

### ABSTRACT

This text intends to propose conceptual typologies that show possibilities of aesthetic imitation in advertising. This conceptual base is important because imitate practice in advertising is something common and adds interests in the authorial and social fields. It is an exploratory study that uses bibliographical research about advertising, imitation and aesthetic elements of advertising. It was found six typologies: falsification, piracy, plagiarism, knockoff, adaptation and parody.

**Keywords:** advertising, imitation, innovation, advertising aesthetic.

### Introduction

Imitative procedures in the media are constantly under discussion by the potential of hurting rights, to repeat knowledge, pasteurize models, homogenize products, impoverish the cultural universe and to serve as a inadequate educational parameter in the formation of thinkers, citizens and professionals. However, there are also positive aspects in imitation of communication, as to offer patterns of understanding messages, to reaffirm information, and to reintroduce life and consumption situations, among others.

The advertising or commercial propaganda is no exception in this context, something observed in the aesthetic design of advertisements where different imitative forms can be expressed in an advertising piece.

Baudrillard (2000) said to be disenchanted with the sameness in the advertising, like the ads in the fashion and retail; this procedure would lead to think that society and the agents of communication are no longer sensitive to demarcate what is imitation or innovation in this area.

The aim of this paper is to propose typologies that show aesthetic possibilities of imitation in advertising. Thus, this paper considers the aesthetic aspects contained in advertising media.

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<sup>1</sup> Research project supported by FAPESP. Collaboration of Ana Beatriz Cajado, scholarship of USCS and student of scientific initiation.

<sup>2</sup> Gino Giacomini Filho is doctor and post-doctor by ECA/USP. Professor and coordinator of Master in Communication of Universidade Municipal de São Caetano do Sul (USCS). Is author of the books: "Consumidor versus Propaganda", "Ecopropaganda", "Meio ambiente & Consumismo".

This is an exploratory study that uses bibliographic research focusing the propaganda commercial, imitation and aesthetic elements in the advertising communication.

## **1. Imitation in the social field**

Since ancient times, thinkers were concerned to understand the imitative process in society because, since then, it has revealed many facets, going from one positive and beneficial stage until something associated with the cause of many social harm.

In Aristotelian philosophy, the “mimese” or “mimesis” (from Greek) would lead to action or faculty of imitation (imitatio, from the Latin), which would constitute the foundation of all art because it provides its reproduction and the imitation of reality by the artist; but in Plato's view, imitation would not be something so noble and true, but an interpretation of reality; anyway, in the ancient world, the imitation would be an attribute representing the world and not one procedure to copy ideas or techniques (Ceia, 2005).

The term "imitation" can take the meaning of reproductive behavior of others, even for educational purposes (Asch, 1977). But Rogers (2003) warns that the adoption of an innovation can not be expressed by imitation, although all innovative adoption reflects the behavior of individuals and groups that reproduced certain ideas of others.

Maranhão (1988) believes that the art, today, transcends attributes of authenticity and originality, asking what would be authentic in terms of Brazilian culture. To Plaza (2008:2), "Art is not produced in a vacuum. No artist is independent of predecessors and models [...] The artistic achievements of the ancestors trace the paths of today's art and its waywardness. "

Forgeries in art, such as paintings and sculptures, are reproductions that try to be like original ones. They are create with techniques of reproduction in order to not be perceived as fake.

For Martineli (2006:68): "What the men produce always could be copied and imitated. But today the serialized copy is produced and distributed on an industrial scale; so, the piracy is a phenomenon that continuously grows and, how many larger is its scope, less possible the control over it". Debord (1997) say that when the falsification or copying bring symbolic aura that charms people, they do not care about

the origin of things; and, if that source is less charming, more value is given to imitation.

The illicit network of imitations has an structure of marketing like the legally installed. They are warehouses, retailers, distributors, industries, security personnel and even instruments of communication, like the use of the internet and brochures. However, this network don't have used heavily mass media communication given the visibility that they would have to the authorities, companies and conscious consumers. Carvalho (2006) argues that the branch of illegality has your promotion, products and brands difused by word-of-mouth.

Bonabeau (2004) argues that imitation is a fundamental element of human nature and exerts enormous influence on society and business. Abreu (1968) reminds that in the sphere of communication the reproduction is inherent; in the case of music reproduction, both in terms of interpretation as sound, there are in this artistic and commercial activity the licit dissemination an difusion of the musical works.

