

TEACHERS' NOTES

INTRODUCTION

Aimed at students ages 14+, this resource offers a range of activities to support your teaching about the importance of protecting intellectual property rights worldwide.

The main focus of the resource is on trademarks and their role in protecting the rights of both consumers and producers of goods and services.

Throughout the resource, learning activities are enriched with video interviews with experts in the field of intellectual property rights and branding.

The resource is informed throughout by the concept of *balance* between the interests of the owners of rights and of consumers. It seeks to stimulate reflection as to the way in which building respect for IP rights as a tool for development can deliver benefits both for individual creators and for the economy and society as a whole.

OVERALL STRUCTURE

The resource content has been designed to offer teachers a flexible approach to lesson planning. It is organised into three main sections each of which offers a different area for investigation. These are:

Tricks of the Trademark focuses on the history of trademarks and their purpose.

- Why do laws protect the use of trademarks?
- Whom do these laws benefit?
- What happens when the law is not respected?

Brand Loyal offers new ways into thinking about the relationship between trademarks and branding.

- What's the difference between a trademark and a brand?
- How do trademarks and brands appeal to different audiences?
- What is involved in marketing a new brand?

Inside the Lines provides activities to support learning about the importance of respecting intellectual property law, in particular trademarks.

- What is the difference between a trademark, an industrial design and a patent?
- Why does the law protect intellectual property rights?
- What happens when intellectual property is not respected?

CURRICULUM RELEVANCE

The resource is aimed at young people in a range of different educational settings worldwide. Whilst international curricula will differ from territory to territory, there are universal lessons for all young people embedded in this resource. Whether your students are learning about citizenship rights and responsibilities, business studies, economics or art and design, a broad understanding of the importance of intellectual property rights is essential.

For a general introduction to the different IP rights, visit the web site of the World Intellectual Property Organization (WIPO): What is Intellectual Property: <http://www.wipo.int/about-ip/en/>

USING THE RESOURCE

Whilst each unit can be delivered as a stand-alone programme, each is sub-divided into three separate activity pages which can be combined with other activity pages to create your own programme of study reflecting your prioritised learning objectives.

The units increase in conceptual difficulty. Teachers know their students best so the following suggestions of the age appropriateness of each section are for guidance only:

Tricks of the Trademark: 14-16 years

Brand Loyal: 16 – 18 years

Inside the Lines: 17 – 19 years

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UNIT 1: TRICKS OF THE TRADEMARK

THE HISTORY OF TRADEMARKS

With a starter video to define key terminology, the main element of this activity is an interactive timeline providing students with an overview of the history of how trademarks developed internationally.

Key terms include:

- **Trademark** - a unique, distinctive sign that allows us to distinguish the goods and services that we acquire in everyday life. It can be constituted by various types of signs. The most commonly used trademark is a name or logo. However, many modern trademark laws allow any distinguishing sign - a sound, a smell or even a gesture – to be registered. Examples of sound marks registered in the United States are accessible here:
<https://www.uspto.gov/trademark/soundmarks/trademark-sound-mark-examples>
- **Brands** - the perceived character of the source of a product or service as distinguished by its trademarks and other features.

SPOT THE QUALITY

This interactive task provides students with ways into thinking about their own consumption of products and services. It builds on students' existing knowledge and stimulates discussion and thought about why products might be counterfeited and what impact this has on both consumers and producers. With a focus on identifying the features of counterfeit products, this activity is particularly well suited to students of business studies and media studies.

The correct answers to the interactive task are on the following page:

TRADEMARKED BRAND	PRODUCT
 Real Madrid	Football club
	Jeans and fashion manufacturer
	Sportswear manufacturer
	Car manufacturer
 Instagram	Social media
	Communications and information technology company
	Fast food burger restaurant
	Fizzy drinks manufacturer
	Bank

When thinking about why some products and services might be easier to counterfeit than others, key issues might include:

- Whether the product is a physical entity that can be manufactured easily and without technical difficulty
- The size and material cost of a product – i.e., a fake pair of branded jeans is easier to copy than a fake branded car
- The transportability of a product (or its parts, such as labels) from manufacturing location to market
- The use of security features on genuine products, such as holograms or watermarks
- The difficulty of distinguishing genuine from counterfeit products.

