A glass lightbulb with a green plant growing inside, set against a background of wood and a red banner.

THE ROLE OF IP IN DEVELOPING YOUR BRAND

**ERICA K. SMITH PH. D.
INTELLECT MANAGEMENT SERVICES INC.**



WHAT IS BRANDING?

- **IDENTIFICATION OF A PRODUCT OR SERVICE AS BELONGING TO A CERTAIN ENTITY**
- **VISUAL AND VERBAL ELEMENTS SUCH AS THE LOGO OR SLOGAN USED TO DIFFERENTIATE A COMPANY'S PRODUCTS FROM THOSE OF COMPETITORS.**
- **A GROUP OF ELEMENTS INCLUDING THE MARKETING COLLATERAL SUCH AS PRODUCT DESIGN AND ADVERTISING VISUALS**
- **EVERYTHING THAT AN ENTITY DOES TO BE RECOGNISED**
- **ENTIRE ORGANISATION INCLUDING CULTURE AND BUSINESS STRATEGY USED TO DIFFERENTIATE IT IN THE MARKET PLACE**

WHAT IS BRANDING?



- **OBJECTIVE: ACHIEVEMENT OF GOODWILL FOR THE ENTITY**
- **GOODWILL – VALUE FROM THE GOOD REPUTATION AMONG CONSUMERS FOR ITS PRODUCTS, CUSTOMER SERVICE, HIGH QUALITY ETC.**
- **GOODWILL – LONG TERM SUSTAINABILITY AND MAINTENANCE OF MARKET POSITION**

WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

“INTELLECTUAL PROPERTY RIGHTS ARE THE RIGHTS GIVEN TO PERSONS OVER THE CREATIONS OF THEIR MINDS. THEY USUALLY GIVE THE CREATOR AN EXCLUSIVE RIGHT OVER THE USE OF HIS/HER CREATION FOR A CERTAIN PERIOD OF TIME.” WTO

INTELLECT MANAGEMENT SERVICES INC.

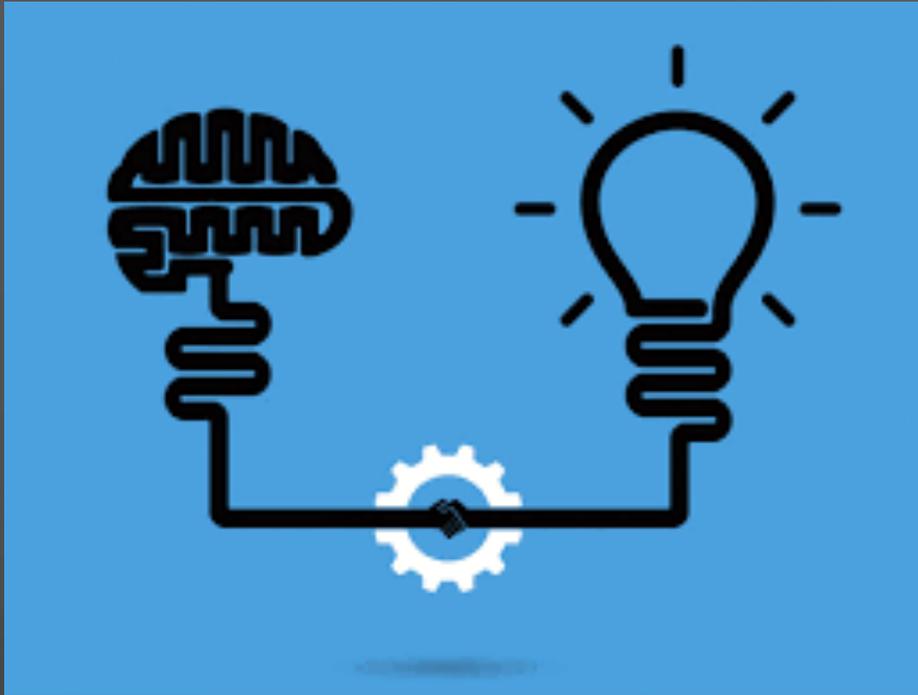
WWW.I-MANAGEINTELLECT.COM



WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

- IPRS ARE FORMS OF PROPERTY - THEY CAN BE SOLD, LICENSED, TRANSFERRED AND IN SOME JURISDICTIONS USED AS SECURITY. THEY ARE BUSINESS ASSETS JUST AS LAND, MACHINERY OR CAPITAL EXCEPT THEY ARE INTANGIBLE IN NATURE.
- PROVIDE THE POSSIBILITY OF LIMITING COMPETITORS PROVIDING A MAJOR COMPETITIVE ADVANTAGE IN TERMS OF TIME TO BUILD YOUR BRAND AND TO ESTABLISH MARKET SHARE.

