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trends and other interesting things from around the world



The sky is blue, the grass is green, its this depth of knowledge that makes us the experts in colour theory and how it can be a key component of any brand. If we take this further it will hopefully become a little clearer although possibly a little murkier.

Coke is red, Pepsi is blue, Cadbury's is purple and Darrell Lea too! Careful, that last part was for the courts to decide as Cadbury's appealed against the latest court ruling, which found that Cadbury's could not trademark the colour purple on its own without the use of the other

brand elements and that they did not feel that Darrell Lea was attempting to pass off their products as Cadbury's by use of the colour purple. The Courts recently declined Cadbury's attempt to have the case re-heard.

The attempt to trademark colours is a fairly recent phenomenon; it was first achieved back in 1987 by Owens Corning, when they secured their right to the colour pink in fibreglass insulation. Since then other companies have attempted to register their company colour and prevent its use by competitors. The legal bat-

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ties have been long, bloody, expensive and by no means final as the cash rich brand owners can often mount new challenges against negative decisions. Why all the effort? Well, one reason maybe that colour plays a significant role in helping us understand our environment, from our first view of the world, looking up at the blurred outline of our parents we have used colour and the pattern of colours to identify and differentiate. We rapidly create links between shades and hues of colour and specific objects and even emotions. Impressionist artists such as Monet used this to great effect in developing their style of painting, as the artist uses his skill to suggest shape, texture and light and requires the observer to add in the detail from their own experiences to complete the effect.

It was interesting that in Monet's latter years, with his vision gradually worsening that he continued to paint and these works, most notably 'Water-Lilies' best typify the impressionist style. 'Water-Lilies' is almost a seamless blurring of yellows, greens and purples, which relies heavily on our innate ability to quickly identify visual patterns by referencing them to our mental catalogue

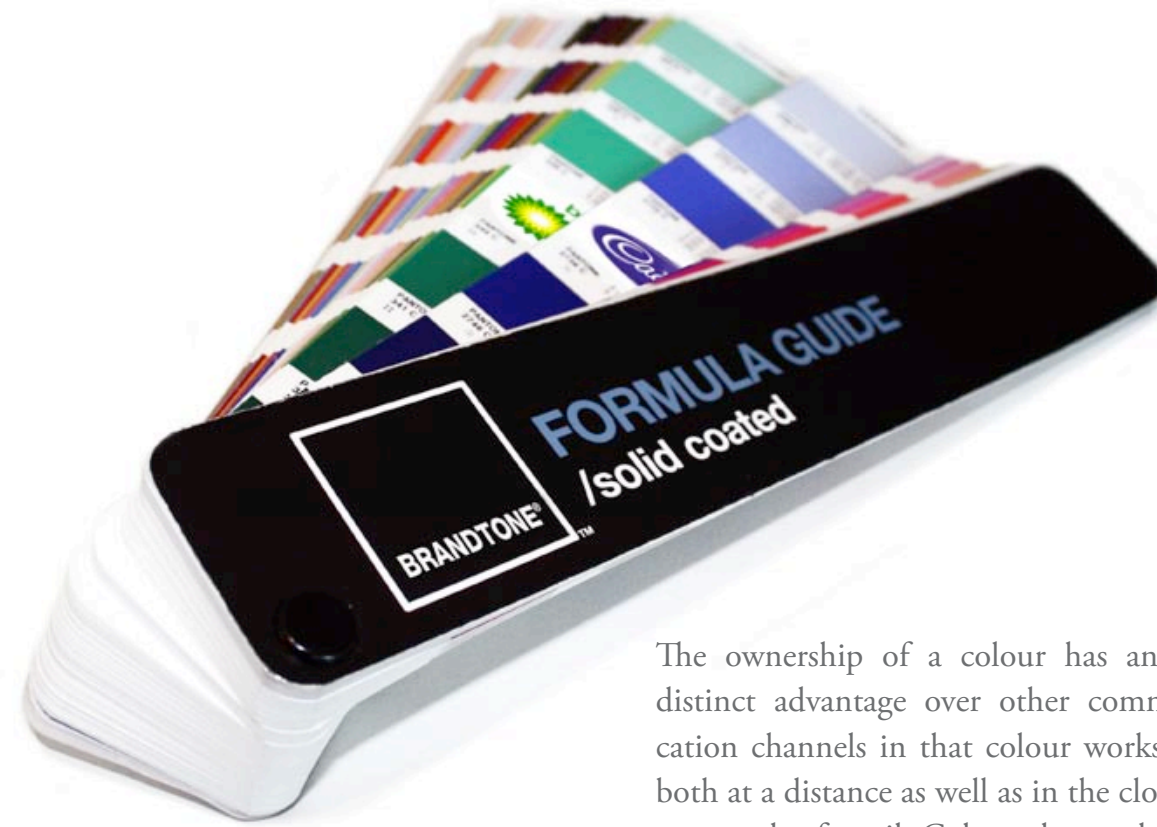
where we then cross check colours, colour combinations, shapes and patterns and then our heads suggest a number of likely suspects for us to choose from.

