

Online branding: a definitive guide

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Jack Yan looks at the phenomenon of online branding, answering how organizations can create successful brands online in the Web 2.0 era

Executive summary

Successful brands on the internet depend on certain ingredients. And unlike offline brands, the process surrounding vision, research, exposition and image differ slightly, even if the ingredients of brand equity remain the same. Importantly, a loose vision, informal research, and tapping into consumer advocacy all help build a strong brand on the internet. All these additionally contribute to whether a brand has acquired secondary meaning in a legal sense, although the existing test needs to be reconsidered.

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1. Introduction

Despite some major texts on branding in the last 10 years, from Wally Olins's *The New Guide to Identity*,² to Nicholas Ind's *Living the Brand*,³ and the Ind-edited *Beyond Branding*,⁴ branding is a very divisive field. Few have done studies to connect the organization's vision to business performance, which this author did in 1999, and the majority of companies have still failed to appoint marketers to the boardroom. Meanwhile, others are leading the cutting edge of branding, such as Stefan Engeseth with his new work, *One*.⁵ There is little bridging research into the integrated marketing communications' model and the cutting-edge, consumer movement papers; and certainly very little on how brands can be built using the internet.⁶

Before delving into this paper, it is useful to cover what branding is. As outlined in one of the author's earlier papers,⁷ it may be thought of as:

the methods in which the organization communicates, symbolizes and differentiates itself to all of its audiences.

The word *branding* has altered in meaning, even amongst the experts such as Olins.⁸ Traditionally, the 'brand' was part of 'identity', which may be defined as:⁹

the explicit management of all the ways in which the organization presents itself through experiences and perceptions to all of its audiences.

The brand was merely the part of this management that was directed at a consumer, or an audience member, external to the organization.

However, perhaps through media coverage and Naomi Klein's seminal *No Logo*,¹⁰ which questioned the ethics behind branding, the word *brand* entered the vernacular. At the same time, the branding model evolved somewhat: Olins began touting the brand as an 'attitude' that described the organization,¹¹ and branding consultants became a little more obsessed with the message being sent to consumers, perhaps in the wake of *No Logo*.

2. W. Olins: *The New Guide to Identity*. Aldershot: Gower 1995.

3. N. Ind: *Living the Brand: How to Transform Every Member of Your Organization into a Brand Champion*, 2nd ed. London: Kogan Page 2004.

4. N. Ind (ed.): *Beyond Branding: How the New Values of Transparency and Integrity Are Changing the World of Brands*. London: Kogan Page 2003.

5. S. Engeseth: *One: a Consumer Revolution in Business*. London: Cyan Books 2006.

6. Many of the papers discussing online brand-building are general, without creating a credible model. See, for example, the papers collected at Allaboutbranding.com.

7. J. Yan: 'Online branding: an antipodean experience', in Kim, Ling, Lee and Park (eds.): *Human Society and the Internet*. Berlin: Springer 2001, pp. 185–202.

8. J. Yan: 'The attitude of identity', *Desktop*, October 2000, pp. 26–31.

9. W. Olins: *The New Guide*, op. cit.

10. N. Klein: *No Logo: Taking Aim at the Brand Bullies*. New York: Picador 2000.

11. J. Yan: 'The attitude of identity', op. cit.

It, therefore, became important to make sure that the vision of the organization took into account the message it would send to consumers as one of its earliest steps, and to make sure what was being communicated inside the organization was identical to what was being communicated outside. The word *brand* began taking on the meaning once given to *identity*.

This coincided with another development: the “mainstreaming” of the online world. With consumer input now being sought readily for things such as product development (e.g. online surveys became common and were thought of as a means through which the most current data about the market-place could be sought), and consumers themselves becoming powerful advocates for brands (spreading good news via emails, or indeed, bad news), there was less of a distinction between the marketing departments of organizations and the customers themselves.

