

The Moral and the Ethical Awareness and the Trademark Infringement of the Entrepreneurs in Sports Industry

Prasertchai Suksa-ard^a

^a Faculty of Social Sciences and Humanities, Mahidol University, Thailand
Corresponding author E-mail prasertchai.suk@mahidol.ac.th

Abstract: Copyright is defined as an idea, discovery, creativity which is intended to be publicly available. Copyright conduces benefits and commercial reputation to the inventor, such as art and scientific discoveries, etc. This is noticeable in the number of trademark infringements that have been constantly increasing during the past three years. So far, most of researches focusing on the study of an interpreting of the law to find relationships with business. It is clearly noticeable that there is no research focusing on studying of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry. The main objectives of the research came to fulfill the most crucial gaps of all factors contributing to trademark infringement which was an ethical conduct of all entrepreneurs in sports industry. The survey method was divided into two parts (i) quantitative was collected the data from the 300 representatives of sports product entrepreneurs, retail store entrepreneurs and a group of sports service entrepreneurs, athletes and sports personnel. The sample group was selected by using sampling size, they were estimated a proportion method. (ii) The qualitative research used a group interview; A group interview was used in the qualitative phase. The key informants were selected by the purposive sampling method from three groups as follows: a group of the sports product factory entrepreneur, the retail store entrepreneur and/or sports service entrepreneur, the athletes and /or sports personnel. The key informants were selected as the representative of each group, so the key informants were 6 people in total. The criteria for selecting the key informants required the following qualifications: Firstly, they must be the stakeholders in the sports industry from three groups which were as follows; (1) the sports product entrepreneurs, (2) the retail store and/or sports service entrepreneur, and (3) the athletes and sports personnel participating in sports business/activities for at least three years. Secondly, a minimum of bachelor degree graduated was required.

1. Introduction

Copyright is defined as an idea, discovery, creativity which is intended to be publicly available. Copyright conduces benefits and commercial reputation to the inventor, such as art and scientific discoveries, etc. **Saha(2011)**. legal protection against copying, whether music, art, pictures, computer software, electronic equipment, writing and sports equipment. These products normally have copyright or trademark registration symbols shown on them, products or services; **Brown(2000)** nevertheless, a copyright violation or trademark infringement have not been lessened whatsoever. Conversely, it has become more intensified. This is noticeable in the number of trademark infringements that have been constantly increasing during the past three years. In terms of the number of companies that have been infringed on their trademarks, 75%, 81% and 85% respectively, and it has caused a lot of damages to these companies. This causes three main areas of damage: consumer confusion (45%), revenue loss (38%), and damages to brand reputation (37%) **The trademark infringement rising year-on-year, says report(2021)**.

Conspicuous infringement of sports trademarks will cover issues of products and services such as sporting goods live signal and the sponsorship contract is currently in the form of a platform, where these formats can be trademark infringed **The international trademark system and sport. WIPO(2021)**. A big move in well-known sports companies to win lawsuits in China. This creates a new norm for trademark infringement judgments. **Brown(2018)** From the past to the present, the majority of research on sports trademark infringement has focused on the inability to enforce trademark infringement laws as it should be (Trademark dilution law) **Cho(2015)**, **Cho(2019)**, **Klerman(2006)** or focus on studying the law in terms of interpreting the law for business relationships **Mckelvey (2017)**, **Cahoy(2021)**.

2. Significance Of The Study

It is clearly noticeable that there is no research focusing on studying of an entrepreneur's moral and ethical awareness and trademark infringement in sports industry. Therefore, this research comes to fulfill the most crucial gaps of all factors contributing to trademark infringement which is an ethical conduct of all entrepreneurs **To-aj., & Suksa-ard(2020)** without a production activity, the problems of buying and consuming the products violating trademarks may not arise.

