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DOES GEN Z CONSUMERS REWARD TRADEMARK INFRINGEMENT IN THE COSMETIC INDUSTRY: A PLS-SEM ANALYSIS OF BRAND PATRONAGE IN AFRICA?

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ABSTRACT

The cosmetics industry's remarkable growth, driven by consumers' increasing focus on self-care and wellness, reflects a compound annual growth rate of 8.84%, with revenues reaching $129 billion in 2023, of which the skin care brand accounts for 41% of the global cosmetic market as of 2023. However, this growth occurs against the backdrop of the fourth industrial revolution, characterised by transformative technological advancements, including digital transformations that have introduced complex challenges like brand imitation and trademark infringement onsite. The research investigates how skincare brands leverage trademark infringement to attract Gen Z consumers in Africa, employing a post-positivist paradigm that accommodates quantitative methods of reasoning. Online surveys were conducted among 352 tech-savvy Gen Z respondents (representing an 88% sample rate and certified by an over 0.75 Cronbach alpha value) using Google-Form online questionnaires, revealing that trademark infringement significantly impacts Gen Z's patronage, explaining 54.9% of the variance in customer behaviour. Specifically, the research concludes that colour and name, product design, and sign and symbol elements of trademark infringement influence customer patronage by 5.6%, 11.7%, and 6.8%, respectively. Recommendations from the research highlight the importance of ethical marketing practices, distinctive product design, and enhanced symbol recognition for cosmetic brands. Additionally, the study acknowledges potential biases in data collection due to uneven online access among different segments of Gen Z in Africa. The focus on Gen Z consumers in Nigeria and South Africa might not fully represent the broader diversity of Gen Z consumer behaviour across Africa, considering varying cultural, economic, and social dynamics that influence cosmetic preferences and purchasing behaviours on the continent.

Keywords: Consumer Behaviour, Cosmetic Industry, Digital Engagement, Ethical Marketing, Gen Z's Patronage, Trademark Infringement

1. Introduction

The cosmetics industry continues to thrive, generating revenues of $129 billion in 2023 with an 8.84% compound annual growth rate projected for 2028, driven by the increasing emphasis on consumers' self-care and wellness globally, of which the skin care brand accounts for 41% of the global cosmetic market as of 2023 (Petruzzi, 2023; 2024). In contrast, the African cosmetic market is estimated at $8.52 billion in 2024, with an expected annual growth rate of 7.83% from 2024 to 2028 and per-person revenue of $6.56, with 88% of sales attributed to non-luxury skincare products (Statista, 2024). This growth occurs amidst the fourth industrial revolution (4IR), characterised by technological advancements that have transformed social behaviour, commerce, culture, and legislation into ethical dilemmas. The Internet of Things (IoT) has particularly revolutionised global businesses, enabling cross-border transactions and cost-effective advertising in wider markets. However, the digital transformation has also introduced challenges fostering brand imitation and trademark infringement practices on the internet, called "onsite." This implies a borderless and ethically complex issue that has become increasingly and legally difficult to address due to evolving internet technologies (Thio, Christiawan, & Wagiman, 2024). The digital disruption has also impacted consumer behaviour, complicating purchase decisions through accessibility to similar trademarks, raising ethical concerns across societies, and prompting a re-evaluation of intellectual property protection (Nawab, 2023). This is exacerbated by the proliferation of digital platforms and e-commerce, which created a new landscape for trademarks, transcending traditional geographic boundaries and posing challenges for legal systems in protecting trademark rights across jurisdictions.

The legal battles between Urban Decay and NARS Cosmetics in 2015 and MAC Cosmetics and Makeup Revolution in 2018 underscored the persistent challenge of symbol and packaging imitation within the cosmetics industry (Pokrovskaya, 2024). Urban Decay's lawsuit against NARS

emphasised the risks of imitating packaging design (Aribarg et al., 2014), highlighting concerns over the unauthorised replication of distinctive visual elements that confuse consumers and dilute brand identity. Similarly, MAC Cosmetics' legal action against Makeup Revolution highlighted the potential for consumer confusion arising from copied packaging and product names, emphasising the critical importance of protecting brand identity and trademarks (Clay, 2021; Roy & Marsoof, 2024). These practices serve as notable examples of the ongoing efforts by cosmetic companies to safeguard their intellectual property against third-party infringement, underscoring the need for vigilance and legal action to preserve brand integrity and consumer trust in a competitive market environment (Simanjuntak & Rifai, 2023). Zuccaro, (2016) acknowledges that trademark infringement practices weaken the distinguishing function of a trademark and erode the loyalty of Generation Z (Gen Z). This is because the increased patronage of infringing products can confuse consumers, leading them to purchase similar products instead of the ones they are loyal to. As a result, protecting trademarks has become more challenging due to the internet, which disrupts the delicate balance of pre-digital trademark laws in Africa. This disruption has led to a significant rise in the number of infringers, creating sustainability issues, consumer confusion, and illegitimate interests in the use of the internet and its platforms. While trademark case filings remained steady between 2016 and 2019 globally, there was a significant decrease in 2020, with 3,778 cases, representing a 14% decrease from 2019 (Blankrome, 2023). This shows that federal dilution claims dropped by 54% and cybersquatting claims dropped by 50%. In Africa, especially in South Africa, there were 1,475 cases, making it the most active district for trademark cases. This increase was primarily due to the large number of mass counterfeiting cases filed against operating firms in South Africa. This unethical business practice is known to increase demand for infringing products, as Abdulsalam et al., (2024) report that its impact on customers' expectations is higher than what the product can deliver in its actual sense, leading to confusion among skincare customers. This situation highlights the importance of protecting trademarks to maintain consumer trust and ensure fair competition in the cosmetic market.

The global academic research, especially within developing economies, explored how firms utilise trademark infringement as a strategy to increase sales on a global scale and its subsequent impact on the marketing realm. Zaichkowsky, (2020) delved into the psychology behind trademark infringement and counterfeiting, suggesting that while it can attract additional customers, it also confuses consumers about the promoted products, ultimately influencing their purchasing decisions and creating complexity. This aligns with Wu, (2022) assertion that the era of consumer-led marketing has arrived due to increased trademark imitation, leading to a greater focus on intellectual property rights and trademark law protection. Moreover, Simon, (2020), Lim, (2021), Marlan, (2020), Kim et al., (2022), Beebe et al., (2022), and Grynberg, (2021) argue that trademark infringement causes confusion in purchasing decisions and economic harm. The deliberate adoption of trademark infringement further undermines brand patronage and customer loyalty, raising doubts about the firm's ethical practices, consistent with Zakir and Ali, (2023) findings that trademark infringement across borders presents complex obstacles that challenge traditional limits in safeguarding intellectual property, promote unfair competition, damage the reputations of honest businesses, and create ethical and legal challenges. However, Sunata, (2021) argues that the rapid development of communication technology has fostered ethical dilemmas, with infringement creating a high level of unfair competition on the internet, which is endless in an evolved business environment.

