

WIPO National Training of Trainers Program on  
Effective IP Asset Management by SMEs

## **Looking Good: The Role of Design in Branding**

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# Introduction

- ▶ What is the issue?
  - Trademark and Industrial Design = IP
  - IP = Capital
  - Capital = Economic Development
- ▶ Why it is important to us?
  - Branding needs original and attractive Trademark and Design
- ▶ How this is important?
  - The trademark and the design benefit the Branding
  - and the Branding benefits business

# What are the Objectives?

- ▶ Understand the basics of trademark and industrial design and their impact on business
- ▶ Know how to create a brand and what branding strategy to use and manage it within your business
- ▶ Know the role played by trademarks and designs in reinforcing brand power and how to apply it to your business
- ▶ Know the importance of legally protecting your designs and trademarks and the steps to be taken in case of infringement

# How can we reach these Objectives?

- 1– Importance of Trademarks and Industrial Designs in Increasing the Power of Marketing
- 2– Strategies of Building the Brand: how?

# 1 – Importance of Trademarks and Industrial Designs in Increasing the Power of Marketing

## The Value of a Brand قيمة العلامة

A brand = name, term, sign, symbol, design, or a combination of them intended to

identify تحدد

the goods and services البضائع والخدمات of one seller or group of sellers and to differentiate

تميزها

them from those of other sellers.

# How Can Branding Benefit My Business?

## 1 – Recognition and Loyalty خلق الاعتراف والولاء

- ▶ Customers **remember** your business. A strong brand name and logo/image helps to keep your **company image** in the mind of your potential customers. انطباع الاسم في ذاكرة المستهلك
- ▶ If customers trust your brand, they are likely to **trust you** with unfamiliar products. بناء الثقة
- ▶ If customers are **happy** with your products or services, you are building their **loyalty** across your business. بناء الولاء

# How Can Branding Benefit My Business?

## 2- Image of Size اعطاء صورة عن الحجم

- ▶ A strong brand will project an image of a large and **established business** to your potential customers. People usually associate branding with larger businesses that have the money to spend on **advertising** and promotion. Effective branding makes your business appear to be **much bigger** than it really is. الناس تتأثر عادة بصورة الشركة الكبيرة والقوية القادرة.
- ▶ An image of size and establishment is important in **reassuring** that you will still be around in a few years time. تبعث نوعاً من الاطمئنان في نفس المستهلك.

# How Can Branding Benefit My Business?

## 3- Image of Quality اعطاء صورة عن النوعية

- ▶ A strong brand projects an **image of quality** in your business, many people see the brand as a part of a product or service that helps to show its quality and value.  
العلامة القوية تعكس انطباعاً لدى المستهلك عن حسن النوعية والجودة
- ▶ If you show a person two identical products, only one of which is branded; they will almost always believe the **branded item is higher quality**.  
المستهلك يعتقد دائماً أن المنتج ذو العلامة هو ذو نوعية أفضل
- ▶ Over time the image of quality in your business will usually go up. But branding **cannot replace good quality**, and bad publicity will damage a brand (and your businesses image), especially if it continues over a long period of time.  
في كل الأحوال يجب احترام حد أدنى من الجودة والنوعية حتى ولو اكتسب الاسم شهرة واسعة



# How Can Branding Benefit My Business?

## 4- Image of Experience and Reliability اعطاء صورة عن الخبرة والموثوقية

- ▶ A strong brand creates an image of an **established business** that has been around for long enough to become well known. العلامة القوية تعكس صورة مشروع تجاري مؤسس وقوي.
- ▶ A branded business is more likely to be seen as experienced in their products or services, and will generally be seen as **more reliable and trustworthy** than an unbranded business. المشروع التجاري الذي يشتغل تحت علامة يعتبر أنه ذو خبرة في مجاله ويمكن الوثوق به أكثر.
- ▶ Most people will **believe** that a business would be hesitant to put their brand name on something that was of poor quality. المستهلك يعتقد بأن الشركة لا تسوق منتج تحت علامتها المشهورة اذا كانت نوعيته متدنية.

