



**Implementation of the National Intellectual Property  
Strategy and Intellectual Property Rights Protection for  
Small and Medium-Sized Enterprises (SMEs)**

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

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**Pierre El Khoury, Ph.D  
La Sagesse Law School  
Beirut, LEBANON**

# Introduction

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

# What are the Objectives?

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

# How can we reach these Objectives?

- ▶ 1 – Trademarks and Industrial Designs for Increasing the Power of Marketing
- ▶ 2 – Building the Brand
- ▶ 3 – How to Protect Trademark and Industrial Designs

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

Legally speaking, a **registered mark** means the legal recognition

A **trade mark** is a recognized mark due to the sustainability of a product or a service

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

## The Value of a **Brand**

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

**identify**

the **goods and services**

of one seller or group of sellers and to  
**differentiate**

them from those of other sellers.

# How Can Branding Benefit My Business?

## 1 – Recognition and Loyalty

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

# How Can Branding Benefit My Business?

## 2- Image of Size

- ▶ 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.
- ▶ An image of size and establishment is important in **reassuring** that you will still be around in a few years time.



# How Can Branding Benefit My Business?

## 3– Image of Quality

- ▶ 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.
- ▶ 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**.
- ▶ 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.

# How Can Branding Benefit My Business?

## 4- Image of Experience and Reliability

- ▶ A strong brand creates an image of an **established business** that has been around for long enough to become well known.
- ▶ 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.
- ▶ Most people will **believe** that a business would be hesitant to put their brand name on something that was of poor quality.

# How Can Branding Benefit My Business?

## 5- Multiple Products

- ▶ If your business has a strong brand, it allows you to **link together several different products or ranges**.
- ▶ 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.



▶ 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.



▶ 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

- ▶ ‘**Trademark**’ is often referred to as a ‘**brand.**’
- ▶ It enables companies to **differentiate** themselves and their products from those of their competitors.
- ▶ ‘Trademarks’ contribute to the definition of the **image and reputation of a business** and its products in the eyes of consumers.

# Creating Brands through Trademarks

-----> **As a result**

- ▶ Positive Image → Trust → Loyal Clientele → Business Goodwill in the long term
- ▶ Satisfied Consumers → Emotional Attachment
- ▶ Brand → Cultural Image → Consumers Linked to Product