However, the other side of the imitation is in the ownership of works and rights in order to bring harm to others. It is the duplication, copying or reproduction that involves, for example, plagiarism of school work, falsifying documents and marketing ideas.

Plagio would derive from the Latin term *plagiarius* ("kidnapper") and would refer to a form of deception that can be defined as a false attribution of authorship, or the deceptive act of appropriating the intellectual product of another person and present it as own (Gibaldi, 1999). The ancient governorator Marcial, through the law (the Lex Fabia Plarigriis) of the second century BC, would have attributed the term to those who stole free people making them pass by slaves, association that now being made to the copyright (Manso , 1992).

In a paper published in 1879<sup>3</sup>, Gallwey already pointed to the dilemma of judge a work as plagiarism or coincidence. According to the author, a great legal authority concluded that "there is nothing new under the sun" and noted that "great geniuses reach the same conclusions." Also according to Gallwey, when we find the work of two composers of poems, literature, opera, we identify ideas, common parts or musical

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<sup>3</sup> GALLWEY, Thomas. Plagiarism or Coincidence: Which? *The Irish Monthly*. Irish Jesuit Province. Vol. 7, 1879, 312-319.

phrases so peculiar that our curiosity ask whether that identity is the result of deliberate plagiarism or coincidence.

## **2. Some aesthetic aspects in the advertising imitation**

Imitation may be detected on the similarity of aesthetic appearance, content, design, layout and format, which requires extended discussion, but the proposal here is to discuss only those that are most significant for the advertising industry.

For Nelly de Carvalho (2007), the language of commercial advertising is specific and market-driven. Ladeira adds: "Often assimilate elements from other genres, but transforms them in its own way" (1997:79).

The consumer market, according to Moles (2001) induces to the imitative production of objects and the cultural industry is responsible for the sacrament of them without worrying about innovations while there is demand. The author calls "kitsch acts" constructions linked to industrial design, which also would include the creation in advertising.

Baudrillard considers kitsch equivalent to cliché, or common place in the discourse; can be defined as simulation, copy, stereotype. "The kitsch opposes to the aesthetics of beauty and originality its aesthetics of simulation [...]" (2008:141).

In your turn, Pignatari (1988) admits to be the kitsch an reduction of the repertoire of aesthetic, so some social groups consume kitsch as original work by ignoring or not understanding the previous original repertoire.

The stereotype, according Ferres (1998), is a reductionist social representation, and also reiterated because it is built on repetition. For the author, particularly the stereotypes dominate the advertising discourse because the ads require simplified mechanisms in order to make possible the identification of receiver in an analogy with previous contents. The author identified stereotypes in sexist speech, physical beauty and treatment of drugs.

"Children love to play with toys." "Women love to shop." All this are stereotyped constructions in society because in the society there are children and women that don't have such behavior. However, given the need for advertising to be brief and have little time to have their content run on certain media, stereotypes become appropriate for making possible the synthesis of ideas (Sheehan, 2004:78).

The use of stereotypes is functional in language and organization of human knowledge, because although it can be characterized as not being innovative or creative, is heavily used by communicators, preachers, educators and politicians (Cauduro, 2006). Thus, advertising makes use of representations in the quest for serial determination of basic symbolic themes with the public.

The recognition of aesthetic standards for advertising is widely discussed in Gestalt theory, which establishes the aesthetic perception through the recognition of elements and all those elements perceived as a whole (Gomes Filho, 2000). As reference to the imitative practices, may be posted two Gestalt principles: the similarity and proximity, in which graphics elements, for example, are drawn together by similarity and proximity of its elements. In order to transport to the advertising field such principles, it is possible to establish that the similarity between ads may involve imitation of one or more aesthetic elements (images, slogans, phrases, sounds) or the imitation of the total aesthetic (chart pattern, visual identity, associations of elements). Therefore, for the Gestalt, the “whole” transcends the parts and offers different meanings than the simple sum of these.

An application of Gestalt can be done in the field of trade-dress, which is the marketing structure of aesthetic elements (packaging, design, color, brand, promotional material, advertising); when considered together, it creates a unique impression to the consumer (Rutherford et al, 2000). When is considered the imitation in advertising, usually the analyses and decisions are not upon a single aesthetic element, but on the “whole”.

Knowing the tendency of consumers to recognize an aesthetic promotional work in function of its whole properties, many vendors just copy such marks by introducing some modifications in order to mimic the well-known brand, so take advantage of this confusion; in this line, the knockoff may be considered a joint-brand product alluding to another already established in the market or an expression that mimics other promotional work already published; Nide, instead of Nike or Shel, rather than Shell (Bamossy and Scammon, 1985; Barbosa, 2008; Carvalho, 2006).

