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The new era of home-made fake fashion: the phenomenon of home-sewn copies and the possibilities for fashion houses to take advantage

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1. Introduction

Copying of well-known fashion designs is not something that only fast-fashion companies or shady counterfeit businesses do.¹ A knock-off might as well be produced by your next-door neighbour. Copying is fairly easy for anyone with sewing skills. Certain brand identification symbols, such as the three stripes of Adidas, are relatively easy to make by yourself. Copying of fashion designs is not difficult either, since it only requires similar-looking fabric and pattern drawing skills.

During the existence of the modern fashion industry,² people have always copied brands by home-sewing identical or resembling items—especially in the past, when sewing was every woman's 'must have' skill. Although the rise of cheap ready-made fashion caused a temporary decrease in home-sewing, this activity has now made a comeback as a leisure activity.³ And what is new is that, while in the past there was no real possibility for the copies to make their way to the eyes of the masses, nowadays images of these copies are way more likely to spread to a significantly wider group of people through social media, allowing the imitating object to gain reputation and even fame.⁴

When copying of fashion designs occurs in private households, has no commercial purpose and the end products are used within the circle of acquaintances of the person producing the copies, it is very difficult for a fashion house to intervene. However, an important question rightholders should ask themselves is if they should even want to intervene. In this article I propose

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This article

- This article focuses on home-sewn copies of fashion designs. Providing insight into what people copy and why may help fashion companies monetize this behaviour. The article enlightens the reasons behind the phenomenon of home-made copies and the incentives that drive people to duplicate the designs of fashion houses by analysing the responses to a survey of one hundred sewing amateurs. Furthermore, it presents what kinds of brands are likely to be copied and who the end-users of the copies are.
- The contribution proposes that there may be an opportunity for rightholders to benefit from this phenomenon and suggests some possible strategies for fashion brands to take advantage of the private copying of their designs.

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1 About industrial copying as a phenomenon: L Crewe, *The Geographies of Fashion* (Bloomsbury Publishing 2017) 55–59.

2 About the structure and definition of the modern fashion industry: V Manlow, *Designing Clothes. Culture and Organization of the Fashion Industry* (Transaction Publishers 2007) 1–5.

3 See eg: Global Industry Analytics, 'Growing Demand for Advanced and Feature Rich Models Drive the Global Sewing Machines Market', June 2017 <http://www.strategyr.com/MarketResearch/Sewing_Machines_Market_Trends.asp> accessed 29 April 2018. See also Z Wood, 'A Stitch in Time – New Era for Home Sewing' (The Guardian, 27 January 2017) <<https://www.theguardian.com/lifeandstyle/2017/jan/27/a-stitch-in-time-new-era-for-home-sewing>> accessed 29 April 2018; and See also S Kurutz, 'Do-It-Yourself Fashion Thrives at the McCall Pattern Company' (The New York Times, 2 August 2016) <<https://www.nytimes.com/2016/08/04/fashion/mccalls-pattern-company-sewing-do-it-yourself.html>> accessed 1 May 2018.

4 According to the survey presented in Section 246.03% (29 out of 63) of the hobbyist who copy brand products admitted that they also post images of the copies on social media.

that, instead of trying to prevent private copying, it might be even smarter for some fashion brands to make such activity a little bit easier. I aim to enlighten the phenomenon of home-made fake fashion by presenting the reasons and incentives for such activity, explaining what kind of brands are likely to be copied and which elements of fashion designs are copied, presenting the key legal questions related to the activity.⁵

The article is structured as follows. In Section 2, I introduce and analyse the results of a survey of 100 sewing amateurs that were asked about their habits, attitudes and reasoning concerning home-sewing copying of fashion brands for private use. Section 3 briefly presents the European legal framework for home-sewn fake fashion and proposes solutions and strategies for fashion brands as rightholders to make the best out of the *status quo* by using this phenomenon to their advantage. In Section 4, I state the main conclusions based on earlier sections and address perspectives for future research.

2. The copying habits and preferences of amateur sewers

The idea for this article occurred to me after following random conversations in the largest Finnish Facebook group for sewing enthusiasts. I noticed that it is quite common that home-sewers create copies of well-known fashion designs and share photos of these imitations online, typically indicating which brand they have copied. This often seems to cause heated debate among the group members. Strong opinions *pro* and *contra* home-sewn copies are frequently discussed. People also give various, quite fascinating reasons for their copying.

