



COUNTERFEIT CLOTHING AND SPORTS SHOES

CONSUMER GUIDELINES



Know the problem to deal with it better

IO SONO ORIGINALE Project



with funding from the **Ministry of Economic Development**
Directorate General for the Fight against Counterfeiting
Italian Patent and Trademark Office



*Ministero
dello Sviluppo Economico*

Produced by the Consumer Associations of **CNCU**



Consiglio Nazionale dei
Consumatori e degli Utenti

With the collaboration of **Assosport**

ASSOSPORT
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FRA I PRODUTTORI DI ARTICOLI SPORTIVI



Guidelines edited by Consumers League

CONTENTS

WHAT IS COUNTERFEITING	04
HOW TO PROTECT YOURSELF	04
GOOD RULES	05
COUNTERFEITING IN THE CLOTHING AND FOOTWEAR SECTORS	06
REGULATORY REFERENCES	07
CLOTHING	07
FOOTWEAR	09
SPORTSWEAR	11
SPORTS SHOES	13
DAMAGES CAUSED BY COUNTERFEITING	15
GUIDELINES:	17
HOW TO AVOID COUNTERFEIT GOODS	17
WHAT TO DO IN CASE OF COUNTERFEIT GOODS	21
WHOM TO CONTACT TO PROTECT YOURSELF	21

WHAT IS COUNTERFEITING

The term “counterfeit” means reproduction of goods in such a way that they can be mistaken for the original, or producing, importing, selling or using products or services covered by intellectual property rights. Counterfeiting is a very old phenomenon that affects many sectors. The marketing of counterfeit products affects not only the health and safety of consumers but also the economy of the country since the fraudulent imitation of a product can also cause derailing of trade and unfair competition, and inflicts very serious damage on research development and innovation capacity.

HOW TO PROTECT YOURSELF

The sale of counterfeit goods occurs via various distribution channels, where counterfeiting is not always obvious. It can often be accomplished through markets outside regular distribution, such as stalls or beaches, or via Internet, and finally in shops that are part of regular distribution. These guidelines provide practical advice to guard against the danger of unknowingly buying counterfeit goods.



GOOD RULES

COUNTERFEITING IS NOT ALWAYS OBVIOUS. TO AVOID UNKNOWINGLY BUYING COUNTERFEIT GOODS IT IS IMPORTANT TO FOLLOW SOME SIMPLE RULES:

- avoid buying products that are too cheap; too low a price can be attractive but is indicative of poor quality; it may seem like an opportunity but instead you buy a product that does not last, and will wear out long before the original.
- For purchases always go to **authorized dealers**, which offer clear assurances about the origin of the goods; be wary of products generally marketed through official sales channels that are being sold along roads or on beaches by unlicensed vendors, at stalls or in flea markets, etc.
- Before making purchases of significant value, seek advice from people with greater knowledge of the product.
- Always check the labels on purchased products (the label is their “identity card”), and be wary of those with lowercase or unclear writing, or lacking indications of origin and the “EC mark”; correct labels provide the best knowledge of the product: transparency of the brand, manufacturing process, place of production and characteristics.
- Buy only products in intact packaging and boxing, with the manufacturer’s name, making sure of their origin and of possible labels of quality or certification.
- Be careful of “door-to-door” sales: If you do not receive precise information of the seller’s identity and contact details (phone, address, etc.), the products may be counterfeit.

- Pay attention to the purchase of products offered on the Internet or television programs, especially if there is no possibility to inspect the goods before purchase and return them upon receipt.

COUNTERFEITING IN THE CLOTHING AND FOOTWEAR SECTORS

The clothing and footwear sectors are among those most affected by illegal trade. Every year thousands of tons of counterfeit products enter Italy and are sold mostly by itinerant vendors.

In 2013 more than 130 million counterfeit products bearing false indication of origin or dangerous to health were seized, with a growth of over 25% compared to 2012. Seizures in the clothing industry concerned nearly 22 million pieces.

In 2013 there was a 60% increase over the previous year of the seizure and blocking by the Guardia di Finanza of illegal web platforms used to trade in fake goods.

In the area of clothing and footwear, as in other business sectors, counterfeiting constitutes theft in the value of their brand, their reputation, research, creativity and communication, which are critical to the success of a product.

We need to promote the culture that the act of purchasing a counterfeit product is not an individual matter, but has an impact on economic development, employment, tax evasion and social security contributions, and thus on the common good.