## **2.1. Intertextuality and its relationship with advertising**

Clinging to a Bakhtinian theory of speech genres, Araújo (2004:93) argues that discourses originating in a sphere "[...] bring inevitably brands and purposes of the domain from which it proceeded." In this context, the author mentions the legal discourse, journalistic, religious, so that, analogously, the advertising discourse can replicate and give rise to other spheres of discourse (Chapman, 2007).

Bakhtin (1997) classifies the speech genres in primary and secondary. So the second are consequence of the prime, as the advertising genre that can transmute primary genres.

So, to reflecting upon imitative practices in advertising discourse is necessary to consider the implementation of contents of a work-reference to the work-similar. This transposition may have different concepts that reports to intertextuality, "In intertextuality there are a relationship (alusion) with other texts previous of the statement, where the original emissor or the emissor that reports can be cited or not" (Farias, 1996:117).

Nascimento (2006) chose two case studies to illustrate the intertextuality. One is the work of the artist Picasso, from the painting "The Girls" by Velázquez, painted in 1656; Picasso created another 58 paintings in 1957; he used various names such as "Girls" and similar titles according to elements that he picked up as visual reference from the pictures of Velázquez.

While the translation is the conversion of verbal signs from one language to another or to the same linguistic basis, the inter-semiotic translation or transmutation reflects the transposition into different signs: signs verbal to nonverbal (Jakobson, 2007). "Translating is, so, to rethink the configuration of choices form the original, transmuting it into another selective and synthetic configuration" (Plaza, 2008:40). The term "transcription" can be used to get the aesthetic duplication of an original (idem).

An aesthetic appropriation can refer to the paraphrase and parody, something that identifies itself with the origins of the ready-made (Sant'anna, 2007), which has its origins, in part, from the Dadaism and pop art of 60's, century XX. They are artistic movements in which the authors manipulated objects of the society for inclusion in they works. Depending on how is the displacement of social objects, it has the paraphrase (more faithful to the original) or parody (more exaggerated and extreme).

Translation, in the advertising field, can also be illustrated with ads of companies in global markets. According to Keegan (1999), the global advertising is the use of such advertising appeals, messages, artwork, text, photos, stories and video in multiple markets of countries. For him, the global company will be successful if you can transform a domestic campaign in a worldwide campaign or the reverse, while respecting the nuances of cultural and market values.

Plaza (2008) call *transcreation* the iconic translation that the content is similar to the original both in the isomorphic form as paramorphic. This translation includes the ready-made iconic translation, that means, a ready translation. For the author, transposition or translation indexical, opposing the iconic, demand contact between original and translation, thus the immediate object of the “original” is appropriate and transferred to another means causing a transformation of quality; in this translation operation is possible to move the whole or part, but it will be a cause-effect relationship. Plaza recognizes the symbolic translation as transcoding, ie the correspondence of content through different codes (use of metaphors and other signs), as the use of numbers to express a word or sound to substitute a picture.

Sant'Anna presents paraphrase as translation or transcreation where the musical arrangement or interpreter of a song would be an exemplification. "In the arrangement, the musician appropriates another work of someone and introduces ways of interpreting the text of the original music. He is a co-author in an activity that can go from simple parasitism to a certain amount of invention"(2007:18).

The adaptation or transposition, or transmutation is the encoding of an original content for other media support, in case of a film made from a book, a play turned into a literary work or a television series produced from a movie (Balogh, 2004). It implies the transformation of a work, displayed in particular medium and diffused in a time for other work in other support and time. In this context, an advertisement may mimic other transmuting some of the content of an artistic work (painting, part film, literary work etc.) or other advertisement.

Transmedia already reflects a set of content designed for different media forming a cast multimodal; manifests itself in multiple ways and can deepen aspects according to the vocation of such media. Thus, the content shown in the television is different, but contiguous to the film, and to the videogame, and so on. This is a frequent

work in the communication industry in what an organization of the sector deals with various media (television, newspaper, publishing, digital media) can share creative ideas or schedules among these media (Fechine, 2009).

Jenkins (2008) prefers to use the term "convergence" to describe the flow of media content in multiple media, but he refers to the public or consumers who desire different entertainment experiences in multiple media market. In the world of media convergence, the brand is sold by multiple media to reach consumers wherever they are.

