

**SOS POLITICAL SCIENCE AND**  
**PUBLIC ADMINISTRATION**

**MBA FA- 206**

**SUBJECT NAME: FUNDAMENTALS**  
**OF MARKETING**

**UNIT-IV**

**TOPIC NAME -TRADE MARKS AND**  
**BRANDING**

# What is a Trademark

A trademark is a unique symbol or word(s) used to represent a business or its products. Once registered, that same symbol or series of words cannot be used by any other organization, forever, as long as it remains in use and proper paperwork and fees are paid.

Over time, trademarks become synonymous with a company name, so that you don't even need to see the name to recognize a particular business. Think of the apple shape with the bite taken out that Apple uses as its logo, the swoosh logo that Nike features on all of its products, or the golden arches McDonald's registered decades ago.

The fact that we so easily associate symbols and words with companies and their brands is one of the biggest advantages of their use. When a customer sees a familiar logo or phrase, they have instant recognition, which can drive preference and, ultimately, sales.

# Signs of a Trademark

To indicate that a trademark has been claimed companies use one of three symbols:

- Using the trademark symbol after a logo or phrase alerts competitors that you have claimed this symbol or phrase as your own, but you don't have to have even formally apply for it.
- Only trademarks that have been officially granted by the Trademark office can use the symbol, which stands for registered trademark.
- Companies that sell services, not products, have the option to use the service mark logo, but most use the <sup>TM</sup> instead for simplicity.

# Understanding Trademarks

A trademark can be a corporate logo, a slogan, a brand, or simply the name of a product. For example, few would think of bottling a beverage and naming it Coca Cola or of using the famous wave from its logo. It is clear by now that the name "Coca Cola," and its logo belong to The Coca-Cola Company (KO).

Trademarking, however, does contain some fuzzy boundaries because it prohibits any marks that have a “likelihood of confusion” with an existing one. A business cannot thus use a symbol or brand name if it looks similar, sounds similar, or has a similar meaning to one that’s already on the books—especially if the products or services are related.

## Trademarks, Patents, and Copyrights

A trademark protects words and design elements that identify the source, owner, or developer of a product or service. Different than a trademark, a patent safeguards an original invention for a certain period of time, and there can be many different types of patents. Unlike patents, copyrights protect “works of authorship,” such as writing, art, architecture, and music.

# What is Branding

Branding is all of the ways you establish an image of your company in your customers' eyes.

By building a website that describes what you offer, designing ads that promote your goods and services, selecting specific corporate colors that will be associated with your company, creating a logo, and featuring it across all your social media accounts, you are branding your company. That is, you are shaping how and what people's perceptions of your business are.

And what your customers say about your brand is the reality (not what you'd like them to think). It's the impression that pops into their minds when they hear your business' name. It's based on a feeling they have that is based on their experiences they've had with you, good or bad.

# Building a Brand

If your business does not yet have a consistent brand, or you don't like what your brand currently stands for, it's time to rebrand. Here are some steps to take to shape public perception for the better:

- Identify what your customers love most about your business. What makes yours stand out? What are your strengths?
- Create a brand message that conveys what your business aims to do for its customers – what you're best at. Geico promises to save you 15% in 15 minutes. That's its brand promise. Marriott promises quiet luxury. What are you promising your customers? And are you delivering?
- Make sure your visual elements match your message, and your brand. If you're promising innovation, don't use greys and boring images.
- Develop standards for employee dress and behavior that support your brand promise. Make sure they understand what your brand is and can support it.
- Apply your visuals across every marketing tool you use, from advertising to signage to store displays to mailings to shopping bags.



## 7 Types of Branding Strategies .1

### 1. Name Brand Recognition

A well-established company will often use the weight of its own name brand to extend to its products. Most often, a company with large name brand recognition can be recognized by its logo, slogan, or colors. Companies such as Coca-Cola, Starbucks, Apple, and Mercedes-Benz are all iconic while featuring multiple subsidiary products featured under the company name.

### 2. Individual Branding

Sometimes a larger company may produce products that carry their own weight independent of the parent company. This strategy involves establishing the brand as a unique identity that is easily recognizable. General Mills, for example, distributes Cheerios, Chex, Cinnamon Toast Crunch, Kix, Total, Trix, and more—and that's just the cereal division. The company also distributes other major brands from every food group.