The sectors of clothing and footwear, also for sports, are susceptible to direct health risks to the consumer and his family. The risk to the health of the citizen is caused by the use of chemicals not suitable for contact with the skin, which often lead to irritation and poisoning, and in extreme cases even to burns.

REGULATORY REFERENCES

CLOTHING

To ensure that an item of clothing is not counterfeit one must have a clear indication of the product in various stages of production.

Italian law requires that all textile products sold to the final consumer bear a label that specifies their fibre composition (Legislative Decree no. 194/1999, implementing Dir. CE 96/74).

All products made available on the market must have a label with: company name or trademark or name and full address of the manufacturer or importer (art. 6 Consumer Code - Article 104 Consumer Code).

Some items of sports clothing are designed for protection of the human body (e.g. ski gloves, motorcycle helmets): in this case it is mandatory to have EC marking and display full identity of the manufacturer or importer.

So as not to mislead the consumer, it should indicate the country of origin (article. 517 Penal Code, art. 3 dpr 656/1968 - article 4 paragraph 49 of Law 350/2003 49a - art. 21-22 Consumer Code).

Fibre label

Reg. (EU) 1007/2011 (entered into force May 8, 2012) made changes on the labelling of the fibre composition of textile products.

Principal requirements for fibre content label:

- it must contain the name or trademark of the company that marketed the product.
- It must show the full name of the textile fibres that make up the product itself (acronyms or abbreviations are not to be used).

- It must indicate the presence of “non-textile parts of animal origin”.
- It must be written in the Italian language, clearly and legibly.
- It can be omitted on products that are not at least 80% textile fibres by weight.
- It can include the term “pure” or “all” if the textile product is composed entirely of a single fibre. The tolerance of other fibres in the products is defined at 100.

Care labelling

A circular from the Ministry of Industry (Circ. Min. 07.02.2001 referring to the European technical standard EN 23758/93) extended to the area of textiles the provisions for the care labelling of a large number of products by the Law Decree 126/91 and corresponding implementation (Ministerial Decree 101/1997). This label is particularly important, as the textile fibres and colourings used in the dyeing and printing process respond differently to washing with water and dry-cleaning, the temperature at which these treatments are carried out, and products used for bleaching.

This label is useful:

- for the consumer, because it prevents errors that can cause damage to the garment.
- For the manufacturer because it avoids lengthy and costly litigation in the case of garments subjected to washing in conditions other than those prescribed by the label.

Care labelling:

- must contain the symbols of washing, using unified symbols under an international technical standard (there are 5 mandatory symbols: wet washing, bleaching, tumble drying, ironing, dry cleaning).

The symbols mentioned by ISO are just a few specific cases of care. Any other information not covered by the symbols must be provided in Italian.



FOOTWEAR

In the purchase of footwear, attention should be paid to the materials used for the various parts of the shoe (sole, upper, etc.), so the label should be read carefully.

This is like an identity card of the product:

- it must always appear on at least one shoe of each pair. It indicates what materials have been used and, at times, where it was made (useful because it provides information on the conditions of production).
- The label must provide information on the material that constitutes at least 80% of the surface of the upper (the outer surface attached to the sole), the lining and inner sole (ie, lining and insole, constituting the inside of the shoe) and at least 80% of the volume of the outer sole (bottom surface of the shoe subjected to abrasive wear, attached to the upper).

If no material reaches at least 80%, information must be provided on the two main components.

Symbols corresponding to materials:

- **leather:** general term to designate the hide or skin of an animal, which has preserved its original fibrous structure more or less intact, tanned so that it does not rot.

HOW TO READ LABELS

Parts of the shoe and their symbols:



upper: outer surface of the shoe attached to the outer sole



upper lining and insole: lining and insole that make up the inside of the shoe



outer sole: lower surface of the shoe, attached to the upper and in contact with the ground, thus subject to wear-and-tear

Materials used:



hide and leather: indicates hide or leather of an animal properly tanned to prevent rotting



coated leather: product with a layer of coating on the leather not to exceed one-third of total product thickness, but greater than 0.15 cm



textile materials: natural and synthetic or non-woven



other materials

Example of labelling for a shoe made entirely of leather:



- **Coated leather:** a product in which coating or gluing does not exceed one third of the total thickness of the product, but are greater than 0.15 mm.
- **Textiles:** natural materials and synthetic or non-woven textile materials.
- **Other materials:** materials other than those described.

All products on the market must carry a label with: company name or trademark or name and full address of the manufacturer or importer (art. 6 Consumer Code - Article 104 Consumer Code).

Some footwear products for sports activities are designed for protection of the human body (e.g. motorcycle boots, ski boots): in this case they must carry the EC mark and full identity of the manufacturer or importer.

