

Teaching Materials Teachers' Notes



 **RESPECT FOR
TRADEMARKS**



Introduction

Aimed at students aged 14+, this resource offers a range of activities to support your teaching about the importance of protecting intellectual property (IP) rights worldwide.

The focus of the resource is on trademarks and their role in protecting the rights of both consumers and producers of goods and services.

Throughout the resource, learning activities are enriched with interviews with experts in the field of intellectual property rights and branding.

The resource is informed throughout by the concept of balance between the interests of the owners of rights and of consumers. It seeks to stimulate reflection as to the way in which building respect for IP rights as a tool for development can deliver benefits both for right owners and for the economy and society as a whole.

Overall structure

The resource content has been designed to offer teachers a flexible approach to lesson planning. It is organised into three main sections each of which offers a different area for investigation.



Tricks of the Trademark focuses on the history of trademarks and their purpose.

- Why do laws protect the use of trademarks?
- Whom do these laws benefit?
- What happens when the law is not respected?



Brand Loyal offers new ways into thinking about the relationship between trademarks and branding.

- What's the difference between a trademark and a brand?
- How do trademarks and brands appeal to different audiences?
- What is involved in marketing a new brand?



Inside the Lines provides activities to support learning about the importance of respecting intellectual property law, in particular industrial designs, patents and trademarks.

- What is the difference between a trademark, an industrial design and a patent?
- Why does the law protect intellectual property rights?
- How is the law enforced in practice?

Curriculum relevance

The resource is aimed at young people in a range of different educational settings worldwide. Whilst international curricula will differ from territory to territory, there are universal lessons for all young people embedded in this resource. Whether your students are learning about citizenship rights and responsibilities, business studies, economics or art and design, a broad understanding of the importance of intellectual property rights is essential.

Using the resource

Whilst each unit can be delivered as a complete programme, each is sub-divided into three separate activity pages which can be combined with other activity pages to create your own programme of study reflecting your prioritised learning objectives.

The units increase in conceptual difficulty. Teachers know their students best so the following suggestions of the age appropriateness of each section are for guidance only:

Tricks of the trademark: 14 – 16 years

Brand Loyal: 16 – 18 years

Inside the lines: 17 – 19 years

By outlining the content here, we offer teachers a framework for lesson planning and delivery.

For a general introduction to the different IP rights, visit the web site of the World Intellectual Property Organization (WIPO): *What is Intellectual Property* www.wipo.int/about-ip/en/

Tricks of the Trade

The history of trademarks

With a starter activity that defines key terminology, the main element of this activity is a timeline providing students with an overview of the history of how trademarks developed internationally.

Key terms include:

- **Trademark** - a unique, distinctive sign that allows us to distinguish the goods and services that we acquire in everyday life. It can be constituted by various types of signs. The most commonly used trademark is a name or logo.
- **Brands** - the perceived identity of a set of products or services, as created by its distinguishing features, including trademarks.

Thinking tasks are suggested in order for students to engage actively with this content which is aimed primarily at business studies students, but is relevant for all users of this resource.

Why trademarks?

This task provides students with ways into thinking about their own consumption of products and services. It builds on students' existing knowledge and stimulates discussion and thought about why products might be counterfeited and what impact this has on both consumers and producers. With a focus on identifying the features of counterfeit products, this activity is particularly well suited to students of business studies and media studies.

The correct answers to the task are on the following page:

TRADEMARKED BRAND	PRODUCT
 Real Madrid	Football club
	Jeans and fashion manufacturer
	Sportswear manufacturer
	Car manufacturer
 Instagram	Social media
	Communications and information technology company
	Fast food burger restaurant
	Fizzy drinks manufacturer
	Bank

When thinking about why some products and services might be easier to counterfeit than others, key issues might include:

- Whether the product or service is a physical entity that can be manufactured in a factory
- The size of a product – ie. a fake pair of branded jeans is easier to copy than a fake branded car.

For the text box activity, the comments in the right-hand column are suggested to stimulate further discussion:

Why are some branded products copied?	True, false or don't know?
<p>Branded products are usually expensive and the people who produce copies are trying to offer consumers cheaper alternatives.</p>	<p>Although this sounds like a socially progressive position, the reality is very different. Those who produce counterfeit products do so in unregulated environments which do not respect workers' rights, the needs of the environment or the rights of consumers to purchase safely manufactured goods.</p>
<p>People who copy branded products are trying to make a profit by tricking people into buying an inferior quality product.</p>	<p>Those who organise the production of counterfeit products are aiming for the biggest profit margins possible. The profits are sometimes linked to illegal trading in drugs, arms and people.</p>
<p>Some branded products are very expensive and people who don't have very much money can only afford to buy cheaper, forged versions which are poorer quality but superficially look the same.</p>	<p>This is a very real issue for many consumers. For some products, the poor quality may not matter that much, but there is always the danger that because products are manufactured illegally they do not meet safety regulations which means clothing may be highly flammable, pharmaceuticals may contain toxic products and electronic devices may have engineering faults that cause harm to users.</p>
<p>Branded products usually have a loyal customer base so people who copy the product packaging are trying to appeal to that target group without having to create any new advertising for their products.</p>	<p>This is a classic example of how counterfeiters undermine the intellectual property of artists and designers and undermine consumer trust in a quality brand. Instead of working to produce a new product and branding designs, they piggy-back on existing brands for their own profit.</p>
<p>It's very hard to create a new idea for a brand so it's easier to copy a well-established, successful brand.</p>	<p>It is hard to create new ideas and new designs but that is precisely why those who spend the time and energy doing this, and who have the talent and skills to execute their ideas should be valued and respected. This creative talent is what intellectual property laws protect.</p>