Considering an advertising campaign, the repetition of content in different parts and vehicles is a desirable creative strategy in order to communicate to the market a persuasive line (Bertomeu, 2002). In this sense, works published on TV, magazine and newspaper, for example, share the same theme, slogan and offers.

### **3. Imitation in the make of advertising**

Bertomeu (2002), based on a routine of a professional advertising agency, argues that the creation of an advertisement is preceded by a few steps, among them the marketing plan (provides market information of the advertiser/brand for the advertising creation) and the "briefing" creation (planning work of propaganda and specific information). Fueled by the professional research, the creative man prepares the ad that, once approved by the advertiser, is transmitted

Therefore, the creative conduction of an advertisement is a work of co-creation, which also involves the advertiser: "The creative work in advertising is done by the team [...] It is a job that involves a partnership between advertisers and client ..." (Bertomeu, 2002:50). Complete the author: "When is created a campaign, the fact that the client has approved it, places him as co-author ..." (p. 51).

But today, it can added to that co-authored work the consumer himself. The Internet has enabled consumers to influence the creation of value by the whole chain (Prahalad and Ramaswamy, 2002). However, the responsibility is of those who make propaganda in terms of trade, ie, advertiser, agency and media. More specifically, is responsibility of advertisers and advertising (creative professionals) the develop of aesthetics of advertisement.

The idea that generated an advertisement, in many situations, is pointed as reference for an imitative practice. But many authors originated from the advertising

field are cautious in this regard highlighting that the imitation occurs not in the idea, but in the expression of the idea (Barreto, 1982; Ogilvy, 1976; Ladeira, 1997). They emphasize the importance of "idea" in the creative process, but consider it as an input and not as the advertising or tangible expression. Similarly, Read (1981) argues that in the field of art, the idea can not be imitated or copied, as it is a mental occurrence that does not offer objective observation. Only the expression of the idea can be imitated. Perhaps these are also reasons why the Copyright Law in Brazil does not protect ideas, but the works that come from them.

Adler and Firestone (2002) argue that the internet presents innovative conditions and contexts for the current propaganda in that an ad is "clicked" for billions of people individually or in virtual communities. A global audience of an advertisement may lead to its reproduction on an international scale, which increases the responsibility of those who advertise and at the same rate, the risk of imitation transcontinental which previously were little perceived in the advertising trade.

Cappo believes that the work of advertising agencies in the mid-twentieth century maintained a good degree of differentiation and creativity. It was possible to characterize an agency by its ads, nearly forming a distinctive mark. But now: "An analysis of trade in different countries shows that creative ideas are usually copied or adopted." (2003:82).

According to Castro: "The promotional products are marked by a set of common and constituted characteristics to enable the formulation of a production grammar promotional televisual" among them the "movement of repetition and innovation", ie "Advertising tries to bring the new without abdicate the same: it stands on the threshold between what is original, different, new, and what it expected, predictable procedure" (2008:43-44).

Clearly, beside to the ads more daring, even innovative, in some cases, exists a vast tide of commonplace, banalities like to place an athlete to sell vitamin, an apparent dentist to promote some toothpaste, a well-successful entrepreneur to recommend particular securities broker. (CITELLI, 1998:43).

In this line, Carvalho pointed out that one of the elements of discursive resources of advertising is working with "fixed formulas, " which would be clichés, phrases done as "All roads lead to Visa [Rome]" (2007:88); from them, the ad only is completed with information about the brand or product.

The fixed formula works as a chassis that can accommodate different car bodies. Thus, phrases such as “negócio da china”, “são as águas de março fechando o verão”, “faça o maior cartaz”, “é das partes que alguém conhece o todo” are elements that can receive the information necessary to complete the replacement of contents an advertisement (Carvalho, 2007:86-89).

According Carrascoza (2008), a marketer makes use of knowledge and past experiences to offer an advertising solution to the advertiser, on the other hand, will have to use speech compatible with the signs of the target to allow the intent of persuasion. Therefore the text advertising is a byproduct of previous linguistic elements. For the author, many advertising professionals are unfairly tainted as a plagiarist, because much of the work: “[...] creation follows a process of association of ideas and coincidences are common, since many advertisers can reach same solutions [...]” (Carrascoza, 2003:98).

It can said that is not uncommon professionals receive guidance to use work of others as reference in developing ad campaigns: “When you create a launch campaign, it is advisable to check other advertising campaigns during this period, mainly of similar products (Ladeira, 1997:83).

