

NAME QUEST

TM

Creating and Securing Valuable Names
for a Company, Product or Service



Dave Shamir

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PRELUDE

Prelude

Among the vast array of communication tools in the marketing trade, the most difficult to create is undoubtedly the most basic one of all – the business name. Forget the superlatives and the lofty phrases: the arrangement of a few letters into a recognizable business name is the ultimate badge of distinction for a company, product or service. With new product introductions erupting at record-breaking annual rates and the sobering fact that the entire dictionary has virtually been trademarked, serious questions loom on the horizon about the introduction of competitive names in the marketplace of the new millennium.

As a result of my growing interest and experience in this field and the increasing demand for successful, available names, I have recently embarked on a new venture to guide businesses in the conception and appropriation of names: *Eureka! Creative & Strategic Naming Services*. A unique enterprise in Israel, *Eureka!* is devoted exclusively to the art of naming, addressing all aspects of devising compelling business names for companies, products and services. Incorporating creative, linguistic and legal considerations, *Eureka!* provides a comprehensive service that strives to establish a strong identity for its clients, as they position themselves to compete in today's demanding global market.

I'd like to thank Tally Eitan, a leading international trademark lawyer, who saw the need for a comprehensive book on the subject

and encouraged me to research and write it. Her knowledge and passion for naming, based on years of interaction with clients on name-related issues, has been vital and influential in the conception and preparation of *Name Quest*.

It is to the realization of everyone's quest for the ideal business name that I dedicate this book.

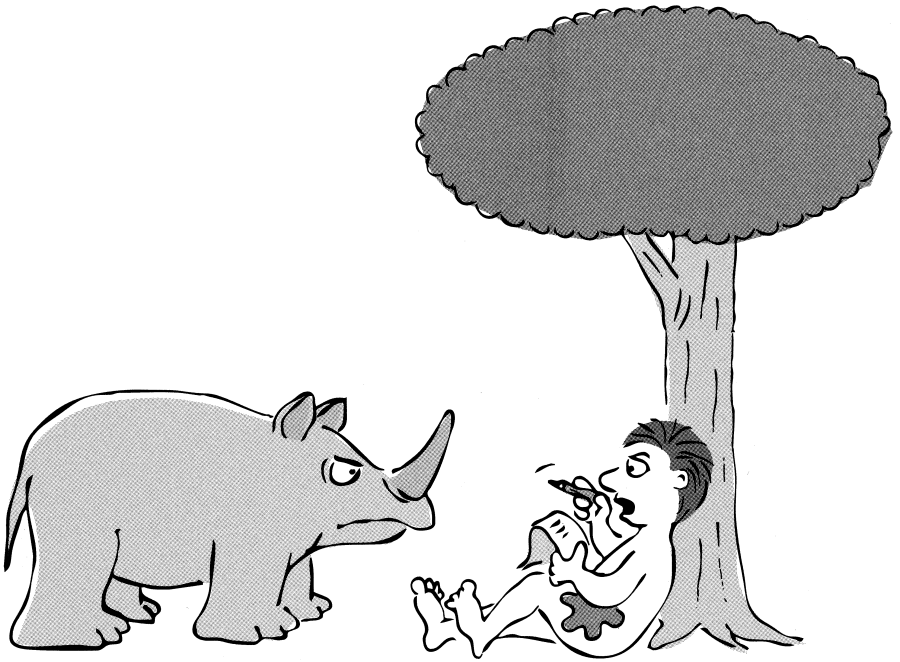
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INTRODUCTION:

The Ultimate Identity Card



Let's see... I'll call you Bignose...no...maybe Onehorn?

Names. From the dawn of civilization, the act of naming has represented the single most symbolic gesture of identification for everything in the world around us. Whether referring to our most sacred spiritual beliefs and ideologies or to something as mundane as the latest brand of cornflakes, we need to be able to differentiate. It is as basic to who we are as our actions themselves.

We give names to everything from our children to our artistic creations, our nations and monuments to our basketball teams. From Adam giving names to all the animals in the Garden of Eden to Jacob being renamed Israel to reflect his conflict with God foreshadowing the subsequent struggle of an entire nation with destiny, naming is an intrinsic need of human nature.

The Evolution of Names

Naming began in humble fashion. In ancient times, an individual was known simply by his/her first – and only – name, distinguished from others with the same name as the offspring of his or her father. The Middle Ages saw the advent of family names. These became popular as a form of distinguishing people by trade, as the appearance and organization of professional guilds became widespread. Membership in a guild was crucial to economic prosperity, and adopting a name that reflected one's profession – Goldsmith, for example – was considered a badge of honor. In modern times, our professional business reputation is often synonymous with our name.

A name is a point of reference; a means of conveying an often complex and powerful message by uttering one or two simple words. Without them, everything around us would fall into obscurity. Names are the mechanism by which we stake our claim

for recognition and immortality; they become unified with the very essence of what their memory reflects.

Coca-Cola Gold

The significance of names in the business world, whether for a brand, product, service or company, cannot be understated. Is there a soft drink that quenches the thirst more than **Coca-Cola**? Perhaps, but few names of similar products *arouse* thirst more than **Coke**. True to its trademarked slogans, "*Coke is It*"; unequivocally "*The Real Thing*". For over a century, the public has grown to associate the name **Coca-Cola** with everything from good taste, quality and reliability, to more esoteric images of youthfulness, camaraderie, athleticism and even sex. From Bombay to Beirut to Bonn it is accepted as an icon of popular culture and represents the very essence of America. Extremists even view it as a symbol of economic imperialism. The **Coca-Cola** name alone is worth an estimated one billion dollars in trademark value.

Similarly, names such as **Marlboro**, **Camel**, **Budweiser** and **Harley-Davidson** have an equity value that far exceeds the sales of beer, cigarettes or motorcycles. These product names have a life of their own that is separate from the products they sell. **Marlboro** and **Camel** are associated with adventure and the outdoors, and sell fashionable lines of clothing. **Budweiser** T-shirts hug beer bellies the world over. Want to ride a motorcycle or just look like someone who does? **Harley-Davidson** emblems are emblazoned on leather jackets, boots, high-quality pens and cigarette lighters.

An Obsession with Brand Names

The wide scope of name equity is not exclusive to products with macho self-images. Fashion giants who influence the way women dress now help determine how they smell, too. The first reason to consider buying a perfume from **Calvin Klein** might be an *obsession* with the designer's fragrant reputation; the actual merits of the product are secondary. **Keds**, for decades, produced sneakers only. Realizing that their traditional canvas sneaker with the rubber sole had long since become a statement in women's fashion, they have cashed in on the equity of their name by introducing a whole new line of clothing and footwear.

What is the mystical power these names seem to wield over consumers? Simply stated, a name is the single most important piece of equity that a business owns. Whether you are an automobile corporation designing a new convertible or a frozen food company introducing a new lasagna dish, your name is your identity card; a pact between you and the consumer that guarantees quality, service and accountability. It is the symbol by which people judge your track record and decide whether to invest their faith (i.e. hard-earned-money) in you or in your competitor. Launch a new potato chip with the phrase "*It's good, it's Osem*" and you may have a catchy slogan, but the real winner here is the brand name, **Osem**. It immediately rings a bell of familiarity, which is music to the consumer's ears. Insert the name of an unrecognizable company in that slogan and it sounds hollow because it lacks *identity*. No aggressive marketing plan, attractive packaging scheme or clever advertising campaign can succeed without it; the name of your product, company or service is the one parameter that remains constant.

Family Jewels

There are good names and bad names, names that are doomed to obscurity and those destined to stardom. Choosing the proper name and guaranteeing ownership is a difficult process. You may want to endow your company or business venture with the ultimate stamp of authority, your family name. But for every **Rolls-Royce**, **Gillette** and **Heinz**, there are those names that become involved in controversy and even scandal. It is certainly unfair to associate the modern-day **Ford Motors** with the racism of its founding father Henry Ford, an overt anti-Semite and Nazi sympathizer. Yet, his legacy will always live on in infamy, denting the front bumper of the car manufacturer's corporate reputation for many miles down the road.

Certain family names just don't have a musical ring. But change Ralph Lifschitz to **Ralph Lauren** or Pietro Cardino to **Pierre Cardin** and you have a name that sings forth with the grace of a symphony, not to mention the basis for an economic dynasty.

You may choose to name your product after a fruit (**Apple** computer, **Orange** amplifiers) or geographic location (**Golan Wines**, **Bell Atlantic**) or concoct your own coined name (**Kodak**, **Scitex**). In your quest for the perfect name, any track you choose will be fraught with obstacles. A successful name depends on many variables and requires creative and legal expertise that far exceeds the in-house capabilities of executives who sit on naming committees or the opinions gathered in a contrived focus group.

If you are in charge of this difficult task in your company or involved in the decision-making process, this book will help you navigate through the obstacles on the road ahead and steer you toward making a good choice. *Name Quest* will

explore the numerous techniques and linguistic approaches you need to take into account when choosing a name as well as the legal processes involved in securing a firm trademark. It will open your eyes to the many considerations you will have to weigh in the process of attaining the single most valuable, proprietary asset that serves at the core of your business. *What's in a name?* Read on.

Chapter 1

Getting Started:

The A-B-Cs of Good Naming



It's 7:00 AM and time to start the day. From the moment your alarm scares you awake until you drift back into the realm of dreams many hours later, your senses will be assaulted with literally hundreds of messages, all aimed to kindle a response in your consumer-minded subconscious. Exaggerated you say?

Let's see. Hop in the shower, lather-up with **Ivory** soap, shampoo your hair with **Pantene Pro-V**, brush your teeth with **Colgate** toothpaste, and shave off the stubble with **Edge** gel and **Gillette Track II**. After sliding into your **Levi's Dockers**, buttoning-up your freshly-ironed **Golf** shirt and slipping on a pair of **Timberland** shoes, go down to breakfast and enjoy a bowl of **Kellogg's** Cornflakes or maybe a **Strauss Danoneh** yogurt. Wash it down with a cup of **Elite** instant coffee. While you're at it, open the morning paper and get a healthy dose of brands and services vying for your attention as you scan the headlines. Do the logos of these products appear in your mind's eye as you read this?

