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## PART I

### Introduction to *Brand Protection and the Global Risk of Product Counterfeits*

# 1. The brand protector's dilemma and the total business solution

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What keeps you up at night? This is a question I've asked countless practitioners responsible for protecting the integrity of their brand(s). Interestingly, their responses tend to be similar regardless of their industry or functional focus (e.g., legal, security, quality). Broadly speaking, the primary concerns of those focused on thwarting brand infringements can be summarized as:

- What is the nature of our risk?
- How large is our problem?
- How do I articulate the need for resources from senior leadership?
- How do I most effectively allocate resources and build an effective brand protection program?
- How do I demonstrate and communicate the value of our brand protection program?

These questions form the basis of what I call the "brand protector's dilemma." I consider them a dilemma not just because addressing them requires a great deal of effort, but also because in some ways they are never truly answered as circumstances continually change. Both those leading the most advanced brand protection programs and those just realizing they are at risk for infringement and must do something about it continually struggle to answer these questions. The total business solution has been developed precisely to help firms address these and other fundamental questions in light of changing risks, needs, and circumstances.

Industry and law enforcement practitioners recognize that society will never arrest or litigate its way out of the problems associated with intellectual property infringement. This suggests enforcement of intellectual property rights is necessary but not sufficient for brand protection. Moreover, firms are intimately familiar with infringement problems. While victims, they can also influence opportunity structures that can facilitate or impede the illicit behavior. As a result, it is imperative that firms determine how best to mitigate intellectual property and brand risks. The total business solution approach to brand protection helps firms help themselves and others by providing a guiding

framework for answering key questions that help establish the foundation of a comprehensive, balanced, and efficient brand protection program.

## WHAT IS BRAND PROTECTION?

What falls under the umbrella of brand protection for different firms varies almost as much as the firms themselves. Firms build their brand protection programs around their specific types of brand risk, which varies in form and complexity from one company to another. As the total business solution is meant to be comprehensive yet adaptable, the definition of brand protection that guides its foundation and is used throughout this book is equally broad and field-driven: *brand protection is the effort, in any form, scope, or scale, undertaken by firms to protect the value, image, and reputation of its brand(s)*. Of course, this necessitates defining “brand,” which is equally difficult. Again, for the purposes of the total business solution it is most helpful to conceptualize the term broadly: *a brand is the collection of elements that identifies or is unique to a company or its products or services*. This encompasses trademarks, logos, slogans, and similar identifiers, but much more as well. A firm’s brand is the complete perception consumers and clients have of what the firm does. This includes everything from what it produces and provides to the social and political decisions it makes. As such, the “brand” is arguably a company’s most important and valuable asset.

There are many forms of illicit or otherwise fraudulent behaviors that affect brands and that firms seek to mitigate. Frequently involving intellectual property violations, these can include both criminal and civil violations, such as those concerning trade secrets, trade dress, product overruns, simulations, and knockoffs. Formal brand protection programs tend to focus on product counterfeits (trademark violations), copyright and patent infringement, diverted product (gray or parallel markets where genuine product is sold in unauthorized channels), and the adulteration, tampering, and theft of product, with product counterfeits and diversion representing perhaps the greatest risks on which most concentrate.

There are differences of opinion on the types of infringements that brand protection efforts should address, and firms tend to build brand protection programs around the elements they define as most important to protecting their brand. Nonetheless, trademark violations are generally a core concern among firms that manufacture products, so many illustrations of the total business solution throughout this book highlight scenarios involving counterfeits. Yet, it is important to remember that the total business solution is meant to be a broad philosophy and framework that can be applied to mitigate virtually all forms of brand risk.

## WHY FIRMS (AND OTHERS) SHOULD CARE ABOUT BRAND PROTECTION

Brand infringements represent a major risk to firms, but also to many others. According to the Organisation for Economic Co-operation and Development (2021), in 2019, counterfeited and pirated products alone represented as much as 2.5 percent (\$461B) of world trade, including 5.8 percent (\$134B) of imports in Europe. Counterfeit goods extend to every industry and type of product. In 2020, the most frequently seized goods by US Customs and Border Protection (2021) included handbags/wallets, apparel/accessories, footwear, watches/jewelry, consumer electronics, consumer products, pharmaceuticals, automotive/transportation, and sporting goods.