RATIONALE OF IPRS



- **INTELLECTUAL PROPERTY RIGHTS OFFER TREMENDOUS VALUE TO BUSINESSES AS THESE:**
- **PROMOTE INNOVATION BY OFFERING LEGAL PROTECTION TO CREATORS AND INVENTORS;**
- **ALLOW RIGHTS HOLDERS TO**
- **ADD VALUE BY ALLOWING BUSINESSES TO BE INNOVATIVE AND THEREBY ACHIEVE A COMPETITIVE EDGE;**
- **GENERATE REVENUE THROUGH THE SALE OF THEIR INNOVATIVE PRODUCTS AND SERVICES.**

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

Investors/Creators
invest in developing new
products/services/devices

IP systems eliminate the unfair
advantage over the use of inventions,
designs, trademarks and protected
works

The
IP
System

BUT

Competitors
benefit from the investment of
investors/creators

Can offer similar or identical
products/services at a cheaper
price

Can push investors/creators out
through lower prices

FORMS OF IPRS

- **PATENTS**
- **COPYRIGHT**
- **GEOGRAPHICAL INDICATIONS**
- **INDUSTRIAL DESIGNS**
- **TRADE MARKS PLUS OTHERS**

THESE ARE PROTECTABLE ELEMENTS OF A BRAND

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM



INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

A close-up photograph of a Starbucks coffee cup. The central focus is the green Siren logo, which is a circular emblem featuring a twin-tailed mermaid. The cup is white with some brown stains, and other Starbucks cups are visible in the blurred background.

TRADE MARKS



TRADEMARKS

- **USED TO DISTINGUISH THE PRODUCTS OR SERVICES OF ONE ENTITY FROM ANOTHER IN THE MARKET-PLACE**
- **EXCLUSIVE RIGHTS ON A TERRITORIAL BASIS**
- **REGISTERED IN CLASSES - [HTTPS://WWW.WIPO.INT/CLASSIFICATIONS/NICE/NCLPUB/EN/FR/](https://www.wipo.int/classifications/nice/nclpub/en/fr/)**
- **RENEWAL EVERY 10 YEARS POTENTIALLY INDEFINITELY**

TRADEMARKS

A TRADEMARK MAY BE:

- **A NAME, INCLUDING PERSONAL NAMES**
- **WORD,**
- **PHRASE**

GUCCI

TRADEMARKS

- **DESIGN**
- **NUMERALS**
- **LETTERS**
- **THE SHAPE OF GOODS OR THEIR PACKAGING**
- **SIGN OR LOGO**

TRADEMARKS

- A TRADEMARK IS NOT THE SAME AS A BUSINESS NAME OR COMPANY REGISTRATION AND THE RIGHTS GRANTED ARE DIFFERENT!
- A TRADEMARK IS NOT THE SAME AS A DOMAIN NAME REGISTRATION.
- TRADEMARKS ARE OFTEN REGISTERED ON A FIRST COME, FIRST SERVED BASIS BUT UNREGISTERED (COMMON LAW) TRADEMARKS HAVE RIGHTS BASED ON FIRST USE

INTELLECT MANAGEMENT SERVICES INC.



WWW.I-MANAGEINTELLECT.COM

TRADE DRESS

UNDERSTANDING THE IMPORTANCE OF VISUAL ELEMENTS AND APPEARANCE IN ESTABLISHING RECOGNITION AMONG CONSUMER, IN ADDITION TO TRADEMARKS AND DESIGN THERE IS ALSO PROTECTION FOR 'GET UP' OR TRADE DRESS.

APPLIES TO THE OVERALL APPEARANCE OF YOUR PRODUCT PACKAGING, DÉCOR AND DESIGN WHICH ARE DISTINCTIVE ENOUGH SO THAT THERE IS AN ASSOCIATION DEVELOPED AMONG CONSUMERS.

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

TRADE DRESS

INTELLECT MANAGEMENT SERVICES INC.