On the way to work, you listen to several commercials jingle-away on the radio; revolving billboards that line the roadways offer shiny new cars, faster computers and cheaper cellular phone connections. By the time you arrive at your destination, chances are that your eyes and ears have registered countless corporate, brand and service names to be filed away in the bottomless brain bank that resides between your ears. And the day has barely even begun...

Name = Reputation = Consumer Trust

Behind every commercial name that flashes through our minds like a neon sign, there is an underlying process of thought and development that went into its conception. As we will see in

Chapter 3, approaches may vary, but the guiding principle is always the same: create an instantly recognizable symbol that when seen or heard, conjures a clear, individual identity that cannot be mistaken for anything else; BUY ME, because a product or service by any other name just doesn't smell (or taste, or perform) as sweetly.

A name is a complex animal that far exceeds the sum of its parts; it does not merely reflect the inherent qualities of the product it represents, but also points to the intricate value system, standards and self-perception of the consumer. A name is a contract, a pact of sorts between a manufacturer and the buying public that promises integrity, quality and continuity.

Stand by your name...

The true value of a name can perhaps best be understood by the reluctance of most companies to change it. **Cadillac**, for example, may alter the design and features of its luxury cars every year. How can the consumer be assured that standards are maintained? Simple. There is a bond of trust inherent in the name **Cadillac** that endures beyond almost any change the car may undergo. The **Cadillac** name speaks volumes about sophistication, elegance and discerning taste to consumers who view themselves as the bearers of those same lofty attributes. Change the name, and consumers are forced to either change their self-image, or to buy a different car.

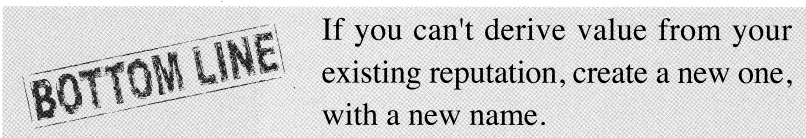
Take even an extremely successful model of **Cadillac**, keep every feature exactly the same, and change the name. This will undoubtedly lead to public confusion and subsequently, to a dramatic drop in sales. A quirky engine design won't damage the

company's reputation as much as what could be perceived by the consumer as the ultimate loss of faith a company may have in itself: betraying its own name. What happened? Was the company sold? Has it declined so severely that it has to revamp its entire corporate image by changing its name?

The lesson here is obvious: Despite what your teachers and parents told you, **PEOPLE ALWAYS JUDGE A BOOK BY ITS COVER**. If a company is fortunate enough to have built a good reputation around its carefully conceived and marketed name, then changing it would be committing commercial suicide; a betrayal of the trust (and money) that consumers have invested in it.

...or get a new one!

Let's imagine the opposite situation: A certain car manufacturer has such a poor reputation that despite all sincere efforts to improve their product, they just can't convince the consumer to take a second look. Although actual improvement is a noble course to pursue, they might consider a different tactic: change the name! This would serve as a significant signal that real change is at hand.



Approaching the process

The rules for naming your company, product or service aren't set in stone, but the following principles should always be considered when weighing your final decision:

- **Easy on the eyes:** The life of a product depends in no small part on how recognizable it is. We live a fast-paced lifestyle, and marketing messages flash at us all the time from TV screens, billboards, magazines and store shelves. A product name that is simply spelled and read is perceived in the wink of an eye and registers in our minds quickly.

Examples: Kodak, Sure, Lego

- **Quick off the tongue, pleasant on the ears:** A name should have a smooth, accessible ring to it, not be overloaded with too many syllables, and have a relatively balanced distribution of hard and soft-sounding letters (see sidebar on the next page) so that it rolls off the tongue and is easily heard and understood without having to be repeated.

Examples: NeXT, Dove, Lotus 1-2-3

- **Make it memorable:** After all, when a consumer goes to buy a certain type of product you want her/him to remember yours; otherwise you haven't done your job. If a name isn't easily accessed from memory, if it doesn't distinguish itself from the competition, then you might as well not name it at all.

Examples: Pepsi, Absolut, Apple

- **Create a firm first impression:** The effect of being introduced to a name for the first time is much like the one you want to generate when going out on a first date: be on your best behavior (a good name never risks offending anyone), give a hint of your emotional and intellectual makeup but don't give too much away (a good name is informative, but also arouses curiosity), convey a strong sense of

personality (all good product names have one), dress your best (a good name lends itself to imaginative graphic design), and above all, leave your date (the consumer) with a desire for more.

Examples: **Sunkist** oranges, **Almond Joy** candy bar, **Ivory** soap

- **Communicate a message:** Your name serves as your I.D. in the public eye. Whether the name contains essential, descriptive information about the nature of the product or simply tries to evoke a specific reaction in the consumer, it should project a suitable image to the customer base for which it is intended.

Examples: **U-Haul**, **Huggies**, **Slim Fast**

Now let's begin to explore the different categories of names and see how they can be used to great advantage – or disaster.

Hard and Soft Letters

As mentioned above, letters of the alphabet can be designated as hard or soft sounding. Some letters have a dual personality, and some are hard or soft to lesser extents:

A, E, I, O, U: *SOFT*
B, D, J, K, P, Q, R, X: *HARD*
C, G, H, S, T: *soft; hard*
L, M, N, W, Y: *soft*
V, Z: *hard*



CHAPTER 2

Navigating the Changing Tides in Naming

The Do's and Dont's
of Different Naming
Categories



Choosing the proper name for your company, service or product can be as much a function of availability as it is of creativity. It often seems as if all the good names have already been taken; the countless legal battles concerning the follies of trademark infringement which weave their way stubbornly into the financial headlines, are bitter testimony to this unfortunate reality. There is an obvious need for a wider acceptance of the notion that names are valued property, to be thoughtfully formulated and tenaciously protected. More and more, businesses in every sector of commerce are embracing the concept and awarding a prominent place to name conception and trademarking in their overall strategic planning.

There are many different categories of names and name-building techniques, each with its own advantages and deficiencies. Here are some of the more accepted traditional and current approaches:

Family fortunes: put your own name on it!

Perhaps the most obvious approach is applying the family name to the business. After all, what shows more dedication to quality and service, those two unshakable pillars of every respectable enterprise, than lending your own name (i.e. reputation) to your business? You may choose to use your surname only (**Gillette**), or opt for your first name (**Wendy's** Hamburgers). You may include your entire name, using initials to lend an air of sophistication (**J.C. Penny**; **B.F. Goodrich**; **L.L. Bean**).

Whatever your choice, be aware that it may be several years (if ever) until the trademark authorities recognize a name in conjunction with a particular business as being so well-known as to warrant their allotment of a registration. If they do, however, you are most probably set for life: the flexibility inherent in the

trademark categorization system may allow for Cadillac jeans or Levi's automobiles to slip through bureaucratic filters, but it is highly unlikely that they will be permitted to exist for long. These names are so entrenched in the public psyche as being bound to a single product, that most courts will tend to uphold the integrity of their originators.

No one will argue with the success of financial giants who have built their empires pursuing this course. Here is just a meager offering of examples: **Chrysler, Ford, Mercedes-Benz, Porsche** and **Rolls Royce** in the automotive industry; **Firestone**, and **Goodyear Tires**; **Paul Mitchell** and **Vidal Sassoon** hair products; **Fender, Martin** and **Gibson** Guitars, **Marshall** and **Peavey** amplifiers, **Steinway** pianos; **Heinz, Coors, Kraft, Kellogg's** and our own **Strauss** spanning myriad food and beverage products.

Make sure it's distinctive

A family name should have a singular ring to it. Commonplace names, such as Cohen or Jones, are probably less likely to succeed as monikers that represent a huge company. Your family may be fortunate enough to have a truly unique-sounding name that commands instant recognition, as in the case of the American frozen-vegetable pioneer, (Clarence) **Birdseye**. Names that have a special tie to their product or service (**Bell** Telephone) or sound streamlined or elegant (**Boeing** airplanes; **Dolby** sound systems) always have a leading edge. And all the better if you can link a product to your name to demonstrate your personal pride and commitment: **Carmel** may produce good wines, but **Segal Wines** with its scripted signature has a far more compelling presence.

Scandal, death and other problems to avoid

The anti-Semitic antics of Henry Ford which we have already discussed do not stand as a lone example of the scandal that can tarnish the reputation of an innocent company bearing (cursed with?) an individual's name. Consider the case of Manhattan's elegantly named Helmsley Palace Hotel. When Leona Helmsley's much-publicized tax evasion and mail fraud scandal of 1989 landed her in prison, a disgusted and unsympathetic public reduced their patronage of the popular hotel. The name, which became a major liability, was changed to the New York Palace Hotel and finally sold a few years later.

Divorce and bickering over the family fortune also make it into the headlines and raise inevitable questions as to the future viability of a family-owned (and named) company. And what about death? When the CEO of an eponymously-named company enters that great corporation in the sky, what happens to the poor inheritors on earth who have to live up to his/her name? And heaven help the fool who sells the company to people outside the family; do you really want someone else using and OWNING your name?

BOTTOM LINE

It's best to apply personal names to service businesses, where direct contact with clients is commonplace and professional conduct at the personal level is paramount. Someone who comes to your law firm is interested in one thing only: the personal accountability afforded by your good name. Manufacturers, whose product names must bear an inherent message, should avoid their family legacies and seek creative and communicative names ♦

that speak clearly to the end user who is far removed from the source. Finally, remember that for every Tom, Dick and Harry coffeeshop, there is a restaurant or laundry service by the same name opening down the block. The risk is yours.

