

# Legislation and the Influx of Counterfeit Automotive Lubricants Among SMEs Engaged in Lubricants Trading in Nairobi County

Dr. Amos Muema

Department of Entrepreneurship, Moi University

Corresponding author's e-mail: [jharper@edithcowanjournals.org](mailto:jharper@edithcowanjournals.org)

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## ABSTRACT

**Purpose:** The current study sought to investigate factors influencing the influx of counterfeit automotive lubricants in Kenya with reference to SMEs engaged in lubricants trading in Nairobi. Specifically, the study investigates how legislation influences influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Nairobi.

**Design/ Methodology/Approach:** The study was grounded on the Game Theory, Theory of Reasoned Action (TRA), Theory of Planned Behaviour and the theory of Moral Reasoning and competency. The technique to be used in this research was descriptive in nature. The study targeted the 42 licensed SMEs engaged in lubricants trading in Nairobi. Thus, the study conducted a census survey by covering all the units in the population. Semi-structured questionnaires formed a primary mode of data collection in the research with special focus on SMEs engaged in lubricants trading in Nairobi County. In order to ascertain how valid and reliable the questionnaires are, a pilot study was carried out. The study used qualitative as well as quantitative methods which prior to analysis, data was sorted to ensure completeness.

**Findings:** The findings indicated that legislation ( $\beta=0.351$ ,  $p=0.003$ ) had a positive and statistically significant relationship with influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading related.

**Contribution to policy and practice:** Therefore, based on the above findings, the study recommended the implementation of working and operational policies on forging need to be made serious. The key enforcement agencies including the police, Customs, the Fiscal Service, the anti-monopoly authorities and the consumer protection authorities need to cooperate and work in unison for the best interests of the automotive industry and to protect the brand owners. The customs register at the border likewise need to maintain high quality standards to face out the sale of counterfeit automotive counterfeit lubricants.

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## Background

Counterfeiting can be referred to the process by which identical copies of the original product are packaged with similar labels and trademarks in the sense that they look authentic to the consumer (GOK, 2010). This has become of importance since it directly affects various sectors of the economy where products are faked to similar characteristics, name of the brand, taste, texture among others. The explosive development of multiple types of counterfeiting is mainly ascribed to powerful brand affinity, enormous economic benefits to the counterfeiter, and the worldwide spread of mass manufacturing technologies (Yao, 2014).

In the past few years, customer security issues have evolved in tandem with the pace of global markets, the expansion of multinational distribution networks and the spread of online purchases. As a result, there has been a drastic rise in the number of goods flowing worldwide, which has generated supply chain gaps and specifically exposed customers to emerging markets with differing degrees of quality and safety protection (Moreno-Sanchez et al., 2019).

Despite legislation aimed at reducing the sale of falsified goods in the global market, the practice has grown to a large scale affecting the genuine brand owners, the governments in terms of lost revenue and the consumers. In a report conducted by the International Chamber of Commerce (ICC) Business Action to Prevent Counterfeiting and Piracy (BASCAP) and the International Trademark Association, it is estimated that the gross commercial impact of the global trade mark of counterfeiting and piracy could reach \$2.3 trillion by 2022. It is estimated by the IACC (2008) that 5-7% of world trade is constituted by illegal products. Industry leaders and developers around the globe have recognized this as an increasing issue and are working with organizations like the International Anti-Counterfeiting Coalition (IACC) to prevent copying of their designs through elaborate methods like patenting their works in a bid to protect their intellectual property rights.

The African Automotive Lubricants Industry, for example, has seen growing demand as car sales begin to expand across the world. While the industry comprises just 6% of the global economy, it is expected to rise steadily over the forecast period up to 2029. Development in the automotive industry in African countries is fuelling demand for automotive lubricating oils in Africa. Another big factor leading to the growth of the industry is the rise in the buying power of customers, which is expected to serve as a profitable incentive for market participants in the next ten years (Bastien, 2017; Meraviglia, 2018; Nriagu, Udofia, Ekong & Ebuk, 2016). Different personal dimness however hinder consumer dealing on counterfeit purchase, some researchers cite reasons such as suctions and legal actions related to the criminal conduct, immediate or circuitous societal weight, character qualities and attributes of people, and the capacity of members to defend the conduct (Virkkunen, 2016)..

