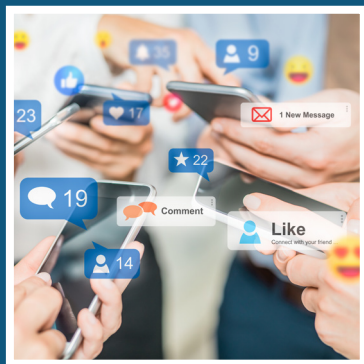


DUPE INFLUENCERS: THE CONCERNING TREND OF PROMOTING COUNTERFEIT APPAREL, FOOTWEAR, AND ACCESSORIES ON SOCIAL MEDIA

May 2021



Disclaimer

This report is provided by the American Apparel & Footwear Association (“AAFA”) for informational and educational purposes only. It explores a concerning trend among a small but fast-growing pool of influencers – dupe influencers – promoting counterfeit apparel, footwear, and accessories on social media platforms.

All material incorporated in this report is publicly available. Screenshots and quotes were taken directly from public social media accounts. All personally identifiable information (PII) has been redacted.

About AAFA

AAFA is the national trade association representing apparel, footwear, travel goods, and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its nearly four million U.S. workers, and its contribution of more than \$400 billion in annual U.S. retail sales.

AAFA’s Brand Protection Council (BPC) vigorously pursues brand protection efforts, with a focus on the global war against counterfeit apparel, footwear, accessories, and other supplier products. This committee has largely focused its attention on the proliferation of counterfeit goods found on online marketplaces and social media platforms.

AAFA strives to protect brands, workers, consumers, and American innovation and intellectual property with educational content and events. Learn more at aafaglobal.org/brandprotection and aafaglobal.org/fightfakes.

For media inquiries, please contact media@aafaglobal.org. For questions related to AAFA’s Brand Protection Council, please contact membership@aafaglobal.org.

Executive Summary

The purpose of this report is to educate influencers, consumers, online platforms, and brands on the growing trend of “dupe influencers.”

A dupe influencer is an individual with a social media following who shares links to, and reviews, counterfeit goods. The report provides a detailed account of the alarming behavior that has generated millions of views, likes, and shares of content directly related to the advertisement and sale of counterfeit goods online.

Counterfeits hurt more than lost sales on the part of trusted brands, and they are illegal for good reason. To view a fake as simply a cheaper alternative to a brand name product is incorrect and overlooks the health, product safety, environmental, and labor concerns related to the production and distribution of counterfeits.

This report helps the industry – and the influencers who promote counterfeits – to better recognize how to detect and deter this behavior, understand the risks, and ultimately protect consumers.

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Influencers vs. “Dupe Influencers”

In 2019, Merriam-Webster announced that it officially added “influencer” to the dictionary.¹ While this word had existed in the English language for centuries – *used to broadly refer to someone or something with the power to alter the beliefs of individuals, and as a result, impact the course of events* – it only began to take on new meaning in the 2010s with the steady rise of social media, technology, and consumerism.² During this time, as the lines between “real life” and “screen life” blurred, the modern day brand and lifestyle ambassador – the influencer – emerged, creating an entirely new industry and completely altering the trajectory of modern marketing forever.³

An influencer is “a person who is able to generate interest in something (such as a consumer product) by posting about it on social media.”⁴ Beyond their ability to simply generate interest in product or services, influencers act as vital intermediaries online by connecting brands and consumers.⁵ Influencers play a critical role when it comes to shopping decisions online.⁶ People who follow influencers tend to think of them more as friends or acquaintances providing recommendations, rather than celebrities or advertisers.⁷ For this reason, brands rely extensively on influencers to build trust and authentic relationships with followers, who may end up being paying customers.⁸

The orbit of influencers was once limited to celebrity-type figures with massive followings.⁹ However, over the last few years it has become readily apparent that influencers do not need to have millions of followers to have an impact on consumer purchasing decisions.

The influencer market has expanded to include “nano-influencers,” who have between 1,000 and 5,000 followers, and “micro-influencers,” who have between 5,000 and 10,000 followers.¹⁰ In fact, companies across various industry sectors—especially fashion—have looked to influencers with smaller followings to increase exposure and drive consumer engagement for their brands.

Influencers are a vital part of the fashion industry, with many brands incorporating influencer marketing into their digital strategies.¹¹ Just as fashion brands promote a certain lifestyle through their products, they look to influencers to do the same on their behalf through the social media content they post.¹²

The influencer industry is set to be worth \$15 billion by 2022.¹³ By acknowledging the power of influencers, brands are evolving to remain relevant and to create a connection point between the digital and the physical world.

Social media platforms like Instagram, YouTube, and TikTok have provided forums for influencers to share daily content and to connect with users across the globe. As these platforms have taken on commercial functions beyond communication, they have become key channels for brands and influencers alike. Additionally, influencer shopping apps like rewardStyle’s LIKEtoKNOW.it have gained significant popularity as the industry continues to grow.

Of course, influencers are only as compelling as the trust they receive from their followers.¹⁴ Most influencers use their platforms to promote authentic products. However, there is a concerning trend among a small but fast-growing pool of influencers to promote counterfeit merchandise referred to as “designer dupes” on social media. The remainder of this report focuses specifically on this particular type of influencer, who we refer to herein as “**dupe influencers**.”

Trademarks and the Scope of “Counterfeit”

A **trademark** is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others.¹⁵ Trademarks create an association between a product and a particular brand’s name and reputation for quality.¹⁶ Trademarks provide significant value both for consumers and for the suppliers of branded products – given that consumers cannot always inspect every product that they buy, trademarks provide an easy and dependable source of information about potential purchases.¹⁷

Trademark counterfeiting is when a product is manufactured or distributed bearing a spurious mark that is identical to or substantially indistinguishable from a registered trademark.¹⁸

Just as trends are ever-changing, so too are the terms being used to describe counterfeits. With each new generation comes a fresh wave of terms to promote fake products.¹⁹ “Knockoffs,” “reps,” “AAA,” “mirror quality,” “replicas,” and “inspired” are all terms that have been used to identify and describe counterfeits.²⁰ Recently, the term “dupes” has gained popularity on social media platforms to refer to counterfeits.

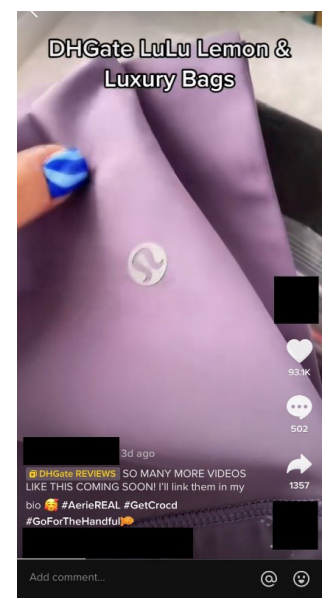
It is important to note that some copies, often referred to as “knockoffs,” merely *imitate* the physical appearance of another product without copying the brand’s registered trademark.²¹ In this report, we will explore the growing trend of “dupe” content in connection with trademark counterfeit goods.

Counterfeit vs. Knockoff

Consider the following example: “If Company X makes shoes that look exactly like Company Y’s shoes and also bear Company Y’s trademark, Company X is engaging in **counterfeiting**, the unauthorized exploitation of Company Y’s name and brand. However, if Company X creates shoes with a pattern and trademark that are very similar to Company Y’s but not identical, then there is less likelihood that this product will be considered counterfeit...”²²

Consider these two images. The first image is of a sneaker that looks exactly like Nike’s shoes and bears Nike’s federally registered trademark but is not produced or authorized by Nike. This product is likely a **counterfeit**.

In the corresponding TikTok video for the second image, a dupe influencer says to the camera: “**These leggings feel just like the Align [leggings], have the lululemon logo on it, came with the tag, came with a lululemon bag...**” This is also likely a **counterfeit** that was not produced or authorized by lululemon.



Why is the #designerdupe trend concerning?

*“Well, if it says the same name, it’s the same thing isn’t it? At the end of the day... It’s just the price difference.”*²³

This is not the case. To view counterfeits as simply a cheaper alternative to a brand name product is incorrect and overlooks the true risks associated.