Phony Phamily Phonetics

Sometimes the best personal names are the ones you make up yourself. A thoughtfully-invented personality can produce exactly the touch of authenticity you are looking for, but don't have naturally in your own name:

Aunt Jemima (maple syrup and pancake mix)

Uncle Ben's (converted rice)

Betty Crocker (baking mixes)

Buster Brown (shoe company)

Elmer's (glue)



Geographical names: the limits of location

One step of pride away from the family name is the one that speaks of a local, regional or national flavor. Certainly, using a name influenced by geographic location can lend an exotic ambiance to your product, but beware: the quaint quality of a local brand can be lost when launched internationally. There are literally thousands of companies that have directions in their names. But the abundance of Americans and Northwesterners tacked-on to a company name dilutes their special identity; imagine how suddenly limiting it is to

be an airline stuck with a name like **Eastern** that wishes to expand its routes.

In many countries, geographic names that indicate the actual place of origin of a product are not even registrable. The premise is simple: if this practice was allowed, then Idaho potatoes, Jamaican rum, California raisins and Swiss cheese – among thousands of other generic products identified with a specific country or region – could be unfairly registered by one party. Thus, products closely related to their areas of origin, such as **Cider Ha'galil** and **Golan** wineries could prove problematic, whereas **Newport** cigarettes, a brand which has no relation to the city in Rhode Island for which it is named, would be acceptable – although it may be construed as misleading. Similarly, cars produced by Spanish **Seat** can be successfully named after cities **Malaga**, **Ibiza** and **Cordoba** (note how beautifully evocative these names are of historic Spain, how easily pronounceable and majestic sounding, and how the soft "a" in the final syllable binds the three as members of a cohesive family. Perfect names in an industry in which naming is becoming increasingly impossible).

A name that summons a sense of a geographic location without getting too specific will probably cross borders with greater success: **Timberland** shoes convey that woodsy, outdoorsy feel that transcends a specific locale and fits the Oregon forests as well as those in Bavaria; **Island** Records doesn't produce artists tied to one specific style of music, but whether you prefer reggae or rock, the listening experience always hints at tropical relaxation.

BOTTOM LINE

If you are choosing a name with a geographic flair, beware of two major no-no's: If the link between the product and the location is obvious (as in Swiss cheese discussed above) then the name is not distinctive and will not be allowed as a trademark. If the product name is misleading to the consumer – "deceptively mis-descriptive" in legal jargon – it cannot be protected and risks liability for false advertising. For example, naming a wine produced in California **Vin de Provence**, after a region in the south of France known for its wines, is outright deception.

Geographic Gems

Chicago Pizza Pie Factory

(franchised all over the world)

Dutch Boy paints

(made in the U.S., not Holland)

Swatch watches (what an ingeniously simple way to trademark Swiss Watch!)

Manhattan records (jazz music label, named for the jazz capital of the world)

Tacoma guitars (crafted in "the Great Northwest")

London Fog (is there a better name for a raincoat?)

Nature Valley granola bars

(great healthy image, location could be anywhere)

Irish Spring soap (denotes the purity of natural bathing in open landscapes)



Descriptive names: trademarking the dictionary

Bigger. Better. Stronger. Faster. Perhaps the most intuitive approach in naming a product is to describe it outright. No matter what your business, product or service is about, chances are you want to convey the above-mentioned attributes to your customers, along with Long-Lasting, Reliable, Guaranteed and a zillion other messages. The trouble is that there are just too many products out there already with descriptive modifiers like Ultra, Super, Max, Fresh, Lite etc.

From a marketing point of view, descriptive names seem ideal at first; they emphasize a product's attributes in a straightforward manner and communicate the right messages. However, an unsophisticated descriptive name risks growing old quickly and becoming mundane, generic, and downright ineffective. Moreover, it is weak from a legal standpoint.

How can one best utilize common dictionary words for naming purposes? **Choose a word that has a clear associative connection that underscores the characteristics of a product without being too obvious.** When juxtaposed with whatever it is called upon to describe, the word should evoke a series of messages that reflect both upon the product and the consumer, forming a sort of descriptive bridge. So whether you bathe using **Dove**, **Ivory**, **Dial** or **Zest** as your soap of choice, there are qualities inherent in all – from purity, freshness and cleanliness to long-lasting effectiveness and open enthusiasm – that make you feel good about the product and yourself. (If you are looking for an example of a product with the absolute WRONG MESSAGE, consider the following: **Shemen** Toothpaste. What, in sanity's name, were they thinking?)

Arbitrary names: safe and imaginative

Perhaps the most useful sub-category of dictionary names is the **arbitrary name**. These are common words that don't seem to have any clear connection to the product they name and stand out because of their lack of connection: **Tomato** Bank, **Penguin** Books, and **Tulip** Computers. The unusual and unexpected name is striking (strong first impressions are very valuable), memorable and easier to protect than common words which are more closely related to the product.

Engine trouble: finding a good alias for your auto

Although at first glance the dictionary might seem virtually inexhaustible, the truly good and available descriptive words drawn from this deep well are evaporating as you read.

To illustrate the tremendous increase in real word brands, let's have a look at the auto industry, which until recent years has relied heavily on names provided by the animal kingdom. Looking for speed, grace, strength and sleek beauty in your horsepower? How about a **Mustang**, **Colt** or **Bronco**? If you prefer the allure of the jungle, get behind the wheel of a **Cougar**, **Jaguar** or **Impala**; flying down the road is always possible with a **Falcon**, **Skylark** or **Eagle**; and if you wish to roam the roads compactly, hop into a **Rabbit**.

All of the above are memorable, convincing names. They all arouse strong associations about the performance one might expect from each vehicle, and are even indicative to an extent of the personalities who drive them. But what is left today?

Besides rodents and other lowly beasts, most of the sought-after names stemming from the animal kingdom, as well as other

favorite natural namebanks – including the zodiac, planets and star systems, mythological characters, plants and historical figures to name a few – have simply been taken! Look at cars today. Can you distinguish between the manufacturers who produce the **Lancer, Lantra and Lantis? Acura or Altima? Terios or Terrano?** Has it earned a class designation of DL, GT, or perhaps GLX? With close to a thousand brands and models cruising the asphalt highways of the world, true identity is hard to find.

BOTTOM LINE

If you can still find an available gem, by all means grab it! But think globally: not all descriptive, dictionary names will have the same impact in other cultures and, as we will see in the next chapter, they are sometimes destined to be highly offensive.

Associative/ Suggestive Names

Visa credit cards

(travel, passports, freedom)

Diners Club International

(entertainment, high-living, sophistication)

Edge shaving cream

(close shave, razor sharp, superior)

Cascade dishwashing detergent

(free-flowing, rushing water, purity)

Camel cigarettes (oriental, mysterious, exotic, dangerous)

Lincoln Continental (reliable, stately, traditional)

Greyhound buses (streamlined, poised, swift)



The X Files

A popular trend in the past several years is to include the letter X, considered to exude strength and determination and have an immediate impact on the consumer:

Exxon oil

Xerox copiers

Everex computers

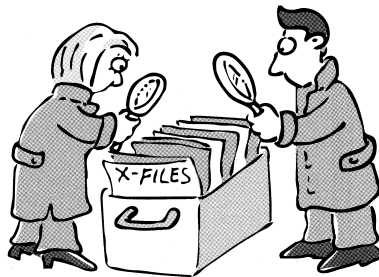
NYNEX telephone system

Kleenex tissues

VOX amplifiers

Xwire digital wireless system

Lexicon sound effects



Alpha-bits, number-snips & all the rest

Some more categories to consider:

Alpha-numeric/numeric: **7Up** soft drink, **3M** Company (formerly Minnesota, Mining & Manufacturing), **3COM** (named for communications, computers, and components) **Neka 7** soap, **7-Eleven** stores, **778** confitures, **286,386,486** microchips, **20/20** television show

Alternate, stylized spelling: Standard Oil (initials S.O.), became **Esso**; the U.S. Army's General-Purpose vehicle (initials G.P.) became the **Jeep** when sold commercially. Today it is a proudly owned and carefully protected trademark of the **Chrysler** Corporation.

Initials: **IBM** (International Business Machines), **JNF** (Jewish National Fund), **BAM** (Brooklyn Academy of Music), **BBC** (British Broadcasting Company), **KFC** (Kentucky Fried Chicken)

Mythological/literary/historic: **Midas** mufflers, **Mazda** automobiles, **Ajax** cleanser, **Nike** athletic shoes, **Trojan** condoms, **Starbuck's** coffee, **Shakespeare & Co.** booksellers, **Franklin** Savings bank, **Lincoln** cars

Onomatopoeia (words that sound like what they describe): **Zipper**, **Nestle's Crunch** bar, **Ruffle's** potato chips



Author's choice: the joy of coined names

If you are somewhat deflated by the difficulties outlined so far, don't lose heart; the process is complicated but hardly impossible, no matter which tactic you choose. There is, however, a highly effective strategy that we have yet to delve into and one that I highly recommend: If you can't find a name, make one up.

A coined name is invented from scratch, usually consisting of word-segments, or other alpha (and numeric) structures joined together to form a new word entity and fashion an unprecedented identity. The musical quality or sound of a coined name, as well as its ease of pronunciation supersede all other considerations, since it rarely contains any apparent meaning.

The boom in the hi-tech and pharmaceuticals industries over the past two decades has proven fertile ground for name coining. Words such as **Unisys** and **Datacom**, **Microsoft** and **Tektronix**, **Sinufed** and **Dexamol** have made their way into our collective, ever-expanding vocabulary. If these names sound somewhat bland, then be well-advised: It's not easy to concoct them. In hi-tech, there are reportedly close to 9,000 industry names that contain web as a word-part, 8,000 that contain link, and similar astronomical figures for soft, info, tech, net, data. How many stand out in the crowd?