Therefore, the branding model began looking quite different. Once, organizations could depend on training their staff to tow the official line, expressing the brand in the way dictated by head office. But consumers could not be managed in the same way. They needed to be incorporated into brand-communication decisions, either by (a) inspiring staff members and getting them to work so closely to consumers on the hope of “infectious enthusiasm”, or (b) turning those consumers themselves into a *de facto* marketing department.¹²

There are good examples of each. The former group is typified by companies in Ind’s *Living the Brand*,¹³ notably Patagonia. The sportswear company has staff that use its products, while consumers are prepared to talk up its goods. The latter group includes many of the networking services on the web, including LinkedIn (www.linkedin.com). Arguably, the initial growth of Yahoo! (first built while its founders were still at Stanford University), Google (which uses its user base to spread news of its new products), and Flickr (which is being found by web users frequenting blogs and similar services) could be credited to the second method. The author refrains from using the *viral marketing* term here, largely because it has become hackneyed.

But how does this online growth actually happen and how does it contribute to the strength of a brand? And if this happens, can the internet truly impact on brand equity¹⁴ and related issues, such as providing a brand with secondary meaning¹⁵ in the eyes of the law?

12. Brand managers could well become managers of consumer perceptions some day, helping guide them and feeding them back into the corporate vision. The brand could become a pluralistic “collective of perceptions”, rather than a single idea under the current model. So far, that has not happened, but it is a logical outcome of today’s trends.

13. Op. cit.

14. D. A. Aaker: *Building Strong Brands*. New York: Free Press 1991.

15. Secondary meaning arises when consumers have come to identify a trademark with its owner over time.

2. The branding process

The logical place to begin is in the regular branding model.¹⁶ The brand begins with a vision, or, indeed, a slogan (if it is far-reaching enough to guide the whole organization). The important things are that the vision is unique and able to summarize the organizational “attitude”. Audiences learn of the vision through such things as the logo and the communications that surround it. These should ideally express the brand’s attitude. They form an association between the symbols such as the logo and the values of the organization.

As stated in an earlier paper, ‘Semiotics are key’:¹⁷

Symbols, logos, etc., signify certain things that form mental pictures in our mind when we interpret them. [A branding] campaign ensures that the correct pictures are formed and that incorrect or earlier ones are replaced.¹⁸ Repeated exposures reinforce meaning, which is why consistency in branding is important.

This leads to brand equity, which is the added value that a brand endows a particular product or service. The author wrote of its consequence:¹⁹ ‘As audiences—whether they are shareholders, future customers, students or any other group—select or think of the brand more frequently, they ultimately contribute to the organization’s business performance in economic or strategic terms.’

Online, the psychological process remains largely the same. In 2001, when the author last explored online brands,²⁰ there were more audience members specifically seeking certain companies’ products and services on the web. Other than online advertising, many web-based brands were not discovered unwittingly, unlike many that appeared on television or in print. However, there was an indication that this was changing as the web became more commonplace.

16. J. Yan: ‘Online branding’, op. cit.

17. Ibid., at p. 186.

18. J. Engel, R. Blackwell and P. Miniard: *Consumer Behavior*, 6th ed. Chicago: Dryden Press 1990.

19. J. Yan: ‘Online branding’, op. cit., a p. 186; q.v. S. T. Cavusgil and S. Zou: ‘Marketing strategy–performance relationship: an investigation of the empirical link in export market ventures’, *Journal of Marketing*, vol. 58, 1994, pp. 1–21; and R. Dau and P. Thirkell: ‘The relationship between marketing orientation and export performance: further empirical evidence’, *Proceedings of the 1996 Australia–New Zealand Marketing Educators’ Conference*. Wellington 1996, pp. 369–86.

20. J. Yan, ibid.

2.1 Online brands today

It is almost difficult to remember how western business was conducted without the internet and the World Wide Web. The web is often the first destination for any researcher today, for instance.

But there is still no follow-up from the author's earlier work on how some online brands capture the public's consciousness and others do not. Most people discovered Google, for instance, through referrals. (At the time of the earlier paper, Google was still unknown, although the firm existed.) Blogger.com, the service that enables web users to maintain public online journals (web logs, or blogs), spread through its logo appearing on the blogs it hosted on the internet—and gained a secondary meaning as a result. Yet other brands remain online, and have done so for years, without influencing the public.

It may be easy to say that Amazon.com, for example, was so revolutionary that by being first-in-sector, it gained mainstream media coverage. That may be so, but there are other ventures that were firsts in their sector that never received that coverage—*Fashionbrat*, for example, was New Zealand's first online fashion magazine, but has become forgotten beyond this author's own coverage. Even some of the first fashion magazines on the internet in Australia (*Marie Claire*, *Fashion Australia*) and the United States (*Fashion Internet*) never captured huge public attention and do not survive today. Something else must be at work.