So, colour is important because we are hard wired from birth to use colours as part of our visual referencing. Another important strength of colour is that it is universal, we are all equally equipped with the same

tools for colour, give or take a bit of genetic variability, so we perceive the world in the same way and therefore a bright red in the US remains a bright red when in China. The difference is then, as in the example of Impressionist Art, purely in the head of the observer and their own internal catalogue plus the impact that our environment, culture, personal history and all that other stuff that lies uniquely stored between our



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ears makes to defining what is red. The issue for brands is that the social context for colour varies wildly across the planet and so does our view of those brands. The brand disconnect between observers from distinct cultures is normally bridged by advertising, which can speak independently to each market, effectively adding to our internal reference and with adequate reinforcement builds recognition between the brand and its values with the colour, so Coke is Red and Red is Coke.

The ownership of a colour has another distinct advantage over other communication channels in that colour works well both at a distance as well as in the close-up surrounds of retail. Colour also works well as virtual brand glue, in that it can create continuity across a wide variety of media, although there are some technical issues with this that can result in a variety of shades being viewed. We recently had to deal with just this issue, when we were tying together the shades for print, coloured vinyl, powder coat for metal and fabric dyes. This was also compounded by working with companies from Australia, New Zealand and Europe. The colour specification for printed matter, the pantone system is fairly universal,

the powder coat reference is different in Germany and although pantone do a fabric swatch it is not linked by shade to the ink swatch. The finish of the surface being coloured also has an impact as does the lighting of the area.

Judging Colour

The legal tenet of owning a colour is this, or I should say my much simplified view of it is this; you basically have to prove that the goods and services that you provide can be suggested by a particular colour and that anyone else who uses that colour is attempting to mislead or pass off their product as yours or are actively trying to imbue their product with some of the values that your company or your company's product has. In the case of Cadbury's the most recent decision found that the defendant Darrell Lea was not attempting to pass off their product as a Cadbury product nor benefit from any good will which could be attributed to Cadburys. It was also interesting to see that Cadburys attempted to cover a number of other shades that they felt were too close to be left without their own legal chaperone. It would also be sensible for Cadbury's to pick up these other shades as they are a global company and would need

to show that they maintained the consistency of the colour otherwise it could be argued that it was any old bluey purple and therefore not specific enough to protect. This is the real crux of the matter. If you decide to set your stall out and go out of your way to enshrine your brand colour and put it legally beyond the reach of your competitors then you are in essence ring fencing your brand, keeping them out and locking yourself in. The bizarre thing from a designers stance is that the shades that Cadbury's were attempting to secure were pantone colours, which are industry standard shades with their own tolerances. These were not specially developed by Cadbury's, were not unique in any way, were only made special insofar as they were used by them over a period of years and had therefore had been able to forge a link in the consumers mind between that shade and Cadbury's core chocolate brand, Dairy Milk. This link that I mention was created over time and its worthwhile noting that time also has the strength to erode.

The recent pedantry of Cadbury's on their purple shade was no doubt connected with their effort to once again connect Cadbury's with the manufacture of chocolate, this after all is what they are known for and they had essentially been hiding behind many of their branded lines and disaggregating the brand essence among these had significantly diluted the meaning of Cadbury's. An added benefit of sucking in the brand spread was that it was not nearly as costly to effectively support one brand over many.



Colour analysts would also suggest that the colour of your brand should reflect the nature of your brand, simply put youthful energetic brands would be reds and oranges and more traditional corporates could use blue to reflect their trusty heritage. An example of this could be vibrant green and yellow palette adopted by BP. Purple is generally used to suggest royal, rich and luxurious or as a client recently commented when they wanted a less vivid shade of purple "something more papal", so perhaps his eminence has a prior claim.