The consequences of brand infringements are considerable. For example, those associated with counterfeiting include harms to individuals, businesses, and society. Individual consumers who purchase counterfeit goods are, especially if they believe they are purchasing legitimate goods, denied the use of safe, genuine products. Counterfeit harms can also be more direct and evolve over time with, for example counterfeit face masks, test kits, and medications becoming prevalent during the COVID-19 pandemic (US Customs and Border Protection, 2020). In addition to direct loss of sales, legitimate businesses may suffer loss of reputation from poorly performing counterfeit goods that illegitimately bear their trademark, and even warranty, liability, and legal costs for them. Counterfeiters undermine the investments that firms make in research, development, and for meeting production and safety standards, while essentially using a firm's reputation to compete against it. Businesses and other institutions can also be unwitting purchasers of counterfeit goods and suffer harms from the poor performance of such goods; this has included military contractors who purchased counterfeit goods from suppliers (Sullivan and Wilson, 2017). Finally, larger entities such as governments, economies, and societies may all suffer from product counterfeiting. Governments suffer loss of tax revenue and must spend to thwart counterfeiting and related crimes. Economies are deprived of jobs and innovation when legitimate manufacturers are unable to overcome the losses they suffer from counterfeiting. Societies may suffer risks to public safety and national security through the links of counterfeiting to transnational organized crime, extremism, human trafficking, supply chain infiltration, and still other crimes (EUIPO, 2020; US Department of Homeland Security, 2020; United Nations Office on Drugs and Crime, 2019; Sullivan et al., 2014; Heinonen and Wilson, 2012).

## BRAND PROTECTION AS A FUNCTION OF OPPORTUNITY

A foundational principle underpinning the total business solution is that brand infringements generally, and product counterfeiting specifically, are functions of opportunity. Two related theories helpful for explaining opportunity-based crimes are rational choice and routine activities. Originating from principles of deterrence (Beccaria, 1764) and utilitarianism (Bentham, 1789), rational choice theory considers crime from the perspective of a hedonistic individual. It views crime as a function of rational actors weighing the perceived risks and rewards of engaging in illicit behavior (Becker, 1968). In the context of brand protection, an individual may choose to counterfeit products if they see doing so will result in considerable profit while the risk of being caught is low or, if caught, the penalty is minor.

Routine activities theory, as originally defined by Cohen and Felson (1979), posits that the structure of activity patterns, such as those associated with daily life (e.g., working, traveling, socializing with friends, surfing the internet, attending school, shopping, relaxing on vacation), influences criminal opportunity. It is this opportunity that gives rise to predatory crime. More concretely, crime is affected by the convergence in space and time of a motivated offender, a suitable target, and an absence of capable guardians. These elements form the chemistry of the crime (Felson, 1998). A motivated offender is anyone with criminal inclinations and the ability to carry them out. In the context of product counterfeiting, a target could be a branded product that is in high demand or where a counterfeit could be created or sold easily or with a high profit margin. A capable guardian is any person whose simple presence could discourage crime. Altogether, routine activities theory suggests that crime is likely where there is a motivated offender, a suitable target, and an absence of a capable guardian. Conversely, crime is less likely without a motivated offender, a suitable target, or in the presence of a capable guardian.

A critical principle of opportunity theories is that crime can be prevented by reducing structures conducive for it (Felson and Clarke, 1998). A key development here is situational crime prevention (Clarke, 1995), defined as

opportunity-reducing measures that are (1) directed at highly specific forms of crime (2) that involve the management, design or manipulation of the immediate environment in as systematic and permanent way as possible (3) so as to increase the effort and risks of crime and reduce the rewards as perceived by a wide range of offenders. (Clarke, 1992, p. 4)

Importantly, this body of work has evolved into developing situational prevention techniques for reducing crime, which can be classified into five broad categories that can influence offender decision making:

- Increasing the effort needed to complete the crime.
- Increasing the risks in completing the crime.
- Reducing the rewards expected from the crime.
- Reducing provocations that may encourage offenders to commit criminal acts.
- Removing excuses that may “rationalize” or justify offender actions (Cornish and Clarke, 2003).