Despite the increased media reports on consumer confusion due to trademark infringements, its effect on consumer purchase decisions is well observed amidst the insightful contributions of existing literature. However, there is a paucity of research on skincare brands, particularly regarding their infringement practices and their impact on Gen Z's brand patronage in Africa, even though there is a prevalence of such cases in South Africa and Nigeria (Kumar & Kaushal, 2023; Kumar, Gour, & Sharma, 2024). Moreover, previous studies have predominantly focused on developing countries such as China, India, the USA, and the UK, overlooking the specific contexts within African countries like Mali, Uganda, Burkina Faso, Niger, Nigeria, and South Africa (Cimoli et al., 2014; Towers et al., 2024). Additionally, much of the existing

research has been grounded in socialist market theory (Rienda, Ruiz-Fernandez, & Carey, 2021; Domegan, 2021), which may not fully capture the consumer perspective essential in today's business landscape. This highlights the need for a theoretical framework that integrates planned behaviour and technology acceptance theory to explain the complexities of the research issue from a consumer perspective. Furthermore, a significant portion of Africa-based studies, approximately 45%, have predominantly relied on qualitative research methods such as systematic reviews, content analyses, and factor analyses in the behavioural field (Traoré, Belinga, & Lescuyer, 2023; Mukherjee, Sahoo, & Kumar, 2023), leaving a gap in understanding the survey research perspective of Gen Z consumers in Africa. This gap is crucial to address, given that Gen Z is highly susceptible to imitation and infringement practices due to their technological proficiency and extensive use of the internet. Therefore, the research explores how skincare brands adopt trademark infringement to leverage Gen Z's patronage for better business performance. The study's specific objective is intended to:

I. Analyse the relationship between trademark infringement and purchase intention among Gen Z consumers in the African cosmetic industry, using partial least square structural equation modelling,
II. Assess the empirical and theoretical perspective on the interplay between trademark infringement practices and the purchasing behaviour of Gen Z consumers in Africa's cosmetic industry,
III. Develop strategic recommendations to effectively combat trademark infringement practices in order to suppress complex purchasing behaviours and enhance consumer trust in Africa's cosmetic market.

2. Review of Literature

Conceptual Clarification

In today's competitive business landscape, effective marketing strategies emphasise the creation of value through customer satisfaction and loyalty, steering clear of copying or infringement as unethical sustainability practices. This involves harnessing intellectual property rights, including patents, trademarks, design rights,

copyright, and safeguarding trade secrets to capitalise on intangible assets (Trappey, Trappey, & Liu, 2020). Strategic management of intellectual property has become essential for business success, making brands and registered trademarks increasingly vital for gaining competitive advantages in contemporary markets. Surprisingly, only a minority—around ten percent—of small and medium enterprises (SME) in the Africa Cosmetic Market and European Union possess registered intellectual property rights (Trappey, Chang, & Trappey, 2021). This trademark development involves establishing symbolic value by crafting an image or narrative that embodies specific values, often requiring significant marketing investments. Trademark owners then seek protection against imitation that could exploit their branding efforts, making global intellectual property laws play a crucial role in curbing imitation by enabling products to function as status symbols, especially in fast-evolving industries like cosmetics.

Trademark infringement is a prevalent issue within the beauty industry, as evidenced by numerous cases in recent years. L'Oréal's 2006 lawsuit against Bellure highlighted the problem of sign imitation, while the 2018 legal action by Estée Lauder Companies against Deciem underscored the necessity of protecting trademarks in skincare packaging (Greens, 2023). In 2020, Revlon's legal challenge against Monse exemplified the intersection of fashion trademarks, and Tarte Cosmetics' 2019 lawsuit against Unicorn Cosmetics revealed concerns about product design and packaging imitation (Luv, 2023). These imitations, often referred to as 'dupes', mimic popular brands by replicating trade dress, designs, signs, symbols, and even the product itself, thereby eroding consumer confidence in unique brand identities and trust. This raises serious concerns about potential infringement on the intellectual property rights of original manufacturers, posing significant challenges for maintaining brand integrity and competitiveness in the market. However, counterfeiting represents a more severe form of imitation, involving the unauthorised production of brand designs, signs, and symbols that closely mimic authentic brands and bear their registered trademarks (Vesnin, Levshun, & Chechulin, 2023). These counterfeit items are produced unofficially by third parties and deceive consumers into believing they are purchasing genuine brands. This activity always constitutes a trademark violation and poses

serious risks to consumer well-being. Cosmetics, including perfumes, makeup, soaps, and sunscreens, are highly susceptible to counterfeiting and remain one of the most counterfeited product categories worldwide, as evident from global customs seizures (Li et al., 2022). The rise in counterfeit trade poses a significant challenge to the global economy, hindering innovation and economic development while presenting risks to health, safety, and the environment. For cosmetic companies, both counterfeiting and imitation can lead to a loss of reputation and sales (Setchi & Anuar, 2016). Unlike regulated authentic products, counterfeit cosmetics present unique health hazards due to unregulated ingredients and production processes, highlighting the critical need for consumer awareness and industry-wide enforcement measures.

Gen Z is increasingly vocal about issues they believe they can contribute to resolving, driven by values of sustainability, inclusivity, and justice (Sparks & Honey, 2015). They prioritise taking action more than previous generations, with a substantial 59% of Gen Z individuals keen on driving change through sustainable initiatives (Petro, 2020). Compared to earlier generations (Y), they are more socially and economically engaged and have a strong appreciation for sustainability (Song et al., 2020). This makes members of Gen Z more willing to forego traditional factors such as price, function, and aesthetics in favour of sustainability practices in the marketing domain (Geng et al., 2017). Gen Z expresses dissatisfaction with brands and large organisations, leading to reduced patronage, due to their perception of insufficient efforts to promote eco-friendliness among consumers. They anticipate more innovative approaches from businesses (Topic & Mitchell, 2019). Their heightened awareness and concern for societal and environmental issues create a more negative outlook towards companies engaging in trademark infringement efforts (Ahmad, 2020). Therefore, avoidance of such practices can motivate the business to cultivate a positive relationship with these consumers, enhance their brand image, and become a preferred choice by actively participating in ethical marketing practices and effectively communicating these initiatives (Edinger-Schons et al., 2018).

