
Intellectual Property Right is a Vital Strategic Management Requirement in Brand Architecture for Creating Superior Brands

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Abstract:

A strong brand backed-up with quality offerings carries a superior brand imagery in the market which attracts higher consumer loyalty thereby resulting in higher market share and profits for any organization, irrespective of the type of industry and line of business. But this entire building of superiority can only exist and grow with a strategically made brand architecture. This can involve a portfolio of several brands or a single mother brand with various sub-brands or even a mother brand with a sister brand with several sub-brands trailing below them individually. Some Products under some of these brands may be in different stages of their life-cycles which may involve different strategies for growing them or rejuvenating them affecting majorly the organisation's brand imagery as an overall result. Strategic use and application of Intellectual Property Rights (IPR) in the brand architecture system can give it a proper structure and help in building superior brand imagery for the organization and greater consumer loyalty in the market. This paper attempts to first theoretically prove that IPR is actually a vital strategic management requirement in brand architecture for creating superior brands and then by forming a research framework and hypotheses tries to practically prove it by analyzing the results of primary research involving five different companies from different industrial sectors in India.

Key words: Brands, Brand architecture, Intellectual Property Rights (IPR), Strategic management

Introduction

Brands have been an essential tool for centuries in order to distinguish the goods from one producer from those of another (*Keller, 2003*) and are viewed as the major durable assets of a company (*Kotler et. al, 2000*). A brand is a name with the power of influence because brands are not a mere name to identify products from a source of origin but it is also a system of mental associations, values and believes. In addition it is recognized as a key asset for creating value for businesses and considered to be the communication link between an enterprise and its consumers (*Kapferer, 2004*). A brand has a primary need: to grow, while maintaining its reputation and profits. Capitalizing on the success of its founding product or service, it does so by means of successive extensions, which deepen the relationship with existing customers, or which make it possible to enter into new customer segments, or new distribution circuits. These extensions may be narrow to begin with (product line, range) or broader in scope. When this extension of the perimeter of the brand's offer occurs, strategic questions arise: they concern the brand architecture (*Kapferer, 2008*).

Brand Architecture is about the systematic means of focusing and organizing the organisation's brand assets to ensure that target consumers understand the breadth and depth of value offered to them on purchase of the product/s under that brand. In a brand portfolio, each brand has to be unique and should be able to maximize the equity of the fellow brands in that portfolio, catering to different segments of market. Organisations therefore have to careful in creating brands which can widen the market reach and shorten the overlap of brand's offerings to avoid cannibalization.

The modern day marketing has witnessed the focus shift in major Organisations from product centric brand management to corporate brand management where the name of the corporate organization itself is the umbrella brand under which all the products or list of services derive the sub-brand status (eg: Tata, Bajaj). But compared to traditional product branding, corporate branding is notably different. Product brands focus attention to the final product, both to its physical attributes and to the emotions and associations it creates. The focus of corporate branding is on the entire company, not just on the individual products. Middle management in the organization are usually responsible for product/service branding while the top management is responsible for creation of corporate brand and the subsequent long-term strategic planning of the company. Product branding relates to consumer's likeability and purchase for creating equity for the brand and contribute to the top line and bottom line of the organization. The primarily target is to focus on consumers through a variety of individual products and services with distinct product names. Corporate brands need to respond to the expectations of shareholders, starting from the internal promoters to the external alliances and networks, such as government authorities, media, etc. Product branding is usually handled within the marketing department of a company and using marketing communication tools, like advertising and promotion activities. A corporate brand is however built through multiple channels of communication including total corporate communication. Product brands live in the present and they are short-term in their aim to help deliver sales and attract potential customers. This creates an occasional need to freshen the product brands with innovative advertising campaigns. The corporate brand is based on values held by the promoters and the organization made of employees. These values are a mix of the corporate cultures and ethics. For managing both corporate and individual product/service level

branding the reviewed literature (*Aaker and Joachimsthaler; 2000, Laforet and Saunders; 1999, Keller; 2008*) suggested several perspectives on classifying different brand hierarchies in corporations.

Most categorizations make the division between corporate-dominant, product-dominant and mixed structures. Corporate dominant branding is more strongly related to the intangible company value than product dominant or mixed branding strategies (*Rao et al. 2004*). This can result in cost advantages. In addition, if a company is competing in turbulent markets with short product life cycles where it is difficult to recover the costs of continually creating new product brands, it makes sense to use a corporate brand to support all the products. Considering the effects of markets on the brand strategy, it can be noted that individual product brands suit multiple markets. Companies often choose a brand structure that is neither purely corporate dominant nor product dominant; instead it is something in the between. The mixed branding method gains advantage by combining the brand equities of individual brands. They benefit from the reputation of a corporate brand name and the individual equities of unique brand names (*Aaker and Joachimsthaler; 2000*). The product brand simultaneously benefits in its advertising from the company's heritage, promotes itself, and helps to build the brand equity of the corporate brand. Thus mixed brands should make the associations of the each single brand stronger. In practice this mutual support can enhance getting shelf space and building market share. Family brand hierarchy is a good choice in modern marketing where a classical corporate or family name can give continuity while being associated with changing styles.

