

NATION BRAND AND INTELLECTUAL PROPERTY IN THE CONTEXT OF GLOBALIZATION

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Abstract

In the last 10 years a new dimension of branding was developed: national branding. The concept is as controversial as the concept of globalization; specialist either embraced or criticized it. But more and more countries hire specialist in order to shape a national brand, attractive for other individuals, residents in foreign countries. The concept is meant to create or emphasize national identity in a globalised world. But the national brand is not just a concept, some fliers and maybe a video or two. The national brand is influenced by the country's economy, and the intellectual property rights made representative for that state. New patented inventions, new successful brands, the promotion of traditional knowledge can help enhance the international image of a nation. The paper explores the structure of the national brand meaning the elements that put together form the image of a nation and how intellectual property (IP) aspects can be found or not in these elements. The goal is to offer pictures of how IP aspects can help the enhancement of a nation's image.

Key words: trademarks, patents, national brand, development, globalization

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Introduction

Nowadays, everywhere we go, we find ourselves surrounded by all types of brands. From the moment we wake up to the one we go to bed brands ease, helps, or frustrate our lives. From the commercial brand dedicated to products and services, we find now personal brands built around one person, that makes it influential among others or national brands that represent the image of a community, outside, in the international arena.

In order to understand the importance of a national brand in the international politics, the concept of soft power must be analyzed. The concept is related to the activity and writings of Joseph Nye who use it in order to define a new type of power different from the military force, a power that attracts international attention and represent the opposite of international force (Keohane & Nye, 2009). In other words soft power represents all the strategies for attracting international goodwill.

Nowadays there are a number of scientists who develop this concept from two directions: public diplomacy David Baldwin (2002), Jan Melissen (2007), Hans Morgenthau (2007) and nation or national branding Wally Olins (2007), Gyorgy Szondi (2008). Gyorgy Szondi emphasizes that there are several differences between the two concepts and the first one is the school that promotes them: the concept of public diplomacy is developed by American scholars and the concept of nation branding by British scholars (Szondi, 2008). But in the end both are forms of soft power.

The concept of national branding is related to image strategies specific to the marketing field. Here the literature is quite vast Philip Kotler (1997), Malcom McDonald (1996), Frank Bradley (2001), Wally Olins (2007) are just some names from a long list of marketing specialists. But even if literature in this field is quite vast few authors refer to nation Branding. The most active ones are Wally Olins and Simon Anholt (Szondi, 2008).

1 From mark to nation branding

The trademark, that embodies the legal basis of a brand, is a part of intellectual property (IP) that can be registered under the provision of the international treaties regarding industrial property. The basis was laid down by the Paris Convention regarding industrial property which sets out the general rules for trademark registrations (Paris Convention, 1883).

The protection of a trademark is done through two types of regulations: international (such as agreements, conventions and treaties) and national. National regulation should respect the international regulations if that state is contracting party to one or more international acts regarding IP rights.

Concerning states symbols, there is a different procedure to register state names, flags, emblems as trademarks than in the case of other marks. The protection is ensured through the provision of article 6^{ter} of the Paris Convention (1883). This article states: *“The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view”* (1883).

In practice the article prohibits the use of specific image elements of a state in order to avoid their registration as a trademark. In order to protect these elements states must fill an application that has to be sent to the World Intellectual Property Organization (WIPO). The

organization will then notify all states member to the international acts administered by WIPO about the element protected in order that the national office will reject any trademark application containing exact or similar reproduction of that state element. In practice the opposition procedure can be applied by other states to protect their own symbols, such is the case of Greece and Former Yugoslav Republic of Macedonia (FYROM).

Nowadays WIPO has a database containing all the state names, heraldic, flags protected. For the national brand point of view, these articles ensure the protection of a state “trademarks”.

“Made in” formula and the indications of source are other aspects that protect and influence the image of some products origination in one country. The indication of source is protected by the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 1891 that imposes the immediate seize of the products that bear false indication of source. Producers could be tempted to use a deceptive indication of source in order to benefit from that country image of quality. On one hand there are researches that study the positive and negative effects of the country of origin indication over products (Johansson, 1989). On the other hand John O’Shaughnessy and Nicholas Jackson O’Shaughnessy underline that the reputation of product category renown in a country can influence the choice of the consumers more than the entire nation image (2000).

In the literature trademarks and brands are sometimes treated as one. For instance Philip Kotler (1997) uses the term „mark“ and other such as William Pride and O. C. Ferrell (1991), Wally Olins (2007), Naomi Klein (2006) use the term brand.

Nation brand is defined as *„a strategic self presentation of a country with the aim of creating reputational capital trough economic, political and social interest promotion at home and abroad”* (Szondi, 2008). Another definition is *„the concept of nation brand or country equity refers to the nation as a whole; it describes the country’s intangible assets without any explicit links with a product“* (Fan, 2006).

W. Olins emphasizes that the idea of national promotion is not such a new one just the term branding in association with the term nation creates debates (2007). We must agree with this idea because the concept of nation brand refers to the image of a nation, image that exist either a branding process exist or not. In the official dictionary of Romanian language the nation is defined as follows: *„Stable community of people, historically established as a state, appeared on the unity of language, territory, economic life and psychology, which manifests itself in specific features of national culture and consciousness of common origin and fate”* (DEX, 2012).

From the above definitions the elements of a nation brand can be extracted: the community of people, history, internal politics, international relations, economy, language, culture and one can add also sports.