For the interactive text box activity, the comments in the right-hand column are suggested to stimulate further discussion:

Branded products are usually expensive and the people who produce copies are trying to offer consumers cheaper alternatives.	Although this sounds like a socially progressive position, the reality is very different. Those who produce counterfeit products do so in unregulated environments which do not respect workers' rights, the needs of the environment or the rights of consumers to purchase safely manufactured goods.
People who copy branded products are trying to make a profit by tricking people into buying an inferior quality product.	Those who organise the production of counterfeit products are aiming for the biggest profit margins possible. The profits are sometimes linked to illegal trading in drugs, arms and people.
Some branded products are very expensive and people who don't have very much money can only afford to buy cheaper, forged versions which are poorer quality but superficially look the same.	This is a very real issue for many consumers. For some products, the poor quality may not matter that much, but there is always the danger that because products are manufactured illegally they do not meet safety regulations which means clothing may be highly flammable, pharmaceuticals may contain toxic products and electronic devices may have engineering faults that cause harm to users.

Branded products usually have a loyal customer base so people who copy the product packaging are trying to appeal to that target group without having to create any new advertising for their products.	This is a classic example of how counterfeiters undermine the intellectual property of artists and designers and damage consumer trust in a quality brand. Instead of working to produce a new product and branding, they piggy-back on existing brands for their own profit.
It's very hard to create a new idea for a brand so it's easier to copy a well-established, successful brand.	It is hard to create new ideas and new designs but that is precisely why those who spend the time and energy doing this, and who have the talent and skills to execute their ideas should be valued and respected. This creative talent is what intellectual property laws protect.

JUST A COPY

With video explanations of how trademarks are registered and the nature of the protection they give, this activity contains two active listening tasks. By raising awareness of the importance of respecting trademark laws, the activity encourages students to start to reflect on some of the dangerous consequences of counterfeiting, concluding with a task involving the creation of content to post on social media. The unit is particularly targeted at students of business studies, art and design and media studies.

Key issues to raise during discussion about the impact of counterfeiting on consumers and society at large include:

- Impact on the economy and loss of jobs in companies trading under a registered trademark
- Poor quality fake products which can be dangerous for consumers, e.g. flammable clothing, toxic substances in pharmaceuticals, faulty engineering of electrical goods
- Some fakes may be of similar apparent quality to the original and sold for similar prices in the legitimate supply chain, making them difficult to detect
- Criminal gangs trading in illegal products produced in sub-standard working conditions – using unregulated factories and work environments and sometimes coerced or child labour
- Impact on environment of manufacturing waste disposed of without accountability to regulatory bodies and the difficulty of safely disposing of seized counterfeit products (containing unknown materials).

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UNIT 2: BRAND LOYAL

PSYCHOLOGY OF TRADEMARKS

Opening with a video explanation of how certain shapes and colours connect with different target audiences, this activity encourages students to reflect on how familiar global trademarks appeal to key groups in society. It is suitable for students of psychology, business studies, media studies and art and design.

The correct answers to the interactive task relating to the associations of certain shapes and colours are as follows:

Circles, ovals and ellipses...	... tend to create a positive emotional message.
Using a circle in a logo...	... can suggest community, friendship, love, relationships and unity.
Rings...	...can imply marriage or partnership, suggesting stability and durability.
Straight edged logo shapes such as squares and triangles...	...can imply stability in more practical terms and can also imply balance.
Straight lines and precise logo shapes...	... can imply strength, professionalism and efficiency.
Vertical lines...	... are connected with masculinity, strength and aggression.
Horizontal lines...	... are connected with community, tranquillity and calm.
Triangles...	... are often connected to power, science, religion and law.
Jagged, angular typefaces...	... can feel aggressive or dynamic.
Soft, rounded letters...	... can feel more youthful
Curved typefaces and cursive scripts...	... appeal more to women.
Strong, bold lettering...	... has a more masculine feel.