The author's earlier work²¹ illustrated that there were some strategic and structural differences between successful online firms and successful offline ones.

Vision. Visions were more fluid, so ventures that were defined too tightly failed: Pets.com and Boo.com, which admittedly had other issues, were defined narrowly and could not shift into new businesses when their original failures became apparent. At the time, the author cited one of his own properties, *Lucire*, which has survived as a web site and online magazine; while the other two businesses cited have changed only because of changes in their founders' personal lives. Up to the times of their changes, they had survived well, based on a "loose" vision. By equal measure, Amazon.com survived by branching out from books to DVDs, toys and even lawn furniture.

One issue that was apparent in 2001 was the need to have corporate citizenship. This shift toward more socially responsible firms has become stronger in the last few years, with greater awareness of "anti-brands".²² Internet audiences tended to be more alert to these anti-brands, some preferring products from entrepreneurial, independent firms.

Research. The earlier research also illustrated that there was a lower-cost and shallower research process, with online entrepreneurs willing to begin their ventures on instinct and

21. Ibid., pp. 190 ff.

22. The term is a misnomer, since anti-brands work on the same principles as brands when it comes to the branding process. However, the vision will generally include a rejection of undesirable, unethical behaviour and the embracing of principles including fair wages and the use of sustainable resources.

relationships with other organizations and customers. Successful online firms were willing to employ modern communication techniques.

Exposition. In communicating the brand, the organization partners with others to help it get its word out. Independent contractors, freelancers and other web sites (through links, and, today, mentions on blogs) become “advocates” for the organization. Those that began offline tended to retain the same brand. (Exceptions exist, such as Condé Nast’s Style.com, the online version of *Vogue*, though that can still be reached in the United States via Vogue.com.) They also tended to be global in their approach, quoting, for example, US dollar prices, despite their location, and made little use of their own country’s symbols. They also attempted to use as much offline media as possible.

To reach the public, they relied more on below-the-line marketing, and not above-the-line. Part of the reason is budgetary, but they also managed to put out distinctive products or services. The successful firms examined tended to have a more personal and positive “attitude”. They made use of a cynicism against big business to their own advantage.

Image. No changes to how brand image—the consequence of branding—were found between offline and online firms. In other words, all the “hard work” is done earlier, with the results of a strong brand—image, business performance and secondary meaning—unaffected by the medium.

Two brands today may be instructive, as their growth is happening at the time of writing and are considered successes by the media. One is Flickr.com, a photograph-sharing service recently acquired by Yahoo!. Its growth has been gradual, but it shows that a company that did not have a huge marketing budget can become an integral part of the web. (At the time of writing, Flickr has 158,000,000 hits on Google, while a search for “*US Supreme Court*” results in 37,400,000 hits.) If it follows the pattern of Yahoo!, Google *et al*, which it is expected to,²³ it will become a normal way for people to share digital photography.

A second brand, which is more fleeting, is the name of a movie. New Line’s *Snakes on a Plane*, starring Samuel L. Jackson, began pre-production in 2005. The name was mentioned on a blog in August 2005, and its star insisted that the film be called that, after the studio attempted to change it to a more generic *Pacific Air 121*. Because of its odd name, it began circulating around the web, mostly with bloggers. By the end of the year, *Wired* had published an article about it in its print edition,²⁴ and unauthorized cups, T-shirts and even a blog (*Snakes on a Blog*) had been created. Some even went so far as to say that *snakes on a plane* had become a common phrase akin to ‘C’est la vie’ and had input it into the *Urban Dictionary*, a site where colloquialisms and slang can be entered.

23. J. McClellan: ‘Tag team’, *The Guardian*, February 3, 2005, <<http://technology.guardian.co.uk/online/story/0,3605,1403974,00.html>>.

24. E. Steuer: ‘The best worst movie of the year’, *Wired*, vol. 14, no. 1, January 2006, <<http://www.wired.com/wired/archive/14.01/play.html>>.