Think different

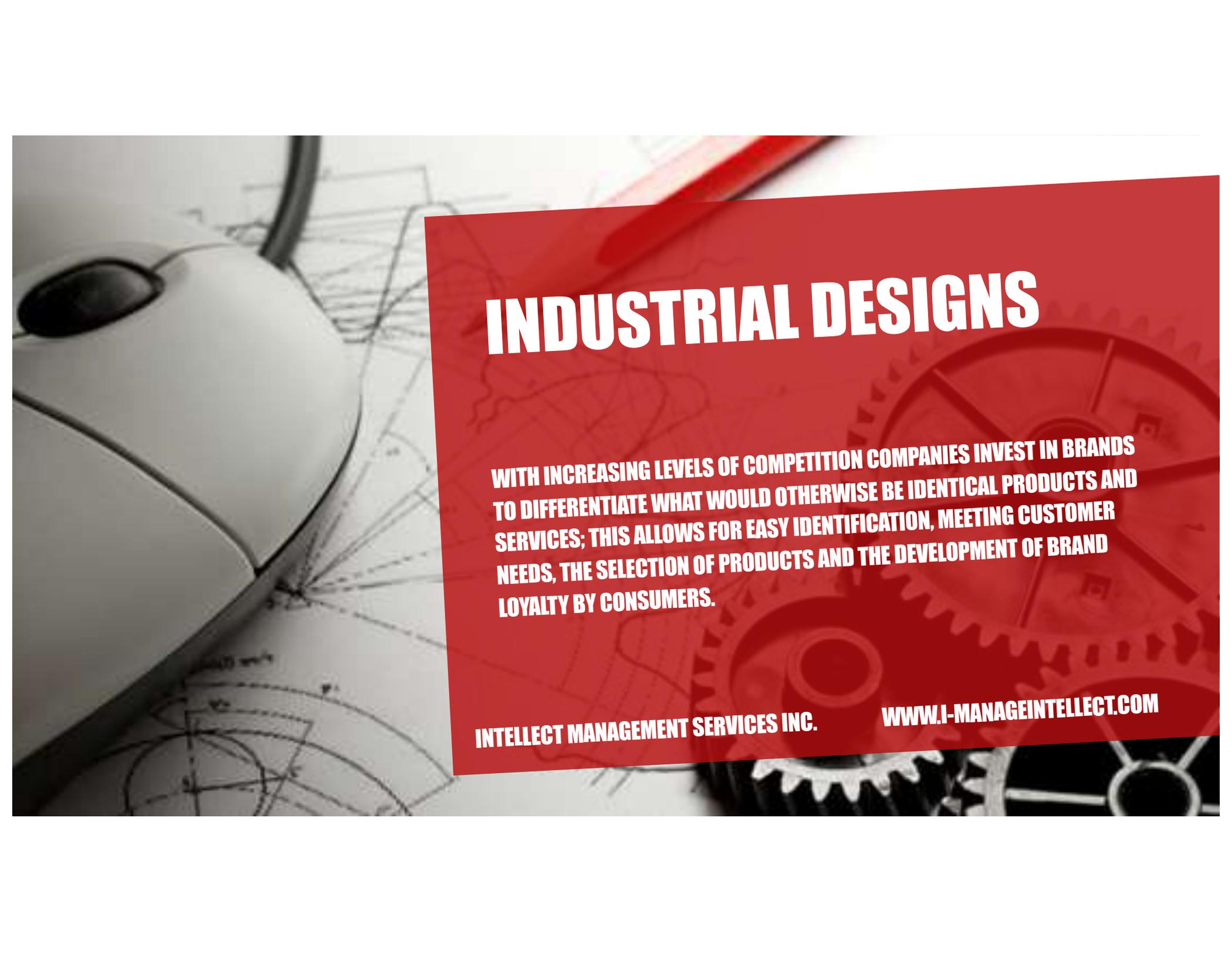
INDUSTRIAL DESIGNS

INDUSTRIAL DESIGNS

THE ATTRACTIVENESS OF A PRODUCT IS DETERMINED BY THE ABILITY TO CREATE OR SATISFY A PERCEIVED NEED AS WELL AS THE AESTHETIC APPEAL OF THE PRODUCT. EXAMPLES OF PRODUCTS, WHICH ILLUSTRATE THE POWER OF GOOD DESIGN COUPLED WITH INNOVATIVENESS, INCLUDE THE RANGE OF APPLE PRODUCTS, BMW, BANG OLUFSEN, EAMES, DYSON AND BEAT EARPHONES.

INTELLECT MANAGEMENT SERVICES INC. WWW.I-MANAGEINTELLECT.COM





INDUSTRIAL DESIGNS

WITH INCREASING LEVELS OF COMPETITION COMPANIES INVEST IN BRANDS TO DIFFERENTIATE WHAT WOULD OTHERWISE BE IDENTICAL PRODUCTS AND SERVICES; THIS ALLOWS FOR EASY IDENTIFICATION, MEETING CUSTOMER NEEDS, THE SELECTION OF PRODUCTS AND THE DEVELOPMENT OF BRAND LOYALTY BY CONSUMERS.

