



Annual Meeting 2011
DENVER OCT 23-26
Where In-house Counsel Connect



Session 901: Tips on How to Work Effectively With Your Marketing Department for Brand and Trademark Development

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What is the Current State of Marketing?

- Pace continues to increase
- Methods of delivery continue to evolve
- Legal and financial risks are rising
- Allocation of time devoted to due diligence is decreasing
- Legal decisions are increasingly complex
- Impacts multiple departments across an organization



The Initial Evaluation

What is the Marketing Strategy of YOUR Company

- What has been the history?
- What is the current marketing model?
 - print, digital, ad buys, grass roots, etc.
- What is the company's focus?
- What will the focus be in the future?

... if you don't know all of these answers...



The Initial Evaluation

There might be a gap between Legal and Marketing

- Is Legal aware of product/materials/campaigns?
- Is Legal reviewing key elements?
- Have all marks used been cleared?
- Are improper/no trademarks symbols being used?
- Is Legal personnel assigned to review company products/materials?
- Has company received c&ds/litigation?
- Is Legal considered a resource and ally?

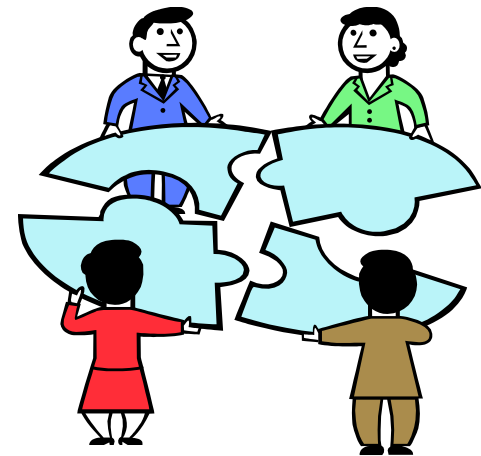


The Initial Fix

Discuss Gap With Relevant Departments

Each department must understand that it produces only one segment of the organization's product or service.

It is necessary for all departments to coordinate and cooperate.





The Fix

Work Together to Bridge the Gap Training Seminars - Early & Often

- Assures understanding & provides guidance
 - New employees introduced to new policies and procedures.
 - Periodical “IP 101” course
 - Create simple and effective training materials
 - Get acquainted with managers
 - Managers must be trained as well
 - Managers must support the legal process
 - Seminars provide time for managers & staff to get acquainted
 - Opportunity to stress the importance of involving legal counsel early
 - Gain acceptance with support staff doing the creating

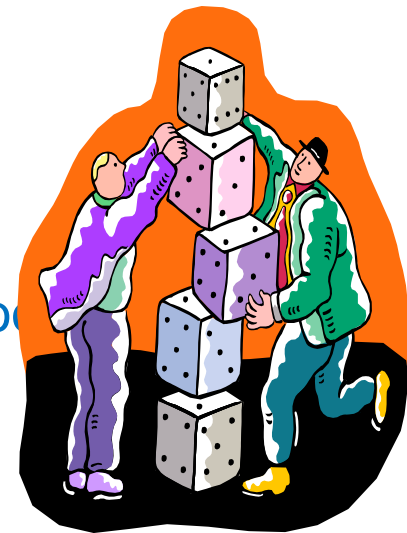


The Fix

Work Together to Bridge the Gap

Must exist at all levels

- employees must be able to approach management
- facilitates healthier interdepartmental communication
- creates view of legal counsel as trusted advisor
- build relationships with other legal counsel and key stakeholders
- spend face-to-face time observing the processes and to be utilized in creative development
- work as a partner to find solutions
- be inquisitive and curious

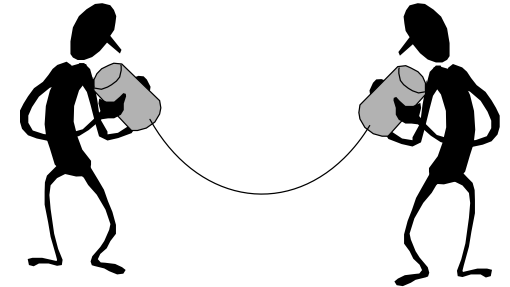




The Fix

Communication is Key

- Communicate formally as well as informally
- Establish friendships
- Return emails and phone calls promptly
- Be aware of multi-cultural and multi-lingual differences
- Know your audience (marketing-speak vs. legalese)
- Exercise caution when communicating via email – “tone”
- Simplify the review process
 - Policies and required procedures must be clear to avoid confusion and inefficient time management
 - Use of an intranet or interdepartmental databases allow for consistency in the review process
 - Streamline all processes to allow for greater efficiency





Once The Gap is Fixed

Maintenance

- Introduce yourself to new employees
- Attend key business and staff meetings
- Work within departmental budgets
- Solicit additional counsel's advice when necessary
- Be proactive by educating clients and managing client expectations
- Remove "NO" from your vocabulary
- Establish relationships with licensees, vendors, etc.