## Research Problem

According to KAM (2016) trade in counterfeited products in the Kenyan economy ranged up to 50 percent for some commodities, the general observation in to the automotive lubricants market shows that the use of counterfeits is widespread and mostly concentrated in the informal markets located in garages, reseller & repair shops. In Kenya, by 2017, trading in counterfeit products indicated a net worth of up to Ksh 70 billion and the International Peace Institute underscored that

the country loses approximately Ksh 6 billion to Ksh 40 billion yearly to counterfeiting. Forty (40) per cent of the market share annually succumbs to counterfeits (Ksh 30 billion annually). In 2018, the Competition Authority of Kenya (CAK) flagged the Eco Energy Solutions Limited for not selling certified and genuine lubricants to its customers.

According to reports by Anti-Counterfeit Authority (ACA) about 1 out of every 5 oil products sold in major towns in Kenya are counterfeits. For instance, in various markets in Nairobi, such as Kariokor, Kariobangi and Industrial Area, the body discovered illegal lubricant oil filling plant with packaging equipment and oil worth Sh3 million (ACA, 2018). This brings about a significant negative financial effect to the small and medium enterprises and the clients in general, from the use of these fake lubricants which brings problems such as engine knocks. The small and medium enterprises run at a loss, as stock qualities are reduced, jobs are lost and their clients lose trust in them. Further, there is immense loss of tax revenues, since fake products travel through casual markets where charges and tax obligations are only occasionally paid.

Studies have also provided scanty empirical evidence specific to the problem of counterfeiting in Kenya given its magnitude and effects on businesses and consumers. For instance, Macharia et al. (2014) analysed the impact of counterfeit consumer products on social life but failed to address the problem brought about in the oil industry thus presenting a conceptual gap. Kungu (2017) sought to address the problem by investigating the quality management strategies and performance of oil marketing companies in Kenya. However, the findings did not address the strategies towards solving the problem of influx of counterfeits in Kenya and its effect on SMEs. Thus, the study presented a contextual as well as a conceptual gap. This is an indication of the growing need for empirical research to address the problem and thus, the current study finds it worthwhile to investigate factors influencing the influx of counterfeit automotive lubricants in Kenya with reference to SMEs engaged in lubricants trading in Nairobi County.

### **Main Objective**

To find out the extent to which legislation influences influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Nairobi County.

### **Theoretical Framework**

#### **Game Theory**

The theory can be referred to as the analysis of numerical models of contention and collaboration among insightful and sound policy makers. It might be said to have been crafted by the works of Zermelo (1913), Borel (1921) and Von Neumann (1928). John Nash (1950-51) and Lloyd Shapley (1953) have further extrapolated the theory with its influence on the development of several branches of economics spreading over time. In 1994, John Nash, John Harsanyi and Reinhard Selten were awarded the Nobel Memorial prize in economics for their tremendous contribution to the theory which was very influential in economics. The prize was again won by Robert Aumann and Thomas Schelling in 2005, by Leonid Hurwicz, Eric Maskin and Roger Myerson in 2007 and by Lloyd Shapley and Alvin Roth in 2012. This is an indication of the scholarly journey the theory has taken to this date and its significance in various disciplines.

This theory presents a formal language for the portrayal and investigation of intuitive circumstances where a few elements referred to as players, take activities that influence one another (Smith, 1982). A game is a portrayal of vital association that incorporates the requirements on the activities that the players can take and the players' advantages, however does not determine the activities that the players do take. An answer is a precise depiction of the results that may develop in a group of diversions (Osborne & Rubinstein, 1994).

In this theory, there are several assumptions on how the players operate. That is, the players within the game are rational and will strive to maximize their payoffs. This theory posits that a reasonable leader, he/she knows about their choices, frames assumptions regarding any questions, has clear inclinations, and picks his activity purposely after some procedure of streamlining (Leyton-Brown & Shoham, 2008). The Zero-sum game introduced by Adam Smith (1776) also adds on to the theory stating that one player's surplus is offset by a player's deficit which lies at the other end of the spectrum from pure coordination games.

