

Welcome to the third edition of BrandWrites by Bird & Bird

At Bird & Bird we're passionate about brands. BrandWrites by Bird & Bird is an international publication that will explore topical legal and industry related brand news, featuring recent trade mark cases and key changes in the law, practical advice and commentary from respected brand owners. It features contributions from Bird & Bird's renowned IP team across Europe, Asia-Pacific and the Middle-East.

We hope you enjoy it. We welcome questions, comments and suggestions, so feel free to get in touch with Editor and Bird & Bird Associate, Nick Aries at nick.aries@twobirds.com or Bird & Bird Partner, Lorraine Tay at lorraine.tay@twobirds.com

Get in touch

If you would like advice on how best to protect or enhance the value of your brand, get in touch for a complimentary initial consultation: brands@twobirds.com

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Update on 3D trade marks - Shape marks

A 3D trade mark in relation to a new unique product idea could in theory have been a way to achieve a monopoly on the market. However, while the Community Trade Mark Regulation allows companies to register the shape of their goods and packaging, there are certain safeguards which e.g. prevent companies obtaining a monopoly on technical solutions or functional characteristics of their products.

A key registration requirement, which is often the main obstacle to registration of trade marks for packaging is distinctiveness - signs have to identify the commercial origin of products or services. According to the case law of the Court of Justice of the EU (CJEU), consumers are not used to distinguishing goods by the shape of the product or its packaging, but from the signs affixed thereto. Nonetheless, through long-lasting sales success, or persistent commercial efforts from the market operators, consumers may be educated to perceive a certain product/packaging shape on its own as associated with a single undertaking. If that happens, then the shape has acquired distinctive character. A famous example is the Coca-Cola bottle.

Additionally, signs consisting exclusively of shapes resulting from the goods' nature, necessity to obtain a technical result (even if an alternative shape could be used to achieve the same result), or shapes giving substantial value to the goods, cannot be registered.

Aleksandra Bączkowska (Bird & Bird Poland) and Fidel Porcuna (Bird & Bird Spain) take a look at two recent cases regarding shape trade marks, one concerning the shape of packaging and one concerning the shape of a product itself.



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Blank packaging – Danone’s yoghurt pot in Poland

Compagnie Gervais Danone (DANONE) sought international trade mark registration IR.700040 for blank bicapsular yoghurt packaging for goods in classes 29 and 30, including yoghurts and flakes.

The Polish Patent Office (the PPO) initially accepted the international registration with respect to Poland but changed its standpoint following a revocation application filed by BAKOMA S.A. (the key competitor). The PPO found that DANONE’s packaging lacks distinctiveness. The packaging indicates to customers that there are two separate products – yoghurt and flakes. The pot with flakes is large enough to place a spoon inside yet small enough to be snapped and thereby add flakes directly to the yoghurt. Separating the products prolongs product life and allows the consumer to control the amount of flakes in the yoghurt. This marketing tool was also found to be a technical feature. Product type determines the pot’s colour scheme: flakes are easily seen in transparent pots and dairy products are packaged in white plastic. Adopting CJEU case law, the PPO’s position is that only a sign that significantly departs from the standards and norms in a particular commercial sector and can distinguish the product origin is considered distinctive. The PPO also established that, on the market, DANONE used its yoghurt packaging with word-graphic elements rather than blank. These elements were found to be a dominant part of the packaging conferring its distinctiveness. DANONE’s appeal to the Regional Administrative Court in Warsaw was dismissed.

This practice confirming previous European case law (*Henkel KgaA C-218/01*, *Philips case C-299/99*, *Lego Juris vs. OHIM C-48/09* and *Giorgis v. OHIM*) was recently followed by the General Court rejecting an application to register the shape of two packaged goblets as a 3D trade mark in the *Giorgis v. OHIM case* (T 474/12). This confirms that in the EU a monopoly for blank product packaging is hard to achieve, at least via trade mark registration.