#### **4. Advertising: typologies linked to imitation**

The purpose here is to approach a conceptual terminology that focuses the imitative aesthetic field of advertising.

After intense exploration in the theoretical framework, it was noted six types: counterfeiting, piracy, plagiarism, knockoff, adaptation and parody

None of these categories present limited or unique concept, so contents present in a category can be shared with others.

##### **4.1. Counterfeiting**

Counterfeiting involves infringing copy of a commercial right, so, the good imitated becomes indistinguishable or identical to the original disregarding their rights (Bian and Moutinho, 2009). Two of the elements are essential in commercial counterfeiting: the existence of fraud and action not authorized by the manufacturer (Strehlau, 2004). It would be the act of adultery something to gain advantages characterized as

counterfeiting (Carvalho, 2006). However, adulteration also means depreciate from the bad quality of goods in order to deceive the market and gain advantages in the marketing as if it were original.

According to Chakraborty et al (1997), the trade of counterfeits consists in the sale of unauthorized copies as if they were legitimate products; consumers can buy fakes so aware or not, but they have the lower price as an attractive (Eisend e Schuchert-Güler, 2006).

Chaudhry et al (1996) shows study that characterizes the counterfeiting in four levels: Counterfeit total of products that look very similar to the original at the point of use the same brand; Duplicates of the original that carry different brands; Reproductions which are not exact; Imitation not convincing. "Known as forgeries, replicas, tampering, duplication, or simply imitations, counterfeit products are everywhere." (Naím, 2006:105).

Delener (2000) defines counterfeit simply as an imitation that intend to defraud others. For him, the salient attributes of the consumers in counterfeited brands of luxury are prestige, style and brand image.

Even as illegal, counterfeiting is quoted by Kotler and Keller as a marketing strategy that "the forger produces a copy of the product leader, pack the copy and trade it on the black market or by disreputable traders." (2006:356).

Overall, the authors presented seem to converge on the idea that counterfeiting, in the trade relations, becomes tangible products similar to those established in the market; so that imitation is the most complete search possible to be marketed as if they were originals featuring illicit and damage to copyright, competition, trade and consumerism. A product may be characterized as a counterfeit in the same way as the term "counterfeit" can refer to procedures that work in the adulteration of the offer.

In the advertising sphere, counterfeiting occurs, but documentation is difficult because it is illegal activity. Moreover, it not would be appropriate to treat imitative practice of advertising under the concept of falsification as the term applies to tangible products traditionally typified as tradable goods (sold) to consumers.

However, if an ad presents itself as true at the point of imitating an offer fraudulently, it is possible to give to this work a degree of falsification.

Swindlers broadcasted an ad in 2006 offering hospitality at the Hotel Martinique; but those who paid the reserves or the total price of R\$ 1,400.00 not enjoyed the product because it was an ad in context on a fraud. A ad of one page in a magazine with national circulation, signed by the "agency" Art and Chris and for "hm", offered and showed the facilities of the hotel located on the beach of Ensenada, the city of São Sebastião-SP, but such images were from Marupiara Hotel in Porto de Galinhas-PE. To increase supply, forgers have created a website reproducing the Hotel Marupiara, beyond the telemarketing service gave information and showed the way of payment (Golpe, 2006).

## **4.2 Piracy**

It would be the imitative illegal procedure in the offer, flow, distribution, sales and communication of goods and ideas in the market. Piracy, in commercial relations today, refers to the illegal reproduction and trade in large-scale of works lawfully created, involving producers, traders, government, tax and receivers (Lopes, 2003; Medeiros, 2004; Taylor, 2006).

Jacobs et al (2001) consider piracy the intentional copying of the name, form or appearance of another product to seize him in sales. Typify the international piracy those organizations that practices: counterfeiting, piracy of trademarks, similar marks and intellectual property crime. Argue the authors that are responses: protective actions of communication, government, laws, direct contacts, technology, proactive marketing and interaction with their piracy.

Chaudhry et al (1996) do not distinguish between piracy and counterfeit. Schnaars (1997) also puts in the same level counterfeits and pirated products; characterizes fakes as illegal copies showing the same trademark or logo of the original, consisting of inferior products sold at a lower price than the original. Therefore, piracy contains ingredients of forgery, case of illicit imitation products.

However, it also reveals an distribution, sale and illegal flow of these products on the market, which includes advertising in this process. The advertising, presented before, can participate in commercial piracy as an entity, since it demands effort of marketing and communications, highlighting that the advertising organizations involved are acting illegally. An advertisement that illegally use other works fit in the concept of

piracy, mainly through the acquisition of market represented by this decision of reproduce marks, appeals and products.

