Making a Name for Yourself in the Pros: Creating and Protecting a Brand for Domestic and International Growth

Head Coach:
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Special Teams:
Mark Friedman, Senior VP/General Counsel, Pinkberry
Paul Coletta, CMO and General Manger, The Melt
Richard Pink, Owner, Pink's Hot Dogs

Presented on **3.14.2013** at:

Game Time AT RESTAURANT HIGH

Is your brand NFL material or something relegated to the Arena League?

This session will focus on how savvy brand-builders approach the creation, development, and management of their brands from both a business and legal perspective.

From Various Perspectives –

- The **mature** brand = **Mark Friedman** of Pinkberry
- The **emerging** brand = **Richard Pink** of Pink's Hot Dogs
- The **brand new** brand = **Paul Coletta** of The Melt

Brand Creation

Develop a brand that represents a **story**, an **experience** that resonates with consumers and that **others want a piece of** (to license and franchise).

History, a piece of Hollywood

- Leveraged the celebrity connection
- Made a point to get on TV, sponsored charity events, fed the local DJs to get on-air mentions
- Get and stay in the public eye – speeches and other opportunities to tell the story
- Focus on a signature product

- Protect what you build (trademark registration and consistent enforcement efforts)
- Calculate legal costs into investment; be prepared to go to court if you have to – the mere willingness to do that will mean that you don't back down and successful settlement is more likely

Brand Development

- Identify core brand elements – "**immutable characteristics**")
- **don't waiver**
- even if it costs more to do it (e.g., all natural ingredients)

International Expansion

- Understand and innovate from your core: Pinkberry aspires to be the most innovative, global **yogurt** brand
- You need boots on the ground as your brand launches in international markets; sophisticated franchisees expect that support
- Don’t underestimate the expense in the first 2-3 years.
- Partner selection is the most important way you will protect your brand and your intellectual property
- Spend time and resources here to save yourself from future challenges.

- **Invest in adjustment to regional tastes**.
- Don’t mess with core elements, but change other aspects.
- Examples –
  - adjustments to Pinkberry formulations for local tastes
  - no beef in McDonalds in India
  - serving wine at EuroDisney

- Register your trademarks and enforce internationally
- Trademark registration is on a country by country basis so it adds up quickly
- Stay way ahead of your plans; you need to register to block others and preserve options
- Emerging brands in the US need to be particularly aware of trademark pirates in Asia and South America

Winning Brand Development Strategy:

Start by Having one.

- The Melt: knew it would be a hard name to protect
- Strategy is tied to grabbing what we can
- Prepared to defend against other's claims
- **Focus is on elements of the experience** and less on the name itself

Keys to the Game

- Decide: do you amplify your brand in a current market or establish yourself in a new market?
- Match marketing strategy to market (e.g., social media focus for China)
- Document brand development with trademark, trade dress and copyright registration
- Registration helps make the investment in “good will” more tangible

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