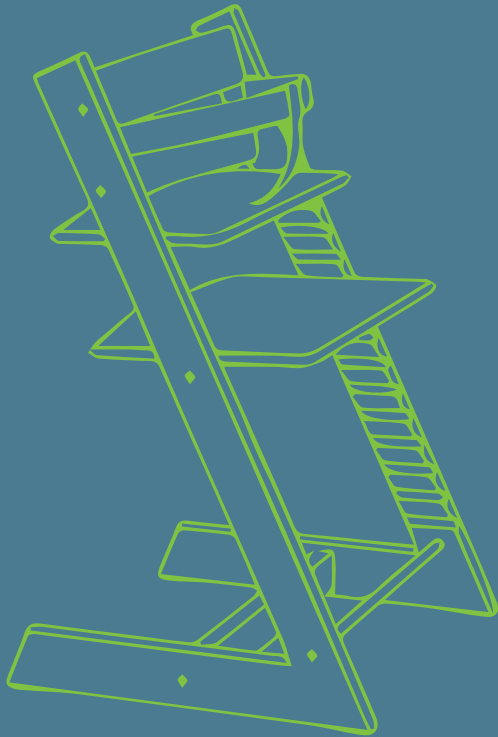


DANONE’s blank bi-capsular yoghurt pot



Product shapes - The “Tripp Trapp” case in the CJEU

The scope of the provision prohibiting registration of a shape which results from the nature of the goods themselves was recently the subject of a preliminary ruling from the CJEU in the “Tripp Trapp” case (C-205/13).



The ‘Tripp Trapp’ children’s chair

In that case, the Court considered the validity of a trade mark covering the shape of Stokke’s highly praised “Tripp Trapp” children’s chairs, in the context of a trade mark infringement action initiated by Stokke and its licensees.

In particular, the referring court of the Netherlands asked (among other things) whether the “nature of the goods” prohibition referred only to the characteristics of the shape that are indispensable to the function of the goods, or also to shapes with functional characteristics that consumers might be looking for in the products of competitors.

The CJEU recalled that the main aim of the provision was to prevent technical functions from being monopolised through trade mark registration. The first step was to determine the essential characteristics of the shape, either by assessing the shape as a whole or by examining each essential characteristic in turn. If those essential characteristics were inherent to the generic function or functions of such goods, then the shape should fall within the prohibition from protection. To rule otherwise would render the prohibition applicable only to products which could be made in no other shape (because there is no substitute or due to regulation). To rule otherwise would also impede the ability of traders to make goods in the right shape to suit their purposes, according to the Court. On the other hand, if a decorative or imaginative element plays an integral or crucial role in the shape, then the shape is unlikely to be prohibited.

In summary, the CJEU has sent a reminder of the essential nature of the prohibitions against registering certain types of shapes as trade marks (which is equally relevant for other non-traditional marks): that trade mark registration is not a tool for creating unjust monopolies.



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Protecting your assets: Add bite to your rights! The importance of a good brand management strategy in Singapore and elsewhere



By Adele Lim

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Filing multiple trade mark applications for various representations of your key marks will almost always mean incurring additional costs, but you should consider doing so at least for your key brands - here's why.

The 'Angry Birds' decision

Rovio Entertainment ('Rovio'), the developer of the popular mobile phone app game Angry Birds, had separately registered the following marks in Singapore:

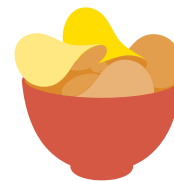
- the word mark ANGRY BIRDS and;
- the device mark (A)

covering a range of goods and services, including snack food.

Device mark (A)



Device mark (B)



Kimanis Food Industries ("Kimanis") filed an application for its mark (B), covering the same goods.

- In designing its mark, Kimanis had admitted to being inspired by Rovio's trade marks.
- However, the Intellectual Property Office of Singapore ("IPOS") dismissed Rovio's opposition and allowed Kimanis' mark to proceed to registration.
- IPOS decided that overall, Kimanis' mark was not similar to Rovio's prior registered marks because the marks in question were to be compared "mark for mark" i.e. as set out in Table 1, not Table 2. In this case, each registered trade mark had to be treated separately on its own, whereupon Kimanis' mark was assessed to be adequately different from each of Rovio's marks.

Table 1

Where Rovio's marks are assessed individually against Kimanis' mark

S/N Application mark Opponent's Earlier Mark T1111886Z



Opponent's Earlier Mark T1113897F



ANGRY BIRDS

Table 2


Where Rovio's marks are assessed collectively against Kimanis' mark

S/N Application mark Opponent's Earlier Mark T1111886Z



Opponent's Earlier Mark T1113897F

ANGRY BIRDS

 **Important lessons**

It appears from this decision that the fact that Rovio had registered components of its mark separately and did not have a composite mark may have worked against it, as each registered mark had to be individually compared against Kimanis' mark as a whole in assessing if the marks were confusingly similar.

