

MYKOLAS ROMERIS UNIVERSITY
FACULTY OF SOCIAL INFORMATICS
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**INTELLECTUAL PROPERTY RIGHTS AND
COMPETITION IN ELECTRONIC BUSINESS:
PROMOTING AND PROTECTING BRAND
JAMAICA**

Master Thesis

Master thesis supervisor:
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VILNIUS, 2014

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ABBREVIATIONS

ARPA - Advance Research Projects Agency

CBSI - Country Brand Strength Index

GNP- Gross National Product

GDP - Gross Domestic Product

IP - Intellectual Property

IPR - Intellectual Property Rights

JIPO - Jamaica Intellectual Property Office

NBDO - Nation Brand Dual Octagon

NBI – Nation Brand Index

MFN – Most-Favored Nations

R&D – Research and Development

TRIPs - Trade Related Aspects of Intellectual Property Rights

WTO – World Trade Organization

WIPO- World Intellectual Property Organization

INTRODUCTION

Scope of the thesis. Trade in high technology goods and services, which are knowledge-intensive, and where IP protection is common, tends to be among the fastest growing in international trade. In developed countries, where intellectual property laws are enforced, there is good evidence that Intellectual property is important for the protecting, stimulating innovation and the creative industries of those sectors. However, the evidence as to exactly how important it is in other business sectors is mixed. Developing countries of the Caribbean region are renowned for the vast amount of intangible and tangible property such as music, sports, tourism, culture, entertainment, beaches and sunny climate, all of which are marketed internationally to attract consumers. While those properties are a source of pride for the region, enforced intellectual property administration is outstanding and is required to protect and promote those Caribbean assets. As a result in regards to the management of its intellectual property, the region is viewed as laid back with a carefree atmosphere, although challenges concerning enforced intellectual property administration are accumulating. In 2002 when the Jamaica Intellectual property Office (JIPO) was formed, total consolidation of laws regarding the administration of Jamaica's intellectual property was undertaken. The office became the primary institution responsible for administering intellectual property rights in Jamaica, establishing protection for creative works and intellectual property of Jamaican inventors, and protecting the country's national brand, Brand Jamaica. It is desired through this office that enforced IPR administration for Brand Jamaica will stimulate national economic growth and development as well as achieve more equity for the brand. Therefore, this master thesis represents the analysis of the social value and protection that intellectual property will create for Brand Jamaica and its creative industries.

Novelty of the thesis.

Theoretical: this thesis provides a comprehensive analysis of country brands and the management tasks involved, Intellectual Property (hereinafter- IP), Intellectual Property Rights (hereinafter- IPR) Brand Jamaica Jamaica's national country brand and the highlighted problems surrounding the research objectives of the work. A comprehensive analysis and review of country brand model indices by Anholt, Dinnie, Aaker and Krake on country brand models and indexing parameters are analyzed since the models are imperative and applicable of country brand management of which intellectual property administration is the core element.

Practical: an exhaustive analysis of the role and significance of intellectual property, and its relevance for promoting and protecting country brands. The work is useful for

developing countries' country brand managers that are faced with the task of marketing country brands without enforced intellectual property legislation and to assess those country brands in order to manage them effectively.

Research problems. Three problems are presented within this work. **First**, Recent studies about country brand management indicates that strong Intellectual property protection generates equity for country brands, however the extent to which country brands are managed are variable, and while for developed countries country brand management is undertaken at the national level but for developing countries such as Jamaica this is not the same. **Secondly**, Brand Jamaica is insufficiently protected and cannot achieve enough brand equity to transform Jamaica's profile from leisure destination to business destination. And the **third** problem raised is intellectual property protection is not actively enforced for Brand Jamaica because the right to copyright and trademark country brand national properties by governing states are withheld by the Paris Convention; as a result the resources needed to protect brand Jamaica against infringement is absent, consequently exploitation of the brand's intellectual property continues.

Research objects. There are two objects within this thesis: **first**, the role of intellectual property and the assumptions that it creates equity for country brands, **second**, the significance of intellectual property protection administration towards creating country brand monopolies a critical element required for countries to have better control of their national brands.

Purpose of the research. Brand Jamaica is a business entity that promotes the other side of Jamaica - lesser known, but just as powerful. As a brand it is contemporarily, globally connected, and possess an entrepreneurial spirit that spawns new businesses and innovations in a variety of commercial endeavours. As such, it is necessary to develop feasible methods that promote the brand internationally, under IP protection, in order to achieve more revenue for Jamaica's economy. Previous research shows that intellectual property is important in the social and economic development of country brands. Therefore the purpose of the work is to demonstrate that Intellectual property is important for protecting country brands such as Brand Jamaica and is required as a market driven mechanism for promoting the brand creative industries.

Aims and objectives. There are two main aims raised in this thesis. The first aim is exploring the concept of intellectual property and its role in protecting country brands and promoting these brands within country brand management initiatives; and second, to

determine the significance of intellectual property administration protection for country brands Therefore, in order to achieve these aims, the following tasks will be completed:

1. To demonstrate the role of the knowledge economy and its effects on developed and developing countries
2. To demonstrate the role of country brand management for building national brands
3. To demonstrate role of intellectual property in protecting country brands' tangible and intangible property for developing and sustaining the creative industries of country brands.
4. To demonstrate that Brand Jamaica requires a market-driven mechanism such as intellectual property for protecting its property generating value.

Scope of the previous research and bibliography. The concept of country brand management and intellectual property is discussed from the works of highly qualified research scientists, consultants, lawyers and legal consultants. The present thesis mostly refers to the scientific writings of: Krake, F., Kotler, P., Anholt, S., Anderman, S., J.R., Scarlett-Lozer, A., Fetscherin, M., Sneath, , T., and reviews the country brand management strategies of different nations such as Nigeria, Singapore, India, France, USA and South Africa. These countries were some of the main examples used pursuant to the research. Previous research on the management of country brands suggests that good country brands are consistent with the improvement of their image, management of its intangible and tangible assets, image and equity. The review on the role of intellectual property in developing country brands creative industries sectors in the online environment as there is a direct relationship linking intellectual property to creating value for such sectors. Brand Jamaica's creative industries are mostly comprised of the branded tourism accommodations, atmosphere, heritage and culture as well as the indigenous music and recordings of local artistes and singers. For the development of this sector which currently contributes to Jamaica GDP it is interpreted that enforced intellectual property will play a key role especially in the promoting of the brand online. However despite this the recent international exposure of the brand's famous sportsmen, music and food indicates that Brand Jamaica is an asset and the value seems to be appreciating on a daily basis. Brand Jamaica is chosen as the theme of this work because increasing value of this country brand indicates the likelihood of infringement; misuse and piracy of its intellectual property is more accessible online rather than offline. This work involved the review of the principles of good country brand management and good management of country brands property, review of monographs on the object of intellectual property and elements of intellectual property that are applicable for good country brand

management. An exhaustive analysis of Brand Jamaica's management under the current intellectual property laws of Jamaica intellectual Property and in the Paris Convention current stance was analyzed for the latter part of the thesis. Moreover, the official web page of the World Intellectual Property Office comprising of many articles and case law regarding the Economics of Intellectual Property were used as a reference source for writing this thesis.

Methodology. *Theoretical* (secondary data analysis, systematic literature review of journals and comparative data analysis) were used in order to evaluate and analyse the important scientific literature and scientific concepts about intellectual property and country brands. This was done in order to provide new insights and interpretations to the topic and to validate the theory presented from empirical papers. *Historiographical* (systematic analysis) was used to analyze and evaluate the historical material written about Brand Jamaica. New data from the questionnaires was collected and will contribute towards the empirical research already done on that country brand. Application of the *Numerical* analysis which comprised of data collected and measured from the closed-ended questionnaires done (pilot studies). The numerical analysis and measuring of data through quantitative methods is essential in reducing the findings into numbers and for utilizing statistical mathematical models such as chi-square test method are used for developing theories and refuting the existing ones pertaining to the research phenomena. From the quantitative analysis, the formulated hypothesis pertaining to the phenomena for the research will be refuted or proven based on the findings.

Hypotheses: The hypotheses raised explore the influencers that create value for country brands with strong intellectual property rights legislation. From that perception, two hypotheses are made:

H1: Trademarks, industrial designs, copyrights and other objects of intellectual property protects Brand Jamaica.

H2: Trademarks, industrial designs, copyrights and other objects of intellectual property protection creates value for Brand Jamaica.

Organization of the thesis. The thesis is divided into three parts. The **first part** gives an overview of internet, the object of intellectual property and its element and branding. Therefore, the concepts of intellectual property are defined and its relation with branding and e-commerce is determined. The **second part** deals with the significance of country brand management. The positioning strategies of successful country brands are discussed; the current country brand management model indices used for measuring a country brand's index; the features of good country brands and bad country brands. The **third part** is

appointed to the definition of Brand Jamaica, its current position and perceptions in the international market, the components of Brand Jamaica's intellectual property, and the role of intellectual property in protecting Brand Jamaica's intangible and tangible property, and the creative industries sector. This section also includes the role of and the effects the Paris Convention laws in controlling and managing Brand Jamaica's intellectual property at the local and international business and trade, as well as the effects those laws have on Brand Jamaica's Creative Industries.

1. OVERVIEW OF THE MAIN CONCEPTS OF INTERNET, INTELLECTUAL PROPERTY AND BRANDING

1.1 The Development of the Internet

As defined by the Dictionary of Business & Management [3, p.225] the Internet is “the global network of computers accessed with the aid of a modem”. The Internet is not a new phenomenon- its roots lie in a collection of computers that were linked in the 1960s as a project of the US Defense Department Advance Research Projects Agency (ARPA), where a simple computer network was created for the safe transmittal of data between military computers at different sites. Since then the Internet is penetrated extensively in developing countries, and has changed information practices in various sectors and the traditional ways of conducting information business through improving communication systems and developing more user-friendly environments for information sharing [5, p.45]. Moreover, through the Internet established new sources of information and new methods of communication systems are created on a global basis. The Internet has advanced information/technology infrastructures, fosters competition by bringing many international and indigenous information technology vendors on the same platform and assists policy makers in capitalising on the access to global sources of information.

Table 1.1.1: World usage statistics since the development of the Internet

World Regions	Population (2010)	Internet Users Latest Data	Penetration (% Population)
Africa	1,013,779,050	110,931,700	10.9%
Asia	3,834,792,852	825,094,396	21.5%
Europe	813,319,511	475,069,448	58.4%
Middle East	212,336,924	63,240,946	29.8%
North America	344,124,450	266,224,500	77.4%
Latin America/Caribbean	592,556,972	204,689,836	34.5%
Oceania / Australia	34,700,201	21,263,990	61.3%
WORLD TOTAL	6,845,609,960	1,966,514,816	28.7%

Source: Internet History, p.58

Since its development 55 years ago, the Internet has evolved into a complex web of networks connected with high-speed links cutting across countries. As a result, there are no set boundaries for the Internet in cyberspace. Recent statistics indicates that there are 50,000

networks in more than 100 countries with more than 50 million users [40, p.199]. It is further claimed that growth rate for the internet will continue increasing at an amount of 20 per cent a month. Currently the Internet is not proprietary commodity and is available to anyone with a computer connected to a network. In 1994 when the USA launched the information superhighway the Internet has come to play an ever-increasing role in the vast information market in many countries [40, p.200] (Table 1.1.2).

Table 1.1.2: Distribution of hosts connected to the Internet (1997): G-7 countries Africa, Asia, Middle East and Latin America

Country	Host	Initial connection	Country	Host	Initial connection
<i>G-7 countries</i>			Turkey	22,963	12/91
Canada	690,316	07/88	Indonesia	10,861	07/93
France	292,096	07/88	Philippines	4,309	04/94
Germany	875,631	09/89	India	4,794	11/90
Italy	211,966	08/89	China	25,594	04/94
Japan	955,688	08/89	Kuwait	3,555	12/92
Great Britain	878,215	04/89	Malaysia	6	11/92
USA	825,048	07/88	United Arab Republic	994	11/93
<i>Africa</i>			Kazakhstan	1,136	11/93
South Africa	419	12/91	Macau	1	04/94
Cyprus	1,973	12/92	Fiji	0	06/93
Tunisia	15	05/91	Uzbekistan	153	12/94
Jamaica	349	05/94	Vietnam	3	04/95
Senegal	275	10/94	Lebanon	1,128	06/94
Egypt	1,894	11/93	Lithuania	2,761	04/94
Mozambique	44	03/95	<i>Latin America</i>		
Burkina Faso	2	10/94	Brazil	68,685	06/90
Cameroon	75	12/92	Mexico	126	02/89
Ghana	275	10/94	Chile	19,168	04/90
Kenya	457	11/93	Ecuador	1,078	07/92
Morocco	888	10/94	Peru	6,510	11/93
New Caledonia	59	10/94	Argentina	18,985	10/90
Niger	34	10/94	Bermuda	1,648	05/90
Swaziland	240	05/94	Venezuela	4,679	02/94
<i>Asia and Middle East</i>			Puerto Rico	114	10/89
Taiwan	40,706	12/91	Costa Rica	4,259	01/93
South Korea	132,370	04/90	Guam	91	10/93
Israel	61,140	08/89	Virgin Islands	7	03/93
Singapore	60,674	05/91	Nicaragua	743	02/94
Thailand	12,794	07/92	Panama	390	06/94
			Dominican Republic	25	04/95

Source of host number: <http://www.nw.com/zone/www/dist-bynome.html>, 1997

Source: The Internet and Its Impact on Developing Countries: examples from China and India", p.200

1.1.1 The Internet in Developed and Developing Countries

Jamaica is the largest English speaking country in the Caribbean. The country has a geographic area of 10,991 square kilometers (4243 square miles) and an estimated population of 2.89 million. Jamaica is renowned globally for its physical beauty and its citizens' achievements in the arenas of music, culture, sports and cuisine [6, p.4]. However despite this, the country struggles with significant social and economic challenges. High crime rates, corruption, large-scale unemployment and underemployment (14.1% in 2012), a high debt-to-GDP ratio of more than 120%, a low GDP rate of 0.9% (2012), and an economy that is heavily dependent on services is the description the country's economic profile. According to the CIA World Facts, Jamaica still derives most of its foreign exchange from the tourism, remittances, and the bauxite/alumina sectors. The services industry of which tourism is a dominant player, accounts for nearly 65% of GDP, while remittances account for nearly 15% and exports of bauxite and alumina make up the remaining 10%. The country has a high public debt and the effects the global economic crisis has caused significant economic contractions from 2008 to 2010 and economic growth still remains low. Despite this numerous strategies, have been implemented to positively influence the country's development [6, p.5]. It is anticipated that ICT-based technologies will be significant towards increasing the productivity and the overall global competitiveness for the country. According to the author, the liberalization of the telecommunications industry in the late 1990's has resulted in increased access to mobile telephones [6, p.5]. As a result of this, Jamaica has one of the highest mobile density levels in the world among both developed and developing countries. Like many other resource-rich countries, Jamaica has underperformed economically over the long term. For three decades, robust and sustained economic growth still was elusive [5].

In a study conducted by Allen Consulting Pty, 2003 [1, p.7] about Jamaica's e-readiness, it is confirm that at that time the Internet has gathered size and momentum from modest beginnings, and businesses in Jamaica are making use of ecommerce. Jamaica is progressing down the path established by other ecommerce and Internet economy adopters. There is evidence of a close relationship between the proportion of the economy actively online and the number of web hosts, [1, p.10]. The study further postulates however, there is a struggle to raise host numbers and ecommerce activity, while the Internet population remains under eight percent of the total. Nevertheless, once the level exceeds, host numbers and the level of ecommerce will increase exponentially according to Table 1.1.3.

Table 1.1.3: Jamaica's e-business strength and weaknesses

Strengths	Weaknesses
<ul style="list-style-type: none"> • There is an existing (but limited) e-business presence • People are interested in Jamaica its people and culture • Advanced telecommunications infrastructure • Increasing competition in telecommunications • Increasing training opportunities • Increasing creativity in software development and web services with increasing prospect for value added exports • Jamaicans speak English, the language of IT and e-business • Proximity to the largest and most advanced ICT and e-commerce/e-business market • Jamaicans have close links abroad which may be inclined to preferentially purchase from Jamaica • Government's commitment to ICT including a national IT strategic plan and coordinating organisation. • Other Government initiatives supporting uptake of e-commerce including in the areas of tax administration, trade initiatives such as customs modernisation, JAMPRO's Exporter Registration and Trade Agency on-line integration. • Increasing cooperation in Caribbean IT initiatives 	<ul style="list-style-type: none"> • Outdated legal and regulatory structures – no specific legislation to support e-commerce or address concerns about it • Shortage of entrepreneurs • Shortage of capital, especially venture capital • Low level of domestic demand for e-commerce/Internet services • Low level of participation in information economy/large digital divide • Poor community access to affordable internet and computers • High cost of broadband Internet access restricts e-commerce exports • Restrictive access to electronic payments and banking system • IT/e-business skills shortage • Small domestic market • Large numbers of small firms may face hurdles to use of e-commerce • Government institutions and service delivery not IT ready • Poor order fulfilment (eg, customs barriers, etc) • Lack of manufacturing base and production of value added goods and services
Opportunities	Threats
<ul style="list-style-type: none"> • New markets may be opened up through e-commerce • New access to old markets • Efficiencies for Jamaican industry • Raised productivity for the economy in general • Increased competitiveness and improved trade • Increased contestability and lower prices for consumers • Better links across the whole community • Potential to spread jobs into rural regions • New services and improved convenience for rural communities better able to communicate 	<ul style="list-style-type: none"> • Problems from increased globalisation • E-business leads to unsustainable import surge • E-business hollows out Jamaican industry • Brain drain depletes entrepreneurs and IT skills • E-business raises competition and reduces profits • Digital divide deepens inequality • Structural change causes social dislocation • Loss of competitiveness if the majority of Jamaican businesses do not adopt new technologies while the rest of the world does

Source: A Blueprint for Ebusiness in Jamaica, p.11

In 2006, it was reported that Jamaica's overall telephone penetration had increased to 106 phones to every 100 inhabitants [6, p.6], which marked a significant rise from fixed-line telephone density ratio since the study done in 2003 by Allen Consulting. The report states that despite the extent of Internet penetration, Jamaica was still lagging behind its Caribbean counterparts. Within the country there is an access divide with the only available connectivity through dial up connection; for those connections only 50% accounts for technology.

Although there was a 14.3% fixed line density overall availability of Internet connectivity was still limited. Table 1.1.4 shows the general telecommunications statistics for 2006.

Table 1.1.4: Jamaica's telecommunication statistics 2006

Population	2.66 Million
Internet Subscribers	85, 400
Fixed Broadband Internet	79, 000
Cable Modem Internet Subscribers	1,000
DSL Internet Subscribers	41, 100*
Internet Users (estimated)	1, 300 000
Main Telephone Lines in operation	342, 000
Main Telephone Lines per 100 inhabitants	12.85

Source: ICT4D Jamaica: Creative Commons License - March 2009, p. 6

In the recent 2012-2013 Global Competitiveness Report on Jamaica's global economic competitiveness [4, p.211], table 1.1.5 illustrates Jamaica e-readiness and global technological ranking.

