

Study Cases in
TRADEMARK AND BRAND MANAGEMENT

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One of the most valuable assets of any business enterprise (or governmental or nongovernmental organization, for that matter) is its trademark, its brand. Indeed, some business enterprises manage several or even many trademarked-brands; others should manage a whole trademark portfolio but do not. Managers should articulate a trademark and brand management strategy and the strategy must be a global strategy. What can be a trademark? What is a “strong” trademark? Can a “weak” trademark be a good brand? What characterizes a good trademark, a good brand? How is a trademark obtained? Internationally? How is a portfolio of trademarked-brands best managed? Can a package be a trademarked? A storefront? How is it best to respond when another organization seems to be appropriating your brand investment? What can be done when a another company sells goods with your trademark on them? What can be done when another company seeks to create a trademark and brand identity a lot like yours? Can a trademarked brand itself be an unethical business practice? Can a trademark be lost? Is a domain name a matter of trademark and brand management? What if another company acquires a domain name that matches your brand name?

1. Coca-Cola removes the cocaine from its cola beverage in response to the Food and Drug Act of 1906. Nevertheless, with a changed formula, Coca-Cola continued to sell its product under the brands “Coke” and “Coca-Cola.” Koke of America put on to the market a beverage with a similar taste and called it “Koke,” arguing that Coca-Cola was no longer advertising honestly since it had removed the cocaine from its beverage. Coca-Cola sued Koke for misappropriation of its brand. (*Coca-Cola Company v. Koke Company of America*, 1920) Who won? What do you think of Koke’s trademark and brand management strategy?
2. Quality Inns issues a press release that it will building a new chain of economy hotels under the brand name “McSleep Inn.” The McDonald’s Corporation sent a letter three days later to Quality Inns demanding that it not use the brand name McSleep Inns because to do so would violate its family of trademarks that combine “Mc” with a generic word. Quality Inns refused, saying that its creation of a brand called McSleep Inns would not be a trademark infringement of McDonald’s brands. (*Quality Inns v. McDonald’s Corporation*, 1988) From the perspective of trademark and brand management, what would each side argue in defense of its position?
3. A teenager in California registered with Network Solutions a number of Internet domain names, including “jpmorganonline.com” and “morganstanley.com,” then offered to sell the domain names to companies such as Morgan Stanley. Was this teenager’s action a violation of the trademark rights of the financial services companies involved?