Counterfeiting is illegal. Counterfeits hurt more than lost sales on the part of trusted brands, and they are illegal for good reason...²⁴

- *Counterfeits are often produced with substandard or unsafe materials that could harm you, your children, your friends, and your loved ones. It often costs much less to produce fakes that do not meet health and safety standards.*²⁴
- *Counterfeits are often produced in factories that do not meet environmental standards, dumping chemicals in local waterways and spewing toxic chemicals into the air.*²⁴
- *Counterfeits are often produced in unsafe workplaces by workers who are often paid little—and sometimes nothing in the case of forced labor.*²⁴
- *Counterfeits sales have been found to fund organized crime and terrorism.*²⁴
- *Counterfeits damage the value of legitimate brands. When brand owners lose the ability to collect a premium price for their branded goods, it leads to diminished innovation as brand owners are less likely to invest in creating innovative products.*²⁴
- *Counterfeits hurt the economy. By 2022, it is expected that counterfeit goods will displace roughly \$1 to \$2 trillion of global sales of legitimate companies.*²⁴
- *Counterfeits cause job losses. Global employment losses due to counterfeit goods were between 2 million and 2.6 million jobs in 2013, with job displacement expected to double by 2022.*²⁴

In the United States, trafficking in counterfeits is also illegal, with significant penalties and prison times.²⁵

What are dupe influencers saying about counterfeits on social media?

- *“OK... I just want to say, like if people are hating on you for getting dupes – just do it! I can just wear these around, they are good quality shoes, who cares if they are fake...just buy them! Buy dupes and save money!”*
- *“Mark my words I will never pay full price for like a luxury brand bag. If you have the money to do that, great, but not for me.”*
- *“Buying from Gucci, in my opinion, doesn’t make it any better or more ethical, so I’m happy to buy a fake if I think it’s realistic.”*
- *“I love all things designer, but sometimes – the majority of the time—the price tag is just too high. Designer items are not achievable by any means for a lot of people... and you guys love that I keep it real.”*
- *“Let’s just say my designer days are over. BUT it got me thinking that there must be some designer inspired items online that I can share with women who feel the same way I do.”*
- *“I love designer-dupe goodies that your everyday girl can afford.”*

Risks and Reach of Designer Dupe Tactics

When dupe influencers purchase counterfeits and provide their followers with recommendations on where and how to get the same items, they are facilitating the sale of unauthorized and counterfeit goods, an illegal activity under U.S. law. Some dupe influencers pride themselves as online resources for finding fake versions of highly sought-after fashion items. In one video, a dupe influencer boasts to her 1.2 million followers that her “**dupe videos really do well.**” Another dupe influencer with 43,000 followers refers to herself as the “**CEO of dupes**”.

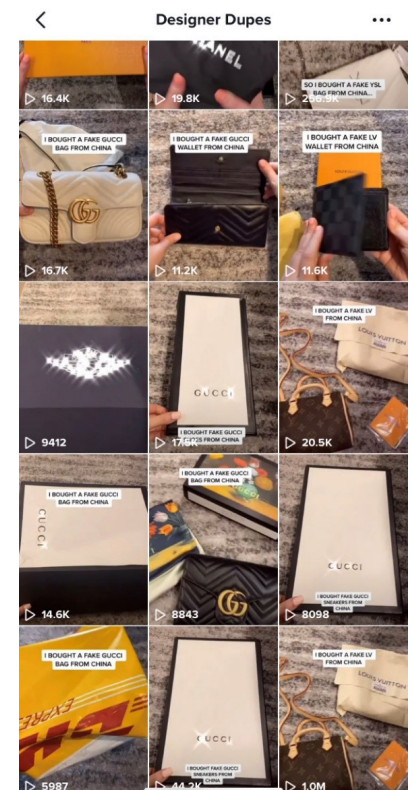
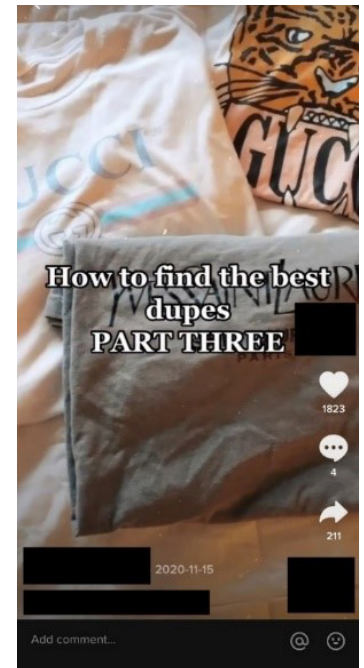
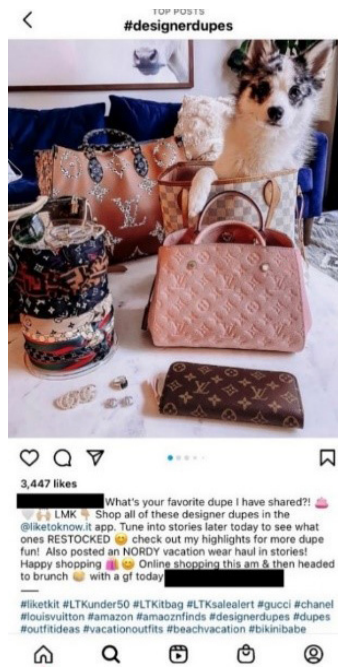
This activity goes beyond trying to find a cheaper alternative to a brand name product. By directing their followers to counterfeit listings, dupe influencers put their followers at risk through exposure to potentially unsafe products and to cybercriminals who frequently engage in the theft of personal information and payment details. Further, their followers could be unwittingly funding organized crime and terrorism and supporting factories that are unsafe, harm the local environment, and mistreat workers.

The popularity of counterfeit content on social media presents a significant problem for brands. Some dupe accounts have thousands of views or more. The image pictured here features one video with one million views.

When dupe influencers are actively promoting fakes on social media, their followers may start buying counterfeits per their recommendations.²⁶ Even worse, as dupe influencers shape the perception of counterfeits as being trendy and drive demand for counterfeit products, the only winners are the criminals manufacturing and selling counterfeits.²⁷

Dupe influencers may believe that they are helping their followers find a “great deal” but instead, they are promoting products that disregard health, safety, labor, and environmental concerns.

Dupe influencers use various tactics – all of which are also used by legitimate influencers – to promote counterfeits, including: (1) unboxing videos and designer dupe hauls; (2) sponsorships and giveaways; (3) tutorial videos and hidden links; and (4) influencer shopping apps.



Unboxing Videos & Designer Dupe Hauls

One of the biggest trends to rise from social media is a phenomenon known as “**unboxing**,” where influencers showcase their packages and (mostly gifted) goods via carefully crafted videos.²⁸

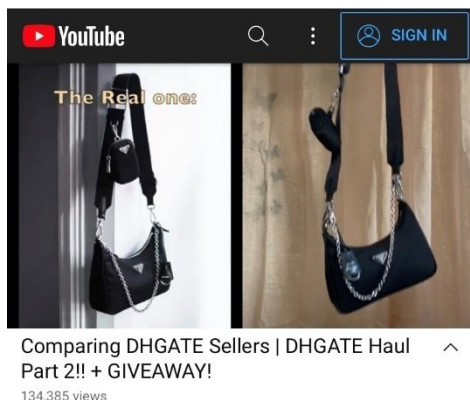
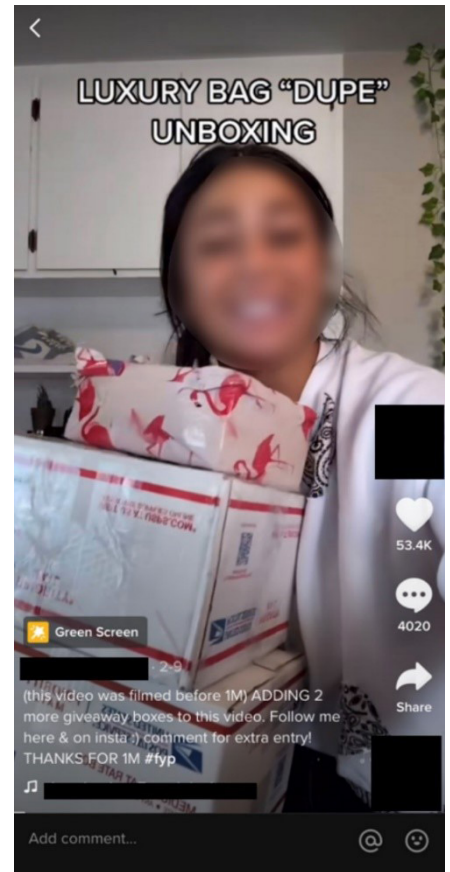
Dupe influencers have also recognized the appeal of unboxing videos and use them as a way to show off the latest counterfeits to their followers. According to one influencer with over 32.9 million likes: “**One of my favorite viral TikToks was me unboxing a dupe designer bag.**”

Through unboxing videos, dupe influencers are able to provide a full product review – and in effect, an interactive experience – to their followers. This goes beyond what a dupe influencer would be able to do by simply posting a photo of the counterfeit product or providing a link for their followers.

