

The Unreal world of football shirts – Stuart Fuller

A few weeks ago I was approached about attending a conference where the main topic under discussion was the growing issue of counterfeit, or fake, football shirts. It came at a time when Luton Town announced on social media they had discovered counterfeit Hatters shirts on sale in the town, denying them valuable revenue.

Those who know me will understand how passionate I am about intellectual property infringement, more so when it comes to football – a situation when work and passion collide. But football shirts are an interesting topic to think about as there are actually two sides to every story.

So the case for the prosecution. Counterfeiting is bad. Very bad. It is linked to some very bad things – think organised crime and the like. It funds some nasty things and you can be quite sure that those who are “involved” in the manufacture of such items wouldn’t be voting for their employer in any Great Places to Work survey. It is purely about making as much profit as possible and so often materials (or ingredients if we are talking food, drink or medicines) are not at the quality we expect or even safely need. The great thing about Social Media is that it allows us to interact with people and companies around the world with almost no barriers to entry. The bad thing is that it allows counterfeiters to interact with potential consumers around the world with almost no barriers to entry. In other words, a counterfeiter will use exactly the same strategy to win new customers and their business.

By buying any counterfeit item you are depriving the legitimate brand owner revenue, which will reduce their profits (their costs stay the same as they have to still manufacture the items) and could lead to job losses. The Organisation for Economic Co-operation and Development (OECD) estimate that counterfeiting costs the European Union around 800,000 and billions in tax revenues. It is a catch 22 for many of the manufacturers – to prevent counterfeiting, they have to invest more in research and development to integrate features that prove it is genuine and that adds to the cost of the shirt which in turn increases the purchase price. Whether manufacturers would reduce their prices if counterfeiting was eradicated is another question, although I think we all know the answer to that.

It is not illegal to unknowingly buy a counterfeit item but the law is slightly greyer when it comes to knowingly buying something that is clearly a counterfeit item. It IS certainly illegal to knowingly sell counterfeit items and that was what the raids in Luton related to. I don’t think anyone will get their collar felt for wearing a fake football shirt but why bother? I was recently in Marrakesh for work (ironically at a conference focusing on protecting brand holder against counterfeiting) and went to the famous Night Market. Wandering around the stalls there you could choose almost any luxury brand bag, shoes, watch and football shirt. They were even selling Spurs shirts with “2019 Champions League Winners” sewn under the badge. Nobody bothered the sellers.....which leads perfectly on to a case for the defence.

OK, I am not going to defend the work of the counterfeiters because as you may now understand, that I am vehemently opposed to the practice. But if someone in Morocco, India or Thailand buys a fake Spurs shirt, is the club harmed in any way? That person may only have a few dollars spare to buy such an item and an original shirt is simply out of their reach. But by choosing to buy that “replica” Spurs shirt, they are in a way buying into the Spurs brand. Football clubs do not measure their global supporter base by the number of official shirts they sell – that could be one measure but I am sure most of us probably own a football shirt or three from clubs that we don’t actually support but simply like the shirt (or is that just me as I am wearing my Bethlehem Steel away shirt from 2017?). At some point in time if Spurs came to Marrakesh, Jakarta or Bangkok then that fan may have enough spare money to buy a ticket to see them. Is s/he any less of a fan because of their financial situation?

I think it may be a few years before we need to have to worry about any fake Lewes shirts but even though the counterfeiters will follow the money, we can stop it now. If there is no demand for any product, manufacturers, whether they be authentic or not, will not supply it (the basic rules of market equilibrium for the economists among you). In the words of Shaw Taylor (millennials, ask your Dad), “Keep ‘em peeled”.