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Ezgi Oguz
University of Leeds, United Kingdom

Jamie Marsden
University of Leeds, United Kingdom

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How consumers interpret visually similar packaging

Ezgi Oguz*, Jamie Marsden

School of Design, University of Leeds, UK

*corresponding e-mail: ml18eo@leeds.ac.uk

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Abstract: This study explored how leader brands might use design to better manage the challenge of copycat packaging. Online semi-structured interviews incorporating photo-elicitation were conducted with 37 interviewees to understand how consumers perceive and differentiate between visually similar packaging from fast-moving consumer goods (FMCG) categories. Our findings show that participants find similarity in colour scheme and similarity in product name more likely to lead to mistaken purchases of copycat brands. These findings suggest that leader brands could minimise the impact of copycat brands by using their packaging designs to emphasise the protectable characteristics of their brands. This research contributes to the discussion on copycat phenomena by highlighting how design can play a central role in mitigating copycat packaging, and should be considered alongside more traditional reactive mitigation tools.

Keywords: copycat; packaging design; similarity; consumer's purchase decision

1. Introduction

Copycat packaging is where a lower-cost brand mimics the appearance of the market leader's packaging. By designing the components of the product name, logo, colour, graphics, three-dimensional shape (structural design) in a visually similar way, copycat brands aim to exploit the positive associations related to the leader brand (Warlop and Alba, 2004; Van Horen and Pieters, 2012; Johnson, Gibson and Freeman, 2013). Copycats rather shrewdly circumvent the illegal practice of counterfeiting by producing a packaging design that is highly similar to the leader brand but without producing a replica, which is a damaging but legal practice (Brondoni, 2013). As design is at the heart of this practice, more design knowledge is needed to help brands address this problematic issue.

Previous studies have examined the effects of copycat packaging on consumers relating to brand confusion (Miceli and Pieters, 2010; Warlop and Alba, 2004; Satomura, Wedel and Pieters, 2014) and mistaken purchases (Miaoulis and Damato, 1978), both of which have an impact on leader brands (Lee and Zhou, 2012; Johnson, Gibson and Freeman, 2013). Consequently, leader brands have responded to copycat behaviour with reactive measures, involving a range of tactics such as selling out, licensing and joint venture, negotiated



settlements, legal action (litigation), and frequent packaging changes (Collins-Dodd and Zaichkowsky, 1999; Schnaars, 2002). While these defensive actions can be considered adequate mitigation tools, they can take time to implement, they generally incur significant cost, and, given the difficulty of proving consumer confusion, there is no guarantee of success (Collins-Dodd and Zaichkowsky, 1999).

Very few studies have approached the issue through the lens of design – which is precisely the mechanism that copycat brands use to mimic the visual appearance. Doyle (1996) emphasised some design considerations in a study that primarily focused on the defensive strategies for leader brands protecting themselves from the threat of copycats. This study argued that sophisticated printing, having a unique logo, and having an unusual three-dimensional shape are the design features that are difficult for other brands to duplicate. While these recommendations emphasised creating a distinctive appearance through techniques that inevitably involve increased costs, we cannot assume that such practices are applicable and relevant across all product categories (Mugge and Schoormans, 2012). As such, there is a need to distinguish between the design considerations of packaging in both high-cost and low-cost product categories. To this end, we argue that a more advanced understanding of the role of design is necessary for developing optimum packaging design strategies to mitigate copycat packaging. This approach would enable leader brands, in both high-cost and low-cost segments, to generate a stronger deterrent to copycats that involves less resource-heavy, responsive actions. Therefore the aim of this study was to explore how consumers perceive and differentiate between visually similar packaging to understand how packaging design for leader brands might mitigate the challenge of copycat packaging.

2. Literature review

2.1 Packaging design strategy

Packaging facilitates the communication between the brand and consumer by providing information on the shelf that helps to distinguish the product from its competitors (Rundh, 2005, Simms and Trott, 2010). Packaging, therefore, plays a critical role for brands that pursue differentiation because of its ability to convey the point-of-difference, and contribute as a source of competitive advantage (Underwood and Klein, 2002; Dobson and Yadav, 2012). The decision on whether packaging design is either similar or different is a key strategic choice that is largely determined by the market conditions of the product segment. Similarity is generally sought in the early stages of a product's life cycle, where consumers seek easily recognisable product categories. However, in the later stages of a product life cycle, once familiarity has been established, differentiation becomes increasingly attractive to consumers (Person, Schoormans, Snelders and Karjalainen, 2008). Product packaging reflects these influential cycles.