The buzz was so strong that New Line went back to the studio to shoot for five extra days to satisfy fans.²⁵ A fan-designed logo even became the official logo for the film, to be released in August 2006.²⁶ One news source even believes that a parody line that appeared on a blog will make it into the film.²⁷

Finally, it may be worth considering Google, since it was not as strong at the time of the earlier study. An upstart search engine is now the primary search engine on the internet, with 80 per cent of searches for the author's own web site coming from it. Google has branched from its core search service into Google Earth and Gmail, neither of which would appear, on the surface, to be connected to finding information. Google Ads has become a force in the online advertising arena, and might be influential enough to branch into offline advertising.

These three represent three very different parts of the web. Flickr is part of the much-vaunted 'Web 2.0', which in a layperson's terms is a more interactive evolution of the World Wide Web where everyone has a chance to create their own dialogues, networks and web sites, with richer user experiences.²⁸ *Snakes on a Plane* is an intentionally fleeting choice: it was not set up as an online venture per se, and is merely reflective of a *conversation* taking place on the web. Google is well known and began as a single application in the time of Web 1.0, but is adding services (and has added services) such as Blogger, representative of Web 2.0.

2.2 Do they fit into the branding scheme?

2.2.1 Flickr.com

Flickr's offering, however, is simply stated. It is a photo-sharing service, with a difference: it allows users to tag their images, thereby ordering them under different topics. Those searching for images for *tsunami*, for example, will find all photos with that tag, regardless of photographer. Prior to that, photo-sharing services tended to be grouped by users, so they were shared only as far as one user was able to spread the word.

The idea, perhaps, is not new. Del.icio.us, another Web 2.0 service, allows users to group blog posts. Professional photo libraries have been grouped using keywords. Flickr

25. B. Kit: 'Fan frenzy for "Snakes" is on a different plane', *The Hollywood Reporter*, March 23, 2006, <http://www.hollywoodreporter.com/thr/film/article_display.jsp?vnu_content_id=1002234847&imw=Y>.

26. C. Elsworth: 'Cult film fans are bitten by Snakes on a Plane', *The Electronic Telegraph*, March 25, 2006, <<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/03/25/wsnakes25.xml&sSheet=/news/2006/03/25/ixworld.html>>.

27. B. Kit, op. cit.

28. Tim O'Reilly of O'Reilly Media Inc. notes the seven ingredients of a Web 2.0 firm as: (a) services, not packaged software, with cost-effective scalability; (b) control over unique, hard-to-recreate data sources that get richer as more people use them; (c) trusting users as co-developers; (d) harnessing collective intelligence; (e) leveraging the long tail through customer self-service; (f) software above the level of a single device; (g) lightweight user interfaces, development models, and business models (original emphasis). See T. O'Reilly: 'What is Web 2.0', O'Reilly.net, September 30, 2005, <<http://www.oreillynet.com/pub/a/oreilly/tim/news/2005/09/30/what-is-web-20.html>>.

democratized not just the library, but the ability to create those keywords—tags under the latest parlance. The difference was that there was an intent about sharing, and the site is typical of the “social media” made possible by the internet.

But on the surface it appears to be a well defined company with a single offering, enough to tempt Yahoo! into acquiring it. (Google was reportedly interested, too.) However, the original vision was not necessarily of this service.

Flickr co-founder Stewart Butterfield, suffering from food poisoning, had a dream about a multi-player game ‘built around sharing photographs.’²⁹ The original Flickr site actually centred on instant messaging with some digital photography support. Early members were gamers and bloggers, with an interest in photography. Butterfield made use of Flickr’s *loose vision* to emphasize the strength that was emerging from its user base: users who were conversing but setting the tone using digital photography in their instant-messaging.

That same looseness meant a certain level of experimentation, rather than formal research. Flickr noticed where its strengths were by letting users find their own feet and interests.

Flickr does partner with others to spread the word. But rather than through formal alliances, it does this by bringing its users into the fray. Users become the editors for sorting the photographs. In effect, organization and user are on the same side, in an expression of the *One* principle espoused most heavily by Engeseth.³⁰

Its strongest advocates were its users, and Yahoo!’s own interest came from an email from a ‘Flickr fanatic in Bangalore, India’.³¹ That eventually led to a \$30 million deal.

Flickr is now ranked 90th in Alexa, the service that examines where web sites are placed on the web. It can be said to have a strong image, if measured in brand equity terms: it has ever-rising brand awareness, it is positively considered by its users, there is a great deal of loyalty to the service, and its perceived quality is high. The value of its proprietary brand assets—its trademark and intellectual property—may be considered to be high, given what Yahoo! had paid for the company.