The concepts of brand infringement, trademark imitation, and cosmetic counterfeiting are used interchangeably to describe ethical and sustainable issues in marketing, prompting the implementation of

regulations on a global scale (Lee, Song, & Park, 2013; Wongchaisuwat, Klabjan, & McGinnis, 2017). This encompasses provisions such as Section 299 (33) of the Trade-Related Aspects of Intellectual Property Agreement, Section 2(5) of the Regulation of the European Parliament and of the Council, Article 7(1) of the African Intellectual Property Organisation (OAPI), Section (2) of the African Continental Free Trade Area (AfCFTA) Agreement, Article 9-13 of the EU Trademark Regulation (EU) 2017/1001, Article 9-14 of Council Regulation (EC) No 207/2009 on the European Union Trademark, and Article 10 of the European Convention for the Protection of Industrial Property (Paris Convention). Despite their limited effectiveness due to low compliance, as evidenced by an increase in reported cases (Wang, Chi, & Hsin, 2018), the enforcement of regulations plays a crucial role in safeguarding consumer decisions, protecting intellectual property, and promoting fair competition. This requires collaboration among governments, international organisations, industry stakeholders, and legal bodies to effectively curb instances of trademark infringement and counterfeiting in a way that fosters a transparent and compliant business environment, benefiting consumers and legitimate businesses alike.

Hypothesis Development

Various academic studies present a range of viewpoints on how infringement and imitation impact the marketplace within the field of consumer behaviour across different economies. For example, researchers like Lim, (2021), Simon, (2020), and Marlan, (2020) have highlighted that consumers often struggle to identify the true source of a trademark, leading to increased search costs and reputational risks for trademark owners, arguing for stronger trademark laws to protect consumers and trademark holders from economic losses. These findings echo earlier studies by Missirian, (2019), Martineau, (2011), and Ertekin, Sorescu, and Houston, (2018), which suggest that confusion among consumers occurs when a significant number of reasonably cautious buyers are misled about the origin of goods or believe that a trademarked product is endorsed by its owner. In contrast, scholars like Heymann, (2022) and McKenna, (2012) have a different perspective, suggesting that consumer confusion in the marketplace is unavoidable and can even have positive outcomes by teaching consumers to be more discerning and adept at interpreting

marketing messages, highlighting differences in cognitive and economic capabilities among consumers.

Moreover, Tushnet, (2016) and La, (2021) suggest that consumer concerns have been increasing due to the broadening scope of actionable trademark infringement over the years. Bone, (2021) argues that harmful confusion implies that disruptions in the purchasing decision process and lost sales constitute classic harms that can be compensated through monetary damages. This viewpoint is consistent with Peterson, Cunningham, and Peterson, (2024), who point out that consumer confusion during purchases is often caused by imitation and infringement, emphasising the importance of accurately identifying product sources for effective marketplace management. Heath and Mace, (2020) provide evidence of how trademark protection influences firm profitability and strategy, contending that trademarks give brand owners a monopoly, which in turn encourages investment in product quality and development. Beebe et al., (2022) highlight the critical role of consumer perceptions in trademark disputes, stressing the need for courts to accurately understand consumer beliefs by probabilistically assessing relevant consumer populations. Anemaet, (2020) and Kim et al., (2022) argue that trademark owners often have the financial means to invest in extensive marketing campaigns to educate consumers on perceiving a symbol as a source identifier for imitation.

Najafi, Sadeghi, and Shahbazinia, (2021) assert that direct liability in trademark infringement aims to prevent confusion, reduce search costs, and offer broader protection to trademark owners. Meanwhile, indirect liability, a significant aspect of the US legal system, also plays a crucial role in regulating trademarks within the marketplace. Grynberg, (2021), Zhang et al., (2023), Rastogi, (2021), and Zakir and Ali, (2023) emphasise that trademark infringement disputes typically require plaintiffs to demonstrate consumer confusion, often gauged by the similarity between marks. This perspective is in line with Sipe, (2020), Kim, (2022), Krasnikov and Jayachandran, (2022), Sun, (2023), and Liu, Hu, and Wang, (2020), who consider factors such as product proximity, likelihood of consumer confusion, good faith adoption of marks, product quality, and buyer sophistication in assessing imitation and infringement. Go, (2020) and Ahadi and Sadeghi, (2020) highlight the impact of

domain name violations, particularly in the context of e-commerce, on consumer decisions and legal frameworks. Lastly, Antonides, (2020) and LeBleu, (2022) stress the vital role of modern trademark protection in safeguarding producers' interests, especially as trademarks increasingly become valuable intangible assets for businesses.

As noted by the empirical analysis, previous literature has provided valuable insights, particularly regarding the impact of imitation on consumer confusion (Kim, 2022), legal implications (Antonides, 2020), and financial consequences for plaintiffs (Najafi et al., 2021). However, these studies have not delved into how skincare brands leverage imitation and infringement to capitalise on Gen Z's brand support in Africa. This study aims to bridge this variable and participant gap by statistically testing whether:

H_0: Trademark infringement does not significantly affect Gen Z's purchase behaviour.

The hypothesis (H_0) guided the development of the conceptual framework below, which was constructed from the empirical literature and subsequently tested to investigate the relationship between the constructs.

