

PRESS RELEASE

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Negative Award "Plagiarius" sheds public light on damage caused by counterfeits!

No demand, no business! The solution is simple: Don't buy counterfeits, and thus deprive the counterfeiters of their business model. Clearly, plagiarisms and counterfeits are neither a compliment nor harmless trivialities. They are ruthless, destroy jobs and mean stagnation instead of progress. Often produced cheaply and under inhuman working conditions, they sometimes cause damage to innovative manufacturers that threaten their very existence. In addition, counterfeits are only deceptively similar to the original at first glance and in some cases harbor enormous safety risks. Further factors favoring the spread of product and brand piracy: Globalisation, digitalisation and increasing sales via social media. Especially on the Internet: Do not implicitly follow every "recommendation" or hastily click "buy".

Plagiarius 2021: Against brazen theft of ideas - for innovation and fair competition

The negative prize "Plagiarius" was awarded for the 45th time on April 16, 2021 - corona-related for the first time in the context of a virtual press conference. Since 1977, Aktion Plagiarius e.V. has been awarding the dreaded 'anti-prize' to manufacturers and distributors of particularly bold plagiarisms and counterfeits. The award says nothing about whether a counterfeit product is legally permitted or illegal. The aim of Aktion Plagiarius is rather to raise public awareness of the questionable business methods of product and brand pirates and to sensitise industry, politics and consumers to the problem. The trophy is a black dwarf with a golden nose. The latter symbolises the immense profits that unimaginative imitators literally earn at the expense of creative and innovative companies.

Before the annually changing jury selects the award winners, the alleged plagiarisers are informed of their nomination and given the opportunity to comment. The jury is not concerned with branding legal competitor products. Rather, the intention is to put the spotlight on clumsy 1:1 imitations that deliberately look confusingly similar to the original product and show no creative or constructive contribution of their own. Fortunately, numerous imitators have already sought an agreement with the original manufacturer out of fear of public disgrace and bad publicity and, for example, have taken remaining stocks of the plagiarism off the market, signed cease-and-desist declarations or disclosed their suppliers.

Rido Busse: His lifework and heartfelt project "Plagiarius" will be continued

The initiator of "Plagiarius", Professor Rido Busse, died in February 2021 at the age of 86. As an industrial designer, Busse recognised early on that genuine innovations are decisive for the prosperity and competitiveness of an economy, and that it is essential to promote and protect creative ideas and know-how.

With optimism, foresight and energy, Rido Busse has spent his life campaigning for greater appreciation of creative achievements in society. And he has always encouraged designers, inventors and entrepreneurs to protect their intellectual property by registering industrial property rights (trademark, patent, design) and to hold imitators accountable.

With "Plagiarius," Busse has launched an initiative that is more topical than ever in times of globalisation, digitalisation and social media. He did not live to see the planned change in the board of Aktion Plagiarius in March. However, he had deliberately chosen his successor himself: Peter Siebert, CEO of HANSI Siebert GmbH & Co. KG. The new second chairperson is Dr. Aliko Busse, a specialist attorney for industrial property rights at Busse & Partner.

As a family entrepreneur, Peter Siebert knows that developing a product from the initial idea through design, construction and quality controls to marketability costs a lot of time, money, know-how and innovative power. In his laudatory speech, he emphasised: "Knowingly buying counterfeit products is neither cool nor clever or even harmless. Further consumer education is and remains one of the most important tasks in the fight against counterfeit products and their manufacturers or clients."

The counterfeit goods are offered for sale in all price and quality gradations: From cheap and dangerous counterfeits to high-quality plagiarisms that are hardly cheaper than the original product. Often, however, counterfeits and plagiarisms are only deceptively similar to the original at first glance. Consumers should examine products carefully and not naively succumb to the illusion that the same appearance automatically means the same quality, performance and, above all, safety. It is the (personal) responsibility of every consumer to consciously choose the original.