Irrespective of the type of brand, the reputation of a brand affects the Brand Architecture system decisions and likewise a strategically managed Brand Architecture system affects the creation of a superior brand. Approximately ten

years back from now, Unilever made a strategic move to make its brand appeal uniform across the world with its trademark “U” logo appearing on the packaging and marketing communication of all its product categories. Previous to this consumers only identified the individual products under the respective sub-brands whereas the corporate brand Unilever remained invisible/hidden till then. Its competitor Procter & Gamble on the other hand continued to market its products under individual brands, hiding its P&G identity on the packaging. Therefore brand architecture is not a technical issue, but a strategic matter. The choice of one leads to a commitment that lasts several years, and it may become a source of cost cutting or of expensive inefficiencies. The matter under discussion as the research problem is not a formal problem of any vivid organization, but the related construction of turnover, growth and a real brand capital, a source of competitive advantage. Brand growth implies increased complexity, and therefore the risk of loss of image rationality and of dilution of the brand capital. Accordingly so when the discussion relates to loss of brand image rationality and its effect on brand growth, the solution to it can be sought in the strategic use of relevant intellectual property rights for the products and brands associated in the Brand architecture system that can help in creating a superior brand, superior imagery and subsequently competitive advantage for the organization.

Research Objective:

The singular objective of this research is to prove that IPR is a vital strategic management requirement in brand architecture for creating superior brands.

Definition of Important Terms

Intellectual Property Right (IPR)

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. – World Intellectual Property Organization (WIPO)

A right that is had by a person or by a company to have exclusive rights to use its own plans, ideas, or other intangible assets without the worry of competition, at least for a specific period of time. These rights can include copyrights, patents, trademarks, and trade secrets. These rights may be enforced by a court via a lawsuit. The reasoning for intellectual property is to encourage innovation without the fear that a competitor will steal the idea and / or take the credit for it. – Businessdictionary.com

Brand

A brand is a name, term, design, symbol or other feature that distinguishes one seller's product from those of others. American Marketing Association

A brand symbol is “anything that leaves a mental picture of the brand’s identity. Leo Burnett

A brand is a name, term, sign, symbol, or design or a combination of them, intended to identify the goods and services of one seller or group of sellers and to differentiate them from those of the competitor. Phillip Kotler

A brand is “The intangible sum of a product’s attributes: its name, packaging, and price, its history, its reputation, and the way it’s advertised.” David Ogilvy

“A brand is a singular idea or concept that you own inside the mind of a prospect.” Al Ries

Brand Architecture

Brand architecture is the structure of brands within an organizational entity. It is the way in which the brands within a company's portfolio are related to, and differentiated from, one another. The architecture should define the different leagues of branding within the organization; how the corporate brand and sub-brands relate to and support each other; and how the sub-brands reflect or reinforce the core purpose of the corporate brand to which they belong. Often, decisions about Brand Architecture are concerned with how to manage a parent brand, and a family of sub-brands. – Wikipedia.

Brand Architecture is the way in which a company organizes and names its products in order to show consumers the differences and similarities between them. Businessdictionary.com

Understanding Brand Architecture

In the Indian market scenario, certain questions are obvious in brand management, like, why does a mammoth organization like TATA market all their products under one mother-brand name? Why modern format retailers like BigBazaar / FoodBazaar use the store name as brand name for their own label staple food products and have different sub-brand name (Koryo) for consumer durables. Organisations definitely need to deal with this situation once they stop producing only one product. Challenge in the decision is linked to the dual function of brands – (i) to distinguish different products from each other, (ii) to authenticate the origin of products. Realizing these two functions of a Brand, it becomes crucial for the organization to understand and implement Intellectual Property Rights including Trademarks, Patents, Copyrights and Designs in strategic management of brands to protect their identities and origin. Brand architecture is the structure that organizes the brand portfolio. It defines brand roles and relationships among

a company's brands. Some corporations choose to communicate the corporate brand to the market while others choose to market product brands to specific segments and keep the corporate brand in the background.

