

Social Media and the Fight against Counterfeiting in Saudi Arabia

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Consumers' Social Media

During the last few years, Saudi Arabia has witnessed the rise of a new phenomenon known as 'consumers' social media' that upholds citizenship advocacy and raises consumer awareness. This new phenomenon now helps the Saudi authorities in their efforts to protect intellectual property and combat commercial fraud. It also helps all stakeholders engaged in the fight against counterfeiting in their initiatives to educate the public about the harm caused by such activities. But, just how does 'consumers' social media' achieve this?

Lately, many social media activists have engaged in a national campaign to expose counterfeiting in Saudi Arabia. For example, one prominent case occurred in one of the biggest traditional markets in Riyadh. An activist using Snapchat showed his followers counterfeit products, including cosmetics, that a makeup artist was promoting at the market as genuine. Another activist, using social media channels, exposed gold shops selling counterfeit jewellery. Upon reviewing these social media posts, the Anti-Counterfeiting Department within the Ministry of Commerce and Investment ('MOCI') raided these shops and closed them down. MOCI did not wait for someone to file a complaint but instead took the initiative based on the social media post's information to stop the sale of these counterfeits in Riyadh's traditional markets.

The actions of the social media activists are one of many other examples existing in relation to how social media is becoming a measure to combat commercial fraud. Indeed, many people in Saudi Arabia have taken to using social media apps, such as Whatsapp, Instagram, Twitter, and Snapchat, for this purpose. By using social media, people of all ages are raising consumer awareness of counterfeiting and commercial fraud. This awareness in turn helps the authorities expand their fight to protect consumers from commercial fraud and at the same time enables them to undertake their responsibilities at reduced costs.

For brand owners, this type of social media activism also provides them with well-documented evidence of counterfeiting and other fraudulent activities and can accelerate processing of their IP infringement claims before the courts.

This new trend of 'consumers' social media activism and awareness' is anticipated to expand in coming years, as we will surely witness wider engagement with social media by both consumers and businesses. Such engagement may include the organisation of consumer education workshops and seminars online and offline where those combating counterfeiting inform all interested parties about their practices and initiatives. In the longer term, social media could support more advanced educational and accreditation initiatives. These may include certificate training on consumer rights and laws, for those who want to participate in social media activism for the protection of consumer rights.

Moreover, such initiatives should and may very well extend to MOCI and the Saudi Customs employees and investigators so that they may have better knowledge of legal issues in these areas and best practices worldwide. This kind of training will help those officials in their efforts to apply local and international laws governing intellectual property rights applicable in Saudi Arabia. To this end, other relevant Ministries could consider including social media based training as part of their regular training plans for both public officials and members of the public.

While the trend of consumer awareness and protection is changing with social media, many Saudi citizens unfortunately are still not sophisticated enough to understand the complexity of the modern media

environment. Many people still perceive that everything that the traditional media reports in is unquestionable, and such perceptions are the same with social media. As such, and since commercial fraud significantly affects Saudi women, who form a large portion of consumers in Saudi Arabia, launching social media projects devoted to educating women about counterfeit and knock-off products and how to distinguish them from originals is also quite important.

MOCI's 'Maroof' service

In parallel, the MOCI has also recently taken a new initiative to raise consumer awareness in terms of e-commerce and online shopping issues. In this regard, MOCI launched the 'Maroof' service to protect traders and consumers from online sales and services fraud. According to the information available about Maroof at the MOCI's website, Maroof is an e-service where the seller can register his business on Maroof's website to build a legal and trustful relationship between the sellers and the buyers or the consumers in general. As a result, Maroof now helps organise and improve electronic-shopping through the internet by facilitating the sellers' promotion of their products and services to a massive number of consumers. Subscribing to the Maroof's service until now is free of charge for shop owners/ sellers as well as consumers. Furthermore, Maroof also provides a ratings / evaluation service for consumers who can provide their reviews and experience with the products through the online platform. This of course helps improve the quality of the e-service and ensures the authenticity of the products offered for sale at each online-shop.

Moreover, MOCI has warned and announced through websites and social networks about the marketing or sales of counterfeit products, as this action violates the Anti-Fraud Law and the Trademark Law System. Per MOCI's latest warnings/announcements, penalties for such violations can reach up to three years of imprisonment and/or fines of up to one million riyals in Saudi Arabia. To ensure further compliance with the Anti-Fraud Law and the Trademark Law System, MOCI has made available a dedicated call centre integrated with a downloadable smart phone application that allows consumers to report any commercial fraud in real time.

The efforts the MOCI has taken are a clear testament to the Saudi government's drive for modernity through the leveraging of online and mobile technologies to enhance and promote brand and consumer awareness throughout the Kingdom.

Since more people and businesses will come to rely on the expansion of e-commerce, brand owners and businesses must also resort to social media as a means of raising awareness among the Saudi people about online and offline commercial fraud. On this front, and in line with the KSA Vision 2030, the Saudi government has taken heaps and strides to intensify efforts and enforce regulations for the protection of consumer rights and brand owners' rights. To this end the contribution of the civil society, such as the Saudi Bar Association, and the help from individual lawyers, is welcomed.

Al Tamimi & Company's Intellectual Property team regularly advises on issues to do with brand protection and anti-counterfeiting. For further information please contact Omar Obeidat (o.obeidat@tamimi.com) or Hanin Al Fayaz (h.alfayaz@tamimi.com).