

COMBATTING THE “FAKE ONE”: A CASE STUDY OF COUNTERFEIT SITI KHADIJAH TELEKUNG

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Abstract: *Counterfeit goods purchase issues have become severe due to the tremendous consumer demand causing the mushrooming counterfeit markets. The dark markets pose the most substantial challenge for fashion manufacturers in preventing consumers from participating in counterfeiting activities as the growth of online marketplace enables the anonymous identity of both the seller and buyers. Based on the Siti Khadijah brand case study, this preliminary study sought to uncover insight into counterfeit goods purchased through the lens of fashion manufacturers through in-depth interviews. The data was analysed using inductive thematic analysis, and four themes emerged from this analysis: legal action, responsible consumers, unreachable audience, and lengthy process. The Siti Khadijah brand has taken serious measures to combat this illegal and unethical consumption practice. The conclusions confirmed that fashion manufacturers believe that educating and changing consumers' mindsets in respecting intellectual property rights were more sustainable prevention strategies than legal action and enforcement, which require many resources from fashion manufacturers. This preliminary study contributes knowledge to counterfeit branded fashion goods and consumer behaviour as the emerging themes described the insights captured from the Siti Khadijah brand, representing the Malaysian fashion industry, which has continuously become a victim of counterfeiters. This research contributes to scholarly and managerial knowledge in the Malaysian context through more cognizance of comprehending the actual cases of counterfeit consumption phenomena.*

Keywords: *Counterfeit Goods; Fashion Brand; Case Study; Thematic Analysis*

Introduction

Malaysia is one of the Asian countries struggling to combat the supply of counterfeit goods, as escalating consumer demands have led the Malaysian counterfeit market to hit a whopping RM464 million in business value (Nik Hashim et al., 2018). According to the Ministry of Domestic Trade and Consumer Affairs, 340 cases of counterfeit clothing confiscation were recorded across the country, and the confiscation value amounted to RM5.81 million in the year 2021 (The ASEAN Committee on Consumer Protection, 2022). Despite establishing few regulations and acts to monitor counterfeiting activity (Dahlan & Rosmin, 2022), globalisation facilitates the movement of counterfeit products across borders, making it a challenge for the authority bodies to enforce intellectual property rights in dealing with cross-border trade and online transaction (New Straits Times, 2023). Accordingly, the anti-counterfeiting programmes enforced in Malaysia are more concerned with removing counterfeit goods from the shelves and the market.

Malaysia has been positioned as number three in Asia for selling counterfeit goods; around 1,249 websites have been blocked, and 729 social media accounts with postings containing counterfeit products have been removed throughout 2023 (The Sun, 2024). Meanwhile, online counterfeit stores raise a severe concern about security among Malaysian consumers as they have been exposed to and encountered fake online shops when shopping online (e-Commerce Consumers Survey, 2022).

Siti Khadijah “telekung” (Muslim prayer garment) is one of the eminent Muslim brands that has been counterfeited and sold widely across Malaysia (Berita Harian, 2016; Harian Metro, 2018; Malaysia Gazette, 2019; New Straits Times, 2018). A past investigation discovered that Malaysian consumers preferred to call counterfeit goods with some terms, including “grade,” “premium,” “high-grade,” and “copy-ori”, which denote counterfeit branded fashion goods. Furthermore, consumers know that their purchasing behaviour of counterfeit fashion goods is illegal and unethical. However, they can still “excuse” their behaviour and compensate themselves for making the best purchase decision. To date, various efforts have been taken by Siti Khadijah to protect the legitimacy of its brand by registering 29 trademarks and 5 industrial designs in China, Malaysia, Indonesia, Singapore, Brunei, Vietnam, yet it is unable to prevent the tremendous demand of counterfeit “telekung”. Hence, Siti Khadijah is aggressively monitoring the sales of fake goods on internet marketplaces and taking a strong legal action against the seller; however, this illicit market seems too immortal to be combatted.