In order to get a better idea of what type of products home-sewers decide to copy and why they choose to copy fashion designs, I conducted a survey among the

members of the aforementioned Facebook group.⁶ In April 2018 the group involved circa 32 800 members who shared the hobby of sewing.

The copyists and the end-users of home-made knock-offs

According to the survey, 61 per cent of amateur seamstresses had copied or would copy a brand product by imitating them in their home sewing one way or another.⁷ The respondents were also asked for whom they actually make these imitations, with the possibility to choose multiple alternatives. It was surprising to discover that the respondents often did not sew the copies for themselves: of those who admitted copying, more than 80 per cent stated that they sew copies for their children.⁸ A bit less than three quarters told that they sew copies for themselves.⁹ The number of sewers who sew copies for other than themselves or their children was rather insignificant.¹⁰

What is interesting is that the majority¹¹ of the respondents had the opinion that there is nothing wrong with copying by home sewing. Some¹² were not sure if they felt that home-sewing copies of fashion designs is ethically right or wrong, and even fewer respondents¹³ thought that this kind of copying is wrong even though the copies are privately made for private use. When it comes to the respondents' alleged knowledge about legal questions related to home-sewn copies, the majority of the amateur sewers said that they were unaware or uncertain about the legal state of home-sewn fake fashion.¹⁴

What is being copied?

A vast majority of those who copy fashion items copied the overall appearance or the design of the example set by a certain fashion brand. Less than 10 per cent

5 It is clear that compared to the world-wide counterfeiting industry, the home-made fakes are not a major problem and this article has no intention to parallel these two phenomena. See for example Crewe (n 1) 55–59. Even though Crewe takes a critical approach towards the prohibition of counterfeits, she describes the harm that counterfeits cause to fashion houses.

6 The questions of the survey are available on the website of JIPLP. The group is called 'Ompeluelämää' (Fin: 'sewing life') <<https://www.facebook.com/groups/277095472307251/>> accessed 1 April 2018.

7 The remaining respondents (39%) who stated that they do not copy fashion designs in their home-sewing projects, were for obvious reasons asked not to answer the following questions about what is being copied, for whom are the copies made for and the reasons for copying. Thus, the percentages that follow in the text are not always even numbers, even though the total amount of respondents was 100.

8 80.95% of the respondents to the question told that they make copies for their children.

9 73.02% of the respondents to the question told that they make copies for themselves.

10 17.46% of the respondents to the question stated that they sew copies for their spouses and other family members, and 20.63% told that they sew copies for their friends.

11 59 of the total 100 respondents thought that ethically, there is nothing wrong with copying fashion designs by home-sewing.

12 23 of the total 100 respondents were not sure if there is ethically something wrong with copying fashion designs by home-sewing.

13 18% of respondents disapproved of copying fashion designs by home-sewing.

14 30% of respondents did not know, and 31% were not sure if they knew what kind of legal issues home-sewn copies of fashion designs involve. 39% claimed to know what kind of legal issues are related to the activity. However, in reality the percentage of hobbyists who actually are familiar with legal issues in home-sewn copies might be way lower than 39%. It is presumable that some respondents only imagine that they know the legal issues, when in reality they do not know the legal framework.

copied the identification symbol of the brand in question, such as a logo.¹⁵ Furthermore, most respondents chose the product that they were going to copy based on the overall appearance or design of the product in question—basically meaning that they chose the copied product because they thought it looked nice, instead of trying to imitate the brand.¹⁶ From a legal perspective, this means that features of the fashion designs protected by copyright and design rights seem more frequently copied than features protected by trade mark rights.

The respondents were also asked, which brands have they copied.¹⁷ Taking into account the previously discovered fact that the majority of the home-sewn copies are meant for children, it did not surprise me that the most-mentioned brand was a children's fashion brand. The most-copied brands were (i) Gugguu,¹⁸ (ii) Papu,¹⁹ and (iii) Fjällräven Kånken,²⁰ Marimekko²¹ and Nosh.²² Of these brands, Gugguu is a children-only brand, and the rest make apparel for all ages. In addition to children's fashion being emphasized in the answers, I found another common factor to the copied brands. That is, it is striking how local the copying is. Of the most-copied brands, 20 per cent are Finnish and the remaining one comes from Sweden. Thus, it seems that home-sewers, at least those in Finland, prefer to imitate domestic fashion rather than international fashion. International well-known brands that were mentioned by several respondents were Adidas and H&M²³ and H&M being on the list is a bit surprising, since it is known to be a very affordable brand. Thus, one would think that there is no need to copy its items. However, as the following section reveals, the reasons for copying are not always financial.