3. Review Of Related Studies

The researched studied on China: A new trend of trademark infringement in the sports industry. It has seen numerous actions of copying trademarks or using similar marks to mislead consumers. It is a new trend of trademark infringement appears in several litigation involving certain famous sports brands. The famous brand has the infringers' plan by starting the registration similar trademarks with the Trademark Office of China. It is a very important step and the purpose is to gain "legitimate appearance" for their future actions. The infringers aim to "legalize" their infringement based on the rights of registered trademarks. To get their application approved by the Trademark Office, they always add some designs on the pre-registered trademarks of famous sport brands, especially target on the brands of shoes **Tsi(2018)**. The ethical leadership play an important role to motivate employees to go beyond self-interest and show concern about ethical for the organization as well. Though, the entrepreneur who can accept the infringement of product, it will affect other matters such as deterioration in ethics in society **Lu., & Zhou(2018)**. The studied on "An In-Depth Examination of Trademark Litigation Strategies and Sport Brands" found that the protection a brand from trademark infringement and dilution, the litigation is an important strategy **Brown(2018)**. Furthermore, the studied on Legal and Ethical Dimensions of Sport Public Relations, Legal and Ethical Dimensions of Sport Public Relations supported that the ethical dimension is extremely important for organization as a whole **Kaburakis., & Clavio(2012)**. Moreover, to make the organization awareness of promoting morality and ethics, the use of trademark infringement laws of sports industry operators **Donaldson (1997)**. However, it was argued in the studied of "Ethical blind spots: explaining unintentional unethical behavior", the people who see themselves as more ethical, fair and impartial than others, but often contrary to their moral compass. Moreover, this latest article reviews confirmed that unintentional unethical behavior which presents an overview and conditions that are ethical blind spots which leads good people across ethical boundaries **Sezer., & Gino(2015)**. The respondents thought the manufacture of the imitative brands and to be unethical, customers will not the purchase of such brands **Yuk Lai., & Zaichkowsky(1999)**. Moreover, the ethical awareness builds trust with customers. It is also an effort to help protect customers from becoming victims of brand infringement **Rosidawati., & Munzil(2019)**. Furthermore, the implementation of guidelines in the context of the ethical business development will result in the business achieving sustainability **Shayganmehra., & Kumarb(2021)**. Plus, the unethical practices would make the insecurity for the industry, resulting in losing of the confidence. It can be said that the adoption of the business ethics in the business operations will create the growth for the industry **Isimoya(2014)**. The studied on "Values in Tension: Ethics Away from Home" found that the satisfaction with the purchase of the infringing property. Despite the perception of the risk of the litigation and the results, and the social which were consensus on the morality those were important and influencing customer attitudes and behavioral intentions on piracy behavior **Donaldson(1997)**.

4. Objectives Of The Study

- To study the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry

5. Population And Sample

The research study used quantitative and qualitative research, which were consisted of a self-administered questionnaire, a group interview with an open-ended questionnaire.

- Quantitative used a self-administered questionnaire from the 300 representatives of the sports product entrepreneurs, the retail store entrepreneurs and a group of sports service entrepreneurs, the athletes and the sports personnel.
- A group interview was used in the qualitative phase. The key informants were selected by the purposive sampling method from three group as follow: (1) a group of sports product factory entrepreneur (2) the retail store entrepreneur and/or sports service entrepreneur (3) the athletes and /or sports personnel. The key informants were selected as the representative of each group, so the key informants were 6 people in total. The criteria for selecting the key informants required the following qualifications: Firstly, they must be the stakeholders in the sports industry from three groups which were as follows; (1) the sports product entrepreneurs, (2) the retail store and/or sports service entrepreneur, and (3) the athletes and sports personnel participating in sports business/activities for at least three years. Secondly, a minimum of bachelor degree graduated was required.

6. Statistical Techniques Used in the Present Study

Descriptive statistics such as means, standard deviations, percentages, and frequency counts were used to analyze the data. An independent t-test was undertaken to compare gender differences on the benefits of/and challenges regarding the participation in varsity competitions. A probability level of $p < 0.05$ was used to indicate

statistical significance. All data analysis were undertaken using the SPSS version 26. The data obtained from interviewing 6 people from 3 groups would be used for content analysis and presented as an essay.