BOTTOM LINE

Coining your own name, whether it is meaningless (**Kodak**) or somehow alludes to the product (**Duracell**), is perhaps *the* definitive naming method to employ in this era of trademark turmoil and lackluster lawsuits. It is highly recommended to consult a professional namesmith if you pursue this course. You will be amazed to find that almost every cleverly-conceived◆

combination of letters has been thought of already (some of the aforementioned names circulating in the auto industry should serve as clear examples of just how confusing distinguishing between names can become). And be prepared to spend money: names that are not directly descriptive require an abundance of marketing dollars to conquer a consumer's consciousness. Once you have managed to do that, you have created a virtually airtight asset to cultivate for years to come.

Made-up Marvels:

Exxon

Kodak

Duracell

Tylenol

Clearasil

Coldex

Nyquill

Spandex

Atari

Chapter 3

What Shall We Call It:

Launching a New Naming Project, Step by Step



Take a deep breath. Initiating a naming project for a new product is as serious as deciding on a name for your newborn child. But whereas parents usually have the foresight to consider their options during nature's nine-month development period, product managers and executives, pregnant with ideas on how their fledgling product should perform, seldom show interest in the name until it's time for the baby chick to hatch. Parents have it easy when it comes to choosing names for their children: for better or worse, they can happily anoint their little angel. No one will ever challenge the originality of a child's name in court.

Business names are a far more complicated species. Every day, countless searches ensue to confirm the availability of a particular name in a particular category in the patent and trademark office of a particular country. Scores of applications are submitted, official registration is granted or denied, decisions are contested, and legal squabbles arise. In recent years, approximately 250,000 trademark filings are tendered annually in the U.S. alone and the numbers are still rising. Think you will be first with a fresh, new name? Unlikely. As you read these words, chances are that some globally-minded corporation has already thought of the very same name or something far too similar, and has registered your "original idea" in trademark offices all over the world. As a naming consultant, I experience this frustration on a daily basis in the course of my work.

If a company expects to succeed in securing a suitable trade name with minimal toil and trouble, it would do well to address the issue as a priority with the same methodical attention that goes into creating the product, and not as a frivolous afterthought. To avoid going into labor with overly painful contractions and

to ensure a relatively smooth birth, I suggest the following course of action:

1. Project Brief

The first important consideration is defining your product's concept to yourself as thoroughly as possible, by answering the following questions:

- What is the profile of the target audience?
- What are the benefits that it offers?
- How is it differentiated from your existing products/services?
- How does it stack up against the competition?
- Does it lend itself to future line extensions?
- Will it be distributed locally or internationally?

Putting it all in writing is imperative; translating your personal notions about the product into a comprehensive document is the first step in communicating your product's personality to the people who will be entrusted with naming it.

2. Establishing a naming team

Who should be assigned to the task? You may choose to devise a short list of names to be dissected by a focus group; after all, why not involve the end user in the process? Simply put, if you want to test the opinions of a few randomly chosen individuals, let them taste a new candy bar, sniff the scent of a new fragrance, or take your latest mini-van model for a spin. Don't involve them in choosing your product's name; it proves nothing. Focus groups can tell you how they respond to the tangible benefits they receive from a product; they do not understand market trends and linguistic considerations, nor do they have the legal knowledge to choose what should become heavily-protected and nurtured equity for

your company. The same logic applies for public contests; you don't consult with strangers as to what to name your dog, so why seek their opinion on your new software application?

Many companies will make the mistake of adopting the do-it-yourself route. Be forewarned: internal naming is fraught with obstacles. It doesn't fit any one particular employee's job description, so naturally, an ad hoc committee will have to be set up, usually consisting of the product and marketing managers and other top level executives. Theoretically, such a group should be able to see the Big Picture; but it never works. When it comes to naming their "baby", a product manager or CEO will succumb to the natural tendency to become possessive and obsessive about their own conceptions. Bruised egos and exaggerated emotional attachments cloud better judgment.

BOTTOM LINE

I suggest working with a competent naming consultancy. Expertise, experience and impartiality is the key to avoiding resentment and compromise. Involve your ad agency representative and trademark lawyer in the process as well, so that an entire spectrum of issues from visual logo concepts to potential registration pitfalls can be addressed concurrently.

3. Choosing a theme

Once all the partners in the process have digested the brief, a general direction can be pursued. Whether you go the descriptive route, choose a name from the animal kingdom or opt for a newly coined creation, always focus on the primary objectives when reviewing the merits of your proposed candidates: what is the

message relayed; does it do justice to the product; what potential reactions will it evoke in the consumer. Don't be shy about exploring different avenues; the more suggestions you reject, the more focused the process becomes.

4. Selecting a name

Your creative team, having combined their imaginations in building the perfect name, will present a list with scores of candidates. Many names stem from the same approach or tactic, so it's reasonable to expect that a long list will be generated, especially with the aid of computer software. Don't let this daunt you. The list is quickly shortened significantly.

After pinpointing your likes and dislikes while reviewing the list, start screening the names in as many foreign languages as possible. **What rings innocent and clever in your native tongue may lack impact, be negative or just downright foul in a foreign language.**

This is often disregarded in today's global market, to the great embarrassment of major corporations. The people at **GM** were ripping their spark plugs out trying to understand why their popular **Chevy Nova** just wasn't moving in Latin America. Had they consulted a Spanish dictionary, they would have discovered that "no va" means "no go". Sorry amigo, but if car no go, consumer no buy. The folks at **Ford** didn't fare much better with their **Pinto** model in Brazil, which in local slang refers to a man with a small... engine. A Japanese soft drink called **Pschitt** (care to guess how that's pronounced?) won't quench thirst in most of the western world. There is even a toilet paper in Sweden called **KRAPP**.

BOTTOM LINE

When it comes to choosing a name targeted for world distribution, cut the crap and cross-reference in as many languages as possible!

5. The preliminary legal search

Now that you have a shortlist of carefully selected candidates, it's time for the next test: the preliminary legal search. This is a time-consuming and expensive process, so build it methodically. Begin locally and move country by country according to your projected major markets. Eliminate names that present obvious conflicts or that seem too close for comfort to other names in your legal category. By the end of the process, you should still be left with several good choices and move confidently towards a final decision. Remember that creative expertise backed by strong legal advice are the two beacons of light that should guide you along the way to establishing a strongly-differentiated piece of property. And above all, always think several steps ahead of the banality of the average consumer; no marketing poll would ever allow for a perfume to be **Poison**, sing kudos of **Kodak**, or approve of their personal computer bearing fruit.

Bon voyage...

The journey to the peak of the market can be long and difficult. Spearheaded by a strong name, clever advertising, well-conceived product positioning and a healthy measure of luck, you may navigate the marketing Amazon (now *that's* a good name!) successfully. For better or for worse, the name you choose will come to be associated with everything that the product symbolizes to the buying public. Make it count.

Cup of Pequod, anyone?

The coffee craze that has swept America in recent years began in Seattle, where exotic blends served in intimate cafes are commonplace. When the owners of Seattle-based **Starbucks** first launched their highly successful nationwide chain, they wanted to call it the Pequod Coffee Company, after the famous whaling boat in Herman Melville's classic high-seas adventure, *Moby Dick*. Gratefully, it was pointed out that no one wants to drink a cup of pe...quod. Sticking to the theme of adventure and looking for inspiration from the American Northwest, their marketing firm stumbled upon Starbos, the name of an old mining camp on Mount Rainier just outside of Seattle. When the name was suggested to the owners, they were shocked by the good fortune of coincidence: Starbuck was a sailor, the fictitious first mate on the Pequod! Sometimes a good naming idea stays afloat... until you catch the right fish.



Chapter 4

Hitting the Mark: Why is it So Crucial?

The Basic Facts about Securing Trade Names



Cultivating a positive working relationship with a reputable trademark lawyer is crucial to the success of any naming venture. In fact, a smart business executive will seek guidance on the legal considerations of naming early on in the process, to ensure that the overall strategy is sound from every perspective.

The laws governing trademark acquisition and protection are often at odds with the basic accepted formulas that comprise the core of a well-conceived marketing strategy. Attorneys are quick to chastise a client's naive assumptions regarding the ramifications of choosing a name that is poor from a legal standpoint; marketing people view the law as an impenetrable fortress of conservatism, forever waging battle against their creative schemes and interfering with the grand plan of successful market infiltration. In reality, there is enough of a complimentary gray area between these two approaches that helps to disperse the clouds of conflict, as we shall see. First, let's take a look at some basic facts.

Understanding trademarks

So what exactly constitutes a trademark? Simply put, it is a word, name, symbol or design that is chosen and used by a company as a means of identification for the goods that it offers. In (mild) contrast, a trade *name* is used to refer to a company or entity that is engaged in conducting business. The searches and procedures required to legally procure a product or a business name are identical.

A trademark is a tangible form of property. It helps a company to differentiate its products and its corporate identity from those of its competitors, and offers the widest scope of legal protection when potential conflicts or infringements arise. Trademarked

names are typically followed by the TM symbol. The same criteria apply to service marks, used in connection with businesses and organizations involved in service-based industries and identified by the SM symbol.

Unlike its cousins the patent (used for the protection of inventions) and the copyright (establishing the right to textual or musical works), the trademark is renewable indefinitely. This underscores its value as meaningful equity even further.

Here's the tricky part: trademark rights ultimately arise from commercial use and not from legal registration. The TM symbol is an interim device preceding registration, which any company can use to declare to the world its intention to conduct business or sell a product by a certain name: I use it, therefore I own it. Despite this "in-between" status, there is actually no limit on the amount of time you can use a TM symbol before filing for registration. In the event of a dispute, there will always be a ruling in favor of the party that can establish first commercial use of the name, symbol or mark.

BOTTOM LINE

Registering a trademark and obtaining the coveted ® symbol doesn't establish ownership. Long-held principals of British common law, widely accepted in many countries, recognize "first and continued use" as the basic tenet for defining ownership.