# How Can Branding Benefit My Business?

## 5- Multiple Products      تعدد المنتجات

- ▶ If your business has a strong brand, it allows you to **link together several different products or ranges**. العلامة القوية تسمح بربط عدة منتجات بعضها ببعض.
- ▶ You can put your brand name on **every product or service you sell**, meaning that customers for one product will be more likely to buy another product from you. المستهلك سوف يشتري تلقائيًا المنتجات التي تحمل العلامة القوية



▶ For Example:

**Sony** sells televisions, music equipment, consoles, camcorders, DVD players, video players, and etc all under the Sony brand name.



- ▶ You can also create **separate brand names** for your product ranges, allowing people to see your brand name, and then use the range brand name to work out what they wish to buy. يمكن أيضًا خلق علامات فرعية لكل فئة من منتجات الشركة. وذلك مع الإبقاء على العلامة الأساسية التي اكتسبت على أساسها الشركة ثقة المستهلك



▶ For Example:

**Cadbury's** makes a range of confectionary under many different sub-brand names such as Dairy Milk, Boost, Flake, and Time Out. All of these are sold under the product brand, but all feature the Cadbury's brand name on the packaging.



# Creating Brands through Trademarks

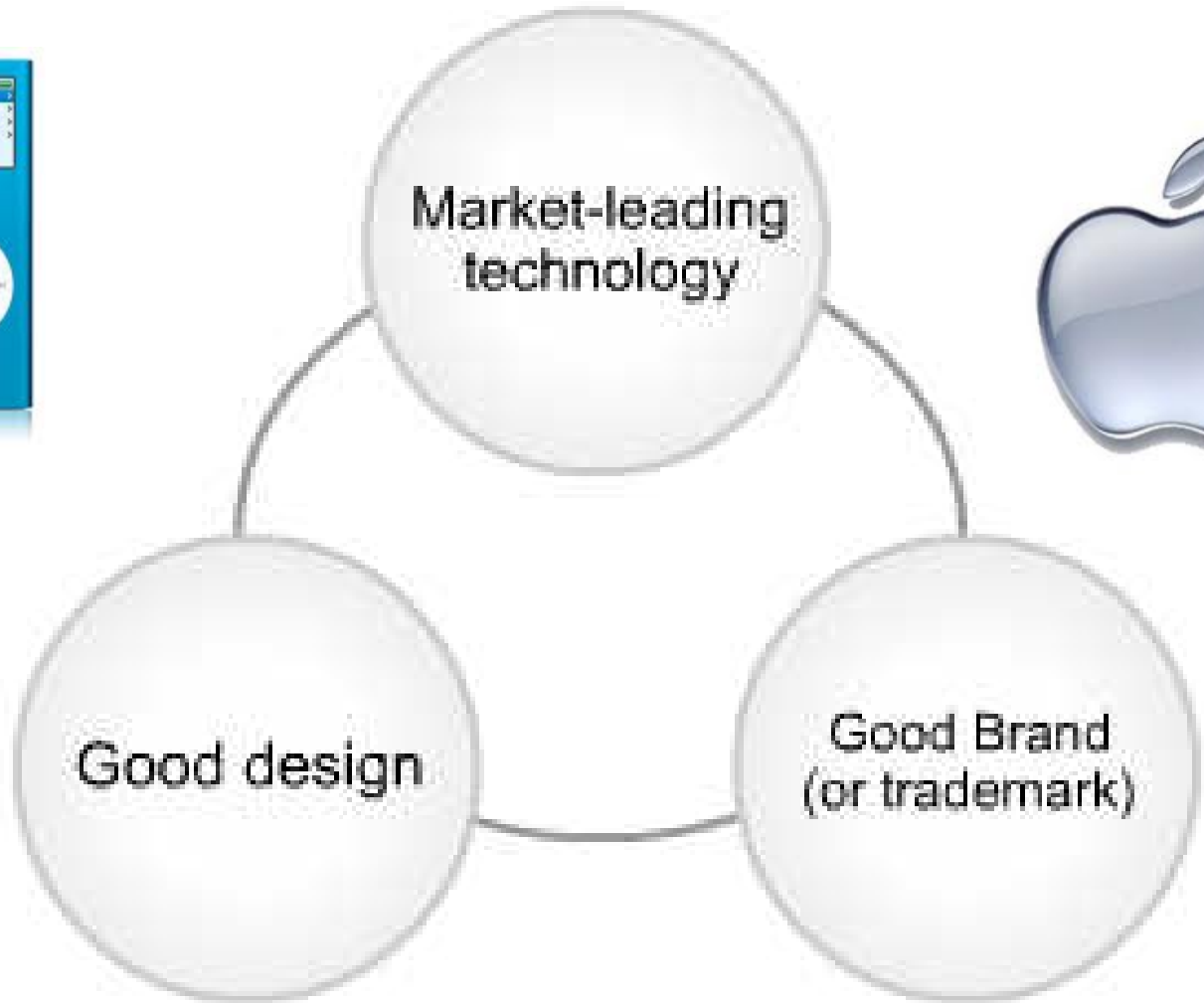
-----> **As a result** **بالمحصلة**

- ▶ Positive Image → Trust → Loyal Clientele → Business Goodwill in the long term  
الصورة الايجابية  
= الثقة = مستهلك مخلص = شهرة العلامة على المدى الطويل
- ▶ Satisfied Consumers → Emotional Attachment  
رضا المستهلك = تعلق عاطفي ونفسي بالمنتج
- ▶ Brand → Cultural Image → Consumers Linked to Product  
العلامة = تعكس صورة ثقافة معينة = يرتبط بها المستهلك

# Strengthening Brands through Industrial Design تقوية العلامة من خلال التصميم الصناعي

- ▶ The brand plays important role in **attracting consumers**. للعلامة دور مهم في جذب المستهلك