Flickr confirms the original criteria set down by the author for a successful online brand.

2.2.2 Snakes on a Plane

Snakes on a Plane is an unusual choice for this paper. It is not a venture, therefore it could not be said to have a vision *per se*. It is a movie title whose quirkiness led to an initial round of blogging, an article in *Wired*, and a decision by the studio to shoot for five

29. E. Schonfeld: ‘The Flickrization of Yahoo’, *Business 2.0*, December 2005, pp. 156–65.

30. S. Engeseth, op. cit.; and S. Engeseth: *Detective Marketing: Creative Common Sense in Business*, 3rd ed. Stockholm: Stefan Engeseth Publishing 2003.

31. E. Schonfeld, op. cit.

more days given the buzz on the internet. That prompted more mainstream media coverage.

The author first heard of *Snakes on a Plane* as *Pacific Air 121*, when *Lucire* was first asked to participate in the movie. The studio, New Line, states now that *Pacific Air 121* was a working title used to solicit support, though there are claims that it had wanted to change the name to avoid ridicule.

Its Google references have gone up and down since word first got out that *Snakes on a Plane* was the decided title. Before January 19, 2006, they rested on 96,900, rising to 461,000 by February 1. However, there was a fall from that point: 380,000 on February 5 and 176,000 on February 15. It was New Line's decision to shoot extra footage that piqued the interest of the mainstream media, and the hits started on an upward trend: by March 25, this had risen to 880,000.

Given there is no "organization" that is called *Snakes on a Plane*, it is hard to consider if it had a loose vision or not. Perhaps one could say that its producers had an open mind in considering all the attention the film had received on blogs; and that if the vision was "tight", there would not have been a reshoot. Nevertheless, this inquiry cannot be academically rigorous.

However, other branding aspects can be considered from the perspective of the production company. Evidently, research was informal and inexpensive: the preference for *Snakes on a Plane* was signalled most by bloggers, not by the studio. Samuel L. Jackson chimed in to say that the title should be retained, but that appears to be a more recent development. Listening and monitoring blogs indicates a willingness to incorporate modern technology in researching how well the *Snakes on a Plane* title was being received.

The communication of the name has come from not just the studio—New Line pays lip service to it on its web site and snakesonaplanemovie.com, the official site, is barely more than a home page—but from the internet audience. Therefore, the "advocacy requirement" for a successful online venture is more than present—it could even be said now to be *Snakes on a Plane's* *raison d'être*.

The consequences of all this cannot be measured at this time. Providing the interest in the venture does not wane—as it did in February—then *Snakes on a Plane* will enjoy a sizeable audience. Perhaps with the extra footage, it now will, because New Line was willing to show it would participate in the dialogue with its advocates. Only then can one measure brand equity—whether the brand loyalty is strong enough to be maintained until the film's release in August.

Snakes on a Plane could be said to be a brand, notwithstanding the absence of a vision. It symbolizes, communicates and differentiates a product. Furthermore, like *Star Wars* figurines and the like, the *Snakes on a Plane* name has extended into cups and T-shirts, even if they are not formally merchandised and endorsed by New Line.

But only on certain aspects can one say for sure that *Snakes on a Plane* fulfils the earlier criteria. However, on those that can be considered at the time of writing, they are met.

2.2.3 Google

There is less similarity between Google and the other two brands examined to date. It is the oldest venture of the three and has received the most coverage. Its name has become so ubiquitous that it is now a verb: *to google* means to search for something on the internet,³² specifically using the Google web search service.

The history has been dealt with many times before, and is a familiar story: two Stanford University students began tinkering. Larry Page had a fascination for back links pointing to any given web site and built a program to compile them. The offline press began noticing Google as early as 1998. The Google culture, however, was not one of formality. New ideas emerged from Google's staff and many were implemented, the most famous being Google News. Google never intended to be in the news-editing service, but Google News analysed stories that a web spider found and ranked them on a page of headlines. By 2000, it had introduced AdWords, a keyword-targeted advertising service. Other acquisitions illustrated that Google was not just about search. If it had a tightly defined vision, none of these developments would have been encouraged, let alone see the light of day.

