

## **Consumer Outreach: Selecting the Right Brand by Making the Right Connection**

Branding forms an essential feature of the modern marketing strategy. The two go hand-in-hand to achieve the same objective – disseminating your products and services for value and disseminating information about the value they embody. Marketing comprises the business plan and advertising efforts by which your buyers are brought to experience the value of your goods and services. Branding, which is an aspect of marketing, identifies your goods and services and distinguishes them from the goods and services of others. It is essential to create a brand which conveys the message you intend to deliver and which has the potential to increase your market share.

### **Make the Right Connection**

Several factors will help you determine the appropriate brand for your business, products and services. First, make the right emotional and psychological connections through your brand. Is your target market teenagers or seniors? Rock 'n roll fans or opera lovers? The flashing neon "EAT" sign outside a restaurant does little to convey the message of high quality of the provisions served inside if you are catering to gourmands. Your brand name should positively impact your target customers and motivate them to learn more about your products and services.

One way of connecting with customers through branding is to make your mark distinctive. A distinctive mark leaves your potential customers with a desire to know more and connect with the brand. Certainly, when registering your mark with governmental authorities, distinctiveness is one of the hallmarks of registrability.

The U.S. Patent and Trademark Office has established procedures for assessing trademark significance on a distinctiveness/descriptiveness continuum. At the most distinctive end of this continuum are fanciful marks, such as Xerox® for copiers and Kodak® for cameras, which are susceptible to immediate consumer recognition and registrability. These marks are completely contrived just as a trademark, and they require some measure of human imagination to create.

At the opposite end of the continuum are descriptive marks, which comprise words from ordinary language and which merely describe some aspect, character or function of the goods or services with which they are identified. Descriptive marks do not immediately differentiate the associated products from those of competitors in the marketplace. For example, descriptive marks, take "Sudsy" for laundry detergent, are not immediately recognizable as a trademark or entitled to immediate registration. However, descriptive marks can become distinctive over time through use in commerce and may develop "secondary meaning" in the minds of consumers. Windows® for windowing software and IBM® for computers are marks which could be considered descriptive of the associated products but which have developed a secondary meaning through use in the marketplace.

In between these two extremes on the distinctiveness/descriptiveness continuum lie arbitrary marks and suggestive marks. Arbitrary marks comprise terms from ordinary language but do not suggest any quality or feature of the product or service, as in the case of Apple® for computers. Arbitrary marks lie next to fanciful marks on the continuum and are conceptually strong as trademarks. Suggestive marks by contrast, do not immediately describe a character or function

of the goods or services but rather require imagination on the part of the consumer to deduce the nature of those goods or services. Examples of such marks include Coppertone® for suntan lotion, Sunkist® for oranges and Greyhound® for bus transportation services. By virtue of their ability to imaginatively suggest rather than merely describe a quality of the product or service, suggestive marks are immediately registrable. Suggestive marks lie between arbitrary marks and descriptive marks on the sliding scale of distinctiveness.

Alternatively, you may wish to license a famous, distinctive mark to give your product or service instant consumer recognition. Consider the Snoopy® character for MetLife's® insurance services and the Pink Panther® for Owens Corning® pink insulation. In the event of licensing, the mark owner likely will charge a royalty for use of the mark and your use will be monitored and controlled. Keep in mind that under most license agreements, any good will or consumer recognition created by the licensee in the licensed brand typically accrues to the benefit of the owner of the mark. Consequently, as a licensee, you will expend marketing dollars and foster recognition of the licensed mark for your product, but will do so at your expense and for the benefit of the owner of the mark. Whether a licensing arrangement is beneficial to you and your business depends upon several factors, including the costs of creating and implementing an original trademark as part of the marketing strategy and the length of time over which the royalties will be incurred. Trademark licenses can be very expensive and the cost and benefits of these licenses should be weighed in each particular circumstance.

Generally speaking, distinctiveness and marketability are inversely proportional. Marks at the distinctive end of the continuum, while easier to protect through registration, are more difficult to market, while descriptive marks instantly communicate to consumers the message you want to convey. However, through strategic marketing, a distinctive mark serves the purposes of conveying the right message about the product while simultaneously creating a clear and separate brand instantly distinguishable from the competition. Fanciful and arbitrary marks typically serve best in the long run but may require more start up marketing and effort until the brand is established.

### *Deliver the Message*

Your brand should create customer loyalty, or good will, so that customers automatically recognize your brand and associate it with your message. Your message should define the qualities of your services and products and the core values of your business. "Things go better with Coca-Cola," and "We Don't Make a Lot of the Products You Buy, We Make a Lot of the Products You Buy Better," and "I'm Lovin' It" are slogans recognizable to many and immediately identifiable with the products of the Coca-Cola Company, BASF AG and McDonalds Corporation, respectively. These trademark slogans speak volumes about the qualities of the products and values of the companies who make them.

Single word brands also deliver the desired message through strategic marketing and consistency of quality. For example, the famous Steinway® pianos brand immediately connotes quality and sophistication through superior performance, effective marketing and channeled association with concert class musicians and great music halls. And, credit Pillsbury for making their brand the epitome of comfort food: Nothin' says lovin' like fresh from the oven.

Additionally, cross-cultural issues in marketing are important in regions of diverse ethnicity or nationality and in transnational sales of goods and services. Marketing strategies may require adjustment and care to avoid imposing one's own cultural experiences onto consumers in the target market. In fact, words which have an acceptable meaning in one culture could morph into a negative connotation in the new market. Take, for instance, Wendy's Biggie® size French fries and soft drinks which, when marketed in the United Kingdom, connoted to diners something associated with a baby diaper and negatively impacted their appetites. And, most readers within circulation of this periodical will suspect why Bimbo® doughnuts from Mexico are not a household name in the United States. Cross-cultural marketing research is an important part of any marketing program to avoid inadvertent cultural faux pas and unintended negative impressions.

### *Protect Your Brand*

Choose a brand susceptible to strong legal protections and procure the right protection for your actual and anticipated uses. Beyond selecting a distinctive mark, the benefits of which are susceptibility to immediate registrability and strong consumer recognition, conduct a clearance search to assess the availability of your brand and determine its freedom for use. There are few things more expensive and disappointing than building up consumer recognition in your brand and later being served with notice of a lawsuit or a cease and desist letter demanding discontinuance of the brand. Ideally, the clearance search should be conducted in all geographic regions where use of the mark is certain or likely. Trademark practitioners and search companies can conduct these geographic searches and evaluate the results for you.

After confirming that the brand is available, there are myriad ways to protect the brand via state and federal trademark registrations, copyright registrations and domain name registrations, among other means. Protect your brand and create the property rights which prohibit others from trespassing on your intellectual assets. A monitoring system or watch service should be implemented to police the use of your brand by others. And, appropriate trademark usage policies should be implemented within your organization to ensure that everyone understands the value of your brand and uses it in authorized ways which protect and enhance brand value and the image of your organization.

In the end, your brand is a business asset which works for you to achieve your business goals. Connect with your target market through careful and considered selection of a mark which delivers your desired message, implement a marketing strategy aligned with your business plan, and legally procure and monitor your brand to maximize its power in the market.