Unboxing videos typically start with a dupe influencer’s commentary on where the item was purchased and/or gifted from, how much it cost, and how long it took for the product to arrive. One dupe influencer excitedly tells her followers: “**Some of my favorite packages to get are when they say they are from China only because that means they are dupes!**”

Next, the dupe influencer will usually move onto the packaging – *how did the product show up to their doorstep? What did the packaging include?* Typically, dupe influencers will also film the process of unwrapping or unboxing the product, along with their reaction. One dupe influencer excitedly tells her followers: “**I’m just opening this up with you guys.**”

Dupe influencers will then comment on the quality of the product. Sometimes, a dupe influencer will post side by side comparisons of the authentic and the counterfeit or go into a detailed analysis of what makes the two versions different. Dupe influencers often boast about how pleased they are with the counterfeit received. The dupe product review will usually entice their followers to purchase the same (or similar) counterfeit.

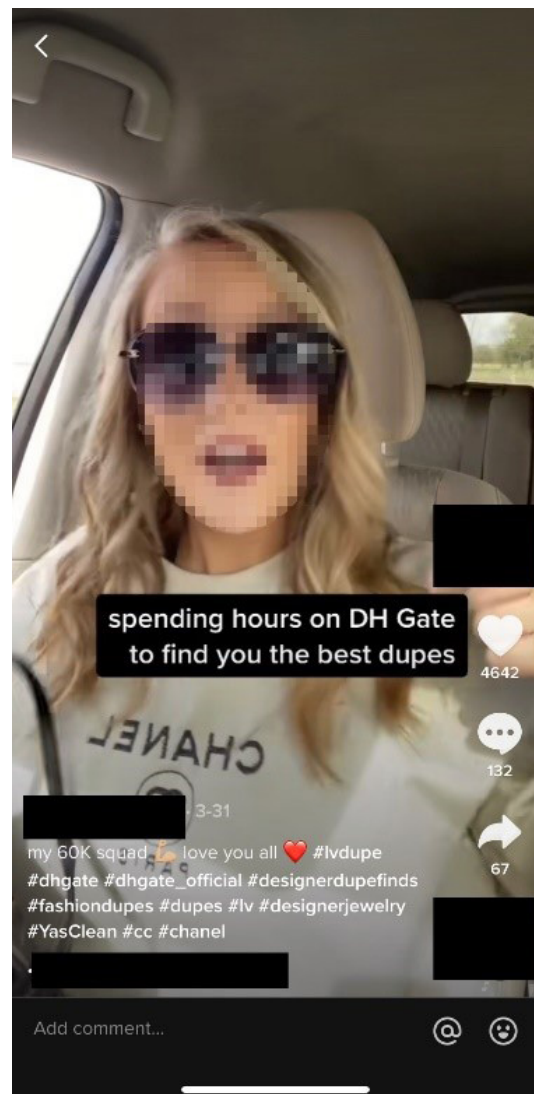
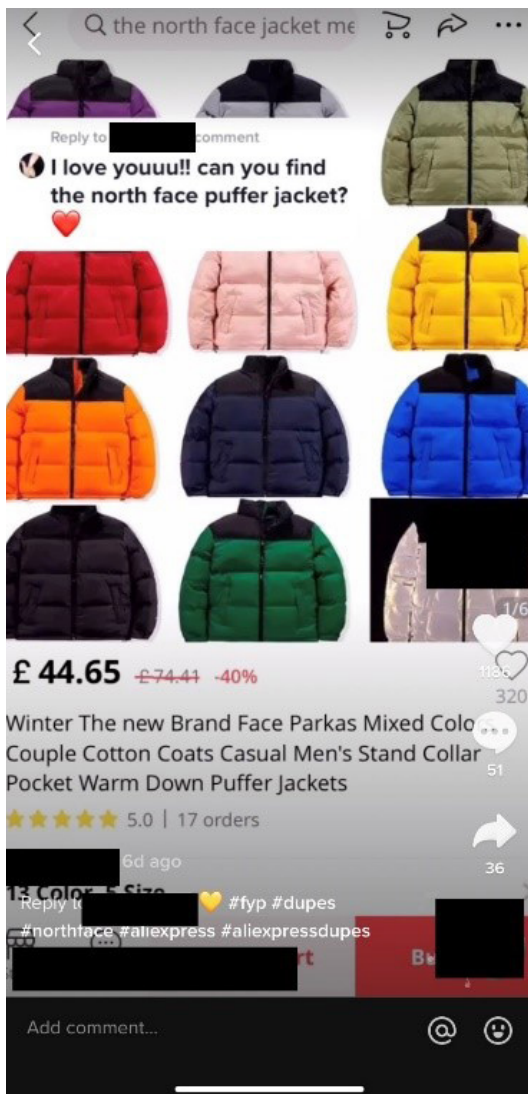


Bragging Rights?

“Fake designer culture is insane... and there’s a lot to be said about it. The idea of “OMG I FOUND YOU THE BEST DESIGNER DUPE” has become such an obsession in the influencer world. In my mind, it’s becoming more and more of an issue that needs to be addressed.”²⁹

When dupe influencers promote counterfeits to their followers, not only are they potentially profiting from the content they post, but they try and come across as making a friendly recommendation.

For example, one dupe influencer – in a video with almost 16,000 likes – boasts: **“Well I just spent like two hours finding more dupes for you guys and finding old links to items I’ve already bought and shared on TikTok and I put them all in one place for you to shop them. I am not the kind of person who is going to hide these amazing finds for you guys...if there is something that you don’t see and you are interested in, leave a comment and I’ll try to go find it for you as well...”**



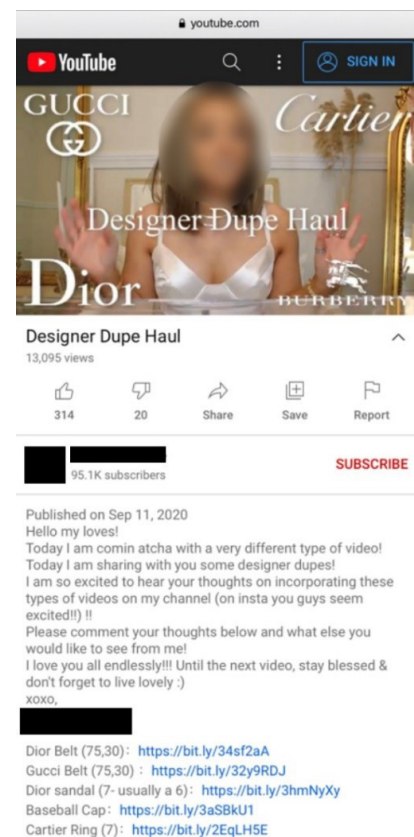
In unboxing videos, dupe influencers also review the collateral that comes along with the counterfeit – for example, receipts, hang tags or dust bags. Counterfeiters include these items to mimic or simulate an “authentic” shopping experience for their customers.

It is important to keep in mind that the counterfeit product or packaging may contain harmful chemicals or materials that could pose health and safety risks to consumers, especially given that many of these items come in direct contact with the skin.

Dupe influencers show off the latest batch of counterfeits they’ve purchased or have been gifted through “hauls.” Influencers often use hauls - videos that contain reviews of multiple items that were either purchased or gifted from the same seller or different sellers - to cover more product. Dupe influencers regularly use hauls in their efforts as well.