For optimum protection, it is therefore important for brand owners to consider an appropriate filing strategy to ensure that your brands are properly and adequately protected.

At least in respect of key brands, it is prudent to ensure that the individual elements of the mark are protected individually and as a whole together with the word elements.

UK High Court confirms it's not the end of the road for survey evidence

In the wake of the *Interflora* decisions, some considered the use of survey evidence in trade mark and passing off proceedings would become a thing of the past. The case of *Enterprise Holdings Inc v Europcar* suggests that such evidence still has a place in the Courtroom, albeit in more limited circumstances.



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Background

Enterprise alleged that Europcar infringed certain of its UK and Community Trade Marks registered in relation to vehicle rental services, the business of both parties, and was liable for passing off its products and services as those of Enterprise. It sought permission from the Court to rely on survey evidence at trial in order to demonstrate that its stylised “e” mark (see below) had acquired an enhanced distinctive character and reputation with considerable goodwill attached to it.

Decision

Morgan J applied the two limb test established by the Court of Appeal in *Interflora* and held that: (1) the proposed survey evidence would be of real value and (2) the likely use of the evidence justified the costs involved. Additionally, the evidence satisfied an extra requirement, introduced by Morgan J, that on the basis of documents he had seen Enterprise had demonstrated a likelihood that the survey would be held to be valid at trial. Enterprise’s application was thus permitted.





Significance

Pre-Interflora, the practice of the Courts was to allow survey evidence unless it was deemed valueless. *Interflora* drastically raised the threshold for permission to the extent that many surveys designed to assess the likelihood of confusion might be considered not to pass the test. In *Interflora*, Lewison LJ did however distinguish between surveys carried out to show confusion between marks and those to show distinctiveness, commenting that the latter was one of several situations where a survey was more likely to be permitted by the Courts.

In *Enterprise*, Morgan J confirmed that the test set out in *Interflora* should be applied no less strictly in the case of distinctiveness surveys. Crucially, he held that the value of the survey hinges on whether it will assist the Court in its role as a “robust gatekeeper” and thus “guard against an idiosyncratic decision” in circumstances where it is not able to determine a dispute based on its own experience.

Since the result in *Enterprise* was envisaged in *Interflora*, *Enterprise* is unlikely to herald a fresh start in the arena. Instead, the case serves to clarify the circumstances in which it is appropriate for survey evidence to assist the Court. Accordingly, surveys as to distinctiveness of trade marks are still clearly on the map.



Focus on UAE

More and more brands are expanding into the Middle East and North Africa (MENA) region. Two articles below consider issues for brand owners to be aware of when navigating this region, with a specific focus on the United Arab Emirates (UAE). The first looks at comparative advertising rules, and the second gives an overview of the competition law landscape.



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Comparative Advertising in the UAE

Use of comparative advertising, a form of advertising which identifies and compares competing services and goods based upon certain qualities such as price, performance or other specific features, is a well-established marketing tool in many markets but must be deployed very cautiously in the MENA region. This article will look at the position within the UAE.

Islamic Shari'a law is an important source of the UAE legal system and therefore any form of commercial activity that does not adhere to the Shari'a principles of justice and fairness is likely to be in breach of a civil law.

Potential offences include:

- Trade mark infringement
- Copyright infringement
- Publishing false details
- Defamation
- Publishing secrets/defamation
- Breach of general standards of advertising content.

The penalties for breaches of the above laws include fines of up to AED20,000 (US\$5,500), closure of business, damages and even imprisonment (the offences are largely criminal).

It is worth noting that defamation actions in the UAE are easier to establish than in many other jurisdictions.

The complainant must show that:

- a false or defamatory statement was made;
- the statement was issued to a third party (either in writing or verbally); and
- the statement caused “harm” to the complainant.

The highest court of appeal in Dubai, the Court of Cassation, recently held that mere criticism may be regarded as defamatory if it exceeds the “normal limits” or affects the honour of a defamed individual. Advertising material containing derogatory comments about competitors may well be found to be defamatory by a UAE court.