A typical Brand Architecture system model can be described as below:

| | |
|--------------------------|--|
| Umbrella Brand | Used when a brand name spans across a range of sub-brands, typically all falling within the same category. <i>Eg:</i> Nikon as an excellent example of successfully incorporating the umbrella model. |
| Individual Product Brand | Each product or service is individually branded, but the parent brand is de-emphasized. <i>Eg:</i> Procter&Gamble (P&G) uses this model with its leading brands like: Tide, Ariel, Gillette, Olay, Whisper, etc. Successful use of this model is for large Organisations possessing the resources to successfully manage the individual sub-brands into prominence. |
| Endorsed Brand | Used when sub-brands are linked to the corporate brand by verbal and/or visual endorsement. <i>Eg:</i> 3M uses this model with its brands. As the 3M logo is imprinted on the packaging of its products, consumers associate those products with reliability and quality. In this model, the sub-brand is the dominant brand backed up with the strength of its parent / mother brand. |
| Monolithic Brand | This system uses a single name across all products and services offered by a company. <i>Eg:</i> Bajaj adopts this model based on its size, brand recognition, promise and equities. This model is good for brands with satisfactory levels of recognition delivering a brand promise strong enough where extending into multiple, unrelated categories would have little risk. |

Brand architecture strategy can be explained as below:
(Kapferer, 2008)

- product-brand strategy and its variants, the line and range brands;
- flexible umbrella strategy;
- master-brand strategy;
- maker's mark strategy;
- endorsing brand strategy;
- source brand strategy

Brand Architectures with two or more brand levels represent a compromise between the power requirements that push for a single dominant name / master-brand and the personalization requirements that push for segmented daughter brands, each having a clearly differentiated identity. It is also possible to classify these architectures according to the degree of constraint that they impose downstream, at the business, product and market levels. In this respect, two basic alternatives: 'house of brands' or 'branded house' can be identified, wherein House of Brands comprise of: Product-brand, Line brand Range brand, Maker's mark, Endorsing brand, Flexible umbrella brand and the Branded House comprise of: Source brand and Master-brand. House of brands does not relate solely to the product-brand architecture, but also applies to umbrella-type strategies. The 'branded house' expresses the desire to give coherence to the whole under the auspices of a brand with central values that find embodiment at the market and product level. This path brings together the master-brand and also dominant / source brand strategies, giving a strongly normative structure to the daughter brands on the second level. Based on this theory, *Kapferer, (2008)* proposed the Strategic Brand Architectures as illustrated in Figure: 1, below.

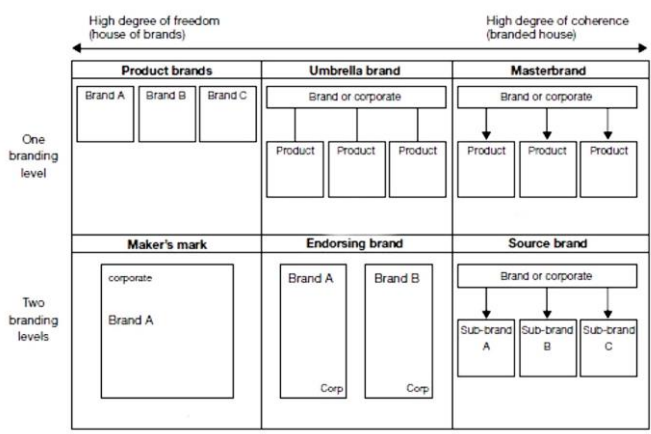


Figure: 1. Brand Architectures (Adapted from Kapferer, 2008).

Brand-architecture strategy pertains to the “organizing structure of the brand portfolio” (Aaker and Joachimsthaler 2000) and defines the number and roles of brand names that a company uses for its range of products and the target groups or target markets it serves (Aaker and Joachimsthaler 2000; Kapferer 1999; Keller 1998; Laforet and Saunders 1999). As for the number of brands, brand-architecture strategy ranges from a single brand for all products and target groups of a company to a strategy in which every single product carries its own brand name. Starting from a hypothetical matrix of four products and/or service categories (P₁ to P₄) and four target groups or markets in which the company operates (T₁ to T₄), there are five brand architecture strategies representing ideal types from which to select (Figure: 2).

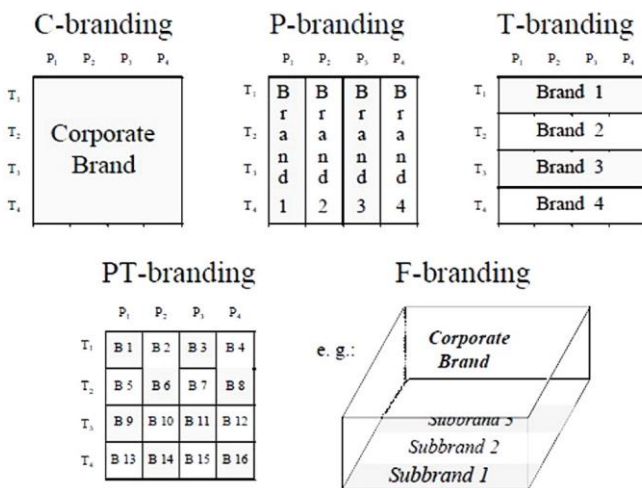


Figure: 2. Brand Architecture Strategies (Adapted from, Strebinger, 2004)