Consequently, the presence of counterfeit “telekung” in the market not only leads to a loss of revenue and profits but also undermines the creativity and innovation of the human capital; thus, demotivating creative industry to be involved in innovation. Additionally, society awareness on intellectual property right is low and lack of knowledge on the concept of illegality and ethicality leading to the legitimization of the counterfeit goods purchase activity due to the existing regulation such as Copyright Act 1987 and Trade Description Act 201 only apply to the seller and distributor of the counterfeit goods (Hashim et al., 2020). This explains the reason of the encouraging consumer demand of counterfeit fashion goods, as consumers are free from any legal action that motivates their involvement in counterfeit market. This is a matter of concern for authority bodies to measure society’s awareness of the implication of practicing counterfeit goods purchase towards society, country’s economy and the environment. As indicated by earlier research, to attain sustainable behaviour and changes in

the consumption pattern, a better acquaintance of consumer psychology, personality and traits is indispensable for a transition to sustainable consumption (Manchanda et al., 2023).

In a nutshell, the emergence of digital technology contributes to the growing number of global prevalence of counterfeit market. Accessibility to the counterfeit market along with low price lure consumers to purchase counterfeit goods with minimal psychosocial risks (Priporas et al., 2015). Prior literature found that digital marketplace has led to an increase in consumers on counterfeit goods as this platform allows consumers to bypass conventional shopping method, thus allowing them to escape from being caught by the others on their purchase of counterfeit goods (Thaichon & Quach, 2016). Hence, the rise of digital technology not only led to a challenge for fashion manufacturer to invest on advanced technology to cope with IPRs infringement but also to the enforcement bodies to monitor the counterfeiting activities. As such, this requires a strong collaboration from various stakeholders to address the intellectual property issues (Abdullah, Hanafi, & Ismail Nawang, 2021). Fashion manufacturer like Siti Khadijah brand is continuously spreading information on the intellectual property rights protection to the public in order to enhance society awareness on the importance of purchasing the authentic goods. This study aims to explore the strategy taken by fashion manufacturer, Siti Khadijah in combatting counterfeiting activities and the effectiveness of preventing strategies in Malaysia context.

Literature Review

Counterfeiting refers to the unauthorised production of goods that imitate unique features, such as names, contents, or signs, legally recognised and protected by intellectual property rights (Bian et al., 2016). Counterfeiting of logos, trademarks, colours, emblems, or any visual element is prohibited by law in all countries. Research on counterfeit goods has shifted focus from consumers' general attitudes towards counterfeiting and piracy to investigating supply chains and examining the legality of consumers' voluntary participation in counterfeit consumption (Eisend & Schuchert-güler, 2006; Large, 2014). Grossman & Shapiro (1998) recognised two types of counterfeiting: deceptive and non-deceptive. Deceptive counterfeiting occurs when uninformed or unknowing people are tricked into buying counterfeit luxury fashion items. On the other hand, non-deceptive counterfeit purchase refers to a situation where a buyer knowingly and with sufficient knowledge chooses to buy counterfeit goods despite being able to differentiate them from genuine products (Wiedmann & Hennigs, 2017; Eisend & Schuchert-güler, 2006)

The emergence of online marketplaces and social media, which allow consumers to be anonymous, promotes counterfeit consumers to be irresponsible in their consumption practices. Research has shown that Malaysian consumers prioritise their economic interests rather than feeling obligated to safeguard the nation and the industry's capacity to endure (Harun et al., 2012; Koay, 2018). Hence, consumers believe that the luxury brand market has contributed to an unequal distribution of wealth in society, making consumers the "victims" (Koay, 2018) and to some extent, feelings of hatred and envy which drive consumers to engage in counterfeit goods purchase (Marticotte & Arcand, 2017). Consumers rationalised their purchase of counterfeit goods as morally acceptable, indicating a lack of integrity in their purchasing habits (Teo & Mohd Yusof, 2017; Ting et al., 2016). As pointed out by prior literature, research on counterfeit goods purchase was long due and paramount as the online marketplace has multiplied its size (Chaudhry, 2022) and generation has shifted, but consumers perception as being a "smart shopper" and savvy consumers through the purchase of counterfeit is still

unquestionable (Kumar et al., 2020; Singh et al., 2021). Some scholars claim that it is unjust to expect consumers to be responsible for addressing the issue of counterfeit fashion goods (Large, 2014) which denote a significant challenge to change consumers mindset, cultural values and norms on purchase behaviour in order to educate consumers to be involved in responsible consumption.