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM



INDUSTRIAL DESIGNS

AN INDUSTRIAL DESIGN IS (A) ANY COMPOSITION OF LINES OR COLOURS; OR (B) ANY 3-DIMENSIONAL FORM WHETHER OR NOT ASSOCIATED WITH LINES OR COLOURS THAT GIVES A SPECIAL APPEARANCE TO THE PRODUCT OF INDUSTRY OR HANDICRAFT AND SERVES AS A PATTERN FOR A PRODUCT OF INDUSTRY OR HANDICRAFT. INDUSTRIAL DESIGNS ACT, 1981, (CAP. 309A) (AS LAST AMENDED BY ACT 1988-6)

INTELLECT MANAGEMENT SERVICES INC. WWW.I-MANAGEINTELLECT.COM

INDUSTRIAL DESIGNS

- **EXCLUSIVE RIGHT TO PREVENT OTHER PERSONS FROM : (A) REPRODUCING THE INDUSTRIAL DESIGN IN THE MANUFACTURING OF A PRODUCT; (B) IMPORTING, OFFERING FOR SALE, OR EXPOSING FOR SALE, OR SELLING, A PRODUCT IN OR BY WHICH THE INDUSTRIAL DESIGN IS REPRODUCED; OR (C) STOCKING FOR THE PURPOSE OF SALE.**
- **PROTECTION IS GRANTED FOR AN INITIAL 5 YEARS AND A MAXIMUM FURTHER 2 PERIODS OF 5 YEARS EACH.**

