

# ‘Fake it to Make it’: Exploring product counterfeiting in Türkiye

## ABSTRACT

**Purpose** - This article explores the issue of product counterfeiting in Türkiye and assesses Türkiye's role in the global supply chain of counterfeit goods. It sheds light on the supply-side dynamics of counterfeiting in the Turkish context.

**Design/Methodology/Approach** – Interviews were conducted with 46 key experts, including police officers, customs officers, and trademark attorneys. The study also incorporated data from a documentary analysis of counterfeit products seized by the Bulgarian Customs..

**Findings** - The findings of this study highlight the significant role of Türkiye in international supply chains, serving as both a manufacturing hub for a wide array of counterfeit products and a crucial transit point for goods bound for European markets. This study suggests that counterfeiting serves as a source of livelihood for many individuals in Türkiye, with counterfeiters often justifying their activities by claiming they contribute to the country's economy through job creation and the influx of foreign currency.

**Originality** - This article is an original contribution to the understanding of product counterfeiting in Türkiye, a major counterfeit producing country, with potential implications for the future of consumer protection and market integrity.

**Research Limitations/Implications** - While qualitative research is essential for exploring nuanced aspects and gaining in-depth insights, it may not provide the statistical robustness and generalizability associated with larger quantitative studies.

## KEYWORDS

product counterfeiting, illicit trade, intellectual property, trademark infringement, Türkiye

## INTRODUCTION

Counterfeit goods, as a concept, have existed for approximately two millennia since the inception of trademark regulations. However, it is widely contended that the issue of counterfeiting assumed substantial significance only in the wake of industrialization and the advent of capitalist economic systems (Jennings, 1989; Vagg, 1995). Counterfeiting represents a criminal activity characterized by its clandestine nature, making it exceedingly challenging to ascertain its precise scope and socioeconomic repercussions. Nevertheless, concerted efforts have been made to gauge the extent of counterfeiting's impact, often relying on seizure statistics and the observed declines in sales volumes of companies targeted by counterfeit operations (OECD, 2008). Sullivan, Wilson and Militz (2017, p. 1290), roughly estimated that the cost of counterfeiting rose from US \$30 billion to \$200 billion over a period of 20 years. The Organization for Economic Co-operation and Development (OECD), the leading agency conducting research on the economic impacts of counterfeiting, noted that in 2016 trade in counterfeit products accounted for 3.3% of world trade (OECD and EUIPO, 2020). Moreover, the EUIPO status report on Intellectual Property Rights infringement estimated 6.8% of total EU's imports to be counterfeit (EUIPO, 2020). Hence, it is imperative to underscore that the matter in question warrants profound consideration and gravitas.

OECD and EUIPO (2016, 2017, 2019) reports recognize China as the leading contributor to counterfeit goods worldwide. A variety of estimates exist on how much counterfeit goods are produced in China. Some sources estimate that counterfeit goods are worth US\$ 16.1 billion (Hung, 2003), while others estimate that 10-20% of all consumer goods made in China are counterfeits (Gessler, 2009). As a result of China's capability to copy everything from sunglasses and athletic shoes to elevators and aircraft parts, experts and researchers agree that counterfeiting in China is unprecedented (Kramer, 2006). While counterfeiting is primarily associated with luxury items (Gessler, 2009; Phau and Teah, 2009; Wall and Large, 2010; Cesareo, Pastore and Williams, 2017), counterfeit products today encompass much more than counterfeit Louis Vuitton bags, counterfeit Rolex watches, or counterfeit Gucci belts. A number of counterfeit products -many of which with significant public health and safety implications - have been explored by academics in the past. Examples include counterfeit auto parts (Yar, 2005; Shen, Turner and Antonopoulos, 2022), counterfeit aircraft parts (Kotzé and Antonopoulos, 2022), counterfeit alcoholic beverages (Lord *et al.*, 2017; Shen and Antonopoulos, 2017; Bellotti *et al.*, 2020; Diviák, Dijkstra and Snijders, 2020), and pharmaceutical products and medical equipment (Hall and Antonopoulos, 2016), among others. Furthermore, counterfeit goods seized by customs and law enforcement agencies worldwide include foodstuff, perfumes and cosmetics, leather goods, clothing and fabrics, shoes, jewellery, electronics, toys, sports gear, chewing gum, headphones, gardening tools, sunglasses, pesticides, lingerie, and soccer jerseys (Europol and EUIPO, 2017, 2020; OECD and EUIPO, 2020, 2022).

Considering that counterfeiting is one of the largest illegal market in the world (Antonopoulos *et al.*, 2018), and IP crime has been linked to money laundering, drug trafficking, and terrorism (Europol and EUIPO, 2020), sustained attention by criminologists is warranted (Yar, 2005;

Large, 2009; Hollis and Wilson, 2014; Lavorgna, 2015; Sullivan *et al.*, 2017). This is particularly true of counterfeiting taking place in Türkiye. Indeed, despite the country being identified as a significant producer and transit country in the counterfeit goods trade, there is a paucity of research on the Turkish context. Türkiye was among the top three provenance economies for counterfeit shipments seized by customs authorities between 2015 and 2019 (OECD and EUIPO, 2019, 2021) and is indeed popular both in terms of production and consumption when it comes to counterfeit products (Gültekin, 2018), with some sources identifying that a US\$ 3 billion counterfeit market existed in Türkiye in 2010 (Ergın, 2010). Similarly, Türkiye's Brand Protection Group reported in 2008 that 58% of consumers purchase fake goods regularly, with fashion items, shoes, handbags, watches, accessories, and jewellery being the most commonly purchased counterfeited items (Turkyilmaz and Uslu, 2014; Engizek and Şekerkeya, 2015).

The involvement of Türkiye in the counterfeit goods trade as a transit and producing country has also been discussed by scholars such as Yar (2005), who identified Türkiye as one of the major producers of counterfeit automotive parts. The case study of Lowe (2006) demonstrated how Türkiye was used as a transit point for counterfeit auto spare parts made in China. Similarly, Machado, Paiva and da Silva (2018) reported that counterfeit automobile parts that enter Brazil primarily come from China and Türkiye. Moreover, Antonopoulos *et al.* (2018) listed Türkiye among the countries that export counterfeits to the EU, and more specifically Türkiye has been listed as a major producer of illicit medicines by Hall and Antonopoulos (2016). One rare study on the supply side of counterfeiting in Türkiye was published by Eser *et al.* (2015), who looked at the supply chains of counterfeit products in Türkiye, by conducting semi-structured interviews with counterfeit sellers as well as informants. The authors found that various forms of supply chains exist for the counterfeit products in Türkiye and revealed that actors involved in the supply chain of counterfeit products fear legal action and that they stop selling these products when faced with or threatened with litigation.

Türkiye was also identified as one of the *leading* producers of counterfeit goods by the European Intellectual Property Office in its '2020 Status Report on IPR Infringement' (EUIPO, 2020). Türkiye has also been on the Office of the United States Trade Representatives (USTR) watchlist since 1990. There have been many studies on the *demand* side of counterfeiting in Türkiye (see, for example, Ergın, 2010; Turkyilmaz and Uslu, 2014; Engizek and Şekerkeya, 2015; Gültekin, 2018; Omeraki Çekirdeci and Baroulu Latif, 2019; Karahan and Sahin, 2020). It is curious, therefore, to note that despite being recognized as a significant market for counterfeit goods, very little research has been conducted on the *supply-side* of counterfeiting in Türkiye. This scarcity is salient because it risks promoting a naive view of product counterfeiting by omitting consideration of the complex interplay between supply and demand and the broader socio-economic context within which counterfeiting takes place. Accordingly, the purpose of this study is to contribute towards filling a sizeable gap in the literature regarding the supply-side of counterfeiting in Türkiye. Before advancing any further, let us outline the methods and data which underpin this article.

## METHODS AND DATA

This article relies upon an extensive series of in-depth semi-structured interviews spanning from February 2021 to January 2022. The interviews were conducted with a diverse cohort of informed stakeholders, encompassing customs officials, law enforcement authorities, specialists in organized crime, experts well-versed in free trade zones, professionals with expertise in illicit trade, individuals specializing in Intellectual Property (IP) matters, comprising trademark attorneys, prosecutors, and judges, distinguished academics, business proprietors directly impacted by counterfeiting, and entities engaged in the sale of counterfeit products within the jurisdiction of Türkiye. While the preponderance of interviewees represented Turkish backgrounds, foreign experts were also included in the study, necessitating the conduct of interviews in both Turkish and English languages. In aggregate, a comprehensive total of 46 individuals participated in these interviews, constituting a multifaceted and comprehensive dataset for the purposes of this research (Table 1).

**Table 1.** Background of interviewees

<b>Background</b>	<b>Number of interviewees</b>
Jurists (Lawyers, Prosecutors, Judges)	11
Law enforcement Officials	8
Experts on Customs	4
Experts on Free Trade Zones	2
Businessmen (Pharmaceuticals, Textile, Perfume, Auto parts)	11
Foreign Experts (Private Investigators, Supply Chain Experts)	10
<b>Total</b>	<b>46</b>

There were also three follow-up interviews conducted with a prosecutor, a lawyer, and a customs expert, totalling 49 interviews. It is difficult to specify minimum requirements for sample size in qualitative research because this is likely to vary considerably between studies. What is important, is that the sample size can support convincing conclusions (Clark *et al.*, 2021). Considering both the number and diversity of participants included in this study, we are confident that the sample size is more than sufficient to support the arguments made and conclusions drawn.

In accordance with other studies on counterfeiting (see for example, Wilson, Sullivan and Hollis, 2016; Kotzé and Antonopoulos, 2022), both purposive and snowball sampling were used to identify interviewees. A purposeful sampling method allows the researcher to select participants based on their life experiences, expertise, and background in line with the research question (Clark *et al.*, 2021). On the other hand, snowball sampling, also known as network, chain referral, reputational, and respondent-driven sampling (Neuman, 2013), occurs when

participants in the research recommend other participants who have the experience, expertise, or skill set necessary for answering the research questions (Bryman, 2016; Clark *et al.*, 2021).

This article draws upon data derived from the first author's doctoral dissertation. Consequently, ethical clearance was obtained, and participants were duly apprised of the research's objectives, nature, and their rights as participants prior to each interview. It is worth noting that even though some participants, such as academics and lawyers, and business owners, agreed to be recorded for transcription and data analysis purposes, overt field notes were preferred over recording for other participants, including law enforcement officers, who expressed fear of retaliation. As some literature indicates, participants do not wish to be recorded when discussing issues that may pose a risk to their safety or wellbeing (Warren, 2001). In order to capture the exact answers of participants, detailed notes were taken during those interviews (Bryman, 2016). Thematic analysis, an analytical method widely used in qualitative research, was used to analyse the data (Braun and Clarke, 2006). Since the 49 interviews generated substantial amounts of qualitative data, NVIVO was used to code the transcripts and notes taken during the interviews (Robson and McCartan, 2016). Moreover, for anonymity purposes, participants were given pseudonyms and the only information shared on participants were their broad area of expertise and/or employment.

In addition to interviews, this paper also incorporated data from a documentary analysis of counterfeit products seized by the Bulgarian customs authorities, as reported by the National Customs Agency of the Republic of Bulgaria. During the month of August 2021, an analysis of the seizures reported on the official website of the National Customs Agency of the Republic of Bulgaria revealed that 101 cases were reported in which Turkish authorities were responsible for the origin of the counterfeit goods seized by Bulgarian authorities. The analysis of the 101 cases included the name of the custom authority that made the seizure, the goods that were seized, the quantity of the seized goods, the type of vehicle used to transport the counterfeit goods, and the final destination of the goods (if known). While secondary data is used frequently by criminologists (Riedel, 1999), Natow (2020, p. 170) emphasised the importance of document analysis in addition to interviews by asserting that “*document analysis can certainly support and validate research findings...as well as provide additional perspectives that cannot be obtained solely through elite interviews*”.

## **PRODUCT COUNTERFEITING IN TÜRKİYE**

It is imperative to emphasize the pivotal role of Türkiye in the context of counterfeiting within the EU and EEU, as underscored by a foreign Brand Protection expert. According to Foreign Expert #5, any comprehensive study on counterfeiting in the EU and EEU must invariably include Türkiye due to its unparalleled significance in the realm of counterfeit goods. Indeed, Türkiye has been recognized as one of the main producers of counterfeit perfumes, cosmetics, leather articles, and handbags (OECD and EUIPO, 2021). Türkiye is also a participant in international agreements such as the Paris Convention, the Berne Convention, TRIPS, and has

national laws to protect intellectual property rights. However, multiple sources argue that the enforcement of these IP laws in Türkiye is ineffective, leading to widespread IP infringement and counterfeit goods and that one can purchase counterfeit goods of any kind, including but not limited to luxury items, handbags, sunglasses, watches, perfumes and makeup, electronic products such as chargers and earphones, and electronic toys (Ergin, 2010; Nemlioglu, 2019). This study also showed that counterfeit products seized by the police in recent years include luxury items such as clothing, handbags, shoes, perfume, and auto parts, vacuum cleaner bags, detergents, shampoos, toners, toothpaste, chargers, earphones, and headphones. A Judge summed up the diversity of the counterfeit goods market in Türkiye by stating that:

*“Number one counterfeited product category in Türkiye is textile, which is followed by perfumery and cosmetic products, cleaning products, foodstuff, toys. We have come across counterfeit perfumes a lot for instance. Pharmaceuticals are another category. Vitamins, steroids, and sexual performance enhancers are among the list of pharmaceuticals counterfeited, as well painkillers. For foodstuff, coffee products have been counterfeited a lot in the past” (Expert #7).*

Eser *et al.* (2015) had looked at the supply chains of counterfeit products in Türkiye, by conducting semi-structured interviews with counterfeit sellers as well as informants and reported that counterfeiting was prevalent, especially in textile products. The interviews also showed that Türkiye is also responsible for producing some high-quality counterfeit goods when it comes to textile items such as leather goods. In terms of identifying the counterfeits, experts pointed out that paying attention to the details and features of the product is important and that sometimes a small detail such as the zipper or other accessories may give the counterfeit away. Along with high quality counterfeits, low quality counterfeits also take their place in city bazaars and independent stores. A police officer stated that low quality counterfeit goods mainly target those with a lower income and shared that:

*“The counterfeit goods in Türkiye are diverse in the sense that there are counterfeit goods that appeal to all sorts of budgets. There are high quality counterfeit goods that are extremely similar to the originals and then there are those that are of poor-quality screaming ‘I am counterfeit!’.” (Expert #17)*

A trademark attorney (*Expert #5*) similarly highlighted that if the target population is those with a high socio-economic status or tourists, the counterfeit will have a higher quality and therefore a higher manufacturing cost. Antonopoulos *et al.* (2018) for instance, had discussed how a high-quality counterfeit of a Limited-Edition Louis Vuitton can cost more than six times the price of a ‘basic’ counterfeit of a Louis Vuitton. Moreover, although it is difficult to pinpoint the exact locations where these counterfeits are being manufactured, Istanbul appears to be one of the most popular locations in the country. The interviews demonstrated that among the reasons counterfeiting is so prevalent in Istanbul are the large population, the number of customs points, as well as the advanced manufacturing industry in the city. A police officer commented on the issue saying that “demand is high therefore so is supply” (*Expert #15*). Another police officer shared some of the location’s counterfeits are known to be manufactured

in Istanbul as Merter, Zeytinburnu, Eminönü (*Expert #18*). This was highlighted in the past since an article published in 2013 had stated that Istanbul was the capital of counterfeit textile and footwear in Türkiye (En Son Haber, 2013). Moreover, data collected for this study shows that although Istanbul is a popular location among counterfeiters, it is by no means the only city where counterfeits are being manufactured. The prevalence of underground manufacturing, which is tied to the informal economy in Türkiye, enables counterfeits to be manufactured virtually in every city. For instance, an official working in a free trade zone in Türkiye stated that:

*“Illicit and unregulated production in Türkiye is unfortunately extremely common, and through this type of production a variety of counterfeit goods are produced and sold in Türkiye. The cost of production is minimised in these production settings which provides higher profits” (Expert #24).*

Similarly, it has been shown that counterfeiting in China is also not confined to a single city and that specific provinces specialise in the production of certain counterfeit goods (Lin, 2011; Antonopoulos et al., 2018). Although Istanbul appears to be one of the most popular locations for Türkiye, the underground economy facilitates the manufacture process for counterfeit goods, making the manufacture of counterfeits a possibility in virtually any city in the country. It has also been noted that counterfeiters in Türkiye follow the fashion trends in the world very closely to maximise their sales and profits and are quick to supply them in popular tourist locations to those looking for a bargain, or a gift to bring back home (*Expert #2*). Data also showed that the type of counterfeit goods available in the market depends on the global fashion trends. A police officer for instance commented that:

*“One year it was impossible not to come across counterfeit Balenciaga shoes, this year we see counterfeit Crocs everywhere. The counterfeiters are following the worldwide trends religiously because their sales depend on it. This year for instance, if you go looking for it you cannot find the Balenciaga shoes that were everywhere last year because the trend changed and now there is no demand.” (Expert #16)*

Furthermore, interviews showed that counterfeit goods are widely accepted, and the consumption of counterfeit goods is considered normal in Türkiye. A trademark attorney stated that “...people in Türkiye do not associate goods and products with intellectual property, in their mind there is nothing wrong with counterfeiting ethically, morally or legally” (*Expert #9*). Similarly, Chaudhry and Zimmerman (2009) discussed how cultural differences can affect counterfeit consumption and stated that the concept of collectivism is useful in explaining the difference between the eastern and western cultures regarding consumers' willingness to buy fake goods. A report by EUIPO (2017) noted that a higher percentage of consumer respondents in Cyprus, Greece, Lithuania, Bulgaria, Estonia, Slovenia, Malta, and Latvia found buying counterfeit goods more acceptable when the price of the original goods was too high (Europol and EUIPO, 2017).

It is a fact that counterfeiting is a problem affecting all economies in the world, but it has also been acknowledged that it is more pervasive in developing economies (Macolini, 2019). Maskus (2001, p. 467) stated that: “In most developing economies there is significant employment in producing counterfeit goods and pirated copies of music and videos”, and he also highlighted the need for these workers to find alternative employment as stronger standards are enforced. For example, it has been estimated that in China “three to five million people are employed in the counterfeiting industry alone” (Gessler, 2009, p. 43). Similarly, our data also showed that in Türkiye, the trade in counterfeit goods is a source of livelihood for many. Experts, including police officers and trademark attorneys, noted how counterfeiters are under the illusion that they are helping Türkiye’s economy. One police officer stated that; *“If you speak to the counterfeiters, they say that they are the ones keeping the economy alive. They say they are providing employment and that they bring foreign currency which helps the country’s economy”* (Expert #16).

## **EXPORTING COUNTERFEIT GOODS**

As pointed out by Goldsmith (2009, p. 34), due to its geographical location between Europe, the Middle East, and Asia, Türkiye serves as a crossroads for licit and illicit commerce of all kinds. In the context of smuggling, Toktas and Selimoğlu (2012) pointed out that the Turkish mainland is a popular transit country for smugglers to import illicit materials because they can travel long distances without crossing any borders, and because it lies like a bridge between countries producing illegal materials in the East and countries importing them. Keser and Özel (2008) similarly mentioned Türkiye’s role in human trafficking by pointing out the fact that it has borders with eight countries: Georgia, Armenia, Azerbaijan, Iran, Iraq, Syria, Greece, and Bulgaria. Chaudhry and Zimmerman (2009) also show how illicit markets in the border regions can be used to smuggle goods to other countries, giving the example of the City del Este which is at the border of Brazil, Paraguay, and Argentina. Moreover, a report by OECD and EUIPO (2022) also highlighted this issue and noted that the geographical location of Türkiye makes it one of the most important suppliers of dangerous goods in Europe, as compared to the rest of the world. Another report by OECD and EUIPO (2017, p. 57) pointed out that Türkiye was an important producing economy for fake clothing and fabrics “mostly destined for the EU”. Our results support this conclusion with interviewees recounting the ease with which counterfeit goods travel to EU countries by road.

There is no doubt that the trade in counterfeit products poses an enormous challenge for customs administrations worldwide. According to the World Custom Organization’s 2019 Illicit Trade report: “Some sixteen containers are handled every second in ports around the world” (WCO, 2019, p. 120). The improbability of customs officials checking every single container, shipment or parcel has been a topic of discussion in the past (Hetzler, 2002; Phillips, 2005; Macolini, 2019). It was reported that in 1997, U.S. customs had inspected only 3% of the shipments arriving in the country (Yar, 2005). Macolini (2019) similarly argued that it is not feasible to expect every single custom official to be sufficiently trained to spot and identify counterfeit goods of every single brand that exists under the sun. Moreover, major developments and advances in transportation have without doubt contributed to the ease with



which illicit goods are shipped. As highlighted by Ritzer (2007, p. 134), the development of containers as well as huge shipyards made shipping large quantities of goods easier and cheaper. This has not only facilitated the shipment of legitimate goods, it also has contributed to the trade in illicit goods. Offering an example, a trademark attorney shared a case that they encountered in the past:

*“It is common to hide counterfeit goods inside legitimate shipments. For example, there was a shipment of construction materials to Bulgaria, inside the shipment thousands of counterfeit goods were hidden. In this case the company sending the cargo was known, they said they had nothing to do with the counterfeits hidden inside the shipment.”*  
(Expert #6)

Similarly, Harvey and Ronkainen (1985) stated that as early as the 1980s fake goods were imported to the United States inside legitimate shipments. This issue was also noted by Berman (2008) who highlighted that counterfeiters have many strategies in order to minimise losses when caught, such as using “front” personnel to register companies that produce counterfeit products as well as using freight forwarders to ship goods. This is something our findings also support. In other cases, counterfeiters have used other tricks in order to export illicit goods. The interviews showed that mis-declaration and misclassification is a preferred method when it comes to exporting illicit goods. As Macolini (2019) also noted, mis-declaration at customs, for various reasons such as to pay reduced tariffs, is unfortunately not an uncommon practice. This malpractice was pointed out during interviews with several experts, from lawyers and Judges to law enforcement officials:

*“They can put anything they want on the customs declaration form, of course they are not going to say counterfeit Michael Kors handbags.”* (Expert #E9)

Border Control Posts between Bulgaria and Türkiye are important to consider since for any type of goods to be transported by road to Europe in general, it has to go through either Bulgaria or Greece. The analysis of the 101 cases reported by the NCA of the Republic of Bulgaria comprised of data on the nature of the goods that were seized, the quantity of the seized goods, the type of vehicle used to transport the counterfeit goods, the final destination of the goods (if reported), and lastly where the goods originated from which in most, if not all, cases was Türkiye. This analysis was important in the sense that it showed how vehicles transporting illicit goods can bypass customs border ports. Kapitan Adreevo Border Control Post at the Türkiye-Bulgaria border was responsible for the majority of the cases reported, 41 out of 101 cases. The analysis also showed that 19 of the cases were reported by Danube Bridge Ruse, which is the customs control point between Bulgaria and Romania. Similarly, 5 of the customs seizures took place at Kapitan Petko at the Greece-Bulgaria border. These incidents suggest that counterfeit goods left Türkiye as the point of origin, remained undetected at the Bulgarian customs point, only to be seized in another EU customs point. The goods seized by the authorities are also in line with the product categories identified as being frequently counterfeited in Türkiye, such as perfumes and textile. For instance, a law enforcement official shared one scenario involving perfumes:

*“There are counterfeit perfumes that are produced in Türkiye that target foreign economies such as the EU and Russia. The box and the bottle of the perfumes look extremely similar to the original and the intent is to deceive customers abroad. They are usually transported through semi-trailer trucks. Obviously, they do not put ‘counterfeit perfume’ in the customs declarations.” (Expert #18)*

It is more difficult to investigate the origin of counterfeit goods if they somehow make it to the EU without being detected in transit. This issue was also highlighted by Phillips (2005, p. 73) who pointed out that counterfeit goods can enter the EU through various ports of entry, but once the goods are inside the EU it is easier for them to travel to another EU country. The data from Bulgaria’s National Customs Agency also indicated that exporting counterfeit goods from Türkiye is not difficult. This situation was also highlighted by one of the businessmen interviewed as they noted how easy it is to export illicit goods to Eastern European countries:

*“I do not think that these trailer trucks full of counterfeits are headed directly to Germany or France. They usually target countries such as Poland, Romania, or Bulgaria first. It is much easier to smuggle those in other EU countries from those countries. Internal control is more lenient when another EU country is exporting the goods.” (Businessman #11)*

Furthermore, our analysis showed that in almost half of the cases, goods seized by the authorities were reported to be destined for Bulgaria and Romania. In terms of vehicles used to transport counterfeits, in 53 cases out of 101, the vehicle was a truck. In 26 cases the vehicle was a bus, and in the remaining cases, personal cars, minibuses, and vans were used to transport counterfeits. Operation Monkey Box, reported by Europol and EUIPO (2020), demonstrated that counterfeit goods were being transported by truck from Istanbul to Greece as well as Bulgaria with fake documents. A prosecutor (Expert #10), for instance, shared that they had recently intercepted a truck full of counterfeit perfumes ready to be exported to the EU. In 2020, the Bulgarian National Customs agency reported 30 incidents that involved the seizure of counterfeit items originating from Türkiye, in 11 of these reported incidents the products seized involved perfumes and a total of over 60 thousand perfumes were seized. Based on the counterfeit perfumes seized, the analysis suggests that among the most counterfeited perfumes are Hugo Boss, Dior, Lancôme, Versace, Paco Rabanne, Carolina Herrera, Chanel, Dolce and Gabbana, Givenchy, Tom Ford, Giorgio Armani, and Yves Saint Lauren. A trademark attorney based in Türkiye shared their experience on where counterfeit goods that originate from Türkiye are headed:

*“So, our client is a French company, but their attorneys are in Italy, so we receive information from the law firm in Italy. In terms of the brands we represent, we get information regarding customs seizures from the United States, France, Italy, United Kingdom and Germany.” (Expert #6)*

Moreover, the analysis of the customs seizures also shows that in several cases, the destination of the counterfeits was indeed Western EU countries. In November 2019, 352 perfumes hidden between legitimate shipments were seized in a truck originating from Türkiye at the Danube Bridge Border Control at the Bulgaria-Romania Border *en route* to Austria. Again, in November 2019, more than eight thousand textile items and one thousand sport shoes, handbags and purses were seized in a truck registered to a Polish citizen destined for Western Europe. Similarly, Toktas and Selimoglu (2012) also highlighted that Türkiye, Bulgaria, Romania, North Macedonia, Austria, the Czech Republic, and Slovakia are the main routes for smuggling to Germany or Austria.

## **PROFITABILITY OF PRODUCT COUNTERFEITING**

It is well known that counterfeiting is a lucrative business, but its exact profitability is unknown (see Staake, Thiesse and Fleisch, 2009, p. 341). For instance, Hochholdinger et al. (2019) described faking luxury goods as highly profitable from a supply perspective because cheap production costs are associated with phenomenal profits. Similarly, Vagg and Harris (2000) pointed out that counterfeiting exists because it is profitable. The interviews confirmed these statements by highlighting the profitability of product counterfeiting in Türkiye, specifically within the perfume and auto-parts industries. The wealth of counterfeiters was also mentioned, and some interviewees provided insight into the counterfeiters' financial situation. A trademark attorney shared that after complaining about the raid and the seizure of his goods, a counterfeiter went to the police station to give his statement in his Range Rover:

*“They are making huge profits. The counterfeit producers I told you about in Izmir, they have several luxury cars, they make millions from this business. For example, we raided a retail store the other day, seized 3 thousand counterfeit goods, the owner whined and complained for 3 hours, but when it was time to go to the police station to give a statement, he said he would drive his own car, so he came to the station in his Range Rover. That means he is making good money.” (Expert #6)*

Authors of a report by RAND Cooperation demonstrated how counterfeiting can be more profitable than selling drugs by comparing the price of a computer programme with that of a gram of marijuana. According to Treverton et al., (2009), one can make \$40.70 by copying and selling a computer programme, compared to \$15.75 by producing and selling a gram of marijuana. Chaudhry and Zimmerman (2009), citing Buzzeo, assert that counterfeit pharmaceuticals can sometimes be more profitable than heroin. The following police officer's statement supports RAND's and Buzzeo's claims:

*“A counterfeiter told me that the money one can make from counterfeiting can be as good as the money one makes from drug trafficking IF they do it right.” (Expert #16)*

Similarly, Antonopoulos et al. (2018) noted that in terms of profitability, counterfeiting and piracy are considered to be the world's most profitable illicit markets in the eyes of many

international law enforcement agencies. Kramer (2006) compared counterfeiting with smuggling, prostitution and drug trafficking and highlighted that what makes counterfeiting prevalent is the low penalties as well as high profits associated with it; which Macolini (2019), as well as a report by the US Government Accountability Office (GAO, 2018), concurred with. Adding to the existing literature, interviews also highlighted that the profit counterfeiters make is worth the risk of raids and seizures. A police officer (Expert #18) noted that most counterfeiters are not affected by the raids and seizures, highlighting that the profits are greater than the loss. Similarly, a trademark attorney shared that:

*“Sometimes in raids we seize goods worth 3-5 million TL<sup>1</sup>, the next day they start production again. If the profit margin was not good, they wouldn’t invest in it again.”*  
(Expert #6)

While the statement by the trademark attorney shows the risk and reward approach counterfeiters take in their operations, a former police officer who currently works in private security in a Free Trade Zone shared that the prevalence of illicit production in the country enables counterfeiters to minimise production costs:

*“‘Under the stairs’ production in Türkiye is unfortunately extremely common, and through this type of production a variety of counterfeit goods are produced and sold in Türkiye. The cost of production is minimised in these production settings, which provides higher profit.”* (Expert #24)

‘Under the stairs’ or ‘under the counter’ production, which are very common sayings in Turkish, can be translated as illicit and unregulated production which requires minimal tools and equipment, and is known to contribute to the counterfeiting problem (Hopkins, Kontnik and Turnage, 2003). By exploring the profits involved in the *supply side* of counterfeiting in Türkiye, this study contributes further insight to the existing literature. For instance, Antonopoulos *et al.* (2018, p. 54) stated that profit margins in counterfeiting are dependent on counterfeiters’ position in the supply chain, arguing that retailers make the least profit due to their dependence on wholesalers/importers. Nevertheless, this study found that retailers seem to be making the biggest profit for the counterfeit goods sold in Türkiye, especially for textile items. According to a former trademark attorney:

*“For example, if it costs the manufacturer 50-60TL<sup>2</sup> to manufacture something, the seller buys the goods for 100TL<sup>3</sup> and adds the brand value and sells it for 500TL<sup>4</sup>, the last seller makes the most profit.”* (Expert #9)

Moreover, we also found that compared to other actors in the trade in counterfeit goods, such as wholesalers and sellers in general, the manufacturer seems to be making the least profit (see

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<sup>1</sup> Approx. £ 123,000-205,000

<sup>2</sup> Approx. £2-2.5

<sup>3</sup> Approx. £4

<sup>4</sup> Approx. £20

Lin, 2011 and Antonopoulos *et al.*,2018). According to a manufacturer of counterfeit textile items, they make the least profit while the last seller makes the most profit:

*“The profit margin for the manufacturer is around 20-50 per cent. For example, if you manufacture a certain product for 100TL, you can sell it for 140TL or 160TL. It really depends on the season, conditions, and economy etc. Sometimes when the sales are not good, and when the demand is low, we decrease the prices. If the demand is high on the other hand, you can even sell it for 170TL. As for the sellers, they can sell it for triple the price they acquire the goods. Let’s say they bought the coat for 100TL, they can sell it to the consumer for 300TL. This is the case everywhere, when you go to a store and the price tag says 300TL, know that the manufacturing cost of that item is around 100. The last seller always triples the price, this is the case for most of the textile items including shoes.” (Businessman #10)*

In the context of counterfeit cell phones, Lin (2011) shared that manufacturers get approximately 10% of the profit margin from the sale of products, distributors get about 10%-25% more, and that retailers get about 65-80% of the profit margin from the sale of products. Similarly, Antonopoulos *et al.* (2018, p.55) stated that the profit made by manufacturers is minimal unless they manufacture and sell the goods in bulk to other countries and noted that local manufacturers in China can achieve around 2% profit margin in the latter scenario. Adding additional weight to these findings, a freelancer who acts as a broker from time to time explained that someone who imports dupe perfumes from Türkiye to Ukraine makes the most profit:

*“The last sellers make the highest profit. Say someone from Ukraine is importing perfumes from Türkiye. A single perfume bottle used to cost around \$9-10, add the shipping cost which is \$2. They sell the perfume they imported for less than \$15 for \$50.” (Businessman #11)*

Especially when it comes to exporting counterfeit goods to foreign economies, the fact that retailers make the highest profit can be explained with the low manufacturing costs and cheap labour in Türkiye, as well as demand by foreign consumers, which means there is no fixed price on the counterfeit item being sold. Counterfeit goods bound for export are common (Lin, 2011), and in the case of Türkiye, a prosecutor noted that the counterfeit goods travel to EU countries due to the high profit margin involved:

*In one of the cases I have come across, it was the counterfeit goods of a popular Turkish brand. I think the guy was a contract manufacturer for the company. The cost of manufacturing a T-shirt was 5TL and the shirts were to be exported to the United States where the sale price was going to be 45USD. In this case everyone involved makes profit, the manufacturer, the seller as well as the middleman involved.” (Expert #11)*

When the interview was conducted 1 USD was around 8TL, which would make the sale price of the goods manufactured 360TL, the profit being 355TL. Moreover, A trademark attorney noted that the profit margin also depends on whether the consumers are buying the counterfeits knowingly or unknowingly, also known in the literature as deceptive and non-deceptive counterfeiting (Grossman and Shapiro, 1988):

*“The profit margin depends on the sector. But since in Türkiye the most counterfeited goods are textile items, hygiene products, cleaning products we are talking about a high profit margin. Because the production costs are very low, and they are sold at the same price as the original. In textile you can see the counterfeit version of very expensive brands sold cheaper than the genuine ones, depending on the quality of course. But generally speaking, I’d say the profit margin changes between 30 to 80 per cent.” (Expert #4)*

It is important to note that, when the counterfeit item is being sold at the same price as the genuine good, the consumer is deceived and does not know they are buying counterfeits. Similarly, Antonopoulos *et al.* (2018) had highlighted that the profit margin involved in counterfeiting can depend on whether the counterfeiters operate in primary or secondary markets. The authors explained that while primary markets are those markets where the consumers are deceived, the secondary markets are the ones where the consumer knowingly purchases the counterfeits (e.g., bazaars).

## CONCLUSION

The counterfeiting of goods is a pervasive and highly lucrative business. Whilst it is impossible to determine the exact scope and scale of this criminal activity, it clearly has a sizeable economic impact, particularly in developing countries. The role of Türkiye in the counterfeit marketplace has been subject to scholarly scrutiny, but this focus has often not extended to the supply-side of counterfeiting in the country. By drawing upon original qualitative data and secondary data analysis, this paper contributes significantly towards shedding some light upon this complex phenomenon. In doing so, we sketch a more nuanced picture of the interplay between the demand and supply of counterfeit goods in Türkiye. This is particularly important considering the country’s geographical position and its function as a service corridor for both licit and illicit commerce of all kinds. Indeed, couched between Europe, Middle East and Asia, its strategic location is not to be underestimated. Our findings suggest that counterfeit products originating in Türkiye are initially transported to Eastern European countries such as Bulgaria, Romania or Poland, since it is much easier for the products to be shipped to western European countries once they are inside the EU market.

The diversity of product counterfeiting in Türkiye is extensive and includes, but is not limited to, perfumes, cosmetics, handbags, shoes, auto parts, detergents, shampoos, toothpastes, chargers, headphones, and pharmaceuticals such as sexual performance enhancers, vitamins, and steroids. Moreover, the prevalence of underground manufacturing means that counterfeits

can be produced in virtually every city in the country. The data presented here suggests that for many in Türkiye, the trade in counterfeit goods is a source of livelihood. This, coupled with the widespread acceptance of counterfeit consumption as both morally and legally unproblematic, is salient in helping us to understand the extent of counterfeiting here. It is also telling that these counterfeiters follow the fads and trends in the world of fashion and how global fashion trends influence the type of counterfeits available. The connections between macro, meso, and micro contexts are certainly evident here and demand that we pay closer attention to the close interplay between the demand-side *and* supply-side of counterfeit products. Whilst these connections are perhaps more evident in Türkiye, they are by no means unique to this region of the world.

Previous studies have highlighted that the low-risk and high-reward nature of counterfeiting makes it a highly lucrative business (Vagg and Harris, 2000). Although the cash-intensive nature of counterfeiting makes it difficult to determine precisely how profitable this trade is (Shen, Turner and Antonopoulos, 2022), our findings help to shed some light on where the highest profit margins lie in relation to the supply-side of counterfeiting in Türkiye. Contrary to previous studies in other contexts, we found that retailers appear to make the biggest profit, particularly for the sale of textile items. On the other end of the profit margin, however, manufacturers appear to gain the least and this is principally because the retailer, the last ‘seller’ in the chain, is able to inflate the sale price of the product in ways that the manufacturer cannot. Of course, this is dependent upon whether the sale takes place in primary or secondary markets (Antonopoulos *et al.*, 2018). That is to say, whether the consumer unknowingly or knowingly purchases the counterfeit. One thing is for certain, we cannot underestimate the extent of product counterfeiting in Türkiye, or indeed its role in facilitating Europe bound counterfeits.

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