Table: 1.1.5 Jamaica's technological readiness

Indicator	Value	Rank
Availability of latest technologies	5.5/7	44
Firm-level technology absorption	4.8/7	67
FDI and technology transfer	4.7/7	72
Individuals using Internet, %*	31.5	86
Broadband Internet subscriptions/100 pop.*	3.9	82
Int'l Internet bandwidth, kb/s per user*	23.1	55
Mobile broadband subscriptions/100 pop.*	1.5	105

Source: The Global Competitiveness Report 2012–2013, p. 211

The above table shows that Jamaica has a high availability of technologies, which gives the country an overall global rank of 44/144. There is also a firm-level of technological absorption with FDI and technology transfer amounting 67%. Individuals usage level is 31.5 and this is comprised of both mobile and computer Internet broadband subscriptions per population number. Although the figures clearly illustrates that the country is gradually

adopting and moving towards ICT based infrastructure, it is also indicative that Jamaica is investing heavily in the IT industry which can the productivity and the global competitiveness [4, p.211].

1.1.2 The Economic and Social Benefits of the Internet

For developed nations such as the USA and the EU, trade in e-commerce has considerably benefited their economy [30, p. 1743]. As a result, this has led the West and supranational institutions, such as the WTO, to promote e-commerce adoption in less developed nations as a significant route to development. However, some development studies work are increasingly pointing to the potential dangers that are inherent in such a strategy and as such highlights the concern of a widening digital divide between developing countries and developed nations as greater dependency on the West increases. It therefore suggests that market-based solutions alone will not solve the distance problem that remains, even in the electronic age. This is not to say that developing nations cannot benefit from trade in e-commerce. Countries, such as Korea and more recently India, have considerable potential for trade in e-commerce, the effects of which are starting to be seen in ICT-intensive sectors. The regulatory framework in developed countries enforces protection of investment, intellectual property and individual privacy in the information market. The legal framework addresses private sector involvement, skilled human resources, standards and implementation. In most developing countries regulatory frameworks concerning information do not exist. Although the rapid growth in information technology is changing methods of doing business at home, at work and in organizations in both developed and developing countries, regulatory frameworks have had very little effect on developing countries. While information technology, including telecommunications, has penetrated every market in the developed world, developing countries still view information technology as a means to support management information systems, finance and accounting facilities, and data processing [45].

1.2 Intellectual Property

Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields. Countries have laws to protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations [7, p.2]. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development [7, p.2]. Generally speaking, intellectual property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time-limited rights to control the use made of those productions [7, p.2]. Those rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. Intellectual property is traditionally divided into two branches, “industrial property” and “copyright” [7, p.2].

1.2.1. The Object of Intellectual Property

The object of intellectual property is the protecting of original works that are man-made and fixed or recorded in some manner. Therefore, in order to gain protection for works that are intellectually created, the work must be original meaning it should be based on an original idea of the author’s and not be an imitation or a piece of plagiarism. Additionally created works should be man-and not made by a machine. If created works are created solely by a machine then it is not susceptible to legal protection, even if the user of the machine has put original work into the machine [7, p.3]. Similarly, works “created” by an animal cannot be legally protected because the inventor or originator should be a natural person. However intellectual property rights can be gain by legal entities such as corporations, institution or enterprises. Works that are subject to intellectual property rights protection should be fixed or recorded in some way and excludes unrecorded conversations or speeches. Intellectual property rights come into existence only when works have been created since it is an automatic right [7, p.3]. In regards to this, the Berne Convention usually do not require that one or more copies of the work be registered or deposited as a precondition for obtaining legal rights. This requirement is, however, a requisite that is found in the Universal Copyright Convention, and applies to the use of the copyright sign [7, p.3].

1.2.2 Promoting and Protecting Intellectual Property

Intellectual property should be promoted and protected. There are many studies which support this concept as Intellectual property preserves and stimulates the well-being and progress of humanity especially for new creations in the areas of technology and culture. The legal protection of these new creations encourages the expenditure of additional resources, which leads to further innovation. Intellectual property also spurs economic growth, creates new jobs and industries, and enhances the quality and enjoyment of life when it is protected and promoted. Intellectual property rights reward creativity and human endeavour, which fuel also fuels innovation. Intellectual property rights ensures that the creator, or owner, of a patent, trademark, or copyright benefits from his or her own work or investment [7, p.3]. These rights which are outlined in Article 27 of the Universal Declaration of Human Rights, sets forth the right to benefit from the protection of moral and material interests resulting from authorship of any scientific, literary, or artistic production. The importance of intellectual property protection was first recognized in the Paris Convention for the Protection of Industrial Property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886. World Intellectual property Organization (WIPO) currently administers and oversees both treaties [7, p.3].

1.2.3 Forms of Intellectual Property

According to the World Intellectual Property Organization (WIPO), “*intellectual property include rights relating to literary, artistic and scientific works; performances of performing artists, phonograms and broadcasts; inventions in all fields of human endeavour scientific discoveries; industrial designs; trademarks; service marks and commercial names and designation; protection against unfair competition, and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.*” [7, p.2]. Literary, scientific works, novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs, sculptures, and architectural designs belong to the copyright branch of intellectual property [7]. Performances of performing artists, phonograms and those of broadcasters in their radio and television programs are termed as “related rights,” that is, rights related to copyright, while inventions, industrial designs, trademarks, service marks and commercial names and designations constitute the industrial property branch of intellectual property [7]. Protection against unfair competition fall under the branch

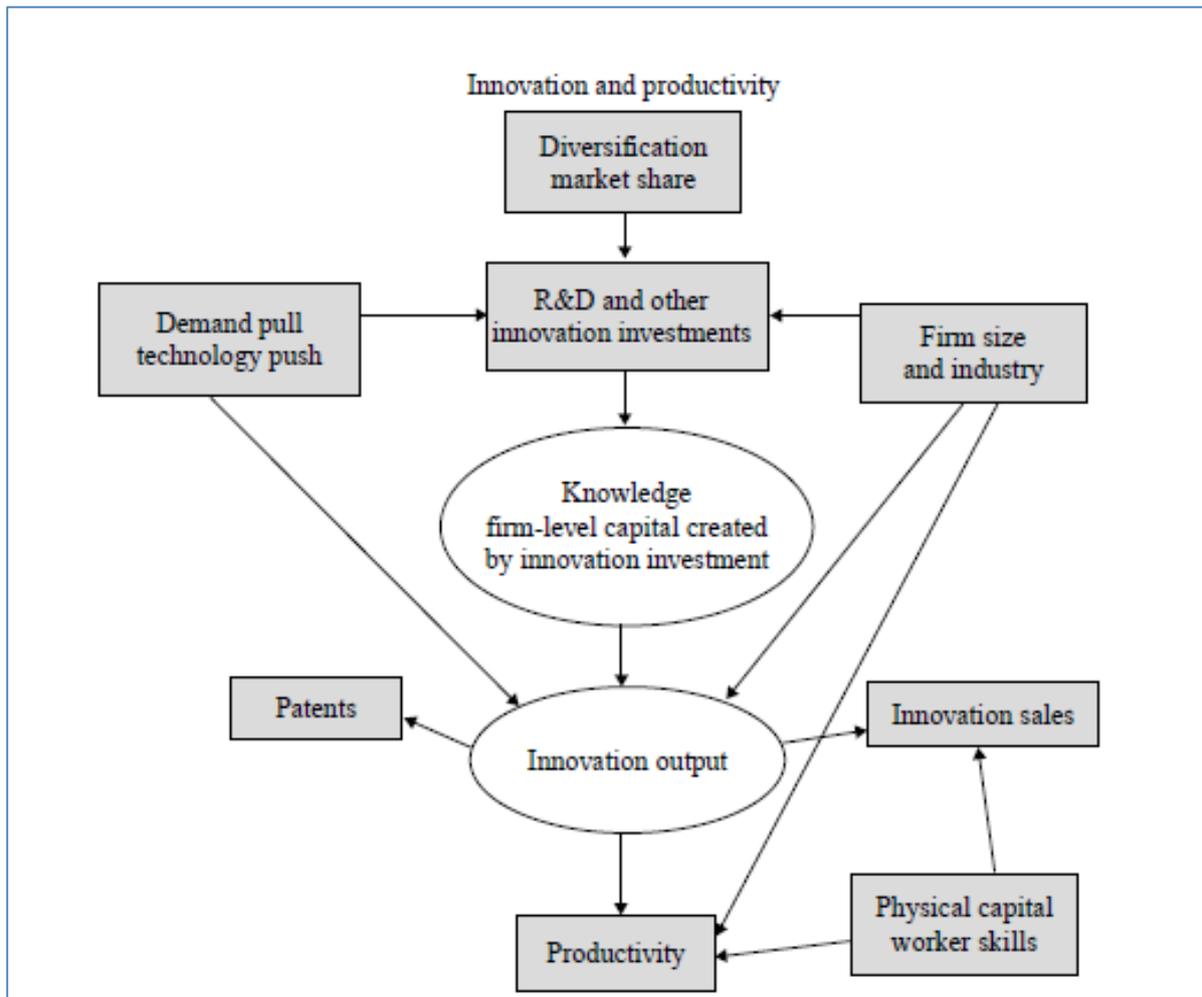
of industrial property as well according to Article 1(2) of the Paris Convention for the Protection of Industrial Property (Stockholm Act of 1967) (the “Paris Convention”); the said Convention states that *“any act of competition contrary to honest practices in industrial and commercial matters constitutes an act of unfair competition”* (Article 10bis (2)) [7]. The term Industrial Property includes patents for inventions, trademarks, industrial designs service marks, commercial names and designations, including indications of source and appellations of origin, and protection against unfair competition and geographical indications.

1.2.4 Intellectual Property and the Knowledge Society

As the structure of developed economies around the world has moved away from heavy industry and manufacturing, the role of intellectual capital and the knowledge economy has become ever more important to growth and productivity. However, this has presented national governments with a number of challenges [7, p.107] [40]. The first is how to accurately measure the relative productivity of different parts of the economy. From this there is then a problem of investment and capital allocation. If the government can accurately estimate the productivity of all sectors of the economy then the government can in turn allocate capital and investment to those sectors that are most productive. However, where estimation is opaque or imprecise then the resultant mis-allocation of resources will reduce the overall growth of the economy. A large part of the existing academic literature in macroeconomics regarding intellectual property in the knowledge economy focuses on the costs on benefits of “proptertizing” intellectual goods [7, p.107]. Economically, there is a clear trade-off between fostering the creation of intellectual goods and enhancing productivity against the associated concerns about restricting access to technology and creating an effective monopoly over a given asset through patent. By giving firms the right to be the sole producers of an innovative product this incentivizes firms and individuals to produce such goods. In addition, the limited life of a patent and the subsequent publication of patent protected information strikes some balance [7, p107]. One of the key issues here is whether this situation is optimal as there are clearly costs and benefits attached to the current system. Debates on the optimality are a result of the heavy costs associated with the production of intellectual property. Once an asset has been created the cost of production is generally low and so the price charged above marginal cost is large to offset the large initial outlays to create the intellectual property. However, the monopoly pricing of the good may

reduce access to the good [7, p.107]. Another main issue with regards to the pricing of intellectual capital is highlighted since production of such goods may not be readily undertaken as the returns on such assets are highly uncertain and so risk aversion may reduce the overall level of production of such goods [7, p.107]. Figure 1.2.4.1, below outlines the relationship between intellectual property and innovation and productivity.

Figure 1.2.4.1: Intellectual Property and Innovation and Productivity



Source: National Accounting for Intangible Assets in the Knowledge Economy p. 109

From the diagram, although R&D is dependent on the innovation output and productivity, there are many risks associated for the diversifications of goods produced, in that there is a possibility that some will be successful than others; this is one of the trade-offs that firms face when undertaking R&D and applying for patent for intellectual assets [7, p.107]. In analysing the decision to undertake research and the application of patent these decisions are analysed separately and are found to be complementary in most cases. Firms

that are R&D intensive therefore apply for more patents and if the process of gaining patent or undertaking research is cheaper, then R&D will increase [7, p.107]. However, firms are also shown to be concerned about the research and patent activities of competitors. So, for example, in circumstances where patents between competing firms have significant overlap the impact of reducing the cost of patent actually results in a decrease in the level of R&D (Hunt, 2006).

1.2.5 Intellectual Property and Economic Growth

Economists have developed a number of indices to determine the strength of various countries' intellectual property protection regimes. While the results of the research using these indices are not uniform, they suggest that the level of intellectual property protection increases with a country's real gross domestic product per capita. Economists have offered some explanations for this relationship [2, p.211]. Rising income increases the demand for higher-quality, differentiated products. This increase in demand leads to growing preferences for the protection of intellectual property, such as patents, copyrights, and trademarks, which provide an innovator with certain protections when producing such products.

Countries with lower per capita gross domestic product may prefer intellectual property regimes with little or weak intellectual property protection because they believe it allows free access to information that would otherwise have to be paid for [2, p.212]. These countries may also believe that lack of intellectual property protection allows them to access technological development through imitation and domestic efforts to build upon the existing stock of worldwide knowledge. However, the lack of intellectual property protection may slow development in these countries by inhibiting the development of domestic innovative and creative industries that generate much of the economic growth in more developed countries. Furthermore, the ubiquity of counterfeit products that is generally associated with weak intellectual property protection may have health and safety implications because it is difficult for consumers to be certain of the origin and efficiency of medicines, machine parts, and other critical products [2, p.212].

Countries such as the United States, with greater levels of intellectual property protection and with comparative advantages in knowledge-intensive goods and services, place a high priority on intellectual property-rights protection. Most indices of the strength of intellectual property protection tend to show that the United States is among the countries with the highest level of protection [2]. More objective measures also suggest that the United

States has a comparative advantage in knowledge-intensive goods. The United States holds one of the highest shares of global patents and has a trade surplus in intellectual property-dependent services and in royalties and license fees. An efficient and equitable intellectual property system can help all countries realize intellectual property's potential as a powerful tool for economic development and social and cultural well-being. The intellectual property system helps strike a balance between the interests of the innovator and the public interest, providing an environment in which creativity and invention can flourish, to the benefit of all [2, p.213- 218]. Intellectual property issues are getting more and more attention these days. In fact, there is a lot of information available about intellectual property protection and the importance of protecting this commodity. From this examination, there is the conclusion that intellectual property protection is a vital part of social, cultural, and economic development. Protection of intellectual property rights alone will not necessarily bring about this development. It is perceived that strong protection for intellectual property rights (IPR) worldwide will be vital to the future economic growth and development of all countries since they create common rules and regulations, international IPR treaties, in turn, are essential to achieving the robust intellectual property protection that spurs global economic expansion and the growth of new technologies [45] [1, p.9]. Countries with effective intellectual property (IP) protection reap the benefit of protecting their own intellectual property, as well as creating a positive foreign investment environment. Yet many countries face serious obstacles to IP protection, such as a lack of IP awareness, inadequate laws, and ineffective enforcement mechanisms, and many do not have the resources to address these issues. *“From the early years of the twentieth century, the conflict between the exercise of IPRs and competition policy tend to be exaggerated by judicial and administrative doctrines initially in the USA and later in the EU”* [1, p. 9]. As stated, patents that were equated with monopolies and patent licensing are subject to tight restrictions by competition law, initially following a doctrine of patent misuse. Since the 1970s, a new antitrust legal framework has emerged in both trading blocs with a greater appreciation of the economic benefits of IPRs and a move away from any automatic association of real market power with exclusive IP rights. This change was prompted in part by judicial and administrative acceptance of the law and economics analysis of the ‘Chicago School’, initially in the USA and later in the EU. There are cases where IP owned assets make a right holder dominant in a product market in established sectors of industry and such cases can be found not infrequently in the ‘new economy’, particularly in the copyright protected information technology, media and telecommunications sectors. The concern of competition authorities with IPR protected

dominant market power in the form of industrial standards particularly in the sectors of the 'new economy' can be traced to two developments [1, p. 10]. First, there has been an unprecedented expansion of IPR protection to a completely new range of products in the knowledge economy. The expansion of functional coverage of IPRs in recent decades has been fuelled by an increased awareness in the US and EU of the role of intellectual property rights in information goods as a significant source of wealth creation. It is acknowledged that not only and a basis for success in international competition as well as an increased concern to protect such informational rights against the ease of illegal copying of such goods. The arguments of certain scholars, particularly but not exclusively in the USA, for acceptance of a stronger 'property rights' conception of IPRs have contributed to a wider acceptance of this concept. Along with this expansion of their functional coverage, IPR protection regimes have also been extended geographically as minimum standards through the medium of the TRIPS agreement within the framework of the World Trade Organisation (WTO). [43, p.519-550] The impetus for this globalisation of IPR legislation has come from the large IP owning corporations wishing to protect their investments in R&D from copying, particularly in developing countries with weaker IP legislation. The emergence of TRIPS has been described as "*a process whereby the wish lists of various intellectual property lobby groups are inscribed into public international law*" [43, p.519-550]. In the 1980s, the US Government brought IP protection within the GATT and used its procedure to obtain bilateral agreements to protect US IPRs [44, p. 10]. By 1993, the USA, supported by the EU and Japan, was able to secure a TRIPS agreement as part of the WTO agreement of 1994. These highly developed countries had accepted the economic arguments that the return to such investments by the larger corporations helped to maintain the growth and development of their economies in the face of world competition. The TRIPS agreement imposes high minimum standards upon its members for all forms of IPRs based on the Berne and Paris Conventions as well as most of the rights. The second development, particularly in the highly industrialised countries, is that the expansion of IPR protection, along with its increased incentives for R&D investment, has also produced certain risks to cumulative innovation in the high technology sectors. The phenomenon of a product achieving such a market position normally calls for careful monitoring by the competition authorities. The risks from a competition policy point of view arise from the possibility that the market power inherent in a market standard might be abused to preclude access to downstream-related markets. In such situations, the owner of the 'system' which has achieved the status of an IP protected industrial standard tends to look proprietorially at the development of improvements and new products relating to the

‘system’. Technology started to play a leading role in addressing the heightened threat of piracy of works protected by copyright. It is true that some vertical business strategies can, on balance, be procompetitive where they are based on genuinely innovative products. Moreover, they can help to create and maintain useful industrial standards in related markets. Yet, in network industries where the incumbent enjoys a monopoly, with substantial ‘network effects’ and a large installed base of users, the possibility of anticompetitive strategies cannot be ruled out.