Whilst it is clear that in the UAE advertising content that breaches public morals or standards of integrity (for instance, if it is misleading or false) will always be illegal, there is not a clearly defined position in relation to comparative advertising, especially where the content is honest and not intended to deceive.



Depending on the content and context, comparative advertising may breach the laws referred to above. Although not applicable within the UAE, following the principles set out in the EU Comparative Advertising Directive is advisable as best practice. For example, advertisements must:

- not be misleading;
- compare like with like in terms of goods and services;
- objectively compare important features of the products or services concerned;
- not discredit trade marks.

For specific concerns, local advice should be taken.

Competition Law in the UAE

The new UAE Competition Law, Federal Law No. 4 of 2012 (the “Competition Law”), came into force on February 23, 2013. The new Competition Law expands on existing competition legislation and adds significant new concepts to competition law in the UAE.

The UAE Ministry of Economy (“MOE”), along with newly created committees, oversee the implementation and regulation of the Competition Law, which covers three areas of competition: merger control, restrictive agreements, and dominant positions.

Businesses engaging in a merger or acquisition are required to seek approval from the MOE at least 30 days in advance of the transaction. To grant approval, the MOE must determine whether or not the transaction will negatively impact competition or whether the positive impacts outweigh any negative impacts on competition. The Competition Law also prohibits restrictive agreements that limit or prevent competition. Some examples of prohibited restrictive agreements include those with the objective of fixing prices, dividing markets, determining conditions for sale or supply of services, and precluding entry into a market. Lastly, the Competition Law prohibits businesses from abusing their dominant position within a market by preventing or limiting competition.

Penalties for violating the Competition Law range from AED500,000 to AED5,000,000 (US\$136,000 to US\$1,360,000) with fines doubling for repeat offenders. In some instances, the government will impose a fine between 2% to 5% of the violating firm’s total annual sales revenue.

There are aspects of the Competition Law that have not yet been tested in practice and areas that require further detail; however, the Competition Law will have significant consequences for entities engaging in activities that impact competition.



The Paris Court of First Instance rescues perfume brands in pirate-infested waters

If the ship of good fragrance had recently sunk in the French ocean of copyright protection¹, giants of the perfume industry will undoubtedly be more satisfied with the recent judgment of the Paris Court of First Instance ruling against a website selling non-branded perfumes which had been presented as equivalent to well-known original perfumes.

A vast armada of trade mark owners (including L’Oreal, Lancôme Parfums, Yves Saint Laurent Parfums, Giorgio Armani, Guerlain, Kenzo, Chanel, etc.) initiated an action against a French company (“PIN”) operating a website called “pirate-parfum.fr”.

The concept of the website was to “*liberate the most renowned fragrances*” presented as too expensive and to sell perfumes for a price composed of “*95% product, 5% marketing, whereas this formula is completely reversed in every other case*”. Users of the website were invited to enter the name of a specific branded perfume in a search engine, allowing them to “*find their product and compare*”. They were then directed to a page offering a perfume presented as “*featuring the same main ingredients*”. The search engine thus made a comparison between the products sold on the defendant’s website and the branded perfumes of the claimants.

The Court recalled the terms of the ECJ case *O2 Holdings Ltd & Anor v Hutchison 3G UK Ltd* according to which the rights owner is not entitled to prevent lawful comparative advertising. Nonetheless, the judges found that PIN had infringed the claimants’ trade marks through unlawful comparative advertising as the website presented its own products as an imitation of the original fragrances and took unfair advantage of the reputation of the trade marks. PIN’s use was more than purely descriptive.

The Court found that there was no risk of confusion between the products as the perfume bottles were different and the claimants’ products were clearly identified as competing perfumes not sold on the website. Such use was clearly not capable of jeopardizing the essential function of the marks (namely, to guarantee origin).