Game theory is used to study various human and animal behaviour. It has been used to predict, explain, prescribe and model human behavior. The theory has also been used by various scholars to explain good and bad behavior. From game theory, scholars can be able to predict actual behavior of human populations when confronted with situations similar to the ones studied in games, Myerson (2013). In the current study, this theory is relevant in explaining the expected dangers that might be encountered due to the trade on the counterfeited automotive lubricants. The counterfeiters and the SMEs trading in the counterfeit automotive lubricant may use the theory to predict the risks associated vs the benefits and for the users in case of non- deceptive purchase, the theory may help explain how they evaluate the consequences and arrive to the purchase of the fake lubricants knowingly.

### **Legislation and Influx of Counterfeit Goods**

Legislation may be referred to as the ability of the government to formulate and implement sound policies and regulations that permit and promote developments in the public sector. OECD basically defines regulation as law. Enactment frames the reason for item guideline both in Kenya and globally. For it to be viable, enactment must be supplemented with viable law implementation. Governments need to create techniques to decrease criminal activities as well as minimize corruption cases and enhance participation/cooperation among administrative experts, police, traditions administrations and the legal executive in the sector in order to viably control the ointment showcase and uphold oils guideline (Wanjau & Muthiani, 2011; Coglianesi, 2012).

De Barnier (2014) studied the impact of counterfeiting on international markets. The fundamental purpose of the research was to give an outline of the legitimate system that oversees the insurance of intellectual rights. The research found that regardless of proceeded with progress in the legitimate cures of falsifying, whether these measures will give the planned alleviation against forgers stays to be seen. In the European States, Van Driel (2018) address the inquiries of how directors can conceptualize the licensed innovation condition, how such situations influence showcase choices of entry, what countermeasures of counterfeiting are often utilized and how effective every strategy is in the market of the host nation.

The lawful and administrative frameworks intended to battle forging can influence those who practice it to a greater extent. Johnson, Fenoff and Kammel (2016) give unique brand organizations instruments to bring suit against forgers and to recoup their misfortunes from counterfeiting. Though solid frameworks are effective in preventing the process, the presence of weak frameworks permit tolerance. Punishments may strongly affect the participation of counterfeiters. The effect of implementation on forging may contrast with regard to the seriousness of the sanctions. On account of their more fragile lawful assurances for International Property Rights and lower dimensions of authorization, developing countries, have exhibited piracy at its highest levels compared to Western countries.

To date, several primary dimensions among them innovativeness, pricing, legislation and consumers attitude have been found useful in determining demand for counterfeits and in turn influencing their influx (Sholy, 2015). Pelicci Jr (2012) focused on anti-counterfeiting enforcement in China. He attributes the reluctance of the Judiciary to implement International Property Rights (IPRs) to ill-training. The pirated products and the strategies needed to combat global counterfeiting.

Johnson (2016) discusses the roots of counterfeit trade in China. He cites strong domestic demand for imitation as one of the reasons for counterfeit trade in China. He notes that after China joined the WTO, China was seen to implement the IPRs albeit incomprehensively. Fleming (2014) reinforces the instance with the case of the Chinese context where the strategies to respond (prescribed in business writing) just show constrained impact. The author further infers that foreign organizations may need to hold up until China turns into an unfortunate casualty, on equalization, rather than a sponsor of item forging before they can depend on better assurance of their protected innovation.

In order to make countermeasures that are binding, significant measures need to be put in place to govern the purchase and sale of counterfeit products. Internationally, four general characterizations of things are progressively have been noted to be susceptible to counterfeiting process: highly visible, high volume, low-tech products with well-known brand names; high-priced, high-tech products; exclusive, prestige products and intensive Research and Development, high-tech products for example pharmaceuticals (Rojek, 2017). In spite of the lack of hypothetical direction, empirical literature appear to recommend that different individual qualities and situational variables are strong motivators of individuals to take part in obtaining of counterfeit products (Spink, 2014).

As a target for counterfeit products, Africa is progressively the concerned destination for the products. The counterfeiting and piracy unit of the World Customs Organization has recognized a fresh trend. It shows that Africa is being used as a transit route for counterfeit products, posing an indirect threat to European and American markets. This fresh trend is challenging current strategies for African counterfeiting (Haman, 2010). For instance, reports indicate that counterfeit drugs represent a third of the Africa's pharmaceutical trade. A comparative analysis in Sub-Saharan Africa by WHO, note about 39.2% of anti-malarial cases in nine Sub-Saharan countries of failed chemical analyses. In Burkina Faso, World Health Organization confidently predicted that the failures in the samples were due to the problem of counterfeiting. It has been proven that the

existence of import tariffs are the major reasons why behind the lagging performance of good-quality, authentic medicine. Many African governments impose tariffs on good quality imported drugs, thereby increasing the expenses of pharmaceutical companies abroad, in some instances preventing them from entering the market (Li, 2014).

