

Hit the brand name sweet spot!

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Brands are one of the most important assets of any business. They distinguish your business from all others, including your competitors and act as a guarantee of the characteristics and quality of your products/services.

Can you imagine cola products without Coca Cola, search engines without Google, computers and mobile phones without Apple and sports clothing without Nike? These brands have become famous worldwide due to them being carefully selected, protected and enforced by their owners. Without these distinctive brand names, each business would be lost in a sea of brands, given the very competitive nature of the markets in which they operate.

When a new business is considering its name or an existing business is considering a new product/service name, it is important that sufficient time and energy is invested choosing a name. The best brand names are those that provide immediate insight into the owner and its products/services, are distinctive of the owner's business and align with their values.

Such brands strike a good balance between the often-competing commercial and legal considerations and are the so-called 'sweet-spot' brands. This means the brand name is commercially attractive because it does not require the owner to spend lots of time and money on an advertising and marketing campaign to educate the public about the characteristics and quality of the new business or new product/services range. At the same time, the name is not similar to existing names, is straightforward to register as a trade mark and for much the same reasons, readily enforceable against would-be infringers.

A good example of a 'sweet-spot' brand name is Nike. The name aligns with Nike's business offerings and values because "Nike" is the name for the ancient Greek goddess of victory. The careful selection of a name like this means it is immediately recognisable and tells consumers about the ethos of Nike and its products. Equally, the brand name is also one that has been easy to protect as a trade mark and enforce against infringers that attempt to ride on the coattails of the Nike brand. Kaitaia Fire and Garage Project are good local examples.

Given the importance of brand names, businesses should give considerable thought when choosing their name and balance all commercial and legal considerations. In practice, this means getting your marketing/creative agency/teams and legal advisers alongside one another early on, which will then allow you to choose a name that hits the sweet spot. These considerations become even more important when a business is looking to expand into new jurisdictions, especially when foreign languages are involved, because not all brand names translate well - just ask Ford, who blundered when marketing its Pinto vehicle in Brazil, which in Brazilian Portuguese means "tiny male genitals"!

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