Furthermore, it is agreed that without intellectual property protection, consumers would have no means to confidently buy products or services without reliable, international trademark protection and enforcement to discourage counterfeiting and piracy [2, p8-16]. Additionally, through patenting of intellectual property researchers and inventors would receive relatively no incentives to continue producing better and more efficient products for consumers worldwide. By providing authors, artists and creators incentives such as recognition and fair economic rewards for their work, copyright and related rights protection ensures that human creativity, motivation and innovation is fostered [2, p8-16]. The existence and enforceability of rights, also ensures that enterprises and companies can more easily invest in the creation, development, and global dissemination of works which in turn increases access to, and enhances the enjoyment of, culture, knowledge, and entertainment all over the world, as well as stimulating economic and social development. Industrial designs are what make an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability. An effective system of protection also benefits consumers and the public at large, by promoting fair competition and honest trade practices, encouraging creativity, and promoting more aesthetically attractive products and stimulates economic development worldwide [2, p8-16]. Intellectual property rights are important for inducing technological changes, facilitating economic growth, encourage research and development, and spurring innovation for countries. Recent studies of companies in developed and developing countries reveal that intellectual property protection and innovation are directly linked. In another study done in Brazil , it was also revealed approximately 80 percent of firms operating in that country agreed that they were more likely to invest in internal research if legal protection such as enforced intellectual property-right protection, were available. A similar study done on U.S. firms also confirms that the availability of patent protection was the driving factors in most research and development decisions in those companies. These companies selected from a random sample 100 U.S. manufacturing firms, revealed that enforced patent administration helps to foster the

development of 60 percent of inventions in the pharmaceutical industry and nearly 40 percent of inventions in the chemical industry. In addition recent economic studies have verified that there is also a direct link between intellectual property protection and capital investment. Another study on the relationship between patent protection and investment in research and development revealed that countries with the lowest level of patent protection invested less than one percent of the Gross National Product (GNP) in research and development while countries with a higher level of patent protection invested six times more [43, p.519]. Other studies suggest that there is capital and research investments are more likely to increase for companies through enforced intellectual property protection. Recent research also concludes that intellectual property protection usually lowers the costs associated with innovation, increase the level of new products into markets as well as the rate of return on investments made towards research and development. Through enforced intellectual property, greater economic growth and unrestrictive trade regimes exists while stable macroeconomic environments with international institutions that administer grant, monitor, and enforce the intellectual property rights will flourish.

1.4.6. Intellectual Property and International Trade

As intellectual property became a more important element of international trade starting in the 1980s, differences in the level of protection for intellectual property across various countries started to lead to an increasing number of trade disputes about the use and alleged misuse of the intellectual property belonging to others. These trade frictions had the potential to disrupt the benefits of increased worldwide trade. In the Uruguay Round of trade negotiations from 1986 to 1994, the members of the World Trade Organization (WTO) negotiated an agreement to introduce more order and predictability into the international protection of intellectual property rights [43, p.520]. The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) is the first comprehensive and enforceable global set of rules covering intellectual property rights. The TRIPs Agreement helps alleviate trade frictions by reducing nontariff trade barriers related to differing intellectual property protection regimes and by setting minimum intellectual property rights standards for all WTO members [4].

The agreement established transparency standards that require all members to publish laws, regulations, judicial decisions, and administrative findings that affect the treatment of

intellectual property. The agreement also requires non-discrimination between nationals and non-nationals and for the first time applies the Most-Favored Nations (MFN) obligation (prohibiting discrimination across trading partners) to international intellectual property rights. The TRIPs Agreement took effect in 1995, but only industrialized countries had to ensure that their laws and practices conformed to it by January 1, 1996. Developing countries and transition economies were given five years, until 2000, and the least-developed countries were given 11 years, until 2006 to comply. The 2006 deadline applicable to least-developed countries was recently extended to 2016 for pharmaceutical patents and July 2013 for other obligations. Questions remain, however, about the extent to which some developing countries are in compliance with their TRIPs obligations, and many least-developed countries are unlikely to be in full compliance by July 2013. In addition, many developed countries have implemented a variety of cost-containment efforts that greatly reduce the value of intellectual property. Thus, an apparent strong patent protection stance may, in fact, not be a completely accurate representation, at least across all industries. Consequently, the level of intellectual property-rights protection varies across countries [44] [38].

1.3 Brand

According to the American Marketing Association Dictionary, brand is defined as the "Name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers" [2]. As such, a brand can take many forms, including a name, sign, symbol, color combination or slogan. An example of a brand is Coca Cola, which is the name of a brand made by a particular company. The word branding dates from ancient times when herdsmen would mark their cattle by means of a hot iron stamp. The word brand has continued to evolve over the centuries to encompass identity, which affects the personality of a product, company or service. Brands can be defined with a good or bad perception depending on the meanings customers assign to that particular brand. To formulate a brand in the market, there is essential need for a successful brand strategy. Such strategy should cover the area, nature of product, marketing plan, attractive name or eye catching picture so that customers can recall it. For this purpose, a brand strategy should be determined to achieve this.

1.3.1 Brand Management

Brand management is the application of marketing techniques to a specific product, product line, or brand. It seeks to increase the perceived value of the product to the customer, thereby increasing brand franchise, and brand equity. From an organizational perspective, marketers view brands as an implied promise that the level of quality people have come to expect from a brand will continue with future purchases of the same product [22]. According to Kotler, sales can be increased by making a comparison with competing products more favorable and the manufacturer to charge more for the product. The value of the brand is determined by the amount of profit it generates for the manufacturer. This can result from a combination of increased sales and increased price, and/or reduced cost of goods sold, and/or reduced or more efficient marketing investment. All of these enhancements may improve the profitability of a brand, and thus, "Brand Managers" often carry line-management accountability for a brand's P&L profitability. From this regard, Brand Management is often viewed in organizations as a broader and more strategic role than Marketing alone. According to the author, the yield from a long term brand strategy will be far beneficial than the costs incurred to realize it, with particular impact on three areas; financial, strategic and

managerial. Kohl et al, also confirm that companies that offer strong brands enjoy significant advantages to those that do not. Previous research done to determine the ten procedures for the creation of a strong brand are accepted within the field of business writing. Promoting tourism destination brands presents many challenges. Critical to the creation and promotion of a durable destination brand is the identification of the brand's values, the translation of those into a suitably emotionally appealing personality and the targeted and efficient promotion of that message. It is noted that brand leadership is essential to the development of brand commitment [16, p. 97-115]. The need for leadership as a key aspect of brand management can be traced back to the owner entrepreneurs who championed the development and promotion of consumer goods brands towards the end of the 1800s. As these companies grew and progressed over the years, the role for promoting destination brands gradually moved down the hierarchy to brand managers who became the new brand champions with the responsibility for creating the marketing mix. Over time this role became diluted as brand management responsibility moved to less senior levels [16, p.97-115]. However, a growing awareness of the strategic importance of brands during the 1990s led to widespread recognition that the responsibility for the management of brands should move to more senior levels. This challenge to the traditional brand management model, based as it was on consumer goods marketing, has been particularly apparent in the corporate and services branding literatures. It is further argued that that the role of corporate brand management is too important to be delegated to a marketing department and that it should be the responsibility of a senior corporate brand management team. In the context of corporate services brands, it is suggested that organizations require pan-company coordination at a senior level in order to ensure a consistent execution of the brand by all members of the organization. Recognition of the need for brand management to return to the highest levels in the organization has been accompanied by a call for CEOs to once again take on the role of brand champion, particularly in the context of the development of the internal brand [16, p.97-115]. This means giving a clear sense of vision - what the organization aspires to be in the future, and aligning vision with culture and image through organizational restructuring and fostering an organization-wide commitment to the brand. However the author also contends that, building the internal brand requires leadership to establish corporate structures, which convey coherent and consistent brand messages to staff. In particular, they postulate that successful leaders should act as integrators between the elements of corporate identity, act as mediators between corporate branding structures and individuals, and facilitate employee brand commitment by acting as role models [16, p.97-115].

1.3.2 Brand Exposure, Brand Engagement, Brand Influence and Brand Action

Since the emergence of social media networking Brand Exposure is redefined as the number of followers/subscribers/likes, content views and brand mentions. Further to this, from an online perspective, Brand Engagement is the number of comments/conversations, shares, re-tweets and posts, tweets, pins others make that mention your brand. Brand Influence is the positive, negative or neutral RTs, posts, shares, and the number of followers/subscribers that recommends a brand. Brand Action is the number of conversions that is traced back to the brands feed, website, webpage or contact form filled out on a blog or Facebook page [35, p.105-120] [37].

1.3.3 Brand Equity and Brand Liability

As stated by Kotler [6], equity (specifically brand popularity) is somewhat controllable or manageable through the effort of a company's brand management at the corporate level. Although most corporate managers increasingly recognize brands as critical assets, but that brand equity is valuable, not only for the company's current brand and brand extensions in other product categories (in their home country), but also for its performance in other foreign country markets where buyers pay for brand image or equity accumulated in the home country. Strategically, brand managers should focus on strengthening brand equity management, given the country equity or liability. Brand management without careful consideration of country equity in a global market would prove misleading. However, Krake [25, p.228 – 238] states that being a popular brand or the leader in a geographical market could also have created valuable intangible assets for that same brand in other geographical markets. Brand-related negative intangible assets defined as "brand liability", compared with "brand equity". Those brands provide buyers with an unfavorable image, resulting in a negative effect on their market shares at the aggregate level. Like brand equity, brand liability may have been, in part, related to brand share. The brands possessing negative intangible assets seemed to suffer from "double jeopardy", a phenomenon in which a brand with a low market share not only has fewer customers, but also these customers tend to be less loyal. Further Krake contends that there are studies that indicate that the asymmetric switching between brands also supports the view that the market share of a low share brand is easily lost by the price promotion of a high quality and high-share brand. Dinnie's model of nation

brand equity has been widely researched in the last two decades. Other authors (Aaker 1991; Keller) have discussed nation brand equity, and therefore, many models have been developed in order to help organizations build it. Dinnie [12] proposes an asset-based model of nation-brand equity that consists of *internal and external assets* and defines nation brand equity “as the tangible and intangible, internal and external assets (or liabilities) of the nation”. Scarlett-Lozer supports this collective form of nation-brand equity, but however proposes that enforced intellectual property will help achieve equity for nation brand. From the perspective of the company-based brand equity approach, brand equity is also defined as “the total value of a brand as a separable asset”. Dinnie further defines internal assets of a country as “innate and nurtured’, while the external assets are defined as ‘vicarious or disseminated’. Some examples of innate assets are iconography, landscape and culture whereas the nurtured assets according to Dinnie are the internal buy-in, support for the arts and loyalty levels. Dinnie points out that of the two categories it is the vicarious assets that are divided into “*country image perceptions and external portrayal in popular culture.*” On the other hand disseminated assets are represented by a nations’ brand ambassadors, diaspora groups and branded exports.

1.3.4 Brand Awareness

Brand awareness is the customer’s ability to recognize and recall the brand among comparable products in a certain industry under different conditions of complexity and time pressure, and is a critical determinant of customer-based brand equity in B2C markets. Since a brand name provides symbolic meanings that aid the customer in recognizing and recalling the supplier and its product outcome, brand name is the most fundamental element of brand awareness. In many B2B markets, since a brand name is often the company’s name and a growing number of alternative suppliers can provide similar products to their industrial buyers, how to create an effective brand name that embodies unique values to aid the customer in the recognition and recall of the supplier and product has recently become increasingly important to industrial firms. In addition, recent research shows that brand name and brand awareness explain a significant amount of the variation in brand equity in industrial firms. Therefore firms can reap significant industrial brand equity by building a higher level of brand awareness in consumers’ minds. Brand awareness is also positively associated with industrial brand equity.

1.3.5 Brand Loyalty

Brand loyalty is defined as a deep commitment to repurchase or a consistent preference for a product/service, and leads to certain marketing advantages such as reduced cost, profitability, and favorable word-of-mouth. Brand loyalty is often recognized as a source or determinant of brand equity. However, researchers have recently found brand loyalty to be a desired outcome of publishing a brand, or brand equity. It is argued from a customer-based perspective that brand equity stems from great confidence or impressive images in customers' minds, and such confidence or images will translate into customer loyalty that makes the customers willing to pay premium prices for brands. In addition, the author states that from an industrial buyer perspective finds a direct positive relationship between industrial brand equity and brand loyalty. Therefore, it is viewed that brand loyalty is a desired outcome of industrial brand equity. Therefore the sooner a firm achieves brand loyalty, then a positive relationship will exist between brand equity and brand loyalty.

1.3.6 Brand Popularity

In addition to the direct effect, brand popularity (a brand-related asset) is expected to have an indirect effect on the shares of the brand. As discussed, brand popularity provides value to firms by enhancing the efficiency and effectiveness of marketing programs, brand extensions, trade leverage, and so on. The stronger effect of its own price reduction for the share of a popular brand occurs because a price cut by the popular brand induces switching from less popular brands to the popular brands, as empirically shown in the studies of asymmetric switching. However, its price increase, premium pricing or price cuts do not significantly reduce the shares of popular brands by other less popular brands. This occurs because consumers are willing to pay premium prices for leading brands, and show less sensitivity toward price premiums [39].

2. COUNTRY BRANDS MANAGEMENT

2.1 Nation Branding

Nation or country branding are terminologies emerged from marketing literature. Both are used interchangeably in academic research and marketing literature, and are reinforced and correlated deeply in four main marketing fields: *country of origin, destination branding, country-product image and country identity*. Over the years country branding has evolved and expanded beyond marketing and branding fields and have grown to include other disciplines such as international relations and public diplomacy [1]. Although still early stages a number of academics and practitioners such as Kotler and Anholt were among the first to discuss country branding and a number of articles are dedicated to the topic. However there is still no universal for the term country brand. [12]. According to Kotler, “country brand is defined as “a country’s whole image, covering political, economic, historical and cultural dimensions [6]. The concept is at the national level, multidimensional and context dependent.” Yet Dinnie on the other hand defines country brand as “the unique, multi-dimensional blend of elements that provide the nation with culturally grounded differentiation and relevance for all of its target audiences.” [12] It is stated that a country’s brand should “attract the ‘right’ kinds of investment, tourism, trade, and talent”, while Kotler et al. argue that governments should create, promote, protect, and supervise a country’s brand. In order to achieve a competitive advantage, it will become imperative for a country’s government to first identify the country’s global comparative advantage [6]. This includes the weak and strong properties of that country in regards to its location, market size, current industrial groups, trade zones, educational level of the population, political environment, crime rate, national security taxation schemes and incentives, skilled labor, and consumer trust. In addition the country should also analyze which sector its GDP is dependent on and the current perceptions of that sector. If that sector requires more improvement, the government for that country should be prepared to make the investment and the marketing strategy identified. Developing a distinct brand image is principal for a brand’s long-term viability. Branding, as applied to countries, influences tourists’ decisions to visit, investors’ willingness to invest, and implies promises of financial gain for stakeholders, [6]. Anholt [1] also states, “globalization has changed the world into a gigantic supermarket where countries compete to stimulate exports, attract tourism, foreign direct investments (FDIs), and immigration”. The emergence of country branding arose from today’s complex and the connected world as well as the intense competition that countries are involved in with

promoting positive images. Anholt claims that Governments are now exploring branding techniques to differentiate their country globally to maintain a competitive advantage over other rival country brands, which in the long-term contributes to the sustainable development of their country. Positive country branding techniques can restore international credibility flaws of a country, increase international political influence, and stimulate stronger international partnerships, according as stated by Yan (2008). Recent awareness regarding the importance of their country brands have caused countries to adopt national country branding projects, passed laws that protect their brands and mandated specific agencies with tasks to developed projects centered around promoting the brand. Location Switzerland is one example where the Switzerland government has mandated laws to promote Switzerland as a destination brand.

Although a highly exciting and controversial phenomenon, Dinnie states that country branding is a real world activity that comprise of multiple levels, dimensions, and disciplines that are beyond conventional branding techniques and usually involve politicized aspects that generates international controversy as well as conflicting viewpoints and opinions [10]. Short-term or long-term events can also influence country brands negatively or positively. For the country of China, that state's country brand was significantly affected by the 1989 Tiananmen Square event, the SARS disease epidemic in 2003, the 2008 earthquake, the 2008 Olympic Games, and highly publicized scandal surrounding milk. However, as indicated by some longitudinal studies, a country's image can shift gradually over time, even in the absence of major events, yet it is concluded that major events assist in speeding up or thwart the process of country image change. Developing successful country brands can be complex and difficult, yet it can be beneficial for the country as the results will have positive and permanent effects. According to the authors, successful country brands fosters national pride, encourages productivity, enrichment, and social improvement to the citizens of the country while provides consumers with trust and personal security while for the country's citizens it credibility, improvement in tourism, increase in export revenue, trading advantages to the country itself [10]. Country branding has become an essential part of a country's sustainable development. A strong country brand help increase exports, attract tourism, investment, and immigration (migrants to a country). In regards to Brand Jamaica country branding according to Anholt, involves a country's indigenous products, manufactured goods and services, culture, heritage, and its people. Economic returns for country branding are achieved through effective and comprehensive management of the nation brand's image and intellectual property rights.

2.1.1 Country Name and Market Share

According to the authors, like brand names, a country name has a set of associations, which significantly influence consumers' attitude toward products originating from particular countries in a multinational product market. Products sourced from industrialized countries generally tend to have favorable associations, and hence tend to be evaluated favorably compared with those developing countries. Country images or associations have been mostly shown to operate as a summary construct which influences consumers' product-specific beliefs and directly affects their attitudes, particularly when consumers are familiar with the products from a country. A country can have positive (or negative) country equity if consumers react more (or less) favorably to products originating from a particular country, than they would to the product without the country name. Overall, because of its positive associations, a country name of high equity can have a positive effect on a consumer's product evaluations at the individual level and on the brand sales at the market level. The country that has the highest equity depends on the product category and time, and therefore is an empirical question [5].

2.1.2 Country Name and Price Sensitivity

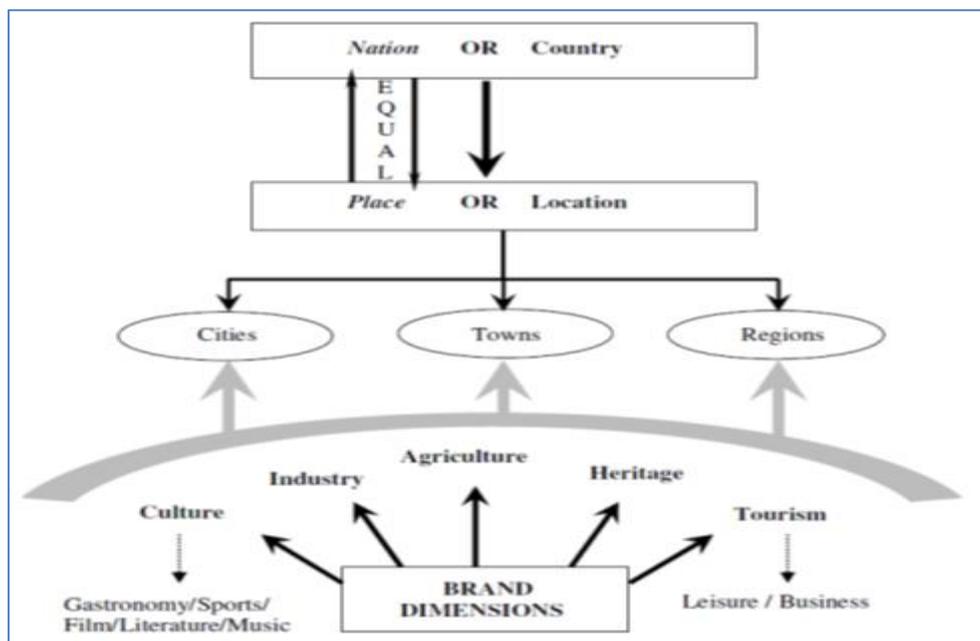
Since country names work similarly to brand popularity, it is expected that short-term marketing actions by a brand possessing high country image will be more effective than that of low country image. Empirical evidence further suggests that products from high or favorable countries would charge premium prices for their favorable or unique image associations. This lends support to the view that consumers do not seem to be sensitive to premium prices. If a country name creates a unique value or image, then consumers will place greater value on any unique attributes that differentiate it from competing products and, as a result, buyers will be less sensitive to price premiums. On the other hand, for those products emerging from developing or unfavorable countries, consumers would place more emphasis on functional or economic values such as price deals rather than image associations, supporting the view that price sensitivity for products from unfavorable or low quality image countries would be high at the aggregate level [5].