Theft of intellectual property: Unimaginative competitors with a brazen business concept

Imitators unashamedly copy products that have been successfully established on the market. The concepts vary, but the damage to the brand manufacturers affected remains the same. For example, some companies have their designers scour the trend stores and buy the most successful products as templates. The plagiarised products should look as similar as possible, but unimportant product details are deliberately changed in the hope that no legal action can be taken against them. Other companies, e.g. from Great Britain (see current Plagiarius award winners), communicate their alleged "Robin-Hood" strategy very openly: "We offer high-quality reproductions, manufactured to the same standards as the originals. Great design affordable for all". The "bargains" supplied are extremely inferior in terms of materials and workmanship, so not worth at all their price, however cheap. Still other imitators are simply unimaginative but not unscrupulous.

More and more frequently, imitators come from the immediate environment and specifically check the existence of industrial property rights for successful competitive products. If none are registered, third-party design and technology solutions are copied and sold as the company's own services. This is confirmed by the experience of the Plagiarius campaign and the VDMA Mechanical and Plant Engineering Association. According to the current "VDMA Product Piracy Report 2020", plagiarism is also frequently commissioned or distributed by competitors or by former business partners - suppliers, production or sales partners. In the report, China was the No. 1 country of origin of counterfeits with 61%. Nevertheless, Germany follows in second place with 19%, once again; new on place 3 with 12%: Russia.

Counterfeiting Mafia 4.0 - professionally organised, globally networked and extremely agile

In 2016, global trade in counterfeit goods amounted to EUR 460 billion, or about 3.3% of global trade, according to a study by the OECD and EUIPO. To minimise law enforcement risks and maximise their profits, professional counterfeiting rings are diversifying their fields of activity. Sebastian Fiedler, chairman of the BDK (Association of German Criminal Police Officers), confirmed in an interview with Deutschlandfunk Kultur that "there are many illegal and criminal markets that are incredibly large: Drugs, product and brand piracy, counterfeit medicines, environmental and Internet crime." The counterfeiters use existing structures and rely on the Internet, social media and messenger services for global distribution. Even in Corona times, counterfeits are booming:

Recently, Chinese police arrested a counterfeiting ring that had filled ineffective saline solution into ampoules instead of vaccine. And Interpol warns that none of the approved vaccines are currently for sale *online*. "Anyone who buys vaccine advertised on the Internet is putting themselves at high risk and giving their money to organised criminals."

Customs seizure serves to strengthen businesses and protect consumers

According to the EU Commission, European customs authorities seized more than 41 million infringing products worth over €760 million at the EU's external borders in 2019. The main regions of origin include China, Hong Kong and Turkey, among others. A large number of the seized products are due to small package shipments based on online orders. The sea route also continues to be an important channel for shipping counterfeit goods. A recent EUIPO and OECD study on international container shipments indicates that only less than 2% of all containers are (or can be) physically inspected, providing significant opportunities for criminal networks to abuse this supply chain channel.

The report explicitly commends the work of customs authorities. However, it also points out that current customs resources and technical equipment, such as advanced search and inspection techniques to detect counterfeits, are insufficient to effectively counter the increased threats and increased overall trade volumes. According to Christian Archambeau, Executive Director of the EUIPO, the fight against counterfeiting must be given significantly more priority.

Frank Buckenhofer, Chairman of the Police Union, Customs District, said in his greeting speech: "Product counterfeiting is not a trivial offense, but an attractive field for organised crime. This year's winners of the Plagiarius competition show once again the criminal energy and professionalism with which highly technical and innovative products are counterfeited and high investments of the original

manufacturers are destroyed. The prerequisite for protecting consumers from these dangerous plagiarisms and the legal economy is a better structural and personnel setup of customs. In addition, the legislator must take regulatory measures to ensure that the illegal money flows and smuggling routes of organised crime are dried up. Under no circumstances should additional incentives for illegal trade be created here, for example through different product taxation within the EU."

Plagiarius award winners 2021 soon to be on display at Museum Plagiarius in Solingen

In its unique exhibition, the Museum Plagiarius presents more than 350 Plagiarius prize winners from a wide range of industries – the originals and plagiarisms in direct comparison. The 2021 award winners are also to be shown in the short term. The exact date will be announced under consideration of the current Corona regulations at museum-plagiarius.de.

The Award Winners 2021 of the Negative Award "Plagiarius":

The jury met on March 05 + 06, 2021 - corona-conform in individual sessions and in a virtual final evaluation - and awarded three main prizes and seven peer awards.