So as not to mislead the consumer, the country of origin should be indicated (article. 517 Penal Code, art. 3 dpr 656/1968 - article 4 paragraph 49 of Law 350/2003 49a - art. 21-22 Consumer Code).

SPORTSWEAR

There are mainly two types of counterfeit products on the market:

- the first is products that are readily reproducible, such as T-shirts, non-technical shoes and gadgets, which are primarily sold on stalls in local markets and, more generally, by street vendors: it is estimated that this type of counterfeiting amounts to about 90% of the total market.
- The remaining 10% are counterfeit products of high quality, which are sold in stores along with original products: This type of merchandise is more difficult to identify as it is used by those same companies in outsourcing or licensing, which - in contravention

to agreements with companies who own the labels - continue to produce even after the expiry of the license agreement.

Only through specific inspections carried out by highly qualified personnel is it possible to make judgments about the authenticity of these counterfeit products.

It is interesting to observe that, in most cases, the counterfeit product can be detected through the analysis of its packaging: packages or boxes used for the storage of the product, in fact, in many cases, are of poor quality and of negligible value.

It's useful to know that the sale of counterfeit products is closely linked with major sporting events.

Concerts and championships and other major industry events normally attract organized counterfeiters, who set up trade around the locations of such events. Sellers are generally itinerant and transport small quantities of counterfeit goods.



From the legal standpoint, the "Reach" law, which was adopted by the EU in 2007, deals with the regulation and import of chemicals in consumer goods. The legislation is extremely important in view of controls, since it provides both registration and subsequent authorization to use approximately 30% of the chemicals circulating in the territory.

It should be noted that the "Reach" legislation concerning the use of chemical substances is mandatory throughout the production chain (from raw materials to packaging for sale). However, other factors affect the physical and mechanical safety of products intended for adults and children.

SPORTS SHOES

The most widely counterfeited sports shoes are not primarily "made in Italy" but from large multinational companies, especially products made outside the European Union, where there are no Community rules.

This problem is solved with the commitment and seriousness of big companies and big names to make the entire production process 'transparent', putting the necessary information about their methods and stock disposal online, and this is an on-going process with some positive examples.

Among the most counterfeited brands are: Nike, Adidas, Puma, Fila.

The Labelling of footwear is governed by the Ministerial Decree of 11 April 1996 which transposes Directive 94/11 / EC. The decree defines footwear as all products with applied soles designed to protect or cover the foot, including parts marketed separately. Indicated below are those of the sports category:

- tennis shoes, running shoes and other sports shoes.
- Special footwear designed for sporting activity that can be fitted with cleats, crampons, clamps, clips or the like and footwear for skating, wrestling, skiing, boxing and cycling.
- Dancing shoes.
- Footwear of a single piece made with rubber or plastics, excluding disposable items made of flimsy material (paper or lightweight plastics) without applied soles.

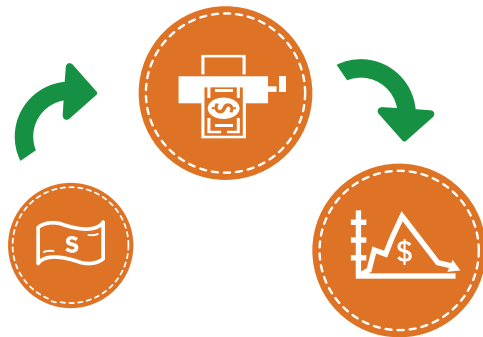
Only footwear labelled in accordance with legislation in force can be placed on the market. The label must provide written information in Italian about the materials used for the three parts that make up the footwear: upper, lining and insole, outsole.

Tougher sanctions

From a general point of view, the Development Law of 2009 (Legge Sviluppo del 2009) is of fundamental importance. Thanks to it, sanctions have been tightened and penalties provided for the mandatory confiscation of goods from those who commit the crime of counterfeiting, and new aggravating circumstances have been introduced for those who commit the crime of counterfeiting in a systematic manner or with the setting up of means and organized activities. Very important was the introduction of a type of offense intended to sanction against the manufacture and sale of goods by usurping titles of industrial property.

The penal code

Articles that contain anti-counterfeiting rules are numbers: 473-474-474BIS-474TER-474QUATER, 475-514-517- 517BIS-517TER-517QUATER-517QUIQUIES.



DAMAGES CAUSED BY COUNTERFEITING

Counterfeiting not only translates into economic and image loss for the companies affected, but is a complex criminal phenomenon that involves all.