Prior literature found psychological justification through extrinsic benefits causes consumers resistance to disengage from counterfeit fashion consumption as the perceived value gained outweighs the perceived risks (Rosely et al., 2022; Bian et al., 2016; Pueschel et al., 2016; Quintanilla et al., 2010). Additionally, consumers found counterfeit is as an economical tool of self-identity construction and enhancement of social position, which explains this illicit market as “too good, to resist” although the goods have been recognised as “high-risk, high-return” due to the perceived risks (Katyal et al., 2022). Satisfying material need by settling for a good option at one particular time enables the consumers to justify counterfeit version as good enough by altering consumers’ cognitive goals to be satisfices. Hence, consumers involvement in counterfeit consumption is strongly influenced by psychological and consumers’ cognitive state in rationalizing their purchase action and behaviour. As discovered by prior study, the need to be accepted and fit in with one social group and social pressure (Kassim et al., 2021; Ngo et al., 2020) has led towards altering cognitive state to purchase counterfeit version by justifying it as the wise and smart choice in satisfying their affiliation needs.

Indeed, cultural values and society normalization on counterfeit goods purchase are the main barriers to breaking down the counterfeit market. Collectivist societies, particularly in Malaysia, exert a significant role in shaping other attitudes and purchase behaviour, and witnessing other’s behaviour that normalizes and practices unethical and illegal consumption practice further influences others as acceptable norm (Jiang & Shan, 2016). The assimilation of norms and rationalization of “everybody did it” explain why counterfeit markets are immortal and create a challenge for the country and fashion industry to combat the counterfeiters. Despite various strategies of educational and awareness program implemented by industry and government agencies, the success factors in combatting counterfeiters seem ineffective, as the challenge lies in changing deeply ingrained consumers habits and beliefs. Prior literature mentioned that the biggest challenge to combat counterfeiting activities is educating the public to respect intellectual property rights, thus changing the mindset of buying counterfeits to satiate the desire to be fashionable (New Straits Times, 2023). Additionally, addressing consumers’ misconception, ethics and legality as the message of consumer education is able to change society purchase decision making, particularly in communities with strong cultural values; thus, it is effective in decreasing the demand on counterfeit goods (Cheng & Hsiu, 2024). This finding is inconsistent with prior study that discovered the more knowledgeable and skillful consumers on counterfeit goods, they feel more certain to engage in counterfeit goods purchase (Katyal, et al., 2022; Bian et al., 2016; Pueschel et al., 2016). Accordingly, there is a need to explore the insight from the lens of fashion manufacturer on the strategy of educating the society and combatting counterfeit market.

Methodology

This preliminary study strives to explore the insights of counterfeit goods from the lens of fashion goods manufacturers and uses case study analysis. Data were collected through in-depth interviews with Siti Khadijah Apparel Group to uncover their strategy in combating

counterfeit Siti Khadijah "telekung." Semi-structured interviews were conducted for around 45 minutes with the Siti Khadijah Group.

Data Collection and Analysis

The data were analysed into thematic analysis as it offers a way of recognising and tapping the underlying themes in a given dataset, flexible enough to be modified for the needs of many studies, and non-intricate, besides providing rich and elaborate data (Braun & Clarke, 2019; Vaismoradi et al., 2016). In an attempt to empower a holistic perspective, researcher triangulation was attended to validate the data analysis and findings. The interchange and discussion of interpretations helped the researchers to define and redefine the direction of analysis. The researchers examined data categorisation and comparisons between the informant's reports to identify the primary themes.