These techniques help provide a roadmap for preventing crime and are instrumental for considering ways to mitigate the risk of brand infringement.

In summary, the total business solution to brand protection is predicated on a foundation of established criminal justice theory. It considers brand infringements as a function of opportunity, influenced by routine activities, and would-be, utilitarian-seeking offenders who consider each opportunity based on a calculation of the perceived costs and benefits of committing the crime. Importantly, brands can protect themselves and prevent such illicit behaviors by understanding and purposefully affecting the opportunity structures that give rise to them.

## PRINCIPLES OF THE TOTAL BUSINESS SOLUTION

Grounded in opportunity theory and significant industry outreach, experience, and practice, the total business solution originated from a series of papers I developed with Rod Kinghorn (Wilson and Kinghorn, 2014; Kinghorn and Wilson, 2013) and then began to flesh out more fully with Cliff Grammich (Wilson and Grammich, 2020a; 2020b), after several of its concepts could be explored through various benchmarking projects and additional collaboration and outreach with industry partners. These works spoke of the risk that virtually all brands (and other stakeholders) face with respect to counterfeits, and the primarily reactive and frequently piecemeal approach most firms take to address the problem. We argued for a more thoughtful approach to maximize brand protection performance. We attempted to outline basic tenets of a total business solution approach that could help form both a philosophy and a framework for building effective brand protection programs. Our efforts led us to six basic principles of a total business solution for brand protection. These were to:

1. *Identify the infringer as the unseen competitor.* Brand infringers use a firm’s own intellectual property against it. They leverage a firm’s invest-

ments in product development, marketing, and reputation to compete against the firm. While not as visible as legitimate competitors, infringers nonetheless exercise strategy and capitalize on opportunity in executing their schemes. Just as firms assess the strategies and processes of their legitimate competitors so too should they systematically study and examine the operations of the illicit actors they are competing against. Doing so can help firms understand the processes and systems that create counterfeiting and other brand infringement opportunities, and thereby enable the development of informed responses to reduce them.

2. *Prioritize prevention, proactivity, and strategy.* For a variety of practical reasons (not the least of which is the difficulty of measuring the risk and therefore allocating resources toward it), firms traditionally have taken a reactive stance, typically centered on enforcement activities, in dealing with brand infringements. This is inefficient as it results in the well-known “whack-a-mole” cycle of incident–response–incident–response, without ever addressing the underlying conditions that give rise to the problems. As noted earlier, many industry and law enforcement practitioners claim society will never arrest or litigate its way out of these problems. A more efficient solution is to be more strategic and proactive, aiming to craft and implement purposeful actions that can minimize or prevent opportunities for brand infringements. Such prevention can reduce the need for a reactive response as well as the cost and damage to the firm resulting from infringements. When reaction is necessary, a well-thought-out, comprehensive, and pre-planned strategy can address the issue more efficiently.
3. *Integrate controls and mechanisms for detecting and responding to infringements.* If a firm isn't aware of infringements when they occur, it can't respond to them, let alone learn from and formulate strategies to prevent them. Firms should implement as part of their business culture mechanisms across the enterprise and throughout the entire value chain, from product development through distribution, to alert it to instances that create risk to the brand. While many of these will necessarily be internal, they can be based on external information as well.

Such information is also useful for gauging the mitigation of risk over time and across locations. Beyond providing the firm insight on the nature and prevalence of risks, controls can also provide clear and consistent directives for the most appropriate response to specific problems. These ensure problems are uniformly and effectively addressed as they occur.