- ▶ But often it is the **external appearance** that may first catch the eye of a potential consumer. المظهر الخارجي يلفت النظر
- ▶ Good **design often wins passionate brand loyalty** as in the case of Apple's iPod. التصميم الجميلة تؤدي الى ولاء المستهلك







# Character of an Industrial Design

## ▶ Protection:

– It must be **new or novel**. الجدة.

– It must be **original**. الأصالة.

– It must have an **individual character**. ذو طابع خاص او فريد



# 2– Strategies of Building the Brand

## How to select a mark?

- ▶ Shall support business goals and objectives. تراعي أهداف وتطلعات المشروع التجاري.  
====>
- ▶ Wide range of issues to consider:
  - The relevant languages عنصر اللغة
  - Culturally determined meaning of colors اللون
  - The legal requirement that arise out of the relevant trademark law العامل القانوني

- The market of the trademark: national or international → عامل السوق المرتقب للعلامة : وطني أم عالمي

**challenge** to create or select a mark that has no meaning or does not have a **negative** meaning or **connotation** in any of the relevant languages.

- صعوبة ايجاد علامة تحترم معيار اللغة على الصعيد العالمي

# The five-points checklist قائمة التحقق

## ▶ Legal Requirements:

- ▶ In compliance with the trademark law احترام العلامة لقانون الملكية الصناعية

## ▶ Language Requirements:

- ▶ Easy to read, spell, remember, retrieve سهولة قرائتها / تذكرها / استعمالها
- ▶ Not generic or descriptive of the product or service الا تكون عامة او وصفية

## ▶ Trademark Search:

- ▶ Not identical or confusingly similar الا تكون مستعملة في مكان آخر

## ▶ Connotation:

- ▶ No undesirable or negative connotation in any language الا يكون لها معنى سلبي

