....
Films

.....
TV series

.....
Live sports events

.....
Books

.....
Newspapers

.....
Photographs

.....
Videogames

.....
None (DO NOT READ OUT)

.....
DK/NA

Q9 – For each of the following statements regarding lawful services offering content protected by copyright and related rights (such as music, films etc.) on the internet please indicate whether you totally agree, tend to agree, tend to disagree or totally disagree:

(READ OUT - ONE ANSWER ONLY)

	Totally agree	Tend to agree	Tend to disagree	Totally disagree	DK/NA
The quality of content offered by lawful services is at least as good as what can be found through illegal solutions					
The diversity of content offered by lawful services is at least as good as what can be found through illegal offers					
Whenever there is an affordable legal option I prefer to access/download/stream content through authorised platforms and do not access/download/stream illegally					
Illegal download and stream of copyright protected material is a threat to the economy and employment within the EU					





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

APPENDIX C

METHODOLOGICAL NOTE

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR



Between 21 and 27 May 2013, TNS opinion carried out the survey "Property rights in the European Union". This survey has been requested by the company Edelman SA based in Paris, France. It covers the population of the respective nationalities of the European Union Member States, resident in each of the 27 Member States and aged 15 years and over. It was also conducted in Croatia. The survey covers the national population of citizens (in these countries) as well as the population of citizens of all the European Union Member States that are residents in these countries and have a sufficient command of the national languages to answer the questionnaire. All interviews were carried out using the TNS e-Call centre (centralized CATI system). In every country respondents were called both on fixed lines and mobile phones. The basic sample design applied in all states is multi-stage random (probability). In each household, the respondent was drawn at random following the "last birthday rule".

A comparison between the sample and the universe was carried out. The Universe description was derived from the national statistics office. The weighting procedure, using marginal and intercellular weighting, was carried out based on this Universe description. Gender and age, region and working status were introduced in the iteration procedure.

Readers are reminded that survey results are estimations, the accuracy of which, everything being equal, rests upon the sample size and upon the observed percentage. With samples of about 1,000 interviews, the real percentages vary within the following confidence limits:



Statistical margins due to the sampling process
(at the 95% level of confidence)

<i>various sample sizes are in rows</i>												<i>various observed results are in columns</i>											
	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%		5%	10%	15%	20%	25%	30%	35%	40%	45%	50%		
	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%		95%	90%	85%	80%	75%	70%	65%	60%	55%	50%		
N=50	6,0	8,3	9,9	11,1	12,0	12,7	13,2	13,6	13,8	13,9	N=50												
N=500	1,9	2,6	3,1	3,5	3,8	4,0	4,2	4,3	4,4	4,4	N=500												
N=1000	1,5	1,9	2,2	2,5	2,7	2,8	3,0	3,0	3,1	3,1	N=1000												
N=1500	1,1	1,5	1,8	2,0	2,2	2,3	2,4	2,5	2,5	2,5	N=1500												
N=2000	1,0	1,3	1,6	1,8	1,9	2,0	2,1	2,1	2,2	2,2	N=2000												
N=3000	0,8	1,1	1,3	1,4	1,5	1,6	1,7	1,8	1,8	1,8	N=3000												
N=4000	0,7	0,9	1,1	1,2	1,3	1,4	1,5	1,5	1,5	1,8	N=4000												
N=5000	0,6	0,8	1,0	1,1	1,2	1,3	1,3	1,4	1,4	1,4	N=5000												
N=6000	0,6	0,8	0,9	1,0	1,1	1,2	1,2	1,2	1,3	1,3	N=6000												
N=7000	0,5	0,7	0,8	0,9	1,0	1,1	1,1	1,1	1,2	1,2	N=7000												
N=7500	0,5	0,7	0,8	0,9	1,0	1,0	1,1	1,1	1,1	1,1	N=7500												
N=8000	0,5	0,7	0,8	0,9	0,9	1,0	1,0	1,1	1,1	1,1	N=8000												
N=9000	0,5	0,6	0,7	0,8	0,9	0,9	1,0	1,0	1,0	1,0	N=9000												
N=10000	0,4	0,6	0,7	0,8	0,8	0,9	0,9	1,0	1,0	1,0	N=10000												
N=11000	0,4	0,6	0,7	0,7	0,8	0,9	0,9	0,9	0,9	0,9	N=11000												
N=12000	0,4	0,5	0,6	0,7	0,8	0,8	0,9	0,9	0,9	0,9	N=12000												
N=13000	0,4	0,5	0,6	0,7	0,7	0,8	0,8	0,8	0,9	0,9	N=13000												
N=14000	0,4	0,5	0,6	0,7	0,7	0,8	0,8	0,8	0,8	0,8	N=14000												
N=15000	0,3	0,5	0,6	0,6	0,7	0,7	0,8	0,8	0,8	0,8	N=15000												
	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%		5%	10%	15%	20%	25%	30%	35%	40%	45%	50%		
	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%		95%	90%	85%	80%	75%	70%	65%	60%	55%	50%		

