



GOVERNMENT OF THE REPUBLIC OF MALAWI



JAPAN PATENT OFFICE



## The Usefulness of Brand Information to Improve The Image of Malawian Companies

at the

**WIPO Workshop on the Development of the  
Technology and Innovation Support Center (TISC) Network  
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# BRANDING

- Branding is one of the most important aspects of any business large or small, retail or wholesale.
- Therefore an effective brand strategy gives any business a major edge in a competitive market
- Branding helps consumers identify and recognize your products and organization
- It is what makes your company different from the competition
- Branding helps you connect with customers emotionally
- It helps your consumers know what to expect by making your products easy-to-choose
- It helps you build trust with many different stakeholders
- It allows you to be clear with your organization's strategy and stay focused

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*Online*

  
**MWAYI**



So you must have a branding strategy for your business!

# Branding.....

- A brand is more than just a name, a logo design or a symbol – it is everything that encompasses your organisation and helps to set you apart from others
- It differentiates your offering from your competitors'
- Your brand is your promise to your customer, it tells them what they can expect from your products and services

Branding can be achieved through:

- The visual identity of the brand (logo, website and colours).
- Advertising and communications
- Product and packaging design
- In-store experience
- Pricing
- Sponsoring and partnerships



# Branding.....

- Think of a brand like a person, each individual has their own personality, way of dressing, communicating, their own values, friends, characteristics and story to tell. It is this that makes up who we are and it is also these characteristics which make a brand.
- A great example of a brand that successfully managed to create a strong visual brand identity through its packaging design is Minute Maid. Back in 2009, they redesigned their packaging for their premium range of products to ensure that they are easy to identify on shelf.
- They created a coherent and unified look that is easy to recognize across the different product lines, countries and cultures.
- They are also following the trend of taking natural products as opposed to fizzy drinks.



# The Differentiation

- People tend to have no relationships with products, their loyalty and commitment is to the brand. If no branding were applied to the product of bottled water, the consumers would buy just water and any water, it doesn't matter which as they all look the same.



- But with branding you make your product different, it is the reason your consumer walks into the supermarket and purchases your water above your competitors. And it's not because it tastes different, it's because they can relate to and are loyal to your brand. The promises you have made to them and the secret salesman packaging have resonated with this consumer and they have chosen you.

# Emotional Connection

- Building a brand helps your company to create trust with your target market
- It helps to create brand loyalty, so these customers continue to keep coming back.
- A company that communicates a clear brand promise and actually constantly delivers this promise over time, will probably build a solid number of loyal customers
- Branding encompasses a number of elements and your values is one of them. It is these values which are embedded into your brand which then help to create the emotional connection with people and how your brand makes them feel.
- For example, you buy Nike because it will make you feel trendy and capable of doing anything. Nike represents specific values and communicates them to its audience in an effective way – a lot of our buying power is based on our emotional reactions.

# Best strategy for top talent

- Branding is the best strategy to attract top quality talent
- Employer branding is used to attract quality talent to your company and help retain your top existing employees.
- It helps your audience understand the “why I should work for you” in a way that showcases your organization as a great place to work.
- A great example of a brand that is good at attracting and retaining employees is Google. They make all their employee perks (nap pods, free meals and international careers) known over the web.
- Also, Google Career’s tagline alone, “Do cool things that matter,” could convince anyone to work for them.

Lovely google lunch area!



# Build Trust

- Branding helps companies shape their company's reputation and attract a variety of stakeholders: customers and employees, but also investors, business partners, providers, governments, opinion leaders, purchasers and licensees, etc.
- For example, providers like to work with companies that are known for their professionalism, investors will invest in companies that have a good reputation and so on.
- You can read [Coca- Cola's stakeholder engagement strategy](#) and see how they interact with every different types of stakeholders to improve their brand's reputation.
- Do not think that you cannot make it in Malawi, look around and follow the leaders, start in a small way and you will get there.
- “Your brand is the single most important investment you can make in your business”, Steve Forbes, American Publishing Executive.



# Stay Focused

- To build a successful brand everyone needs to be on board. From the CEO to the shop floor worker, everyone needs to believe in the same vision and the same purpose.
- It is this drive that will also drive your business to success.
- If you have employees who really understand and believe in what they doing and why they're doing it, their drive will come through to your customers.
- This is why it is important to have a clear brand strategy and provide every people working for your company with structured and detailed brand guidelines, which will reflect the brand's purpose, strategy, values, and communication codes.
- Branding is more than just a fancy marketing term because to have a valuable brand helps to develop a profitable business.
- Look at MTN, Coca Cola, Apple and McDonald's to understand the value of a brand.
- As well as allowing you to keep your loyal customer base, your brand strategy should also allow you to target and attract new customers.