Registering trademarks

With explanations of how trademarks are registered and who they protect, this activity contains two comprehension tasks. By raising awareness of the importance of respecting trademark laws, the activity encourages students to start to reflect on some of the dangerous consequences of counterfeiting. Including a task based on the creation of a publication, this section is particularly targeted at students of business studies, art and design and media studies.

Key issues to raise during discussion about the impact of counterfeiting on consumers and society at large include:

- Impact on the economy and loss of jobs in companies trading under a registered trademark
- Poor quality fake products which can be dangerous for consumers, e.g. flammable clothing, toxic substances in pharmaceuticals, faulty engineering of electrical goods
- Criminal gangs trading in illegal products produced in sub-standard working conditions – often dependent on child labour and unregulated factories and work environments
- Impact on environment of manufacturing waste disposed of without accountability to regulatory bodies.

Brand Loyal

Introduction

The unit begins by explaining the way in which trademarks contribute to the creation of a brand, a commercial concept, and goes on to explain the function and value of brands in the modern economy.

A comprehension exercise asks students to show their understanding of the difference between trademarks and brands.

Psychology of trademarks

Opening with an explanation of how certain shapes and colours connect with different target audiences, this activity encourages students to reflect on how familiar global trademarks appeal to key groups in society. It is suitable for students of psychology, business studies, media studies and art and design.

The correct answers to the task relating to the associations of certain shapes and colours are as follows:

Shape	Associations
Circles, ovals and ellipses...	... tend to create a positive emotional message.
Using a circle in a logo...	... can suggest community, friendship, love, relationships and unity.
Rings...	...can imply marriage or partnership, suggesting stability and durability.
Straight edged logo shapes such as squares and triangles...	...can imply stability in more practical terms and can also imply balance.
Straight lines and precise logo shapes...	... can imply strength, professionalism and efficiency.
Vertical lines...	... are connected with masculinity, strength and aggression.
Horizontal lines...	... are connected with community, tranquillity and calm.
Triangles...	... are often connected to power, science, religion and law.
Jagged, angular typefaces...	... can feel aggressive or dynamic.
Soft, rounded letters...	... can feel more youthful
Curved typefaces and cursive scripts...	... appeal more to women.
Strong, bold lettering...	... has a more masculine feel.

The information below is designed to help facilitate discussion about the target–audience of each of the product trademarks in this activity:

Coca Cola doesn't target a specific audience but alters its marketing for different audiences by creating new products. Its main consumers are 12-30 years old; the brand often uses partnerships to reach this group (for example fast food outlets such as McDonald's or Burger King). Its core target audience is young people. Its marketing is not based on gender. Although registered in black–indicating that the mark is registered for all colours–the logo often includes red (as the lettering or background) which can connote youth and excitement.



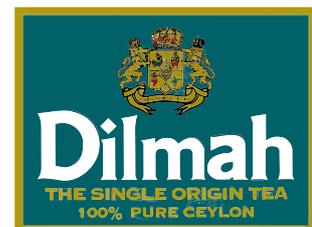
Honda Motor Co. Ltd produces cars and motorcycles, together with many other kinds of motor-based products. This trademark for motorcycles with its strong, bold lettering has a masculine feel which matches the predominantly male market for motorcycles. There is a different logo for Honda cars. This angular logo suggests their motorcycles are aimed primarily at men. Honda owns thousands of trademarks for the company's diverse goods and services.



Azam is part of the Bakhresa food products group based in East Africa. The suggested oval shape used in the logo and the curved typeface suggest this brand is aimed primarily at women who might be most responsible for the family's shopping of food products. The use of blue in this logo associates the product with trust and authority–i.e. this is a reliable brand which produces good quality, safe food.



Dilmah is a Sri Lankan family tea company. Dilmah pioneered the concept of Single Origin Tea in 1988. The oblong shape, horizontal text and dominant green colour imply calm and repose – qualities that one might associate with a good cup of tea. The decorative, curved typeface, on the other hand, might suggest an attempt to appeal to women. The roughly circular armorial bearings, sitting within the frame, suggest unity and stability.