One dupe influencer with over 24,000 subscribers says: **“I also on the other hand love doing DHgate hauls, WISH hauls, AliExpress hauls, SHEIN... all of these websites where it’s kind of risqué but I love to try them out for you... if you are interested in that kind of thing though I have a ton of videos coming up – like good hauls – so subscribe down below”.**

Unboxing videos and designer dupe hauls have the potential to glamorize the purchase and sale of counterfeit goods. By surrounding fake goods with a full online experience, dupe influencers try to make counterfeits seem legitimate or acceptable to their followers.

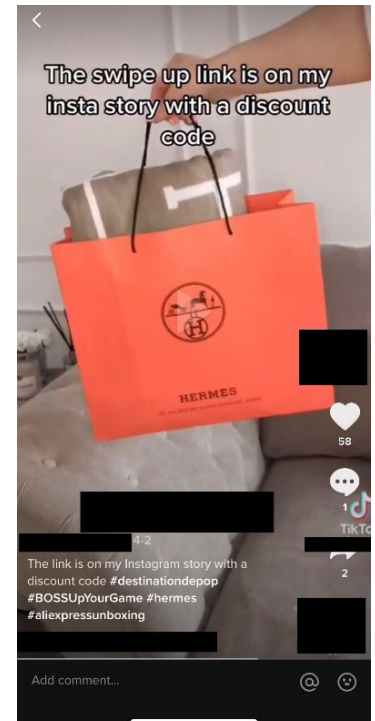
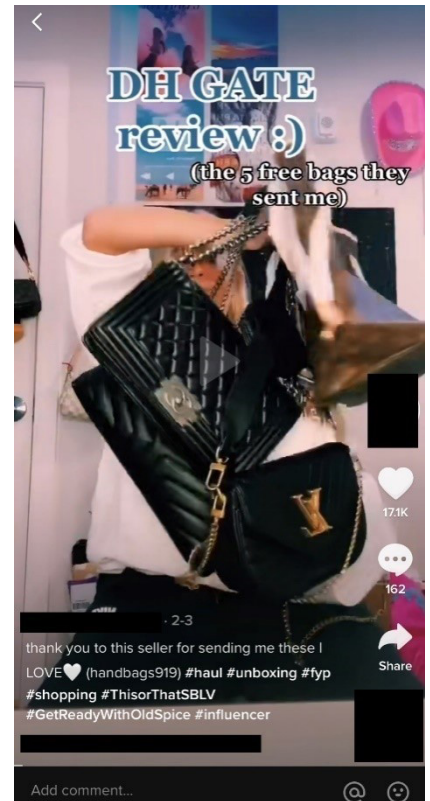


Sponsorships & Giveaways

It appears that some dupe influencers are being gifted counterfeits, or provided monetary compensation, in exchange for promotional posts or videos of counterfeits.

A dupe influencer with almost 520,000 followers explains in one video (while holding up 5 counterfeit handbags): “DHgate saw my video that I reviewed...that I posted a month ago...and they wanted to like send me a bunch of free bags to like review on here for you guys because a lot of people saw my other video and the five free bags just came in... I’m going to post another video reviewing them – they look so good. They are insane. Thank you so much to the shop that sent me these. You did not have to do that. I am obsessed and if you want to buy any of these, I would totally sell these if you message me on Instagram...”

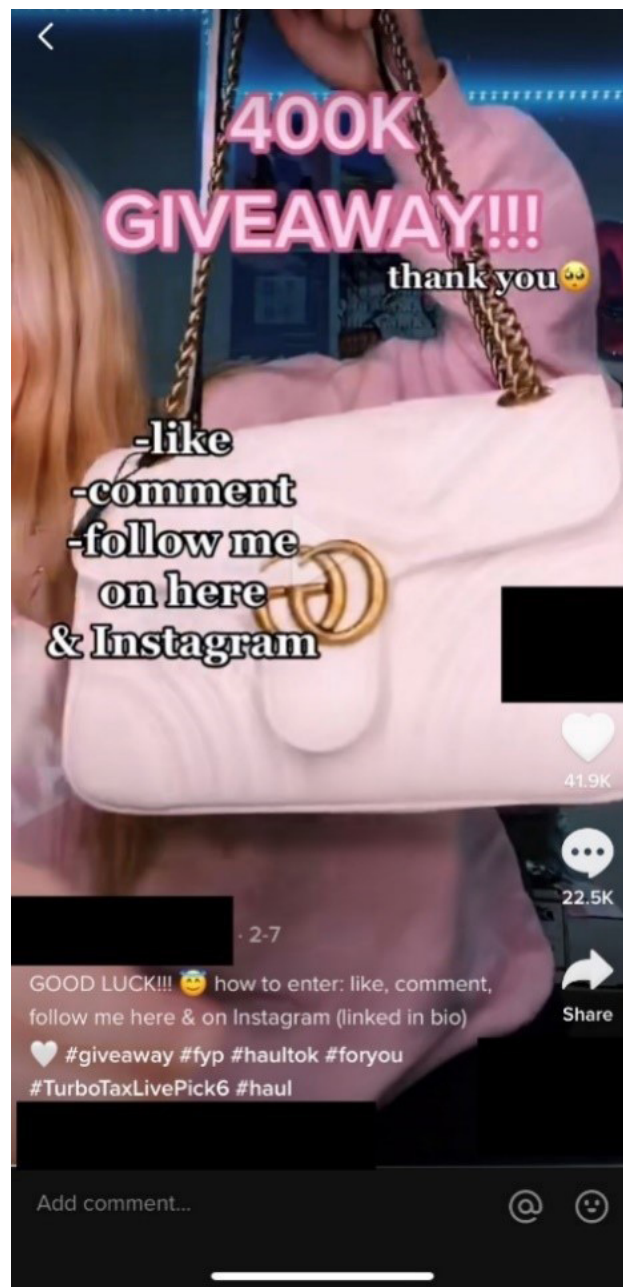
In some instances, dupe influencers provide discount codes to their followers for the same counterfeit items shared in their posts and videos, driving the sale of illegal products online and directly benefiting the supplier(s) and/or manufacturer of these goods.



Dupe influencers will also provide platform users with opportunities to win counterfeits in “**dupe giveaways**.” As one TikTok influencer explains to her followers: “**I do a lot of dupe bag giveaways because I get sent so many brands to review on here and sometimes I get sent the same purse... I’m so excited to be able to give one away to you guys...I’m so excited to pick a winner – I think it’s so fun! And I do get sent so many things so I’m able to do a bunch of giveaways. I’ve done like multiple the past week which is so exciting.**”

Through online giveaways, dupe influencers take a more active role in placing counterfeits into the hands of consumers. This is alarming activity because dupe influencers thus expose consumers to the health, safety, economic, environmental, and labor concerns connected to counterfeits.

When dupe influencers receive free product and, in turn, promote that product through giveaways or discount codes, they further partake in illicit activity and potentially become accessories in the trafficking of illegal counterfeits. This active engagement puts consumers in harm’s way. Dupe influencers are indirectly advising their followers that it is acceptable to support organized crime, unsafe working conditions, and the environmental degradation that is related to the production and distribution of counterfeit goods.



Tutorial Videos & Hidden Links

Tactic: Tutorial Videos

Through tutorial videos, dupe influencers provide their followers with specific, step-by-step tips and tricks to find popular counterfeit items.

Counterfeiters are routinely finding ways to evade detection online. Dupe influencers provide content on social media to help their followers keep up with the quickly evolving strategies to locate counterfeits.