Counterfeiting harms individuals, the family and the community in the following ways:

Health

Risk to the health of the citizen, his family and the environment is caused by the use of **harmful chemicals in contact with the skin**. These substances not found in nature and are part of the group of alkylphenol ethoxylates, and can cause dermatitis and allergies and environmental pollution. They are bioaccumulative and toxic to aquatic organisms.

Other substances are aromatic amines, substances released from dyes during production and subsequent use of the garments. These amines, when absorbed into the skin, may have carcinogenic effects. The use of low-cost dye allows attractive savings. Azoic dyes, which contain aromatic amines, are unfortunately used for the manufacture of a large number of products containing wool, cotton and leather.

Natural Environment

These chemicals have low biodegradability and are thus bioaccumulative, and can affect the food chain. Because of their harmful effects on health and environment, they are banned in Europe.

Security

Counterfeiting is one of the sources of financing for organized crime. The more this business thrives, the greater the ability of criminal action at all levels.

Exploitation of labour

The management of the supply chain of fake products requires the use of workers without due respect for their dignity, even involving the exploitation of women, children and illegal immigrants.

Companies are also affected by the phenomenon in the following ways:

- **unfair competition:** brand companies invest in product, materials and communication research; they strive to offer their customers products that are better, safer, more functional and more attractive. These huge investments are largely outweighed by those who produce fakes: they, in fact, often use inferior materials, do no research, and exploit brand advertising.
- **Loss of product value:** Registered brand name products are based on a thorough job of planning, design, manufacturing, distribution and communication. **Fakes disregard these requirements, creating a gap that inflicts damage to the image of a legal product** that is huge and unfair.
- **Tax revenue:** the huge turnover of the fake industry generates huge profits for international crime, but does not produce any income tax! Indeed, it decreases, sometimes very significantly, the profits of firms affected by counterfeiting, which lowers their tax revenue. The loss of tax revenue then fatally translates into increased social costs.

GUIDELINES

How to avoid counterfeit goods

Scammers know how to replicate branded products perfectly to make them look real. These fakes may give the appearance of a status symbol, at high risk of being discovered for what they are, being less durable than the originals because they involve poor materials and workmanship. It's no coincidence that they cost much less than the original. The consumer has a very effective weapon to keep criminal organizations from getting rich running the thriving counterfeit industry: **not to buy any fake or counterfeit product, and to interpret this need as a duty of civic participation.**

Some tips for recognizing counterfeit products:

- pay attention to labels: In the area of clothing and footwear you need to become educated to read the labels and heed them.
- Be wary of too-low prices. The excessive gap between quality and price is a basic feature of counterfeiting.
- Be very careful when buying on the net and from television programs where you cannot test the product.
- Personally check your supplier:
 - if the answer **to your email** evades questions about prices, certification standards or quality etc. **and/or pressures you for payment** as soon as possible.
 - **If the supplier does not have a website and/or has a low social capital** it is probably an amateur or such a small company that in case something goes wrong, it does not have the resources to reimburse you.

– **If it refuses to put you in touch with its past customers**, there are two possibilities: either it has never had foreign customers or, perhaps worst of all, it knows for certain that its previous customers might have a bad opinion.

– **If it demands to be paid into a bank account that is not in the name of the supplier company**, the supplier company may deny having received payment and therefore refuse to send you the goods for which you have already paid.

● Verify that **the online seller guarantees the consumer the enjoyment of his rights**.

In fact, on-line offers to consumers in the EU, accessible to them, must comply with the Consumer Code (Community regulations).

The good faith of those who sell online means providing the consumer with all the information necessary for an informed purchasing decision, including the data of the manufacturer and/or distributor, so that they can be contacted, as well as guaranteeing the right to cancel and return the product within 10 working days from the purchase made on-line or from a distance.

The more the online retailer observes the rights of consumers, the more available he is to being contacted, the lower the probability that he is knowingly marketing counterfeit products.

How to recognize an original soccer jersey - online purchase

Buying a football team uniform online is often economical, but sometimes you find yourself with a fake jersey, such as those sold by street vendors. To avoid this risk, it is important to know **how to recognize an original soccer jersey**, carefully examining the details, price and delivery terms.

Before delivery, not having the jersey in hand, it is obviously difficult to know if the shirt in question is a fake. However, pay attention to two factors: **the price and the shipping time**.

● If the cost of the garment is much lower than normal (an original jersey from an official dealer costs about 80 euro), it is probably a fake. Obviously jerseys of past editions can have a lower value (between 25 and 40 euro), but if you find your team's new jersey for 40-45 euro, your suspicions are well founded.