2.1.3 Destination Brands

Normally ‘destination’ branding is often associated with the tourism dimension of a geographical location. As such it becomes rather complex to define and identify destination branding a single location since the definition includes towns, cities or municipalities, provinces, islands and entire countries [15]. Moreover the citizens, government, tourism, agriculture, entertainment are also collectively marketed when a place is promoted and sold but not as a single entity as nations are unlikely to have a single target market or offering for each component [1].

Therefore, Lodge (2004) [15] asserts if destination branding (the tourism aspect) is establish as an active branded sector in a country, theme the terminology cannot be synonymous, which Lodge states that it “includes any or all of exports, tourism, education, culture, sports, events and attracting back exports.” Morgan (2006) asserts in his studies that within the context of tourism destination branding is usually centered on the wider strategy of location branding, which implies that a ‘location brand is the branding of a composite construct called “a place”. According to the Online Cambridge Dictionary it is assumed from a comparative analysis of the terms that “a Nation” can equate to “a Place”, while a Location is defined as a place. Based on this Figure 2.1.3.1 demonstrates the hierarchical relationship between ‘place’ and the range of brand dimensions.

Figure 2.1.3.1: Place Hierarchy and Brand Dimensions



Source: An analysis of terminology use in place branding, p.65

Hanna and Rowley [14], has revealed that discussions and research about place branding has shifted from the tourism aspects and are more centered towards the business and marketing side of destination brands. From table 2.1.3 below the findings indicate that destination branding case studies for Branding and Business has doubled when compared to case studies done on Tourism. Although the content analysis of most paper titles and abstracts confirms that the term ‘Destination’ is used predominantly in the tourism literature as well as enunciated in many geographical entity forms and still accounts for the majority of case studies done. Alternatively ‘Place’ and ‘Location’ are terminologies used predominantly in Branding and Business. In regards to ‘Town’ as a possible place brand term, recently it is noted that term is almost absent within branding literature as well as a strong decline to case-study research relating to towns (6.7 per cent) [14].

Table 2.1.3: Place Branding Case Studies

Discipline	Findings Percent
Branding and Business	62.5% (from 100%)
Tourism	38.4% (from 100%)
Countries	52.8% (from 100%)
Cities	32.6% (from 100%)

Source: An analysis of terminology use in place branding, p.67

It is presumed that “Destination” and “Location” were predominantly used to describe a city, while countries were described as a “Destination, Place or Nation” [14]. Therefore it is assumed that that from hierarchical relationship diagram in figure 2.1.3, the term “Nation” designates a country while a “Place” implies towns, cities, regions and countries. A ‘Location’, however, designates a place as long as the term is related to towns, cities and countries but not to regions. Although some “light is shed” on the ambiguity surrounding destination branding and the associated terminologies, the authors has admitted that empirical research is necessary to confirm the definitions and associated terms, discipline of place branding is a new phenomenon that has yet to be fully investigated. However it is suggested that future research which entails chi-square methodology or multi-method data collection is required, as well as surveys, focus groups and interviews within the academia field should be done in order to confirm and extend the findings of the study [14].

2.1.4 Online Marketing of Destination Brands

Online communities represent a growing class of marketplace communities where participants can provide and exchange information on products, services, or common interests [29]. Often referred to as “virtual communities”, an online community can be defined as an aggregation of people who share a common interest and communicate through electronic mailing lists, chat rooms, Internet user groups or any other computer-mediated mechanism. Anecdotal evidence suggests that online communities are evolving as a key tool of a firm’s internet marketing strategy and play an important role in helping firms successfully build brand loyalty, increase market penetration, boost revenue and create positive word-of-mouth advertising . A McKinsey-Jupiter Media Metrix study of over 50,000 websites confirms that online communities create substantial value for a firm. Moreover, it is suggested that over 40 million people will belong to one or more online communities over the next five years. From a marketing standpoint, online communities have three important implications for the development of marketing strategy [6]. First, online communities formed around consumption-related topics such as leisure, entertainment, beauty, and nurture are thought of as important sources of information for marketing research [6]. By accessing online communities, firms can acquire more concrete, multidimensional, and individual information on potential customers at little or no cost. As members are directly accessible through the Internet, marketing efforts can focus on developing better customer relationships. Second, online communities can be recognized as distinctive market segments, depending on the scope of the specific interest in their own right [6]. By treating them as unique segments on the basis of member interests and demographics, marketers can provide more appropriate and effective marketing communications and build stronger relationships with individual members, thus generating a distinctive competitive advantage. Third, online communities play an important role in enhancing brand loyalty, improving market penetration, increasing sales, generating positive word of mouth communication, and creating interest for products. In particular, suggests consumer goods companies can build strong relationships with their customers by directly or indirectly hosting online communities for their brands. Yet, despite the increasing number of online communities that develop each year, most research on this topic is descriptive – limiting our understanding of the process by which these communities operate. Consumers participate in three distinct types of communities that are relevant to researchers and marketers: consumption communities, brand communities, and marketplace communities. Consumption communities are traditional,

transaction-focused communities (i.e. buying cooperatives), which are bounded by physical space and time, focusing primarily on consumption-related exchange activities [6]. Brand communities organize around increased communication among users of a particular brand/product. In the current study, we focus on a third type of marketplace community, social networks that form around a common interest or product category we refer to as online communities. Online communities are limited to social exchange through online media and focus on member communication revolving around a shared interest (e.g. single mothers, vegetarians). In contrast to both consumption and brand communities, online communities are not limited to mere business transactions and are often used to provide an avenue for social interaction and information exchange for their member. In addition, such communities are not restricted by geographic, temporal or physical boundaries, allowing participants to communicate at any time no matter their location. However, interest in the role of online communities has been growing due, in large part, to its growing use among marketing practitioners [6].

Social media has fundamentally changed how brands interact with their customers [6]. Yet for some for some marketers, getting involved can seem like a risk. Like any marketing activity, it must have a clear objective, proper implementation and management, and be measurable. As the social media market matures, it becomes clearer what social media can deliver and the numerous possibilities for Brands getting involved. Social media marketing is more customer oriented as it allows companies to listen more to what customers want, what the market is doing and what the issues facing a brand are. Conversations are happening over social media that used to happen in the pub. Now, brands can listen in, learn and respond. According to the author, brands like Starbucks and Asda, which provide distinctly real-world products, are creating online communities to get their customers involved in the R&D process, from collecting ideas to trialing new products. By involving customers before a product is developed, these companies develop brands that their customers actually want, thereby engendering loyalty. Listening to social media users can highlight issues that need fixing and help a brand turn a negative situation into a positive, if handled properly. In more extreme situations, social media forms a key part of a company's issue management strategy, as well as its marketing strategy. In the past where protest would occur in the streets social media forums and communities now facilitate this. This is an advantage as it enables a brand companies to manage customers better. Furthermore, it forces companies to get more involved and respond to criticism directly. This realization has led a number of brands to create online communities to help them provide the best possible customer service. This kind

of community also allows brands to talk to their customers in an environment they can control. The best part is that these forums enable customers to self-serve, or help each other with common problems, and the brand has a single channel over which it can communicate with many customers at a time. This can take a significant burden off customer service centers.

Other social media networks such as Twitter create communities to build awareness, enhance reputation or to sell products. By using promotion tactics, such as vouchers and traffic sources, it is possible to track the sales driven specifically by social media campaigns. Engagement at this level requires commitment. A community must be a place where consumers are valued, have meaningful interaction with the brand and are safe be a compelling reason to join and a good reason to return. Most importantly, a brand can track reputation change through social media. In this way, a brand can learn not only what impact a social media strategy has had on reputation, but also what customers love and hate, and where the commercial opportunities are [38].

2.2 Country Brand Measurement

Country brand measurement is based on two universal methods adopted from traditional corporate branding methods. These two methods are: the consumer-based brand equity approach and the company-based brand equity approach and are discussed extensively by Atilgan et al., (2005) [11]. According to Atilgan, the consumer-based brand equity approach place major emphasis on the associated meanings and the value of the brand to consumers, with the brand's value determined by consumers. Although the methodology involves collecting primary survey data, the assessment of brand value is based on a bottom-up approach. On the other hand the company-based brand equity approach measures brand value using a top-down approach of measurement from the information gained on the total performance of a company. It is suggested that the same approach can be applied to a country's brand by estimating how well the country performs in terms of exports (Kotler and Gertner, 2002), attracting tourism (Caldwell and Freire, 2004; Hall, 2002; Morgan et al., 2002), and attracting FDIs (Wee et al., 1993; Papadopoulos and Heslop, 2002; Szondi, 2008) as well as immigration [11].

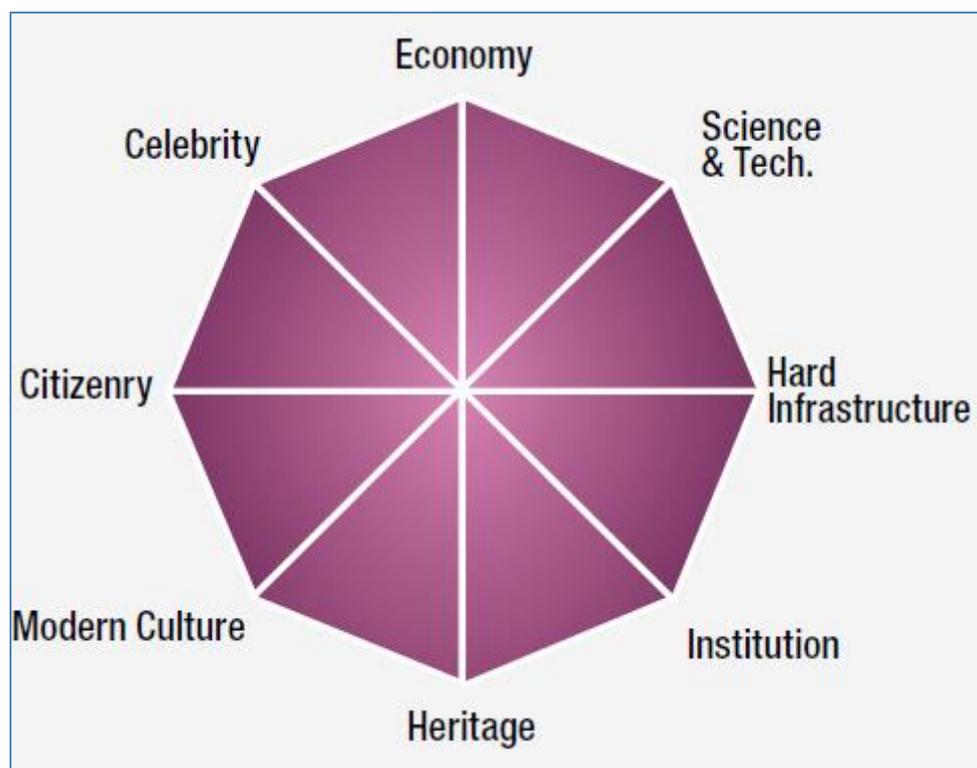
The country brand strength index is an assessment of the strength of a country brand using different models and how a country is regarded by other countries. Fetscherin [11] in

determining the factors that constitute strong (good) country brands applied a company-based brand equity approach model to develop his Country Brand Strength Index (CBSI) model. The CBSI model has a more complex methodology than that of the Nation Brand Index (NBI), because it encompasses three tiers of brands research. This index is also the first of its kind to operationalize the strength of a country brand through objective secondary data. It represents an alternative measurement to the existing subjective survey-based measurement indexes that are traditionally used. The index was developed from studies by Shimp et al., (1993); Anholt, (1998); Cho and Shu, (2006). Fetscherin however acknowledges that country branding is unusually complex and the CBSI does not account for all dimensions of country branding phenomena, but still can be used as an alternative approach for conducting the methodology based on objective secondary data which should provide more meaningful results [11]. Currently, traditional country brand strength measures that assess country brands derive from private sources rather than from academic literature.

Two other popular kinds that are used by country brand managers are the country brand index from FutureBrand consultancy and the Anholt GfK Roper nation brand index (NBI). The Anholt-GfK Roper Nation Brands Index is a leader in brand hierarchies used in literature to measure and assess country brand strengths. The index is usually compiled on an annual basis and measures the efficiency with which countries construct, develop and sustain their country brands. Although, quite useful and standard for many country branding projects worldwide, Fetscherin criticizes both models as he views the methodologies used as limiting and too exclusive especially in regards to the type of questions asked, the aggregation and statistical method used, and the subjective nature and perceptions of the survey data. The results from the proposed model indicate that countries with the strongest country brand are smaller, developed countries in Europe, and also leads to results similar to the widely-used Anholt GfK Roper nation brand index (NBI), which measures country brand from subjective survey data. From those models it is assumed that countries that are perceived positively (based on NBI model) have a stronger country brand (CBSI model) and countries that are perceived negatively (based on the NBI) have a weak country brand (CBSI). The CBSI assesses each model on a polarity scale, even though correlated, and measure the same phenomena, using different approaches, methodologies, and data, which suggests that both complement and are inter dependent on each other. Fetscherin further maintains that in order to stay competitive in the global economy, countries need to understand how to assess their country brand in order to manage it. Fetscherin believes that through the CBSI model a country will be more able to develop a powerful country brand strategy.

On the other hand, the Nation Brand Dual Octagon (NBDO) [1] is the first country brand index that surveys and analyzes both parameters that measure country brand strength. These parameters are to substance and image of country brands. While other brand indices such as Anholt’s Nation Brands Index (NBI) and FutureBrand’s Country Brand Index (CBI) emphasize image, the NBDO index analyzes the difference between the two ranking methods and bridges the gap between them, which in turn facilitates the identification of the direction and strategies required to improve the national brand. The “octagon” in Figure 8 denotes eight subcategories: economy, science & technology (S&T), hard infrastructure, institution, heritage, modern culture, citizenry, and celebrity that the model measures. Successful branding strategies from countries like New Zealand, Wales, and Australia attests to the validity of the NBDO modelling concept [1].

Figure 2.2.1: NBDO Categories



Source: Nation Branding Korea, p.104

Proper assessment of a country’s brand requires using one or more of the models discussed with the FutureBrand and the Anholt Brand Index model the most used by country brand managers. Moreover, a nation’s brand is usually desired to encompass all the favorable aspects of the country as well as the positive images it commands in the world. When a country’s national brand is highly regarded internationally, the inbound attractiveness to

foreigners concerning investment, tourism, and living conditions (emigration) increases, and outbound reception of that country also increases in the form of more exports and attracting talented labor resources towards that country.

In a response to the need of “marketing locations”, Kotler, Haider and Rein (1993) started the trend branding countries, and towards the end of 1990’s, several research have presented studies on successful and unsuccessful cases of country branding [12][15], which proves the possibilities of these phenomenon. Morgan, Pritchard and Pride (2002) [49] argue that branding is a powerful tool that country brand marketers can use to create a unique identity for their countries. However, due to the complex nature of most countries, skepticism and doubt regarding the validity of that claim were present from the research done by O’Shaughnessy and O’Shaughnessy (2000), but researchers (Morgan, Pritchard and Pride 2002; Kotler and Gertner 2002; Lodge 2002; Kerr 2006; Pike 2005) insist that traditional branding theories can also be applied in country branding as well.

2.2.1 Good Country Brands

South Africa: This ‘rainbow’ flagged African state cannot be detached from its ugly apartheid history. A former pariah state, the Republic of South Africa (RSA), was able to shake off to shake off the dust and assume its place as the global market leader of Africa. Its branding strategy attributes its success through observations of the country’s internal state of affairs. The country undertook a massive restructuring of its internal assets through underpinning the country’s internal issues around security, internal buy-ins, infrastructure provision, enforcement. In 2010, after successfully hosting the FIFA 2010 World Soccer tournament the image of country improved much to the amazement of cynics. In addition, indigenous South African branded companies such as Shoprite, Sasol, Game and Nandos are steadily penetrating regional markets across Africa and Latin America. Famous persons including Nelson Mandela, Archbishop Desmond Tutu, and Lucas Radebe, have gained international recognition and are often iconic revolutionary symbols. Moreover, the Johannesburg Stock Exchange’s rules of engagement instills and continually builds investors’ confidence by performing rigorous checks on insider trading and related abuses. The country’s emphasis on research, knowledge and institutional learning significantly accounts for the high rankings, status and prestige that is also associated with some of its universities which are among the top in the global rankings [37, p.12].

United States of America: according to the author the United States of America is a classic example of a nation built upon a good country brand since it has the strongest global economy and the highest Gross Domestic Product Purchasing Power worldwide. Although varied views exist about the country, the fact that it is able to effectively and successfully manage the internal diversities, contain internal challenges while at the same time engaging and shaping the balance of power globally cannot be disputed, claims the author. It is further argued that the country's branding strategy dwells more on the internal promotion of the free market system and the international success of dominant global brands such as MacDonald, Coca Cola, General Motors, Cable News Network, Hollywood and Chevron. Although viewed as a domineering country with a noisy and materialistic way of life, America has sacrificed a substantial amount of resources including men, time and money in the fight against terrorism and instilling good governance across the world. The author further contends that the weak and antagonistic perceptions of this country in particular the Muslim world is as a result of the bitter history with the Middle East political conflicts and also the Israel debacle, and the United Nations and NATO seen as the hand and voice of the United States. . It is interesting to note that this negative view is only held by section of the world, while the rest perceive and associate the American brand as the symbol of hope, material prosperity and the land of opportunity [37, p.13].

Singapore: The country brand of Singapore is a classic textbook case of a good country despite its seeming disadvantaged limitations of geographic location, states the author. According to the author, Singapore brand success is attributed through the advantage of having a focused and experienced Senior Prime Minister, Lee Kuan Yew, having the best world airlines, best airports and also the world's fourth highest per income capita. Furthermore, this feat achieved within thirty years, was accomplished through concerted efforts, sacrifice, dogged determination, policy consistency and commitment on the part of its founding fathers. The typical case of good country brand is theoretically proven, states the author, since there is good evidence that the leadership for that country understood the need for re-orienting its people after the country's independence in 1965, on personal hygiene, premium for western education, common respect and dignity of labour. Successful country brands require such revamping schemes beginning at the level of its citizens in order to accomplish the change internally so that it transcends internationally. As a result of this re-orientation, successful infrastructure development, free market trade and enforced laws to support the development of trade and continuous premium for human capital development preceded. Although Singapore has a relatively small budgetary provisions for country

branding efforts the country enjoys a lot of positive perception as it is not only viewed as an orderly society, but one of the top destinations for tourism and investment in the world [37 p.13].

Good country brand from Asian region include Malaysia and Japan. In the case of Malaysia, recent attempts by that country to enhance the national brand were made through its Britain in Malaysia campaign initiative. The aim of that campaign was promoting investment and trade between the United Kingdom and Malaysia. On the tourism side, the country promoted the logo, “Malaysia, Truly Asia” to presents the country as the most beautiful destination in Asia (as stated by the author).