4. *Maximize data, metrics, and analysis to assess and mitigate risk and gauge performance.* Moving away from business as usual, gut feelings, and the implementation of actions with little reflection, firms should draw upon evidence and systematic analysis to assess the nature of their risk, drive the development and implementation of specific and coordinated

activities, assess the effectiveness of their strategies, and evaluate the overall performance and value of their brand protection programs. This includes not just employing productivity measures that gauge how much a program does, but outcome-based performance metrics that assess what a program accomplishes. It is important for firms to integrate a data-driven focus as part of their brand protection culture and to incorporate metrics and analysis throughout the entire business process.

5. *Formulate and execute a holistic approach that integrates and coordinates all parts of the firm for brand protection.* Brand protection programs, if they exist at all in a firm, are typically implemented in a rather narrow or siloed fashion as part of a single or few functions, such as security or legal. However, virtually every part of the firm can play a role in brand protection. Maximizing brand protection requires understanding that risk is interdisciplinary, and mitigating it requires a similar multi-faceted approach. A total business solution requires firms to integrate as many functions as possible in a comprehensive and purposeful way to protect the brand.
6. *Create and promote a culture of continuous improvement.* Brand infringers continuously learn and find new opportunities on which to capitalize—so too should firms as they seek to protect their brands. Firms should never be complacent. They need to engender a culture of brand protection that promotes the ongoing search for understanding, innovation, and improvement. In other words, brand protection programs need to become learning organizations (Senge, 1990; Senge et al., 1999; Ortenblad, 2019). Senge defines learning organizations as “organizations where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together” (1990, p. 3). He posits that vital dimensions of these organizations are systems thinking, personal mastery, mental models (assumptions and generalizations that influence how people understand and respond to the world), building shared vision, and team learning. Garvin (1993, p. 80) defines a learning organization more simply as “an organization skilled at creating, acquiring, and transferring knowledge, and at modifying its behavior to reflect new knowledge and insights.” He characterizes the practices or processes of a learning organization as problem-solving, experimenting, learning from others, learning from experience, and transferring knowledge. Watkins and Marsick (1993; Marsick and Watkins, 1999) offer yet another interpretation of learning organizations, citing features such as creating continuous learning opportunities, promoting inquiry and dialogue, encouraging collaboration and team learning, establishing systems to capture and share learning, empowering people toward

a collective vision, connecting the organization to its environment, and providing strategic leadership for learning. In short, firms need to recognize the circular nature of brand protection in that they must continuously leverage information from their experience and translate it into lessons for establishing an ever-innovating brand protection program that effectively adapts to changing risks and circumstances.

Based on science and field experience, these principles collectively form the foundation of the total business solution approach to maximizing brand protection. While constructive, these principles are broad and can be operationalized in many ways based on firm risk, ethos, values, interpretations, resources, experience, constraints, and still other factors. To help establish a science of brand protection, the remainder of this book explores various elements of the framework and approaches to its implementation.

## OUTLINE OF THE BOOK

### **Part I: Introduction**

This chapter constitutes Part I, serving as an introduction for the book. The discussion of the brand protector's dilemma and foundations of the total business solution are meant to offer useful context and set the stage for the substantive content to follow.

### **Part II: Assessing the Nature of Product Counterfeit Risk**

Part II focuses on various approaches for assessing and understanding brand infringement risk and its components. The three chapters that constitute this part examine risk from very different perspectives. Together, they demonstrate the need to consider various aspects of risk, different perspectives for examining brand protection risk, systematic approaches to establishing a risk-based brand protection program, and the adaptability of the total business solution.

In Chapter 2, "Building and optimizing a brand protection program: a total business solution model," Grammich and I build on over a decade of field research to lay out the building blocks of establishing a brand protection program that is grounded in the total business solution philosophy. We note that while brands are among their most valuable assets, firms may have little in place for brand protection. Those that do have brand protection programs in place often rely on reactive actions rather than including strategies for prevention as well. This chapter introduces the elements of a total business solution program model, describing a proactive solution that goes beyond initial reaction to a brand protection problem. Its elements include problem

recognition, risk assessment, strategy development, strategy implementation, performance measurement, and assessment. In assessing risks, it focuses on where the threat, vulnerability, and consequence of counterfeiting are greatest for a firm. Each element of the total business solution program model builds on and informs the others. No element of the program is by itself sufficient. Together, however, they can help reduce the opportunity for infringers.