The reasons for private copying of fashion designs

An interesting question is why people use all that time and energy to sew copies instead of buying the 'real deal' or just sewing something that is completely created by themselves. Also, are the activities of purchasing the genuine fashion design and sewing a copy of it mutually exclusive?

A slight majority²⁴ of the respondents stated that they would also buy the genuine item. The remaining respondents who would not buy the genuine item were asked to explain in their own words why not.²⁵ My hypothesis was that the reasons would be mostly financial, which appeared to be partly correct. Mostly, the explanations seemed to be either financial or, interestingly, related to some factor of the genuine product that was not seen desirable. I was able to divide the reasons that were given into three categories: (i) financial reasons, (ii) reasons related to the quality and origin of the genuine product, and (iii) needs to alter or personalize the product somehow.

The first reason is rather obvious: brand clothing can be viewed as pricy, especially compared to Do-It-Yourself clothing. The reasons related to the quality and origin the genuine product might have something to do with the on-going trend of people being increasingly conscious about their consuming habits. Nowadays people pay more and more attention to the sustainability and origin of their clothing.²⁶ For example, several respondents mentioned that they want to know where their clothes are being manufactured, that they want to be sure that they are not wearing sweatshop-made apparel and that they prefer domestic-manufactured fashion.²⁷ This last factor seems to be in

15 96.83% of the respondents to this question stated that they had copied or would copy the overall appearance of a fashion design. 9.52% had copied or would copy a brand identification symbol. The respondents were able to choose both options.

16 93.65% chose the copied product based on its overall appearance or design. Only 11.11% told that they chose the copied product because of its brand. The respondents were able to choose both options, meaning that some respondents value both fashion brand and how the fashion design looks like, when they choose to imitate something. 4.76% had other reasons for why they chose to copy certain product.

17 Of the total 100 respondents, 56 answered to the question 'which brands have you copied by sewing the copy yourself?'. All together 93 answers were given and 31 different brands were mentioned.

18 Gugguu is a Finnish children's fashion brand.

19 Papu is a Finnish women's and children's fashion brand.

20 Fjällräven is a Swedish outdoor lifestyle fashion company for all ages and genders. Kånken is an iconic backpack design of Fjällräven.

21 Marimekko is a Finnish fashion, interior and lifestyle brand.

22 Nosh is a Finnish women and children's fashion brand. Gugguu got 18 mentions; Papu 11 mentions; and Fjällräven Kånken, Marimekko and Nosh got 6 mentions each.

23 Adidas got 4 mentions and H&M 3 mentions.

24 From the respondents to this question, 59.38% stated that they could buy the genuine product as well. Respondents who did not have the habit of copying, were asked not to answer this question.

25 From the respondents to this question, 40.63% stated that they would not buy the genuine item. Respondents who did not have the habit of copying, were asked not to answer this question.

26 See eg P Crommentuijn-Marsh, C Eckert and S Potter, 'Consumer Behaviour Towards Sustainability within Fashion' [2010] KEER2010 International Conference on Kansei Engineering and Emotion Research, Paris 2010; and E Saner, 'Sustainable Style: Will Gen Z Help the Fashion Industry Clean up its Act?' (The Guardian, 25 April 2017) <<https://www.theguardian.com/fashion/2017/apr/25/sustainable-clothing-fashion-revolution-week-rana-plaza-emma-watson>> accessed 22 April 2018.

27 Interestingly, one respondent brought up the perspective of misleading marketing. They mentioned that they would not buy a genuine Gugguu (see the sub-Section 'What is being copied?') product, because they felt that Gugguu's advertising is misleading on the grounds that the company highlights to be Finnish even though it manufactures its products abroad.

line with what was found out in the previous section: home-sewers prefer domestic fashion brands. However, domestic design does not seem to be enough for them, and domestic manufacture is considered important as well. When it comes to needs of altering and personalizing the original product somehow, for example the sizing, fit and material were mentioned. A few respondents also claimed that they could make a better, longer-lasting version of the fashion designs themselves. Some wrote that they just enjoy sewing and copying presents them with interesting challenge where they can test their skills. All in all, these answers seem to indicate that a major reason behind home-copying is that people want to be able to contribute in the manufacturing process and to customize the brand product in one way or another. Making the product themselves gives them multiple advantages.