The information below is designed to help facilitate discussion about the target-audience of each of the product trademarks in this activity:

The Coca Cola Company doesn't target a specific audience but alters its marketing for different audiences by creating new products. Its main consumers are 12-30 years old; the brand often uses partnerships to reach this group (for example fast food outlets such as McDonald's or Burger King). Its core target audience is young people. Its marketing is not based on gender. Although registered in black – indicating that the mark is registered for all colors – the logo often adopts red for the lettering or background, which can connote youth and excitement.



Honda Motor Co. Ltd produces cars and motorcycles, together with many other kinds of motor-based products. Different models of vehicles are aimed at different consumers. This brand logo with its strong, bold lettering and angular look has connotations of power and masculinity, matching the predominantly male market for motorcycles. There is a different logo for Honda cars. Honda owns thousands of trademarks for the company's diverse goods and services.



Azam is part of the Bakhresa food products group based in East Africa. The suggested oval shape used in the logo and the curved typeface suggest this brand is aimed primarily at women who might be most responsible for the family's shopping of food products. The use of blue in this logo associates the product with trust and authority – i.e., this is a reliable brand which produces good quality, safe food.



MARKETING A BRAND

Starting with a link to a WIPO video (Radix Guitars) explaining why a strong trademark is important for new businesses, this unit develops understanding of brand marketing and the role of trademarks in branding. It is particularly suitable for students of business studies, media studies and art and design.

Key information covered in this opening video includes:

- New branded products are developed where a gap in a market is identified
- It's important to trademark a new brand in order to compete in the market with existing producers of similar products
- Registering a brand's trademark is a fundamental element of a business strategy
- Without a registered trademark, businesses cannot produce and promote their products
- Registered designs ensure that the work of those who create unique products is not copied

Building on this conceptual understanding, the task invites students to consider how they would develop their own branded product. By watching two more short video interviews setting out how brands might appeal to different target audiences, students use the interactive tool to create a logo for their new brand and plan a marketing strategy.

Follow up questions invite students to reflect on their designs and product ideas from the perspective of their own situation as creators. Questions are designed to encourage students to consider the impact of counterfeiting for designers and manufacturers and for others in society. The activity starts students thinking about how intellectual property right holders might respond to counterfeiting. This topic is dealt with in more detail in Unit 3, *Inside the Lines*.

CASE STUDY

Using a video interview and close listening activity as a springboard for learning, this research activity into brand marketing includes extension work for the most able. Highlighting a case study of how an Indonesian food product was promoted through a strong trademark strategy, this activity is particularly well suited to students of business studies.

The opening video interviews about brand marketing introduce students to the international dimension of branding with examples of how global companies adapt to different markets across the world. The research task requires students to think more deeply about some of these concepts in relation to specific real brands with which they are familiar.

The video about Helianti Hilman's food business in Indonesia explains the importance of registering a trademark to establish her company's brand Javara. The word itself means 'champion' which reinforces the brand identity – a high quality food product highlighting the best quality, the best production and the best traditions of Indonesian food heritage. The brand is designed to represent the values of the company. By having a registered trademark, the brand's market potential is protected as is the brand equity. Without the trademark, the brand has no value. In this video Helianti refers to the Madrid system for trademark registration. More information about this can be found here: <http://www.wipo.int/madrid/en/>.

The values underpinning the Javara brand are connected to social issues within Indonesia, in particular keeping alive Indonesian food heritage and sustaining smallholder farmers. Helianti includes images of local farmers in the packaging and promotion of the products. This identification of the farmers through branding as the starting-point of a supply chain that stretches from their smallholdings out to a global market enhances their dignity, just as their engagement with Javara improves their economic circumstances. This example illustrates how registering a trademark for a new brand can have far-reaching economic and social benefits for those involved in producing the branded products.

