



QUESTIONS & ANSWERS



CarIPI Webinars on the Benefits of Intellectual Property for Regional SMEs: Positioning Your Brand: Building Successful Partnerships

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Zoom



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Positioning Your Brand: Building Successful Partnerships Questions and Answers

1. How are we to treat with logos and symbols that belong to government entities but are not classified as national emblems?

For example, many government-owned/public schools have flags and symbols, but these are not protected as trademarks. It is unclear as to whether these school logos would be protected as "national emblems" or they must be specifically trademarked.

Through this ongoing pandemic many private individuals and some businesses have made masks using public school emblems and designs. These persons and entities have no obligation to share any of their profit with the schools whose emblems they are exploiting. Thus, what should be the approach for public schools?

If the school logos and symbols do not fall within the international or national framework as it pertains to national emblems, then it would be highly suggested that these logos and symbols be registered as trademarks.

Apart from the trademark aspect, there is another layer of IP that exists in it. That is copyright. These logos and symbols would have copyright existent in the design. Additionally, there may also be rights in relation to unregistered trademarks.

When the logos and symbols belong to government entities, it is always necessary that you get consent before using it.

As it relates to masks being made using public school emblems and designs, it is necessary that these persons/businesses get permission from the public or private schools before using these emblems and designs for commercial purposes.

It may be useful to have sensitization programmes for these schools as well, because they may not be aware of the value of their emblems.

While it is important to have an understanding of what is protected, enforcement is also necessary. If there is no enforcement, persons will continue to infringe.

2. Does Harrods currently sell TT Fine Cocoa products?

Not currently. Harrods has been closed as a result of the pandemic. However, they recently reopened and launched a new chocolate hall. We had a meeting with their team about doing a very exciting project with Harrods in Trinidad. We discussed how they can source Trinitario cocoa directly and what they can do with it. So, the plan is to continue our development of partnerships with Harrods going forward.

In terms of brand development, it is also important to be flexible and adaptable. A small company may have the advantage of being able to respond more easily to new opportunities that come up.

3. When forming partnerships and both parties are coming to the table with trademarks and trade secrets, etc. How do you determine which trademark to use or when to use both?

When forming partnerships, you need to consider what is the purpose of the product and what is the intent. You need to know your customer profile and what message you want to send.

One example is the partnership between Rituals and Angostura. Angostura is generally associated with alcohol while people looking for coffee will generally not want alcohol in it. In order to partner with Angostura bitters without causing consumers to think it was an alcoholic product, or causing concern about alcohol content in the coffee, the Rituals logo and the name of the beverage were placed prominently and then, subtly indicated the relationship with Angostura.

Also, when you indicate the story behind the product and the partnership, the consumer gets to know the purpose and relevance to them. For example, in the partnership between Rituals and TTFCC. The product's unique story was clearly visible in the store and spoke to the relationship with TTFCC. The consumer was shown that the chocolate used was grown and harvested by local farmers and processed locally, so then they could see the relevance of their purchase and feel good about it.

It comes down to telling your story and how you delicately use the logos together to create a harmonious partnership.

4. For Rituals, when you operate in several countries, how do you manage protecting your IP and company brand?

Firstly, when operating in different countries, you need to take into account the different regulations and respect the applicable laws. Some partnerships may not be possible due to specific regulations and so you tailor your promotions to the specific market while still delivering a similar brand experience.

What we do from our end, is create contracts and exclusivity agreements with our suppliers and distributors. We first have a meeting and clearly discuss the purpose of the collaboration, whether it is short term or long term, etc. We also take into account what each person's involvement entails and what their goals are coming out of the partnership. It is very important to respect each other's points of view and appreciate the others' contributions, intellectually and otherwise. We have these discussions and then document it for that purpose in particular. This is how we navigate working in other islands.

5. On the certification mark in Jamaica, what has been the feedback from persons who use the mark? Has it enhanced their market presence?

Yes, we've had testimonials. The persons who have entered in the mark since its creation, are still a part of the programme because they have seen results. Persons, especially in niche markets within the different Jamaican diaspora, can relate to the brand.

Basically, positioning your brand is all about the perception. So, we have seen where suppliers have grown with us. Every year along with renewals, we see new products added to the product base, since we certify products individually and not the organization. So, some persons started with only one product and have gradually increased their product listing.

Because we operate in a free trade environment, meeting the legal and regulatory requirements is just minimum. Just placing where the product is from, is just meeting that minimum. To position your brand, you now have to look at additional requirements such as IP.

The market is no longer protected by a lot of regulations, so you have to consider what your gain is from just meeting minimum requirements. You have to know how to compete as a small business, how to move from just "made in Jamaica" for example, to take it to the next level where you have your logo and you tell your story. You have the Jamaican Made mark which tells people that you're not only meeting the requirements, but you've taken it to another level. So, you have to position yourself in order to compete in this dispensation.