7.Data Analysis and Interpretation

The results of the data analysis obtained from a self-administered questionnaire on themoral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry.The research study used mixed method, quantitative research was used to collect data, and the group interview was used in the qualitative phase. The results of the data analysis were divided into two sections as follows:

Section 1: Analyzed the data from the self-administered questionnaire.

The results of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry. The quantitative research step using a self-administered questionnaire with 300 representatives from the production factories which were made by the sports product entrepreneurs, the retail store entrepreneurs and a group of sports service entrepreneurs, the athletes and sports personnel.

Table.1. Number and percentage of respondents classified by gender, age, education level, marriage statusand monthly income

General Information	Number (Person)	Percentage
Gender		
Male	271	66.60
Female	136	33.40
Age		
Under 20 yearsold	3	0.70
21-29 years old	37	9.10
30-39 years old	182	44.70
40-49years old	146	35.90
Over 50 years old	39	9.60
Education level		
Under bachelor Degree	25	6.10
Bachelor’s Degree	349	85.70
Master’s Degree	28	6.90
Doctoral degree	5	1.20
Marital status		
Single	101	24.80
Married	272	66.80
Divorced	27	6.60
Widowed	7	1.70
Monthly income		
Under 5,000 Baht	3	0.70
5,000 – 10,000 Baht	6	1.50
10.001 – 20,000 Baht	33	8.10
20,001 – 30,000 Baht	33	8.10

General Information	Number (Person)	Percentage
30,000 – 40,000 Baht	226	55.50
Over 40,001 Baht	106	26.00
Total	407	100.00

Interpretation of table-1.

The table one showed that most of the respondents were male which were accounted at 66.60 %. Most of their ages were between 30 to 39 years which represented 44.70%. Most of them were at the bachelor's degree level which accounted for 85.70%. Most of them were marital status which accounted for 66.80%, and most of them earned their income between 30,001 to 40,000 baht per month which was equivalent to 55.50%.

Table.2. Mean, standard deviation of Moral and Ethical Awareness and Trademark Infringement by Entrepreneurs in Sports Industry

Moral and Ethical Awareness and Violation trademark	\bar{x}	S.D.	Awareness level
1. Producing products using recognized or world-renowned brands without infringement	2.88	0.34	High
2. Selling products with a recognized brand or world-famous brand	2.84	0.37	High
3. Anti-trademark infringement products	2.77	0.46	High
4. Encouraging entrepreneurs to sell products that do not infringe on trademarks	2.83	0.47	High
5. To praise entrepreneurs who sell products without infringing on trademarks	2.81	0.49	High
6. Receiving training in the enforcement of the law every time the training is organized	2.46	0.66	High
7. However there was attaining huge profits, they will not produce trademark infringing products	2.83	0.48	High
8. Even if it generates huge profits, it will refuse to sell infringing products	2.81	0.48	High
9. Even if it is making huge profits, recommending a business partner of trademark violations is not occurred.	2.85	0.45	High
10. The spreading of the source of merchandise that had trademark infringement and instructed and informed to the law enforcement officers.	2.43	0.61	High
Total	2.77	0.40	High

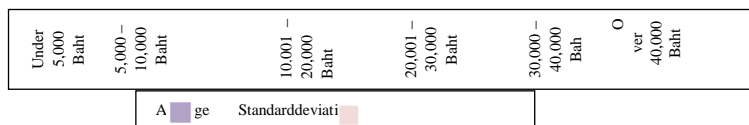
Interpretation of table-2.