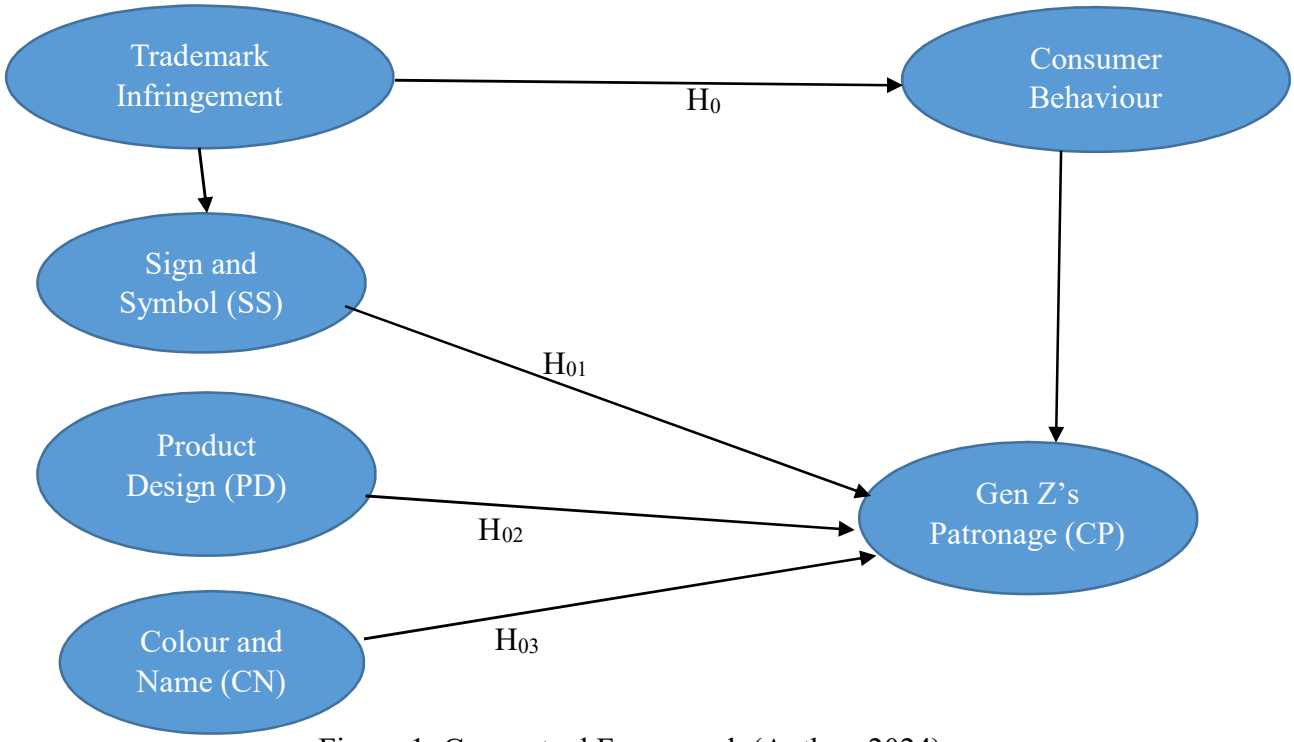


Figure 1: Conceptual Framework (Author, 2024)

The main hypothesis (H_0) is subdivided into the following three hypotheses:

$H_{0a:}$ Infringed signs and symbols have no significant effect on Gen Z's patronage of cosmetic brands,

$H_{0b:}$ There is no significant relationship between infringed product design and Gen Z's patronage of cosmetic brands,

$H_{0c:}$ Infringed colours and names and Gen Z's patronage for cosmetic brands have no significant relationship.

By utilising the PLS-SEM methodology for establishing construct paths in research, it provides valuable insights for several key reasons. Initially, it facilitates a deeper understanding of how ethical marketing issues impact consumer behaviour, which is crucial for developing effective marketing initiatives to sustain businesses in the long run. Secondly, it uncovers sustainability dimensions of marketing practices, aiding companies in adopting more responsible strategies, especially in an atmosphere with high technology savvy and internet penetration. Thirdly, the PLS-SEM outcomes can inform cosmetic companies, industry leaders, stakeholder managers, and regulatory bodies about the necessity for stricter guidelines to safeguard consumers from confusion caused by imitating trademarks. Overall, this approach contributes significantly to advancing knowledge in behaviour research, especially how marketing ethics shape consumer behaviour, benefiting businesses and society at large (Diallo et al., 2021; Fatma et al., 2020).

2.1 Theoretical Framework

Several academic theories offer insights into the complex relationship between infringement, imitation, and consumer decision-making processes. The utilitarian theory, epitomised by Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873), proposes that consumer choices hinge on factors like product utility, sign, design, and availability (López-Fernández, 2020). This suggests that infringement might positively impact purchase intentions if it leads to lower prices or a broader availability of imitated product designs, especially among Gen Z consumers in Africa. This perspective aligns with Stakeholder Theory (pioneered by R. Edward Freeman in the early 1980s), which asserts that organisations should consider the interests of all stakeholders (Freudenreich, Lüdeke-Freund, & Schaltegger, 2020). This indicates that

imitation can have broader social and economic ramifications beyond just consumer behaviour, potentially affecting a company's image within a social context. By addressing ethical concerns, cosmetic businesses can cultivate sustainable relationships and influence Gen Z's patronage positively. This narrative also intersects with Ethical Consumerism Theory, developed by Kate Soper in 1995, which suggests that consumers' ethical values influence their purchasing decisions (Hosta & Zabkar, 2021). Additionally, Brand Equity Theory (by David Aaker in the 1990s) highlights that a tarnished brand due to infringement could diminish consumer loyalty (Pina & Dias, 2021). This emphasises the importance of maintaining brand integrity, particularly among younger demographics in Africa. These interconnected theories underline the nuanced dynamics shaping consumer behaviour in response to imitation within the cosmetics industry, particularly in regions where ethical considerations and conscious consumerism are gaining traction.

The research is grounded in consumer behaviour theory, which integrates presumptions from the Theory of Planned Behaviour (TPB) and the Technology Acceptance Model (TAM). The Theory of Planned Behaviour (TPB), developed by Icek Ajzen in 1985, proposes that individuals' purchase behaviours are influenced by three main factors: attitude, subjective norms, and perceived behavioural control (Ulker-Demirel & Ciftci, 2020; Conner, 2020). Attitude defines a person's positive or negative feelings towards performing a specific behaviour, like buying a product or service. Subjective norms involve perceived social pressures or influence from others (e.g., family, society) regarding the behaviour in question. Perceived behavioural control relates to the individual's perception of the ease or difficulty of carrying out the behaviour based on their skills, resources, and situational constraints. In contrast, the Technology Acceptance Model (TAM), developed by Fred Davis in 1989, concentrates on technology adoption and application in consumer behaviour through two primary factors: perceived usefulness and perceived ease of use (Azizah et al., 2022). Perceived usefulness shapes the belief that a technology will improve performance or simplify tasks, while perceived ease of use depicts the perception that using the technology will be straightforward and effortless. Thus, TAM theory elucidates that

consumers embrace or reject new technology practices based on their overall perceptions (Uche et al., 2021). By combining these presumptions, consumer behaviour theory provides an avenue for comprehending Gen Z purchase intention considering their mediating themes, including attitude, brand perception, and ease of technology usage, offering valuable insights into the drivers behind consumer decisions and the adoption of imitated trademarks in the cosmetic market.