In Kenya, different resolutions are set up to prevent the process with the latest and explicit being the Anti-Counterfeit Act, 2008 that built up the Anti-Counterfeit Agency whose sole order is to battle duplicating in Kenya (WIPO, 2018; ACA, 2018). As the process of counterfeiting is unlawful and is commonly seen as ominous by the media and overall population, it is sensible to accept an individual who is increasingly helpless to social impact (both regularizing and enlightening) will express negative frames of mind towards duplicating (Macharia et al., 2014).

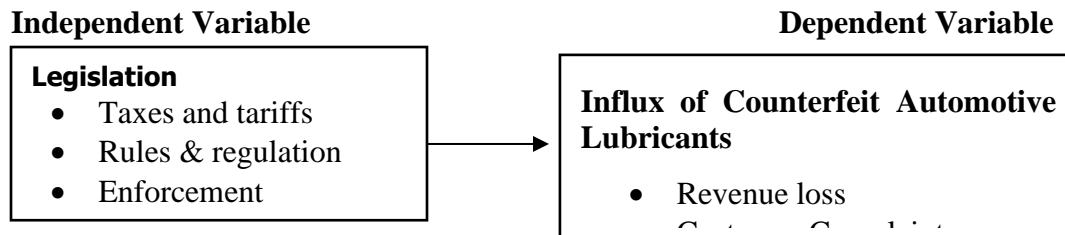
Kenya's Penal Code (Cap 63) likewise, gives a general system anti-counterfeiting criminal laws which punish duplicating or producing of trademarks, and conducts comprising of trade mark counterfeiting. This incorporates producing or duplicating a trade mark; applying any trade mark that is not genuine to any asset or article and appending any property or article to any case, spread, reel, ticket, name, or other thing to which any trade mark has been erroneously connected, or to which any false or fake trade mark has been connected (Karingu & Ngugi, 2013).

### **Research Gaps**

Although there is limited research conducted to measure the increase in cases of counterfeiting in Kenya, the magnitude and effects of counterfeiting is of such significance that it compels strong and sustained action from the government, businesses and consumers, (GOK, 2010). Empirical studies done in Kenya on counterfeits have been studies conducted on counterfeited products like pharmaceutical drugs and electronics. According to Wanjau and Muthiani (2011), however, no research has been conducted to study the factors that contribute to the influx of counterfeit automotive lubricants in the Kenyan market, the effects to the oil industry and the economy in general.

Despite there being many researches that have attempted to explain the supply perspective of goods that are not genuine, there are still scant empirical reviews that have narrowed down to Kenyan context. According to Opiyo (2006) factors for instance an unsupportive governmental structure, the attitude of customers towards counterfeit products and greater prices attached on goods can still influence this issue in question. However, there is still a gap to be filled which the current study has identified and thus sought to fill.

## Conceptual Framework



**Figure 1: Conceptual Framework**

## Methodology

The study was grounded on the Game Theory, Theory of Reasoned Action (TRA), Theory of Planned Behaviour and the theory of Moral Reasoning and competency. The technique to be used in this research was descriptive in nature. The study targeted the 42 licensed SMEs engaged in lubricants trading in Nairobi. Thus, the study conducted a census survey by covering all the units in the population. Semi-structured questionnaires formed a primary mode of data collection in the research with special focus on SMEs engaged in lubricants trading in Nairobi County. In order to ascertain how valid and reliable the questionnaires are, a pilot study was carried out. The study used qualitative as well as quantitative methods which prior to analysis, data was sorted to ensure completeness. Coding of the responses was done, in order to enable the data to be analyzed using SPSS software. The quantitative information was analyzed descriptively, and inferential statistics was drawn by the use of SPSS software.