The table 2 showed that respondents were a significant of moral and ethical awareness and trademark infringement in the sports industry ($\bar{x} = 2.77$ S.D.=0.40). Considering the level of awareness on each item, it was

found that they were aware of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in the sports industry at a high level in all items which could be arranged as follows; There was a high-level awareness of the producing products using recognized or the famous world brands without infringement ($\bar{x} = 2.88$ S.D.=0.34). There was a high-level awareness of making the massive profits, but not recommended for the business partner violations of trademark ($\bar{x} = 2.85$ S.D.=0.45). Awareness of selling the products with the recognized brand, or the world-famous brand at high level ($\bar{x} = 2.84$ S.D.=0.37). The awareness of the encouraging for the entrepreneurs to sell the products that did not infringe on trademarks at high level ($\bar{x} = 2.83$ S.D.=0.47). There was a high level of awareness of attaining huge profits, however, it did not produce the trademark infringement products ($\bar{x} = 2.83$ S.D.=0.48). There was the highest level of awareness to praise entrepreneurs who sold products without infringing on trademarks ($\bar{x} = 2.81$ S.D.=0.49). Even if it generated the huge profits, it refused to sell the trademark infringement products at a high level ($\bar{x} = 2.81$ S.D.=0.48). The awareness of anti-trademark infringement products was at a high level ($\bar{x} = 2.77$ S.D.=0.46), There was a high level of awareness of receiving training in the law enforcement which was organized for the training ($\bar{x} = 2.46$ S.D.=0.66). There was the awareness about the merchandise spreading which caused the trademark infringement, and to instruct and inform about the law enforcement to the officers at a high level ($\bar{x} = 2.43$ S.D.=0.61).

Figure.1. showed the average standard deviation of The Moral and the Ethical Awareness and the Trademark Infringement of the Entrepreneurs in Sports Industry classified by gender, age, education level, marital status and monthly income.





Interpretation of figure-1.

Figure 1 showed the overall both male and female respondents had the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry at high level, male was the highest mean ($\bar{x} = 2.79$ S.D.=0.39). The classification of the age, in general, the majority were a high level of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry. In contrast, a group of age under 20, and the age between 21 to 29 years old were moderate. A group of the age between 40 to 49 years old was the highest mean ($\bar{x} = 2.84$ SD = 0.24). The classified by the educational level, in general all educational levels, they were aware of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry at high level. However, the bachelor's degree was the highest mean ($\bar{x} = 2.81$ S.D.=0.37). The classification which was classified by the marital status showed that, all marital statuses were aware of morality and ethics and trademark infringement by entrepreneurs in sports industry at a high level. The widow status was the highest average ($\bar{x} = 2.93$ S.D.=0.07). The classification by monthly income, it was found that most of the monthly income groups were aware of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports. Overall were at high level, except for the income group between 20,001 to 30,000 baht at moderate level.

Table.4. Mean, Standard Deviation and “t” (t-test) overview on Moral and ethical awareness with trademark infringement of sports industry operators by gender

Awareness	Male		Female		t	Sig
	\bar{x}	S. D.	\bar{x}	S.D.		
1. Produces products using a brand that is recognized or world-renowned without infringement,	2.91	0.30	2.81	0.41	2.58*	0.01
2. Selling products with an acknowledgment of brand or world-famous in violation,	2.90	0.30	2.71	0.45	4.35*	0.00
3. Against entrepreneurs who sold goods that was infringed on the trademark	2.82	0.43	2.69	0.51	2.45*	0.02
4. Encourages entrepreneurs selling products that did not infringe on trademarks	2.87	0.42	2.73	0.55	2.73*	0.01
5. Supporting the entrepreneurs who sells the product which not infringing on the trademark	2.85	0.42	2.74	0.59	2.07*	0.04

6.Regarding the training in law enforcement at very time of training is organized	2.50	0.65	2.38	0.67	1.74	0.08
7.However there was attaining huge profits, they will not produce trademark infringing products	2.86	0.45	2.76	0.53	1.72	0.09
8.Even with a huge profit, they will not sell products that infringe on trademarks,	2.86	0.43	2.71	0.56	2.63*	0.01
9.Even if making massive profits, but will not recommended business partner violations of trademark	2.87	0.41	2.79	0.51	1.75	0.08
10.The whistleblowing of the source of merchandise that had trademark infringement and instruct and informed to officers who involved in law enforcement	2.41	0.62	2.47	0.06	0.89	0.37
Total	2.79	0.39	2.73	0.49	1.36	0.18

Interpretation of table-4.