Taking into account the results that (i) the majority of sewing enthusiasts have been copying or could copy branded products and do not see it as a moral or ethical problem, (ii) most amateur seamstresses feel the need to contribute in the manufacturing process in some way or to alter the product when it comes to sizing, fit, material etc., and (iii) almost half of these copyist also share photos of their results in social media bringing the images of the copy available to masses, I come to the conclusion that, instead of trying to prevent this activity, fashion brands that are copied like this could even see this phenomenon as an opportunity. This view is expanded further in Section 3.

3. If you can't beat them, join them

As explained in Section 2, the large majority of the home-sewers who make copies of fashion designs, copy

the overall appearance or the design of a fashion item. A majority of the respondents also revealed that they tend to merely copy the overall appearance or design of the product instead of copying logos or other brand identification symbols. This means that, legally, the issue is often more about copyright and design law rather than trademarks. Regardless, it seems unlikely that rightholders would have much luck enforcing any rights against home-sewers.²⁸ Copyright offers little effective protection. Provided that a fashion item reaches the required level of originality in the first place,²⁹ individuals copying that item at home for private purposes will likely be able to rely on a private copying exception in most Member States.³⁰ Design right and trade mark protection will often be equally ineffective, since most home-sewers will not make copies for commercial purposes or use a registered sign in the course of trade.³¹ Only if the seamstress in question would somehow make profit of these DIY-knock-offs, for example by selling the copies in a craft fair or sewing made to order copies, the copied fashion house could intervene. Finally, even if rightholders may have a legal leg to stand on, practical problems may still hinder successful enforcement: when the infringement occurs on a small scale, by hand and at home, it is unlikely enforcement will be practicable.

Since this copying phenomenon seems to be very common among home-sewers and there are very few legal impediments to making copies of fashion designs by home-sewing, the question is: should these copied brands do something about it, or could they somehow turn it to their advantage?

Home-made fakes are not necessarily a major problem for fashion houses, especially compared to the

28 Since the purpose of this article is merely to provide some insight into what kind of copies people are sewing at home and why they do that and for whom, no comprehensive legal analysis is provided.

29 Generally speaking, fashion items as products of applied art have difficulties in reaching the originality level required by copyright law. See for example S Monseau, 'European Design Rights: A Model for the Protection of All Designers from Piracy' (2011) 48(1) ABLJ, 27–31; and L Bentley, 'The Return of Industrial Copyright?' (2012) 34(10) EIPR 654–72. What is more, the concept of originality has not been completely harmonized in the EU (U-M Mylly, 'Tekijänoikeuden omaperäisyyden harmonisointi Euroopan unionissa' (2016) 6/2016 Lakimies 907–30).

30 Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society ('The InfoSoc Directive') art 5(2)(b) allows Member States to provide for an exception or limitation to the reproduction right in respect of reproductions 'on any medium made by a natural person for private use and for end that neither directly nor indirectly commercial'. Most of home-sewn knock-offs would fall into this category. This exception has been implemented by all Member States, except the UK and Ireland. (cf C Geiger and F Schönherr, 'Consumer's Frequently Asked Questions (FAQs) on Copyright' EUIPO summary report' [2017], 6–7, 27, 41. A private copying exception was introduced in the UK in 2014. However, it was quashed by *BASCA v The*

Secretary of State for Business, Innovation and Skills [2015] EWHC 1723.) Notably the InfoSoc Directive stipulates that this limitation to copyright may only be provided on condition that the copyright holders receive fair compensation. However, the laws of the Member States generally do not provide for such compensation when it comes to home-sewn copies of fashion designs.

31 Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs, art 20; Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, art 9, and; Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks, art 10. However, the directive leaves the Member States some freedom when it comes to 'the protection against the use of a sign other than use for the purposes of distinguishing goods or services, where use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark' (art 10(3)(6)). Thus, a Member State's national law that would protect the right holder from a use that does not occur in the course of trade but without due cause takes unfair advantage of or is detrimental to the distinctive character or the repute of the trademark, could in theory enable a fashion house to take measures against private copying of its logo or other sign that is protected as a trademark.

global counterfeiting industry. However, instead of ignoring the phenomenon of home-sewn copies, fashion houses could consider using the above explained needs and habits of sewing amateurs and make profit out of them. This could be done by taking a look into the past of some fashion houses and finding inspiration from there. In the mid-20th century, fashion houses did not only sell garments but also licensed sewing patterns to sewing pattern companies. This way consumers that did not belong to the original target customer group of the high-fashion houses could buy the design and sew their own clothes that looked identical to the fashion houses' garments. Haute couture brands such as Givenchy, Balmain, Lanvin, Schiaparelli, Nina Ricci and Yves Saint Laurent all used to license their sewing patterns to major sewing pattern companies, such as McCall's.³² It was also a way for the fashion houses to expand their brand to new consumer sections and acquire fame. This way the fashion house was actually able to control the copying, at least in some level.