2. Nation brand elements

2.1 Community of people

The community of people is formed by the individual that compose that nation. This community can be defined by certain elements or stereotypes that sometimes become stronger than other image of that country. The characteristics of that community are influenced by factors such as history, political regimes and collective mentalities. Sometime, in one place more nationalities can be found fact that influences the behavior of that community. Such situations can be found in Kosovo where the differences lead to conflicts, or in a region of Romania, Transylvania where the mixture of nationalities, Romanian, German and Hungarian created a community with unique characteristic.

2.2 National politics

History plays an important role in the evolution of a nation and country from a national and international point of view. But the evolution of national politics can influence the way states are perceived abroad. There are so many examples in this field and we choose to present the former communist states (Hall, 1999) that are regarded in a certain manner internationally with common features but also with national differences because of their common political orientation (chosen or enforced by USSR) during the Cold War. Romania was for the time period of the Cold War identified as a communist country and with its leader N. Ceausescu. Cuba shares the cultural heritage but also the image of a communist regime and its leader F. Castro. Internal political decisions, like changes in political regime, discrimination, crimes against humanity, can affect a nation brand.

2.3 International Relations

The evolution of international relations leave also marks over the image of a country. The European Continent is full of stories of territorial quarrels, wars, diplomatic conflicts regarding economic or social interest like the Kosovo case, Macedonia v. Greece and many others. These elements have impact over the neighborhood policies and sometimes go deeper in the citizen's collective mentalities. Maybe this is why at a cultural contest such as

EUROVISION geopolitical votes can be observed especially around areas like the former Yugoslavian countries (Serbia, Bosnia Herzegovina, Croatia, FYROM), former USSR parts (Baltic countries, Georgia, Azerbaijan, Ukraine, Moldavia) and Scandinavian countries.

2.4 Economy

The economic power of a state is an important asset for the image capital of a country. But even if a strong economy can bring a certain type of attention not all states with powerful economies are enjoying international goodwill.

In the field of economy some IP rights can influence the image of a nation: brands, trademarks, geographical indications, industrial designs are all element that can influence the consumer mind about a country. We all consume foreign patents, industrial designs, trademarks because we need or like that products or service. By doing so we are sometimes sharing a certain way of life. Sometimes we buy a certain good for the image it reflects upon us (Olins, 2007). For example we buy a Ferrari for pleasure or for the need to belong in a certain category of peoples.

2.5 Language

The language is an asset for the national brand because there is a tendency to cultivate relations with states that share similar language origins. In this respect the activity of the French state in the Francophone concept is an encouragement of establishing foreign relations with states that share common values but also represents the promotion of French image in francophone worlds.

2.6 Culture

Culture is a very important aspect of a nation brand. From the IP point of view four directions must be mentioned: copyright and related rights, trademarks, geographical indications and traditional knowledge.

Copyright and related rights cover the area of literary works, music, films, theatric representation, broadcastings etc.. Culture may be in certain situations the best ambassador of a nation brand, because it appeals to individuals and their appetite for culture. In this case Emil Cioran (philosopher and writer), Constantin Brancus (sculptor), Angela Ghiorghiu (opera singer), George Enescu (Composer), Gheorghe Zamfir (musician) and others represent the Romanian culture, traditions and sometime philosophy of life. Their presence in the

international stages, museums or libraries represents maybe the best presentation card of Romanians.

Movies are a very good way to promote the image of a nation. American films present the image of American society, the way of life, national holydays. This is a subversive way of selling one nation's brand because it tends to become an integrated part of other cultures. For example celebrating Halloween in other countries represents importing a foreign culture.

Music is important for nation brand especially if we refer to the facilities that internet offers in this field. ABBA is representative for Sweden, Eros Ramazotti for Italy, the Beatles for England, Elvis Presley for USA, Patricia Kass for France and others. In this context the EUROVISION contest mentioned above, even if it has minuses, promotes European cultural approach, and a chance to understand other cultures.

Geographical indications are a part of a nation's culture because drinking whisky is very British; certain wines are specific/originating in some regions like Champagne in France. Moreover traditional dishes are constructed around certain cheeses or meet product traditional in some places. Generally they are registered as Geographical indications and are protected as such.

Geographical indications sometimes meets with traditional knowledge, because the popular wisdom, popular methods of obtaining products may be found in the process of obtaining products registered as geographical indications. Traditional knowledge is a concept representative for folklore, traditional clothes, music, dances, traditional remedies, foods, myths and tales or fables. Sometimes they travel around the world in numerous places like Grimm brothers novels.

2.7 Sports

Sportive can bring positive image, goodwill in a nation brand because they represent their country internationally. Nadia Comaneci is a symbol for Romania and the gymnastic team also because of their high performance over the years. In UEFA, European Championship, World Cup, Olympics individuals represent their country or their team gathering positive image capital embodied in national brand. Also the organizing country can gain positive image from hosting a regional or international sport event (Berkowitz, Gjermano, Gomez, & Schafer, 2007).

Conclusion

The IP rights find an important place in the nation brand in almost all the elements that can be found in this concept. What is more important is that all IP elements can find application in this concept: copyrights and related rights, patents, industrial models and designs, trademarks, traditional knowledge, geographical indications.

In the context of a globalized world where there is a big competition for the international attention, from a state point of view political attention, economic attention, investor attention can represent a real asset for a developing country. Maybe the case of Republic of Korea being in top 5 regarding trademarks and patent applications is not by chance because a boost in IP rights can bring positive image to that nation brand.

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