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

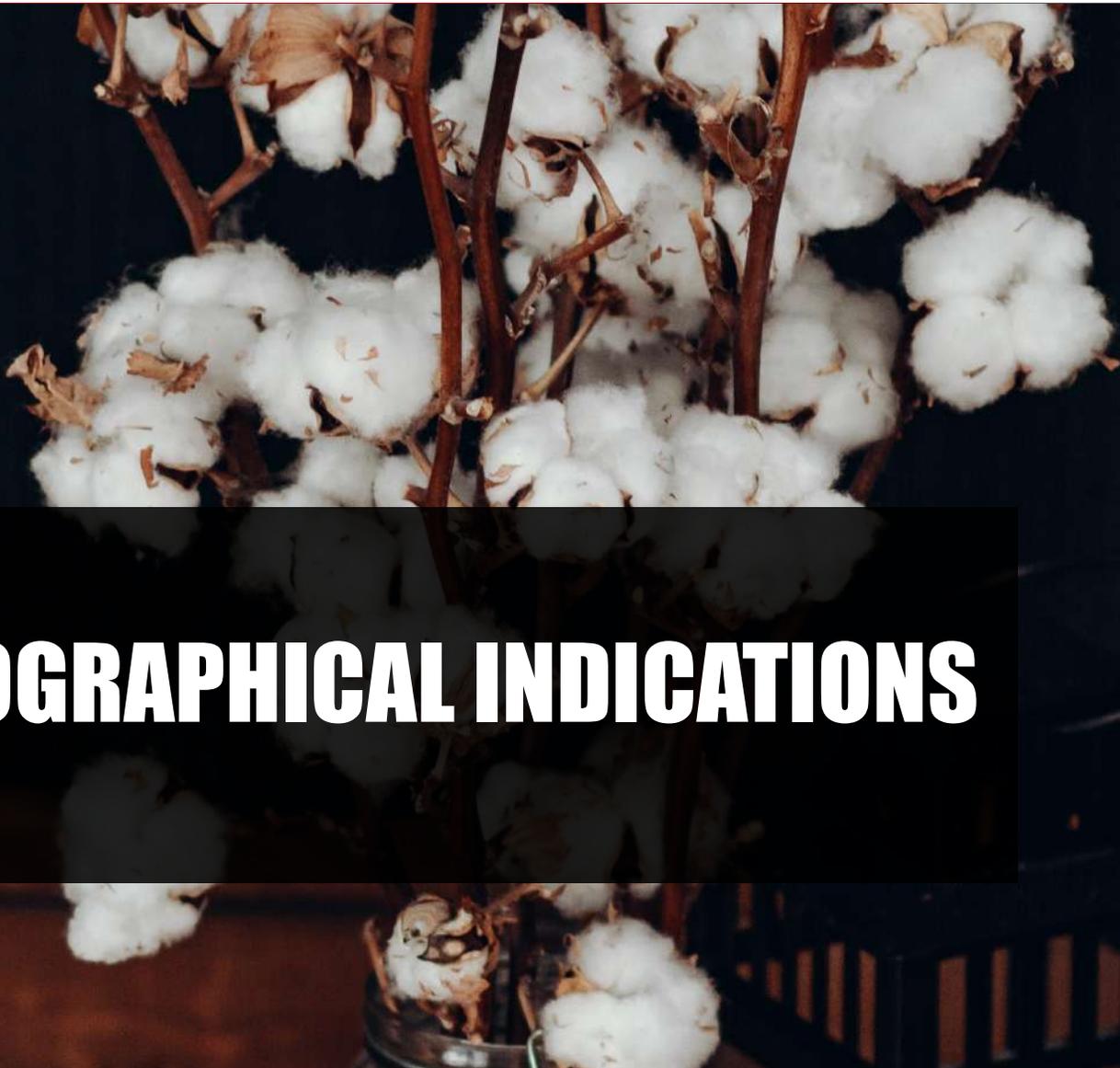


INDUSTRIAL DESIGNS

MUST BE A USEFUL ARTICLE THAT IS CAPABLE OF MASS PRODUCTION:

- **JEWELRY**
- **FASHION**
- **FURNITURE**
- **HOUSEHOLD ITEMS**
- **VEHICLES**

INTELLECT MANAGEMENT SERVICES INC.



GEOGRAPHICAL INDICATIONS

GEOGRAPHICAL INDICATIONS



- **GEOGRAPHICAL INDICATIONS (GIS) ARE USED FOR GOODS WHICH ORIGINATE IN A SPECIFIC TERRITORY, REGION OR LOCALITY AND BECAUSE OF THAT LINK THE GOODS HAVE A CERTAIN REPUTATION, QUALITY OR OTHER CHARACTERISTIC.**
- **THESE ARE USUALLY TRADITIONAL GOODS MADE USING TRADITIONAL METHODS.**

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

GEOGRAPHICAL INDICATIONS

- GIS DO NOT ALWAYS BEAR GEOGRAPHICAL NAMES, E.G. FETA CHEESE.
- GIS WHICH WILL GRANT AUTHORISED USERS AN EXCLUSIVE RIGHT TO USE THE GI ON THE RELEVANT PRODUCT(S)

INTELLECT MANAGEMENT SERVICES INC.



GEOGRAPHICAL INDICATIONS

THE RIGHTS HOLDER CAN PROHIBIT THE FALSE REPRESENTATION THAT THE GOODS TO WHICH THE GI IS AFFIXED ORIGINATE IN A GEOGRAPHICAL AREA OTHER THAN THE TRUE PLACE OF ORIGIN SO AS TO MISLEAD THE PUBLIC



GEOGRAPHICAL INDICATIONS

- UNFAIR COMPETITION SUCH AS ACTS WHICH SEEK TO CREATE CONFUSION WITH THE ESTABLISHMENT, GOODS, ACTIVITIES OF A COMPETITOR;
- MAKE FALSE ALLEGATIONS TO DISCREDIT THE BUSINESS OF A COMPETITOR,
- ACTIONS TO MISLEAD THE PUBLIC AS TO THE NATURE, MANUFACTURING PROCESS, SUITABILITY FOR THEIR PURPOSE OR THE QUANTITY OF THE GOODS.

INTELLECT MANAGEMENT SERVICES INC.



How many types of IP Are in a Coca-Cola Bottle?

- **Utility Patent** in “tamper resistant cap design”
- **Trademark** in logos on label
- **Copyright** in text on label
- **Trade Dress and Design Patent** covering bottle shape
- Trade secret: the formula



7

VALUE OF IPRS FOR BRANDS

Exclusivity

**Ability to block competitors/higher
thresholds for market entry**

Protection from unfair competition

Premium pricing

Market expansion – licensing, franchising

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM



- **BUSINESS ENTERPRISE VALUE**

WORKING CAPITAL + FIXED ASSETS + INTANGIBLE ASSETS + INTELLECTUAL PROPERTY

- **VALUE IS CREATED BY CREATING A SITUATION WHERE THE IP HOLDER IS ABLE TO:**

- **CHARGE PREMIUM PRICES**

- **INCREASE MARGINS**

- **REDUCE VOLATILITY IN EARNINGS STREAMS**

THE VALUE OF INTELLECTUAL PROPERTY RIGHTS

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

CASE STUDY

AIM TO PROTECT IP ELEMENTS OF YOUR BRAND

CARIBBEAN EXPORT DEVELOPMENT AGENCY– MARIE SHARP CASE

INTELLECT MANAGEMENT SERVICES INC.

WWW.I-MANAGEINTELLECT.COM

IMS IP ASSESSMENT

SIGN UP TO COMPLETE:

THE IMS IP ASSESSMENT FOR YOUR BUSINESS

WWW.I-MANAGEINTELLECT.COM

E: INFO@I-MANAGEINTELLECT.COM