However, this is not an exact science. As of 1988, trademark law in the U.S. has been revised to include registration of marks with clear *intention* for use, requiring no prior track record. If you have been presenting your business or product over the years

by a certain name using the TM symbol, you certainly do have a strong claim over the competition. But another company, totally oblivious to your existence, can still proceed innocently to register the same name if you haven't yet done so. The trade registrar won't find you in official listings, so there's no reason not to approve registration for the other company. The conflict that will inevitably arise will probably be decided in your favor since you can establish prior use – but not before the headache, cost and confusion of a legal battle, an unfortunate situation regardless of the outcome.

A word of caution: No trademark search, regardless of how thorough, is 100% full-proof; if a name isn't listed, you just won't find it. There is always the risk that upon entering the hallowed halls of trademark heaven, your carefully chosen name will be challenged by some upstanding member of the business community who has been using it for years. The fact that this individual didn't see fit to carve his mark in stone at the local registrar's may very well prove to be *your* problem.

BOTTOM LINE

Unfortunately, a trademark search is conclusive only when you discover that conflict *does*, in fact, exist. Nonetheless, failure to commence with as thorough a search as possible would be highly irresponsible. But start with the yellow pages; you may find your idea has already been taken without ever needing to reach the registrar's office.

The advantages of registration

Why bother to file for registration at all if you can simply slap a TM symbol on your mark free of charge and be protected?

- Trademark infringement can lead to expensive, drawn-out conflicts. A certificate of registration is crucial in helping to stake a claim for lost profits resulting from the use of your mark by a third party, and will help you to expedite legal action immediately.
- Registration gives your trademark focus in the public eye. Notifications of officially registered marks are published as a precursor to avoiding confusion. Anyone who assumes your trademark following its date of registration would be hard-pressed to use a defense claiming ignorance in good faith.
- Piracy has become a worldwide plague. A registered mark gives you immediate access to an injunction, which will prevent perpetrators who are trying to import or sell goods with your mark or similar marks from going ahead with their plans.
- Local registration sets an excellent precedent for filing trademark applications abroad and gaining international recognition in anticipation of entering new markets.
- Trademarks can live an eternal life, as previously mentioned. Registration helps to nourish that immortality, as would-be-contenders will never succeed in challenging a registered trademark. Registered marks in the U.S. are virtually incontestable after five years of proven continual use.

In searching for the availability of a trademark, you need to eliminate all potential conflicts that may loom on the horizon. It is important to note that trademark law divides different sectors of commerce into distinct – albeit wide – categories. This way, it is possible for the same name to coexist peacefully in two separate industries. **COMPAQ** computers, for example, could easily contest a new electronics company going by the name Compak since the margin for confusion is obvious, but they certainly are not threatened by the introduction of a new feminine hygiene product, **Tampax CompaK**. Nor would they have a firm, legal leg to stand on should they decide to fight it. In some instances however, a trademark becomes so strong that it defies the limitation of categorization. In this manner, an American company offering financial consulting services was legally denied the right to use the name **Greyhound**, since it has become so closely associated with the famous bus company.

Names that make the mark

Comparing legal and marketing considerations in choosing a name can lead to heated argument, as I have already indicated. In a nutshell, lawyers prefer names that distance themselves from the product they are referring to as much as possible, whereas marketing people want to describe the essence or use of a product as closely as possible without being outright generic. Is the gap between these two approaches really so wide? Let's analyze the pros and cons of different naming techniques vis-a-vis their trademark worthiness:

• **Descriptive names** These are extremely undesirable. The more directly descriptive a name is, the more likely it is that it will not pass the registration procedure. Despite what you may think, most marketing people would grudgingly agree. After all, who remembers exactly which deodorant is Extra Dry? Hi & Dri, Super Dry? In the scramble to register names that are outright descriptive, the singularity gets lost quickly as scores of competitors rush in to paraphrase your idea. This increases the risk for potential legal conflict and creates a dull uniformity that confuses consumers. Consider the non-descriptive **Cleo** deodorant in contrast. The name is distinctive, and its sound is appealing and memorable.

• **Personal and geographic names, initials and numbers** The sides here are in fact divided in approach, but not significantly. You can't trademark the alphabet, numerals, personal names or geographic locations. Period. But what – you correctly ask – what about famous household names like **CNN, IBM, Johnson & Johnson, 778, Golan Wines**? Well, you can use them, you just can't register them – at least not right away. After several years of a distinguished track record using a name that stems from one of these problematic categories, you can proceed with your application and ultimately succeed in procuring certification. However, be prepared along the way to invest a lot of money in establishing a clear identity for your business or product; these names are, after all, inherently weak from a marketing standpoint, as well as a legal one (see Chapter 2 on naming categories if you need to refresh your memory).

• **Suggestive names** Alluding to the nature of a product in a more subtle fashion is beneficial to the legal side as well as to the marketing end. No one will argue that **Head & Shoulders** is a great name *and* trademark for a dandruff shampoo. Whereas the benefits are implied rather than stated directly, the consumer gets the message. From a legal standpoint, it is a unique enough name that no registration office will grant a trademark in the same product category to anything similar.

• **Arbitrary names** These are real winners on all counts. **Tomato Bank** certainly distinguishes itself from a marketing standpoint in a financial arena where the names pulled out of the vault all sound like First Federal International Discount Savings & Loans. And the folks granting the ® symbols are gonna love you because you're easy to process and approve. After all, how many people name an institution as stuffy and self-important as a bank after a vegetable?

• **Coined names** If taking this approach is at all feasible for you, do so. Names that don't mean anything are the least descriptive and therefore the most unique and easiest to register. Marketers with long-distance vision are aware that the return on investment in a coined name is nothing short of a pot of gold. See under: **Kodak, Exxon** et al.

BOTTOM LINE

The laws that govern trademark registration are stringent, but more liberal – or at least sensible – than one might think. Marketing strategy, for all its inventiveness and attention to trends, ▶

can be a rather conservative science when it comes to recommending naming strategies. The business executive who recognizes the delicate balance between them stands a good chance of devising a name with strong market recognition and a solid legal shield.

And above all, stay out of court

Trade names and their vigorous legal protection have become important focal points for all industries in building a corporate image and reputation. Despite trends in this direction, many still pursue a more haphazard route, naming products randomly and exuding carelessness in protecting these names. If for no other reason, business executives would be well advised to remember that legal conflicts regarding trademark infringement can prove to be expensive. U.S. statistics show that the average hourly fees for legal services in cases dealing with intellectual property range between \$200-\$400. Monthly rates can exceed \$50,000 and the preparation of documents for the lawsuit costs \$100,000 on average; going to trial under the \$250,000 mark is rare. European tariffs are on par with the U.S., while Japan is even more expensive.

Being on the right side of a lawsuit involving your company's or product's name is not an automatic guarantee of a damage-free outcome either. The uncertainty of your name's future during the trial period can adversely affect your marketing strategy, sending signals to the consumer that may damage your reputation, at least in the short run. For the company on the losing side, an enforced change of name can be tantamount to a death sentence. It should be noted that in the U.S., companies insure themselves against lawsuits involving intellectual property infringement. In Israel, there

is no widespread awareness of the need for such protection locally, or of how a company should represent itself abroad.

Whether your name catches the public eye or fades into oblivion is a complex issue; pursuing legal protection vigorously through the auspices of trademark registration is the first necessary investment if your name and all that it represents to the public are to have a fighting chance.

Chapter 5:

Everybody's Gone Surfin':

Riding the Waves of the
World Wide Web



Fact: Internet-based business transactions are the world's fastest growing mode of commerce. This digitized venue for advertising, direct marketing and sales, perceived as a futuristic curiosity just a few years ago, has become a basic, irreplaceable necessity of conducting business, as commonplace as desktop computers. Some experts estimate that the value of goods and services traded through this tangled maze of search engines over endless miles of silicon fibers will exceed \$1-trillion by 2002.

You are a responsible executive. You have led your company through all the complex stages of the naming process, from the initial tactical brief through cross-referencing your carefully chosen shortlist in a dozen languages, to legal clearance and registration. You feel empowered, confident in the knowledge that your new corporate, product or service name is 100% full proof. Just when you think you have crossed the Jordan and entered the Promised Land, you proceed with registering your name as a domain address for use on the World Wide Web.

What you perceive as being a process as straightforward as buying space in the yellow pages, turns into your worst nightmare: someone has already registered your name, and there is very little you can do about it! You are now compelled to find an alternative: some weak, descriptive string of words that your customers will be forced to remember every time they want to access your website. You are adrift; helplessly lost in the deep void of cyberspace, with little hope of being found easily by those who seek you out.

www.nameyourdomain.com

This unfortunate problem can be compared to not being allowed to put a sign that bears your name above your own store front.

Inside, it can be proudly displayed on product labels or over the cash register, but no one will bother to enter a store if it has an erroneous or misleading name over the marquee.

In the U.S., the current system for obtaining an address on the Internet with the popular .com suffix is governed by Network Solutions Inc., a company based in Virginia. The traffic on the web has become so intense that NSI is said to have accrued over \$100 million in registration fees in 1997 alone. Why has domain name registration become such a convoluted and frustrating ordeal? It's simply a beast that no one is capable of taming. The struggle to secure domain names on the World Wide Web has superceded that of trademark registration in recent years and requests are difficult to process in a manner that is both efficient and consistently just. Moreover, governments are reluctant to intervene with regulatory measures that are hard to enforce and that disturb the flow of free enterprise.

The laissez-faire practices employed by domain registrars allow anyone to obtain an available domain name on a first-come, first-served basis. Anonymous individuals can legally purchase the monikers of major corporations for their own use on the net. For businesses that are slow to act on securing their own trademarked name as an Internet address, this often presents serious marketing difficulties, hampering all of their web-based aspirations.

Web-jackers

As a result of these policies, the Internet has become fertile ground for domain-name piracy. Entrepreneurial-minded individuals seeking get-rich-quick schemes often conduct simple searches to ascertain if names by major companies have already

been taken. If not, they quickly secure the name and patiently wait for the company to wake up and make a buy-out offer. If nothing transpires, they simply let their rights expire having invested only a small fee (currently \$70) for the initial name registration. More often than not, company officials will shell out exorbitant funds for the right to use their own trademarked name on the net once they discover that they are tangled up in a web of intrigue.