1. Prize

Chainsaw "STIHL MS 250"

Original: ANDREAS STIHL AG & Co. KG, Waiblingen, Germany

Counterfeit: Hangzhou Guley Garden Machinery Co., Ltd., PR China

The counterfeit infringes the word-trademark "STIHL" (here: STHIL), as well as the color trademark (orange / light gray), registered and protected in over 100 countries. Guley is one of the TOP3 counterfeiters of STIHL products in China with clients mainly in Southeast Asia, Africa and South America. STIHL has won 8 lawsuits against Guley and received a total of €170,000 as damages. Mostly, counterfeit chainsaws meet neither legal requirements nor safety-relevant parameters (emission levels, chain braking times, material strengths, etc.). STIHL consistently holds imitators from all over the world accountable, also in order to protect users from injury / health risks.

2. Prize

Electric Brake Bleeder "ERS 5" (application: automotive maintenance)

Original: MANOTEC Industrial Automation, Villingen-Schwenningen, Germany

Plagiarism: Manufacture: PR China

Distribution: Czech vendor on eBay and Amazon

This cheap plagiarism in no way complies with the legal requirements for electrical and pressure equipment: dangerous wiring, impurities, a pressure regulator not suitable for brake fluid. The device leaks, so that electrical lines are washed out - a blind plug prevents the compensation of negative pressure. The labeling is incorrect: "Aump" instead of "Amp" for Ampère. The imitator has taken an original MANOTEC photo and merely retouched some of its control buttons. Due to the registered design rights, MANOTEC regularly has infringing online offers deleted.

3. Prize

Sofa Bed "Up-Lift"

Original: Prostoria d.o.o., Sv. Kriz Zacretje, Croatia

Plagiarism: Oxygen Corp. Limited, London, Great Britain

Distribution via: privatefloor.com / myfaktory.com

Prostoria has registered design protection in many countries for its award-winning "Up-Lift" product line. The imitator copies the design, function and product name 1:1, so there is a risk of confusion. Oxygen sells imitations of various renowned manufacturers online: "Our products are made to the same standards as the originals, but we sell them at up to 90% off...We make high-quality reproductions. Great design for all available". In fact, materials and workmanship are extremely cheap. The substandard plagiarisms not only harm the original manufacturers, but also the consumer.

Seven “Distinctions” (equal in rank) were awarded:

Hybrid Hooded Knitted Jacket “e.s.motion ten“

Original: engelbert strauss GmbH & Co. KG, Biebergemünd, Germany

Plagiarism: ALDI SÜD Dienstleistungs-GmbH & Co. oHG, Mülheim an der Ruhr, Germany

Design, concept and material mix of the functional jacket were adopted almost 1:1: An elastic me-lange knit on the sleeves and sides for mobility - padded, warming quilted zones on the hood and in the torso area - the striking left chest pocket made of knit with vertical zipper etc. The original has (unregistered) EU-wide design protection. ALDI SÜD sees no design infringement, but wanted to talk to engelbert strauss (not happened to date). The low price is reflected in the quality.

Cookie Former “Formfix“

Original: Niederrheinische Formenfabrik Janssen GmbH, Krefeld, Germany

Plagiarism: Handymach, Trabzon, Turkey

The FormFix 105 - designed by Walter Janssen in the mid 20th century - is the smallest cookie former from the NFF Janssen family manufactory, founded in 1872, and is ideal for small bakeries and pastry shops. Since October 2020, the cookie former has been crudely copied 1:1 by the Turkish company Handymach: Design, construction, function, recipes (accurate to the gram), roller motifs and even parts of the choreography of the video. Handymach does not respond to contact requests from Germany and does not deliver any orders.

Easy Chair “Polygon“

Original: Prostoria d.o.o., Sv. Kriz Zacretje, Croatia

Plagiarism: M-Edition, London, Great Britain

Prostoria has registered design protection in many countries for the award-winning product line “Polygon” (=multi-corner). The imitator copied the design and product name and distributed the plagiarism via website and social media. His business principle: “We strive to perfectly reproduce iconic designs, manufacture them to the same standards as the originals, and make them affordable for everyone.” The cheap materials, poor workmanship (glued, mismatched screws) and lack of comfort disprove this. After warning, a cease and desist letter was signed and the sale of Polygon was stopped.