For Japan, significant economic development and technological innovation has contributed greatly to promoting a positive image and thus minimize the negative image of its defeat in World War II. Before launching its the Japanesque Modern nation branding project in 2005, a strategic approach was adopted by the Japanese government where the price and quality, two paradigms that took precedence in market during 1960s and 1970s, were thought to be the forerunners in today’s age of a paradigm in brand. In addition, to facilitate the venture the government organized and established a professional research organization, supervised directly by the prime minister to investigate Japan’s national brand, globalize the Japanese lifestyle and culture through spreading Japanese food culture and promotion of its regional brands and fashion. The author further states that Japan still strives to broaden its image of being a producer of quality products, a beloved and respected country and continual promotion of the Japanese lifestyle and culture [1, p.103].

In Europe, Germany used the 2006 World Cup as an opportunity to launch a massive campaign to improve its national brand and overcome its tarnished image for the role it played in World War II. In order to remove the existing stereotypes associated with the country, Germany emphasized a fresh and exciting outlook, through the marketing slogan “Land of Ideas”. A private—public committee was established to form the campaign’s foundation, with the appointment of the head of the Federation of German Industries as executive director and the Minister of Foreign Affairs and Economy as board member. By establishing the promotion agency FC Deutschland, the country was further able to change and improve public awareness and international image simultaneously. Today Germany is characterized as the innovation and technology central hub of Europe, a country with a fast growing economy that attracts high migration rates annually [1, p.104].

In order to maintain its positive image as a nation of art and fashion, France has adopted cultural opportunities to promote its nations brand through programs and events.

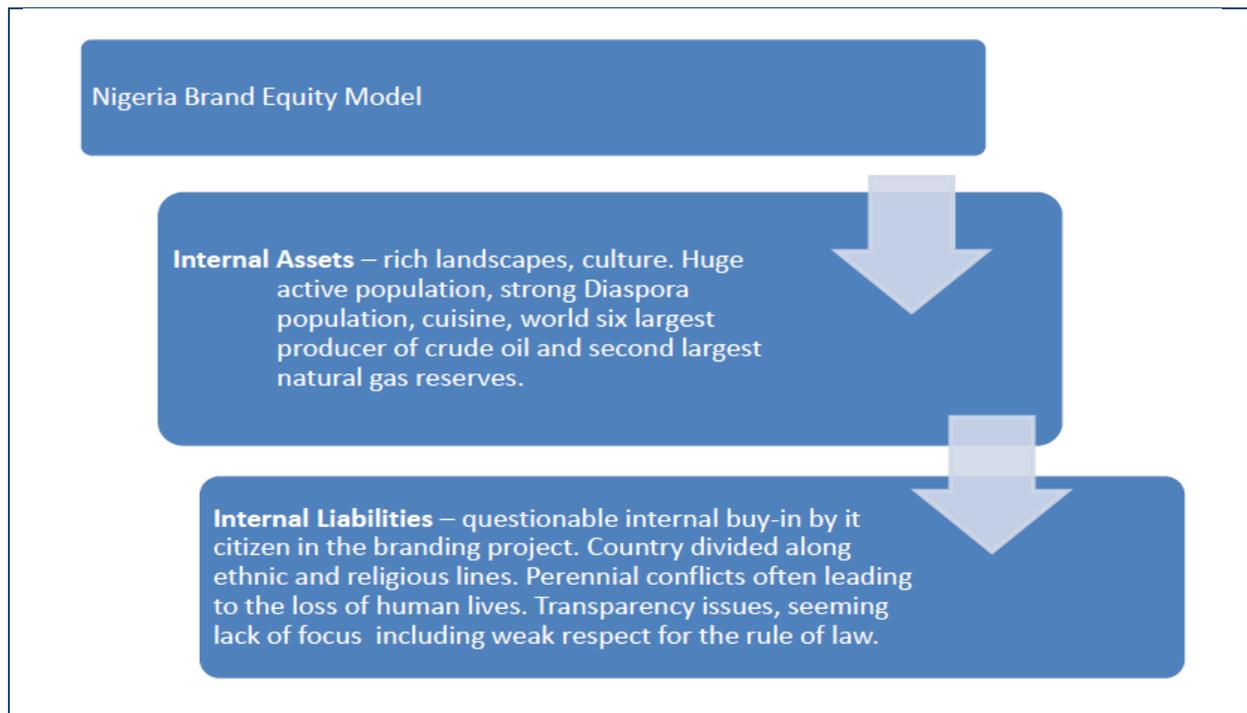
Through the establishment of 130 French cultural centers in 127 countries, Alliance Française, a non-profit private organization under the umbrella of the Ministry of Foreign Affairs since 1883, has played a remarkable role in becoming the frontline of France's promotional branding efforts. In addition the country's local 24-hour news channel, France 24, ensure that the image of France is associated with the sophisticated French culture and country's high-tech industry. As a result of its intensive branding efforts the Public Relations Committee was promoted to the status of presidential committee by the government in 1993. Today, France remains one of the top three destination brands in the world since its image is associated with romance, famous artwork and historical architecture and sophisticated culture and world class- fashion [1, p.104].

2.2.2 Bad Country Brands

Nigeria: The African state of Nigeria is the sixth largest global producer of crude oil with a human population of over 152 million (annual growth rate of 2.68%) amidst other non-oil mineral resources. Unfortunately, this resource rich country often associated with the negative activities of some its citizens, which earns the country the deplorable reputation of drug dealers, killers, corrupt politicians, advance fee fraud system, and abuse of the electoral process. Furthermore, Transparency Initiative ranks the country as one of the leading most corrupt countries in the world [37].

In regards to the country's brand equity, Dinnie (2008) model is utilized [10]. According to Dinnie, country brand like traditional commercial products, also have internal and external assets (or liabilities). Internal assets for a nation include certain basic, innate distinguishable intangibles. Dinnie (2008) defines the internal assets of country brands to cover both "innate" assets and "nurtured" assets while external assets to refer to the "vicarious and disseminated assets" of a country or location. For Nigeria, the internal assets have remained untapped over the years. This results in an imbalance between the quality of the country's human resources and innovation. Besides, the private equity and venture capital space, which is naturally supposed to incubate small and medium business enterprises development remains uncultivated despite Sovereign Wealth Fund seed capital of US\$1 billion and the growing pension funds' portfolio of USD13 billion as at August 2011. In summarizing Nigeria's Brand Equity Model, which consists of its internal and external assets, the diagram below illustrates the composition of these assets.

Figure 2.2.2.1: Nigeria's Brand Equity Model



Source: Nigeria Branding: A Case in Nation branding (rhetoric & reality), p.10

Currently Nigeria's branding Project lacks the required steam and focus in the national marketing strategy "Good People, Great Nation" project. This is as a result of the absence of coordination between the various agencies of government mapped in the branding exercise as well absence of internal buy-in on the branding project. In addition, the concept of living the brand is missing by its citizens as there is a general mistrust amongst them. Creating awareness and positive perception internally is in short supply; Weak institutions and low commitment to rule of law, enforcement of contracts, low level of infrastructure, corruption and general insecurity of lives and properties exists as well as the ongoing acts of terrorism and militias activities in the Niger Delta zone of Nigeria. Aside, from this there exists a lot of about the Nigerian branding project without any movement as well as the absence of clear milestones for tracking progress on the branding efforts. As a result the country brand of Nigeria is presumed to be a bad country brand since it is ironically at the bottom of the human development index despite its position as a huge oil nation. Furthermore, the internal issues of violent crimes and abuse of human rights, political corruption and the drug trade reinforces these negative perceptions. For Nigeria, country branding should not be viewed as a one-off game, rather as a continuum of activities requiring constant assessment and brand indices measurements. Furthermore the wide gulf

existing between the body language the country's government officials and its policy statements on the Nigerian branding project needs to be changed for the better [37].

India. The country brand of India is strongly associated with the Six Blind Men, the land of tigers & snake charmers, maharajas & princesses, the IT hub of the world, land of yoga, the land where religions like Hinduism, Jainism and Buddhism originated as well as the place of abject poverty and deprivation. As a culturally diverse nation, India is also popularly called as organized chaos. The government of India has according to the author, have attempted to market India abroad as a hot spot tourist destination in year 2002. Shortly afterwards the Incredible India campaign was launched, to create a distinctive brand identity for India. This campaign which resulted in the iconic "*Incredible!ndia*" logo, successfully established India as a high-end tourist destination, with a 16% increase in tourism arrival during the first year's launch in 2002. However in a recent exploratory survey conducted on the image perceptions of Brand India among the Global Indians and the Non Resident Indians it was revealed that as far as infrastructure issues are concerned, the other countries are perceived to be better [20]. The parameters that define the infrastructures were based on law and order, cleanliness, conditions of roads, electrical power supply, quality of education and health facilities, and are outlined in table 2.2.2.1 below.

Table 2.2.2.1: Perception of India compared to other countries on various parameters

Parameter	Worse than India	Same as India	Better than India
Law and Order	Africa	16%	70%
Cleanliness	Africa,		92%
Condition of Roads	Africa		92%
Job Opportunities	23%, Africa	31%	31%
Electrical power Supply	Africa	1%	77%
Poverty	*		69%
Social & Religious Tolerance	15%, @	46%	23%
Opportunities for Growth	23%	23%, Latin America	38%, Africa
Quality of Education	15%, Africa, Kuwait	31%	54%, Europe and US, Canada
Health facilities	Africa	1%	77%, Europe and US but costly

(Bangladesh is the only country that is worse than India on all the above parameters)

* varies from country to country, Africa is bad.

@ racism still observed in few countries, religion-wise, more tolerant in Europe but much less in Africa.

Source: Destination Branding: Tracking Brand India, p.47

The table shows that India when compared with other countries, have high poverty levels while social and religious tolerance better but opportunities for growth are relatively the same or better in the other countries than in India. Furthermore, it was the opinion of the respondents that revamping the police force, removal of slums from cities and development of villages should be government initiatives while the development of the energy sector, roads, education and health should be the equal responsibility of the government and private sector initiative. Tourism and the hotel industry, according to the respondents should be more of a private sector initiative rather than a government initiative.

Regarding the issues surrounding many respondents believed that terrorism can be solved by having a better intelligence networks, stricter laws for terrorists, and creating alerts to combat terrorism. Furthermore it is held by the respondents that the media can assist in developing the *“socio-cultural changes that best meet the aspirations of the current and future generations”* and *“play as much role in rural education as it can in eradicating social injustices and create social bonding. This will help in many ways including, in some ways, combating terrorism. However, it's got to be a responsible media. Media should be used to highlight corruption, develop India as a business destination and tourism including medical tourism.”*

Therefore given the negative perceptions associated at the local and international level for Brand India, the focus for improvement should be on everything, contends the author, as the brand *“can mean anything to anyone or everything to someone.”* Like most country brands that are not fully developed, Brand India, means a destination full of opportunities, just waiting to be explored [20].

In summary, the governments that manage country brands should endeavor to focus on several dimensions of their brand in order to perform well in today's connected world. As confirmed in the previous review good and strong country brands were very multifaceted and demonstrated obvious strengths in all the areas that impact life, business and travel. In contrast, the country brands of India and Nigeria did not have recognizable profiles in any dimension. The dimensions that make up a country brand are the value system, quality of life, good for business, heritage and culture and tourism, and are critical in the development of the brand. Value system is the foundation for brand building and when regarded as weak, the performance of its brand will be affected across all the other dimensions highlighted. The country brand of Nigeria lacked significantly in this area because basic human rights,

corruption and fraud is commonplace for that country, while on the other hand Singapore is a classic example of a country that has a very good value system.

The quality of life represents a country's ability to offer gainful employment, affordable and comfortable housing, good education and overall security to its citizens. Quality of life dimension is inherently tied to value system and balances many issues impacted by freedom. The United States of America possess these traits and is truly characteristic of them. On the other hand the country of India and Nigeria are cause for concern in these areas and as such their country brands are not representative of these elements.

Good for business dimension is not simply an indicator of a country's commercial strength rather, the dimension includes the attributes Regulatory Environment, Skilled Workforce, Advanced Technology and Investment Climate-all factors that lead to a more holistically robust and attractive business environment. From the literature review the United States of America and Germany are countries characterized with booming technology. The governments of these countries, especially the United States in particular, recognize that in order to continue to be the global leader for business the country economic climate has to be attractive for potential global investors. Good for Business is a dimension is also related Value System in particular where the rule of law is upheld then confidence in financial markets will increase.

Heritage and Culture reflects the ability of a nation to communicate its cultural assets fully and positively-from history and language to art and cultural attractions. A nation that celebrates its history through monuments, attractions, museums and continuous support of the arts often ranks high in Quality of Life as well. Heritage and Culture also reflects a nation's commitment to responsible infrastructural projects that support travel and tourism, in the process fueling the arts, literature and sports. The promotion of a country's heritage and culture often falls to both public and private enterprises, thus including the influence of iconic national brands that operate across borders. There's no doubt that a strong tourism authority, transportation infrastructure and vibrant hospitality and service industries play a vital role in this dimension. From the previous review, it is acknowledged that the country brand of France strongly portray these dimension. France as mentioned earlier is renowned for its famous culture and heritage, and this dimension is successfully marketed internationally by the government.

Tourism is that dimension of country brands that is directly linked to the media and entertainment. On the economic side tourism is the element that demonstrate a country's

ability to provide accessible, affordable options for vacationers and business visitors alike. Furthermore a nation's currency, exchange rate and infrastructure are important points of influence. The media's coverage of a nation's economic and political standing can also play a major role in tourism, as it presents the opportunity for that country to communicate its values, unique attributes and personality.

Good (strong) country brands understand that the brand of a country is integral in everyday life because it is one of the byproducts of competition and globalization. These countries also understand that their brand should possess a good representative of all its cultural, social, economic, tourist and town planning assets, because it is the principal and most distinguishing feature of its manufactured products and services a trait that weak country brands should adopt.

3. IMPLEMENTING INTELLECTUAL PROPERTY FOR PROTECTING COUNTRY BRANDS- ANALYSIS OF BRAND JAMAICA

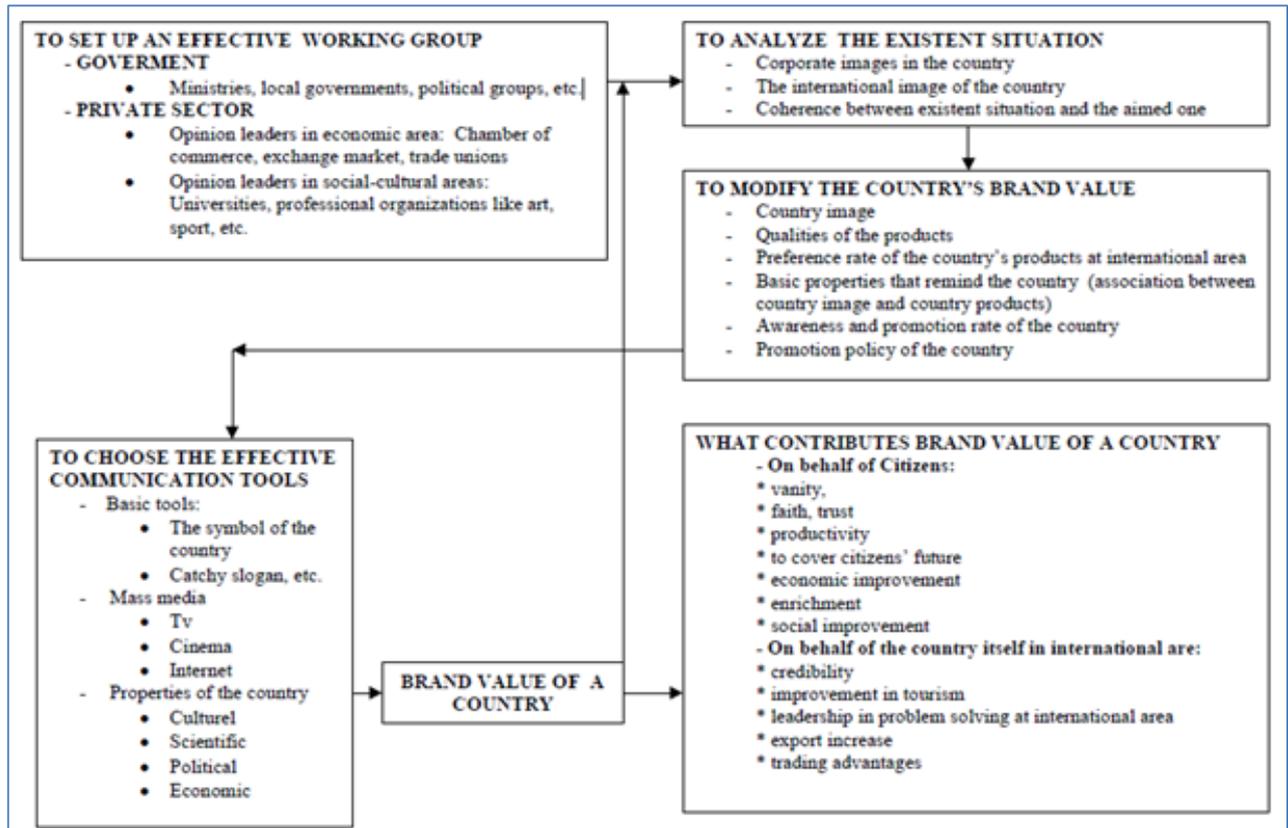
3.1 Positioning Strategy for Branding and Marketing of Jamaica

During the last ten years it has been observed that the methods that states employ to manage their country brands have evolved beyond tourism marketing of those countries. Nowadays it is quite common for countries to hire marketing specialists to design and implement county brand campaigns and strategies [3, p.6]. As an effective form of communications tool, country branding provides national governments to manage and control the image projected to the world, attract investors to invest, increase tourism, trade, and talent.

In addition it is interesting that the unique features of each nation or country brands are usually the drivers of profit in global markets, as these features especially the cultural idiosyncrasies, gives each nation a “competitive edge” over other nations. History documents this shift as one from an arts-based model to a “creative industry” or “enterprise culture” model. The new country branding paradigm did not exist during the developments and the creation of the original Paris Convention as it relates to the rights of states in controlling its intellectual property [3, p.6].

In order to accomplish success for positive country branding, it is important that there is good political image, peace in the society, as well as good economic stability exist to attract Foreign Direct Investments (FDIs) towards a country. According to Tunca¹, in the example of the country of Kyrgyzstan, it is assumed that if one of these areas are lacking, not only are FDIs are driven away but also negative perceptions associated with the image of the country and the national brand. Tunca also contends that there are close relations between the inflow of FDIs and country image. Furthermore the author states that, developing a positive country image and a national branding are not easy in that developing a positive country image and a national branding must be done according to an approved definitive programme [3]. Usually this programme is developed by an agency within that country’s government. In the model below, components and process that are needed for developing country and national brands are presented, and while this process was developed for the country of Kyrgyzstan by Tunca, it is also applicable for all the other countries as well. According to Tunca, when applied to other countries, the specific properties for that country should be considered.