## Findings

### Descriptive statistics

The respondents were supposed to indicate respond to the statements. The results were presented in the following table:

**Table 1: Table showing the frequencies and percentages of the influx of Automotive Counterfeits**

Statements	Scale	Frequency	Percent
How many times have you unknowingly purchased counterfeit automotive lubricants from wholesalers	Infrequently	17	41.5
	Frequently	24	58.5
To what extent do you receive customer complaints about counterfeit automotive lubricants	Great extent	16	39
	Moderate extent	17	41.5
To what extent is the influx of counterfeit automotive lubricant a problem to your firm	Low extent	8	19.5
	Great extent	13	31.7
	Moderate extent	18	43.9

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Low extent                                  10                                  24.4

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The results in table 1 above show that 58.5% agreed that they have frequently and unknowingly purchased counterfeit automotive lubricants from wholesalers. In addition, 80.5% also indicated that they have to a great extent received customer complaints about counterfeit automotive lubricants. Furthermore, 75.6% of the respondents indicated that the influx of counterfeit automotive lubricant is a problem to their firm.

### **Descriptive statistics of influx of automotive counterfeits**

The respondents were supposed to indicate respond to the statements regarding influx of automotive counterfeits. This was done using the *5-point scale of Strongly Agree (5) Agree (4) Neutral (3) Disagree (2) and Strongly Disagree (1)*.

**Table 2: Descriptive results in percentage, showing the responses regarding legislation**

Statements	1	2	3	4	5	Mean	S.D
The counterfeit automotive lubricants have led to revenue loss in your firm	0.00%	14.63%	9.76%	39.02%	36.59%	3.98	1.04
The customers have raised many complaints regarding counterfeit automotive lubricants	0.00%	7.32%	19.51%	39.02%	34.15%	4.00	0.92
The purchase of counterfeit automotive lubricants has lowered the loyalty of the customers and thus loss of customer base	4.88%	14.63%	7.32%	41.46%	31.71%	3.80	1.19
The profitability of the firm has been inconsistent due to the influx of counterfeit automotive lubricants	2.44%	2.44%	19.51%	41.46%	34.15%	4.02	0.94
Average						3.95	1.02

S.D =standard deviation

The results in Table 2 revealed that majority of the respondents (75.61%) indicated that the counterfeit automotive lubricants have led to revenue loss in their firms. The responses had a mean of 3.98 and a standard deviation of 1.04. Majority of the respondents (73.17%) indicated that the customers have raised many complaints regarding counterfeit automotive lubricants. The responses gave a mean of 4.00 and a standard deviation of 0.92. Furthermore, majority of the respondents (73.17%) indicated that the purchase of counterfeit automotive lubricants has lowered the loyalty of the customers and thus loss of customer base. The responses showed a mean of 3.80 and a standard deviation of 1.19.

In addition, majority of the respondents (75.61%) indicated that the profitability of the firm has been inconsistent due to the influx of counterfeit automotive lubricants. The responses gave a mean 4.02 and a standard deviation of 0.94. On a five-point scale, the average mean of the responses was 3.95 which mean that majority of the respondents agreed with the statements regarding the influx of automotive counterfeits; however, the answers were varied as shown by a standard deviation of 1.02. These findings have been found to be consistent with those according to worldwide annual trade reports which indicated that counterfeit goods are on the rise and currently



stands at 3.3% (OECD, 2018). Furthermore, the findings of the IACC show that this problem has grown by more than 10,000% over the past 2 decades, partly due to increased consumer demand. Falsification costs companies up to \$250 billion annually in the United States (IACC, 2017). In addition, according to Kojima, Matthews and Sexsmith (2010), petroleum products which drives a better part of the economy of African countries has been noted to have encountered numerous cases of adulteration. In Tanzania an estimated loss of up to US\$ 1.5 billion is due to counterfeits. Other statistics going by conservative estimation from the study on counterfeits conducted in 2012 indicate 40% of their genuine goods sales are lost annually as a result of trade (Kanyathare, Kuivalainen, Rätty, Silfsten, Bawuah & Peiponen, 2018). This is an indication that the problem is worth the focus even in the current contextual focus.

### Legislation

**Table 3: Table showing the frequencies and percentages regarding legislation**

Statements	Scale	Frequency	Percent
Does legislation influence influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Kenya?	Infrequently	8	19.5
	Frequently	33	80.5
To what extent does legislation influence influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Kenya?	Great extent	9	22
	Moderate extent	27	65.9
	No extent	5	12.2

The results in the table 3 above revealed that 80.5% indicated that legislation has an influence on the influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Kenya. In addition, 78.1% of the respondents indicated that legislation influences influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Kenya to a great extent.