Gas stations kept purposely names similar to the most prestigious brands in the Brazilian market and, therefore, confused users about the origin of their products and services. The intent was to seize the credibility of the original brands as their own. The billboards of these gas stations contained color, visual pattern, shape of letters and logos similar to traditional distributors such as BR (Petrobras), Ipiranga, and Esso. A survey conducted by Sindicom, association that gathers gas distributors, showed 74 gas stations 'cloned' in Sao Paulo region; BR is the most copied flag (30 in all) with acronyms such as 13R, FL, PB, and PR. A gas station of another flag, wore a giant tiger plastic very similar to that created by Esso. Source of Sindicom said that these cloners were charging about \$ 0.20 less than the price of a liter of gas and that his actions were in order to mislead the consumer. As this illegal practice offers damage to the reputation of the original marks, representatives of Ipiranga and Esso maintained and won several legal actions in Brazil (Fernandes, 2006).

#### **4.3. Plagiarism**

Act of using someone's work without giving proper credit; constitute intellectual property crime (Janowski, 2004). Blázquez (2005) asserts that there is plagiarism when: a) the plagiarized work is protected by copyright, b) the author gave no authorization for the use of their work, c) is false attribution of authorship. A criterion for estimating plagiarism is the time, that is: "[...] who prove that had the idea first attracts to himself the status of real author "(Carrascoza, 2003:98).

It consists in preparing a document subsidized on copy, total or part of another document with intent to pass itself as authentic; the pseudo-author or plagiarist, intentionally or not, commits plagiarism mainly motivated by the idea of non-detection the crime (Santana and Jobert, 2004). Abreu (1968) characterizes musical plagiarism considering the theme, originality, aesthetics and perceived social similarity.

Plagiarism can be contained in counterfeits, piracy and imitation causing damages to various entities that originally produced the work, as a company that has the brand or advertising plagiarized by rival bringing confusion to the consumer (Pereira, 2001). Lewis (2007) cites that of 70 academic texts consulted, no uniform concept of

the term "plagiarism" was found; there is no in Brazilian legislation a definition for the term, although the copyright law provides protection to authorship in advertising.

Schultz (2005) identifies the copyright protection to the advertising in the Advertising Self-Regulation by Conar in Articles 38 to 43. In Article 41 appear the expressions plagiarism and imitation both with differences according to author. Plagiarism means attribution to himself advertising work of others, while in the imitation don't have new creation, but the copy from the original. But the author recognizes that differentiation is difficult in practice.

Predominates in the authors cited the position of being an imitative practice, illegal and damaging for the intellectual property rights so that the plagiarism is: 1. use of work of others with false attribution of authorship or make it pass as original, 2. such use may be total or partial, but the latter must be significant enough to refer to the original 3. use has not obtained consent of the legitimate authors or holders of the original work in order to characterize illicit 4. the manifestation of the public is an important indicator that can be plagiarism an imitative practice, 5. the prior work is relevant aspect to consider original in relation to the other 6. it is desirable that be established the intention of the imitative practice by the pseudo-author, 7 Plagiarism is a crime against intellectual property, but which may extend to other legal fields, such as competitive.

The Superior Court of Justice (STJ) issued favorable decision in 2007 to advertiser Luiz Eduardo Régner who created and registered the campaign "Cerveja nota 10" in 1996, work used in 1999 by Kaiser and the advertising agency Bates Newcomm. The court recognized the copyright of the campaign despite not having been used in its full text. The campaign showed the slogan, which formed a number ten with a bottle of beer (number 1) and lid (the number 0) (Kaiser, 2007).

#### **4.4. Knockoff**

Is whole mark-product alluding to another already established in the market or an expression that mimics other ever published. Knockoffs are slightly different from the original, but are not sold as genuine articles (Bamosy and Scammon, 1985; Carvalho, 2006). It would be an "imitation", ie, the copy from original that is not sufficiently similar as to constitute forgery, case of Mexican champagne with the label of a French

product of high quality, that added, however, distinctive signs in Spanish; they are brands created over others already known and registered as Bulova (Bulova), Cimego (Omega), Longune (Longines).

Strehlau (2004) differentiates "pure imitation" of "reflexive imitation." The first would be identical reproduction of an original product, including its distinctive marks, while the second catch of the original product some of its features, but retains its specific characteristics, as the mark; so that the imitator tries to offer its product as an alternative to original.