As told by Heilemann in *GQ*,³³

But beneath the comically clichéd trappings, Google was becoming something interesting—and powerful. Having cut deals with an array of companies, most critically Yahoo, Google was processing more than 100 million searches a day and indexing an unprecedented 1 billion Web pages. Fueling this growth was a relentlessness about innovation. [Founders] Larry [Page] and Sergey [Brin] were openly, brutally elitist when it came to hiring engineers. (Job applicants, no matter their age, had to submit their college transcripts.) In software and hardware, Google's innovation was remarkable. Using off-the-shelf components, the company was building what was, in effect, the planet's largest computing system. And its official mission—"to organize the world's information and make it universally accessible and useful"—extended far beyond searching the Internet.

"I did not understand when I came to the company how broad Larry and Sergey's vision was," [Former Novell CEO Eric] Schmidt says. "It took me six months of talking to them to really understand it. I remember sitting with Larry, saying, 'Tell me again what our strategy is,' and writing it down."

At the same time, the boys had fostered an environment that was flamboyantly idealistic. Search was all, profit peripheral, "Don't be evil" the corporate motto. (Asked later what the slogan meant, Schmidt would say, "Evil is what Sergey says is evil.")

32. The author believes the first high-profile usage of the term was in *Maid in Manhattan*, a film released in 2002. See J. Yan: 'Branding to youth: the forces at work', address to Sales and Marketing Executives International, Auckland, New Zealand, March 11, 2003, <<http://www.jackyan.com/files/stuff-030311-smeiauckland.shtml>>.

33. J. Heilemann: 'Journey to the (revolutionary, evil-hating, cash-crazy, and possibly self-destructive) center of Google', *Men.style.com*, <http://men.style.com/gq/features/full?id=content_422>.

In short, Larry and Sergey had already encoded the DNA of the company Schmidt was supposed to run. The character they instilled in Google could be summed up in three phrases: Technology matters. We make our own rules. We'll grow up when we're damn good and ready.

The boys' reality took some getting used to for Schmidt. It wasn't just the dot-com fripperies that fazed him or the dogs trotting up and down the halls. It was the squatter in his office. (The interloper was an engineer frustrated with the bustle in his own shared quarters. After first attempting to evict him, Schmidt gave up and endured the situation for several months.) He also found himself frequently occupied with grounding Larry and Sergey's flights of fancy. There was the time the boys suggested having Google enter the business of low-cost space launchings. And the time Larry reportedly tried to ban telephones from a new Google office building.

In terms of research, Google relies on the inspiration of its staff. This informality has almost become legendary, shunned by some traditional business experts and praised by those who believe an entrepreneurial style should be maintained by an organization. At its first post-IPO investors' meeting, Google was so informal its chef wound up explaining the food on the menu—a move heavily criticized by the Wall Street establishment.

Its growth did come from people spreading the word about the search engine. The initial 1998 press came well before Google secured large financing, and was a direct result of everyday users. Given that the late 1990s and early 2000s saw a dot-com downturn, Google weathered this thanks to users spreading the word and, of course, through delivering a quality service.

Its brand equity is strong. The initial public offering, according to CNN, indicated a worth of \$24 billion in 2004.³⁴ Its brand loyalty and perceived quality are high, given that rivals have not managed to dethrone Google. Brand awareness can be little higher—Alexa ranks it at no. 2, behind Yahoo!. Google was found to be a top brand according to *Brandchannel*,³⁵ while branding shop Landor found it in second but predicts a Google win for 2006.³⁶

There is some negativity relating to its more recent developments—offering Red China a censored version of its search engine, Google.cn, for instance³⁷—but not enough to signal that its image has been tarnished in a major way. Again, only recent events have indicated that Google is anything but a dynamic, entrepreneurial and almost anti-establishment firm—even if its founders are multi-billionaires who have the financial worth of the establishment.

34. 'Google IPO priced at \$85 a share', CNN.com, August 19, 2004, <<http://edition.cnn.com/2004/BUSINESS/08/19/google.ipo/>>.

35. R. Rusch: 'The search is over: Google wins in 2005', *Brandchannel*, January 23, 2006.

36. 'Brands in the news: winners and losers', *USA Today*, December 28, 2005, <<http://www.usatoday.com/money/advertising/2005-12-29-hot-brands-chart.htm>>.

37. See, e.g. M. Dickie: 'Google to launch censored China service', *The Financial Times*, January 25, 2006, <<http://news.ft.com/cms/s/0cf3fc52-8d0b-11da-9daf-0000779e2340.html>>.