Sean O’Hearen turns the risk discussion to the relevance of standards. In “Risk management and risk assessment for brand protection” (Chapter 3), he explains there have been few systematic approaches to brand protection, but the risk management standards of the International Organization for Standardization (ISO) offer practical guidance for brand protection professionals. He contends that ISO 31000 has elements which can apply to each of the tenets of the total business solution to brand protection. These include risk identification for identifying the infringer as the unseen competitor; leadership and commitment for emphasizing prevention, proactivity, and security; defining risk criteria and preparing and implementing risk treatment plans for setting performance metrics and data; establishing principles and undertaking risk analysis for highlighting the value of internal and external controls; and establishing principles for creating a culture of continuous improvement and learning and promoting a holistic approach to brand protection. This chapter describes applications of these elements as well as how to conduct risk analysis at the levels of the product, brand, and value chain.

Finally, in “Combatting illicit trade: understanding consumer motivations” (Chapter 4), Peggy Chaudhry and John Reiners consider risk from the perspective of consumer attitudes and behaviors. Their chapter provides a synopsis of an Oxford Economics research study that examined fundamental concerns of combatting illicit trade. This study analyzed 37,000 survey respondents across 37 European countries and provides a comprehensive picture of consumer attitudes and behaviors regarding illicit trade. Specifically, the study evaluated five product categories with high excise duties (cigarettes and alcoholic drinks) and other goods subject to infringement of intellectual property rights (films, music, and games; clothing and accessories; and medicines) to better understand consumer motivations to obtain illicit goods. They find that consumers’ reasons for buying illicit goods are highly nuanced. Though many seek out illicit products to get a better price, other factors such as quality, reliability, and availability also stimulate the purchase decision. The research stemming from the Oxford Economic study proposes a new way of analyzing consumer motivations through novel illicit trade matrices to inform brand owners and other stakeholders in targeting strategies to combat illicit trade.

### **Part III: Mitigating the Risk of Counterfeit Products**

Translating analysis and understanding of risk into responses, Part III dives into approaches for reducing the risk of brand infringement. In Chapters 5 and 6, Grammich and I look closely at strategies and tactics firms can use for mitigating risk. In “Brand protection and organizational silos: integrating tactics and firm functions in the fight against counterfeits” (Chapter 5), we argue that previous research offers few integrative approaches to address product counterfeiting. Many current approaches are “siloed,” with little interaction across functions. We explain that a total business solution for brand protection promotes a holistic approach that integrates and coordinates all parts of the firm for brand protection. To better understand the tactics that firms may use in a total business solution to brand protection, we asked 42 subject matter experts to identify the tactics that a firm would ideally use in brand protection and the functions that should use these tactics. We then categorized these tactics to identify all dimensions of an enterprise-wide approach to brand protection. We find that many of the most important actions that firms can take to protect their brands are proactive. The functions and categories we identify with large numbers of tactics can indicate where to launch or expand brand protection programs.

Complementing the unique insight we gathered from the subject matter experts in Chapter 5, in “Options for mitigating the risk of product counterfeits: lessons from research and practice” (Chapter 6), Grammich and I look deeper into academic research on brand protection tactics. We discuss the degree to which research on product counterfeiting is disjointed and sporadic. It focuses on topics such as prevalence and not on tactics for reducing counterfeiting. Nevertheless, academic research on tactics can offer insights to practitioners. Such research is likely to be more independent, comprehensive, and rigorous than what practitioners can do for themselves. We review academic research on anti-counterfeiting tactics that businesses may use. We compare the distribution of researcher-suggested tactics by category with those that practitioners offer. While practitioner-suggested tactics may give the best insight of current tactics used, researcher-suggested tactics can provide additional context and detail. Our examination reveals that firms may wish to rely on practitioner-suggested tactics in launching a program, and researcher-suggested tactics for expanding it.