The adoption of consumer behaviour theory is rooted in the necessity for ethical practices concerning Gen Z's purchase intentions in the cosmetic market. TPB emphasises attitudes, subjective norms, and perceived behavioural control, which fosters the understanding of Gen Z's behaviour towards brands (Ajzen, 2020). If Gen Z consumers perceive a cosmetic brand engaging in imitation, their attitudes towards the brand may turn negative, impacting future purchase intentions. Moreover, social circles and perceived control over purchasing decisions influence whether they continue to support the brand or switch to alternatives. Alternatively, TAM acknowledges the efficacy of technology, including social media and e-commerce platforms, in mediating the relationship between a firm's infringement and Gen Z's patronage (Mathew & Soliman, 2021). Gen Z's exposure to imitation news through social media and online reviews can significantly affect brand credibility and reliability, thus negatively influencing purchase intentions. This emphasises technology's perceived usefulness and ease of use, as easy access to information and the ability to share views online can quickly shape broader consumer attitudes, resulting in withdrawal of patronage, negative promotion, and word-of-mouth communication (Davis et al., 2023). By integrating these ideas into Gen Z's purchasing decisions, the theories acknowledge both traditional socio-psychological factors and modern technology-mediated influences on consumer behaviour, highlighting the dynamic interplay between consumer perceptions, social influences, and technological contexts in shaping purchase intentions amid trademark controversies in the African cosmetic industry. These insights provide valuable guidance for brand management strategies and regulatory frameworks in Africa.

3.0 Research Methodology

Research Design and Sample Selection

Based on the post-positivist paradigm, which embraces quantitative methods for data collection and interpretation, the research employed survey techniques to gather responses from demographically tech-savvy respondents called Gen Z. The approach mirrors studies like Tobias-Mamina and Maziriri, (2020) and Tajeddini and Nikdavoodi, (2014) in predicting behavioural intentions in the cosmetic industry. The study's focus is on African Gen Z internet users who have purchased cosmetic products online or in-person within the last couple of years. Africa was chosen due to widespread reports of their trademark infringement, particularly targeting countries like Nigeria, South Africa, Morocco, Congo, and Burkina Faso, identified in Francisco-Sá, (2020) list of nations with high trademark innovation in Africa. Given the absence of a comprehensive list of internet-using Gen Z shoppers, the sampling method was not standardised and was determined using an infinite Borden sampling model. This was shaped by factors including security considerations, financial constraints, time limitations, and the necessity for streamlined data handling. As a result, a sample size of 400 individuals from the ethnic African Gen Z demographic, aged 18 or older and born between 1991 and 2010, was randomly chosen for the study:

$SS = Z^2 x (p) x (1 – p)/C^2$ ….. (1)

Where; SS = Sample Size, Z = Z-value (1.96 for 95% confidence interval), P = Population percentage (expressed as 0.5), C = Confidence interval (expressed as 0.05 = +/- 5 percentage points)

$SS = 1.96^2 x 0.5 (1 - 0.5)/0.05^2$ …..... (2)

SS = 3.8416 x 0.5 x0.5/.0025…… (3)

SS= 387*1.05 (including 5% tolerable errors)…… …….. (4)

SS= 400 Gen Z consumers …… (5)

Gen Z participants were selected based on their frequent use of cosmetic products such as perfumes, makeup, soaps, and sunscreens during online shopping activities. They were recruited from public locations, including university campuses, local malls, cosmetic trade shows, and shopping areas. Between January 2023 and December 2023, a total of 352 valid questionnaires were collected using an online platform called Google Form. This sample size aligns with the recommended guidelines for PLS-SEM, which suggest that the total sample should be at least 10 times the largest number of indicators used to

assess the most complex construct or 10 times the largest number of structural paths in the model (Kock & Hadaya, 2018). Despite the common "ten-time rule," a sample size of 352 responses (88% of the initially targeted 400 valid responses) is considered more than sufficient for this study. To ensure consistency in response patterns across participants, all respondents were asked to complete a questionnaire on their cosmetic usage and fashion preferences related to trademark practices in Africa.

Research Instrument and Construct Measurement

Online questionnaires were selected due to their efficiency, cost-effectiveness, and ability to leverage prior research knowledge (Andrade, 2020). The questionnaire was structured into two sections: demographic, assessed to capture socio-demographic characteristics; and trademark infringement in consumer behaviour, assessed constructs based on established marketing literature measures on variables designed for hypothesis testing. This was adapted from Sudirjo et al., (2023) and modified to suit the specific research context and objectives, employing a five-point Likert scale to gauge various constructs in the study. To ensure comprehension among native African speakers, the questionnaire was translated into languages understood by the respondents, maintaining linguistic equivalence through a back-translation process. This approach, guided by Hawkins et al., (2020), aimed to assess ethically questionable trademark infringement practices using predefined response options ("active," "passive," "infringed," "no harm," and "harm"), with corresponding numerical values ranging from 1 to 5 (South et al., 2022). Constructs related to trademark infringement practices and Generation Z's patronage were measured using Likert-type scales with different response levels tailored to each construct. The utilisation of this methodology, as advocated by Braun et al., (2021), Ming et al., (2021), and Wagner et al., (2020), was advantageous for accommodating a diverse participant pool across Africa and facilitating comprehensive data collection, albeit requiring investments in time, finances, and implementation during the design phase.

PLS-SEM Analysis

The Smart PLS software was utilised for estimating the theoretical model through a modelling approach involving bootstrapping with 10,000 re-samples (Hair et al., 2020).

Unlike traditional regression methods criticised for non-consideration of loadings, SEM is employed to examine the loading of observed items on their respective latent variables (measurement model) and to investigate the hypothesised relationships among various dependent and independent constructs (structural model) (Hair et al., 2019). SEM enables the analysis of measurement errors associated with observable variables during computation. By mitigating biases in parameter estimation that are common in regression analysis, the PLS methodology is particularly well-suited for exploring potential causal relationships and accommodating both reflective and formative measurement frameworks (Manley et al., 2021). PLS thus imposes minimal requirements on measurement scales, sample sizes, and residual distributions, rendering it highly effective for analysing complex models and conducting predictive-oriented investigations that involve endogeneity (Sarstedt et al., 2020). Given that the study intends to establish a cause-and-effect relationship, PLS was ideal for the study. The data analysis was conducted using the Smart PLS-3 software, incorporating bootstrapping with 10,000 re-samples, as advocated by Hair et al., (2021).