One dupe influencer tells her followers: **“The most important thing for finding dupes is that you can’t ever type in the brand name... you want to type in designer or luxury and whatever else you want...”**

Some other tips dupe influencers have provided to their followers include:

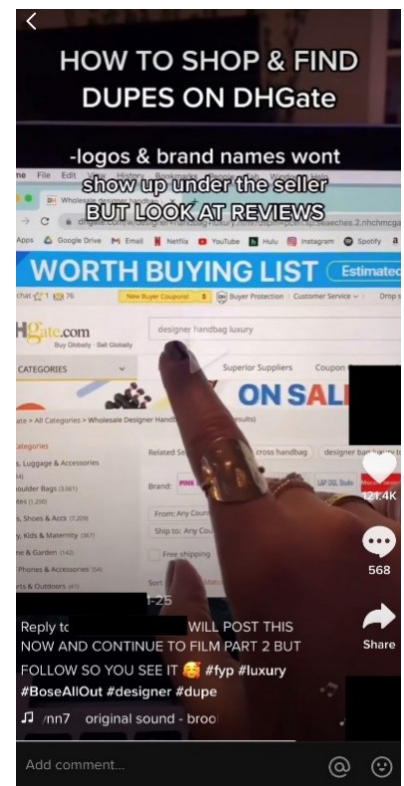
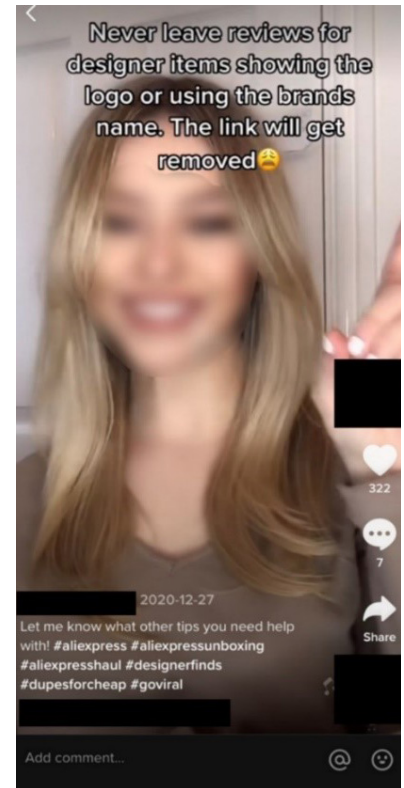
- *Photos for designer inspired items usually have the logo missing or are blurred. Message the seller and ask for the real photos.*
- *Please don’t post reviews with photos showing logos otherwise the seller has to delete the link for the item.*

With these tutorial videos, dupe influencers are actively helping their followers to find counterfeits online. Again, this has the effect of legitimizing the purchase of counterfeit products – by doing so, consumers are unwittingly purchasing fake goods from criminals that disregard health, safety, labor, and environmental concerns. Additionally, dupe influencers are in effect teaching consumers how to potentially engage in illicit activities beyond simply buying illegal products.

Tactic: Hidden Links

Another growing trend on e-commerce and social media platforms is “hidden links.” This strategy relies on an “Order This – Get This” model – typically, sellers advertise for sale a generic, often non-branded product to the purchases, which is oftentimes counterfeit.³⁰

In one video, a dupe influencer says: **“So I’m getting a lot of messages saying people are confused why doesn’t the photo show the genuine product – why doesn’t it have the designer logos on – they don’t upload the logos on the photo because of copyright. They don’t want the post to be taken down and deleted... When you’re on this post it**



just looks like a boot, but if you scroll down to the options you will see the Dior boots...”

Another dupe influencer explains to her subscribers: “...I want to tell you guys how to find hidden links. I know that a lot of people don’t even know what hidden links are... basically AliExpress is not allowed to sell replica items...so they hide the links so that AliExpress does not really know that they are selling replica items. So, let’s say you wanted to buy a Fendi scarf. The picture that you will see in the link won’t be a Fendi scarf – it will be something different, maybe like a golf t-shirt or something very different. And then when you pay, you have to put in a code in the note section of AliExpress...usually they give you the code somewhere where you found the link. Maybe you found it on Facebook on Telegram or Pinterest...”

There are also entire groups dedicated to hidden links on social media platforms. The purpose of these groups is to advertise counterfeit products, using online marketplaces to facilitate the payment. These are often private groups that require social media user to answer a series of questions and to agree to certain protocol before being accepted into the group.

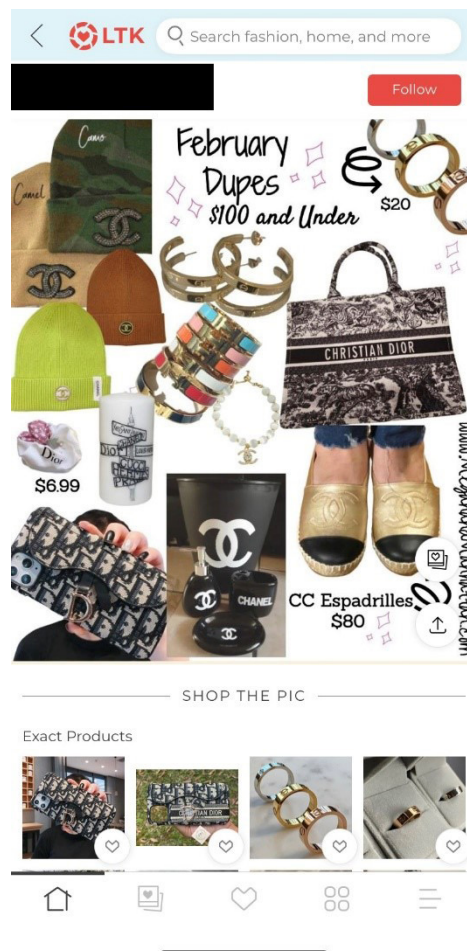
Influencer Shopping Apps

Tactic: Tagging on Influencer Shopping Apps

While they were never created for this purpose, influencer shopping apps have unintentionally streamlined the process to shop for counterfeits. Dupe influencers will often direct their social media followers to their tagged posts on influencer shopping apps. One dupe influencer says in a video: “I’ll be sure to post these on my LIKEtoKNOW.it so you can shop from the same seller.”

The LIKEtoKNOW.it is one of the largest influencer shopping applications.³¹ LIKEtoKNOW.it is an extension of rewardStyle, a monetization solution for digital influencers.³²

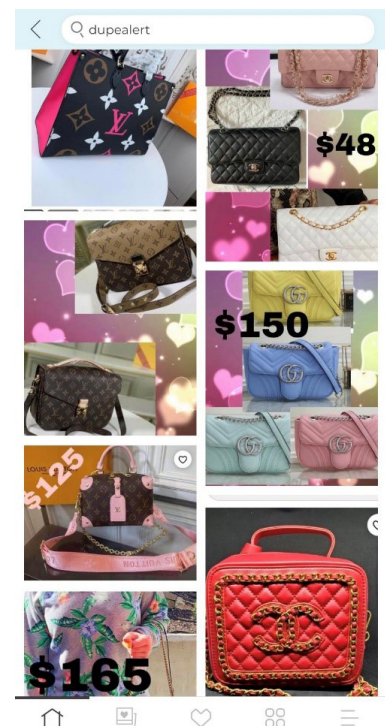
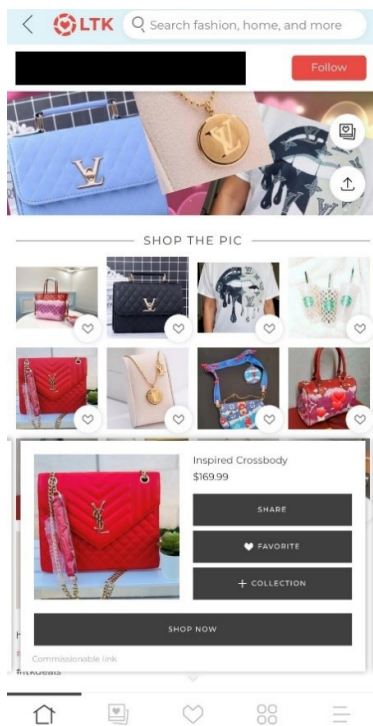
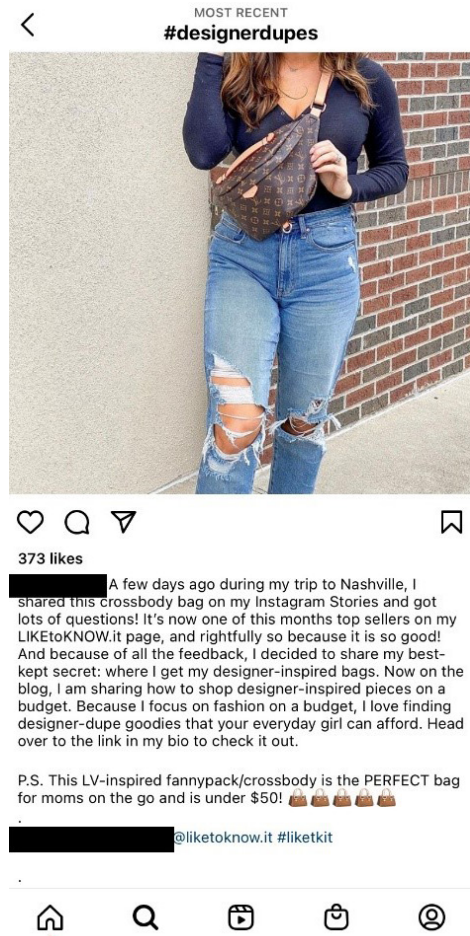
LIKEtoKNOW.it users can purchase items that influencers are wearing in a given post.³³ Consumers no longer have to hunt down their favorite influencer’s outfits or do research to figure out where to buy – instead, they are connected almost instantly to a page where they can purchase these exact items.³⁴