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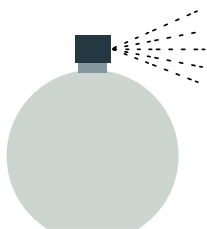
¹ Please see May 2014 BrandWrites by Bird & Bird article:

<http://www.twobirds.com/en/news/articles/2014/global/brandwrites/a-further-step-towards-protection-of-perfumes-by-copyright>

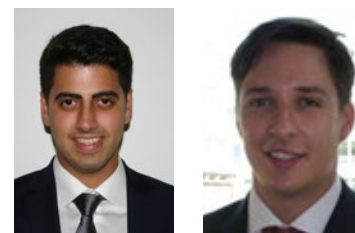


However, consistently with the *L'Oréal/Bellure* case, the French judges held that an effect on the communication, investment and advertising functions would also lead to infringement. The Court found that PIN's use did affect those functions, which the Court described as very important for the renowned marks in question which are commonly associated by the public with luxury.

Importantly, the defendant was ordered to pay a total amount of EUR1,128,000 in damages, split between the various claimants. Through this damages award (exceptionally high in trade mark cases), the Paris Court loudly reaffirmed the willingness of the French Courts to protect trade mark owners. This judgment is another example demonstrating that one should be more than cautious before launching any activity involving comparison charts.



Brand Watch



By Zain Ali and Tobias Hawksley Beesley

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New tool launched to forecast trade mark and design demand in the EU

The forecasting tool, touted as an ‘advanced IP prediction system’, has been developed within the framework of the EU Cooperation Fund and the Observatory on Infringements of IP Rights, thanks to the collaboration of OHIM, the Polytechnic University of Madrid and IP offices in Denmark, Spain, Hungary, Poland, Portugal and the UK. It will support strategic planning and optimise the allocation of resources, in order to help 17 participating IP offices across the European Trade Mark and Design Network better predict the levels of trade mark and design filings.

UK fashion “in the Pink” following UK High Court decision against Victoria’s Secret

Thomas Pink recently succeeded in their trade mark claim against the American lingerie retailer Victoria’s Secret. It was ruled that Victoria’s Secret’s sub brand of clothing for younger women, “Pink”, was an infringement of Thomas Pink’s trade mark, “PINK”. Thomas Pink’s reputation of being a traditional

luxury shirt-maker being confused with a line of “sexy” mass market Victoria’s Secret clothing was a key factor in the Judge’s decision. Although Thomas Pink and Victoria’s Secret are both clothing retailers, one provides mostly business clothing targeted at the older professional, whilst the other provides mostly female undergarments and clothing for women in their teens and twenties.

Disclosure of Suppliers causing irreparable harm in UK case (Wilko Retail Ltd v Buyology Ltd)

The UK Retailer Buyology Ltd came to a settlement with Wilko Retail Ltd regarding the sale by Buyology of goods that infringed Wilko’s trade marks and constituted passing off. However, Wilko then went on to seek disclosure of a list of those who had supplied Buyology with the infringing goods. It was ruled that the disclosure of the supplier list was a separate issue to the trade mark infringement case and so Wilko did have a separate claim for this despite settling the original case. However, the Judge also stated that Buyology had behaved in an exemplary manner with their defence and the infringement had occurred unknowingly. Forcing them to disclose the names of their suppliers would cause them irreparable harm to their relationship with these suppliers. This shows the value of good behaviour during the litigation process.





Goods in Transit (EU) Part 2

In the last edition of Brand Watch², the adoption of the Gallo-Rapkay amendments in February 2014, on goods in transit was considered. These discussions included plans to reform EU trade mark law. In July 2014, negotiations were started by the Italian presidency of the Council, at the behest of the Committee of Permanent Representatives of the 28 EU Member States (COREPER), with the European Parliament to implement the reforms.

However, coming to an agreement has proved difficult with a lack of consensus as to reforms regarding the treatment of goods in transit, amongst others. The Gallo-Rapkay amendments already constituted a step forward in giving customs the ability to confiscate imitation products, yet the European Council is conscious of the need to strike a balance between implementing tougher methods of dealing with counterfeit goods and imposing further burdens on the flow of trade.

² Please see May 2014 BrandWrites by Bird & Bird article:
<http://www.twobirds.com/en/news/articles/2014/global/brandwrites/brand-watch>

European Parliament votes for compulsory “made in ...” labels

In April, the European Parliament adopted a legislative resolution which would require manufacturers to label almost all non-food goods to be sold on the European single market with their country of origin. The new law will not only make the so called “made in ...” labelling mandatory, it may also change well-established rules already in place in several member states of the EU.