Findings and Discussion

Four themes emerged in relation to Siti Khadijah brand strategy in combatting the counterfeits market, which validated what Siti Khadijah brand has endeavoured to prevent the sales of fake versions of Siti Khadijah on social media platforms and collaborate with Shopee, Tik Tok and Ministry of Domestic Trade and Costs of Living (KPDN), Malaysia. The four themes related to Siti Khadijah brand strategy in combatting counterfeit market are legal action, responsible consumers, unreachable audience and lengthy process. The emerging themes are presented in Figure 1.

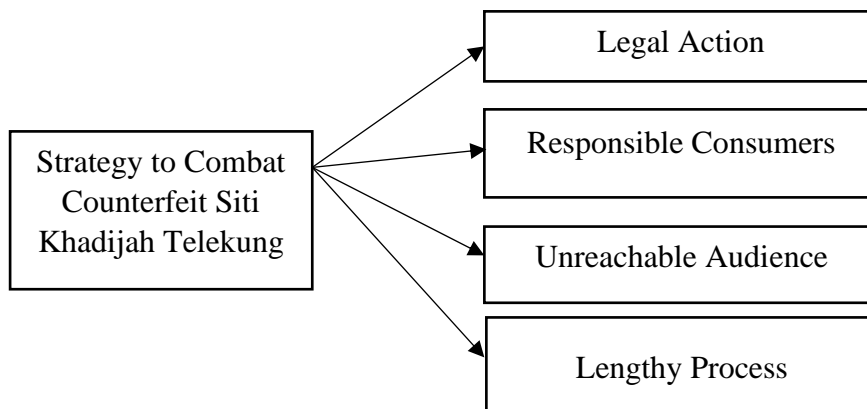


Figure 1: Emerging Themes of Strategy to Combat Counterfeit Siti Khadijah Telekung

Theme 1: Legal Action

The theme of legal action shows the collaboration with authority bodies such as Kementerian Perdagangan Dalam Negeri to combat counterfeiters, which demands Siti Khadijah brand to commit high efforts. Hence, Siti Khadijah admits that the collaboration is tiring and they prefer to avoid taking legal action due to the high commitment.

"We have asked KPDN how to combat this counterfeit and when we start collaborating with them, a lot of TikTok account sold the fake 'telekung' since Hari Raya around the corner. When top management addresses this TikTok account, we started commented on those seller account, however they blocked our comments. It

was tiring and we felt exhausted. KPDN advise us on a few alternatives on how to address this problem by collaborating closely with MyIPO and TikTok....”

“We do register on basket of brand and as a brand owner, whenever KPDN will conduct a raid on SK counterfeits, they will call upon for the purpose of verification, then bring the case to the court. I think early of this year, there is a raid but it’s only a small amount... around two thousand... If possible, we prefer to avoid this raid. However, if we couldn’t control, we have to do it.”

Theme 2: Responsible Consumers

The theme of responsible consumers described how Siti Khadijah brand believes that educating consumer in order to change their mindset to be responsible consumers is a great challenge.

“We realised that whatever we did with this authority bodies, the most important thing was our consumer, the society... We would like to keep on changing their mindset. We would like to educate them, our customers because we knew there are customers that purchase the original, and there also those who bought the fake one... They knew it was the fake SK but because they cannot afford to buy it, they just go with the fake one. As long as they have SK. So, we want to change consumers’ mindset, which I believe is difficult.”

“Previously we did educational and awareness campaign on our Instagram page as well as at SK event. We do show the texture and materials to our customers that went to our event so that they could touch and feel the original materials used by SK. It’s just that we found the coverage of the message was not wide. So, we knew the reasons why consumers purchase the counterfeit one, but how can we change it? How can we transform their mindset? I think we are more interested in that perspective.”

Theme 3: Compensating Original Brand

The theme of unreachable audience described how Siti Khadijah brand believes that amplifying message in educating consumers is the best strategy in changing consumers mindset instead of taking legal action. By identifying the best platform and channel in reaching the audience, it would be the best strategy to change consumers mindset.