Since the needs of the home-sewing copyist seem to be related to the ability of making choices in the manufacturing process, the joy of sewing and saving money, brands could actually consider making the copying easier for the consumers who are doing it anyway. Providing sewing patterns of bestseller products for private copying could benefit both the brand and the person whose intention it is to make a private copy of the product in question. This idea could even be further refined by creating some kind of "Do-It-Yourself kits" for home sewing purposes that could include not only the pattern and sewing instructions, but also the fabric and other material that is required to make the product. This would both answer the needs of hobbyist who want to alter the copied products but also the needs of those who merely enjoy making handicraft products and sewing. Taking into account that more than 80 % of the copyists sew copies of fashion designs for their children, providing these 'Do-It-Yourself-copy-kits' would be something that especially children fashion companies could consider as a side-business.³³

The idea behind providing Do-It-Yourself kits of fashion designs would be similar to the idea of high fashion brands creating capsule collections in collaboration with more affordable brands like H&M and Uniqlo. This is a way to enlarge the target group of the brand and engage new customers.

However, fashion houses may hesitate encouraging the amateur sewers to produce home-made counterfeits by providing logo patches or other brand identification symbols to be stitched to these private copies, for good reason of course. It would cause the brand to lose the control over what is being produced under its label and the trade mark might face a risk of dilution. But since according to the survey presented in Section 2, the overall appearance of a product is way more often the target of the copying than the logo or other brand identification symbol, these kinds of stitch-it-yourself logos would probably not be in such high demand anyway.

Some of the brands that were mentioned as copied brands in the sub-Section 'What is being copied?' actually assist people in copying their designs. Marimekko sells not only ready-made apparel but also its printed fabrics, which makes it even easier to create your own "Marimekkos" at home. Moreover, Marimekko has published a book that includes instructions and ideas how to home-sew garments, accessories and home décor using Marimekko fabrics.³⁴ Nosh sells ready-made clothes for women and children, but also fabrics of their own prints. Furthermore, anyone can download simple sewing patterns accompanied with sewing instructions from their website for free.³⁵

4. Concluding remarks

It is clear that the IP system does not really offer measures for the rightholder to prevent home-sewn copies—provided that the rightholder would want to prevent these home-made fakes in the first place. Legally, the problem of home-sewn copies is rather simple. Fashion houses have very little that they can do to prevent people from home-sewing copies of their fashion designs, since without any commercial purpose it will often fall outside of the scope of exclusive rights.

32 See also S Kurutz, 'Do-It-Yourself Fashion Thrives at the McCall Pattern Company' (The New York Times, 2 August 2016) <<https://www.nytimes.com/2016/08/04/fashion/mccalls-pattern-company-sewing-do-it-yourself.html>> accessed 1 May 2018. McCall's and its co-brands Vogue and Butterick still have 'designer pattern'—lines. However, the designers of those patterns are not as well-known as the above mentioned, world-famous couture houses. To name a few bigger names, Vogue patterns sells Anne Klein and Zandra Rhodes designer patterns, and McCall's sells Laura Ashley designer patterns.

33 See also MB Collins, 'Patchwork Protection: Copyright Law and Quilted Art' (2010) 9 J Marshall Rev Intell Prop L 855, 862. Collins explains how

copying and exclusive rights work in another craft scene: quilting. The most famous quilt artists provide instructions how to copy their quilt designs, but under terms and conditions where only a limited amount of copies is allowed and for private use only.

34 K Rapia and M Savio, *SURRUR – Make your own Marimekko* (WSOY 2011).

35 <<https://en.nosh.fi/category/539/free-sewing-patterns>> accessed 15 April 2018.

When it comes to copyright, the only thing that might play a role (and would thus need further research) is that Article 5(2)(b) of the InfoSoc Directive sets a condition to the private use exception: rightholders should receive fair compensation for such private use. There is no system for collecting compensation payments from home-sewers to fashion houses as copyright holders. However, it probably would not be realistic nor reasonable to introduce a levy system for fashion design copyright holders. What is more, in certain cases when determining the form of compensation, detailed arrangements and possible level of such fair compensation, the particular circumstances of each case should be taken into account. When evaluating these circumstances, a valuable criterion would be the possible harm to the right holders resulting from the act in question. In certain situations, where the damage to the rightholder would be minimal, no obligation for payment may arise.³⁶ Home sewing could likely fall into this category, where the prejudice to fashion houses as right holders would be so minimal that there would be no obligation for amateur sewers for compensation payments.