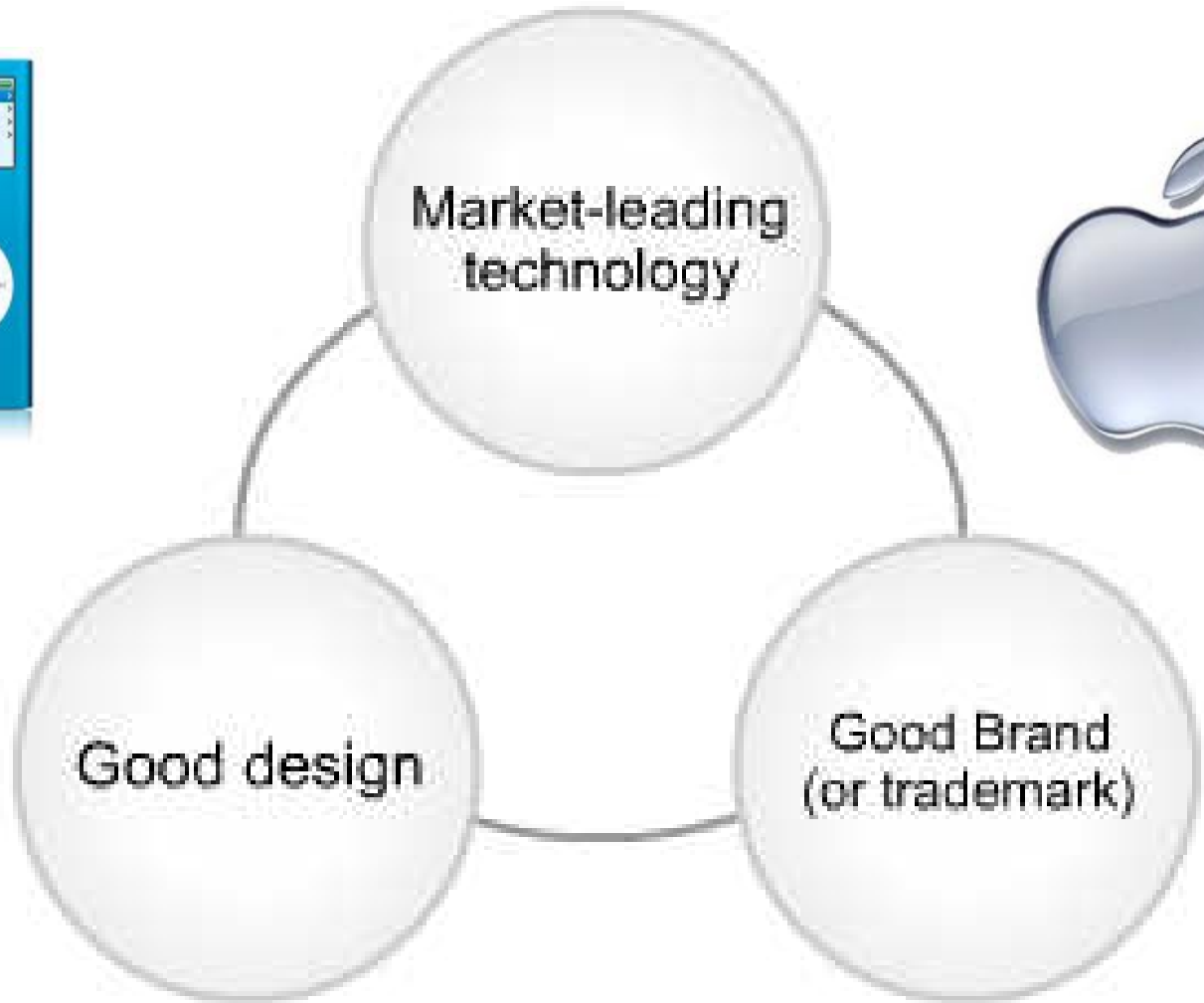


# Trademark

- ▶ Definition: a **sign** capable of **distinguishing** the **goods or services** provided by one enterprise.
- ▶ Character: is a visible distinctive word, letter, numeral, drawing, picture, shape, color, logotype, label or a combination of one or more of these.
- ▶ Requirements: Distinctive (inherently or have acquired distinctiveness through its use).
- ▶ The trademark rights:
  - Are territorial
  - Are enforceable in courts
  - The court may, at the request of the owner, prevent any person from selling counterfeiting products.

# Strengthening Brands through Industrial Design

- ▶ The brand plays important role in **attracting consumers**.
- ▶ But often it is the **external appearance** that may first catch the eye of a potential consumer.
- ▶ Good **design often wins passionate brand loyalty** as in the case of Apple's iPod.



# What is an Industrial Design?

- ▶ It refers to a product's overall form and function.

When it is comfortable to sit on a chair and we like the way it looks → it's a "good industrial design"

- ▶ Designing = developing the product's **functional** and **aesthetic** features taking into consideration issues such as the product's marketability, the costs of manufacturing or the ease of transport, storage, repair and disposal.

# Character of an Industrial Design

## ▶ Types:

It may consist of **three-dimensional** features, such as the shape or configuration of an article,



or of **two-dimensional** features, such as images, pictures, drawings, and so on that rely on patterns line or colors.



Looking Good

# Character of an Industrial Design

## ▶ Products:

Products of **industry**, **fashion** and **handicrafts** from technical and medical instruments to watches, jewelry, luxury items, toys, electrical appliances. cars and architectural structures;



from **textile designs** to sports equipment or packaging and containers products.

Also, **electronic desktop icons** generated by computer code, type faces, the graphic display on computer monitors, mobile phones



# Character of an Industrial Design

- ▶ Protection:

- It must be **new or novel**.

- It must be **original**.

- It must have an **individual character**.



# Character of an Industrial Design

## ▶ Duration:

Varies from **10 to 25 years**: 15 years in Kyrgyzstan

In most countries, protection of industrial designs requires registration in a particular class but the protection is not limited to the goods in that class of goods.

In some countries, mostly in Europe, a copyright-like protection is also available to unregistered designs.

## ▶ Rights:

- (1) Prevent unauthorized copying or imitation by third parties.
- (2) Exclude all others from making, offering, putting on the market, importing, exporting, using, selling, or stocking for such purposes by others of product in which the design is incorporated.



# 2– Building the Brands

## How to select a mark?

- ▶ Shall support business goals and objectives.  
====>
- ▶ Wide range of issues to consider:
  - The relevant **languages**
  - Culturally determined meaning of **colors**
  - Technical requirements for **printing** or **digitizing** a mark
  - The **legal** requirement that arise out of the relevant trademark law

