

Global visibility of South African brand names

 By [Naseem Javed](#)

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Suddenly, perfect storms are developing on the global branding fronts; the top of the agenda is now 'naming' of the brands itself and how the names will survive the rapid changes of massive digitalisation of social media, where such name identities reside and skate to catch customers via global cyber branding.

It's no longer important how and where the business names that later became candidates for trademarks, then domain names and now possibly [gTLD](#) (generic top-level domain) candidates, originated.

The fact is that the majorities are simply not performing as well as originally thought. The passage of time can be very cruel; last-century naming based on yesterday's models has little value in these times, when ferocious digital cyber-branding-driven models are deciding global consumption patterns.

SA must face the new emerging globalisation

South African organisations must face the new emerging globalisation of domain names as ICANN gTLDs become a reality and equally balance with non-English language domains available for the local and regional markets. The issues of domain name management are now very complex, expensive and, at times, may dictate the future of the name brand.

1 May 2012 is an important date when ICANN will release the list of all the global players in the big game of gTLD dot brands.

The [ICANN gTLDs](#) global debate is only assisting the world in better understanding the landscape of global naming complexities and what critical roles names play in marketing domination of any idea. If ICANN is to manage a billion domain names, plus several thousand gTLDs after multiple rounds in coming years, it must accept its full mandate as spelled out in its own name, "Internet Corporation of Assigned Names and Numbers".

To clarify the element, a famous or not so famous trademark, or a big or not so big brand, in reality is a name and a name alone, and that name has to present itself stripped naked to be checked against other names in question. It must prove to have inherent qualities and worthiness for protection.

However, a local or regional layer of trademark protection that may have served the owners well in the past may not work in this global race of the future for name domination, with wide open jurisdictions and where the elasticity of a name must prove its worthiness for such protection. A gTLD naming is always a global naming issue that must face global naming complexities.

Applying the basic rules of corporate nomenclature

A "best name" will only prove to be a liability if it fails in its registration as a trademark, and therefore it will restrict global expansion. (For more, go to www.fivestarstandard.com.)

Trademark professionals may differ on this, as they are proponents of aggressive trademark registration aimed for "crush and destroy" and buy out any opposition in far-flung jurisdictions. There are many success stories but, most of the time, thousands end up with exhausted budgets and wasted years. The big branding and global advertising agencies also take a similar approach. They will take any name and create a global brand with a lasting impression.

There are many success stories, but tens of thousands are short-lived. Names only stay on top of the mind until the expensive fireworks come out. As we approach the global borderless future of multibillion online users, global trademark registrability is the basic test to discover the limitations of a name. Diluted names cost a fortune in maintenance to stay alive.

It may be proven that 95% of names in business have such problems; however, it seems that these disfunctionalities provide fertile ground for the trademark and global advertising agencies.

What's so difficult?

What's so difficult for the boardrooms to figure out? Neither the world's best MBA programmes nor the CMOs have any specialised understanding of these global naming complexities, despite global advertising expenditures pushing these name identities are over US\$500 billion yearly.

Why, suddenly, has the entire advertising trade [declared war](#) on ICANN? Why weak, diluted names only are referred to as "big brands," and not as 'helpless, injured names on life support'? Why should ICANN have to bear the brunt of "bad-name management" in the name of big-brand-owners' revolt, and why isn't the truth about unspoken disfunctionalities of mega-brand identities being discussed in the open?

According to a study by my firm, ABC Namebank, there are a "100 top diluted names" that are being widely used by some 100 million businesses around the world. The sheer number defies logic. Such issues are gradually being discussed in open forums.

Well-protected brands all over the world are protected because their name identity possesses special qualities and are therefore worthy of such status. Panasonic, Rolex and Microsoft have little to worry about compared to names such as UnitedThis and UnitedThat. The "[do not sell list](#)" suggested by CRIDO, (the global advertising agencies front in opposition to the ICANN gTLD platforms) is still the best way to prove the extent of already-existing naming fiascoes.

However, ICANN should welcome any kind of defensive registration for a reasonable fee and, upon submission of the name in need of defensive registration, respond with a professional [name evaluation report](#) (NER). Such custom reports will assess marketing suitability and usability of the name, based on global implications, with authoritative analysis and recommendations.

Three options

The applicant will have three options: continue, start a procedure to partially or fully change the name, or abandon the idea altogether.

Such NERs should not be confused with the trademark lawyer's letter of "registrability opinion," always an important tool to start the process, but always confined to trademark law and never expanded into marketing or creative suitability issues. Similarly, advertising, rebranding or renaming graphic design-based exercises are locked in a campaign-based mentality.

The NER process addresses diverse aspects of global naming complexities and, if there's consensus to modification or creative solutions, global naming complexities and trademark acceptability rules are readily incorporated. Historically, business naming was never meant to be a wildly creative exercise, but rather a sombre and tactical manoeuvre of corporate nomenclature rules.

Here are the three top questions:

1. Is ICANN becoming the global trademark clearing house to gradually clear up this naming chaos? How will this all work out?
2. Will global advertising agencies stop defending diluted names or damaged brands as "mega-brands?" Who will take the name-game blame?
3. Will the global trademark profession accept traditional trademark procedures are in serious need of fixing? Who will accept any radical changes?

ICANN should take the lead

Here are three suggestions:

ICANN should take the lead in this global debate, because it's already managing 220 million domain names and about to open a new gateway for super-name identities. Any global name clearance house will be a logical extension of these services and further support the gTLD-type programs. ICANN has to assume charge of one billion-plus domain names in the near future.

The globally accepted trademark classification system that allows the same name to be applied and protected in different types of businesses does not work on global cyber-branding platforms. Therefore, brand-new knowledge must be induced in corporate boardrooms to tackle global naming issues in a very different light.

Advertising and branding all over the world will have to face up to naming as a distinct, critical component of global cyber-branding, and not as a small component of a big ad campaign. There are amazing opportunities in this thinking at this critical junction. The trademark profession must adjust to new changes and acquire deeper understanding of global naming issues and rules of corporate nomenclature. There are great opportunities in TM portfolio adjustments.

For the first time in last 50 years, global naming complexities are being addressed head-on in a wide-open global debate, where all relevant parties are engaged. This is all due to the technological progression of the internet and billions of online users proving to be natural catalysts.

The world has changed, and some traditional thinking has to go.

See also:

- Bizcommunity: [The web of IP](#) by Nishan Singh

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