A *corporate brand strategy* (subsequently abbreviated to “C-branding”) adopts a uniform brand for all product categories and target groups. In a *product brand strategy* (“P-branding”), each product category of the company has its own brand name which yields four different brand names. These P-brands have

no recognizable connection for the customer. However, one and the same brand name is used for all target groups within the product category. P-branding strategy can be based on a fine distinction between product categories, resulting in product brands in the narrower sense, or to a more general classification of product categories (“line” or “range brands”, e.g. *Kapferer, 1999*). In a *target group brand strategy* (“T-branding”), the company targets each of its four target groups with a separate brand name, which stands for a number of products. With a *product and target-group-specific brand strategy* (“PT-branding”) each field in the matrix is given its own brand name which results in 16 different brands. And finally, in a *brand family strategy* (“F-branding”), hierarchically ranked brand names have a common endorser, together with a certain number of endorsed brands or sub-brands with their own personality. These brand families can also include more than two hierarchical levels and differ from the C-branding strategy in that the sub-brands are not merely given purely generic product descriptions, but have registered brand names, which are generally promoted individually. These sub-brands can be P-brands, T-brands or PT-brands. Brand architectures with a large number of brands such as P-branding, T-branding or—in extreme cases—PT-branding require compelling reasons (*Aaker and Joachimsthaler 2000 ; Kapferer, 1999*), as more closely integrated brand architectures with fewer brands such as C-branding or F-branding generally offer a higher degree of efficiency and effectiveness. (*Strebinger, 2004*).

Park, Jaworski and MacInnis (1986) distinguished three strategic brand concepts—“functional”, “experiential” and “symbolic brands”. Functional brand concepts promise a higher product benefit, for example, through technical superiority, higher durability, reliability or simply good value for money. Experiential brand concepts emphasize the sensual experience of the product by building up associations with the five senses—taste, smell, hearing, sight, and touch. Products are often

designed to appeal to more than one of the senses. Symbolic brand concepts enable the buyer to express personality, values and status and help to improve self-esteem and social self-presentation. This goal is typically linked to biased processing, creating a highly advantageous self-image or high degree of prestige—often in contrast to the facts and feedback of the social environment (Aaker, 1999). Relational brand concepts (Strebinger, 2004) try to evoke an emotional attachment to the brand and to impart a sense of familiarity with the brand. Quite often, relational brand concepts (field 4) are based on a commitment to generally accepted social values.

Mixture of symbolic or experiential brand concepts, on the one hand, and functional or relational concepts, on the other, as well as mixtures which contain three or all four of these added value components, require the complex brand architecture of F-branding, integrating a diverse range of combinations of C-, P-, T- and PT-brands in a hierarchical concept. If we intend, for example, to target a certain number of groups with different symbolic demands, but with the same high functional demands, a functional C-brand is recommended as a guarantee of technological expertise and quality, beneath which T-sub-brands can be distinguished symbolically for different target groups. Which of these levels is given stronger emphasis will depend on the weighting of functional and symbolic buying motives. If symbolic motives dominate, an endorsing C-brand is recommended together with strong symbolic T-sub-brands (Aaker and Joachimsthaler 2000). If the functional motive has the upper hand, a strong C-brand is recommended as a “master brand”, with supplementary T-sub-brands (Strebinger, 2004).

Irrespective of the Brand Architecture types and Branding strategies discussed above, imagine the simple yet most important factors of brand, like; name, images, colour, colour combinations, word, typefaces, font-styles, language meaning of the brand names; shape and size of the products,

packaging of the products, technology in manufacturing the product and the product content itself, etc. if copied, duplicated or passed-off by any person or organization other than the original creator/owner of the brand, the entire intellectual capital invested in the process of brand creation would go waste. This would not only involve waste of human labour, intellect, time but also great deal of revenue loss in market that the original owner would face. This largely would also effect the loss of goodwill, market-share and also profits of the original owner.

Strategic Use of IPR in Creating Superior Brands

Despite the increasing interest of discussion in both academia and industry about strategies in brand management for marketing excellence, legal protection mechanisms of the brands, about intellectual property rights (IPR) are seldom discussed in detail. However, I argue that IPR including trademarks, patents, copyrights, design rights, are very important aspects to consider in such discussions, more so with realization to tackle unfair competition. In a highly competitive business environment of India with many local players and growing number of multinational companies entering India, the space for one's own niche and positioning one's brand as distinct and superior is a concern most supreme for sustainability and future growth. In such a situation infringements of intellectual property becomes a big threat. I strongly believe from my academic background and practical industry working background knowledge that Intellectual property is a major component for marketing excellence in the present generation of Indian business more so since the advent of this new century, however I also believe that IPR has not been considered with due seriousness in most sectors. One reason behind this could be that IPR matters are not understood by all and are often seen as an external legal issue