The research hypothesis guided the below model equation which is designed for the research PLS-SEM construct:

$$Y = f(x) \ldots\ldots. (1)$$

By application, the model turns out to the following based on the research variable:

$$PB(Y) = f(TI) \ldots\ldots\ldots.. (2)$$

$$PB(Y) = \alpha + \beta_1 ISS + \beta_2 IPD + \beta_3 ICN + e \ldots\ldots\ldots\ldots.. (3)$$

Where:

X = Dependent Variable, Y = Independent Variable, PB (Y) = Purchase Behaviour, CI (X) = Trademark Infringement, ISS (X_1) = Infringed Sign and Symbol, IPD (X_2) = Infringed Product Design, ICN (X_3) = Infringed Colour and Name, α = Regression Constant, e = Error term, $\beta_1 - \beta_3$ = Regression Coefficients

Ethical Consideration

As ethics distinguish rightful action from wrongful action in behavioural research (Nichol et al., 2021), the research adhered to ethical principles in academic research, by ensuring the protection of respondents' identities and interests as well as the confidentiality of the information they provided. Respondents provided informed consent as outlined in the questionnaire's introduction, and the study's purpose was

clearly communicated to them. Furthermore, the research followed established ethical standards in academic research, which encompassed safeguarding respondents' identities and interests and ensuring the confidentiality of the information they provided. Respondents were then duly informed and consented, as mandatorily requested at the introduction section of the questionnaire, to participate based on a clear understanding of the research's nature.

4.0 Result Presentation and Discussion of Findings

The research results are built upon 352 electronic survey responses, which constitute 88% of the total intended sample size of 400. This corresponds with Russo and Stol's (2021) assertion that an over-65% sample size can effectively represent results for the PLS-SEM hypothetical assertion. The demographic composition of Gen Z's consumers in Africa is analysed, with Nigeria (21%) and South Africa (30%) as the dominant locations. Among these consumers, 58.2% are female and 41.8% are male, indicating a stronger influence of cosmetic brand patronage among females. The majority of respondents (63.4%) belong to the 21–25 age group, which is in line with the study's focus on Gen Z and suggests homogeneity in cosmetic concerns and purchasing intentions. Additionally, most respondents (86.6%) have an undergraduate degree background, which can significantly impact their cosmetic product choices due to varying disposable incomes and purchasing power. Specifically, educational qualifications predominantly consist of BSc versions (65.9%), suggesting a relatively educated Gen Z cohort likely to exhibit consumer awareness and critical thinking in response to marketing practices like the research construct. Moreover, a considerable proportion of respondents (42.0%) have 1–5 years of cosmetic product experience, indicating active usage among the younger Gen Z segment. These findings underscore the potential for cosmetic brands to capitalise on Gen Z's desire for greater patronage by aligning ethical marketing strategies with consumer behaviour patterns and market segment composition in Africa.

Measurement Model Assessment

Table 1: Descriptive and Construct Analysis

Construct	Mean	Standard Deviation	Excess Kurtosis	Skewness	α	AVE	ρA
Colour and Name					**0.751**	**0.765**	**0.866**
CN1	2.678	1.234	-0.934	0.226			
CN2	3.229	1.285	-1.117	-0.146			
Customer Patronage					**0.897**	**0.747**	**0.897**
CP1	3.636	1.332	-0.750	-0.677			
CP2	3.627	1.254	-0.889	-0.515			
CP3	3.042	1.298	-1.074	-0.056			
Product Design					**0.701**	**0.716**	**0.834**
PD1	2.932	1.260	-1.038	0.052			
PD2	3.551	1.338	-1.075	-0.465			
Sign and Symbol					**0.704**	**0.771**	**0.871**
SS1	3.093	1.315	-1.147	-0.265			
SS2	3.356	1.211	-0.745	-0.397			

The above calculations were determined through a bootstrapping procedure with 10,000 repetitions, with α abbreviated as Chronbach's alpha, ρA as Jöreskog's composite reliability, and AVE as average variance extracted, of which all loadings were significant at 0.005 level (Author, 2024)

Table 1 shows a strong correlation among the variables, with values consistently exceeding 3.636 and low standard deviations ranging from 1.211 to 1.338, indicating limited variability in the latent variable. This, in alignment with Lee et al.'s (2015) motion of the average of the mean and standard deviation rate, underscores the urgent need for significant policy reform to encourage ethical practices. Additionally, the data's normality is confirmed by all variables falling within the acceptable thresholds for peakedness (±1.0) and kurtosis (±3.0). Furthermore, the reliability of the indicators was assessed through loadings, with all variables surpassing the established minimum Cronbach's alpha value of 0.7 (Taber, 2018). Notably, the loadings for deceptive marketing and customer loyalty are reliable, with values close to this threshold. Further reliability is indicated by composite reliability and the Dijkstra-Henselerrho ratio, ranging from 0.704 to 0.897 (Al-Hamad et al., 2021). Convergent validity, as measured by average variance extracted (AVE), confirms the internal consistency of the reflective scales, with all values exceeding 0.5 (Shrestha, 2021).

Table 2: Discriminant Validity and Multicollinearity

Construct	Colour and Name	Customer Patronage	Product Design	Sign and Symbol	VIF
Colour and Name	**0.875**				**1.943**
Customer Patronage	0.617	**0.864**			
Product Design	0.676	0.690	**0.846**		**2.481**
Sign and Symbol	0.596	0.640	0.703	**0.878**	**2.089**