Google also confirms the author’s earlier work on the ingredients of a successful online brand, though it may be useful to examine the consequences of its most recent actions in Red China with Google.cn. The Chinese market itself may opt for other services should the political climate change and the people enjoy greater freedom.³⁸

The three brands examined also illustrate that while the author’s earlier work was directed at Australian and New Zealand enterprises, the rules apply in the United States, too. Indeed, the author advances that they are universal, given the global nature of the internet and very similar online browsing habits between all cultures and creeds.

3. Secondary meaning

It may be worth, in a legal inquiry, to see if the online branding model can endow a brand with secondary meaning.

Traditionally, brands have acquired secondary meaning through ‘advertising or massive exposure’, establishing a trademark ‘in the minds of consumers as an indication of origin from one particular source.’³⁹ Tyndall offers a fairly standard explanation:⁴⁰

A descriptive name, word, term, or mark will have achieved secondary meaning when a significant quantity of the consuming public for the goods and/or services in question understand it to refer exclusively to a particular party. ...

Courts examine the following factors in determining whether a name, word, term, or trademark has acquired secondary meaning:

1. The length and manner of use;
2. The nature and extent of advertising and promotion; and
3. The efforts made in promoting a conscious connection between the name, word, term, or mark and the product, service, or business in the minds of consumers.

It is accepted that the antecedents of branding, even in an offline model, do not necessarily provide a brand with secondary meaning. This is usually due to insufficient exposure.

In the internet world, where there is a potential global audience, do the standards for secondary meaning differ? The three examples in §2 can be said to have acquired secondary meaning: they cannot be mistaken either for anything else or having been from anyone else but their creators. They had got there without heavy (conventional) advertising

38. J. Yan: ‘Yahoo! and Google kowtow—would I?’, jackyan.com, February 11, 2006, <<http://www.jackyan.com/blog/2006/02/yahoo-and-google-kowtowwould-i.html>>.

39. *Black’s Law Dictionary*, 5th ed. St Paul: West Publishing Co. 1979.

40. J. M. Tyndall: ‘Secondary meaning’, *United States Trademark Law Overview*, 2002, <<http://home.att.net/~jmyndall/ustm/secondary.htm>>.

or promotion; instead, it was their user bases or fans that propelled them into the minds of consumers in their market-place.

Indeed, an inquiry into the length of use may be less applicable on the internet: *Snakes on a Plane* has been mentioned only since around August 2005 and has managed 880,000 hits in Google (in seven months). The internet is not the only place where timeframes are more compressed than they were many decades ago: the same pattern can be found in new product development and in the product life cycle.⁴¹

Only the third factor quoted above may be said to have relevance in an inquiry about secondary meaning in online branding.

One approach may be to obtain Alexa statistics of all web sites, making a judgement on each one to see where a cut-off point might lie between online brands that have acquired secondary meaning and those that have not. However, this may prove unreliable: there are offline brands that have ventured online that have a low Alexa ranking⁴² but possess secondary meaning, such as the New Zealand clothing brand Karen Walker.

The best approach is to examine, instead, how well linked they are on the World Wide Web. As advocates will post about their favourite brands, and provide links to them—especially in the age of citizen media or social media—they will get picked up by search engines.

Google, which ranks sites in its index through an algorithm, is best placed as an analysis tool. The algorithm includes a consideration of how many web pages link to a particular site, and even how credible those pages are. It is partly based on web traffic. Further, it is an international consideration, of consumers worldwide, although given the United States' position as the leading nation on the internet, there will be more American viewpoints covered. It is also, fortunately, independent: no one person can influence the Google algorithm, even if some lawsuits have been started over it.

Flickr, *Snakes on a Plane* and Google are all unusual words or terms, but Amazon is not. A search for *Amazon* does not come up with the river, but Amazon.com, the retailer, first. The first mention of the rainforest is the third site. Only two in the top ten do not refer to the retailer. Within its market, it is highly unlikely anyone would consider *Amazon* to relate to any other organization but Amazon.com.

In short, if a brand has met the criteria from the author's earlier paper, summarized here, then it can qualify as a 'strong online brand'. If, in addition to this,⁴³ it has achieved some success in the Google index, then a future court should regard it as having acquired secondary meaning.