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UNIT 3: INSIDE THE LINES

PRODUCT DESIGN

Including video interviews with experts, this activity encourages students to reflect on the difference between trademarks, patents and registered industrial designs. The example of a watch is used to bring together these different aspects of IP rights within a single product, showing how the trademark, the design and the patent combine to create the brand experience and protect the manufacturer's investment. Activities lead students through the stages involved in registering a new product design.

Signposting key research links in order to deepen students' knowledge and understanding of intellectual property rights, this task is suitable for those studying business studies, media studies, psychology, law, and art and design.

The interactive drag and drop task reinforces students' understanding of the differences between laws governing trademarks, patents and industrial designs.

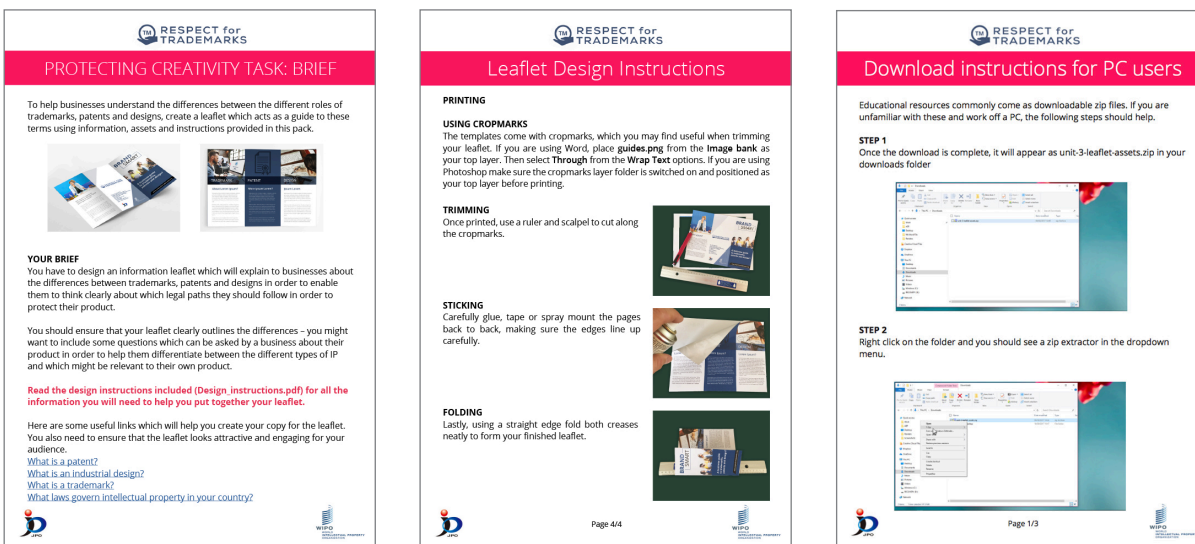
Correct answers are as follows:

ASPECTS OF THE NEW PRODUCT	HOW IS THIS INTELLECTUAL PROPERTY PROTECTED?
A clothes brand called 'Fireball'	TRADEMARK RIGHTS
An ice cream called 'Zkal'	
A dynamic human powered flying suit that is modelled on a bat's style of aviation.	PATENT RIGHTS
A drug to cure a disease.	
A stylish sports car.	INDUSTRIAL DESIGN RIGHTS
A piece of jewellery.	

PROTECTING CREATIVITY - DESIGN A LEAFLET TASK

Students are then tasked with the production of a leaflet using materials contained in the downloadable pack. (Instructions are provided for those unfamiliar with downloading .zip files on a PC).

The pack consists of a brief, setting out the task; instructions for the design of the leaflet; leaflet templates; and a portfolio of images. The templates are provided in both Photoshop and Word formats. The task requires students to clarify and formulate what they have learned so far, so as to be able to explain the differences between the main types of industrial property to a third party, and to use their creativity to produce an effective communication tool. Links are provided to WIPO resources to allow them to deepen their understanding of trademarks, patents and industrial designs.