something that is only be reacted to in case of infringements, rather than being an internal and strategically controllable factor. One more drawback could be that although some amount of serious research work has happened in the recent years concerning the protection and benefits of brand (*Alessandri, 2007*) the existing studies are mostly limited, concerning mainly individual product or service brands rather than corporate brands considering the entire organization. Also to note that most of these studies are restricted to protection provided by trademark registrations only (*Alessandri and Alessandri; 2004*) including studies on trade name dilution, unauthorized use of trademarks, trademark infringements, etc (*Burgunder; 1997, Howard et al. 2000*), and also trademark protection concerning the Internet involving domain name registrations of Organisations or brands. However, managing corporate brands successfully requires approaching IPR differently, and it can also be influenced by other rights like Patent, Copyrights, Designs, over and above just Trademarks. While discussing marketing excellence or success of a company, the first obvious factor comes to mind is the superior product and the brand that the company has. The excellence and superiority of the product offering in term of its precision engineering, innovation, technical edge or quality edge (eg: Apple, IBM, Sony, Nikon, Intel, BMW) gets its due share of competitive advantage in the market along with the brand name associated which creates an equity in the market for that product and the company in total. This superiority is an example of competitive advantage that a company enjoys in the market which also ensures higher market share and higher revenues. Branding of the products/services and the brand name of the organization itself can create the business excellence and competitive advantage required to grow and sustain in the market. (*Sarkar, 2013*)

As, has been understood, an organisation's success depends on its profitability and the ability to enhance the

shareholder's values; the brands play a big role in it. Like many other assets of an organization, brands can also be exploited in many ways than one, hence in India legal protection for trademarks came into practice with Trade Marks Act, 1940, followed by Trade and Merchandise Act, 1958 and finally keeping in pace with the significant developments in the international level, the Trade Marks Act, 1999 came, which prevails now. A trademark is a visual symbol or sign in the form of a word or a label. It is used for the identification of goods or services readily distinguishable from similar goods or services supplied by others. The sign may consist of distinctive words, letters, numbers, drawings, pictures, colours or the form of other special presentation. A trademark is a commercial asset and supposed to be used commercially by businesses. It is a type of intellectual property where the owner gets perpetual right to its exclusive use in relation to his goods or services. When a person gets his trademark registered, he gets exclusive right to use the mark in connection with the goods with respect to which it is registered and if there is any invasion of this right by any one by a mark which is the same or deceptively similar to his original trademark, he can protect his trademark legally by an injunction, claim of damages or claim of profit made by the other person. Trademarks convey an organisation's products in having distinctive features, triggering off revenue stream in abundant measure year after year. In short, the life of an organization itself revolves around the trademark of its products and services. Registering a trademark is not compulsory in India although but it depends upon how well known or reputed the brand is and it may not be a registered one to prove its originality. The suffix TM is added to just say that it is a trademark owned by the company, it does not denote a registered one; and may be also used to convey that the mark is in process of registration. Registering a trade mark gives Trademark holder the exclusive right to use his mark for the goods and /or services. If the trademark is registered then the

symbol ® is placed next to the trademark. It is an actionable wrong for anyone to use a mark, name, sign, and symbol to represent other's goods or business as their own. The law does not permit anyone to carry on his business in such a way as would persuade the consumers in believing that the goods or services belonging to someone else are his or are associated therewith. (*Sarkar, 2013*)

The reasons being two fold –firstly honesty and fair play are and should be the basic policies of ethical business and secondly when a person adopts or intends to adopt a name in connection to his business which already belong to someone else, it results into confusion and has probability of diverting the customers of someone else to his business thereby resulting into an criminal injury. Acknowledging the features of different branding levels and strategies is relevant part of brand management. It is important not only for being able to choose the most suitable strategy, but also for making sure that the benefits reaped from the brand building work do not flow to competitors. In fact, the chosen brand hierarchy and intellectual property rights are intertwined in brand management. Talking of brand protection matters, the legal aspects actually should start from the very beginning of the inception of an organization when the company's name and domain name for internet is being decided upon. Care has to be take immensely that it is not a replication or deceptively similar to the names of any competitor or some other distant business owner. The same has to be looked after seriously in creation of a product and deciding on the brand name for the same. The objective of trademark law is to provide for the registration, better protection for trademarks for goods or services and the prevention of the use of fraudulent marks on goods and services. Obtaining legal protection for brand name is not a simple and straightforward process considering product branding, and it can be even more challenging when corporate branding is considered. Regarding trademarks, there can be