Kotler and Keller consider the offer of goods imitation, or "cloning" as a marketing strategies in that "The imitator copy some characteristics of a leader, but maintains the differentiation in terms of packaging, advertising, price or location. The leader does not care about the imitator, since he did not attack aggressively "(2006:356).

The clones or knockoffs, to Schnaars (1997), are predominantly legal products, even in the absence or expiration of the rights of original; they are sold under different brands, usually at a lower price than an product innovator.

While an imitation brand is offered as similar and makes consumers think about the original brand, a counterfeit product is designed to be identical to the original and cheaper (Astous and Gargouri, 2001).

But Barbosa (2008) considers that the confusion of brands to market is something serious that need to be appreciated in legal sphere: "So" Valisère "collides with" Valliere" by spelling similarity (CRPI, ac. No .785); "Desencanto" with " Dois Encantos" by phonetic similarity (CRPI, ac. No. 1781). In terms of ads, "only this gives to your body the maximum" was considered in conflict with "only Esso gives to your car the maximum" (Proc. No. 375683). Therefore, the knockoff may not be conceptually near to coincidence of brand, where a familiar brand characters is re-arranged to form brand of competing products (Anvisa, 2009).

In a related manner, Carrascoza uses the term "paraphrase" to signal the linguistic content that mention another in order to reassert its advertising ideas case of "If there were no Sabesp, 9 between 10 movie stars would not take a bath" referring to the slogan "9 between 10 movie stars use Lux "(2008, p. 29).

The knockoff would be a resource with own qualities but that appropriates the property of similar goods, ie, its not completely identical to the original, neither has a

substantial amount of features that prevent an analogy to the original at the point of: 1. be taken as originals by consumers that unknown the original, 2. satisfy their customers, since they know the original, but believe that the imitation has cost benefit ratio, 3. induce buyers to error because the similarities may cause confusion of the original; 4. harm the competitor or the copyright holders of the original work.

In terms of advertising, the knockoffs may be present in ad content in two primary ways: when an ad composition refers to a brand-product or when use expressions taken from other promotional pieces. In the latter context, it would be an advertisement created similarly of another, case of an advertising agency or advertiser small mimicking a good part of a famous work. There are cases of small advertisers in the interior of Brazil that use songs of others and only allocate their mark on musical composition.

The Chinese market presents many ads seemed others. In 2008, it was identified an advertising board in Beijing, China, where the colors and symbol of McDonald's fast food was imitated. Being a jeweler, this imitation did not show a conflict of interest in terms of business and it even received the legal registration, as indicated by the symbol ®. (Bertolotto; Florindo, 2008).

## 4.5 Adaptation

The adaptation is reuse, translation or transplantation of content from one context to another.

Item 2 of this article developed terminology related to adaptation: transmutation, translation, transcription, transposition, transcoding, transmedia, transcreation, reproduction, duplication or transfer.

The adaptation, even in the advertising field, has a reference previous work and exercises the innovation as another work. Balogh (2004) explains that adaptation can not be a slavish translation or merely illustrative, must contain something new. Schnaars (1997) uses the term "creative adaptations" to describe innovative ways of copying, because they improve the original model or make adaptations to new contexts. The adaptation may encompass multiple formats in the advertising field, as: Reissue or Remake (resumption of an idea involving the same seller), Readjustment or

Reelaboration (new version of the ad to attend certain requirements, but the latest version does not compete with earlier, because eliminate it) and Reproduction (repetition of a pattern of ad to be shared by the advertiser or among its associated members).

The ready-made would be a phrase attributed to Marcel Duchamp's with the meaning to allocate objects in another art spaces were it was assembled conferring the status of art (Peled, 2007). Duchamp therefore believes that the concept of creation is not just about work, but the reading and reception that the observer makes it (Rivera, 2005). The idea of the ready-made is used in other areas, as dance music, when a DJ transplants sounds and music for an composition related to the environment of dance (Arango, 2005), but the use of musical elements in another compositions encounters resistance in terms of copyright. In the advertising field, ready-made it a work recognized, but the overall work in which the work was allocated guard features that makes it distinctive. The "catch phrases" can be considered a type of ready-made, the case of "Around the World in 3 shirts Itolmex" and "What is good for Brazil is good for New York (Globotec)" (Ladeira, 1997: 100).

Carrascoza (2006) characterizes the ready-made as speech transplanted from original context and used in an advertisement and, so, with the potential to become a plagiarism. The author cites the photo of an patient of AIDS in the campaign of Benetton that was taken over by Oliviero Toscani; or, than, the Bom-Bril campaign, whose main character embodies remarkable people such as Mona Lisa and the soccer player Ronaldo.