Related studies have sought to examine similarity and difference from the view of aesthetic preference of consumer products, which has been described as products exhibiting either typicality or novelty (Hekkert, Snelders and Van Wieringen, 2003). Typicality is a

representation of the common characteristics of all designs within a category, and has strong effects on aesthetic evaluations of consumers: the more typical (prototypical) an object is, the more it will be aesthetically preferred (Hekkert, Snelders and Van Wieringen, 2003, Mayer and Landwehr, 2018). Other studies have argued that stylish products should be distinctive, both from existing products on the market and from products of previous generations (Bourdieu, 2010). The issue of the debate inevitably ends with a balance between novelty and typicality, through the introduction of a new phrase: the Most Advanced Yet Acceptable (Loewy, 2002), a concept that relates to designs perceived to have the greatest aesthetic appeal but still recognisable as a familiar object (Hekkert, Snelders and Van Wieringen, 2003).

Distinctive packaging deviates strongly from the packaging in a specific product category by breaking through the visual clutter of the marketplace and becoming a pioneer of the category (Dobson and Yadav, 2012). There are many examples of distinctive packaging from premium brands, such as the Toblerone chocolate bar, the Coca-Cola bottle, the Absolut vodka bottle, the Grolsch bottle, the Jack Daniels bottle, the Marmite jar, the Campbell's soup can and the Toilet Duck bottle. The aforementioned brands are all brands that can be considered as premium within their respective categories, and thus have the resource to translate their premium positioning through distinctive packaging.

By contrast, low-cost brands attempt to mimic the appearance of a market leader's packaging design by designing the components of the name, logo, colour, graphics, three-dimensional shape in a visually similar way (Warlop and Alba, 2004). Copycat packaging is also known as lookalikes, me-too and trade-dress imitation. Having similar visual characteristics to the leader brand, copycat brands aim to evoke the positive associations related to a leader brand (Van Horen and Pieters, 2012; Johnson, Gibson and Freeman, 2013). Prior research has indicated that mimicking leading products is a viable strategy. Firstly, it is a less risky strategy since it connotes associations that consumers are familiar with in the leader brand (Brown, Williams, Abbott and Wegrzyn, 2010). Less premium brands have a greater tendency to reject distinctive designs and prefer designs considered to be typical to other products within the category to avoid the risk of consumers not accepting a new product that differs too much from its category (Moulson and Sproles, 2000). Secondly, mimicking is a cost-effective strategy because imitators do not need to allocate resources to research and development in the design process (Wierzbicki and Nowodzinski, 2019). Thirdly, mimicking can lead consumers to make a mistaken purchase of a copycat product, thinking that they are acquiring the leader brand (Miaoulis and Damato, 1978). Indeed it is reported that 38 per cent of consumers are confused or misled by similar packaging, and 33 per cent of them have mistakenly purchased a copycat brand (Johnson, Gibson and Freeman, 2013; European Brands Association Trade Mark Committee, 2010). Lastly, when consumers are aware that a product is from another company, they may assume the product has a similar origin, similar quality and similar characteristics as the leader brand, encouraging consumers to substitute the leader brand with the copycat brand (Johnson, Gibson and Freeman, 2013).

2.2 Defending against copycat packaging

Brand confusion and mistaken purchases cause business harm to leader brands by lowering innovation, wasting costs on changing packaging more frequently, loss of sales, loss of followers, loss of fair competition, and dilution of brand equity and reputation (Kapferer, 1995; Lee and Zhou, 2012; Johnson, Gibson, Freeman, 2013). In order to respond to the copycat phenomena after it occurs, leader brands can take reactive measures, including selling out, licensing and joint venture, negotiated settlements, legal action, and packaging change; however, they can also take proactive measures, including legal protection and differentiation, before the copycat phenomenon occurs (Collins-Dodd and Zaichkowsky, 1999; Schnaars, 2002). Although taking legal action is the most common way for combatting copycats, reactive measures can be considered inadequate mitigation tools because these responsive actions take time to implement, they incur significant expense, and there is no assurance of success in proving consumer's confusion and mistaken purchase (Collins-Dodd and Zaichkowsky, 1999).