“I believe an awareness campaign should be consistent and has taken a lot of effort. But we as the brand owner, have to think about how we could reach the market. It should not come from us but from the consumers... like spiral effects. This is how we should amplify the messages to them.”

Theme 4: Lengthy Process

The theme of lengthy process indicated the willingness of brand owner to commit and spend some resources in combatting counterfeiters. Despite knowing that the process is tedious and complicated, Siti Khadijah is willing and voluntarily involved in this process as this is one of the alternatives to prevent and minimize the development of counterfeit market.

“When we decide to register basket of brand, we had informed the top management that we should commit with what has been determined by the authority bodies such

as going to the court. Within 40 days we need to give full cooperation and follow their timeline. Thus, we need to show high commitment. If possible, we don't want to do this raid. We don't want to have this counterfeit in the market..."

"Previously, we did hire private investigator but the cost was not cheap. So, this time around, we decided not to do the same thing, though KPDN suggested it. Because the cost was too high and time consuming too..."

Exploring the insights from the fashion manufacturer such as Siti Khadijah, which becomes a victim of the counterfeiters, indicated that the severity of counterfeits market is caused by the rapid growth of e-commerce platform and social media. Despite proactive measure that has been taken by the brand owner, fashion manufacturers and authority bodies, this illicit market seems immortal due to the consumers who are voluntarily involved in the purchase of counterfeit goods.

The theme of legal action showed low awareness amongst Malaysians pertaining to intellectual property rights. The Copyright Act 1987 and the Trade Descriptions Act 201 only apply to parties that sell and distribute counterfeit goods (Hashim et al., 2020). As a result, consumers in Malaysia believe they are "immortal" from any legal action as the likelihood of them getting punished and penalised is very low (Koay, 2018). Apparently, legality through penalties enforcement and establishment of protective laws exert a great influence to prevent consumers involvement in counterfeit purchase and normalization of this illegal consumption practice. Currently, Malaysia e-commerce market is governed by the Electronic Commerce Act 2006 and Communications and Multimedia Act 1998, which is used to address the widespread of online counterfeits market. Enforcement by authority body such as Ministry of Domestic Trade and Costs of Living (KPDN) alone is unable to combat this illicit market. Therefore, Siti Khadijah brand, had worked together with online shopping platform such as Shopee and TikTok shop to remove the infringement content against the sellers that sell counterfeit Siti Khadijah telekung. As found by prior literature, continuous effort and commitment towards enforcement to change consumer attitudes is the effective solution to combat counterfeits market due to perceived risks that need to be assumed by the consumers (Kassim et al., 2021).

The theme of responsible consumers depicted the resistance of Malaysian consumers in changing their mindset from being responsible towards own consumption practice. As discovered by prior literature, Malaysian consumers claimed that nothing is wrong with the purchase of counterfeits as they believe their actions will harm neither other society members nor fashion manufacturers and it is not their responsibility to protect the country's economy (Bian et al., 2016; Pueschel et al., 2016; Large, 2014). As a collectivist society, Malaysian consumers who instill social values such as frugality, calculative and seeking for bargain, describes how Malaysian consumers prioritise own welfare to accomplish life satisfaction and well-being. As defined by literature, low price and the value derived from the purchase of counterfeit goods denote how satisfied consumers are with the product they purchase which (Rosely et al., 2022) contributes to life satisfaction. Hence, consumers purchase and spending on counterfeit goods within their financial mean are much more important instead of performing social responsibility to the society and country, and this deters fashion manufacturer such as Siti Khadijah in educating the society to be responsible consumers. Although prior study found that consumers with high product knowledge are less likely to be involved in counterfeit goods purchase (Kassim et al., 2021), extensive knowledge on