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“Made in ...” labels are currently voluntary in the European Union. There is no central body in charge of setting standards or handing out labels. Companies renowned for their manufacturing skills frequently use these labels for their products not only in the Union but all over the world. While there are strict rules for some products such as those “made in the U.S.” or Swiss made watches, the practice of EU member states is mainly driven by customs regulations and general advertising rules. Looking back in history the “made in ...” labels were not necessarily meant to serve as marketing tools. The slogan “made in Germany” for instance was introduced by the British Merchandise Marks Act in 1887 because Britain feared that cheap continental imitations of Sheffield cutlery could flood the market. Thus, non-British products had to be labelled.

The new rules would only apply to non-food goods and contain a few exceptions, such as for the labelling of medicine. To determine the country of origin the new regulation refers to current provisions of the Council Regulation (EEC) No 2913/92 establishing a Community Customs Code according to which the country where a product was manufactured is deemed the country of origin. If goods are produced in more than one country, the proposal is that the country of origin would be the one where it underwent “the last substantial, economically justified processing” resulting in a new product or representing “an important stage of manufacture” pursuant to the Parliament’s will. Depending on the result of this test the products would have to state the country of origin with a “made in + country” label. They can also opt for a “made in the EU” label.

With this strict specification the EU intends to improve the coherence of the rules regulating consumer products identification and traceability. It is also meant to improve the way authorities may check products and enforce product safety rules across the EU.

The background of the slide is a solid blue color with several yellow five-pointed stars scattered across it, resembling the flag of the European Union. The stars are positioned in a way that they appear to be floating or arranged in a pattern.

Some reports have implied that redefining the country of origin could have a serious impact on the marketing of famous brands that use foreign components or assemble their products outside the EU. Against this background, it is not surprising that various concerns are raised across some EU member states. A group of 16 member states including Great Britain, Germany, the Netherlands and several Scandinavian countries have already announced that they will block the European Parliament's proposal from being adopted by the European Council. They regard the rules as anti-free-trade and protectionist. It is also feared that compulsory "made in ..." signs could damage companies that rely on global supply chains. On the contrary, southern European countries like Italy, Spain and France favour the law. They hope it will provide a market advantage against cheaper products coming from Asia, in particular in the fashion, footwear and ceramic industries.

The legislative procedure will be continued by the current EU Parliament, which was elected in May 2014. In 2005, a similar proposal for compulsory "made in ..." labelling was blocked by EU governments.

Apple has scored a victory in the highest court in the EU paving the way towards registration of its store layout as a trade mark.

So what does this mean for franchisors that have a distinctive layout for their premises?



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Apple obtained a US three-dimensional trade mark consisting of the layout of its flagship stores as shown below:



Apple sought to extend the US trade mark internationally. However, that extension was rejected in some jurisdictions, including in Germany, where it was refused on the ground that the store layout was merely the representation of an essential aspect of Apple's business, i.e. the sale of its products, rather than as an indication of their commercial origin (which is an essential element of a trade mark registration). It also considered that the layout of the Apple store was not sufficiently distinguishable from the stores of other electronic products providers. Apple appealed to the Federal Patent

Court of Germany which referred certain questions to the Court of Justice of the European Union (CJEU).

The CJEU ruled in Apple's favour and held:

- A design of the layout of a retail store can be registered as a trade mark provided that the design is capable of distinguishing the services of the trade mark applicant from those of other businesses and that the mark meets the other registration requirements.
- A design of a retail store is capable of distinguishing the products or services of one business from those of others in circumstances where the design and layout departs significantly from the norm or customs of the business sector concerned.
- Provided the conditions above were satisfied, a design and layout of flagship stores of a goods manufacturer could be registered not only in respect of the goods themselves but also for services, even where those services do not form an integral part of the offer for sale of those goods. The example of services given in the Apple case included the carrying out of in-store demonstrations of the products on display.

Why this is relevant to franchisors

Franchisors operating commercial establishments with distinctive layouts, particularly in the retail and food and beverage sectors will welcome this decision. It raises the possibility of an additional level of protection where franchisors might previously have had to rely on the complicated law of passing off to take action against a former franchisee who continues to trade in a copycat establishment, or on trade mark registrations for certain aspects of the appearance of a commercial establishment.