Although packaging can be eligible for different types of protection (e.g., design right, copyright, trademark protection, passing off or unfair competition), trademark registration provides the most prolonged period of protection, as it can last indefinitely through the renewing of the protection. A word, a logo, a three-dimensional shape, a colour, a pattern, or a sound can be registered as a trademark if it has a distinctive character and is not functional (Trade Marks Act 1994, 2021); for example, the Haig & Haig whiskey bottle is a registered trademark (Miaoulis and D'Amato, 1978). Distinctiveness is crucial to attain registered trademark status; therefore having a distinctive packaging design can facilitate trademark protection and be incorporated into the legal protection derived from trademark registration. Although previous research has argued that some design considerations, such as sophisticated printing, embossing, foil blocking, unique logos or unusual three-dimensional shapes, can be valid defensive strategies for leader brands in high margin categories (Doyle, 1996). However, as such recommendations would seem unsuitable for lower-cost categories where there is less resource for speciality production techniques, there is a need for a more extensive set of design strategies for mitigating copycat packaging.

3. Method

The purpose of this study was to explore how leader brands could use packaging design to mitigate copycat packaging by understanding how consumers perceive and differentiate between visually similar packaging. To achieve this aim, the study adopted a qualitative approach by employing semi-structured interviews incorporating photo-elicitation as a trigger for initiating responses. The 37 interviewees (25 females and 12 males, age range from 22 to 60 years) were recruited from the University of Leeds, comprising a mix of international and British postgraduate students and academic professionals. This sample satisfied two criteria: firstly it provided variance in socioeconomic status among participants;

secondly that participants had experienced living in the UK for at least one year and therefore was familiar with FMCG products in the UK market.

Table 1. Pair-packaged examples from different product categories

Biscuits and crackers		Chocolate and sweets	
Leader brand	Copycat brand	Leader brand	Copycat brand
			
Butter and spreads		Crisps	
			
Alcohol drinks/Spirits		Shower gel	
			
Skin care/Face cream		Shampoo	
			

Due to the COVID-19 restrictions, interviews lasting between 30 and 60 minutes were conducted online through Microsoft Teams. The participants were initially asked to imagine they were in a supermarket aisle to give a sense of the shopping environment and, in addition to responding to interview questions, were encouraged to think-out-loud in response to seeing a series of visual stimuli. Participants were asked (1) to express their perceptions of visually similar packaging, (2) to evaluate packaging based on design features,

(3) to verbally indicate a purchase decision between visually similar packaging and draw from their previous experiences to inform the decision. During the interview, each interviewee was asked to respond to six pairs of product package examples, each pair consisting of one leader brand and one visually similar copycat brand. Every interviewee was assigned a selection of examples from the product categories that the interviewee regularly purchased (learned prior to the interview via a screening questionnaire).

All packaging examples used in the study were currently available in the UK market at the time of the interviews. Product examples were drawn from a range of FMCG product categories, the sector in which copycat packaging is most prevalent. The product categories consisted of low-cost and high-cost products to ensure the sample contained a sufficiently diverse selection of items in terms of cost and utility (Table 1). The packaging images were presented in a side-by-side orientation, as would be expected within the context of a supermarket shelf, with a front view that included the price and quantity.

All interviews were audio-recorded for data accuracy and subsequently transcribed. All transcribed data were qualitatively coded using NVivo software and thematically analysed to identify key themes, specifically relating to the evaluations of design features in visually similar packaging. We used two mechanisms to increase the validity of our interpretations: respondent validation and investigator triangulation. Respondent validation measures were incorporated into the interviewing process via the member-checking of statements – where participants' comments were summarised and relayed back to them for agreement to confirm the accuracy of meaning. Second, we incorporated investigator triangulation by involving two experienced colleagues in the interpretation of findings to ensure that our interpretations were accurate and remained faithful to the raw data.