I acknowledge the limitations of this study, such as the small sample size of the survey and the space available. Hence, further research of especially the following issues presented in this article would be worthwhile: (i) if copying by home-sewing occurs on a large enough scale so that it becomes comparable to more 'traditional' forms of home copying³⁷ for which there is a levy system, the case for compensation for fashion houses also becomes stronger. In this case, should there be a levy system and what kind of a levy system should it be? (ii) If fashion houses were to 'help' consumers home-sewing copies of their items in a way that was described in Section 3, would there be a market for it? In other words, would the home-sewing copyists be willing to pay for this? And finally, (iii) since high-fashion brands used to license out their sewing patterns for pattern companies, what stopped them from doing that? Was that because home-sewing became less usual among consumers, or were the reasons somehow related to copying as a phenomenon?

Appendix

Questions of the survey that is presented in Section 2³⁸

1. Do you ever sew clothes, accessories etc. that copy or imitate brand products for yourself, your family members or others? (Fin: 'Ompeletko koskaan brändituotteita jäljitteleviä vaatteita, asusteita tai muita vastaavia tuotteita itsellesi, perheenjäsenillesi tai muille?'). Only one option allowed.
 - (a) yes, b. no.
2. If you sew copies of brand products, which elements of them do you imitate? You may choose multiple options. (Fin: 'Jos ompelet brändituotteiden kopioita, mitä elementtejä brändituotteista jäljittelet? Voit valita useita vaihtoehtoja.').
 - (a) the product identification symbol, such as logo (for example, Adidas stripes), b. the overall appearance or design (for example, the cut or model, such as Fjällräven's Kånken backpack), c. something else, what?.
3. For whom do you sew these imitations of brand products? (Fin: 'Kenelle ompelet näitä brändituotteita jäljitteleviä ompeluksia?') Multiple options allowed.
 - (a) myself, b. spouse, c. children or grandchildren, d. other family members, e. friends, d. for someone else, who?
4. On what grounds do you choose the product you copy? (Fin: 'Millä perusteella valitset kopioimasi tuotteen?') Multiple options allowed.
 - (a) the brand, b. the overall appearance or design, c. some other reason, what?
5. Which brands have you copied or imitated by home-sewing? (Fin: 'Mitä brändejä olet kopioinut tai jäljitellyt ompelemalla itse?')
6. Do you publish photos of your home-sewn copies in social media? (Fin: 'Julkaisetko sosiaalisessa mediassa kuvia ompelemistasi kopiotuotteista?') Only one option allowed.
 - (a) yes, b. no.

36 See recital 35 in the preamble to the InfoSoc Directive preamble; CJEU: Judgement in *Copydan Båndkopi v Nokia Danmark A/S*, C-463/12, EU:C:2015:144, particularly paras 20–23; and UK: *BASCA v The Secretary of State for Business, Innovation and Skills* [2015], paras 9–12. See also E Rosati, 'Lack of Fair Compensation Requirement in UK Private Copying Exception not Supported by Sufficient Evidence, High Court Rules' (The IPKat, 19 June 2015, <<http://ipkitten.blogspot.fi/2015/06/lack-of-fair-compensation-requirement.html?m=1>> accessed 22 April 2018).

37 Such as time shifting and format shifting of music, movies etc.

38 As the respondents were found from a Finnish Facebook group, the questions were also presented to the respondents in Finnish. For the readers of this article, the questions have been translated to English. The original Finnish question follows the translation in parentheses.

7. Would you buy the genuine product instead of making a copy? (Fin: 'Voisitko ostaa aidon tuotteen itse tekemäsi kopion sijaan?'). Only one option allowed.
(a) yes, b. no (explain, why not).
8. Do you feel like there is anything wrong in copying brand products by home-sewing? (Fin: 'Onko brändituotteiden kopiointi kotiloissa sinun mielestäsi väärin?') Only one option allowed.
(a) yes, b. no, c. I am not sure
9. Do you know what legal issues are related to home-sewn copying? (Fin: 'Tiedätkö, mitä juridisia kysymyksiä kotiloissa tehtävään tuotekopiointiin liittyy?') Only one option allowed.
(a) yes, b. no, c. I am not sure.