



Re-branding brand genericide

Bernard Cova

Kedge Business School, Domaine de Luminy, BP 921, 13288 Marseille Cedex 9, France

KEYWORDS

Brand content;
Genericization;
Genericide;
Google;
Nescafé;
Social media

Abstract Genericide refers to situations where brands lose their legal protections due to the fact that their original name has become the generic term for a new category of products in the market that the brand first helped to create. Despite notorious instances of brands falling prey to this curse, marketing specialists—unlike lawyers—generally do not consider that the widespread use of a brand name represents any real danger and instead view it as a sign of brand strength. Herein, we take a new look at this debate, using a case study of Google to re-investigate the phenomenon of genericide. The article also offers managerial guidance on the most effective ways of developing genericization and avoiding genericide. It concludes by pointing out the need for brand managers to precisely differentiate between different types of brands and markets when deciding whether they should protect themselves from the risk of genericide or else encourage the genericization of their brand.

© 2013 Kelley School of Business, Indiana University. Published by Elsevier Inc. All rights reserved.

1. Genericide in a brand society

“Genericide usually occurs as a result of a trademark owner’s failure to police the mark, resulting in widespread usage by competitors” (Walsh, 2013, p. 161). North American lawyers introduced the expression ‘genericide’ in the 1980s (Graham & Peroff, 1987) to qualify the death¹ of brands that have become generic for a new category of products. Yet despite becoming a topic of great interest to legal scholars (Taylor & Walsh, 2002; Walsh, 2013), genericide never seemed very important to marketing specialists, who have produced little

research in this field (Moore, 2003; Oakenfull & Gelb, 1996). Even within the world of business, there is a great deal of ambivalence about the risk of genericide: marketing specialists barely believe in this and consider that the widely disseminated use of a brand name is a sign of success, whereas lawyers fear that the same thing might completely hollow out a brand’s value.

Brand managers struggle to determine whether lawyers have had a deluded view of genericide in recent decades or if the warning signals that they have been sending out are in fact justified. The answer to this question is increasingly conditioned by dramatic shifts in brands’ relationships with the different actors in today’s ‘brand society’ (Kornberger, 2010): consumers and retailers, but also bloggers, employees, and other parties that

E-mail address: bernard.cova@kedgebs.com

¹ The suffix ‘-cide’ meaning the action of killing something.

influence the brand. Today, brands are increasingly reaching out beyond their own borders to engage with a variety of risks and threats—an expanded scope requiring closer monitoring of their legal and marketing practices (Nakassis, 2013). The question then becomes: When should legal opinions assume greater importance than the opinions held by a company’s marketing specialists, and can any compromise be found between the two?

This article’s analysis begins with the arguments first advanced by the lawyers who were responsible for formulating the construct of genericide. It goes on to determine—notably through a case study involving the Nescafé brand—how marketing managers position their brands to avoid the risk of genericide. The next section looks at the question of whether genericide is a delusion or threat and applies it to a case study of the Google brand. Based on this case study, the article offers brand management executives, practitioners, and students a roadmap to help them determine when they should use marketing actions supporting genericization as opposed to legal actions against genericide—or a combination of the two.

2. The heartbreak of genericide, as formulated by lawyers

Legal specialists began alerting companies about the risks of their brands’ genericization leading to possible genericide (Table 1) approximately 3 decades ago. In a seminal book on the management and evaluation of brands—coordinated in 1987 by John Murphy, founder of Interbrand—there was already one chapter dedicated to brands’ legal dimension (Graham & Peroff, 1987); it highlighted the fact that trademarks should be used as adjectives and not as names. Wrangler offered a simple example of this with its slogan “Get into Wrangler jeans now!” This was considered acceptable use whereas “Get into Wranglers now!” was not. In this latter case, a so-called genericization process was at

work (Clankie, 2005), one that progressively transformed what had been a proper noun into a common noun to the point of eliminating its legal protection and causing genericide. One notorious case is the board game Monopoly, which was declared a generic brand in 1983 by a North American court because it had been proven that consumers were using the word ‘monopoly’ to refer to games of this kind in general and not to the specific product made by Parker Brothers, which held title to the Monopoly trademark. The process does not necessarily have reflexive subjects but it does involve a number of market actors and is mainly explained by the fact that there weren’t any names specifying the object previously. Similar examples include Kleenex, Gummi Bears, and AstroTurf. The product categories in question had not existed previously, causing the so-called antonomasic use of these brand names. A specific name becomes an antonomasia when it is used to describe things with similar characteristics, such as ‘Don Juan,’ which has become synonymous with a seducer of women. With the loss of legal protection, all subsequent products—even those of lesser quality—could legally use the first mover’s brand name. One consequence would be a collapse in the first mover’s value. After all, if all vacuum cleaners are hoovers and all soft drinks are colas—and if consumers perceive them as such—there is little reason to pay more for the Hoover or Coca-Cola brands.

In actual fact, genericide is a legal doctrine seeking to combat the loss of legal protections of brands characterized by a high degree of genericness. According to the 1946 Lanham Act and 1988 Trademark Revision Act—largely inspired by the fight against any kind of sectorial monopoly—legal ownership of a commercial brand can be purely and simply abolished if there is proof that consumers use it generically. The end result is a degeneration of the brand, meaning that the company loses any and all rights to it. Lawyers have therefore formulated the concept of genericide to protect companies and create jurisprudence that is more favorable to the efforts and investments being made to launch and

Table 1. Terminology

Genericization refers to a largely involuntary linguistic and social process (Clankie, 2005) where the name of a brand tends to become the generic name for the category of products to which it belongs.

Genericness means the ability of a brand name to represent a category of products through the encoding of certain properties (Taylor & Walsh, 2002). The genericness of a brand name can be assessed at the time of its registration. Note that this can be particularly strong when a name is closely connected to a product’s functionality but also during the rest of its life depending on how the brand name is used in common parlance.

Genericide is the final stage of the process of genericization, where the disappearance of legal protection is sanctioned for a brand that has become generic, in line with legal principles (Oakenfull & Gelb, 1996).

متن کامل مقاله

دریافت فوری ←

ISIArticles

مرجع مقالات تخصصی ایران

- ✓ امکان دانلود نسخه تمام متن مقالات انگلیسی
- ✓ امکان دانلود نسخه ترجمه شده مقالات
- ✓ پذیرش سفارش ترجمه تخصصی
- ✓ امکان جستجو در آرشیو جامعی از صدها موضوع و هزاران مقاله
- ✓ امکان دانلود رایگان ۲ صفحه اول هر مقاله
- ✓ امکان پرداخت اینترنتی با کلیه کارت های عضو شتاب
- ✓ دانلود فوری مقاله پس از پرداخت آنلاین
- ✓ پشتیبانی کامل خرید با بهره مندی از سیستم هوشمند رهگیری سفارشات