4. Results

The data revealed that consumers find it challenging to clearly distinguish between visually similar packaging of leader brands and copycat brands. When evaluating visually similar packaging, 43 per cent of participants cited buying a copycat product when under the impression they were buying the market leader. We found that participants offered two specific reasons for their mistaken purchases: (1) similarity in colour scheme and (2) similarity in product name. The similarity in the colour, including the general distribution and proportionality of colour, between the copycat brand and the leader brand was cited as the main reason for mistaken purchases. Participants showed a clear preference for relying on colour as an indicator of the leader brand, which was particularly acute when the market leader used a distinctive colour scheme, such as the use of silver in the butter/spread category against the prevalent palette of yellow. This reliance on colour as a quick indicator of the leader brand showed that the more subtle design features did not sufficiently register with participants with the same immediacy as colour. This finding supports earlier arguments in which the similarity of colour results in the strongest grouping effect from sharing common attributes (Lidwell, Holden and Butler, 2010).

"I would probably buy it mistakenly because it is kind of similar colour, dark blue and orange (crisp)."

"I think I might pick up Snackrite because I think it is a Walkers crisp because of the colours; they both use blue and orange. So I think it is very easy to just end up with either."

"It is a sort of shimmery silver look, but most butter is normally yellow for some reason ... you do not get other brands that looklike these two."

"... they did it really similar, and they are the only silver butter that you can get. So it is quite easy to mistake one for the other."

The second feature cited by 39 per cent of participants as likely to lead to a mistaken purchase was the similarity in product names between the leader brand and the copycat brand. Unlike fanciful and arbitrary names, generic and descriptive product names cannot be legally protected. Generic product names, such as Rich Tea, Digestives, and Coconut Milk, have high consumer familiarity and therefore used by both leader brands and copycat brands, which contributed to brand confusion.

"I think I could buy it mistakenly because the name is the same 'Rich Tea.' "

"I actually thought that was the brand 'Rich Tea' so I would not know a difference, honestly."

"I did not pay attention to the packaging as much, and I just looked for Rich Tea biscuits. So I think I could mistake both because I am just looking for the words rather than the packaging. I look for the words, so this is rich tea, I could mistake it."

The comments revealed a clear misunderstanding of the generic product name and the brand name. Participants considered the generic product name to be the brand name and seemingly assigned less attention to the actual brand name (e.g. McVitie's). This was partly due to leader brands placing less graphical emphasis on the brand name and more priority on the generic product name, perhaps for recognition purposes, which would appear to increase the likelihood of mistaken purchases of copycat brands. By contrast, a strong product name gave participants a clearer sense of recognition, as can be seen with the comparison between "Cheese Puffs" and "Wotsits." In this example, the packaging of both products shared an almost identical colour palette and the same packaging material, yet the participant saw a clear distinction between the products through the unusual product name.

"The one on the right is just Cheese Puffs, but the one on the left is obviously Wotsits which is a cool name, and it stands out a lot. Cheese Puffs is something that is a really generic name for something, but Wotsits is a quite unique name."

5. Discussion

The aim of this study was to explore how participants interpret visually similar packaging to better understand how leader brands might mitigate copycat packaging. We know from earlier studies that the design features that create a novel appearance can differ between product categories (Mugge and Schoormans, 2012). Our findings expand on this notion by showing which design features register with participants, particularly in relation to low-cost product categories that have less ability to produce distinctive designs.

Our analysis of interview data revealed two specific design features that leader brands should emphasise to minimise the effectiveness of copycat packaging: similarity in colour scheme and similarity of the product name. These findings primarily occurred in lower-cost categories, where there was a less available resource for packaging items in a structurally distinctive manner (e.g., crisps, biscuits, and shampoo categories). We discuss the implications of these findings by suggesting how leader brands might design their packaging to appear more distinctive and reduce the occurrence of mistaken purchases of copycat products.

The first implication is that for low-cost products, leader brands would be best served to rely less on their particular colour schemes and colour gradients to achieve shelf presence and recognition. The comment relating crisps clearly highlighted the problem of colour similarity when making purchases under time pressure: “I might pick-up Snackrite because I think it is a Walkers crisp because of the colours; they both use blue and orange.” While Walkers may have established this colour scheme as part of their brand identity, they could gain greater distinction by reducing their reliance on colour as a distinguishing feature and placing greater visual emphasis on the brand name. Effective colour combinations used by leader brands are not usually considered protectable features and therefore subject to imitation by copycats, and ultimately facilitate mistaken purchases.