### Descriptive statistics of statements regarding legislation

The respondents were supposed to indicate respond to the statements regarding legislation. This was done using the *5-point scale of Strongly Agree (5) Agree (4) Neutral (3) Disagree (2) and Strongly Disagree (1)*.

**Table 4: Descriptive results in percentage, showing the responses regarding legislation**

Statements	1	2	3	4	5	Mean	SD
Legislation forms the basis for product regulation both in Kenya and internationally	0.00 %	12.20 %	9.76 %	39.02 %	39.02 %	4.05	1.00
For product regulation be effective, legislation must be complemented with effective law enforcement.	0.00 %	12.20 %	7.32 %	60.98 %	19.51 %	3.88	0.87
The influx of fake lubricants has been motivated by the unregulated low prices compared to the original lubricants	17.07 %	9.76%	4.88 %	34.15 %	34.15 %	3.59	1.48

The county government enforces stringent measures on the owners and marketers of fake lubricants	12.20		2.44	48.78	31.71		
	%	4.88%	%	%	%	3.83	1.28
The laxity in taxes and levies on the authentic automotive lubricants have made it favourable for fake automotive lubricant sellers to thrive in the market	7.32		9.76	48.78	26.83		
	%	7.32%	%	%	%	3.80	1.14
<b>Average</b>						<b>3.83</b>	<b>1.15</b>

S.D =standard deviation

The results in table 4 above revealed that majority of the respondents (78.04%) indicated that legislation forms the basis for product regulation both in Kenya and internationally. The responses had a mean of 4.05 and a standard deviation of 1.00. The results also exposed that majority of the respondents (80.49%) agreed that for product regulation be effective, legislation must be complemented with effective law enforcement. The responses gave a mean of 3.88 and a standard deviation of 0.87. Additionally, 68.30% of the respondents agreed that the influx of fake lubricants has been motivated by the unregulated low prices compared to the original lubricants. The responses scored a mean of 3.59 and a standard deviation of 1.48. The results also showed that 80.49% of the respondents indicated that the county government enforces stringent measures on the owners and marketers of fake lubricants. The responses gave a mean of 3.83 and a standard deviation of 1.28.

Moreover, majority of the respondents (75.61%) agreed that the laxity in taxes and levies on the authentic automotive lubricants have made it favourable for fake automotive lubricant sellers to thrive in the market with the responses getting a mean of 3.80 and a standard deviation of 1.14. In conclusion, the average mean of the responses was 3.83 when viewed on a scale of five points. This means that the majority of the respondents agreed with the statements on legislation. However, the answers were varied as shown by the standard deviation of 1.15.

These findings are consistent with those of Johnson, Fenoff and Kammel (2016) who state that though solid frameworks are effective in preventing the process, the presence of weak frameworks permit tolerance. Punishments may strongly affect the participation of counterfeiters. The effect of implementation on forging may contrast with regard to the seriousness of the sanctions. On account of their more fragile lawful assurances for International Property Rights and lower dimensions of authorization, developing countries, have exhibited piracy at its highest levels compared to Western countries. In addition, according to De Barnier (2014), regardless of proceeded with progress in the legitimate cures of falsifying, whether these measures will give the planned alleviation against forgers stays to be seen.

### **Relationship between influx of lubricants and Legislation**

Inferential statistics makes the inferences/implications of the data in the study that is, generalization about the population based on the samples.

## Correlation Analysis

The Pearson correlation coefficient was used to determine the association between the variables. That is if it was positive or negative. It measures the strength of two variables that in a linear association, with a denotation of  $r$ . The denotation of  $r$ , is estimated using a threshold of +1 to -1. The association when a value is above 0 means the value of the other variable in linear comparison increase with a positive value, when the value is below 0 this shows that there is a negative association and the linear relation decreases on the same line. When  $r = 0$ , we may not assert that there is no correlation at all between X and Y. The extreme values of  $r$ , that is, when  $r = \pm 1$ , indicate that there is perfect (positive or negative) correlation between X and Y. However, if  $r$  is 0, we say that there is no or zero correlation (Taylor, 1990; Gogtay & Thatte, 2017).

**Table 5: Correlation results between lubricants and its determinants**

Variables		Influx	legislation
Influx	Pearson Correlation	1	
	Sig. (2-tailed)		
legislation	Pearson Correlation	.599**	1
	Sig. (2-tailed)	0.001	

\*\* Correlation is significant at the 0.01 level (2-tailed).