## TOP 10 MOST-ADMIRED BRANDS OF AFRICAN ORIGIN

(Spontaneous/Unprompted) BRAND AFRICA 100: AFRICA'S BEST BRANDS 2017/18 May 25, 2018

RANK	BRAND	CATEGORY	COUNTRY
1	MTN	Telecommunications	South Africa
2	Dangote	Consumer, Non-Cyclical	Nigeria
3	Anbessa	Apparel	Ethiopia
4	Glo	Telecommunications	Nigeria
5	Tiger Brands	Consumer, Non-Cyclical	South Africa
6	Shoprite	Retail	South Africa
7	Econet	Telecommunications	Zimbabwe
8	Tusker	Alcoholic Beverages	Kenya
9	Trade Kings	Consumer, Non-Cyclical	Zambia
10	Azam	Food	Tanzania































# TOP 10 MOST-AFRICAN BRANDS IN AFRICA

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1	Dangote	Consumer, Non-Cyclical	Nigeria
2	MTN	Telecommunications	South Africa
3	Anbessa	Apparel	Ethiopia
4	DStv	Media	South Africa
5	Glo	Telecommunications	Nigeria
6	Shoprite	Retail	South Africa
7	Tusker	Alcoholic Beverages	Kenya
8	Safaricom	Telecommunications	Kenya
9	Amarula	Alcoholic Beverages	South Africa
10	Mukwano	Consumer, Non-Cyclical	Uganda

# FORBES LIST-the most valuable brands of 2016

Rank		Logo	Name	Country	Brand Value (USD \$ Millions)		Brand rating	
2016	2015				2016	2015	2016	2015
1	1		Apple		145,918	128,303	AAA	AAA
2	3		Google		94,184	76,683	AAA+	AAA
3	2		Samsung Group		83,185	81,716	AAA	AAA-
4	8		Amazon.com		69,642	56,124	AA+	AAA-
5	4		Microsoft		67,258	67,060	AAA	AAA
6	5		Verizon		63,116	59,843	AAA-	AAA-
7	6		AT&T		59,904	58,820	AA+	AA+
8	7		Walmart		53,657	56,705	AA	AA+
9	11		China Mobile		49,810	47,916	AAA-	AAA-
10	15		Wells Fargo		44,170	34,925	AAA-	AAA-
11	14		Toyota		43,064	35,017	AAA-	AAA-
12	9		McDonald's		42,937	52,909	AAA	AAA-
13	10		GE		37,216	48,019	AA+	AA+
14	22		ICBC		36,334	27,459	AA+	AA+
15	27		China Construction Bank		37,539	26,417	AAA	AAA-

# Trademarks

- Trademarks consist of a word, phrase, symbol, or design, or a combination thereof, that;
- Identify and distinguish the source of the goods of one party from the goods of another.
- A service mark is accorded the same status as a trademark, except that a service mark identifies and distinguishes the source of a service rather than a product.
- Invest time in creating your logo- it is an effective pictorial representation of a brand that summarises the character, spirit and nature of the business in one leap
- Trademark your brand - Now that you have a great logo representing your products or services wouldn't you like to have exclusive rights to it?
- How would you feel if someone else launched these products, with the same brand name?
- What if he was prompt enough to officially register that brand in his name before you did?
- All those years of hard labour will go down the drain instantly

# Trademarks .....

- Therefore, it's wise to get your brand registered with the trademark offices (registry) even before you start promoting your brand.
- You may elect to hire a the services of a local trademark agent who can help navigate these complicated waters.
- Make the right first impression.
- Whether this is your first business launch or an existing business going through a rebrand, it's important that you make the right impression in the first instance.
- Research the competition - Competition fuels the world of business. It makes the marketplace more exciting.
- After you trademark your brand, you'll necessarily have to maintain consistency across all platforms.
- Your brand will have to be displayed everywhere, in exactly the same design, format and colours as you submitted with the trademark offices at the time of registration.
- Keeping branding consistent ensures that the information relayed to people is not misleading or confusing in any manner
- Every now and then, you must do a little research about your competitors to see what they're doing right, and how you can stay ahead of them.