- The market of the trademark: national or international →

**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.



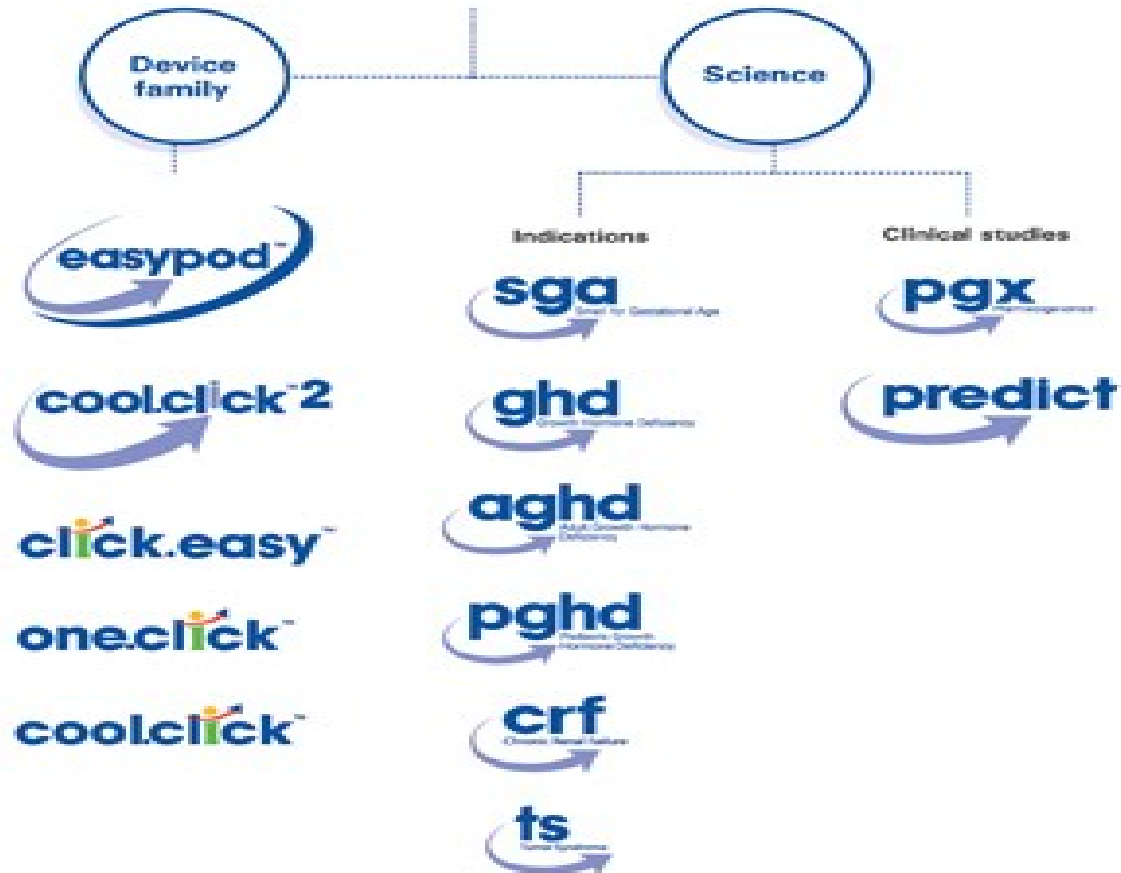
# The five–points checklist

- ▶ **Legal Requirements:**
  - ▶ In compliance with the trademark law
- ▶ **Language Requirements:**
  - ▶ Easy to read, spell, remember, retrieve
  - ▶ Not generic or descriptive of the product or service
- ▶ **Trademark Search:**
  - ▶ Not identical or confusingly similar
- ▶ **Connotation:**
  - ▶ No undesirable or negative connotation in any language
- ▶ **Domain Name:**
  - ▶ Availability of the corresponding domain name

# Example of easily accepted words:

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

# Branding Strategies



# Multi branding



# Family branding



LG



# Product extension

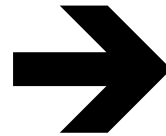




# Line extension



# Brand extension



# 3– How to protect industrial design

## 1– Registration:

- ▶ **Its importance:** improves the competitiveness of a business and brings in additional revenue in one or more of the following ways:
  - Prevent counterfeiting.
  - Secure a fair return on investment made in creating and marketing the relevant product, and thereby improves profits and the commercial value of the company and brands.
  - May be licensed to other for a fee.

## 1 – Registration:

- ▶ File an application at the national bureau along with copies of an adequate number of drawing and/or photographs that depict all the essential distinctive features of the design.
- ▶ The prescribed fee has to be paid. In some countries, you may be required to file, or have the option of filing, a written description or statement of novelty of the design.

# 1 – Registration:

## ▶ **Rights of the owner:**

- Using and preventing others from using the industrial design
- Importing and preventing others from importing any product related to the industrial design, or possessing such product for the purpose of selling it

## Multi-protection

The same product might be eligible for multi-protection:

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

# Designs & Patents

- ▶ Design protects aesthetical features of a product (it is primarily ornamental), whereas its functional features (functional improvements) can be protected by a patent or a utility model

# 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 of that product, it can be protected as a 3D trademark (in some countries).



- ▶ Once a design acquires distinctiveness through its use in the market it may qualify for trademark registration.

- ▶ 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 and only later it was registered as a trademark in many countries.

# In short

- Industrial designs protect the ornamental or aesthetic aspect of a product or part of a product.
- Designs should be registered – it is necessary to file an application.
- There are mandatory requirements for registration.
- There are several types of protection available and sometimes they overlap.

# Thank you

[el.khoury.pierre@gmail.com](mailto:el.khoury.pierre@gmail.com)