The benefits of inventors, producers and manufacturers registering IP rights include:

- Registering a trademark, gives you legal remedies against unauthorised misuse of your trademark
- Registering a patent give you the legal right to stop others from copying, manufacturing, selling or importing your invention without your permission
- Registering an industrial design allows you to prevent others reproducing your design and calling it their own
- Trademarks, patents and industrial designs are legal assets belonging to individuals or companies. They can be traded and hold value.
- Right holders have legal ownership of their invention or creation.

PROTECTING THE PUBLIC

Linking to a range of relevant sources, this activity stimulates debate around the key issues for the public when the rights of creators and inventors are affected by infringement. There is a strong emphasis on the legal avenues open to those whose intellectual property rights might be infringed by counterfeiters. Extension activities relating to the dangers of counterfeiting pharmaceutical products make this sub-section especially relevant to students of business studies and law.

The reading activity requires students to process the information in two articles relating to the importance of enforcing intellectual property laws and the strategies used by companies to ensure their products are not counterfeited.

“Jollibee” - Importance of enforcing intellectual property – key points from article:

- Trademarks increased the business’s value
- The trademark makes the product distinguishable from others in the market and easily recognisable. If successful, it will build a relationship through which consumers know they can trust the quality of the product
- If intellectual property is not enforced, consumers may purchase sub-standard products believing them to be the genuine article and may therefore lose trust and confidence in the brand
- If intellectual property is not enforced, a brand image will become diluted over time
- If trademarked businesses could not protect their reputation for quality, this would undermine public trust in the market and so have an impact on society as a whole.

“Smiffys”- Company strategies to prevent counterfeiting – key points from article:

- Trademarking a company name and logo
- Registering design rights for a company’s products
- Ensuring copyright protection for imagery used in sales, packaging, promotional material and company website
- Purchasing specialist software to review other websites and to identify infringing content
- Purchasing sample goods from online shops to ensure a product is not a copy of a company product
- Through lawyers, taking civil and criminal action against those suspected of infringing the company’s intellectual property rights

The first task invites students to consider which reasons for protecting intellectual property rights strike them as the most important. There are no correct answers to this task but students should be encouraged to give reasons for their choice of priorities.

The thinking activity requires students to sort into the correct sequence the necessary actions for an individual or company which suspects its intellectual property rights have been infringed. The correct order is:

- COLLECT EVIDENCE
- COMPLAIN
- CLAIM
- GO TO COURT

The task focusing on how the law is enforced aims to support students' understanding of the basic ways in which IP rights are enforced in practice, depending on the nature of the case and the role of the person undertaking the enforcing. The 'drag and drop' flow chart is correctly completed as follows:

Scenario 1: Right holder in court

Scenario 2: Customs

Scenario 3: Police

Note that in the case of a criminal violation, such as that referred to in Scenario 3, officials of other agencies, such as consumer protection (trading standards), food safety or medicines regulatory agencies, might undertake criminal enforcement actions.

The 'Find out More' and 'Extension' activities illustrate some of the most dangerous consequences of counterfeiting, in particular with relation to organised crime and counterfeit pharmaceuticals. The purpose of the activities based on this content is to build an awareness of the dangers and wider impact on society of counterfeiting.

VIEWPOINT

Based on video interviews with experts about the problems of counterfeiting in the digital age, this sub-section opens with an active listening task offering students an opportunity to develop a broader, deeper appreciation of the key issues. Including links to further reading, the focus of learning is on the challenge of protecting intellectual property for online traders, making it particularly suitable for students of business studies and media studies.

Building on their study of previous units, the final writing activity is designed for students to consolidate their knowledge and understanding of the importance of protecting intellectual property rights both for individuals, companies and wider society. Links to further research are offered.