Table 4 presented the awareness which was classified by gender, and it found that males were aware at higher level than females.

The classification by gender found that males and females were aware in equivalence. There was no statistically significant difference at the 0.05 level.

The classification by an item, it found that males were occupied by the awareness at high level while women were the same. In contrast, comparing the moral and the ethical awareness and the trademark infringement of the entrepreneurs in sports industry by item, it was found that there were 6 different items which were the statistically significant difference at 0.05 level. First, item 2, selling products with an acknowledgment brand or world-famous in violation. Second, item 4 encouraged the entrepreneurs to sell the products that did not infringe on trademarks. Third, item 8, even with a huge profit making, they did not sell products that infringed on trademarks. Fourth, item 1 produced the products by using the brand that was recognized as world-famous brand without the infringement. Fifth, item 3 was against the entrepreneurs who sold the goods that infringed on the trademark. Lastly, item 5 supported the entrepreneurs who did not sell the infringing trademark product. Other than that, the four items were not significantly different at 0.05 level.

Section 2 Analyze the data from the Group Interview.

The results of the moral and the ethical awareness and the trademark infringement of the entrepreneurs in the sports industry in the qualitative research step using an open-ended questionnaire interview. The results of the data analysis obtained from a group interview found 5 important issues as follow:

(1) The infringement of goods such as clothing and trademark brand in various sports equipment. The trade mark infringement, especially the sport clothing and the sports equipment was not a brand-new topic to discuss. It could be seen from the law enforcement in the Chinese Trademark Law. It has seen numerous actions of copying trademarks or using similar marks to mislead consumers. It was a new trend of the trademark infringement appears in several litigation involving certain famous sports brands. The famous brand had the infringers' plan by starting the registration similar trademarks with the Trademark Office of China. It was a very important step and the purpose is to gain "legitimate appearance" for their future actions. The infringers aimed to "legalize" their infringement based on the rights of registered trademarks. To get their application approved by the Trademark Office, they always add some designs on the pre-registered trademarks of famous sport brands, especially target on the brands of shoes **Tsi(2018)**. Therefore, it could be seen that there had an infringement of the sport goods, so the law for protection of trademark is concerned.

(2) The cause of the trademark infringement came from a group of small merchants. According to the infringement of the copyrighted goods, there were relatively few penalties or offenses in copyright infringement. Moreover, greedy, selfishness caused by the desire to make a lot of money with less investment, and the customers were quite satisfied with the products' quality. Although the products were not as same as the brand names, they were significant cheaper as a result of an advance of production technology produced the products which was similar to the brand names. Some people saw it as a development of R&D that a product was produced according to the market demand. Therefore, the business owner who were the leader of the organizations need to have the ethical leadership who play an important role to motivate employees to go beyond self-interest, and to show the concerns about the ethics for the organization as well. Though, the entrepreneur who could accept the infringement of the product would affect other matters such as the deterioration in the ethics in the society **Lu., & Zhou (2018)**. Therefore, the legal developments impacted toward the marketing strategies which led to develop the marketing innovations in research that influenced how the courts applied the legal protections. The legal tried to protect a brand from the trademark infringement, and the dilution. In conclusion, the litigation was an important strategy **Brown (2018)**. Furthermore, the ethical dimension could be the extremely importance for the organization as a whole **Kaburakis., & Clavio (2012)**. The ethical dimension was the way that the public relations department treated the ethical considerations which set the tone for the external perception of the organization. In order to make the organization aware of promoting the morality and the ethics in term of promoting the use of the trademark infringement laws of the sports industry operators **Donaldson (1997)**.

