

## Brand protection, legal advice first

At a seminar on sustainable brands held in Cape Town last week, Edward Nathan Sonnenbergs (ENS) emphasised the creating, building and protecting of sustainable brands in 2010 and beyond.

The line-up of speakers including Mike du Toit, head of Intellectual Property at [ENS](#), Melany Green, director of [Business Presentation Group](#), Susan Stelzner, employment director of ENS and guest speaker Wendy Tlou, global communications manager of [SA Tourism](#).

Of importance was the emphasis that at the core of creating a brand is the trademark, with the main purpose of the trademark being to distinguish the product in respect of how it is used compared to other similar competitors products. Du Toit discussed clearance searches and the registration process locally and internationally. There are often many threats facing a brand and these are important to consider before taking the formal and practical brand protection steps. Many companies and agencies do not consider legal advice when creating their brands and this can be extremely detrimental and costly later on when problems arise.

Stelzner added that employees need to live the brand and to be proper brand representatives and that companies need to learn how to make use of employment contracts and company policies / codes of conduct to protect confidential brand information and to ensure that employees support the brand. Further, employers must understand the difference between a contractual provision and a policy, which can be changed when needs or circumstances change. She also touched on the potential pitfalls South Africa's discrimination laws present and to view both facts and the court's reasoning in some relevant court cases.

Green emphasised that a brands' communication is carried throughout the company's external messaging and that everything must reflect the brand position. Tlou ended with the importance of nation branding as a concept in today's world and stressed the importance of countries understanding how they are seen by others around the world and how the positives and negatives of their people and products is reflected in their brand image.

The intellectual property department has extensive experience and enjoys relationships with advertising and marketing agencies, website designers, media etc, as the importance of protecting a client's intellectual property is imperative.