There can also be a mismatch in the colour an organisation chooses and the business it is in. BP rebranded back in 2000 with the green and yellow sun as its new logo, replacing the shield and instead of BP standing for British Petroleum it wanted people to think of 'Beyond Petroleum'. This was a strategic manoeuvre to rid itself of a rather unsightly oil stain

and instead clothe itself in the shiny bright garments of an energy company. However when they attempted to go one more step and own the colour green there was the criticism that they were starting to buy their own propaganda and that although their intentions may lie in being beyond petroleum their present position has them in the crude stuff up to their necks. Defining a brand by its colour alone is patently absurd, to flesh out a brand so that it is capable of carrying any kind of meaning requires much more than just a flat swatch of colour.

There have been a number of companies who have projected their brand through the colour with a great deal of success. British Telecoms outfit 'Orange' wanted to project a future vision of telecomms that was optimistic and challenged pre-conceptions. Their tagline – 'the futures bright, the futures orange' was inspired and with the use of ad's which showed people being empowered by their systems to live fuller and freer lives also made their users keen to be associated with the brand. Orange were able to gain ownership of this standard name through intensive advertising and through correctly linking a shade with its key cultural references. The shade effectively magnified the benefits of the brand and the advertising only had to move this view sideways to gain ownership. Vodafone have attempted a similar ownership with Red and their on-going reinforcement of this has resulted in them now being chosen over Coca Cola when consumers are asked to relate a brand to red.

The word "orange" in a white, lowercase, sans-serif font with a registered trademark symbol (®) to the upper right, set against a solid orange rectangular background.

colour to be put off limits through the dubious of use of statutes that were put in place to protect the intellectual property of an individual or company seems blatantly wrong. Companies that do look to mislead the public through the passing off of their goods by disguising them as another brand can still be prosecuted through the usual means and the law has some severe powers at its disposal, including demanding that the infringer withdraws all their product and even pay compensation to the plaintiff.

The actions of Cadburys, BP and everyone else smacks more of bullying tactics on the same level as McDonalds trying to ban a small sandwich bar from using the name of McMunchies even though the Mc and Mac prefix was in existence long before some burger tosser turned up and was used as a generic term for persons of either Scots or Irish origin or descent and it would take a brave man to ask 'Big Mac' if he would like a pickle between his buns.

Direct colour ownership which is enforceable by the courts seems an anathema to me, largely I suppose because these colours are not an invention, they're not a novel man made creation and so for one

The ownership of colour can be achieved, but I'd far rather it was done through the use of the hearts and minds approach, shown by the likes of 'Orange', rather than through some decree from the courts. This hopefully doesn't sound like professional bias, I have a few friends, well vague acquaintances, who are in the legal profession and I am not against them making a living. I am also not suggesting that the admen have the sole power to orchestrate colours and their meanings, the world of colour is a complex place with many contributors and it would be nigh on impossible to dictate the meanings of these shades with any degree of consistency over time. It is my opinion that colour and it's meanings are both more intangible than the brands which would claim them and more lasting than the laws that would bind them.

This is our channel for airing opinions; a few of ours, our International Design Partnership friends and if you've got some, yours. Our aim is to start a few fires, kick a few tired ideas into shape and stir up a healthy debate on what we see around us.

If you want to join in the debate or introduce a friend to the channel then you can mail us at

newsdesk@uno.net.au

The logo for "channelUNO". The word "channel" is in a lowercase, red, sans-serif font. The word "UNO" is in a white, uppercase, sans-serif font, set against a solid red rectangular background.

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NEWSFLASH

ONLY TOYOTA CAN TAKE A RUN AND JUMP

Toyota have kindly added some late fuel to our fire by challenging JetStars right to feature a person jumping. Toyota would like us to believe that the star jump is their property and have threatened legal action if Jetstar continue to sign off with a star jump, as this, as we all know is purely for those people who have experienced the joy of driving a Toyota and can no longer contain themselves.

NESCAFÉ ARE UP FOR THE CUP

Nestlé are attempting to register the view of a coffee cup from above and a plain red coffee mug as part of their intellectual property. Now there's obviously something in the water when generic images such as those mentioned are being claimed.

We at UNO are looking forward to our day in court when we lay claim to the square and the colour red we are then off to the Russian embassy with our claim for damages.