## 7 Types of Branding Strategies .2

### **3. Attitude Branding**

Ambiguous marketing can often go above the actual product itself in the case of attitude branding. These brands all use strategies that bring to life personality and a customized experience with products and services. NCAA, Nike, and the New York Yankees made Forbes list of “The World’s Most Valuable Sports Brands 2015,” and are automatically associated with a certain style. Other brands, such as Apple and Ed Hardy, also reflect a customer’s self-expression.

### **4. “No-brand” Branding**

A minimalist approach can speak volumes. No-brand products are often simple and generic in design. The most successful company to establish this marketing method is the Japanese company, Muji, which simply translates to “no label.”

## 7 Types of Branding Strategies .3

### **Brand Extension**

Brand extension occurs when one of your flagship brands ventures into a new market. Say you have a shoe company that is now making jackets, athletic wear, and fragrances. The brand name carries its own identity to your product mix.

### **6. Private Labels**

Store brands—or private labels—have become popular at supermarkets. Retail chains such as Kroger, Food Lion, and Wal-Mart can produce cost-effective brands to compete with larger retailers.

### **7. Crowdsourcing**

These brands are outsourced to the public for brand creation, which allows customers the chance to be involved in the naming process, and effectively drives up personal interest in a product.

# Difference Between a Brand Name & a Trade Mark

Brand names and trademarks are valuable assets to a business. Often a brand or trademark becomes synonymous with the product. For example Xerox (R) is often used to mean copy. Because of this, many companies want to protect their brands from others who may try to copy or misrepresent the name.

## The Goals of Brand Names and Trademarks

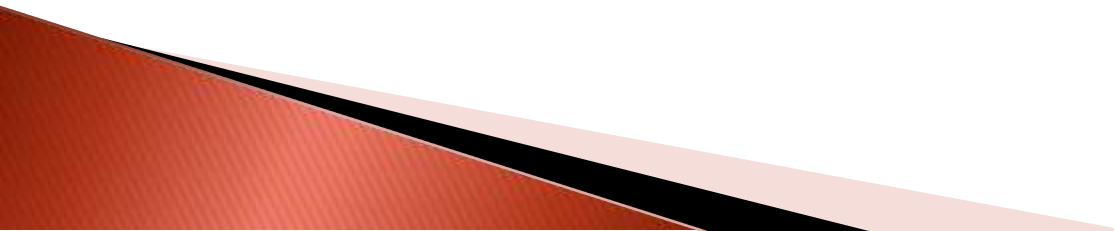
The goal of a brand name is to provide an easy way to recognize and remember the name that evokes a positive response in consumers. For example, many shoppers prefer to buy "brand name" products as opposed to the generic kind because of their perceived value.

A trademark provides legal protection of the brand name. Through registration, the company is able to seek legal action against others who copy or use the brand without permission.

## Eligibility for Use

Brand names that are not registered could be used by others without permission. Any limitations would be at the state and city level where the business is registered.

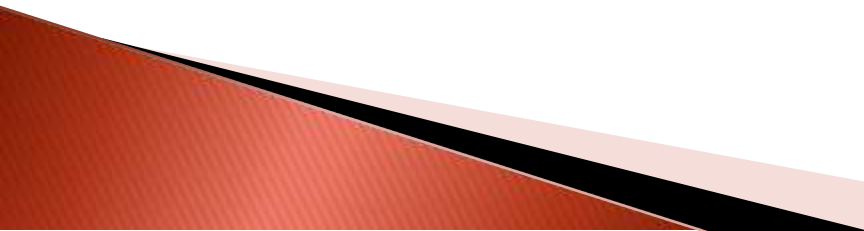
Trademarked names however can not be used except in "fair use" in which the name can be used as long as ownership of the name isn't confused. Providing examples of Xerox (R) and Kleenex (R) in this article is an instance of fair use.



# How to Register

Brand names can be registered as trade names at the local and state levels. Businesses structured as corporations, partnerships and limited liability companies register with their state. Submitting a doing-business-as statement with your county or city gives notice to your local area about your business name.

Trademarks are obtained from the U.S. Patent and Trademark Office. Registering your brand name requires submitting a sample of the brand name, an application and fee. The process is long and because of the legal implications, the use of an intellectual property lawyer is recommended.



## Length of Use

There are no time limitations to the use of a brand name, except any restrictions that may be regulated at the local level. For example, if your business and brand name are the same and you don't keep your business registered with the state or renew your license, the name will be available to someone else.

Trademark protection is limited to 10 years. It can be renewed between the fifth and sixth year following registration and within the year before the end of every 10-year period by filing an Affidavit of Use. At the end of the sixth or 10th year, there is a six-month grace period in which the trademark registration can be maintained for an additional fee.