This decision will apply across the EU. However, it is likely to be interpreted differently by the various trade mark registries and courts. To be capable of registration, it will therefore be necessary for the layout of the premises to be unusual and novel rather than purely functional, or to have become distinctive of a particular business over time.

Many already well-established retailers and restaurant chains may adopt more standardised interior designs in order to maintain a strong identity in their current layouts or, devise new, increasingly innovative layout designs.





Kodak



BUILT FOR THE WAY YOU PLAY
WATERPROOF. SHOCKPROOF. DUSTPROOF.
www.kodak.com/go/kodakcameras

Marriott
NEW YORK MARQUIS

MARQUIS
EVITA

Bank of America

acrie

13
JAY Z

TIMES SQUARE

THE "MOVE MY" CHALLENGE
EXPERIENCE THE CHALLENGE TO
CHALLENGE

STUDIO CITY GALLERY
ARTS & CULTURE
GALLERY

THE "MOVE MY" CHALLENGE
EXPERIENCE THE CHALLENGE TO
CHALLENGE

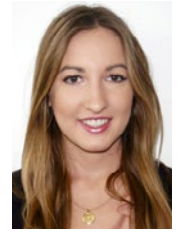
THE "MOVE MY" CHALLENGE
EXPERIENCE THE CHALLENGE TO
CHALLENGE

NOVOTEL

THE "MOVE MY" CHALLENGE
EXPERIENCE THE CHALLENGE TO
CHALLENGE

Industry news

How literally do you take a product's strapline?



By Lindsay Gibbons
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With Red Bull recently having announced that they will pay customers in the US a small sum if their product failed to “give them wings”, should brands really be held responsible for people taking these straplines too literally?

It is more than likely that you will buy something because of the brand's reputation or the product's direct benefits, such as the safest car on the market if safety is your high priority when car shopping, rather than because of the catchy strapline.

Along with these creative slogans, advertisements are also becoming ever more imaginative. It raises the question: should all ads have disclaimers - like video games with the “not actual game footage” posting - stating that certain aspects of the ad are used to simply dramatise the product and may not result in such an outcome?

When buying a packet of biscuits, for example, it is more than likely that you are simply buying them to have a biscuit and not because you are expecting a special outcome. In their latest ads, one brand shows kittens coming out of the packet and everyone feeling overjoyed. Of course, they do not mean that you will get kittens every time you have a biscuit but that their product evokes that same joyful feeling.

It does however seem that we have accepted adverts as more of a creative outlet for showcasing the product in different scenarios and not as something that will be guaranteed to happen to us if we buy the product. So should the same be said for the strapline?

Find out what industry experts have to say:

<http://www.campaignlive.co.uk/news/1316944/brands-held-straplines/>

Upcoming industry events and awards

INTA 137th Annual Meeting

2 - 6 May 2015
San Diego, USA

INTA is the world's largest and most widely-attended trade mark event.

www.inta.org/AnnualMeeting/Pages/AnnualMeeting.aspx

BrandMAX 2014

10 December 2014
London, UK

This conference aims to explore the challenges facing brand owners in the digital age.

www.marketingmagazine.co.uk/brand-max

MIDEM

5 - 8 June 2015
Cannes, France

Annual event where the music industry including music makers, brands and talents come together to discover new music, digital solutions and ground-breaking concepts.

www.midem.com/

A stylized world map in a light beige color is set against a background of repeating white wavy lines. Four green circular markers are placed on the map, each connected by a green line to a dark grey text box. The markers are located in Finland, Thailand, Italy, and another location in Europe. The text boxes contain details about upcoming industry events and awards.

10th Global Brand Conference

27 - 29 April 2015
Turku, Finland

Global brand conference on the role of branding and design in the 21st century.

www.utu.fi/en/units/tse/sites/10thglobalbrandconference/Pages/home.aspx

Sustainable Brands Event

18 - 19 March 2015
Bangkok, Thailand

Learn about local companies and how to build a better brand.

www.sustainablebrands.com/events

PTMG Spring Meeting

23 - 24 March 2015
Venice, Italy

Pharmaceutical Trade Marks Group (PTMG) is a not for profit organisation. The organisation enables members to meet at regular intervals and runs educational conferences for its members.

www.ptmg.org/index.php/conferences/futconf

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