## ▶ Domain Name:

- ▶ Availability of the corresponding domain name أن يكون عنوان الموقع متاح

# Example of easily accepted words:

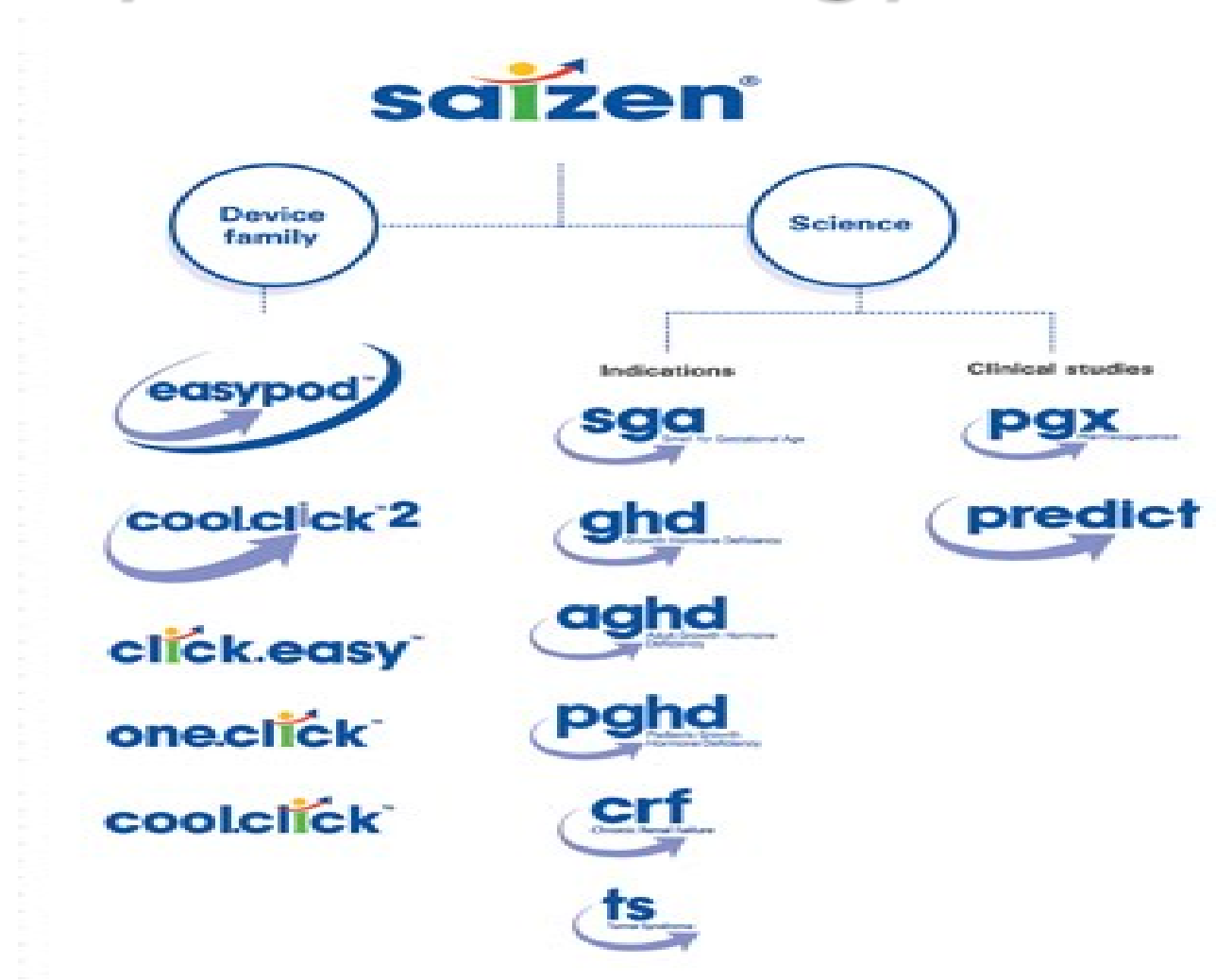
- ▶ Coined words → no meaning / invented words **الكلمات المألفة**
  - ▶ KODAK
- ▶ Arbitrary words (fanciful) → does not describe the product **الكلمات العشوائية غير الوصفية**
  - ▶ ELEPHANT (for cell phones)
- ▶ Suggestive Words → describe some attributes of the product **الكلمات الموحية**
  - ▶ Airbus/Nescafe/Swatch (Swiss watch)