Suffocating suffixes

A recently failed attempt at regulation has thrown the ball back into the Internet community's court. Proposed solutions include introducing a wealth of new domain suffixes into the international arena such as .shop, .arts, .rec, and .info among others. Advocates of this policy hope that it will provide quick solutions for companies previously caught with their .pants down. Thus, shell.com may belong to the famous oil corporation while a small shop in Miami sells exotic sea shells under the address shell.store and an environmental group concerned with the condition of shorelines publishes a newsletter at shell.edu.

The complexities inherent in this proposal point to its obvious weakness; an abundance of listings for **Xerox** or **Kodak** with no differentiation between them other than a pitiful .something-or-other will quickly bury the net in cybermud. To implement sane and equitable business netiquette, prevailing policies must change. The rules governing domain names should reflect the approach long held by legal systems all over the world in relation to trademarks and intellectual property, phone listings and license plates: duplications should simply not be allowed. The success

of the Internet as a viable means of communication and trade will depend in no small part on its ability as a system to provide clear identification for all its users.

AltaVista: reaching new peaks in cyberspace

A recent case involving **AltaVista** stems from innocent origins but still led to grave consequences. **Compaq**, who recently acquired the popular search engine as part of its purchase of the parent company **Digital**, reportedly paid Canadian businessman Jack Marshall \$3.35 million to relinquish his rights to the altavista.com address. Marshall, an electrical engineer, purchased the URL in 1994 for his company, Alta Vista Technology. At that time, the **AltaVista** trademark had yet to be registered, so no hint of foul play on Marshall's part could be insinuated.

When the search engine was first launched on the web in 1995, the company was forced to adopt the lengthy address www.altavista.digital.com – in essence, a sub-domain of **Digital**. Many Internet enthusiasts, eager to start navigating the web through the auspices of the new engine, were perplexed when they logically searched for altavista.com and landed at Marshall's site instead. Three years later, with **AltaVista** positioned on a high plateau in the market, **Compaq** still saw fit to pay a mountain's worth of cash to preserve the name equity of its lofty new asset. Mr. Marshall, as part of the settlement deal, changed his company's name to **PhotoLoft** and is (we can safely assume) not terribly unhappy. His company, in case you're interested, can be reached at www.photoloft.com.

BOTTOM LINE

In the race to obtain a globally-protected business name, don't attempt to cross the finish line into the trademark zone until you have secured an address by the same name on the World Wide Web. An estimated 10,000 new names are registered daily. The consequences of ignoring this crucial factor in the short run can translate into a painful marathon for all your corporate communication efforts in the long run. As a standard procedure during the course of a new naming project, I strongly suggest running your candidates through WhoIs.net, DomainIt.com, or any one of the many search engines that conduct free domain name searches.

For Chrissake, is that nice? No, but perfectly legal

Jews for Jesus, the controversial organization that actively spreads the gospel to a stubborn Israelite nation, threatened to crucify the owner of a website using the URL jewsforjesus.org in an earthly court. Who were the transgressors? None other than Outreach Judaism, an organization dedicated to returning wandering sheep led astray by Jews for Jesus back to the flock. One man's virtue is another man's sacrilege. All judgements aside, you have to admit this is one helluva marketing ploy.



Chapter 6

Hi-Tech, Lo-Image:

Naming Challenges in
the Digital Age



Many hi-tech product names dissolve into a mire of bland sameness and obscurity. For whatever reason, high technology has placed itself above the traditional courtship inherent in mainstream consumerism, sending alienating messages to the marketplace. Names containing generic terms associated with the industry – such as tech, data, system, soft, link, micro et al – abound ad nauseam. Whereas a Datatech or Infosoft have the necessary digital ring to help the consumer link them to the industry they represent, they hardly sing a song of praise or inform as to what products or services they provide. Conversely, companies with names like **Apple**, **Java** or **Compaq** may not have an inherent technological appeal, but the human touch is certainly less brittle or threatening, and lends these companies a distinct identity which invites the consumer to become familiarized with their products.

An apple a day keeps the PC away

The legacy of **Apple** especially must not be underestimated. The company appeared at a time when people were threatened by the advent of computers; the technology was foreign, radical, and arrogant. The unassuming name and engaging logo presented a new image, one that would demystify the digital age and announce the integration of a user-friendly attitude in a product world that had proven to be decidedly unfriendly. From the onset, the computer products **Apple** introduced, spearheaded by the juicy innocence of its name, sent the competition into a tailspin. Overnight, **Apple** became the standard to emulate.

They did get a little help from the competition. Early models of personal computers bore names such as **MIT** **Altair 8800**, **IMSAI 8080**, **Radio Shack TRS-80**, and **Commodore Pet**. No

wonder most consumers who were curious about the revolutionary technology preferred to byte into an **Apple**. The fact that **Apple** realized that the simplicity of the name they chose could champion a whole new corporate approach is highly commendable; the fact that their competitors took more than fifteen years to follow their example is remarkable.

INTElligent marketing: the INSIDE story

The **Intel Inside** campaign is a prime example of how a company can utilize its name to enhance its business ventures. The appearance of the **Intel Inside** logo on desktops and laptops of virtually every self-respecting PC company is testament to that. Together with the registered **Pentium** processor logo, consumers have learned to associate these two simple and effective graphically-rendered symbols as the basic guarantee of quality and reliability for a PC-based computer. This phenomenon has become so entrenched in the collective mind of the consumer, that s/he will be apt to look for the **Intel** name before considering the merits of the company name and brand name of a specific computer; even before pondering the price. With no **Intel Inside** sticker affixed to the computer product you manufacture, your company is sadly outside the competition.

Intel, that chip off the old silicon block, managed to gain more attention with its tiny microprocessor than is awarded the varied computer models in which it is contained. Riding on the backs of its primary clients – the hardware manufacturers –**Intel** managed to convey a strong message to the end-user that its chip is superior to that of **AMD** and other competitors. It is certainly doubtful whether even the above-average informed consumer could gauge

the reliability of one particular microprocessor over another during a cursory comparison between PCs at the local store. Clearly, it is the name **Intel** and the promise that it's "inside" that is the primary factor in informing the consumer's choice. It is quite remarkable for a company that is not in the business of selling computers to wield such a potent influence on the consumer. The **Intel** example, while not unknown in other industries, is certainly unprecedented in the hi-tech industry.

Why all the hysteria surrounding a little chip? For years, hardware manufacturers were the only faces the consumer ever saw. Specifications for microprocessor chips were established and met by many different suppliers. As long as the price was right and it didn't significantly increase the cost of the end-product, these anonymous, minuscule digitized brains were purchased from many different companies. The fact that the computer performed as it was meant to was all that concerned the user (This, by the way, is all that concerns *me* as I happily relate this story to you, typing away and glancing at the **Intel Inside** logo that adorns my computer's keyboard).

Consumers Inside

Intel intuitively understood that in order to gain a clear edge over the competition it was necessary to bypass the hardware folks and go straight to the consumer. For this purpose it adopted an aggressive campaign posture in its quest to educate the public on the merits of microchips, and came up with the familiar slogan that is as brilliant as it is simple: **Intel Inside**. Elaborate TV ads ensued, showing an impressive, digital "journey to the center of the motherboard"; advertising and sales promotion incentives were

provided to companies that agreed to include the **Intel Inside** logo on their products. In no time at all, the quality of a computer's microprocessor became the main agenda in weighing the relative attributes of products on the market, with **Intel** gaining a clear lead in the field. The many hardware companies that agreed to risk compromising their own name equity by openly advertising the **Intel** name have been reaping the benefits ever since.

Lesson no. 386: protecting the family number

Until the early 90's, **Intel** still had the same aloof attitude as its competitors, believing that sales in the hi-tech industry were not guided by normal marketing principles. Like in the majority of companies in the computer and electronics fields, people at **Intel** assumed their products were purchased based on the merits of specifications and price. Considering the fact that they had little contact with the end-user and a virtual monopoly in the microprocessor market, why bother naming microchips? The use of serial numbers in conjunction with a letter or two or non-descriptive initials seemed to suffice.

This is why in the mid 80's a new series of microprocessors was born, identified by number only. The popular series increased by increments of 100 for each new generation **Intel** introduced, hence 286, 386, 486 etc. There was, of course, logic to the boredom: by augmenting the number by 100, **Intel** clearly distanced itself from the previous generation, indicating that the new chip was more powerful than its predecessor. Moreover, by sticking with an arbitrary yet recognizable number like 86, the company established a familial continuity indicating that the new model would support the same hardware as the previous generation, as

well as provide added power for new applications. **Intel** made no effort to name these products or to protect their unique numbered sequence. It was inevitable when the proverbial chip finally hit the fan.

Intel had enjoyed revenues from licensing its technology for years. **AMD**, one of the companies licensed to produce chips of the aforementioned X86 series, decided that it wanted to release its own version of the popular 386 microprocessor, using the 386 moniker. The **AMD** version would mimic the same functions and properties of the **Intel** product, but would be based on **AMD** manufacturing specs. This clearly diverged from the mandate granted by the **Intel** license, and understandably, company officials were quite upset.

Intel's rude awakening to the value of trademarked names culminated in one of the industry's most important legal trademark cases of this decade, **Intel** vs. **AMD**, the results of which still reverberate today. **Intel** demanded that **AMD** cease using the 386 name for its chip, lest the public confuse it with **Intel's** own popular microprocessor. In effect, **Intel** management recognized for the first time, that as banal as it may be, it had a name in 386 and wished to claim ownership for itself. **AMD**, realizing that any other name for the **IBM**-compatible chip would have no effect on the consumer, refused to back down. The State of California Federal Court ruling underscored the shortsightedness of **Intel's** apathetic approach to its coveted product: the company had never bothered to apply to the USPTO for a registered trademark; no effort was made by **Intel** to establish a commercial presence by registering the number as a symbol or logo; 386, in essence, had become a generic name, delineating basic

technological specifications, and could not be claimed by anyone.