#### **4.6. Parody**

Is an aesthetic content which make an ironic and obvious imitation from work of others. Johnson and Spilger (2000) conceptualize parody as a kind of satire characterized by an imitation that mocks a particular work or style of an author. They warn that the use of parody in advertising involves intellectual property rights of the company, product or brand. It has five characteristics: 1. It is used in a promotional campaign that need to focus its comments or irreverence clearly, to explain that this action was authorized and to the public recognize this type of action. 2. A parody must limit the use of original work, so use only the features that are essential to remind people of the original. 3.

Parody needs to contain a considerable amount of originality, so that is significantly different from the original. 4. It follows from original works and brands with strong identity in the marketplace, because the ads campaigns, images and strong brands have their strengths and weaknesses known and difficult to be trivialized by the parody. 5. The parody can't reposition the demand merely by changing the target audience of the original, i.e, the parody can't depreciates the brand market or original work.

Jardim (2004) argues that the parodies do not require prior authorization, disagreeing what states the copyright standards: "[...] it gives a humorous and critical tone to known works of the general public." Therefore, in the parody, the original authorship is evident. However, as the author says, the parody can not make excessive use of elements from the original work, or do it into disrepute, something also provided by article 47 of the copyright law of Brazil.

Carrascozza (2008) considers a parody when it cites another text to contest its meaning, as: "O sol nasceu para todos" appropriated by advertiser Dove in "O sol nasceu para todas" (p.25). Sant'Anna warns that the concepts of parody are relative to the reader, ie, depends on the receiver's observation: "It's necessary a repertoire or cultural memory to decode texts superimposed" (2007:26). The author argues that the parody always opens a new paradigm, approaching innovation, as opposed to paraphrase that rests on the same or similar. "The paraphrases are the interpretations of a text in its own words, keeping the original idea. Already parodies are burlesque and ironic imitations from an existing structure (Schultz, 2005:235)

## 5. Final considerations

The aim of this paper was to propose typologies that show the possibility of imitation aesthetics in advertising. In this sense, it was consolidated conceptually six typologies: counterfeiting, piracy, plagiarism, knockoff, adaptation and parody. These categories imitative on the aesthetic attributes of commercial advertising show own and shared attributes, but none is exclusive of advertising area.

A present characteristic in the first three categories is the illicit. It's possible also consider that for the two initials typologies there are few theoretical basement in terms of advertising field, unlike others - plagiarism, knockoff, adaptation and parody - in which the bibliographical support is higher, perhaps by the involvement of intellectual

property and due the similarity aesthetics of propaganda in the face of competitive factors.

Counterfeiting, in terms of advertising, would be the process that an ad passes as true and fraudulently acquire the status of forgery. The imitator offers a trade-dress similar to the original in order to confuse the market. Such occurrence is not common and therefore less occurs in advertising.

Piracy reflects the distribution, sale and illegal flow of products and can integrate advertising practices, something that would not be an common established procedure in the area. An ad that uses, in a harmful way, other people's ideas acquires this concept, even in view of the ownership of the market that this action represents.

Plagiarism is a practice contrary to the intellectual property and for being the advertisement a work thus typified, it fits well in the advertising area as a imitative practice. It is the act of using someone else's work without giving proper credit. Although it is a crime against intellectual property, the illicit imitation of a creative advertising can be extended to the social and competitive field.

Knockoffs are items slightly different of the original by uses of similarity to be associated with the brand and quality. The perception of the whole, as signalized by Gestalt theory, directs the observer to the original. In terms of advertising, are compositions which recall the original product or brand leader, or when use expressions taken from other promotional contexts.

Adaptations are aesthetic contents appropriated from other contexts in order to characterize an intertextuality. In this sense, they can become an stereotypes or cultural kitsch. Advertising has widely used this feature to relaunch campaigns, give continuation in themes or enjoy previous achievements that are relevant to current situations.

The parody, another resource intertextual widely used in the advertising, contains partial reproduction of another work, but satirized and lawful, clearly refering to the original work normally with adherence to cliches and stereotypes.

Other studies and reflections should be made to systematize better imitative practices in the aesthetic field of commercial advertising, perhaps with more methodological options in which interviews and documentary analysis of ads can be

applied. Therefore, the results here indicated can not be generalized and require further research to deepen the discussions proposed.

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