GEOX is an Italian shoe company, stressing the technological innovation embodied in its products. The clear, precise outlines of the black frame and the angular lettering in white express dynamism and modernity. The lower text element, with its horizontal form, suggests calm, while symbolizing in a rather literal way the perforated sole design which is the company's key innovation.



Marketing a brand

This creative design task develops understanding of brand marketing which is particularly suitable for students of business studies, media studies and art and design.

The first interview extract describes how a brand comes into being in the course of the development of a business, whether that be a start-up company or a new line of activity within an existing firm. The entrepreneur must decide what the brand is to stand for and how that positioning should be expressed through visual elements. Then the brand has to be integrated into a way of doing business which will engage customers. The second extract introduces the idea of targeting the brand on specific consumers and explains the choices which might be made to achieve this.

Building on their conceptual understanding, the task invites students to consider how they would develop their own branded product. Students are then asked to create a logo for their new brand and plan a marketing strategy.

Follow up questions invite students to reflect on their designs and product ideas from a perspective of their intellectual property rights. Questions are designed to encourage students to consider the impact on designers and manufacturers of counterfeiting in particular in terms of a brand's reputation. The activity starts students thinking about how intellectual property right holders might respond to counterfeiting. This topic is dealt with in more detail in Unit 3.

Case study

Using an interview extract and comprehension task as a springboard for learning, this research activity into brand marketing includes extension work for the most able. This activity is particularly well suited to students of business studies.

The case study introduces the advanced concept of brand architecture – how brands (constituted principally by trademarks) can be used in a marketing strategy - and stimulates students to think about the IP aspects of that calculation. The research activity allows students to put these principles into practice in a simulated marketing exercise.

Inside the Lines

Protecting creativity

Including interviews with experts, this activity encourages students to reflect on the difference between trademarks, patents and registered industrial designs. The example of a watch is used as it brings together all these concepts in one product showing how the trademark, the design and the patent combine into the brand experience.

Explaining and illustrating the different IP concepts which make up a branded product, this unit is suitable for those studying business studies, media studies, psychology, law, and art and design. The unit goes on to discuss the ways in which IP rights are enforced in practice.

The first task reinforces students' understanding of the differences between laws governing trademark, patents and industrial designs.

Correct answers are as follows:

Aspects of the new product	How is this intellectual property protected?
A clothes brand called 'Fireball'	Trademark rights
A dynamic human powered flying suit that is modelled on a bat's style of aviation	Patent rights
A piece of jewellery.	Industrial design rights
A mobile phone brand called 'Zkal'	Trademark rights
A stylish sports car	Industrial design rights
A drug to cure a disease	Patent rights

Follow up questions invite students to research the IP registering process specific to their region. This information can be sourced online via national IP office websites which are listed here: www.wipo.int/directory/en/urls.jsp

The benefits of inventors, producers and manufacturers registering IP rights include:

- Registering a trademark, gives you legal remedies against unfair competition from other traders
- Registering a patent give you the legal right to stop others from copying, manufacturing, selling or importing your invention without your permission
- Registering an industrial design allows you to prevent others reproducing your design and calling it their own
- Trademarks, patents and industrial designs are legal assets belonging to individuals or companies. They can be traded and hold value.

Protecting the public

This activity stimulates debate around the key issues for the public when protecting the rights of creators and inventors. There is a strong emphasis on the legal avenues open to those whose intellectual property rights might be infringed by counterfeiters. Extension activities relating to the dangers of counterfeiting pharmaceutical products make this sub-section especially relevant to students of business studies and law.

The first task invites students to consider which reasons for protecting intellectual property rights strike them as the most important. There are no correct answers to this task but students should be encouraged to give reasons for their choice of priorities.

The thinking activity requires students to sort into the correct sequence the necessary actions for an individual or company which suspects its intellectual property rights have been infringed. The correct order is:

- Collect evidence
- Complain
- Claim
- Go to court

The task focusing on how the law is enforced aims to support students' understanding of how various public agencies work together to ensure intellectual property rights are protected. The flow chart should be completed to include the following information:

Who has the power to act when counterfeiting is suspected?

- Right holder
- Police
- Customs and Excise officers
- Trading standards agencies

What should the authorities do first?

- Make checks
- Secure search warrants

What power to the authorities have?

- Seize goods
- Fines
- Impound imported goods

The 'Find out More' and 'Extension' activities illustrate some of the most dangerous consequences of counterfeiting, in particular with relation to organised crime and counterfeit pharmaceuticals. The purpose of the activities based on this content is to build an awareness of the dangers and wider impact on society of counterfeiting.

Viewpoint

Based on interviews with experts about the problems of counterfeiting in the digital age, this sub-section opens with an active comprehension task, offering students an opportunity to develop a broader, deeper appreciation of the key issues. The focus of learning is on the challenges for and protection of intellectual property in relation to online trading, making it particularly suitable for students of business studies and media studies.

Building on their study of previous units, the final writing activity is designed for students to consolidate their knowledge and understanding of the importance of protecting intellectual property rights both for individuals, companies and wider society. Links to further research are offered.

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