By the time the court case reached its bitter demise, **Intel** had totally revamped its strategy. Poised to release a new chip two generations beyond the infamous 386, it introduced the world to 586 technology through an ingenious alias (registered from every conceivable angle), the **Pentium** processor. Coupled with the aforementioned **Intel Inside** campaign, the company had clearly turned vinegar back into wine and established an industry trend that is gradually being embraced worldwide.

Tech®: the age of registration

The use of effective, engaging names for hi-tech products, the realization of their potential marketing equity and the vigorous pursuit of their legal protection, have successfully evolved into an important agenda for the industry: the model of apathy has given way to a new, dynamic approach. A glance at any computer magazine or highway billboard today will reveal advertisements for computers, communication devices and Internet Service Providers with the same attention to clever slogans, colorful imagery and overall youthfulness and sex appeal as those devoted to fashion items, perfumes, food and beverages.

At the core of these products there now lies a cleverly-conceived name, more often than not followed by the TM or ® symbol – the former declaring that the name is a commercial trademark, the latter indicating that it has been officially registered. Trademark offices all over the world are reporting a significant increase in the number of requests filed by companies seeking to register trade names for industrial products. Advertising agencies that once catered exclusively to producers of basic consumer goods

or to service-providers, are called upon more and more to apply their skills to newly-christened industrial products and high technology products developed by major corporations.

Check the name – that's the point!

Consumer-good industries have known long and hard-fought battles over the ownership of product and company names. Obtaining legal title to a name can often mean the difference between the rise and demise of a company. Naming wars have extended in recent years to include the hi-tech industry.

Case in point: **Check Point**. The Israeli-based software applications company, whose shares are traded on the New York Stock Exchange, is the acclaimed leading provider of security solutions and traffic control for Internet-based transactions, serving a varied and distinguished client-base. Unfortunately, all its security systems and worldwide success could not protect **Check Point** from a lawsuit challenging its right to use its own name.

When its good fortune led **Check Point** to a public offering in the U.S., the company was challenged for trademark infringement by **Check Point Systems**, a well-established American company that produces protective alarm-tags for clothing. The Israeli **Check Point** was actually aware of the American company's existence, but chose to ignore it. After all, company officials assessed, what possible conflict could arise between a company that develops Internet security software suites and one that produces anti-garment-theft devices? The answer in a word: Money. The Israeli **Check Point** had become a much publicized, multi-million dollar success story. Why shouldn't **Check Point Systems** try to cash in on its fortune, especially since it could easily prove trademark rights

and precedence of use in the U.S. market? At the time of this writing, the Battle of **Check Point** still rages in the courts.

Naming is not a computer science

Many hi-tech executives bemoan the passing of days when the creation of an intelligent, appealing name that would endure changing trends in marketing and would weather the shifting winds of consumerism was a common occurrence. The good names are all taken, they claim. In the relentlessly competitive field of hi-technology, the distinction of a name that makes a company stand head and shoulders above the rest of the pack grows in importance with each passing day as new products stream into the market deluge. The technological success of the burgeoning digital revolution draws on a deep well of logical calculations. Strong communicative naming policies demand a decidedly different type of creative inspiration than the ingenuity required to produce these complex sequences of zeros and ones.

BOTTOM LINE

Don't leave the task of naming in the hands of programmers and engineers.

Most companies don't monopolize an industry in the manner that **Microsoft** has; while this industry giant can afford to succeed with what is inherently a terribly mundane, descriptive, forgettable name, the majority of hi-tech companies can't. Consider the case of a relatively small company, destined to eventually become a leader in the PC hardware industry. Its mission: to break into the market with a line of portable computers, a highly-specialized and relatively obscure product back in 1982. The company was tentatively called Bridge ▶

Gate Computers. Its unsatisfied CEO decided to approach professional naming consultants, and subsequently the world was introduced to **Compaq**.

More and more hi-tech companies have awakened to the importance of seeking professional assistance as a logical step in their quest for the ideal name. Unlike the continuous fine-tuning of a software application following its release date, once a name is launched into the world, it is quite impossible to debug.

Developing a name... All the Way to Print

Names sometimes evolve with the changing mission of a company. When the rather blandly named **Scientific Technology Ltd.** was founded in 1968, its goal was to develop image-processing technologies for defense products. In the early 70's, when its imaging technology was applied to creating a new workstation for textile patterns, the company became **Sci-Tex** (Scientific Textiles). Refocusing its efforts as it pioneered the digital prepress industry, its name was eventually fine-tuned to the carefully cultivated and firmly protected **Scitex** trademark of today (*If you want a name to dominate, don't hyphenate*). From humble beginnings as a rather boring descriptive name to a well-crafted coined name bearing the ever-powerful "X Factor", **Scitex** has matured into one of the more recognizable corporate monikers in the hi-tech world today.

Pharmasuitables

Finding a suitable, communicative name for a pharmaceutical product is extremely difficult. It is important to strike a proper balance between alienating, medicine-like terms that evoke severity (the typical Latin-sounding names that no one understands), and overly-friendly messages that may be construed as too informal for a product that is supposed to cure an ailment (the typical trashy marketing promises that no one believes).



Here are some of my favorites:

Noxzema The famous skin cream derives its name from a play on the words knocks and eczema, a common skin condition for which it reportedly alleviates (knocks out) the aggravating symptoms. The source of this name is most likely lost on most consumers, but the sound of it has a definite soothing effect.

NyQuil Originally, this cold medicine from **Vicks** was intended for general daytime use. When it was discovered to cause drowsiness, a clever marketing team decided to convert a negative into a positive: the product was repackaged as a special night-time-only formula, and inaugurated as **NyQuil**, combining Night with the promised result of tranquility. Perfect.

Viagra Undoubtedly the year's most talked-about product, this male potency booster gets the award for a pharmaceutical phenomene. Combining various word parts, this hybrid name works wonders in just about every language. In Spanish and Portuguese it suggests travel (viajar) and largeness (grande), whereas in French vie means life and gras indicates robust. In English, the name combines vigor with the natural omnipotence of the Niagara Falls.

Techno Top Ten

Apple

Java

Zip

NeXT

Pentium

Newton

Adobe

Compaq

Yahoo!

Oracle



Chapter 7

Trends in the Milk-Trade

Tnuva: A Case Study from
Israel's Booming Dairy Industry



REMEMBER THE DAYS, HEDVA? WHEN MILK WAS JUST MILK?

Names in the Israeli dairy industry have reflected the times. Initially, there was an obvious emphasis on names denoting the wholesomeness of the reclaimed Land of Israel being toiled by a public with a strong work ethic. All of **Tnuva's** hard cheeses, for example, bore the names of rustic, pastoral geographic locations that arouse both a sense of open fields stretching across the horizon, and the return to the Biblical Promised Land: **Emek, Gilboa, Galil, Gush Chalav, Bashan.**

As the nation settled into a new reality of independence, names became more practical, mundane and generic: cottage cheese, cream cheese and milk were distinguished only by the percentages of milkfat they contained. This approach had become standard policy among all dairy-producing competitors and only bolder graphics on the packaging could help busy consumers distinguish at a glance who manufactures their 9% cheese product.

The process of naming processed cheese

Names at **Tnuva** span a wide range of approaches, from the above-mentioned, generically-described products backed only by the company name (Cottage, Sour Cream), through historical figures (French-style cream cheeses **Napoleon** and **Josephine**) to cutting-edge hi-tech (**LGG1**). Today, some generic products are backed by the full weight of the company name, hence **Shamenet Shel Tnuva, Chalav Shel Tnuva**. Since milk and sour cream virtually sell themselves, the differentiation here is in placing the corporate moniker firmly out front, in essence creating a new generic presence.

Products are never lone specimen, but rather treated as members of a larger family: the **Emmi** brand extends to 25 yogurt products,

Piraeus encompasses eight different salty cheeses and **Carlo** comprises a variety of different chocolate-flavored milk and pudding desserts.

Branding: the perfect remedy for crisis

The move to a stronger presence of the corporate name behind generic products and stronger branding for more specialized ones came in the aftermath of the much-publicized "silicone crisis" in which the plastic substance was discovered in **Tnuva's** UHT Long-Life milk.

Rather than cringe at their mistakes, **Tnuva** decided to launch a branding strategy with the same zeal shown by their cleverly-branded and highly-successful competitor **Strauss**. By focusing on newly-conceived brand names, they drew attention away from their corporate name which had gone sour. Branding paid off, signaling change to an angry public intent on crying over spilled milk. Tnuva claims that their current name recognition hovers around 50-60% for a variety of brands that have come to be instantly associated by the average consumer with their corporate name.

Carlo: friendly feline in the fridge

Kids (of all ages) love chocolate pudding. **Tnuva** already had **Buddy** out on the market – a play on "friend" and "body" – to compete against **Strauss's** popular **Dani**. The company wanted to launch a product in a different league that "would communicate to children on a higher level" (Okay, so maybe they really wanted to repackage a slightly revised recipe with a new identity and make more money). An image of a child was unacceptable since it has inherent limitations. A hero with whom children could

identify was needed, someone who is one of the gang, not a Superman. Enter **Carlo**, the milk-hungry, chilly cat who lives in the refrigerator, an image that exudes a sense of fun, familiarity and a friendly naughtiness – characteristics that kids relate to easily. The name, **Tnuva** marketers assert, is brilliant yet secondary in this particular instance, since it came as an integral component of the entire visual strategic concept proposed by their ad agency.