restrictions for registration. Those marks that directly refer to characteristics of a product, making it an obvious marketing motive to monopolize the market and eliminate any competition, are not eligible for legal registration in India. Also such marks that are immoral, not of the civilised language, even those which directly or indirectly can deceive consumers, which include religious symbols, national emblems, etc. are not permitted to enable registration. Corporate branding actually requires a different application of trademarks than product branding. If the company name is used in relation to product names, it may be possible to augment the coverage of the corporation trademark into such areas where it is not originally registered. When trademarks for individual products are applied for, the company name may be included as a part of the mark. Thus, legal protection may be easier to use. However, it may also be that trying to add the company name becomes an obstacle to registration. Similarly, especially in terms of corporate dominant hierarchy, registration-related challenges exist. If the original corporate trademark application is too simple, it is very much possible that a competitor company may register the similar mark for such a product class that would be a beneficial for them to gain competitive advantage over the former. The primary objective of trademark is to distinguish the identity of one company, its products from the competitors in the market; the registrability of a trademark also depends upon this factor being actually practiced by the mark. If any mark is very easy and generic for consumers, then its strength as a unique brand or trademark gets diluted and may also not be a strong case for getting registration. Generic marks which become common names or already are common terms in English language are weaker in registration process unless it carries with it substantial value proposition for the market in terms of an unique identity in that business sector. (Sarkar, 2013)

Regarding copyrights, the brand elements can only receive protection if the object of protection is original and creative enough. Copyright is a kind of intellectual property of which the importance has increased in the recent times with rapid technological development in the field of printing, music, communication, entertainment and information sectors. Copyright means the exclusive rights to do or authorize to do certain acts in relation to literary, dramatic, musical, artistic works, cinematography of films and sound recordings. Basically copyright is the right to copy or reproduce the property in which copyright subsists. The object of copyright law is to encourage Organisations or people to create original work and enjoy exclusive rights for a limited period of time to earn monetary benefits. With the advancement of technology, copying and replicating has become easy and hence to protect from such infringements of intellectual property the Copyright law has come to force as Copyright Act of 1957. Copyright ownership is denoted by the symbol © which talks of the work is a copyright property of someone and copying from it would require permission of the author. The symbolic denotation is however not a mandate to prove ones copyright authorship or ownership. The Design right enables protection for the appearance of a solid tangible product or a part of it, including impression of lines, contours, shape, texture, etc. According to Designs Act 2000; Section 2(d) 'Design' means only the features of shape, configuration, pattern, ornaments, composition of lines or colours applied to any article whether in two or three dimensional forms or both forms by any industrial means, whether manual , mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode of construction or anything which is in substance a mere mechanical device, or does not include any trade mark or property mark or any artistic work. Thus there are six features to a design; shape, configuration, pattern, ornament, composition of lines and

colours. The terms shape and configuration refer to the form of an article and is generally three dimensional in nature. Pattern and ornament are decorative features generally applied to the surface of articles, which is two dimensional in nature. Pictures and devices printed on the packaging are also considered as industrial designs. Composition of lines and colours are applied to the surface of the article. The author of an industrial design is the one who conceived and created the design for the first time and reduced it to a visible form whether by drawing or by making a model prototype of it. The big challenge comes in legal protection of any product when Patent is in question. Patent is a unique IPR in itself which rests on two factors –product patent and the process patent. The central idea of Patent right is that either of which is needed to be protected as product or the process or both have to be unique and original –meaning it should be an invented step process of manufacturing previously unknown to science or the product concept itself should be original with technology or other features unique and unknown previously. The uniqueness has to be positive in nature benefiting consumers of the world and the society at large as essential criteria for it to be considered for IPR protection. Patent right is granted to a person who has invented a new and useful article or an improvement of an existing useful article or a new process of making an article. It consists of an exclusive right to manufacture new article invented or manufacture an article according to the invented process for a limited period of time. After the expiry of the duration of patent, anybody can make use of the invention. The owner of the patent can either sell the property or can license it to others for using. A patent is not granted for any idea, or principle, but only to some article or the process of making some article applying the idea. A patent system is highly justified because it encourages and develops new technology and trade. The objective of Patent Act is to enable protection of individual interest of the patent and protection of the interest of society. Section 48 of the act confers

on the patentee the exclusive right by himself, his agent or licensees to make, use, exercise, sale or distribute the invention in India. It confers upon the patentee, the exclusive right to prevent third parties, who do not have his consent, from the act of making, using, offering for sale, selling or importing for those purposes his patent invention in India. This encourages the inventor to disclose the invention to public enabling positioning of products and brands in the market, which ultimately contributes to the mutual advantage of producers and users of the technological knowledge and in a manner conducive to social and economic welfare. (*Sarkar, 2013*)