41. See, e.g. K. B. Clark, and S. C. Wheelwright (eds.): *The Product Development Challenge: Competing through Speed, Quality, and Creativity*. Boston: Harvard Business School Press 1995.

42. J. Yan: 'Online branding', op. cit., pp. 197–8.

43. The two need to be considered together as the inquiry should be whether a brand has acquired secondary meaning, not a common word or phrase which may appear in the Google index.

4. Summary

Organizations cannot expect to employ the old, offline rules of branding in an online sphere. But at the same time, they cannot expect that the old rules will apply offline, either.

Importantly, the internet has helped identify consumers who are conscious of corporate social responsibility, and public opinion now favours entrepreneurial-style firms over establishment-style ones. These trends have not changed since the author first examined online branding in a pre-9-11 paper.

But even more vitally, the democratization of media—the emergence of citizen media or social media—has meant that individuals have become brand advocates. Online brands find success through tapping in to their respective advocates, providing them with a “reason to spread” their names. Those that follow these requirements have found success, and some of 2006’s most talked-about brands—new, fleeting and established—have done so, by and large, perhaps unwittingly.

This has an impact on the way secondary meaning is to be considered by the courts, changing drastically any consideration into advertising. This needs to be replaced by a consideration of “chatter” on the World Wide Web, resulting in links or a high Google ranking. Secondly, the consideration into time needs to be altered, as brands can be built on the internet at a rapid pace.

The internet has forced such changes that few organizations can have an offline-only existence, so the processes described in this paper need to be considered in any branding exercise or inquiry into a brand’s or trademark’s secondary meaning.

About the author

Jack Yan founded Jack Yan & Associates, JY&A Consulting's parent company, as a virtual firm in 1987. A graduate of Scots College (where he was *Proxime Accessit*) and Victoria University of Wellington (BCA, LLB, BCA (Hons., 1st class), MCA), Jack is regarded as an authority in the areas of branding, identity, typography and cross-media branding, speaking and writing worldwide on these topics.

He co-wrote *Beyond Branding: How the New Values of Transparency and Integrity Are Changing the World of Brands* (Kogan Page, 2004), *Typography and Branding* (Natcoll Publishing, 2005) and a limited-edition presentation book designed by Charlie Ward, *View Point Series 1 of 4: User Seductive—Perspectives on 21st Century Branding* (Wai-te-ata Press, 2004). He maintains a blog at www.jackyan.com/blog.

At JY&A Consulting, Jack's focus is examining branding and global business, including how smaller firms can leverage their intellectual capital applying an international branding strategy. His master's thesis proved a connection between organizational vision and business performance through best-practice methods, which are now applied to many JY&AC clients.

Client firms include insurance brokerage Willis, UNICEF, Electricity Corp. of New Zealand, Colgate-Palmolive, SANE Australia, Deutsche Bank, Knight Ridder, Victoria University of Wellington, and numerous non-profit organizations. He developed the *Lucire* brand from 1997, and took it into print in 2004—the first web site in the world to have spawned international print editions.

Jack Yan has a reputation of taking all his firms to leadership positions.

He is a regular columnist for *Desktop* magazine in Australia, and formerly contributed to UK design titles, *DZ3* and *Fontzone* (1998–2000). Articles about him or his work have been published in *The New York Times*, *Elle* (US and Taiwan), *The Washington Post*, *Pioneer Press* (St Paul, Minn.), *Access*, *Design Week*, *Graphic Design USA*, *Resumé*, *Vogue*, *IdN*, *Professional Manager*, *Publish*, *MAP Magazine* (Brisbane, Qld.) and *The Sydney Morning Herald* and broadcast on Saturn Television and the TV One network in New Zealand.

Jack Yan is a member of the advocacy group TypeRight (which he co-founded) and a director of the Medinge Group think-tank of Sweden, and a former member of the Society of Publication Designers, the Sales and Marketing Executives, Alliance Française, and AGDA.

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About JY&A Consulting

JY&A Consulting (<http://jyanet.com/consulting>) is part of Jack Yan & Associates, an independent global communications company founded in 1987. JY&A Consulting tailors solutions using researched business principles, based around the organization's vision and identity. The company specializes in identity, branding, marketing strategy and global strategy. Its clients have included small businesses, non-profit organizations and *Fortune* 500 companies.

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