LIKEtoKNOW.it users are able to search tags on posts or by influencer. A search for designer dupes on the app aggregates all matching posts. Many (although not all) of the results include tags to products that are obviously counterfeit. Consumers can then “Shop the Pic” and link directly through to the platform where the counterfeit is being offered for sale.

An influencer can only use LIKEtoKNOW.it on their Instagram photos if they have been approved as a rewardStyle approved Influencer.³⁵ Additionally, influencers accepted to the rewardStyle affiliate program are allowed to use LIKEtoKNOW.it as a monetization platform.³⁶

If a dupe influencer is approved and accepted to the affiliate program, they could potentially derive direct financial benefit from the counterfeits they are promoting through the app, furthering their involvement in illegal activity.



Recent Influencer Regulation and Other Developments

While the influencer industry is relatively new, litigation and regulation are growing in this space. In the fall of 2020, Amazon sued two social media influencers who the company alleged were teaming up with third-party sellers and using Instagram, Facebook, and TikTok to promote counterfeit goods sold on Amazon.³⁷ According to Amazon's complaint, the influencers devised a plan to circumvent Amazon's counterfeit-detection systems by promoting hidden links. This lawsuit could set the trend for online platforms to bring more lawsuits against dupe influencers operating on their sites in the future.

The Federal Trade Commission (FTC) is also actively monitoring influencer activity and recently released a statement on endorsement guidelines for influencers.³⁸ The statement addresses fake reviews and undisclosed influencer endorsements, the FTC's next steps regarding potential new requirements for social media platforms and advertisers, and whether or not they activate civil penalty liability.

Given the FTC's interest in influencer transparency and disclosures, it may only be a matter of time before dupe influencer activity is subject to greater scrutiny by the Commission.

AAFA Recommendations

As demonstrated above, dupe influencers are legitimizing, facilitating, and promoting the sale of counterfeit products online. By engaging in the behaviors demonstrated throughout this report, dupe influencers are putting unwitting followers and consumers in harm's way while simultaneously supporting criminal enterprises that have no regard for product safety and dangerous environmental implications.

Furthermore, by promoting the sale of counterfeit products, dupe influencers destroy American jobs. Every time a counterfeit product is purchased instead of an authentic product, that means fewer sales for legitimate companies. In turn, those companies will have less money to hire designers; the workers in product development, sourcing, or compliance that turn those designs into an actual product; the transportation and logistics managers, warehouse workers, the truckers who ensure that product makes it to market; and the merchandisers and salespeople who get that product sold. Millions of American jobs — legitimate and good paying jobs — are lost.

As such, AAFA has five recommendations to combat dupe influencer content on social media:

1. *Platforms must continue to clean up their sites;*
2. *Platforms should block #designerdupes and related hashtags;*
3. *Platforms must terminate the accounts of dupe influencers who repeatedly promote counterfeits;*
4. *Dupe influencers need to improve their product disclaimers; and*
5. *Consumers need more information about the reach of counterfeits.*

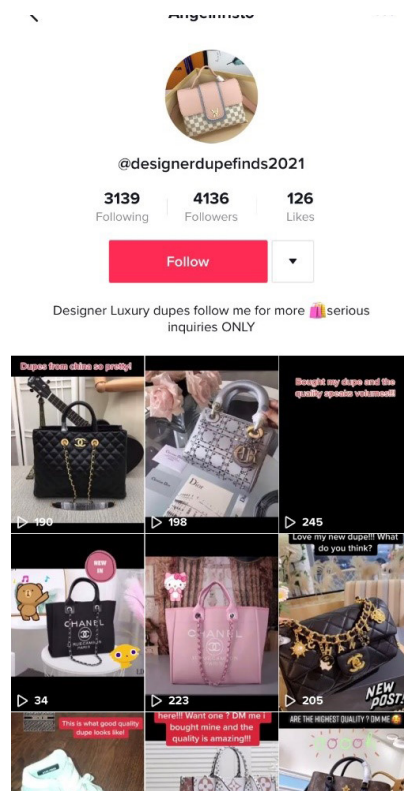
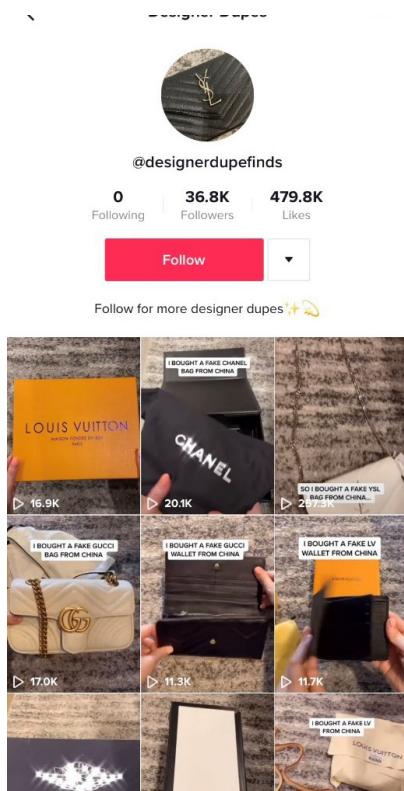
1. Platforms must continue to clean up their sites.

The scale of counterfeit activity online is evidenced in part by the significant efforts social media platforms have had to undertake to combat counterfeits on their sites. These platforms have adopted intellectual property policies, created online enforcement programs for brands, and implemented proactive features on their sites to address the sale of counterfeits. They have also increased their direct engagement with brands and industry associations, like AAFA, to share information on the latest challenges and developments in this space, and to work together on effective solutions.

Social media platforms have terms of use and community guidelines to address illegal content on their sites, including the sale of counterfeit goods. **Any activity or content that expressly violates another party's intellectual property is prohibited.** The appendix contains selected segments from the Terms of Use of Instagram, YouTube, TikTok, and LIKEtoKNOW.it.

Yet, even with these policies in place, content put out by dupe influencers continues to proliferate across social channels. Online platforms need to recognize that this is a fast-growing problem and take proactive measures against the advertisement and facilitation of the sale of counterfeit goods.

Across all social media platforms, there are obvious red flags to identify accounts that are **not** selling authentic products as well as dupe influencer content promoting and advertising the sale of counterfeit goods. More should be done by platforms to proactively seek out and remove this content when it is tied to illegal activity, rather than waiting for brand owners to step in and file a notice and takedown request.



2. Platforms should block #designerdupe and related hashtags.

Certain hashtags – **#designerdupes**, **#designerdupefinds**, and **#dupedesigner** – streamline the search for counterfeit content across social media platforms. Given the popularity of these hashtags, dupe influencers also use them to attract new followers and to increase online engagement with their posts and videos.

