

## What Can Michael Jordan Teach You About Protecting Your Brand?

**He may have retired from professional basketball in 2003, but Michael Jordan recently brought his defensive game to a different kind of court. Business owners can benefit from the instant replay.**

On August 21, a federal jury ordered the Safeway supermarket company to pay \$8.9 million to the former Chicago Bulls star for using his name and jersey number in a 2009 advertisement without his permission.

The now out-of-business Dominick's Finer Foods chain, which was owned by Safeway, ran a full-page ad in *Sports Illustrated* which congratulated the renowned athlete on his induction into the Basketball Hall of Fame. The ad showed a sizzling steak and the phrase "Michael Jordan... You are a cut above." It included a \$2-off coupon.

Even if he'd lost the case, this action shows that Jordan (who has vowed to donate the verdict to Chicago charities) is not only a sports legend, but a prudent businessman as well.

### Name and Likeness

One of the most marketed sports figures ever, Jordan's image has been used to sell billions of dollars worth of Coca-Cola, Chevrolet, Gatorade, Hanes, McDonald's, Nike, Wheaties, and more.

Jordan is a remarkable athlete and a remarkable *brand*, too. The Jordan brand, build on his superhuman reputation on the basketball court, helps other brands sell more.

That's why he can charge a minimum of \$10 million to lend his name and likeness to ads for products. Why should Dominick's have been allowed to use it for free?

Outside the courthouse, Jordan told reporters that the case was "never, never about the money. It was about the principle of protecting my name and my likeness. I just felt like someone took advantage of it, and I'm glad the courts totally understood that today."

This case provides some important lessons for businesses of any size.

### Lesson #1: Establish Your Brand

Elementary, right? But without a strong brand identity, there's really nothing to protect.

What do you think of when you hear "Michael Jordan?" I am not a sports enthusiast. I never even saw him play, yet I immediately think "greatness." I know that he is one of the greatest—if not *the* greatest—basketball player ever.

When the public (or your specific audience) hears your company's name, they too should have an immediate association. Some very well-known examples of this phenomenon include BMW ("ultimate driving machine"), Federal Express ("overnight delivery"), and Apple ("Think

different”).

Sure, it can take years—sometimes decades—to get that kind of brand recognition. So start building: As renowned marketing strategists Al and Laura Reis stated in their authoritative 2002 book *Immutable Laws of Branding*, “In the long term... all that is left is the difference between your brand name and the brand names of your competitors.”

The exact steps you take to establish your brand is a question beyond the scope of this article. There is plenty of information available on the subject in books and courses like this one (LINK: <https://mobemarketplace.com/products/branding-pr-and-social-media/>)

## **Lesson #2: Trademark It**

A brand is not only the name of your company but can be other things that are intimately associated with your product or service, such as the design of your logo and your tag line. For instance, in the case of Nike, there's the name, the “woosh” design that's on their shoes and in their ads, and the tag line, “Just do it.”

All of these items are trademarked. That means that they are registered with state or federal trademarking authorities. In the U.S., the federal authority is the U.S. Patent and Trademark Office (LINK: <http://www.uspto.gov/>) Your decision to register with a state or federal agency would be based on your geographic area of operation. If you sell locally only, federal registration may not be a concern for you.

Trademarking your name, logo, tag line and other attributes of your brand gives you power to maintain your brand's integrity. If your trademarks are registered, unscrupulous parties who use your identifying marks without permission (to profit off the strength of your brand) can face prosecution. Trademarking can also protect your customers from being sold substandard products or services by the same unscrupulous parties.

## **Final Thought**

Jordan's case against Dominick's was not literally for a trademark violation, but for invoking his image—long established as being worth hundreds of millions of dollars to advertisers—without his permission.

You may not be dealing with those kinds of numbers (yet) but it still pays to protect the elements intimately associated with your brand.

Hopefully you'll never have to defend your trademarks. But if you do, and they are registered, your case will more than likely be a slam dunk.