In Chapter 7, “Communicating the value of brand protection through a persuasive internal communications approach,” Kami Silk, Brandon Thomas, Ashley Paintsil, and I turn to the critical issue of communicating internally about the important role of brand protection and what the enterprise must do to protect itself from counterfeits. We discuss the importance of using communication effectively to create an organizational culture that values and

elevates brand protection across all levels of the organization. Focusing on persuasive communication techniques and opportunities, we review organizational functions and tactics that brand protection experts recommend and offer suggestions for maximizing internal communications strategies to increase the value of brand protection among organizational members.

#### **Part IV: Resource Allocation for and Measuring the Value of Brand Protection Programs**

Resourcing and measuring the performance of any business program is crucial, and brand protection is no exception. In fact, my research and outreach with brand protection practitioners indicates many are under increasing pressure to measure and demonstrate their program's return on investment (ROI) and value to the firm. The ability to illustrate success is paramount when practitioners must request funding to help protect their firm against brand risks. Part IV seeks to offer approaches and lessons for considering how best to allocate resources for and gauge the performance of brand protection programs.

In "Counterfeiting and anti-counterfeiting costs: an application of cost of quality concepts" (Chapter 8), Will Demeré, Karen Sedatole, and I apply concepts from the Cost of Quality (CoQ) literature to provide insights into the nature of anti-counterfeiting investments and the returns to these investments. We start by describing the evolution of the CoQ model and contribute further to this model by incorporating additional cost characteristics. We then apply CoQ concepts to counterfeiting to better understand how firms can invest in anti-counterfeiting and dynamically assess their return to such investments. Based on interviews with brand protection professionals, we also provide insights into how firms are allocating resources relative to this framework. While there are substantial measurement challenges in assessing returns to anti-counterfeiting investments, we show how the CoQ model can help to highlight important cost-benefit tradeoffs and dynamic effects over time, as well as the limitations of metrics in fully capturing difficult-to-measure costs and returns.

O'Hearne explores in Chapter 9 how brand protection practitioners may adopt a balanced scorecard to demonstrate the value of their work. In "Performance measurement for brand protection: a strategic scorecard approach," he explains that just as balanced scorecards have helped profit center managers demonstrate how their work contributes to the firm's bottom line, so too may they help brand protection practitioners shed their "cost center" image and demonstrate how their work supports it. This approach considers design elements such as target audience, link to strategy, benefits, program and operational perspectives, data measures and management, and engagement. It also considers components such as total program value

recovery, the number of consumers protected, sales loss exposure, trends in incidents, monitoring of offline and online markets, defensive actions such as partner audits and customs recordals, and integration of best practices. Above all, he finds that scorecards offer a means for practitioners to standardize their efforts and learn from each other.

As brand owners deploy resources for brand protection, they seek to understand their ROI and how to make their investments more effective. In Chapter 10, "Determining the value of brand protection programs: identifying and assessing performance metrics in brand protection," Grammich, Deméré, Sedatole, and I investigate how firms measure their ROI in brand protection and consider alternatives to ROI that they might use. We interviewed brand protection professionals from ten firms in three broad industry categories: microelectronics and computer products; food, agricultural, and pharmaceutical products; and apparel, consumer, and luxury products. Because previous research on this topic is lacking, we identified firms' metrics for activities, outcomes, and valuation. We also sought to identify the context of implementation for their metrics. We found firms most often measure their activities rather than assess activity outcomes or value. We summarize and classify the metrics that respondents reported using and offer recommendations for improving brand protection metrics. We explain that understanding current metrics and their context, as well as metrics firms might use, can contribute to the practice of brand protection measurement and the success of brand protection programs.

## **Part V: The Total Business Solution in Practice**

Steeped in both research and practice, the chapters of the first four sections do well to offer systematic and methodical reviews of key components of the total business solution. However, there is also great value in considering case studies of the total business solution that can elucidate the experiences of practitioners implementing aspects of the framework. The purpose of Part V is to offer such illustrative examples.