counterfeits become a privilege in selecting high quality of counterfeit from being caught by the other society members (Wiedmann & Hennigs, 2017; Bian et al., 2016; Pueschel et al., 2016; Eisend & Schuchert-güler, 2006). In the context of non-deceptive counterfeit purchase, consumers found themselves as smart and wise in utilizing their knowledge to select the best quality and grade of counterfeits (Rosely et al., 2022; Quintanilla et al., 2010). This finding aligns with prior studies that argue consumers resistance to disengage in counterfeit goods purchase due to the short-term benefits of cost saving instead of considering social welfare (Sanasi et al., 2020; Staake et al., 2009). Hence, factors such as cultural and norms, and socioeconomic of the society deter the initiative of the country and fashion manufacturer like Siti Khadijah to educate consumer to be responsible towards own consumption (Rosely et al., 2024).

Similarly, the theme of unreachable audience highlighted the importance of amplifying the message to spread consumers awareness on the consequences of supporting counterfeit markets which seems to deter the fashion manufacturer such as Siti Khadijah to educate the consumers. This finding aligns with prior study that found society norms and legitimising counterfeiting as acceptable consumption practice which explains the ineffective awareness and educational campaigns in combating counterfeiting activities (Adhitya et al., 2023). Additionally, educational gap which describes a lack of understanding of IP rights among the society leads to the normalization of intellectual property rights infringements, misperception of counterfeit goods as harmless, and strengthening the development of counterfeit market. Apparently, the responsibility to protect intellectual property rights should not be liable on the manufacturer and government only but also accountable to society members, indicating an urgent need for enhanced advocacy program to spread the information on the impact of counterfeit market on the economy and society well-being. Hence, consumer access to information on the trademark registrations enable consumers to verify the authenticity of the goods; thus, educating them on the value and perceived risks associated with counterfeit goods (Azmi, I. M., 2014).

The theme of lengthy process described that counterfeit platforms seem to be onerous to combat due to the high commitment and long process related to the legislation of intellectual property rights, which requires a lot of cost and time. The active seizure of counterfeit goods by authorities reinforces the notion that purchasing such items is risky and can lead to penalties, which is able to create “fear” among the society members to be involved in this illegal market particularly sellers and buyers. Although robust IP protection is necessary for fashion brands to safeguard their design, trademarks, and patents from counterfeit market, factors such as insufficient legal and logistical support systems impede the enforcement of IP rights and brand owners to allocate sufficient resources for IP enforcement which requires them to invest more cost. Hence, investing time and resources in enhancing security measure, taking legal actions and monitoring the market require continuous commitment and resources, which consume more time for fashion manufacturer like Siti Khadijah to divert from core business as found by prior studies. Despite of IP protection being significant to combat counterfeiters, the complexity of IP enforcement in the global context such as inconsistent enforcement and cost litigation becomes a consideration for fashion manufacturer to proceed with legal action. This explains how counterfeit market is tremendously increasing and becomes prevalence at the global presence, which seems too difficult to be demolished.

Conclusion

This preliminary study simply goes beyond investigating counterfeit Siti Khadijah "telekung" consumption among Malaysian consumers. Siti Khadijah has made considerable efforts and initiatives to protect their intellectual property. Nevertheless, consumers' purchase behaviour and psychological rationalisation on the purchase of counterfeit Siti Khadijah is a challenge for this brand in achieving business sustainability. Therefore, future studies should be conducted to explore further valuable insights from the perspective of consumers, which is unknown to the industry, and to assist Siti Khadijah in devising a mechanism for managing the counterfeit problem.

Indeed, consumer education on respecting intellectual property rights is the key strategy to change and prevent the illicit market in order to ensure the sustainability of the fashion industry. Despite of extensive investment on technological such as block chain to monitor the supply chain of counterfeit activities, fashion manufacturer like Siti Khadijah believes that changing consumers mindset, attitude and behaviour in reducing the level of ignorance of the consumers on their consumption practice should be addressed seriously to combat the counterfeiters. Hence, as the emerging themes are absent in the literature, this study significantly contributes to the counterfeit consumption body of knowledge.

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