



## Brand Naming: Trademark Registration Adds Value to Products, Services and Companies

By John Hoepfner

The term "trademark" is often used interchangeably to identify a trademark or service mark. A trademark is defined by INTA (International Trademark Association) as any word (Poison), name (Giorgio Armani), symbol or device (the Pillsbury Doughboy), slogan ("Got Milk?"), package design (Coca-Cola) or combination of these that serves to identify and distinguish a specific product from others in the marketplace or in trade. Even a sound (NBC chimes), color combination, smell or hologram can be a trademark under some circumstances.

Each day in the U.S., the average consumer will come into contact with about 1,500 trademarked products. If that consumer goes to the supermarket, the trademark contacts increase to 35,000. A trademark as an intangible asset may have more intrinsic value than a company's physical plant. What is more valuable: the ownership of trademark Campbell's or the ownership of the soup plants?

Five reasons why trademarks are important:

1. They add shareholder value.
2. They differentiate your product.
3. They define your territory.
4. They are your sign of continuity.
5. Patents expire, copyrights run their course, but trademarks last forever.

Because the ownership of a trademark creates value for your organization, it is vitally important that your legal team or trademark attorney be involved in the process. The verbal brand name development generally works within the realm of marketing terms. From a legal perspective, your trademark attorney will scrutinize your names with variations of what I refer to as the naming spectrum.

Naming Spectrum

1. Fanciful/Neologisms - "invented" names:
  - Advantage - Strong legal protection.
  - Disadvantage - Cost of educating the public.
2. Associative - Indirect communication:
  - Advantage - Communicates message plus legal protection.
  - Disadvantage - Public needs some education - may confuse.
3. Descriptive - Communicates directly:
  - Advantage - Immediate communication to the customer.
  - Disadvantage - May be less distinctive and less protectable.

Because the Internet has attained a predominant place on the media landscape, securing a .com domain name plays a significant role as a part of your brand's intellectual property portfolio. Trademarks provide a basis for businesses to effectively exploit the Internet as a communications tool. Your trademark can provide your customers with a top-of-mind Internet address as a means to research your company and its products and services.

The World Intellectual Property Organization located in Geneva, Switzerland, provides annual reporting regarding the international trademark activities of the 81 Madrid Union member nations. Global trademark registrations were up 9.5% in 2007. Companies based in Germany, France and the U.S. were the leading nations in filing for registrations.

Today, consumers in developed countries everywhere are confused by the sheer number of product and service choices. Take an infrequently purchased service such as healthcare. If today you had to buy a new health insurance policy, what company would you choose? Therefore, your service or product name must communicate verbally. But how will you know if you made the right choice in selecting a verbal brand name? Ask your customer.

John Hoepfner, President and Founder of NameQuest, Inc., is recognized as a leading expert in verbal brand name development and name research for leading Fortune 500 corporations worldwide. NameQuest is the first and most experienced company dedicated solely to international verbal brand name development and research. NameQuest is a five-time recipient of the American Marketing Association's prestigious Edison Award for best new product branding. Est. 1984



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