In "Brand protection: creating an enforcement framework for action" (Chapter 11), Warren MacInnis zeroes in on enforcement, noting that effective brand protection programs should have several components that contribute to it. He explains that an effective enforcement strategy can form a strong foundation for anti-counterfeiting efforts and be an integral part of any total business solution. He provides a guide for the design, implementation, and operation of an effective enforcement function. In his view, one of the most critical components of any enforcement function is investigations, the thorough and systematic process to gather evidence and determine the facts of an incident. Investigations should address the who, what, when, where, why, and how of an

incident, and give attention to the questions of what is known, how it is known, and why it matters. He notes that effective intelligence gathering and analysis capabilities also provide value by identifying and targeting counterfeiting operations, prioritizing investigative efforts, focusing resources on repeat or serious offenders, and helping rights holders increase the effectiveness and efficiency of their security efforts. He points out that product authentication forms yet another key component of enforcement programs.

Chanterelle Sung explores the total business solution through the lens of patient safety in her chapter “Product integrity for patient safety: a Pfizer case study” (Chapter 12). Noting that counterfeit medicines, and efforts to combat them, have been a reality for many years, she discusses how one major pharmaceutical manufacturer, Pfizer, addressed the problem through application of the total business solution to brand protection. As she characterizes it, Pfizer’s product integrity function is based primarily within the Pfizer Global Security team, which works across the enterprise and its functions and regions to protect patients from counterfeit medicine. Pfizer has sought to reduce demand through education of the public, advocacy with policymakers, and training of law enforcement officials and healthcare professionals. It has sought to reduce supply through proactive enforcement, made possible by a data-driven risk mitigation strategy, including self-assessment and visualization of risk priorities through dashboards and metrics. The outcomes-focused initiative helped stimulate new thinking on how to address counterfeits, required working with other functions across the enterprise, and demonstrated the value of brand protection efforts.

Focusing on the demonstration of value, John Carriero, in his chapter “Calculating brand protection impact” (Chapter 13), contends that among the first things that executives want to know about a brand protection program is the impact it is having. He argues that calculating the brand protection impact (BPI) can help demonstrate the impact a program is having and its change over time. He presents a framework establishing that BPI should consider units seized through ground enforcement work, units seized through factory raids, marketplace and auction site enforcement, website and domain enforcement, and restitution. This chapter illustrates how brand protection professionals can calculate values in demonstrating the conservative effect of their efforts. It also discusses non-quantitative programs, such as trainings, that can have a positive impact on brand protection programs. Finally, it provides an example of technology (smart tags) that can have an impact across a company, engaging other functions in brand protection efforts while supporting the work of those functions as well.

In the final case example, Vivian Vassallo establishes in “The never-ending brand protection conundrum” (Chapter 14) that there is no single set of rules that organizations should pursue in brand protection. Rather, different organ-

izations may require different skills, and brand protection practitioners may also learn from each other over time. Within an organization, she explains, brand protection teams should position themselves to make brand protection everyone's problem to address. Brand protection practitioners may also find they need to balance enforcement efforts, focusing on areas where they are more likely to have success. While noting that brand protection processes are important, she warns against relying too heavily on them as they can force brand protection teams to miss outlying cases. She highlights how brand protection practitioners can develop insights about brand protection issues and cases by relying on other functions of the firm and by performing data analysis over time.

### **Part VI: Tenets of the Total Business Solution**

In the final chapter, "Implementation of a total business solution for brand protection: core principles in theory and practice" (Chapter 15), the only one in Part VI, I attempt to take stock of key lessons the contributors provide in relation to the total business solution. The six primary principles, or tenets, of the total business solution are revisited: identify the infringer as the unseen competitor; prioritize prevention, proactivity, and strategy; integrate controls and mechanisms for detecting and responding to infringements; maximize data, metrics, and analysis to assess and mitigate risk and gauge performance; formulate and execute a holistic approach that integrates and coordinates all parts of the firm for brand protection; and create and promote a culture of continuous improvement. For each of these tenets, I synthesize the information and context that the contributors offered, trying to further flesh out and operationalize key aspects of each primary tenet of the total business solution. The review illustrates the significant interconnectedness of all the total business solution tenets.

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