Once The Gap is Fixed

1. Trademark Clearance
2. Trademark Filings
3. Approval/Review
4. Enforcement





1. Trademark Clearance

Why do we search?

- to avoid third party infringement
- to see what's "in the space"





1. Trademark Clearance

Why working with Marketing is important to Conduct thorough search

- Get complete understanding of intended product/market for proposed mark
- Learn history of proposed mark (was it “inspired”?)
- Know how similar marks were used in the past
- Manage client expectations re: deadlines, etc.
- If charge back, make them aware of costs involved, etc.



2. Trademark Filings

Trademark Filing Considerations *(must work with Marketing on these):*

- Long-term vs. short-term use
- Use on product?
- Licensee/broadcast territories?
- Enforcement needs
- Budget





2. Trademark Filings

Once you've filed, how do you maintain the portfolio?

- What trademarks are currently being used?
- What trademarks are not being used?
- Are there future trademarks being developed?
- Is Marketing using the mark differently in print, radio, television, and internet
- Might you use the mark again in the future?



2. Trademark Filings

Storage and Process / Work-Flow

- What trademarks are currently being used?
- Is there an archive of trademark usage?
- How is it handled, stored, and mirrored?
- Is there a process of how new usage is archived?
- Who is responsible for updates?
- How often is the repository/portfolio audited?



3. Approvals/Review

Legal Must Remain Involved with Marketing

- Product review
- Press release review
- Marketing/campaign review
- Social media review
- Internet review



3. Approvals/Review

Know their “Language”

- Number of a color
- Four Color
- Rich Media
- Kerning
- Quark Express / Adobe Illustrator, Photoshop, InDesign
- Resolution
- Banner Design
- User Interface (UI) / Graphical User Interface (GUI)
- CMYK / RBG



3. Approvals/Review

Workflow Documents

- Pre-Review Process
- Style Guide
- Checklist
- Service Level Agreements
- Project Lifecycle
- Change Control / Issue Resolution
- Software



3. Approvals/Review

The Style Guide:

1. Introduction
2. Required Elements
3. Color Values
4. Typography
5. Cascading Style Sheet
6. Page Guidelines and Templates
7. Logo Identity and Branding Standards
8. Accessibility
9. Best Practices on the Web
10. Content Guidelines
11. Contact Us