Emmi: local cow, foreign name

Sometimes you just can't reinvent the wheel; not even the one that churns the butter. When **Tnuva** decided to introduce a new brand of yogurts, **Emmi** – a renowned Swiss company – provided both the method of production and the seal of approval inherent in its reputation to the new product line. **Tnuva** even went as far as to completely forgo a Hebrew logo. Israelis today are, after all, experienced travelers and discerning consumers; anyone touring through Europe who comes across the brand will be reminded of the same product upon returning home. The foreign name provides international flair and, in this particular case, instant recognition.

The launch of the **Emmi** brand was supported by an elaborate advertising campaign that evoked the wholesomeness of the Swiss countryside. The tradeoff was public resentment for not using a Hebrew name or at least Hebrew letters, but Tnuva successfully gambled that the benefits would outweigh the downsides.

BOTTOM LINE Sometimes if you're looking for a new brand to launch, don't invent one – license one!

LGG1: hi-tech cream doesn't go sour

The intermingling of hi-tech with consumer industries is commonplace today; people accept that food is often scientifically "engineered". This allows for a clear digression from traditional names ingrained in the public psyche: creativity is abandoned in favor of the dry, informative sophistication afforded by hi-tech; scientifically developed nutrition as opposed to down-to-earth wholesomeness.

The familiar innocence of the neighborhood minimarket may remain, but the well-informed, health-conscious consumer of the 90's requests **LGG1**, a new subsidiary of existing lines of yogurts (**Emmi**), buttermilk (**Rivion**) and other products containing a healthy little bugger (bacteria) called *Lactobacillus*, discovered by Goldin and Gorbach, hence LGG. The 1 added by **Tnuva** lends a hi-tech alphanumeric flair and conjures a sleek elegance that is reminiscent of a racing car or space shuttle. It's also symbolic of being the first to employ a certain technology and hints of a series with many more products bearing the **LGG1** moniker.

This creation of a brand within a brand is an extremely clever way of developing renewed interest in already popular products: the consumer sees a yogurt that bears the name of the finest in Swiss dairy products (**Emmi**), containing a healthy bacteria (**LGG1**), and produced by a leading, familiar company (**Tnuva**). This makes **LGG1** the **Intel Inside** of the Israeli dairy industry; the "microprocessor" of yogurts.

Piraeus: Greece is the word

Although each member of the aforementioned salty, white cheese family has a generic name as a familiar anchor – Bulgarian, Greek, Tsfatit – a name was needed to serve as an umbrella, which would unite the products in one cohesive series and define a unique Mediterranean culinary encounter. **Tnuva** chose the name of the Athenian seaport Piraeus to ignite a specific sense of experience in the consumer: the blue-green warmth of the sea and gently rolling hills where shepherds guide their grazing flocks; feasts where bouzuki music fills the air, and ouzo flows freely. Buying the cheese product is an afterthought; the consumer is buying into the festive ambiance associated with the inherent Mediterranean theme concocted by the name.

From Xerox cheese to Kleenex yogurt

As in all industries, a good name runs the risk of becoming generic. A consumer looking for a new copying machine for the office won't flinch when asking to see various models of a **Xerox** machine and instead being offered products by **Canon**, **Sharp** and other competitors. Similarly, when requesting a chunk of **Emek** cheese from the local grocer, most customers don't mind if they are given a comparable cheese of another brand with no explanation forthcoming. And when you sneeze and politely ask someone to pass you the **Kleenex**, it doesn't matter that another brand name is in plain view.

It can be argued that companies actually benefit from the problem of having their names used in vain. By virtue of the fact that everyone uses their brand names to refer to certain generic products, the consumer unknowingly acts as an ambassador of

good will. In the short run, this may be viewed as a hindrance and lead to a slight drop in sales. Aggressive advertising campaigns may help to refocus public awareness, but this ultimately misses the point. The reason that **Emek**, **Xerox** and **Kleenex** became generic is that quite simply, they were the first products in their respective fields. As long as they maintain their standards, they will always be perceived as being the best and command a respectable market share.

BOTTOM LINE

Notwithstanding the argument above, using a trademarked name as a common term to refer to a specific type of product *is* a double-edged sword and there *is* reason to be cautious. **If not carefully protected, a name which is generically overused can lose its legal trademark status.** This is what happened to cellophane, linoleum, aspirin, escalator and brassiere, among others. Who remembers (or cares) today that **Nylon** is a trademark of **Dupont**?

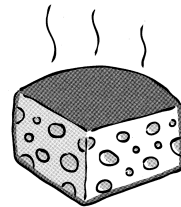
Cheese bites

Sheli denotes femininity, and has obvious personalized just-for-me connotations. The name actually derives from the initials of the three basic elements of the product: Shamenet, Leben, Yogurt.

Prili centers on the individual "li" and conveys a sense of intimacy. **Prikef**, the updated lower-calorie version, diverged from the overused "for me" tactic to focus on the feeling the consumer experiences in eating.

Chalav al Ha'boker (Tnuva), Lavan ve'Lainyan (Tara) are two examples of current attempts to repackage milk, making it more focused for niche markets in an age of reduced consumption. The **Tnuva** product contains vanilla flavoring and is geared toward milk-shy children who prefer a sweeter taste in their morning cereal. **Tara's** new line comes in vanilla and chocolate flavors, but its catchy slogan/name is an obvious diversion from the standard "mashke chalav be'ta'am choco/vanil".

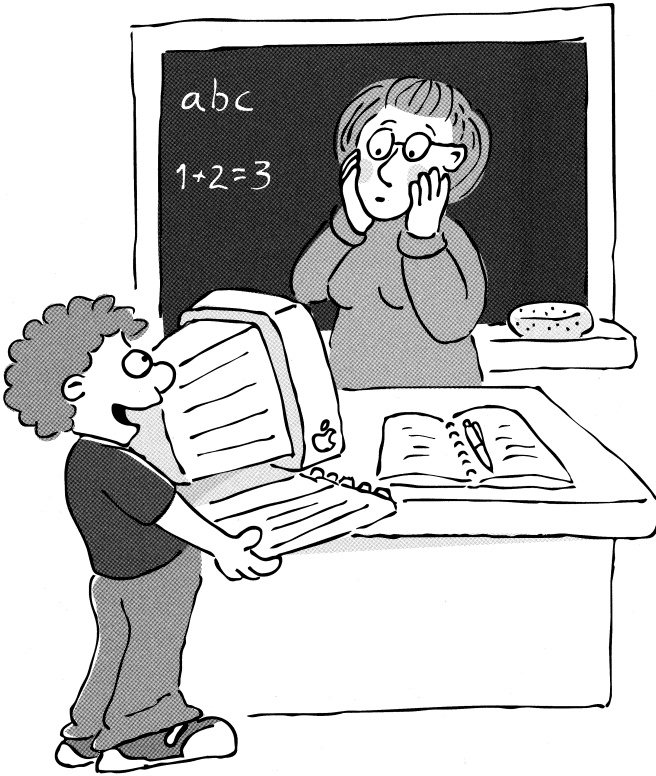
Cut the fat, keep the name: If a product is perceived as being Israeli, the consumer is comfortable with a straightforward Israeli name, whether traditional or generic, as long as it keeps up with current trends. Emek Active, for example, might be the perfect name for a lower-fat version of the staple cheese, updated for an energetic, fast-moving MTV generation, over-exposed to an abundance of multi-faceted advertising stimuli where cola, jeans and hi-tech intermingle.



Finale

From Kodak to Kellogg's:

Gaining Perspective on
Names Over Time



MOM TOLD ME THAT WHEN SHE WAS IN SCHOOL, SHE BROUGHT THE TEACHER AN APPLE

Business identities are built over time. No one could prophesize the continuing durability of names like **Kellogg's** or **Kodak** when they first debuted, and no one today would argue about the influence that these names and countless others have had over our collective conscious as consumers.

Kellogg's, for millions around the world, is synonymous with breakfast, health, and the optimism that every new day brings.

George Eastman, who founded **Kodak**, held the opinion that trademarks should be concise, nearly impossible to misspell, convey a measure of strength, and mean nothing. He was of course ironically wrong on the last point; the elegantly coined **Kodak**, far from being a meaningless term, is the very essence of clarity, contrast, color and quality. It is the manner in which generations of families and friends encapsulate their memories, freezing them in a single frame of time. Film *products* change, enhanced by an ever-evolving technology; the unwavering stability of a *brand* name with the authority of a **Kodak**, ensures that the buying public evolves happily along with them.

The manner in which we protect, disseminate, nurture, and cultivate a name over the years as treasured equity is certainly as important as the name itself. Inappropriate marketing strategies, bad business acumen and poor product production cannot be compensated for by a well-chosen name, that is certain. But a good name will carry a competent company or product through hard financial times, changing market trends, and even occasional fluctuations in quality.

Having the strength, talent and vision to realize a business dream means constantly seeking to reinvent yourself: Never content to rest on the laurels of previous accomplishments, you

continue to push your company forward towards uncharted horizons in the ongoing quest for continued success. Have the foresight to give that quest a good name to guide you through. It will reflect the essence of everything your business strives to become.

Suggested Reading

Javed, Naseem, *Naming for Power: Creating Successful Names for the Business World* New York, Toronto: Linkbridge Publishing, 1993

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Murphy, John M., *Brand Strategy* New York: Prentice Hall Inc., A Division of Simon & Schuster International Group, 1990

McGrath, Kate and Stephen Elias, *Trademark: Legal Care for Your Business & Product Name* Berkeley: Nolo Press, Inc., 1997

Creating a memorable name for a business, product, or service is a crucial step on the road to success in a global market economy.

Name Quest comes to the rescue of the entrepreneur, executive or marketing consultant facing this difficult challenge. It offers concrete tips and critical guidelines, examples from the Israeli and international consumer and hi-tech industries, as well as specific advice about trademark registration and securing domain names.

Dave Shamir presents clear and practical naming strategies in an engaging and witty style, that will make you devour this book in one business trip or one free evening, whichever comes first. When you turn the last page, you will be much better equipped for the formidable task of naming your precious creation.

Good luck, and enjoy the quest!