Figure 3.1.1: Developing country's brand value and its sustainability



Source: To develop country image and national brand strategy to attract foreign direct investments (FDI): an example from Central Asia: Kyrgyzstan, p. 30

As the model in figure 3.1.1, illustrates the steps involved for developing the country branding and image includes setting up effective working groups that consists of public and private opinion leaders that have full authorization from the government. Tunca further propose that this group should first proceed by analyzing the internal and external existent images and perceptions associated with the country's image and then develop ideas to attract the main target market. A situational analysis of how the country is perceived internationally must also be included and the values associated as well as the factual information about the country considered [3].

Country Branding is indeed a long term effort and it first involves an in depth analysis of the comparative advantage of the country. This is where the weak and strong properties of the country in terms of its geographical location, market size, industrial groups involved, zone trades, and educational level of the population, tax – incentives, skilled labor, trust, and competitive advantages are measured in details. The model further highlights that if countries are dependent on a particular sector for country branding, like for instance Jamaica is dependent on the tourism and music sector, then the perceptions and images must be

identified in that sector as well as the existing situational analysis of those sectors considered. In addition an analysis of the coherence between the existing and constituted situations must be done and which afterwards a marketing strategy determined. A charismatic slogan, visual images and symbols, official web site (web domain) and other necessary tools is then developed and designed and then follow-ups to the changes and developments in the world is closely followed. It is stated, that if these steps are followed according to the proposed model, then brand value of the country will exist. The model also demonstrates that country branding is an ongoing process that requires consistent management and periodic checks which gives opportunities to control this tedious process.

In Jamaica, since 2003 the concept of nation or country branding originated through the National Export Strategy (NES), a marketing strategy developed by the government as it was assumed that this would be the tool for marketing Brand Jamaica internationally [3, p.8]. This strategy was established on the grounds that *“Brand Jamaica is one of the most recognizable brands internationally... and that the National Export Strategy will effectively position Jamaican goods and services to capitalize on the opportunities which exist for Jamaican products and services in the international market, while at the same time strengthen Brand Jamaica to achieve a stronger positioning globally.”* Nation branding as defined by NES is *“the act of deliberately shaping the world image of the country based on the country’s definition of its social and economic development goals”*. Interest in positioning brand Jamaica in respect of Information Communications Technology (ICT) services has also emerged based on the belief that *“Jamaica... as a recognized leader in ICT services in the region as well as in target markets is supported by a solid and improving infrastructure”*. There is an already active ICT sector in Jamaica, that is primarily centered on software development services and the call center industry which by far the largest in the region (estimated to be worth between US\$300-400 million) Jamaica’s reputation for creativity has ensured the success of the ICT however the need for the Government of Jamaica to fully protect the brand is importance [3, p.8].

After the Jamaica Exporters Association successfully launched and registered its members branded products and services in 2005, it was recognized that *“national reputation or brand is a critical component of the competitive advantage of nations in a busy global marketplace.”* It is even argued and agreed that the duty of governments is *“to understand, manage and nurture the good name of its country, because good name underpins all success in the marketplace”*. As such by implementing the National Export Strategy marketing scheme it is projected that exports and international market share for Jamaican products and

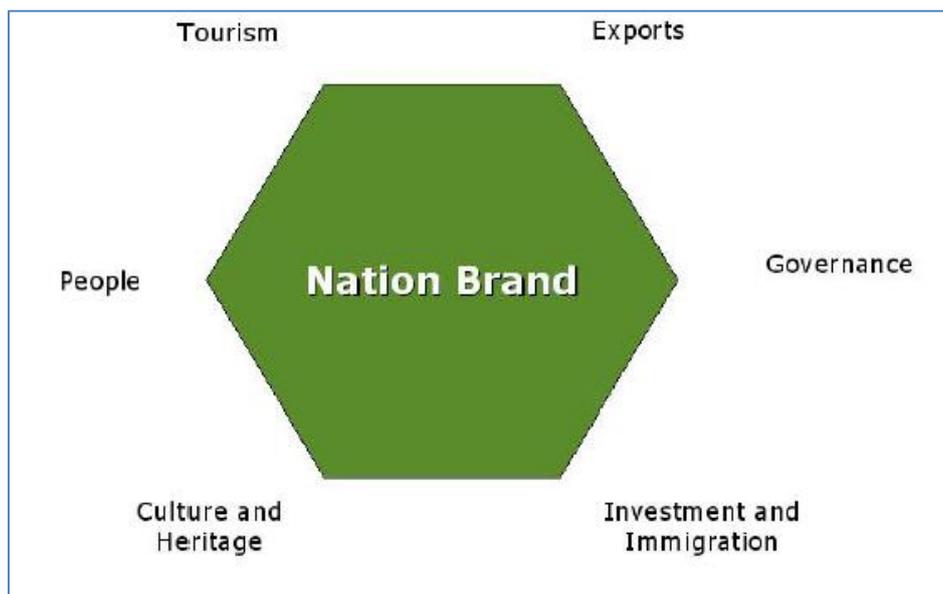
services will increase. According to NES, the philosophy behind Brand Jamaica is that Jamaica already has intellectual assets consisting of various niche products and services, applicable across a range of market sectors. The outcome of the SWOT analysis through the NES marketing strategy asserts that the strengths for Brand Jamaica is leverage gained from the management of the brand's identity and image globally, and easy reception of brand concept, globally. It is also desired that all elements of country branding including destination or tourism branding, cultural aspects of the brand as well as the country's business image will be protected and enforced through intellectual property administration as a method for upholding Brand Jamaica's reputation [3, p.19].

3.1.1 Brand Jamaica

The island of Jamaica is characterized as "a brand in itself." The brand constitutes both the intangible and tangible property of Jamaica. The tangible property is comprised of the physical property made up of the Jamaican land, wood and water, people, public property, historical artifacts, indigenous food, flora and fauna. The intangible property consists of creative Jamaican expressions, music and web domains. There is also an aspect of Brand Jamaica that is not property, it is simply culture, a vibe, a "Jamaican-ness" that one sees or experiences [12]. On the global market, the term "Brand Jamaica" now carries a distinct image of a unique culture, iconic music and dance, exotic cuisine, art and craft rooted in the island's rich heritage, plus a delightful local language. Scarlet-Lozer, defines Brand Jamaica *"as an asset and the value seems to be appreciating on a daily basis.... this asset is constituted by Usain Bolt; Reggae and Dancehall music; the black, green and gold colours of the national flag; Yohan Blake; Jamaican female sprinters; and 'things Jamaican' on a whole."* In 2004 and 2005 after conducting a feasibility study for developing Brand Jamaica, leading nation branding consultant/expert from the UK, Simon Anholt, *declared "Jamaica produces IP in amazing quantities – in culture, in music, in art, in religion, in business... Jamaica is sitting on a treasure-house of natural brand equity, composed of its cultural, historical, physical and human capital"*. Anholts further stated that *"Jamaica, without a shadow of doubt, already has a very strong brand – probably one of the strongest in the world for the size of the country, its population and its economy."* Anholt also revealed that Jamaica as a nation had not significantly benefited from its enormous strength as a brand and advised the Government of Jamaica to formally adopt a nation branding programme and

strategy “to stop and reverse this centuries-old ‘equity hemorrhage’, and ensuring that in future the country always benefits both directly and indirectly from its vigorous and abundant intellectual capital” [3, p.24]. Anholt’s Place Branding Hexagon indicates that, nation branding involves more than a country’s products and services, culture and heritage, and people. It requires effective and comprehensive management of the country’s brand image to ensure that the image represents the positives aspects that will beneficial to the nation.

Fig. 3.1.1: The Place Branding Hexagon



Source: Report by Jamaica to the WIPO Standing Committee on the Law of Trademarks Industrial Designs and Geographical Indications, p.23

Since Anholt’s affirmation of Brand Jamaica’s strength, practical steps to define, refine and reposition Brand Jamaica as a business-driven brand, particularly from the perspective of integrating arts, culture, music and sports were developed with emphasis on making intellectual property an integral part of Jamaica’s nation branding strategy. Since 2008, the Government of Jamaica, have expressed formally of its intent to develop a nation branding strategy Jamaica [3, p.24].

Undoubtedly, “Brand Jamaica” is everything distinctively and creatively Jamaican. From Blue Mountain coffee and Bob Marley, to reggae and Rastafarian, to jerk food, herbs and seasoning, all is synonymous with the iconic brand of the country. The idea of brand Jamaica is therefore best expressed and captured by the many facets of Jamaican culture, personality and identity, which together comprise the mystique now famously known as Brand Jamaica. The term ‘Jamaican culture’ is perhaps the best clue to the now famous

phenomena, conveniently labeled “Brand Jamaica. The recent exhilarating, incredible almost superhuman heroics of Usain Bolt and other Jamaican athletes who dominated the sprints at both the most recent Olympics and World Championships have further underlined the dynamic content of this Brand. As the cultural exploits of Jamaican musicians, artists and sports superstars increase, Jamaica will continue to build an enviable but indelible Brand which will become a potent market and cultural force in the global arena.

3.1.2 Perceptive Image of Brand Jamaica

The associations made with this island nation appear to be strong and varied. According to a definition given by a group of Jamaican managers, “Brand Jamaica” is ascribed several categories some of which are associated with music images such as reggae and Bob Marley, Jamaican food and coffee, beaches and sun, cultural heritage, Olympic champions, Rastafarian colors, or the island’s creative and unique residents. [2, p.93] For the most part, these perceptions and associations with the brand mirror the images leveraged by the tourism industry and can be further grouped into two broader categories: “Sun, Sand, and Sea” and “Heritage and Culture”. The latter reflecting the current push by some within the industry to focus more directly on a Jamaican heritage market position that underscores the differences between Jamaica and other Caribbean travel destinations. In regards to the positioning strategy for Brand Jamaica, the web of stakeholders currently involved in iconic images associated with the brand presents a challenge for the Ministry of Tourism for differentiating and positioning Brand Jamaica in a consistent and meaningful manner. Different stakeholders leverage different associations in order to create an image that is suitable for their interests. While the Ministry of Tourism faces the task of unifying these various entities and reaching an overall middle ground for the brand, an analysis of each iconic feature, in regards to the meanings and associations of the brand is outlined in the following sections [16].

3.1.3 Brand Jamaica- Music

The apparent decline of the Rastafarian movement and reggae music in Jamaica after 1980 was, perhaps, a predictable culmination to the evolution of both the movement and the music. [21, p.3-17] As a form of social and political protest in Jamaica, reggae gave expression to the plight of Jamaica's poor and disenfranchised classes, and particularly to the hopelessness of Jamaica's young people. Offering the comforts of a religious community and the "escape" of repatriation, reggae and Rastafari served as an explicit medium of protest against the harsh realities of unemployment, food shortages, and inadequate housing. With the explosion in popularity of international reggae music, the Rastafarian movement's cultural identity was legitimized in Jamaica. The popularity of reggae was a mixed blessing, however, for it created an even greater rift between "religious" and "political" Rastafarians. Religious Rastafarians believed the movement should not be a part of Jamaica's political system, while political Rastafarians believed the movement must be actively involved in Jamaican politics. Even more disconcerting to the Rastafarian traditionalists was the new wave of "secular" Rastafarians, drawn to the movement by its fashion and by reggae music itself. Those new supporters had little in common with the traditional Rastafarians, resulting in new tensions within the movement. Since the late 1970s, the image of the Rastaman and reggae music has increasingly become an important part of Jamaica's tourist industry. In a wide range of promotional materials, Rastafarians are portrayed as accommodating and exotic cultural objects. Moreover, travel brochures highlight reggae music's themes of peace and unification. Not surprisingly, the images of the reggae "guitar-strumming" Rastaman are interwoven into a larger narrative of an island paradise. The two marketing strategies—"touristic culture" (paradise themes) and "cultural tourism" (reggae)—have been extremely successful in attracting tourists to the island nation. In short, the Rastafarian movement is no longer considered a threat to Jamaica's domestic tranquility or national security. While the Rastafarians redefined that nation's cultural identity and became an international phenomenon, the movement and its protest music have been "co-opted" into a symbol of Jamaica's cultural heritage and transformed into a tourist attraction. Thus, here lies the transformation of a musical genre (filled with social and political messages) from domestic, internal identity marketing mechanism to international tourism marketing tool [21] [18].

3.1.4 Brand Jamaica- Resorts and Hotels

The all-inclusive resort market is a key component of Jamaican tourism. In 2008, this category accounted for 78.6% of all room nights sold on the island and exhibits higher occupancy rates than non-inclusive lodgings (source- Jamaica Tourist Board 2008). These large resorts tend to be positioned on “Sun, Sand, and Sea”, with scant attention paid to the island’s heritage and culture. Little distinction is made between specific destinations by resort chains such as Sandals and Superclub (Breezes); the focus is, instead, on differences between the companies’ offerings, even though both are Jamaican-based. While foreign investors in the all-inclusive resort market, such as Riu and Iberostar, have led to record levels of foreign direct investment (FDI) and greater employment opportunities, debate surrounds these properties since a significant share of their profits are repatriated. Given their lack of focus on culture and heritage, some Jamaicans criticize them for offering a “manufactured” Jamaican experience. Smaller independent hotels account for under a third of the rooms on the island. Traditionally, these hotels also experience lower occupancy rates than the resorts, targeting tourists who wish to experience the “real” Jamaica. Many of these hotels, including Marblue Villa Suites on the south coast, and the Rockhouse in Negril, incorporate culture and heritage in their marketing communications. [21]

3.1.5 Brand Jamaica- Tourist Attractions, Public Property and Associations

Tourist attractions in Jamaica draw heavily on the island’s culture and heritage, which distinguishes the island from other Caribbean destinations. Iconic features that promote and represents brand includes the Rastafari Indigenous Village is focused on the history and traditions of the “Rasta” people; the Bob Marley Museum draws on similar images. [39, p.93] The Devon House is a Jamaican natural heritage site. Tourist associations have also been formed within the tourism industry. Some groups, such as the Treasure Beach Association, have successfully positioned their villages as being authentically Jamaican. Other groups, such as the Jamaica Hotel and Tourist Association, serve as advocates for the industry and are given a formal voice in the Ministry’s activities. These groups appear to practice a mixed branding approach given the heterogeneity of their membership [21].

3.1.6 Ministry of Tourism and Jamaica Tourist Board

The Ministry of Tourism and the Jamaica Tourist Board (JTB) must consider all categories of stakeholders when developing its positioning strategy for Brand Jamaica [18]. This is not easy since each stakeholder has different needs and ideas of what images and associations should be made with Jamaica. In addition, the push to focus on heritage and culture must be balanced against the reality that many visitors are more interested in the traditional “Sun, Sand, and Sea” activities. However, these activities do not offer the island an opportunity to distinguish itself from other Caribbean destinations. Complicating the matter is the presence of the behemoth all-inclusive chains, which are a crucial and dominating sector of the industry that contributes to the employment and well-being of many Jamaican citizens. In the 2009 issue of “Jamaica Brand Manual” the JTB has recognized the challenge of balancing the interests of resorts and the island’s distinctive history, people, and culture. For that reason, the JTB hopes to combine the two brand images – “Sun, Sand, and Sea” and “Heritage and Culture” – into one unique, unifying theme. The resulting campaign is focused on the ubiquitous theme, “Once you go, you know”. The tourism consumer is encouraged to find his or her own Jamaica with the underlying message that the island nation has something to offer to everyone. According to the JTB, this campaign is “a powerful expression of what truly sets Jamaica apart from competing destinations in the Caribbean region.” [18, p.94].

3.2 Intellectual Property and Country Brands

Strong intellectual property regulation is quite new to the Caribbean, as many nation states are without developed domestic IP offices and therefore IP enforcement throughout that region is relatively weak. Although the Jamaican Government through the Jamaica Intellectual Property Office, JIPO already has an established framework that encourages entrepreneurs and other individuals to be aware of their intellectual property rights, some resources required for facilitating responses to infringement are not in place, even in cases where "national or public interest" are at stake. Jamaica’s Copyright Act of 1993 only offers protection for all original literary, dramatic works, music and sound recordings, films, broadcasts, brands and emblems topographical arrangements of published or produced editions. Interestingly, the Act do not protect independent titles, short phrases, slogans, ideas,

concepts, processes, principles, methods information or other types of Intellectual Property applicable. However, copyright protection arises automatically once the original work is covered by one of the categories of the Act [2]. Furthermore, registration for copyright is not compulsory under the Copyright Act of Jamaica or any of the copyright laws of the countries that are Members of the Berne Convention for the protection of Literary and Artistic Works. All that is required for copyright protection is for creators to mail a copy of the work to themselves in a sealed, self-addressed envelope by registered mail through the post office. The creator can submit the unopened envelope containing a copy of the works in a Court of Law as evidence to prove ownership of the works. This method is accepted for member countries acceding to the Berne Convention for Copyright Protection of Literary and Artistic Works of which Jamaica is a member state. Notwithstanding this however, JIPO has been actively involved in the promotion and advancement of Jamaica's intellectual property, including copyright, trademarks, patents, designs, geographical indications and traditional knowledge/traditional cultural expressions of the country. In addition, JIPO has been integrally involved with the valuation of the copyright-based industries and promotion and development of the creative industries in Jamaica; the protection of Jamaica's national symbols and emblems. The office has also been actively involved in the development of a nation branding programs and strategies that promotes and market Jamaica positively. In a similar manner, Caribbean markets should try to maximize its regional economies of scale through IP legislation of its indigenous products. Strong intellectual property regulation is quite new to the Caribbean, as many nation states are without developed domestic IP offices and therefore IP enforcement throughout the Caribbean is relatively weak. Although in Jamaica, the Government has established a framework, which encourages a culture in, which entrepreneurs and other individuals are aware of their intellectual property rights, some resources to facilitate responses to infringement in cases where "national or public interest" seems to be at stake. In regards to protecting, Brand Jamaica, the responsibility is that of Jamaican entrepreneurs who use the brand, whether as a recreational or economic expression. Users of the brand, be it musicians or athletes need to claim ownership of the brand, be proactive, register brand indicia, monitor market places, file law suits, send warning letters, negotiate royalty fees [2]. Brand Jamaica can be protected by registering trademarks, protecting image rights from misappropriation, registering geographical indications, protecting copyright works from infringement, registering patents and industrial designs, and protecting trade secrets. Within electronic business through intellectual property protection, the campaign to expand Jamaica's profile from a leisure destination to business destination

through Brand Jamaica can be achieved [2]. This is necessary as this is the only way Jamaica and Jamaicans can be the true beneficiaries of Brand Jamaica. However, in order to make the benefits of intellectual property available, it is imperative to understand, appreciate, and respect the role that the intellectual property system plays in this regard.