# Branding Strategies

- ▶ Depending on the products you sell, on your relevant market or on your competitors, you might use design as a part of a **multi-brand strategy** or a **family brand strategy**. استراتيجية العلامة العائلة

يكون هناك تصميم موحد يمكن الربط بين المنتج والعائلة التي ينتمي اليها حتى ولو اختلف الاسم

# Family brand strategy



# Multi brand strategy

- ▶ Usually you see this a lot on trademarks: a **multi-brand strategy** means that you market two or more products under different and unrelated brands: for example, because you want to segment your market between high end and low end. With designs you can do this as well. For example, Daimler owns the brands Mercedes and Smart. You notice that the design of the cars is also very different.

يمكن ايضاً تسويق منتجاتان أو أكثر تحت أسماء مختلفة كلياً



# Multi branding تعدد العلامات



# Family branding strategy

- ▶ In the **family branding strategy**, the same brand is used on a group of products of the same company

نفس العلامة تستعمل على عدة منتجات

# Family branding



LG



# Product extension strategy

- ▶ Many businesses use an **existing brand** for a **new product** to save time and money. Product extensions are new products or services introduced under an established brand name either in the same (line extension) or a new (brand extension) product category. استعمال العلامة الموجودة والمعروفة وتطبيقها على منتجات جديدة وفي مجالات مختلفة

# Product extension



# Line extension strategy

- ▶ In the **Line extension** a new variety of a product is introduced in the market. This means that the core characteristics are the same, but the new variety offers a new benefit, such as flavour, size, package type
- ▶ هنا يدخل صنف جديد من المنتج على السوق، يكون له الخصائص نفسها وانما أضيف اليه شيء جديد

# Line extension



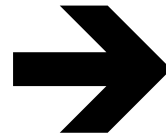
# Brand extensions strategy

- ▶ **Brand extensions** happen when a brand name or design is used to enter a completely different product market. This can help to give credibility to the new product

أي حين تستعمل العلامة لاختراق السوق من خلال منتج جديد كليًا  
هذا الأمر يؤدي الى اعطاء مصداقية للمنتج الجديد



# Brand extension



The same product might be eligible for multi-protection:

- Designs & Patents (or Utility Models)
- Designs & Copyright
- Designs & Trademarks

# Designs & Patents

- ▶ Design protects aesthetic features **الشكل** of a product (it is primarily ornamental), whereas its functional features (functional improvements) **الخصائص الوظيفية** can be protected by a patent or a utility model (نموذج المنفعة)

# Designs & Copyright

- ▶ A cumulative protection by design law and by copyright law is possible. Knowing that copyright protection last longer than design protection.

# Designs & Trademarks

- ▶ If a product's design becomes a distinctive feature **خاصة مميزة** of that product, it can be protected as a 3D trademark (in some countries) **علامة ثلاثية الأبعاد**
- ▶ Once a design acquires distinctiveness **خاصة** through its use in the market it may qualify for trademark registration. **التمييز**

- ▶ This is the case of the Coca-Cola bottle which is a three-dimensional mark or trade dress.



Coca-Cola Bottle Evolution

- ▶ The shape of the bottle was initially an industrial design **تصميم صناعي** and only later it was registered as a trademark in many countries.

# Thank you

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