\* Correlation is significant at the 0.05 level (2-tailed).

The results in the table 5 revealed that there was a positive and significant association between legislation and influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Nairobi County ( $r=0.599$ ,  $p=0.001$ ). The  $r$  value of 0.599 indicates a value of greater than 0 which implies that legislation as a linear variable has a positive association with influx of counterfeit automotive lubricants. This implies that an increase in unis related to legislation resulted in a direct increase in the influx of counterfeit automotive lubricants. These findings are consistent with Pelicci Jr (2012) who attributes the reluctance of the Judiciary to implement International Property Rights (IPRs) to ill-training as well as the increase in influx of counterfeits. Johnson (2016) further cites strong domestic demand for imitation is one of the reasons for increase in counterfeit trade in China. He notes that after China joined the WTO, China was seen to implement the IPRs albeit incomprehensively. The findings are further consistent with those of Macharia *et al.* (2014) who states that as the process of counterfeiting is unlawful and is commonly seen as ominous by the media and overall population, it is sensible to accept an individual who is increasingly helpless to social impact (both regularizing and enlightening) will express negative frames of mind towards duplicating.

## Summary of the Findings

The study first sought to determine how legislation influences influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Nairobi County. The findings revealed that legislation has an influence on the influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading in Kenya. Correlation findings supported the findings by indicating a positive and significant association between legislation and influx of counterfeit automotive

lubricants among SMEs engaged in lubricants trading in Nairobi County. This was shown by an  $r$  value of 0.599 which was greater than 0 thus indicating a positive relationship. This implies that an increase in units related to legislation resulted in a direct increase in the influx of counterfeit automotive lubricants.

The findings from the regression analysis revealed that the causal relationship was significant and that an increase in one unit related to legislation resulted in an influx of counterfeit automotive lubricants among SMEs engaged in lubricants trading by 0.351 units. These findings are consistent with Pelicci Jr (2012) who attributes the reluctance of the Judiciary to implement International Property Rights (IPRs) to ill-training as well as the increase in influx of counterfeits. Johnson (2016) further cites strong domestic demand for imitation as one of the reasons for increase in counterfeit trade in China. He notes that after China joined the WTO, China was seen to implement the IPRs albeit incomprehensively. The findings are further consistent with those of Macharia *et al.* (2014) who states that as the process of counterfeiting is unlawful and is commonly seen as ominous by the media and overall population, it is sensible to accept an individual who is increasingly helpless to social impact (both regularizing and enlightening) will express negative frames of mind towards duplicating.

### **Conclusion**

The study also concluded that legislation is one of the fundamental factors that can form the basis for influx of counterfeit lubricants in the market. This has been noted to play a pivotal role in the regulation of lubricant products to SMEs in Nairobi. The study thus noted that enforcement of the laws regarding counterfeit products need to take into account the regulation of prices in order to help compare the original versus the fake products. For instance, laxity in taxes and levies on the authentic automotive lubricants was concluded to make it favourable for fake automotive lubricant sellers to thrive in the market. However, the study concluded that the more stringent the rules become, the more the wholesalers will opt to sell counterfeit lubricants since they will not be able to reap benefits from the higher prices attached to genuine products. However, it was noted that quality is a factor that goes along with prices and authenticity. Thus, for loyal customers, the wholesalers will make sure they adhere to genuine products in order to ensure that their customer base is preserved. Thus, measures in the regulatory environment can be both contributors and inhibitors of counterfeit products in the market.

### **Recommendations**

Since counterfeit products are fakes bearing a trademark that is identical to, or indistinguishable from, a trademark registered to another party, they infringe on the rights of the holder of the trademark. This deteriorates the automotive lubricant industry affecting not only the companies whose goods are copied but also, more broadly, trading relationships, the economy and consumers. Therefore, based on the above conclusions, the study recommended the following:

The implementation of working and operational policies on forging need to be made serious. On account of their more fragile lawful assurances for International Property Rights and lower dimensions of authorization, the government needs to enforce laws that exhibit piracy at its highest

levels in order to protect the copyrights of the lubricant producers. The enforcement needs to likewise cover the consumers in order to ensure that the lubricants are genuine for quality purposes.

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