3.2.1 Brand Jamaica's Intellectual Property

Every country's culture has unique innovative responses to the challenges of each new era. Intellectual Property will provide the vehicle to nurture and promote Brand Jamaica through sports, music or tourism marketing of the brand, which in turn will benefit of Jamaica economically and improving the GDP for the country. In the case of Bob Marley, renowned Jamaican musician, he was a cancer patient for more than a year, yet his Rastafarian beliefs precluded him from believing in the reality of death. As such, he did not leave any directions as to the disposition of his estate [21, p. 64]. Similarly, Brand Jamaica if not legally protected can suffer the same demise as the Marley family. It is stated by the after Marley's death his family gained millions from licensing fees and patents on his music and recordings, after an expensive and long litigation process to gain rights to his estate. According to his widow, Rita Marley, his royalties accumulated in millions after his death because of his icon status as an international superstar. "Forbes [Money] magazine estimated Marley's posthumous earnings at \$9 million just between September 2002 and September 2003." [3, p. 65]. Like the Marley family, the Jamaica Government may spend billions of dollars in litigation fees recovering valuable brands affiliated with Jamaica country as Jamaicans and non-Jamaicans alike continually exploit Brand Jamaica. It is interesting to note that for foreign entrepreneurs wishing to exploit Brand Jamaica, their primary focus is that their consumers think about Jamaica and things Jamaican when making their purchasing decision. It may not be as important that they have Usain Bolt or Yohan Blake in their advertisement. It may just suffice that they have a tall black athletic man photographed or simply a silhouette in full sprint motion or fusion Reggae music or that they have a red, black green and gold color scheme for their business, or Jamaican styled spicy food.

Like Jamaica other Caribbean nations, can achieve maximum economies of scale through IP legislation of its indigenous products. For Jamaica's brand, Brand Jamaica, the responsibility not only rests on the Government or private sector but also on Jamaican entrepreneurs who use the brand, whether for recreational or economic expression. Users of

the brand, be it Jamaican musicians, entrepreneurs, or athletes need to claim ownership of the brand, be pro-active, register brand indicia, monitor market places, file law suits, send warning letters and negotiate royalty fees [12]. Brand Jamaica can be protected by registering of the brand's trademarks, protecting image rights from misappropriation, registering geographical indications, protecting copyright works from infringement, registering patents and industrial designs, and protecting trade. This is necessary as it is the only way Jamaica and Jamaicans can be the true beneficiaries of Brand Jamaica. However, in order to make the benefits of intellectual property available, it is imperative to understand, appreciate, and respect the role that the intellectual property system plays in this regard.

In a 2010 report by the Government of Jamaica to the World Intellectual Property Office's (WIPO) Standing Committee on the *Law of Trademarks Industrial Designs and Geographical Indications (SC)*, it was argued by the Jamaican Government that there no holistic legal protection available to states internationally, to stop or prevent the unauthorized use a state's name for manufactured goods or services. The report submitted to WIPO at that time, demonstrated how the country of Jamaica was hemorrhaging economically especially in regards to the losses incurred as a result of inadequate international protection of its intellectual property assets. Currently, the Government of Jamaica is not empowered by current international trademark laws to prevent the unauthorized use of the name 'JAMAICA' "trademarked" on products and services by persons and entities that have no association or origins with Jamaica. The colonial and economic history of Jamaica is one that describes the country as a nation of people from varied cultures that have been exploited economically for centuries. Despite this, Brand Jamaica is one of the strongest and most well-known nation brands internationally. According Scarlett-Lozer [1] in a recent article in the Jamaica Observer, Brand Jamaica is a valuable national asset, and its value is increasing daily... this value is central and integral to the national sustainable development of Jamaica. Since Jamaica was "discovered" by Christopher Columbus 1492, Jamaica has developed an enviable reputation and been branded as an island of mystique and mystery, a tropical paradise of sea, beaches and sun, exotic cuisine, music and rum [3, p.6-7]. Interestingly up until the 21st century, Jamaica was the playground and haunt of kings and queens, pirates and privateers, movie stars and celebrities from afar. In the seventeenth and eighteenth centuries, Jamaica was a famous target for pirates and the buccaneers as well. As a result, Port Royal became one of the wealthiest places on earth. 'Pirates of the Caribbean' movie franchise also validates the enduring allure of the Jamaica/Caribbean pirate brand. However the idea of purposively branding Jamaica began with a desire to promote Jamaica as a tourist destination

began from as far back as the 1950s largely through the advertising and marketing of Jamaica by the Jamaica Tourist Board [3, p.8]. It was however in 2008 the Jamaican government decided to formally develop a nation branding strategy for Jamaica and further on in 2010 upon the recommendations of renowned branding consultants. Subsequently significant steps were taken to develop the nation branding concept and strategy, and integrating it into national development [3].

3.2.2 Brand Jamaica's Intellectual Property and the Paris Convention

The current intellectual property system under the Paris Convention is inadequate for protecting Jamaica's country name and brand in the global market place. Like most countries, the Government of Jamaica is advocating for stronger IP protection for its trademarks (both collective and certified marks), geographical indications, copyright works, and trade name rights [3, p.20]. The Paris Convention trade mark regime presently does not recognize or allow states the right to control use or monopolize the use of their country name. As a result country names cannot be registered as trademarks by states and the rights to these trademarks are not recognized, under the Paris Convention system [3, p.30]. Trademarks are only protected within the classification and confines of the registration. However this registration does not allow states the exclusive right to register a country name as a work mark to designate the geographical origin, especially in regards to business and trade. States can however register country names in stylized word marks, mixed words and logos but are disallowed from obtaining exclusive rights protection for that country. Moreover, the Paris Convention system is quite inadequate for preventing third parties from using a country name in their trademarks despite having no association with that country [3, p.32].

Like trademarks, collective and certification marks have similar limitations for exclusivity of terms used in trade geographical origins designation. Normally these marks cannot be registered as either as collective or certification marks, however, these marks can be registered in specific classes which also make complete protection of country name difficult. Despite this, both collective and certification marks still offer limited protection against third parties using country names despite having no association with that particular country [3, p.34]. Although the Paris Convention offers relatively no incentives for states to trademark its intellectual property, Article 16.1 of the Trade Related Aspects of Intellectual Property Rights (TRIPS), states that in order to establish trade mark infringement, the

proprietor of that trademark must prove “*the use of the mark in the course of trade and, if not identical, will cause a likelihood of confusion*”. Further to this for counterfeit goods or services, Article 16.3 (TRIPS) states that “*the proprietor must prove that his interests are likely to be damaged by such use*” [3]. Although the Paris Convention offers higher protection for well-known trademarks without registration requirements for protection, it is unfortunate to note that the rightful proprietor of the ‘Jamaica’ trademark, the Sovereign State of Jamaica, is denied the right to the legal protection afforded to private trade mark owners, even those which are not well-known. Nonetheless the Paris Convention provides protection for trade names. As stated by Article 8 of the Paris Convention, trade names are protected “without the obligation of filing or registration, whether or not it forms part of a trademark”. Furthermore, Article 9 also states that “*all goods unlawfully bearing a trademark or trade name shall be seized on importation into Paris Convention countries*”.

However protection does not exist for States to protect their country names against misuse. According to Article 10, protection is only applicable in instances where there is evidence of direct or indirect use of false indications of the source of the goods produced, or the identity of the producer, manufacturer, or merchant. Therefore no protection is offered against indications which do not to indicate the source but nonetheless utilize the country name as part of its trade name, trade dress or marketing. Article 10bis, however states that member countries of the Paris Convention are protected against unfair competition in the use of country names in trade or business. This law protects country brands from Unfair Competition and/or Passing Off of a generic product or service and against infringements that create confusion or deception about a product or service country of origin, source, manufacturing process involved, characteristics and generic qualities of the goods and services. For countries that still use common law legislative system and do not have *sui generis* law protection against ‘unfair competition’, protection can be gained once goodwill, misrepresentation and damage are proven. However there are limitations for the protection of country names since words like ‘style’, ‘type’ and ‘kind’, do not constitute a misrepresentation nor create confusion or misinformation to the public. Furthermore this type of protection offers less protection than geographical indications and trademarks for country brands goods and services [3, p.20].

The Geographical Indications (GIs) for Brand Jamaica includes the island’s iconic cultural features such as Jamaican Reggae music, Blue Mountain Coffee, Jamaican Ginger Beer and Jamaican food seasonings [3, p.32]. These are important forms of intellectual property that adds value for Jamaica’s country brand. Although, important, this form of

Intellectual property has limitations in that it only protects country products and not services originating from a country's geographical territory. Products originating from that territory must have a distinguishing quality or reputation in order to be protected. GIs are not as uniformly recognized and protected internationally like trademarks. The criteria for protection under GI are more rigid however in that except for wines and spirits, the GI system under the Paris Convention offers no protection where even though the country name is falsely used without authorization, the true origin of the goods is indicated. Also except, for wines and spirits, the GI system offers no protection where the geographical indication used is a translation of the country name or even homonymous geographical indications. It is argued that even translations, homonyms, homographs and homophones of country names should be protected. Under trade mark law homonyms, homographs and homophones that are considered similar to an existing mark usually amounts to an infringement. It is argued that words that are homonym, homophone and homographic nature *"ought to be regulated in the protection of country names, since third party users can easily infringe on the goodwill of the country name, and cheapen the name and reputation of that country brand"* [3, p.33]. The Government of Jamaica however does not oppose to the use of the country name totally, as long as permission is granted to users, however the present GI regime is therefore inadequate to prevent a large percentage of country name infringements and therefore would not be effective in many cases to prevent abuse of country names and provide effective remedies [3, p.33].

Since the last three decades Brand Jamaica has emerged into an intergovernmental renowned organization. Although predominantly managed by the Ministry of Tourism other stakeholders including the JIPO, the Ministry of Youth, Culture and Sports, and the private sector has contributed to the development of the brand. Nowadays it is recognized as an asset that is increasing in value every day and the recent London Olympics in 2012 confirmed the value, awareness, and brand presence it has globally. As an international organization the brand is always exploring new ways to protect its tangible and intangible assets, reputation, promote positive images in the international market as well increasing its revenue annually. The Paris Convention currently has laws that protect the names of international intergovernmental organizations [3, p.35].

According to Article 6ter of that convention, member states seeking to protect the names of their intergovernmental organizations are obliged to:

1. *Prohibit the unauthorized use of armorial bearings, flags, other emblems, abbreviations and names of international intergovernmental organizations, and any heraldic imitation of them, either as trademarks or as elements of trademarks; and*
2. *Refuse or invalidate the registration of armorial bearings, flags, other emblems, abbreviations and names of international intergovernmental organizations, and any heraldic imitation of them, as trademarks or as elements of trademarks.*

However the Paris Convention provides inadequate protection as it fails to protect the names of states. According to the convention, “*There is no logical justification for international intergovernmental organizations being afforded such protection but not sovereign states who are members of the Paris Convention in their own right*”.

From a legal perspective, it is held that sovereign states should have the right and responsibility to own, control, protect and manage their country name. The position of the Jamaica Intellectual Property Office (JIPO) is one that is similar to the Paris Convention rules. At present, JIPO’s Trade Marks Act do not provide for protection of country names, and reflects the provisions of Article 6ter of the Paris Convention under Part VII, “*Provisions to Implement International Conventions*”. Therefore for the Brand Jamaica initiative scheme JIPO will not allow the registration of country name in trademarks which is vital for protecting misuse of the brand’s name.

Locally, within Jamaica, the use of the country name “Jamaica” is used by local enterprises for many years, long before the Brand Jamaica initiative and these enterprises have been registered Jamaican brands using the country name as part of the trade mark. JIPO do not prevent Jamaican companies from using the name Jamaica or its national flag, symbols and emblems within their brand [3, p.35-38]. Interestingly JIPO has constantly made submissions to the WIPO SCT for an amendment of the Paris Convention, which requires permission to be granted for country names to be used as part of registered trademarks by a country’s nationals and non-nationals. Where nationals of Jamaica may have some legitimate use of the country name as part of their trademarks, JIPO issues a disclaimer to ensure that no one is given exclusive use of the country name. Currently, the policy at JIPO is to prohibit the registration of the name ‘Jamaica’ by foreign entities that have no real connections or associations with Jamaica. The perspective held by JIPO is that these non-Jamaican entities are seeking to exploit and take advantage of the reputation of Jamaica through producing foreign products or counterfeit products. If such a request is lodged consideration is given by a case by case basis and an assessment of authentic connection to Jamaica is made.

The Government of Jamaica current policy for the use of National Flag, State Emblems, and Symbols is that permission is sought from the Protocol Division of the Office of the Prime Minister (OPM) in consultation with JIPO. After approval is granted from the OPM, it is then forwarded to the JIPO for the application process to proceed, although this process can be somewhat slow and taxing on the applicant. In addition, the request made to the OPM has to be specific, if it is for marketing and advertising uses for a product or trade mark registration [3, p.35-38].

Although these stringent procedures are active, the government of Jamaica cannot protect and manage the use of its country brand internationally as that kind recognition and protection must first come from the WIPO SCT, then adopted at the local level by JIPO. At this time, WIPO SCT is reluctant to grant this request and thus impedes at the local level the powers of JIPO in providing protection for intangible and tangible assets, the economic spheres of Brand Jamaica, Jamaica's innovation, more registration and brand protection, and free rides by 'pirates' [3, p.38-39]. JIPO also aspires to protect the country name of other countries from infringement and piracy as is currently done under the Paris as a reciprocal procedure. However the question that comes to mind is how relevant and practical the provisions of the Paris Convention is especially when it grants intellectual property protection for the names of international organizations and corporations. In the absence of such a broad-based and holistic right of states to protect their country names as they protect their national symbols and emblems, trade mark law is inadequate to effectively protect country names [3].

3.2.3 Intellectual Property and Brand Jamaica's Creative Industries

Strong intellectual property protection is always desired for brand protection, however there is a social cost associated with having this ideal. Aside from bureaucratic costs involved, having strong intellectual property protection can create monopolies and restrict new innovations that are required for the advancement of society [3, p.5-19]. Strong intellectual property protection means that the author or creator in their own right is granted the power to exclude, restrict and control their works created for specific amount of time, which can potentially create monopoly power. Modern economic analysis supports this assumption [2, p.2]. Inadvertently, the holder of intellectual property is granted monopoly power on the use of the works, however monopoly control only results when the exclusivity of the works is granted for a long durations. To exclude others from making use of the intellectual property results in limited market entry for competitors and less possibilities of

market power. On the other hand limited power for short durations can result in less entry barriers in the market and the creator or author will have less market power. Over the past two decades, economic research suggests that strong intellectual property restricts innovation, stagnate the creative industries and improvement or the advancing of current protected intellectual property, since permission required may be too expensive or may not be granted by the rights holder [2, p.5].

In regards to the creative and entertainment services industry it is recognized that this have the greatest potential to promote Brand Jamaica's culture and creativity. According to the report it is claimed that the Music industry has an estimated rate of 15,000 citizens employed, with an export revenue as high as USD100million per annum. Additionally, film location projects around Jamaica are cited for their potential to contribute USD14million in the local economy and employment for up to 1,500 – 2,500 persons [3, p.5]. Despite these strengths in creative and entertainment industries, threats such as piracy, copying and adaptations of the Jamaican style and genres by non-Jamaicans is affecting on this indigenous areas. Instance where non-Jamaicans from other countries have used Jamaican symbols, arts and cultural products, imitating and marketing products Brand Jamaican products that are claimed to originate from Jamaica (geographical indications) and activities that negatively promote Brand Jamaica cause potential loss of comparative advantage in the global market.

Value of Jamaica's copyright-based industries

In a study conducted in 2007, it was revealed that the economic contribution of the copyright-based industries to Jamaica is quite significant as it contributes approximately 4.8% of the total GDP [3, p.5]. The copyright sector also accounts for 3.03 % of total employment in Jamaica. Within the sector the percentage of employment is distributed as follows:

- Core copyright industries - 59.3 %
- Press and literature – 20% (of copyright)
- Radio and television – 15.7%
- Music and theatrical productions – 9%
- The music sector - 6.4 %

Jamaica has however done significant work in relation to valuing its creative industries.

The results of the study are outlined in table 3.2.3.1 below:

Table 3.2.3.1: Economic Contributions of Jamaica's Creative Industries

INDUSTRY CONTRIBUTOR	% TOTAL	AMOUNT
Copyright	35.6 %	J\$10,363.8 million
Radio and television broadcasting	12.3%	J\$3578 million (US\$57.3 million)
Press and Literature	10.6%	J\$3090.8 million (US\$49.5 million)
Music and Theatrical productions	4.34%	J\$1263.5 million (US\$20.2 million)
Others	39 %	-
Copyright Sector Total (4.8% of GDP)		US\$464.7 million

Source: Report by Jamaica to the WIPO Standing Committee on the Law of Trademarks Industrial Designs and Geographical Indications, p.6

In summary, this chapter indicates that as a developing Caribbean state that is dependent on its services industry, Jamaica should have the right to protect and promote its intellectual assets from misappropriation, unauthorized exploitation, piracy and unfair competition in the use of country name and nation brand. The right and responsibility to enforce moral and economic rights, to own control, protect and manage country name, goodwill, reputation and fame should also be allowed, similar as how private individuals have rights to their personality and reputation. Furthermore, states also have the right and responsibility to be prior informed for consent before use of their country name by others, Jamaicans and non-Jamaicans alike. Also states have the right and responsibility to mutually agree upon the terms, the full and effective economic participation in and profit-sharing from use of their country name. It is rather unfortunate that WIPO, the Paris and Berne Conventions do not support or facilitate these laws to be administered. The laws from these conventions are insufficient to address the problems surrounding intellectual property as an avenue for protecting and promoting country brands and names. The current international trade mark law and geographical indications which is critical for protecting Brand Jamaica have proven to be insufficient. What is even worse is that significant efforts and extensive investments at individual and national, governmental and non-governmental levels were made to protect, maintain, develop Brand Jamaica, cease and prevent misappropriations and unauthorized use of the country name 'JAMAICA' and the Jamaica brand. It is perceived that unless Jamaica like any other state are not empowered or assisted in the prevention, control and management in the use of their country name and nation brand, it is believed that efforts will be undermined and lost. Additionally, since Brand Jamaica's equity contributes significantly to the GDP, it is assumed that the country will continue face more financial obstacles in achieving this economic independence.