Foldable Dish Drainer “SPACE WONDER”

Original: Rotho Kunststoff AG, Wuerenlingen, Switzerland

Plagiarism: TUFFEX / Topcu Plastik San. ve Dis. Tic Ltd. Sti, Istanbul, Turkey

Distribution: Polish online-vendor

Form, function and individual design details were adopted 1:1 - the overall impression is identical. However, the plastic is cheaper and the folding points break easily. The Polish vendor has taken the plagiarisms off the market and now sells the Rotho original. TUFFEX has claimed that the sale has been stopped, but the plagiarism is still offered on their website.

Step Drills “ULTIMATECUT RUKO”

Originals: RUKO GmbH Präzisionswerkzeuge, Holzgerlingen, Germany

Plagiarisms: Karnasch Professional Tools GmbH, Heddesheim, Germany

The imitator has adopted 1:1 all innovative product features and individual design details of the step drill ULTIMATECUT newly developed by RUKO, without any technical constraints: the number of drilling steps, diameter and height of the individual steps, the cutting geometry, center point as well as the radii at the step transitions. RUKO has applied for a patent for the ULTIMATECUT step drills, the granting process is still ongoing. Karnasch disputes the novelty and argues that the “prior art” is freely usable and is not willing to sign a cease-and-desist letter.

Christmas Tree Stands “Easyfix Classic” and “Easyfix Classic light”

Originals: Tannen-Paradies GmbH, Berlin, Germany

Plagiarisms: Distribution: Gerrit Brinkman Bloemen- en Plantenhandel V.O.F.,
Wenum Wiesel, The Netherlands

Since 2012, the imitator had purchased the original Easyfix Christmas tree stands via the Dutch exclusive partner of Tannen-Paradies and distributed them in the Netherlands. Since 2019, he sells his visually and in colour confusingly similar plagiarisms, and promotes them not only in the Netherlands but also at trade fairs in several European countries. The plagiarisms are less stable and the plastic is not made of recycled plastic, as is customary with Tannen-Paradies and also demanded by the trade. The imitator argues that the design is not 'protectable' and denies slavish imitation.

Door Stopper Line “Screw or Glue”

Originals: Wagner System GmbH, Lahr, Germany

Plagiarisms: WALTECO s.r.o., Uherské Hradiště, Czech Republic

The design of the doorstep series is adopted 1:1, the overall impression of the 3 originals and the 3 plagiarisms is identical. Visible screws on the imitations and minimal differences on the bottomside of the doorstops do not change anything. Walteco has not signed the required cease-and-desist declaration. A lawsuit by Wagner System GmbH against WALTECO s.r.o. is currently pending.

The Jury of the Plagiarism-Competition 2021:

Each year the jury is put together individually with specialists from diverse industries. The following persons formed this year's jury:

Katrin Albsteiger, Mayor of the City of Neu-Ulm, Germany

Andreas Enslin, Vice President Design Center Miele & Cie. KG, Gutersloh, Germany

Nicole Jasmin Hofmann, CEO and Co-Founder Sentryc GmbH, Berlin, Germany

Dagmar Hub, Freelance journalist and author, Elchingen, Germany

Thomas Möller, CEO Steinel GmbH, Herzbrock-Clarholz, Germany

Alexander Selch, CEO Reisensthal Accessoires GmbH & Co. KG, Gilching, Germany

Legal Advice:

Dr. Alik Busse, Certified IP-Lawyer, Lawfirm Busse & Partner, Munich, Germany

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Press Download: (individual): www.plagiarismus.com

Press Release (“Press”) / **Photos of Prize winners** (“Competition”) or:

Zip-file with all data (60 MB): www.plagiarismus.de/preistraeger-2021

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Sofa Bed & Easy Chair: © Prostoria d.o.o.

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All photos show: **Left:** Original(s) - **Right:** Plagiarism(s)

Exception: 1. Prize: **above** original / **below counterfeit**

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