APPENDIX C - METHODOLOGICAL NOTE

THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

ABBR.	COUNTRIES	INSTITUTES	N° INTERVIEWS	FIELDWORK DATES		POPULATION 15+
BE	Belgium	TNS Dimarso	1.002	21/05/2013	27/05/2013	8.939.546
BG	Bulgaria	TNS BBSS	1.001	21/05/2013	27/05/2013	6.537.510
CZ	Czech Rep.	TNS Aisa s.r.o	1.000	21/05/2013	27/05/2013	9.012.443
DK	Denmark	TNS Gallup A/S	1.008	21/05/2013	27/05/2013	4.561.264
DE	Germany	TNS Infratest	1.000	21/05/2013	27/05/2013	64.409.146
EE	Estonia	TNS Emor	1000	21/05/2013	27/05/2013	945.733
EL	Greece	TNS ICAP	1.000	21/05/2013	27/05/2013	8.693.566
ES	Spain	TNS Demoscopia S.A	1.000	21/05/2013	27/05/2013	39.035.867
FR	France	TNS Sofres	1.010	21/05/2013	27/05/2013	47.756.439
IE	Ireland	IMS Millward Brown	1.000	21/05/2013	27/05/2013	3.522.000
IT	Italy	TNS Italia	1.000	21/05/2013	27/05/2013	51.862.391
CY	Rep. of Cyprus	CYMAR	502	21/05/2013	27/05/2013	660.400
LV	Latvia	TNS Latvia	1.003	21/05/2013	27/05/2013	1.447.866
LT	Lithuania	TNS LT	1.000	21/05/2013	27/05/2013	2.829.740
LU	Luxembourg	TNS Dimarso	503	21/05/2013	27/05/2013	404.907
HU	Hungary	TNS Hoffmann Kft	1.000	21/05/2013	27/05/2013	8.320.614
MT	Malta	MISCO International Ltd	500	21/05/2013	27/05/2013	335.476
NL	Netherlands	TNS NIPO	1.002	21/05/2013	27/05/2013	13.371.980
AT	Austria	TNS Austria	1.005	21/05/2013	27/05/2013	7.009.827
PL	Poland	TNS OBOP	1.000	21/05/2013	27/05/2013	32.413.735
PT	Portugal	TNS EUROTESTE	1.000	21/05/2013	27/05/2013	8.080.915
RO	Romania	TNS CSOP	1.004	21/05/2013	27/05/2013	18.246.731
SI	Slovenia	RM PLUS	1.006	21/05/2013	27/05/2013	1.759.701
SK	Slovakia	TNS AISA Slovakia	1.000	21/05/2013	27/05/2013	4.549.955
FI	Finland	TNS Gallup Oy	1.000	21/05/2013	27/05/2013	4.440.004
SE	Sweden	TNS SIFO	1.000	21/05/2013	27/05/2013	7.791.240
UK	United Kingdom	TNS UK	1.000	21/05/2013	27/05/2013	51.848.010
TOTAL EU27			25.546	21/05/2013	27/05/2013	408.806.312
HR	Croatia	Hendal	1.003	21/05/2013	27/05/2013	3.749.400
TOTAL			26.549	21/05/2013	27/05/2013	412.555.712



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THE EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR

