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Public Awareness Working Group Meeting

27 February 2014

Subject: Approach for awareness raising activities

Summary: this note relates to item number four of the Public Awareness working group meeting “Awareness raising initiatives based on the results of the IP perception study”.

1. Introduction/Background

Raising awareness is one of the main tasks entrusted to the Office by Regulation 386/2012.

One of the goals set in the Multiannual Plan for the Observatory is “To raise awareness of IP and of the negative effects of counterfeiting and piracy”.

Key Initiatives 1 and 2 of the Plan refer to the need to provide evidence-based analysis and data to raise their awareness about the importance of IP among policymakers.

Key Initiative 11 focuses on SMEs and indicates that the Office, in collaboration with the European Commission, will work on initiatives intended to raise awareness among SMEs and improve protection of their IP assets.

Finally, through Key Initiative 12, the Office intends to design and launch awareness campaigns based on the IP perception study and focusing on specific audiences, being youngsters the first priority.

The 2014 Work Programme for the Observatory describes a number of concrete actions to start the deployment of the above mentioned Key Initiatives.

2. Description of the subject

In order to build a structured and coherent approach in the area of awareness raising, the following approach is suggested:

- define a set of principles and objectives which should guide the work carried out in awareness raising initiatives
- identify key target audiences
- set up specific actions for each of the identified audiences
- define a process to deploy and monitor the established actions

This note intends to develop the suggested approach for the two years to come, i.e. 2014 and 2015.

3. Proposed options, related consequences and planning

3.1 Principles and objectives

In the several consultations carried out during the preparation of the Multiannual Plan, awareness has always been featured at the top of the list of priorities by stakeholders, public and private alike.

In general there is consensus among the vast majority of stakeholders also on the main components that should constitute the basis for any activity of the Observatory in this area.

Such principles could be summarised as follows:

- Define priority targets and messages;
- Conceive messages based on evidence and able to inform, create ownership and ultimately change mind sets and behaviour;
- Design the campaigns using the expertise of the Observatory stakeholders;
- Design pan-European campaigns based on common targets, messages and communication tools, but deploy campaigns at national level with the help of national stakeholders, leaving room for "localization" of messages;
- Establish an objective and effective manner to measure results and return on investment.

It is proposed that these principles guide all the activities that the Office, through the Observatory, will carry out in the area of awareness.

3.2 Target audiences

The results of the IP perception study suggest that the first priority for raising awareness action among EU citizens should be the younger generations. In particular, the age range identified as main priority in the study comprises youngsters between 15 and 24 years old¹.

More than 98% of European companies are SMEs. The crucial socio-economic role of SMEs is repeatedly acknowledged at political level, and SMEs are in general liked and respected by EU citizens². Consequently, SMEs are a natural target for awareness activities concerning IP but many of them can also be used as compelling case studies to make the point about the importance of IP and the damage that counterfeiting and piracy can make to businesses and local communities (often much more attached to SMEs than to big multinationals).

Considering its natural multiplier's role of all messages to the different target audiences, media (including social media such as blogs) are also to be considered as a general target audience, facilitating the reach of key target audiences.

¹ The evidence brought by the survey does not give further detail on this group. This is why a further analysis is suggested as part of the actions proposed to address the group.

² Flash Eurobarometer 363, "Europeans are more likely to think SMEs make efforts to behave responsibly compared to large companies", publication April 2013

In the light of the foregoing, it is proposed that youngsters, policymakers, SMEs and media are established as the target audiences of the activities that the Office, through the Observatory, will carry out in the area of awareness in 2014 and 2015.

3.3 Actions per target audience

3.3.1 Youngsters

The IP perception study reveals a real particularity of "Generation Y" (15-24 years old) concerning the challenges of intellectual property and its violation. Indeed, a significant part of this generation, despite a theoretical support for IP, is ready to challenge and question it.

Accordingly in the 2014 Work Programme it is foreseen that the Office, through the Observatory, will launch a pan-EU campaign to raise awareness among younger people.

Even though the IP perception study provides a number of interesting insights on how youngsters perceive IP, it is nonetheless advisable to run some follow-up work to develop a more refined understanding of youngsters' beliefs and behaviours when it comes to IP and to establish a two-way communication with this priority target audience in order to facilitate engagement and dissemination.

Therefore, it is proposed to carry out a two-step approach consisting in pursuing follow-up initiatives intended to deepen understanding while at the same time designing a first awareness campaign based on the results of the IP perception study.

A) Follow-up initiatives

As already underlined, the IP perception study represents an important step. It is nevertheless only a first snapshot of the situation and if the Observatory wants to dedicate significant resources to raise awareness among youngsters, it is necessary to have a more regular intake about youngsters' perceptions and behaviours.

In order to reach this, it is proposed that the following initiatives are launched in 2014:

- **Qualitative focus groups** with youngsters aiming at identifying trends as well as new issues and concerns that would provide necessary knowledge to design questionnaires for the quantitative part. These groups could be organised in an informal way to engage in discussions with the younger generation segmented in various age groups (12-15, 16-24) about their views on IP/IP infringements.
- **Quantitative annual survey** addressing youngsters belonging to the following age groups: 12-15, 16-24. The survey could be designed in a similar way to the "tracking" study conducted among people aged 12+ in the UK during the last two years which stemmed from a recommendation in the 2011 Hargreaves Review of Intellectual Property and Growth. (<http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/online-copyright/Intro.pdf>).

Both parts, qualitative and quantitative, would be repeated annually with a view to taking a picture of the situation on a regular basis thus enabling to identify relevant trends and agree on steps to be taken.

- **Establish a system for a continuous monitoring of "conversations"** going on in blogs and social media concerning IP.

This initiative is proposed for two main purposes:

(a) obtain a fair view (and prepare reports about it) of what youngsters think and discuss about IP when they exchange views in their "natural" environment;

(b) identify "opinion leaders" among youngsters so that they can be approached and invited to take part in the focus groups which could then help the Office to 1- better understand beliefs and behaviours of younger generations, 2- establish a two-way conversation, and 3- test communication initiatives addressing youngsters before full deployment.

- **Issue an annual report providing an assessment of how youngsters** in the EU see IP and behave toward IPR protected goods, services and content.

Its main aim should be to provide EU and national policymakers with regular snapshots that can help in devising effective policies and actions to increase IP awareness and IP respect among youngsters. The report, which could be set up as an annual scoreboard on youngsters and IP, would be based on the results of the annual survey (qualitative and quantitative) and the monitoring of social media and blogs activity described above. Furthermore, it could provide information about specific actions (good practices) taken at EU and national level to raise awareness on the importance of IP among youngsters.

- **Carry out a mapping study** revising whether and how IP is thought of in primary and secondary schools in the Member States, which should be designed in complementarity with the university project launched by the Academy.

This initiative will address the remarks made by several Observatory stakeholders according to which it is important to take initiatives to educate youngsters from an early age. Being faithful with the approach promoted so far for Observatory activities, the study would help us to map and understand the current situation before proposing any concrete action in the area of education.

B) First awareness campaign

Although further analysis is needed to get a deeper understanding of often complex beliefs that drive youngsters' behaviours, the IP perception study already provides first keys. In particular, the research seems to indicate that youngsters value authorship, creativity and inventiveness but are unable to establish the link between these values and IP. Furthermore, they believe that IPRs only benefit a small and already wealthy elite, which in turn provides them with some sort of moral justification for buying counterfeits and illegal downloading.

It is proposed to use these findings as the basis for the awareness campaign foreseen in the 2014 Work Programme.

This would mean to focus the campaign on:

- (a) the importance of IP for (less known) authors (e.g. young writers, singers, etc.), creators (e.g. young designers) and inventors (e.g. young researchers),
- (b) the importance of respecting IP to respect the future and jobs of many people.

Social media networks, Internet TV, below-the-line channels are notably to be privileged to reach the targeted audience.

Various communication channels and notably social media networks including blogs would also need to be part of a continuous communication approach with the target audience.

Another relevant finding of the IP perception study is that youngsters value legal offers and believe that having access to affordable offers would reduce illegal downloading. Moreover, a relevant percentage of youngsters (42%) wonder whether a site where one could download music or videos was legal or not and more than a quarter of respondents actually researched to find out if a downloading site was legal or not.

On the basis of these findings it is proposed to take actions intended to

- promote available legal offers as a means to access goods and content in a manner that is respectful of others' ideas, jobs and, therefore, future; and
- provide youngsters with actual knowledge about how to distinguish a legal site from an illegal one and what is a legal use of a copyright protected content according to the applicable national legislation.

The suggested way forward would be to develop a European platform containing references and links to available legal offers in all relevant sectors and in all EU countries and include in such a database communication on an informative section with well-designed material intended to raise awareness among youngsters about specific features which could help to recognise a legal offer from an illegal one and an easy and accessible explanation of what the legislation in MS enable to do with copyright protected content available online.

An example of such a platform is the one recently launched in France by Hadopi (<http://www.offrelegale.fr/>).

As many of these initiatives are being undertaken by both public and private stakeholders at European and national level, the European platform promoted by the Office through the Observatory could be built as a sort of aggregator of existing platforms already available (i.e. a sort of TMview approach applied to legal offers). Such project would have to first undergo a feasibility study and a competition for the best proposal on how to design and update the platform could be considered with the winner getting a contract to develop the actual tool.

Another example of such a platform, designed to provide clear consumer-friendly information about national copyright legislation on what is legal and what is not legal, is the UK copyright hub (www.copyrighthub.co.uk). Such platforms on national basis could be aggregated and/or developed at European level.

Should these proposals be endorsed, the Public Awareness working group would be involved to develop the campaigns and the platform (in this case the IP in the Digital World would also be involved) counting on the technical help of PAU.

C) Deployment of awareness campaigns

Stakeholders in the Observatory and members of the Administrative Board have both underlined the need to involve Member States in the deployment of raise awareness initiatives.

This has especially been the case for campaigns. Indeed, the general feeling is that campaigns centrally run by the Office would be less effective than campaigns where Member States are given the possibility to participate in localising the messages and the tools designed for the campaigns and also propose specific actions to adapt the campaign to the specificities that the audience of each Member State can present. It is equally advisable to create a framework to consider and eventually integrate relevant initiatives carried out by public or private stakeholders of the Observatory.

The following approach based on two main frameworks would enable to address the requirements described above, while avoiding losing sight on the need to ensure a high degree of consistency in messages and communication actions throughout the EU, which is essential for an effective awareness strategy.

- Pan-European approach with national implementation

As underlined above, the IP perception study (with the follow up studies which will come) must be the starting point for each and every initiative intended to raise awareness between EU citizens.

Every year the Office will, with the advice of the Public Awareness working group and on the basis of the study/studies, define priority target audiences and design awareness initiatives (or decide the continuation of initiatives started the previous year(s)).

The design should include messages, communication materials, and a communication action plan, as well as guidelines on how to deploy the plan and KPIs to measure the impact of the deployed actions.

The cooperation agreements between the OHIM and the National IP Offices and BOIP should constitute the framework through which the proposed communication action plans can be deployed at national level using, of course, the established messages and materials. Offices could be provided with the possibility to localise messages should they consider it necessary to increase the effectiveness of the campaign in their Member States but only insofar as the "meaning" of the originally proposed messages is not modified.

A common logo should be designed and used in all communication actions deployed by IP Offices at national level and which form part of the suggested action plan.

Such decentralised approach would in no case deprive the Office from running its own campaigns whenever it is considered necessary and effective. This could for example be the case when the campaign has to do with the communication of the results of a study carried out by the Office through the Observatory, the launch of a pan-EU competition or when there is the wish to test a new awareness campaign in a few Member States before launching the campaign. The Office would need to have clear criteria for applications for funding. In such a case, the Office would collaborate directly with the IP Offices of the relevant Member States.

- Support for relevant public and private sector initiatives

Since the publication of Regulation 386/2012 entrusting the Office with the EU Observatory, the Office has received a number of enquiries regarding potential funding for existing or developing national awareness raising initiatives, which are being put at risk as a result of shortages of national funds.

Some of these requests could regard initiatives that are fully aligned with the positioning promoted by the Office and which could help to address some of the findings of the IP perception study and, in the future, its follow up studies. Moreover, according to article 1 of Regulation 386/2012, the Office should support the activities of national authorities, the private sector and the Union institutions in the fight against infringements of the intellectual property rights covered by Directive 2004/48/EC.

The Office is considering the adoption of a suitable framework for an annual fund to support existing or developing raise awareness initiatives. In this, it is likely that a formal "call for proposals" process would need to be set up. This fund would need to have a set amount. An evaluation process should be set up and a maximum sum of funding per project should be set. The process could be supported by the Advisory Board of the Observatory which, applying a number of objective and transparent criteria, and on the basis of an assessment of the Observatory, would advise the President on the proposals to be selected for grants.

Examples of criteria might be:

- The potential of the initiative to contribute to the annual awareness plan established by the Office in collaboration with the raise awareness working group
- The fact that the initiative is the result of the collaboration between organisations covering more than one Member State
- The potential for the initiative to be replicated in other Member States and the commitment of the organisation supported to offer guidance to other organisations interested in replicating the initiative

- The implementation of effective methods to measure the impact of the proposed initiative

A prior evaluation of the legal constraints and workload involved would be necessary before developing this strand of actions.

Should a decision be taken to grant funds, this could be done by placing an obligation on the organisation running the initiative to (a) use a common logo designed to distinguish initiatives supported by the Observatory and (b) report the impact of the initiative by applying the agreed measurement methods.

The Office contribution should represent only part of the funding and a maximum sum for the Office contribution should be established.

3.3.2 SMEs

The main goal when dealing with SMEs should be to raise their awareness on the importance to protect IP while also facilitating their access to protection and enforcement of their IP assets.

In addition, SMEs which use IP rights intensively and successfully can be one of the best examples to make the case of the benefits that IP generates in society and raise policymakers' and citizens' awareness, as the second phase of the IP contribution study will aim to substantiate.

In all activities concerning SMEs close coordination with other initiatives undertaken and planned by the Office is needed, such as partnering with national/regional offices, SME awareness campaigns and actions at national level, new exhibition fair policy.

Close partnership with the European Commission (DG ENTR) will also have to be ensured. For this purpose, an action plan will be agreed with the relevant DG ENTR services at the beginning of 2014.

As indicated in the 2014 Work Programme, the Office will start working with DG ENTR to develop accessible and useful learning materials for SMEs that can be distributed through DG ENTR networks as well as directly by the Office.

In this case, as well, a two steps approach is proposed by complementing this initial work with a study intended to assess the main difficulties that SMEs encounter when enforcing their IP rights and looking for relevant information and help.

Such an assessment could be carried out using the same approach suggested for youngsters, namely issuing an annual report, prepared on the basis of a specific questionnaire, providing EU and national policy makers with a snapshot about how SMEs use IP and the main difficulties they encounter. This annual snapshot (a sort of IP and SMEs scoreboard), together with the one focussing on youngsters, could become an important tool to define IP policies and measure their effectiveness.

Finally, a specific communication plan should be built to launch the results of the second phase of the IP contribution study. Part of this plan could be the launch of the IP and SMEs scoreboard described above, as well as producing videos featuring successful SMEs which have based their competitive strategy on IP rights, completing a compilation of existing relevant AV materials on SMEs.

3.3.3 Media

Considering the multiplier role of media (including social media such as blogs) it is important that specific actions are undertaken in order to raise their awareness on IP and the importance of it.

It is suggested that the first step should be to set up a map of the media that both at European and national level would represent the best access to priority audience targets, namely youngsters, policymakers and SMEs. Once the map is complete, it will be necessary to identify journalists and bloggers who in the past have written articles/blogs on IP related matters and, once identified, a media workshop(s) could be organised to present the Observatory and its activities and establish a two-way conversation. Such a workshop, to be organised in Alicante, would involve around 30 journalists & bloggers from national environment, covering a representative sample of print, AV and online press, geographical coverage of around 10 countries (balance big countries, Presidency, EU15/EU 12) and would intend to offer – in an interactive format- the possibility to share ideas with experts, enterprises, designers, etc, identify stories, site seeing and networking opportunities.

Regular contacts should be kept with the identified journalists, providing them on a timely basis with relevant material adapted to their specific needs (e.g. translate the material in their language; provide data on their Member State, etc.), but also sharing with them the electronic newsletter on Observatory activities.

Moreover the group could help the Office to design more effective media communication materials and campaigns on occasion of the launch of a study or another important deliverable of the Office/Observatory activity.

In addition, the possibility to establish specific partnerships with important international media groups such as Euronews and CNN should be explored. EPO and Europol already have such a partnership and their experience could be useful in evaluating whether to adopt or not this initiative. Regular media monitoring through the European Media Monitoring of the Joint Research Centre is being developed.