● Similarly, be careful at the time of shipment, as long waiting times can mean goods are being shipped from distant countries, producers of counterfeit items.



As for the uniform itself, some details reveal if we have purchased a fake football jersey.

For example, replicas of original jerseys do not have the Serie A patch already attached to the sleeve: the symbol of the football league (or foreign leagues) is an accessory sold separately, and can optionally be added to the jersey later.

Embroidered crests and logos, on the back of the jersey, are fairly coarsely stitched, while on original jerseys they seem practically printed on the fabric without smudging on the back. In any case don't give too much importance to the presence of a tag: a jersey without a tag is certainly a fake (or, perhaps, simply used), but those with tags can also be non-original, as it is not too complicated to copy Nike, Adidas or other brand logos with the aid of a computer. Finally, remember that fake jerseys are almost always produced in sizes M and L; if the seller has only this size garments, they are probably not original goods.

These are just some possible details to bear in mind when purchasing your favourite team's jersey on the Internet.

In any case, always apply **the rules of common sense**, so beware!

By way of example, among the many brands of counterfeit sports products consider the case of Nike footwear.

How to recognize fake Nike Shoes

First observe the Nike symbol. It appears on the side of all the shoes.

Fake ones have it attached, while Nike shoes have it properly sewn. Check this aspect well.

Furthermore, real Nikes always have even seams, as opposed to fakes, which show various irregularities.

The sole of a fake Nike is always made of plastic, making the shoes slippery. Real Nikes do not slip. The packaging in which the shoes are delivered, if they are real Nikes, will always be a very strong, durable cardboard box with the symbol. On the contrary, if they are fakes, they will give you any kind of box.

Check carefully that the reference number on the label is the same as what appears on the box. With real shoes they are the same. Fake Nike shoes are made of plastic. It is easy to tell, with a simple stroke of the hand. You can tell if it is plastic or leather. And sometimes we are not aware of errors in the name of the brand. Real Nike shoes must have the name NIKE spelled correctly. On the contrary, sometimes in fakes we find names like NIKKE or NAIK.

WHAT TO DO IN CASE OF COUNTERFEIT GOODS


It should be remembered that only with **reputable retailers, possibly officially authorized** by the manufacturer, can you be sure you are buying **truly authentic items**.

WHOM TO CONTACT TO PROTECT YOURSELF

In the event that the buyer has a reasonable suspicion that he has unknowingly bought a fake product, it can be reported to:

**Directorate General for the Fight against Counterfeiting – I.P.T.O.
Ministry of Economic Development**

→ CALL CENTER

 | +39 06 4705 5800  | +39 06 4705 5750

From Monday to Friday from 9:00 to 17:00

 | contactcenteruibm@mise.gov.it

→ ANTI-COUNTERFEITING HOTLINE

 | +39 06 4705 3800  | +39 06 4705 3539

From Monday to Friday from 9:00 to 17:00

 | anticontraffazione@mise.gov.it

→ INFORMATION CENTRE

From Monday to Friday from 9:30 to 13:30

For afternoon appointments, contact the Call Center

→ For more information **consult the WEB** at the following addresses:

www.mise.gov.it

www.uibm.gov.it

Customs Agencies

→ F.A.L.S.T.A.F.F. PROJECT

Developed and launched since 2004, the FALSTAFF project aims to promote the circulation of original goods, conforming to quality and safety, to ensure free competition in the market. The FALSTAFF project team can be contacted at the following address:

 | dogane.falstaff@agenziadogane.it

Finance Guard

→ S.I.A.C. PROJECT

The Anti-Counterfeiting Information System (SIAC) is co-funded by the European Commission and entrusted by the Ministry of the Interior to the Finance Guard, confirming the central role of the Corps in the specific operating segment.

The initiative is inspired by the knowledge that to deal with an illicit and transversal multi-dimensional phenomenon like counterfeiting a “system” is necessary among all institutional components and actors involved in the fight against the “counterfeit industry”. On this basis, the project was designed as a multifunctional online platform composed of several applications, which perform the following functions:

- information for consumers.
- Cooperation among institutions and, in particular, among Police Forces and between these and Municipal Police forces.

- Collaboration between institutional components and companies.

The website of the Anti-Counterfeiting Information System is overseen by the staff of the Special Market Protection Unit, reporting to the Special Forces Command of the Finance Guard.

You can contact the office of the S.I.A.C. at:

 | +39 08 0588 2221

or at the address:

 | siac@gdf.it