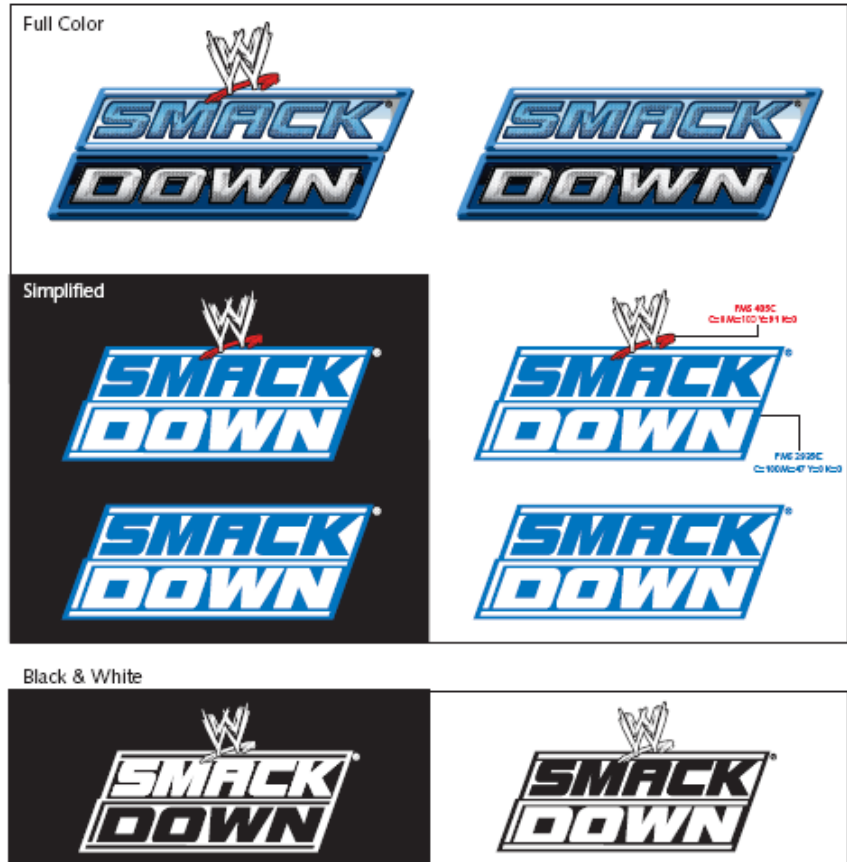


Example of a Style Guide (sample pages)

WWE® STYLE GUIDELINE CHECKLIST

In order to maintain a consistent brand identity, all product packaging should conform to the design standard set forth here. We maintain an edgy graphic image that coincides with our cutting-edge television programming, geared towards males and teens.

- Always use the most up-to-date materials. Logos and images are subject to change. (FYI: We may substitute a more up-to-date or appropriate photo.)
- Refrain from using soft, pastel colors and light, delicate artwork.
- Avoid busy backgrounds and inappropriate images that detract from the WWE brand or Superstar image.
- Use bold, strong, edgy and impactful colors, fonts and designs. *SmackDown's* main color is blue, so use of blue is strongly encouraged. It is not wise to use red as a dominant color since that reflects another WWE brand.
- When using images of WWE Superstars:
 - The Superstars should be prominently featured as the most important part of the design.
 - Always use high-resolution artwork for printing.
 - Color correct and match flesh tones.
 - Remove any non-WWE logos on clothing and accessories.
 - Do not flop or mirror Superstars' images. Many Superstars have identifying marks or graphics on their body or clothing that will appear incorrectly if the photo is flopped.
 - Do not randomly crop Superstar images, especially arm, leg and through groin areas. If they must be cropped make it at the waist or mid-thigh.
 - You may be asked to retouch blemishes and other detracting elements.
 - Do not overuse one particular Superstar.
 - Represent Superstars equally; if one is physically larger than the others, make sure they are proportionately accurate. Example: Big Show and Undertaker are larger than everyone else.
- Use of action photos is strongly encouraged, as we are a sports entertainment brand.
- The next most prominent image in your design should be the WWE *SmackDown* logo.
- Do not deconstruct, modify or create Superstar and WWE logos.
- Double-check the spelling of Superstars' names.
- Always use a trademark (™) unless a registration mark (®) is indicated for logos. Please check with your representative for specific legal mark usage on products in your territory.
- Always send any text/bio information being used to WWE via email for approval.
- The trademark/copyright lines using the year the product was produced (All WWE programming, talent names, images, likenesses, slogans, wrestling moves, trademarks, logos and copyrights are the exclusive property of WWE and its subsidiaries. All other trademarks, logos and copyrights are the property of their respective owners. © 2011 WWE. All Rights Reserved.) must always be present when using WWE logos and images.





3. Approvals/Review

- Typical Software Solutions to Automate and Document Process
- Standard contract / vendor management software
- Specialized SAAS software to align outside vendors
- Software that queues licensee application & approval





3. Approvals/Review

Service Level Agreement “SLA”

If Applicable . . .

- Rigid guarantees that must be fulfilled
- On the fly decisions
- Business rules, industry, experience, and culture dictate



3. Approvals/Review

Become a Consistent Resource

- Consistent presence will utilize negotiation skills in conflict
- Maintain direct contact with vendor
- Rely upon initial report to resolution concerns
- Direct observation of any potential IP violations





4. Enforcement

- Licensing to outside partners and vendors
- Internet monitoring (eBay, YouTube)
- Anti-counterfeiting
- Blogging / Public Relations
- File-sharing / P2P / Video uplinks
- Manage internal & external resources, agencies and consultants





Overall Keys to Success

- Active participation from initiation to implementation
- Appreciate the timing of a campaign
- Understand the intricacies of the business
- Become a resource





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Thank you... any questions?