(3) The remedial methods to reduce the violation found that the law must be understandable and uncomplicated. Furthermore, the government must be serious, and be able to create the moral and the ethical conduct, especially the new generation to learn about the trademark infringement by containing the content of learning. On the other hand, using religious principles to promote the good moral. This will be assisted to reduce the transgression. It could be said that, if there was no producing of the pirated products, so the law would not be violated. However, it could argue that, people those who saw themselves if they have more ethics, fairness and justice than others, but there was often contrast to their moral compass. This article presented the overview and the conditions that the ethics blinded the spots which led the good people crossed the ethical boundaries. They said that the psychological process that unwittingly led the person to behave unethically **Sezer., & Gino (2015)**.

(4) The moral and the ethical awareness would be contributed to a decrease in the trademark infringement. An image of the organization would promote the trust with the customers and create the confidence for the sports industry. In contrast, any business operator who accepted the violation in a product's copyright, it inevitably affects a society as a whole and deteriorate its moral and ethical standard. The lack of ethical and ethical standards would result in a difficult situation for the business operators, or the lack of opportunities to do business with the foreign partners, including the economic growth rate. The ethical awareness created trust with customers **Strzalecka (2006)**. The all respondents thought the manufacture of the imitator brands and to be unethical, they would not the purchase of such brands **Yuk Lai., & Zaichkowsky (1999)**. Moreover, the ethical awareness built the trust for the customers. It was also an effort to help and to protect the customers from becoming the victims of the brand infringement **Rosidawati., & Munzil (2019)**. The implementation of the guidelines in the context of the ethical business development would result in the business achieving sustainability **Shayganmehra., & Kumarb (2021)**. However, unethical practices were insecure for the industry, resulting in losing of the confidence **Isimoya (2014)**. The study encouraged the adoption of the business ethics in the business operations to create the growth for the industry. The satisfaction with the purchase of the property infringement, despite the perception of the risk of the litigation. Consequently, the social consensus on the morality was important, influencing customers' attitude, and behavior intentions on the piracy behavior **Donaldson (1997)**.

7. Recommendations

- The cultivation of the morality ethics for the new generation has become more aware by beginning from the family institutions, the schools and the society to realize the legal punishment for the copyright and the trademark infringement. Besides, to create quality children by being a role model.
- The government policy should support the suppression of the trademark infringement seriously and continuously. According to decrease the sale of infringing products. On the other hand, increasing measures to protect creator who create their own works. Furthermore, government should promote entrepreneurs' ability to compete with the international companies and afford to eliminate obstructed from international trade. The government should promote and encourage entrepreneurs who do not violate trademarks. Moreover, the government having obligation in concerning tax reduction policy to import brand name products. According to that, it will assist to reduce the price of brand-name products

which and customers can afford. On the other hand, brand-name products 's price almost equal to the price of infringing products, etc.

- The modernizing of the law should have the severe penalties as well as increasing rewards for law enforcement, this creates an incentive to enforce the law on the perpetrators.
- The consumers/users of various products should be aware of the use of infringing products by not consuming any infringing products.
- The operators who are manufacturers should be aware of morality and ethics.
- There should be established a group of entrepreneurs at all levels that will be useful for communicating the content about the law of trademark infringement. Furthermore, organize learning the law to prevent illegal acts.
- The sports development policy model that affects the success in the international competitions consists of the corporate budget supports, sports policy structure, participation, recruiting talented athletes, and the system development. Moreover, supporting the athlete path way career after retiring from the sports career, training and equipment for coaching are significant for developing the national' sport, which it could achieved the goal at the international competitions level.

8. Conclusion

Moral and ethical awareness will contribute to the reduction of operators' trademark infringement. Moreover, moral and ethical awareness of entrepreneurs in the sports industry also will offer many advantages such as, building trust with customers, creating sustainability for entrepreneurs in the sports industry and create an image for the organization. On the other hand, if the operator has the attitude that product infringement is possible and dare to violate the law, this attitude will affect to other dimensions such as social ethics is deteriorating.

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