Similarly, in the butter and spreads category, the findings revealed that although brands can be visually distinctive by avoiding the common colour scheme of the category, copycats follow the leader brand: “It is a sort of shimmery silver look, but most butter is normally yellow for some reason ...” In this particular case, the copycat brand eschewed the category norms and instead imitated the distinctive silver packaging of the brand leader. This similarity of colour scheme diluted the visual distinction of the leader brand yet facilitated mistaken purchases. Although a colour or combination of colours can be protected under trademark registration, attaining this status can be difficult due to the challenge of demonstrating a strong consumer association between a colour and a brand. Two notable exceptions are Cadbury’s purple and Tiffany’s blue, the success of both cases being down to longevity of use in establishing the strong association.

The second implication is that for low-cost products, leader brands would be best served to rely less on generic product names and instead place greater emphasis on impactful product brand names. The comment relating “Cheese Puffs” clearly highlighted the immediate

participant recognition of the “Wotsits” brand name: “The one on the right is just Cheese Puffs, but the one on the left is obviously Wotsits; which is a cool name, and it stands out a lot.” The reliance on generic names is partly due to consumer product recognition of products such as Digestive and Rich Tea biscuits. However given the commonality of generic names, the continued use of these types of names only serves to facilitate mistaken purchases and the dilution of protectable brand assets that strengthen the position of copycat brands. Therefore leader brands would benefit from slowly reducing the emphasis on generic product names and, instead, developing brand names that become associated with the specific product, such as Wotsits becoming the leader brand of Cheese Puff crisps. With the development and use of protectable product brand names, greater emphasis can be assigned to the logotype of the brand name, further extending the distinction between the leader brand and copycat alternatives. The combination of a unique product name and distinctive logotype would also offer a better opportunity of securing legal protection via registered trademark status.

Therefore, this study offers brand strategists, marketers, packaging designers and product designers a better understanding of the crucial role of design in developing a more optimum strategy to mitigate copycat packaging. By putting weight on the role of design, leader brands can minimise the impact of copycat packaging on consumers, such as brand confusion and mistaken purchase and possibly lead to less of a need for resource-heavy responsive actions such as litigation and packaging change that are expensive and time-consuming.

6. Conclusion

Copycat packaging uses design as a strategic tool for attracting consumers away from market leaders. As such this study approached copycat phenomena by exploring how participants consider visually similar FMCG product packaging. The ultimate intention of this research is to understand how design strategy could be used to help leader brands mitigate the challenge of copycat packaging. This study contributes to the previous literature on copycat phenomena in the packaging industry by suggesting how design can be used as a proactive tool against copycat packaging, rather than relying solely on reactive legal tactics (Doyle, 1996). Our findings extend the notions of defensive strategies against copycat phenomena (Collins-Dodd and Zaichkowsky, 1999; Schnaars, 2002) by demonstrating that by reducing the emphasis on easily imitated colour schemes, using distinctive product names and assigning more attention on logotypes, collectively provide a firmer basis for establishing protectable brand assets and therefore more effective tools for mitigating copycat packaging for low-cost products.

The first limitation of this study is that the interviews were conducted via an online platform that only provides a two-dimensional representation of packaging examples due to the pandemic situation. Although literature revealed the importance of the tactile features on consumers’ perceptions, the lack of the tactile features of packaging such as embossed parts

and reliefs limit consumers' sensorial evaluation. The second limitation is that the product examples were restricted to a limited number of FMCG product categories, although we actively selected examples from different product categories, including low-cost and high-cost categories.

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About the Authors:

Ezgi Oguz is a PhD candidate in design at the University of Leeds. Holds a BSc and MSc in industrial design from Middle East Technical University and LLM in intellectual property from World Intellectual Property Organization. Her research interests are brand and design management, packaging design, product design and design law.

Jamie Marsden is the Director of Postgraduate Research at the University of Leeds, School of Design. His research interests centre around the domain of brand communications, brand management and strategic design.