## What Should be Protected and Registered?

- **Company Name:** A small business should always protect its company name. Your company's name is how consumers, your customers, find you and your goods or services (e.g. MTN, Mzuzu Coffee and Quench). Without protection a competitor can open shop under a highly similar corporate name and siphon away business from you by confusing your customers as to the business they are patronizing.
- **Product Names:** Just like your company name, customers also locate your goods and services through your product names. As such, if you provide a product or a service under a particular name you must also protect the same to avoid competitors from using like names on their goods and services (e.g. Coca Cola, Fanta and Dasani).
- **Logos:** Further more, it is not only the names of products that should be protected but logos as well. The Nike Swoosh, the Microsoft Windows logo and, of course, Apple's now iconic apple all are examples of logos that serve as trademarks.
- **Advertising Slogans:** If you use a particular advertising slogan in connection with the promotion of your goods and services these should also be protected as a trademark (e.g. Every where you go (MTN), taste the feeling (Coca Cola)?).

# Why They Should be Registered?

- **Deterrence:** Having your trademarks registered with the Trademark Office makes them easier to uncover by those doing trademark searches to see if their own trademark is available to be registered. This, in turn, helps to prevent the adoption of confusingly similar marks by third parties who may not choose a specific trademark similar to yours if they see your trademark is already registered with the Trademark Office.
- **Registration Symbol:** Registration gives you the right to use the ® symbol in connection with your trademark which, in turn, also deters potential infringers from adopting or using a similar trademark to yours.
- **Damages:** When your trademark is registered it increases the type of damages you can demand if it is later infringed upon such as the ability to recover lost profits associated with the infringement including the possibility of receiving treble damages in certain circumstances.
- **Block Importation of Infringing Goods:** If your trademark is used in connection with goods this is a key factor. Once registered your trademark registration can be provided to Customs and Revenue enforcement unit to block the importation of any goods into Malawi bearing a trademark that infringes upon yours.



# How to Protect Your Trademark in 4 Steps

- **1. Research to See if Your Trademark is Available:** A properly conducted research report will let you know if your trademark is available to be registered before you incur the expense of the non-refundable government filing fees required for registration. It will make sure you are not adopting and beginning use of a trademark that is infringing upon another's. If this occurs, you could be forced to give up your trademark and even pay damages to the entity you have infringed upon, even if done innocently. As such, a research report will avoid these issues and make sure your trademark is safe to use.
- **2. Register Your Trademark:** Once you have determined your trademark is available you should immediately apply to register it with the Trademark Office. As trademark rights can be acquired either when you first use your trademark or first file for the same, it is imperative you get an application on file as soon as possible to secure your rights in the trademark before someone else does.
- **3. Monitor For Infringement:** Now that you have a trademark you need to make sure that no one else adopts and begins use of a confusingly similar trademark. Trademark infringement costs businesses hundreds of millions of kwacha each year in lost revenue. Even if a competitor begins use of a similar, albeit not identical, trademark to yours it can still funnel customers away from your business. In essence, competitors create confusion between your and their goods and services by adopting a similar trademark to yours. They then use the good will you have created in your trademark through your marketing and otherwise to steal your customers through use of their infringing trademark.
- To stop this before you notice a decline in business regularly monitor your trademark and others' use of similar trademarks by watching trademark filings before the Trademark Office as well as online and through other traditional means.

## How to Protect Your.....

- **4. Enforce Your Trademark:** Once infringement of your trademark is discovered you must act quickly to stop the same. There are numerous ways to enforce your trademark depending upon how it is being infringed upon. For instance, if a competitor has registered and is using a domain name that is similar to your trademark, a domain name dispute may be the right avenue for you.
- If a competitor is simply using a similar trademark on their web site to yours than sending them a cease and desist letter or possibly suing them in court may be the best option. Or if they have applied to register a confusingly similar trademark with the Trademark Office you can oppose the registration of the trademark through several different means.
- Of note, enforcement can be tricky as there are many pitfalls associated with determining first use of a trademark to ensure you are not enforcing against someone who may actually have acquired rights in their trademark before you. As such, seeking the advice of counsel specializing in enforcement is always advised.

# Common African Brands in Malawi?



Buy Nali hot sauce, the best peri-peri sauce in Africa made from quality Malawi chillies

## Trademarks and Branding - Conclusion

- A brand registered in your name is like owning a piece of real estate that gives you dividends over time.
- Any big brand that you've ever heard of could not have made it so big in absence of a well-thought-out branding strategy. Your brand could be the next — so what are you waiting for?
- In keeping tabs with your brand, WIPO has developed the Global Brand Database which has proven useful for brand owners, businesses and trademark attorneys.
- The GBD provides information from several brand data sources and a search receives instant feedback. This allows you to explore the brand landscape to allow you take informed strategic decisions and provides marketing intelligence for your business.

# References

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