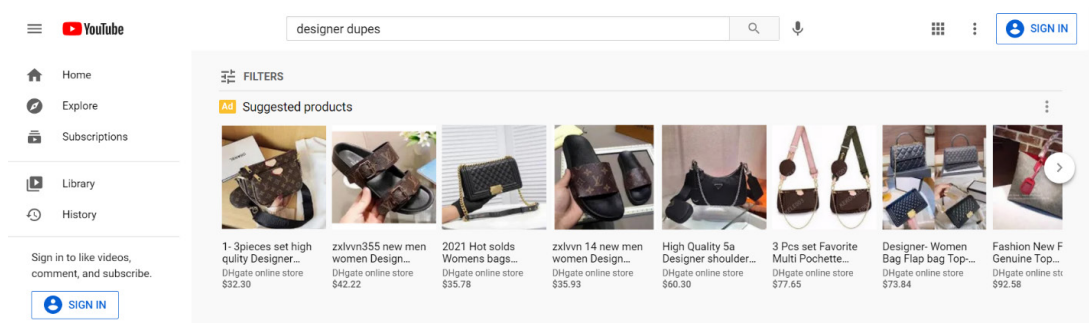
As of **April 26, 2021**:

- **#designerdupes** had over **28,200** associated posts on Instagram;
- **#designerdupe** had over **11,600** associated posts on Instagram;
- **#designerdupefinds** had over **6,500,000** associated views on TikTok; and
- **#dupedesigner** had over **17,000** associated views on TikTok.

Social media platforms should block hashtags that are being used to promote counterfeit products, such as **#designerdupes** or **#designerreplicas** or **#brandnamecopies**, when these hashtags are clearly being used to further the sale of illegal products online.

Of course, this cannot be a one-time effort - efforts must be cumulative. The problem with blocking one (or a series) of dupe-related hashtags is that counterfeit activity will ultimately gravitate to another hashtag. For example, TikTok recently blocked **#designerdupe**, explaining to those who search for the hashtag that it may be associated with content that violates the TikTok guidelines. While this is a positive step to curb counterfeit content on the platform, users are still able to search for **#dupedesigner** and **#designerdupefinds**. As a result, social media platform must continue to search out and block hashtags clearly associated with counterfeit product.

Additionally, ads for counterfeits may be served to online users when they search for designer dupes on social media platforms. For example, when a user searches for “designer dupes” on YouTube, sponsored ads from DHgate are served, further enabling the sale of counterfeit goods online. These ads must be blocked and/or proactively removed by social media platforms.



3. Platforms must terminate the accounts of dupe influencers who repeatedly promote counterfeits

Dupe influencers that facilitate the sale of counterfeit goods violate the Terms of Use in place for most social media platforms. A sampling of the Terms of Use of Instagram, TikTok, YouTube, and LIKEtoKNOW.it can be found in the appendix.

Therefore, social media platforms are able to immediately terminate the accounts of dupe influencers that violate these policies and establish mechanisms to ensure those dupe influencers do not reappear on the platform using a different another account or profile name.

4. Dupe influencers need to improve their product disclaimers.

Influencers have a responsibility when promoting products to a wide range of impressionable followers online. Some dupe influencers don't fully understand what a counterfeit is or aren't aware they could potentially be committing a federal crime by facilitating the trafficking of illegal counterfeit product. For example, one dupe influencer explains in a caption that the products she is promoting are **"amazing look a likes (not knockoffs, but inspired)"**. Contrary to this statement, these products are counterfeit as there are clearly registered trademarks on these items.

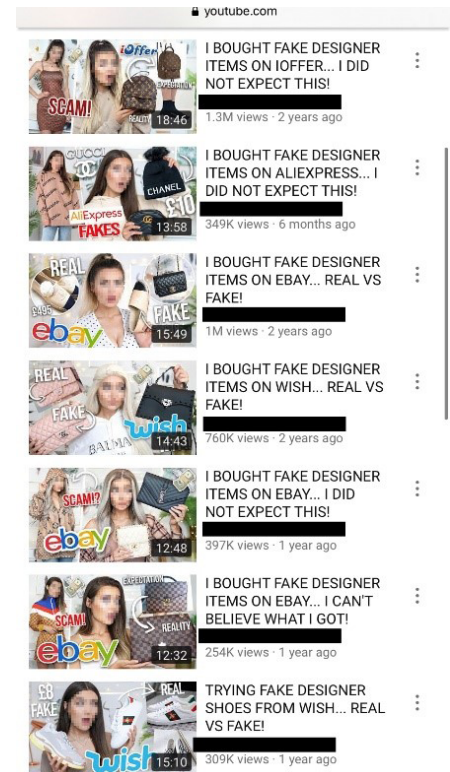
On a basic level, dupe influencers understand what they are doing is wrong. In one instance, before beginning a haul video, a dupe influencer tells her subscribers: **"As per usual with these videos, I am not recommending purchasing illegal counterfeit items. This is just for entertainment and for investigation purposes... that's why you will see no links in the description besides what I am wearing because it is illegal for me to link those. So, if you have any questions, go ahead and DM me on Instagram and I will do my best to help y'all..."** Despite using the word "illegal" twice in this disclaimer, the dupe influencer ends by offering to do her best to "help" her followers, and then continues on in a ten-minute video reviewing the counterfeit products.

Dupe influencers have an obligation to explain to their followers the difference between purchasing a counterfeit and a legitimate product and detail to their followers what the purchase of counterfeit product exposes their followers to and what that purchase supports.

5. Consumers need more information about the reach of counterfeits.

A key element in the war against illegal counterfeit goods is raising consumer awareness of the potential dangers and low quality of such products.³⁹ Unfortunately, many consumers don't understand the chain reaction of consequences that comes along with purchasing a counterfeit product.⁴⁰

After purchasing counterfeits, one dupe influencer warned her almost 47,000 subscribers that she almost got scammed and the experience was **"not worth the risk."** She goes on to explain: **"As much as I like doing these videos – I am done ordering from DHgate. I think overall they are a very sketchy company – all of the sellers can be extremely sketchy – and you run the risk of not getting the product, of getting a super crappy product in the mail, and not being able to get your money back – because technically they send you what they advertise [in reference to hidden links], so you can't**

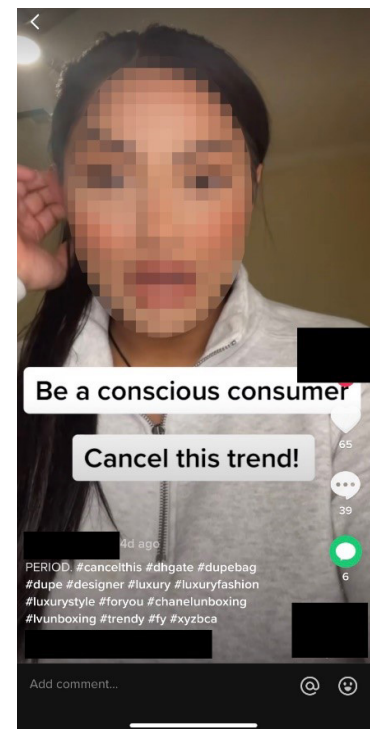
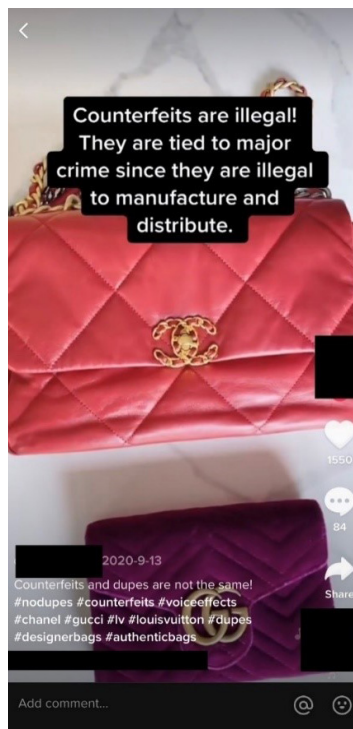


dispute it. There are so many things that can go wrong. If these things were \$5-20...these are high-ticket items in my opinion and aren't worth it..."

Some social media users have started to call out the counterfeit content posted by dupe influencers. The comments below were left on dupe influencer content across various social media platforms:

- "That's just embarrassing. If you can't afford to pay the real thing, then just buy brands that you can afford. Counterfeits support child labor!!"
- "...these brands have copyrights and patents. I suggest you stop promoting fake garbage."
- "I hate when everyone romanticizes calling these dupes when they're literally fake and illegally made."
- "Don't forget this is super illegal and you can get in trouble although it is a small chance."
- "No hate but be careful advertising this. The brands don't post logos in the listing because this is illegal."
- "Hi! If you can't afford it, don't buy it [smiling emoji] Remember guys buying fakes is illegal [smiling emoji] and also messes up the economy."
- "These are not dupes...they're COUNTERFEIT."
- "...they use child labour and pay lower than minimum wage to women in developing countries [pink hearts emoji] love how people still promote buying counterfeit goods [vomiting emoji]"
- "Are you really ok with supporting counterfeits not to mention not knowing if you are supporting child labor?? Those companies rip off trademarks. And you have no idea who is making those products."