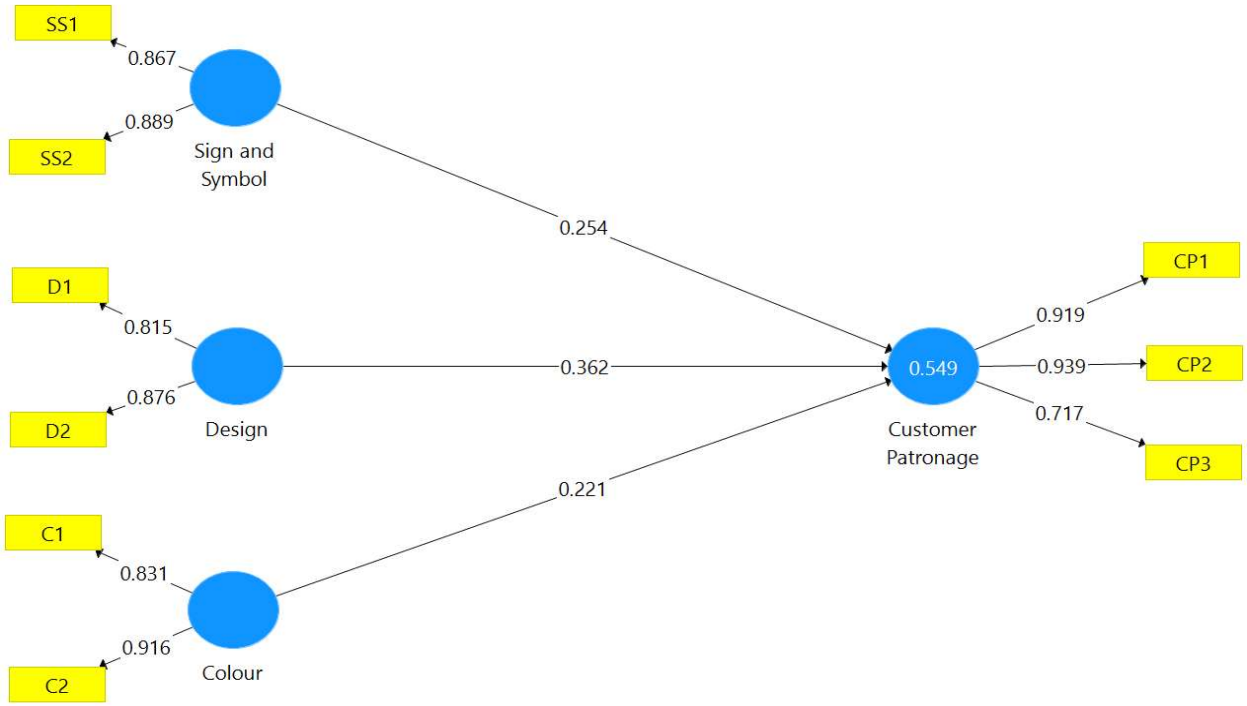
Source: Smart PLS-SEM, (2024)

Table 2 showcases the discriminant validity of the constructs, which was evaluated using the Fornell-Larcker criterion, ensuring that the correlations between each pair of constructs did not exceed the square root of the AVE for each construct variable (Ronkko & Cho, 2022). According to Table 3, all correlations observed met this criterion. Additionally, the heterotrait-monotrait (HTMT) ratio of correlations was computed, with all values found to be below the conservative threshold of 0.85 (Dirgiatmo, 2023). These findings affirm the sufficient discriminant validity of all latent variables. This suggests that the constructs under study are distinct and measure unique aspects, thereby enhancing confidence in the robustness of the research model and the credibility of the study's outcomes. Moreover, the variance inflation factor (VIF) values, which indicate the extent of correlation between independent and dependent variables, show that the variables are not highly correlated with each other. With values ranging from 1.943 to 2.481, which is well below the threshold of 10, as recommended by Akinwande, Dikko, and Samson, (2015) and Cheng et al., (2022), there is no evidence of multicollinearity among these latent variables. This signifies a healthy relationship between the independent and dependent variables, further fortifying the validity of the study's results.

Hypothesis Testing

Following the validation test, PLS-SEM is employed to evaluate the explanatory power, predictive validity, the magnitude of the path coefficients, and the significance of the hypothesised relationships. Given that PLS SEM is a predictive modelling technique, the R2 value plays a critical role in assessing the structural model by indicating the amount of variance explained by the endogenous latent

variable. According to Moradi et al., (2024), different levels of R2 are interpreted as follows: Values of 0.67, 0.33, and 0.19 are categorised as strong, moderate, and small, respectively.



Note: p<0.05, p<0.01, p<0.001, **Figure 2**: Path Construct Measurement (Smart PLS-SEM, 2024)

According to Ramayah et al., (2018), the influence of each independent variable on the R2 values of a dependent variable is assessed using F2, where values of 0.02, 0.15, and 0.35 represent small, medium, or large effects, respectively. The results depicted in Figure 2 indicate that all dimensions of the independent variable surpass this threshold, signifying a notable impact of trademark infringement practices on Gen Z's patronage. This underscores the imperative for cosmetic businesses to guard against trademark imitation to bolster customer patronage. Specifically, infringed product design emerges as the most influential factor in Gen Z's patronage, suggesting that cosmetic companies should prioritise developing distinctive and innovative product design strategies. Additionally, infringed signs and symbols exhibit a medium-large effect, highlighting the importance of crafting memorable and unique signs and symbols to

positively influence customer patronage. Finally, infringed colour and name concepts show a relatively high effect on customer patronage, suggesting that cosmetic firms should focus on developing novel ideas that are easily recognisable and safeguarded against potential trademark infringements to foster customer patronage. These findings align with Dabija and Băbuț, (2019), Nguyen-Viet, Tran, and Ngo, (2024), and Chen, (2024), underscoring the critical role of ethical marketing practices within the cosmetic industry in cultivating and sustaining customer trust that fosters patronage.

Table 3: Bootstrapping and Correlation Coefficient Results

	R^2	Adjusted R^2	F^2	Sample	Mean	Standard Deviation	T-value	P-value	Result
CP	**0.549**	**0.537**							
CN->CP			**0.056**	0.220	0.218	0.102	2.158	**0.031**	**Reject**
PD->CP			**0.117**	0.363	0.377	0.116	3.139	**0.002**	**Reject**
SS->CP			**0.068**	0.254	0.246	0.114	2.222	**0.027**	**Reject**

Source: Smart PLS-SEM, (2024)

Table 3 illustrates a clear and substantial relationship, rejecting the null hypothesis and indicating a positive association between various dimensions of trademark infringement (specifically sign and symbol, colour and name, and product design) and purchase intention (Gen Z's patronage) with R2 coefficients of 0.549 and adjusted R2 coefficients of 0.537, respectively. The R2 values demonstrate a strong predictive capability of the model, explaining 54.9% of the variance in Gen Z's patronage and 5.6%, 11.7%, and 6.8% for colour and name, product design, and sign and symbol, respectively. These values surpass the 5% threshold as established by Wang et al. (2022). The T-values for colour and name to customer patronage (2.158), product design to customer patronage (3.139), and sign and symbol to customer patronage (2.222) are all statistically significant, with corresponding P-values below 0.05, further supporting the rejection of the null hypothesis. Specifically, P-values of 0.031, 0.002, and 0.027 are all below the conventional threshold of 0.05. These findings indicate a robust impact of trademark infringement practices on customer patronage within the cosmetic

industry, aligning Abdulsalam et al.,'s (2024) emphasis on the critical importance of ethical marketing strategies to uphold customer patronage in the cosmetic market.