Hence, it is very clear to understand the several ways IPR can protect the innovations that a company makes for creating superior brand/s and gaining competitive edge in the market. Be it innovation in conceptualizing a product, innovation in manufacturing it, innovation in product packaging designs, brand name coining, innovations in message communication, etc. it is IPR which in its proper application can bring protection to all of these intellectual capitals of a company. Most important focus in marketing is always built on the idea to be unique and innovative. But to do that successfully in business, the entire gamut of IPR protection should be involved as much possible; which would essentially include several different rights like trademarks, patents, copyrights, designs, etc. covering and protecting different dimensions of intellectual creations in a business. A successful Brand or House of Brands is noted as the one which has superior quality product/service and experience deliverables for the consumer, in such a case identifying each product and brand as an individual IPR is important, involving technology, design, packaging, brand-name, logo, etc. which can protect and create individual identities for each of these brands. Irrespective of the number of brands in the house or the multiple levels and categories they maybe in the Brand Architecture, if they get copied, duplicated or passed-off by any

other Organisations, the entire intellectual capital invested in the process of brand creation would go waste. This would not only be waste of human labour, intellect, time but also would largely result into loss of goodwill, market-share and profits of the original owner. Hence, it is only with the right management and use of IPR, Brand architecture can build successful House of brands. Therefore theoretically with the above detailed explanation, it can be concluded that indeed IPR if understood and implemented correctly, can be a vital strategic management requirement in brand architecture for creating superior brands.

Research Methodology

The methodology described here is for understanding how the research study was carried out to obtain in depth information about the variables and their significance is to prove that IPR is actually a vital strategic management requirement in brand architecture for creating superior brands.

Based on the above objective the research methodology proposed for this study were:

- Exploratory research: To get insights into the core of the issue and understand how organisations view and understand the importance of IPR as vital strategic management requirement in brand architecture for creating superior brands.
- Descriptive research: To understand and examine the relationship between the variables like Brand Architecture, application of IPR, creation of superior brands.

Sampling:

This research was conducted among 5 organisations of different industry sectors in India, namely; Automobile, Consumer

writing instruments, Readymade Garments, Electrical home appliances and Packaged Processed-food. Representatives (senior people of Brand / Marketing function) from each organization were interviewed physically, on telephone and social media chats, using a structured questionnaire schedule, between July-Aug 2015.

The study was done using Purposive sampling where some known people from the industry were interviewed and their responses were gathered.

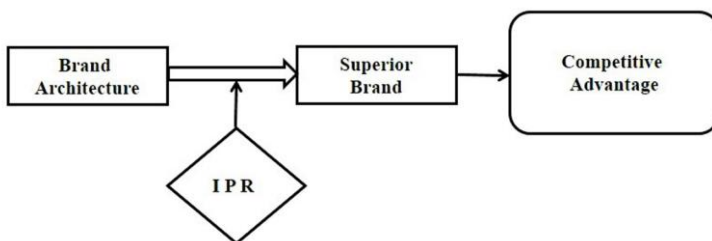
Data Collection:

Secondary data was collected through literature review and *has already proven theoretically that IPR is indeed a vital strategic management requirement in brand architecture for creating superior brands. The same has been explained and mentioned in the above text.*

Primary data was collected using a structured questionnaire schedule, the results of it are shown ahead.

Formation of Theoretical Framework:

There are three prime subject matters being discussed in the scope of this research, and accordingly so, Brand architecture is the independent variables which affect the creation of superior Brand as the dependent variable. The moderating variable here is the application of IPR to catalyze the process. Therefore the framework can be diagrammatically represented as below:



Hypotheses Forming:

Secondary data has already proven that IPR is actually a vital strategic management requirement in brand architecture for creating superior brands, hence hypotheses to prove the same through primary research has been made as below:

H_{x0}: There is no relation between management of Brand architecture and creation of superior brands

H_{x1}: There is a definite relation between management of Brand architecture and creation of superior brands

Both knowledge of IPR and strategic application of it can catalyze brand architecture for facilitating superior brand and competitive advantage for organisations, hence following hypotheses has also been made:

H_{y0}: Strategic application of IPR in Brand architecture cannot help in facilitating superior brand and gain competitive advantage

H_{y1}: Strategic application of IPR in Brand architecture can majorly help in facilitating superior brand and gain competitive advantage

Research Results:

| Hypotheses | Test | Value | Significance | Result |
|----------------|------------|-------|--------------|--------------------------|
| H _x | Chi Square | 4.04 | 0.04 | H _{x0} rejected |
| H _y | Chi Square | 7.64 | 0.1 | H _{y0} rejected |

Summary of feedback:

This research was conducted among 5 organizations of different industry sectors, namely; Automobile, Writing instruments, Readymade Garments, Electrical home appliances and Packaged Processed-food. Representatives (senior people of Brand / Marketing function) from each organization were

interviewed. *The names of these organizations have not been revealed here to maintain the confidentiality as requested by most of the respondents.* Their feedback has been summarized as below:

| Organization | Industry type | Feedback |
|--------------|----------------------------|---|
| A | Automobile | IPR has so far been helpful in R&D and for claiming technical superiority as competitive advantage with certain registrations, however we have not yet analyzed the IPR benefits for enhancing our brand value, which I believe can majorly impact our positive brand imagery in the market to earn greater customer loyalty. We are willing to do the same in our brand architecture. |
| B | Writing instruments | Our IPR related matter are outsourced who do registrations for us. If it is implemented in our strategic management including brand architecture, we firmly believe that will add on to our brand equity and profitability |
| C | Readymade garments | Some our product designs are available in the gray market due to rampant infringement of our IPR, also our logo has been duplicated on some local cheap garments, we have understood the negative effect very hard due to revenue loss and market share fall. Our brand architecture has been poorly managed too. |
| D | Electrical home appliances | Registering our IPR for certain selected brands have been recently done three years back which has helped in controlling our revenue loss that happened due to infringements. The same has positively impacted in our sales growth of 6% CAGR. We are willing to do the same for all of our sub-brands and enhance the equity for our mother brand. We are confident of earning more brand loyal customers out of this. |
| E | Packaged processed-food | We are pledged to implement strategic IPR management in our Brand architecture. In the last two years we have faced a tremendous amount of revenue loss due to spurious products in the market bearing our brand name. This in a long run will affect our brand reputation and we cannot afford it, hence we have applied for change in our Brand's logo and colour combinations in the new packaging which will applied for registration very soon |

Conclusion

Based on research and theory, brand architecture has become an important facet of an organization. It is important that marketers and brand owners spend sufficient time formulating a coherent brand architecture with sufficient strategic consideration. This is particularly important to organisations as it strategically maps out the organisation's future brand portfolio. Once the brand architecture of the organization has been formulated, it becomes necessary to review it constantly as this will allow business strategy to be continuously aligned with the branding of the organization. In this study, it is clear that structured brand architecture as a part of the brand management in an organization is directly connected to the master brand and its success in the future.

Intellectual property is definitely the major component for competitive advantage in the present age of business. Marketing is a multifaceted area of business operation and in this study we have contributed to one particular area, the IPR-related aspects of brand management. We can see many industries where intellectual property right played important roles for competitive advantage in the past. Whenever an engineer or a design & development team of a product oriented organization invents or develops something new, the idea gets implemented into a new product, at the same time they may file for patent in order to protect the intellectual property rights, followed by production. The product then gets an innovative brand name. The technology / innovation are supposed to be protected by law. While recent research works have considered brand name dilution to cover the potentially damaging effects that a company' brand extensions can have, trademark dilution as another form of risk may occur through the unauthorized use of a mark or infringing use of a trade name by some other organization, which may be a competitor or otherwise. If such actions are not sorted out, the power to influence the brands

would flow to outsiders. If copyright or design rights are not defended at the right time, their commercial value generation strength and registration strength may go down. However, if we take a look at the history of the businesses in India other than pharmaceuticals or entertainment to a certain extent, we can see quite a different story in India. The legal aspects of brand protection actually should start from the very beginning of the inception of an organization when the company's name and domain name for internet is being decided upon. Care has to be taken immensely that it is not a replication or deceptively similar to the names of any competitor or some other distant business owner. The same has to be looked after seriously in creation of a product and deciding on the brand name for the same. Most important for marketing success is to be unique and innovative but to do that successfully for product brands or corporate brand, the entire gamut of IPR protection should be involved as much as possible, including patents, copyrights, trademarks, designs, etc. encapsulating different dimensions of intellectual creations.

A wider approach may also be beneficial since it cannot be taken for granted that obtaining legal protection is straightforward in relation to product branding, and it can be even more challenging when corporate branding is considered. Where legal protection for brands is possible even without registration, in certain cases, it happens for some very well-known and reputed names only. However not all names become as reputed or well-known hence considering the legal procedures and after effects in case of a litigation involving infringements, it is better to get one's trade name or mark registered and be safe and protect one's own intellectual property. For Patents, it is of the most certain necessity to prove the uniqueness and originality of the product or its process concept. Our findings indicate that there indeed is a need to approach IPR issues a bit differently than has been done so far. Therefore, this study has two important

contributions. I argue that first IPR are different when they are utilized in relation to product dominant, mixed, and corporate dominant branding strategies, and, second, that also IPR other than trademarks should be acknowledged in corporate branding. It is worth noticing that patents may enhance the corporate branding and having such rights may improve the reputation of the organization. This study provides a starting point for a big future scope of work, further work also has to be done to cover areas such as alliance branding and co-branding as well. It is also suggestive that organisations can reap a bigger and a long lasting benefit by utilizing a proper Intellectual property strategy to encapsulate the corporate brand and as well as the individual product or service brands in the portfolio. It is clear that management of businesses should include serious consideration of IPR strategy and underestimating the benefits of IPR internally may cause serious implications in brand management relevant to achieve marketing success in business. Business Organisations in India therefore have to consider a broad picture of innumerable benefits that IPR has for securing innovations, brand names, corporate images, etc. and need to look at IPR as an internal management responsibility at all levels of hierarchy, rather than perceiving it as an outsourced and reactive legal task. IPR is therefore the necessary part of the brand management system for every business in India to realize, adapt and implement in its operations, which is the definite pathway to create superior brands and generate profitability along with competitive advantage in the market.

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