To further their mission, some influencers have also started to share content on their platforms warning others of the dangers associated with purchasing counterfeit goods.



Join the Conversation and Raise Awareness with AAFA

AAFA will continue to sound the alarm bells on the proliferation of dupe influencers with continued social media campaigns around #FightFakes and explaining what #DupeInfluencers are really engaging in.

AAFA invites all readers to follow AAFA on [Twitter](#), [LinkedIn](#), and [Instagram](#). AAFA also urges readers to follow key government agencies such as the National Intellectual Property Rights Center (IPR Center) and the Federal Trade Commission (FTC).

Engage with:

- AAFA: [@apparelf footwear](#)
- National IPR Center: [@IPRCenter](#)
- FTC: [@FTC](#)

#DearInfluencers

Are you thinking about sharing that next post or video of your latest dupe with your followers? Before you promote or post on your account, take a moment to make sure the product is authentic and recognize how counterfeit content could impact your personal brand as an influencer.

Your Partnerships

You just agreed to promote a product to your followers, but do you actually know who is making or selling the product? Keep these questions in mind:

- *Is the company promoting its own brand, or is it selling items from other brands?*
- *Where is the product being shipped from?*
- *Do the product descriptions include words like “replica” “inspired” or “dupe”?*

Your Future Collaborations

Imagine this scenario: One of your favorite fashion brands reaches out to collaborate on an upcoming campaign. Upon reviewing your social media account, the brand notices you have previously promoted counterfeits and walks away from the collaboration, wanting to avoid any association with illegal activity. Don't risk your future collaborations by actively promoting content that disrespects creativity and infringes on another brand's intellectual property. Keep in mind these questions when you decide to post your most recent dupe purchase:

- *Do I hope to further monetize and expand my influencer presence?*
- *Do I want to collaborate with reputable brands in the future?*
- *Would a representative for a reputable brand see my page and think twice to work with me?*

Your “Blue Check”

A “blue check” online is the coveted symbol representing ultimate influencer status. Social media platforms list requirements that users must meet in order for their account to receive a verified badge.⁴¹ In most instances, promoting counterfeit goods violates a social media's Terms of Use agreement.

Having your account suspended or deleted after violating a social media platform's Terms of Use will not further your goal to receive a verification badge and will ensure that your account never receives one.

Your Online Reputation

A legitimate brand makes valuable investments across its entire production chain – not just in its designer's creativity. Brands expend significant resources to ensure their supply chains comply with labor, safety, and environmental practices.

Counterfeiters, on the other hand, certainly do not take these practices into consideration when manufacturing their fake goods. By promoting their counterfeits, you are also telling your social media followers that you don't care about these practices.

The bottom line is that by directing your followers to counterfeits, you are intentionally putting them in harm's way by exposing them to unsafe products and to cybercriminals who frequently engage in the theft of personal information and payment details. Further, thanks to you, your followers are unwittingly funding organized crime and terrorism, in addition to supporting factories that are unsafe, harm the environment, and mistreat workers. Is that the reputation you want to build?

APPENDIX

Instagram

Current Intellectual Property Policies *(the below descriptions are selected segments from Instagram's Terms of Use⁴²)*

How You Can't Use Instagram: *You can't post someone else's private information without permission or do anything that violates someone else's rights, including intellectual property rights (e.g., copyright infringement, trademark infringement, counterfeit, or pirated goods).*

Content Removal and Disabling or Terminating Your Account: *We can remove any content or information you share on the Service if we believe that it violates these Terms of Use, our policies, or we are permitted or required to do so by law. We can refuse to provide or stop providing all or part of the Service to you (including terminating or disabling your access to the Facebook Products and Facebook Company Products) immediately to protect our community or services, or if you create risk or legal exposure for us, violate these Terms of Use or our policies, if you repeatedly infringe other people's intellectual property rights, or where we are permitted or required to do so by law.*

Implemented Measures

Instagram's Help Center includes information about intellectual property rights, trademark rights, and counterfeits.⁴³ The counterfeit information section describes a counterfeit as follows: "A counterfeit good is a knockoff or replica version of another company's product. It usually copies the trademark (name or logo) and/or distinctive features of that other company's product to imitate a genuine product. The manufacture, promotion or sale of a counterfeit good is a type of trademark infringement that is illegal in most countries, and is recognized as being harmful to consumers, trademark owners and honest sellers." The informational page continues: "Please note that counterfeit goods may be unlawful even if the seller explicitly says that the goods are counterfeit, or otherwise disclaims authenticity of the goods." The section concludes by directing users to fill out a form if the user believes content on Instagram is selling or promoting counterfeit goods.

YouTube

Current Intellectual Property Policies *(the below descriptions are selected segments from Google's Terms of Use⁴⁴)*

Counterfeit: *Google prohibits the sale or promotion for sale of counterfeit goods in its products, including YouTube. Counterfeit goods contain a trademark or logo that is identical to or substantially indistinguishable from the trademark of another. They mimic the brand features of the product in an attempt to pass themselves off as a genuine product of the brand owner. Channels that promote or sell counterfeit goods may be terminated.*

Implemented Measures

Instagram's Help Center includes information about intellectual property rights, trademark rights, and counterfeits.⁴³ The counterfeit information section describes a counterfeit as follows: "A counterfeit good is a knockoff or replica version of another company's product. It usually copies the trademark (name or logo)

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TikTok

Current Intellectual Property Policies (*the below descriptions are selected segments from TikTok's Terms of Use*⁴⁵)

Your Access to and Use of Our Services: *Your access to and use of the Services is subject to these Terms and all applicable laws and regulations. You may not...any material which does or may infringe any copyright, trademark, or other intellectual property or privacy rights of any other person.*

Intellectual Property Rights: *We respect intellectual property rights and ask you to do the same. As a condition of your access to and use of the Services, you agree not to use the Services to infringe on any intellectual property rights. We reserve the right, with or without notice, at any time and in our sole discretion to block access to and/or terminate the accounts of any user who infringes or is alleged to infringe any copyrights or other intellectual property rights.*

Implemented Measures

Under TikTok's "Intellectual Property Policy" page, trademark infringement is described.⁴⁶ "Trademark laws prohibit trademark infringement, which is generally the unauthorized use of a trademark or service mark in connection with goods or services in a way that is likely to cause confusion, deception or mistake about the source, origin, sponsorship or affiliation of the associated goods and/or services. At the same time, the use of another's trademark for purposes of accurately referencing, lawfully commenting, criticizing, parodying, or reviewing the trademark owner's products or services, or for purposes of comparing them to other products or services, where the mark is not used to designate the user's own goods or services or those of a third party, is generally not considered a violation of our policies. Likewise, it is generally permissible to make a fan page about a brand, even without the brand's permission, provided that you do not claim to speak for or be associated with the brand or otherwise violate the brand's intellectual property rights."

TikTok offers users to file a trademark infringement report. They also recommend those seeking removal of an infringement to "[contact] the user directly" stating it "may resolve your complaint more quickly and in a way that is more beneficial to you, the user, and our community." TikTok also provides a form to fill out for those who receive a trademark infringement notification who believes the violation notification was in error.

LIKETOKNOWit. App

Current Intellectual Property Policies (*the below descriptions are select segments from Like to Know It's Terms of Service*⁴⁷)

Your Content: *You represent, warrant, and agree that you are the exclusive owner of your Content and/or you have all rights, licenses, consents and releases necessary for the Content that you make available on the Services. You further represent, warrant and agree that your Content does not infringe, misappropriate or violate a third party's intellectual property rights, a third party's right of publicity or privacy, or any other law or regulation.*

Inappropriate Content: *[Inappropriate Content] includes, without limitation, Content that: infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party.*

Endnotes

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