Discussion of Findings and Result Implication

Generation Z, born from the mid-1990s to the early 2010s, is highly influenced by digital technology, impacting their consumer behaviour, particularly in the aspect of patronage of brands in the cosmetic sector. While being immersed in technology, they experience rapid advancements like smartphones and social media. Gen Z's strong digital presence means that they prefer online shopping and value authentic brands, making them sensitive to trademark infringement. The trend of brands engaging in trademark infringement, such as copying logos, designs, and names, is worrying. Though this may boost sales of plaintiff brands in Africa, especially among Gen Z, it also harms the brand credibility and consumer trust resulted to low patronage. As a result, Gen Z meticulously researches products and reviews, making them likely to uncover unethical practices, affecting their purchasing decisions negatively. To succeed with Gen Z consumers, cosmetic brands need to prioritize transparency and legality, as a sustainable business practice. Thus, the research indicates high predictability in Gen Z's patronage ($R2 = 54.9\%$), with infringed sign and symbol, colour and name, and product design significantly influencing customer patronage (T-values > 2; $p < 0.05$). This aligns with past research literature including Durant and Davis (2023); Aslani, (2024); Oguz, and Marsden, (2023); Alqaysi and Zahari, (2022); Thomas, Bhatt, and Patel, (2024); Al-Heali, (2020); Khan et al., (2015); Gaber, Labib, and Salem, (2018). This underscore that cosmetic brands must focus on ethical marketing strategies in areas of trademark, including sign and symbol, colour and name and product design, to win Gen Z's patronage.

The research findings have significant theoretical, managerial, and policy implications for several reasons. At first, the research contributes theoretically by illuminating the importance of ethical marketing strategies and consumer behaviour theory, specifically concerning infringement practices like logo copying and name imitation. This underscores that Gen Z consumers, characterised by their digital savviness and emphasis on authenticity, are sensitive to such unethical practices, which can profoundly impact their brand trust and

patronage decisions. This highlights the necessity for cosmetic brands to prioritise transparency and legal compliance in their marketing and product design strategies to build sustainable consumer relationships. From a managerial perspective, the research emphasises the critical role of distinctive and innovative product design, sign, and symbol development in enhancing customer patronage among Gen Z. Managers can leverage these insights to align marketing efforts with the values and preferences of this influential consumer segment. Furthermore, the policy implications indicate the need for regulatory frameworks that discourage trademark infringement and promote ethical marketing practices within the cosmetic industry. As a result, policymakers can use these findings to advocate for stricter enforcement of intellectual property rights and consumer protection laws to safeguard against infringement tactics. In overall, while the findings can be applied to similar countries, regions, or industries with similar characteristics, the research underscores the imperative for cosmetic businesses to adopt ethical marketing strategies tailored to Gen Z's preferences, benefiting both brands and consumers while fostering a more trustworthy and sustainable marketplace in Africa.

5.0 Conclusion and Recommendation

The research acknowledges the importance of ethical marketing strategies, particularly within the cosmetic industry, when targeting Generation Z consumers in Africa. The research, based on a PLS-SEM analysis of 352 respondents worth 88%, demonstrates a strong predictive relationship between trademark infringement practices—specifically related to sign and symbol, colour and name, and product design—and Gen Z's patronage of cosmetic brands. The results reveal a substantial impact of these infringements on customer patronage, with an impressive 54.9% of variance explained in Gen Z's purchasing behaviour. Specifically, product design emerges as the most influential factor, followed by sign and symbol and colour and name concepts. This highlights the necessity for cosmetic companies to prioritise innovation and authenticity in their branding strategies to cultivate and sustain consumer trust among Gen Z. Moreover, the digital-savvy nature of Gen Z's demographic emphasises the need for transparency and legality in business

practices to avoid reputational damage and foster long-term brand loyalty. By adhering to ethics in marketing practices and safeguarding trademarks against infringement, cosmetic brands can enhance their appeal and competitiveness in the African market, ultimately securing greater patronage from this influential consumer segment. The below recommendations are offered:

I. **Prioritise Ethics in Marketing Practices**: Given the significance of trademark infringement practices for Gen Z's patronage, cosmetic brands should prioritise ethical marketing strategies. This includes avoiding trademark imitation, ensuring originality in product design, and safeguarding brand elements like logos and names. By upholding ethical standards, brands can build trust and credibility among Gen Z consumers, leading to sustained patronage and positive brand perception.

II. **Invest in Distinctive Product Design**: As the research highlights the strong influence of product design on Gen Z's patronage, cosmetic companies should invest in developing distinctive and innovative product designs that resonate with Gen Z's preferences. This is necessary as unique and well-protected designs not only attract attention but also reinforce brand identity, fostering loyalty and repeat purchases.

III. **Enhance Sign and Symbol Recognition**: To enhance the identity of brands in Gen Z's mind, cosmetic brands should focus on creating memorable and legally protected symbols and logos that are generically protected and not easy to infringe. Strong visual identities enhance brand recall and influence purchase decisions among Gen Z, who value authenticity and originality.

IV. **Ensure Transparency and Legality**: Since Gen Z consumers are highly sensitive to brand authenticity and ethical practices, the government should force cosmetic brands, through regulation and monitoring, to

prioritise transparency in all aspects of their operations, including sourcing, manufacturing, and marketing. Thus, cosmetic firms should communicate openly about ethical practices, which can help build consumer trust and differentiate brands in a competitive market.

V. **Embrace Digital Engagement and Authenticity**: Given Gen Z's strong digital presence, brands should leverage online platforms to engage authentically with consumers. This includes fostering genuine interactions on social media, sharing transparent brand stories, and soliciting feedback. Building a digital brand presence based on honesty and integrity resonates strongly with Gen Z's values and influences their purchasing behaviour positively.

While this research offers valuable insights, several limitations are acknowledged. Firstly, the use of electronic surveys may have introduced response bias due to unequal access or inclination among segments of Gen Z in Africa to participate online, potentially impacting the demographic composition and representation of consumer perspectives. Secondly, the study's focus on Gen Z consumers in Nigeria and South Africa may not fully capture the diversity and complexity of Gen Z consumer behaviour across the entire African continent, where different regions exhibit unique cultural, economic, and social dynamics influencing cosmetic preferences and purchasing behaviours. Thirdly, the reliance on a cross-sectional survey design limits establishing definitive causality between trademark infringement practices and customer patronage; longitudinal studies or experimental designs would provide more robust evidence. Lastly, the use of self-reported data may introduce common method bias, potentially inflating correlations due to shared respondent perceptions rather than genuine associations among constructs. Future research could explore how cosmetic brands can implement ethical marketing strategies effectively for Generation Z consumers globally, considering cultural nuances, digital engagement preferences, brand authenticity perceptions, and emerging technologies like augmented reality and AI-driven customisation to tailor marketing approaches.

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