4. METHODOLOGY

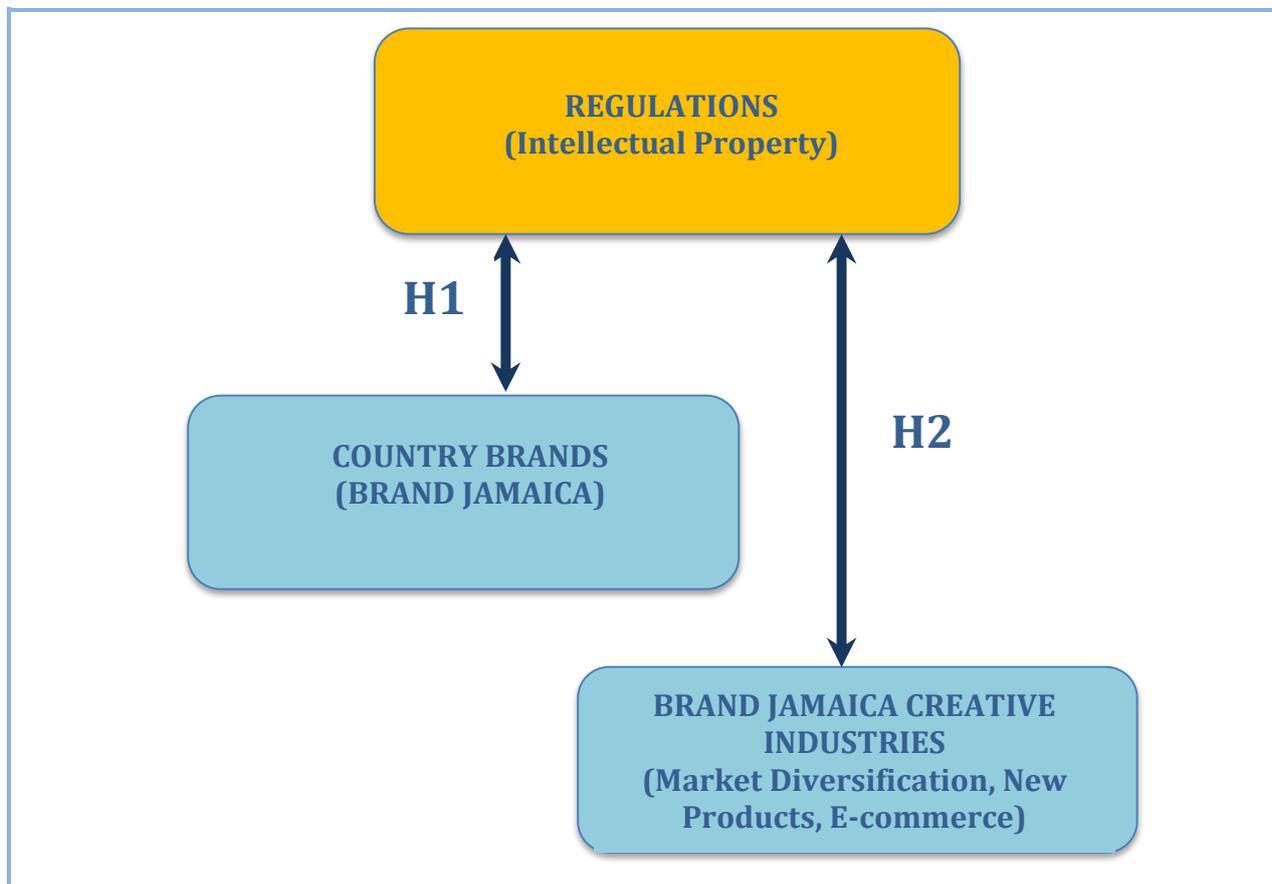
4.1 Research Model

The research model for this work is developed to analyze and simplify the relationships between the independent and dependent variables. The independent variable of this research is intellectual property while the dependent variables are country brands and Brand Jamaica creative industries. From the model there is a relationship between all variables and although the main focus is on Brand Jamaica, it is the creative industries (innovative industries) that require the necessary IP protection to create value for this country brand. Therefore the hypotheses generated measure the role and relationship of intellectual property for these two dependent variables. As, mentioned previously at the beginning of the research, the hypotheses as recalled are:

H1: Trademarks, industrial designs, copyrights and other objects of intellectual property protects Brand Jamaica.

H2: Trademarks, industrial designs, copyrights and other objects of intellectual property protection creates value for Brand Jamaica.

Figure 4.1.1: Research Model



4.1.1 Research Population and Sampling Method

The research population comprised of Jamaican citizens presently living in the fourteen parishes of Jamaica. A pilot study was carried out through the administering of questionnaires on a sample of one-hundred and twenty-two citizens during the period of from October 5th, 2013 to November 15th, 2013. From this number only 100 citizens responded to the questionnaires and their responses will be the basis of the quantitative analysis for this work.

4.1.2 Data Collection

The scientific method for this work first involved the systematic analysis of case studies and the review of empirical theoretical research journals on country brands and the relevance of intellectual property protection within the ebusiness environment. This qualitative analysis was important, as it assisted in understanding the perspectives, and different models involved in assessing and measuring country brands, the models developed by various branding experts, the indices from these models that determined good or bad country brands, as well as the object of intellectual property protection towards protecting the creative industries of country brands as well as the potential opportunities ebusiness presents for country brands. A comparative analysis of Anholt's index model with other model indices was also done. From that analysis it was proven that Anholt's index model is applicable for presenting the strengths Brand Jamaica especially in reference to the models place branding index parameters, such as *Tourism, Exports, Governance, People, Culture and Heritage, and Investment and Immigration*. Although the case analysis and the systematic review of theoretical journals and monographs suggests that Brand Jamaica requires intellectual protection, the question is how relevant is this protection for promoting more opportunities for the brand in the ebusiness environment?

Therefore quantitative research methods were used. This involved a pilot study of one hundred questionnaires that predominantly consisted of close-ended questions and one open-ended question, administered to the citizens of Jamaica. The questionnaires were first emailed and distributed manually. The first quarter of the questionnaire focused on the image perceptions of Brand Jamaica. The second quarter focused on the objects of intellectual property and its relevance for protecting and promoting country brands. The third quarter of the questionnaire then focused on the business aspects of intellectual property in ebusiness

and what was required to protect the creative industries of Brand Jamaica. The remaining quarter focused on the demographic information about the sample.

4.1.3 Research Sample Demographics

Table 4.1.3.1: Research Sample Demographics

Age Group	Frequency (n)	Female	Male	Percent (%)
18- 24	66	14	52	66
25- 33	20	4	16	20
34- 44	10	5	5	10
45- 55	3	1	2	3
55 and older	1	0	1	1
TOTAL	100	24	76	100
Gender				
Male	76		76	76
Female	24	24		24
TOTAL	100	24	76	100
Marital Status				
Single	81	20	61	81
Married	11	2	9	11
Separated	1	1	0	1
Divorced	0	0	0	0
Partnership	2	1	1	2
Common-law Relationship	5	0	5	5
TOTAL	100	24	76	100
Occupation Status				
Student	69	10	59	69
Employed	28	14	14	28
Unemployed	0	0	0	0
Self-employed	3	0	3	3
Housewife	0	0	0	0
TOTAL	100	24	76	100
Highest Education Level				
Secondary	13	5	8	13
Tertiary- Associate Degree or Diploma	39	3	36	39
Tertiary- Bachelor's Degree	39	13	26	39
Tertiary- Master's Degree	7	3	4	7
Tertiary- PhD.	2	0	2	2
Other	0	0	0	0
TOTAL	100	24	76	100
Income Levels				
\$0- \$15.000 JMD	55	12	43	55
\$15.001- \$30.000 JMD	2	1	1	2
\$30.001-\$60.000 JMD	10	0	10	10
\$60.001- \$100.000 JMD	7	4	3	7
\$100.001- \$150.000 JMD	9	3	6	9
\$150.001- \$250.000 JMD	9	4	5	9
\$250.001- \$500.000 JMD	1	0	1	1
\$500.001 JMD and up	7	0	7	7
TOTAL	100	24	76	100

Discussion of the research sample demographics: The demographics chosen for the research sample includes Age, Gender, Income Levels, Education, Occupation and Marital Status. These parameters were chosen to ensure that the sample represents the population accurately. In addition some of the demographic parameters were customize and standardize as much as possible to reflect the Jamaican society. As mentioned earlier the number of respondents that completed the questionnaire was 122, but the analysis of the findings will be done for 100 respondents, with a gender distribution of 24 females and 76 males.

It is observed from table 4.1.3.1 66% of respondents were from the 18-24 age group, with the percent distribution being 14% female and 52% male respondents. The lowest number of respondents came from 55 and older group with percent distribution being 0% female and 1% male. Overall it is observed that 75% of the age group distribution were predominantly male than female, except for the 34-44 age group, where the respondents are evenly distributed. It is important to mention that the survey exercise was administered at two of Jamaica's major Universities where the student population is predominantly male than female, therefore the overall sample population distribution will be more male than female students from these institutions. However, the gender distribution for sample remainder was chosen from private and public sector companies and these were more evenly distributed. Nevertheless, the sample population was residents from the fourteen parishes of Jamaica, with a majority from the rural areas of the island. Within the marital status category, the majority of the respondents were single persons, approximately 81%, with a male to female percent distribution being 61% to 20%. There were no divorced respondents, but there were a small percentage of married respondents, with the gender distribution being 2% females and 9% males. For respondents from the common-law and partnership categories, there was also a low percentage, with no female respondents from the former but 5% male respondents from the latter, while an even percent distribution for those persons in partnership relationships, 1% females and 1% males respectively. Interestingly, these figures are truly representative of the scenario in Jamaica, in that younger persons are opting to pursue their education first before marriage and those who are presently married usually are in their thirties late twenties; common-law relationships are on the decline and partnerships and divorce are relatively non-existent. In regards to the occupation and income categories, these two categories are directly linked, and it is interesting to note that the highest percentage of income earners were among the student group. This group accounted for 55% income group earning \$0-\$15,000JMD, respectively (gender percent distribution, male 43% while females 12%). While the sample had a 69% student distribution, the gender percent of this distribution is also similar to the

first tier income group (male 59% and females 10%). Contrarily, respondents from the employed group had an even gender distribution (male 14% and females 14%), while 3% males comprised the self-employed group. There were no housewives involved in the survey. This is due to the fact that the survey was carried out at tertiary institutions and companies. The majority of the respondents had some level of tertiary education, with bulk of respondents having a bachelor's degree (39%: male 26%; female 13%) or an associate degree (39%: male 36%; female 3%). The remaining sample for this group included 13% of respondents having secondary level education, (male 8%; female 5%), 7% having a master's degree (male 3%; female 4%) and 2% a doctorate degree (male 2%; female 0%). For income levels, the maximum number of respondents for both genders occurred from the first tier (\$0-\$15,000 JMD: 12% females and 43% males) and minimum occurs from the seventh income tier (\$250,001- \$500,000 JMD: 0% female and 1% male). The average distribution for the income category is 12.5% overall, with 3% females and 9.5% males.

4.1.3 Data Analysis of the Questionnaire Results

The responses from the questionnaire were then collected and using the numerical analysis, were quantified in order to reduce the findings into numbers. Statistical mathematical models such as the Chi-squared test analysis was used to test the two hypotheses generated and based on the results a null hypotheses expected.

The answers from the questionnaire conducted for this work were taken from fourteen structured questions. These questions comprised of thirteen (13) closed-ended questions and one (1) open-ended question. From the thirteen closed-ended questions, seven (7) questions Likert response scaling approach, and six (6) questions using the Guttman scale approach (cumulative scale). The remaining open-ended question was a filter contingency question, designed to receive the opinion and perceptions of the respondent. Overall, all fourteen questions were created to ensure that the respondents were qualified and competent to provide responses that were truly reflective of the scenario in Jamaica. A sample of the questionnaire is provided in the supplement section of the thesis. For the data analysis, the Chi-Square test method approach will be used to assess and analyze the Likert response scale questionnaire results while the comparative analysis approach will be used to compare the percent findings response from the sample's respondents.

The responses received regarding the perception for the definition of a country brand, 50% of female respondents believed that it is the country's locally manufactured goods and services, while 40% male respondents believed it to be the country image and culture of a country. Interestingly 9% of female respondents and 3% male respondents believed country brand to be the geographic location of a country. While all responses are correct in regards to the definitions and distinguishing features that encompass country brands, it is quite interesting to note that the image and locally manufactured goods perceptions are directly linked and complement and affect each other. They also determine a country brand success. Culture also affects the international image and global perceptions' of a country brand in that if a country's culture is negatively perceived it will affect the image of the country brand as well as the marketing strategies developed. Most respondents believed that the country of Jamaica can be classified as a brand, albeit a country brand; this is reflected by 95% female respondents and 85% male respondents affirming this assumption. However 5% of female respondents did not agree and 9% of male respondents did not agree, while 6% male respondents were undecided. Only 5% of female respondents did not agree with the perception of Jamaica as a country brand. The iconic features that were associated with Brand Jamaica are Reggae Music, Bob Marley and Usain Bolt, according to 85%, 70% and 61% of male respondents, respectively. The other iconic features which range from Jamaican indigenous food to the Jamaican flag colours were not perceived to be iconic features of the brand which reflected in the percentage of responses receive from male respondents. Their results ranged from ranged from 43% to 21%, respectively. The answers from the female respondents were also similar, in that 83% believed that the iconic features of Brand Jamaica were strongly associated first with Reggae Music, and then 75% iconic to Bob Marley and Usain Bolt, respectively. On the other hand, 63% believed that the iconic features of the brand are strongly associated with the Jamaican culture and language, 46% the Rastafarian religion and colours and also the Jamaican flag colours, and 33% the Jamaican indigenous food. In regards to the satisfaction levels towards the image perceptions of the brand within each sectors most respondents were generally satisfied, with 42% to 46% female respondents generally satisfied with image perceptions in the Athletics, Reggae music and Cultural sectors of the brand, 43% male respondents satisfied with Culture, 46% satisfied with Athletics, and 37% satisfied with the Reggae music sector. Generally, there were low percentages of dissatisfaction for the current brand image perceptions with the percent range for female respondents being 0% to 17% and for male respondents from 3% to 21%. The highest dissatisfaction observed for both genders were within the business sectors (17%

female; 21% male) which indicates that more should be done to develop and improve the current image perceptions of Brand Jamaica within the business sector.

The responses for the intellectual property related questions revealed that Brand Jamaica require enforced intellectual property protection. The elements of intellectual property that was essential for protecting Brand Jamaica according to the respondents include Trademark registration, copyright, geographical indications registrations, patent and industrial property registration. These were further broken down to includes, “filing more lawsuits for infringement”, “protecting trade secrets”, and “protecting copyrighted works from infringement”. 70% of male respondents believed that trademark registration was very important while for copyright, patent and industrial design registration, the percent responses were 49% and 43%, respectively. 55% and 46% male respondents stated that protecting works from infringement and protecting trade secrets were very important, while 46% and 24% believed registering of geographical indications and filing more lawsuits were also very important. Interesting only 6% of male respondents believed registering of geographical indications were unimportant, and 9% thought geographical indications are of low importance and for copyright, and patent and industrial design registration only 3% male respondents believed those elements to be unimportance. 67% of female respondents believed that copyrights were very important for protecting Brand Jamaica than trademark registration, patent and industrial design registration which had a percent amount of 54% each. 63% of these respondents also believed that it is very important to protect copyrighted works and geographical indications should be registered (33% of female respondents agreed). In addition 29% of female respondents also believed that is very important that lawsuits are filed for infringements as well as protection for trade secrets (38% female respondents). While only 4% of respondents stated that trademark registration was unimportant only 4% believed that geographical indications registration, copyrights and filing more lawsuits were of low importance. The variance in gender responses for the types of intellectual property indicates that collectively the average percent which is 58% female and 23% male believes that one form of intellectual property element is required to protect Brand Jamaica. On the other hand majority of male respondents, 97% percent agreed that enough is not done to protect Brand Jamaica; no response was received from 3% males. Only 79% of female respondents also that agreed that enough is already done to protect the brand, and there was no response from 21%, while 5% percent disagreed. 42% of female respondents strongly agreed that the Jamaica Intellectual Property Office should be mandated independently to protect Brand Jamaica more; 3% believed it was the private sector that should be granted that responsibility and

16% believed that it was the government's responsibility to protect Brand Jamaica. 70% of male respondents on also believed it was the government's responsibility to protect Brand Jamaica more, rather than the Jamaica Intellectual Property Office which had 43% affirmation. 15% percent male respondents believed that the private sector should be mandated independently to protect Brand Jamaica.

Brand Jamaica is mostly exploited at the international level by Jamaicans and Non-Jamaicans alike according to the response given by male and female respondents. Based on the responses received 46% female respondents stated this, while 61% of male respondents also believed that the brand was exploited mostly by this group as well. Most of the respondents believed that intellectual protection for Brand Jamaica would promote Jamaica's export market, enhance the creative industries of Jamaica, attract investment and international companies to invest in Jamaica and be beneficial for their private business. However in order to achieve this more intellectual property protection is required for Brand Jamaica. According to the responses received it is also perceived that enforced intellectual property protection would encourage the business use of the brand as well. It is even further perceived that locally manufactured goods and services authenticity is preserved and protected both at the local and international levels. A majority of the respondents also believed that Brand Jamaica as a business entity in electronic business will do very well for advertising and promotional purposes, with enforced intellectual property protection. Additionally as a branded e-commerce web portal, online community/discussion forums, tourism marketing and social business, were areas which a majority of the respondents agreed that Brand Jamaica should be used on the internet with enforced intellectual property protection. Most respondents believed that intellectual property is necessary for protecting the brand because not only will protection result in higher productivity for their business producing branded Jamaican products, improve their marketing strategies, essential for promoting the music industry in e-commerce as well as preventing the distribution of counterfeit products internationally and locally. Many of the respondents believed that Brand Jamaica is an "untapped resource" that is not being utilized to its full potential; they also agreed that the Jamaican government should do more for developing the brand as well as protecting. Interestingly enough, a few respondents expressed that by patenting and copyrighting various aspects of the brand's name, it will prevent the distribution of "fraud goods and services" that are not associated with Jamaica and hence would result in the country grouped with other bad country brands such as Nigeria. It is also perceived based on the respondents' feedback that enforced IP protection would protect websites for local businesses, online sales will increase as well as

illegal downloading of music and sound recordings will be minimized. The respondents also stated that Non-Jamaicans are using the brand's name in the business overseas at the expense of the brand. Moreover, it was expressed that enforced IP protection would decrease the level of piracy; improve current international marketing strategies for the brand and create value for the creative industries that includes the country's indigenous reggae music and also create monetary incentives for local artistes. The respondents also stated that since weak protection exists for Brand Jamaica, international media exploits and disrepute the brand's name and redress in terms of lawsuits and do not exist for the brand. Given the fact that the internet is slowly gaining momentum and precedence in Jamaica, it is expressed by the 50% female and 37% male respondents that that electronic business activity such as e-marketing and e-commerce will promote Brand Jamaica positively on the internet but not without copyrights and patent registration.

The overall analysis of the responses for the brand management of Brand Jamaica indicates that while the country brand is already recognized at the local level among the Jamaican citizens, a lot is to be desired for the country's brand especially in regards to the creative industries sector, which primarily is dominated by the country's indigenous Reggae music and sounds. From the sample responses it is inferred that this sector requires more development, better management, marketing and distribution of the music. In revisiting the generated hypotheses, H1 states that: "*Trademarks, industrial designs, copyrights and other objects of intellectual property protects Brand Jamaica*". In testing H1 validity against the feedback from the questionnaires, in particular the open ended questions, the respondents stated that intellectual property is not only necessary for protecting Brand Jamaica but also to develop the brand from "an untapped resource" through better brand management and enforced intellectual property which result in value generated for this country brand. This is also reinforced by the fact that respondents (40% male; 21% female) indicated that intellectual property protection would encourage the business use of Brand Jamaica. While 3% of male respondents did not agree that intellectual property would result in the business development of Brand Jamaica. This may be correlated to the answers given by the respondents as 67% female respondents and 70% male respondents, stating that it is the government's responsibility to develop Brand Jamaica. It is already expressed from the case analysis review that it is the duty of governments to develop national brands in order to create value for the brand. Based on the percent responses from the sample, there is a direct relationship between country brands and intellectual property in that intellectual property creates value for national brands that are developed and manage by the government of that

nation. Based on the responses received from the there is a clear indication that the Jamaican government is not developing the Brand Jamaica to its full potential because lack of enforced IP.

However, enforcing intellectual property to protect national brands by governments in order to create value requires legislation from the Paris Convention which currently governs jurisdiction regarding the power of states and countries on the use of national symbols, emblems and other indigenous commodities. Although 70% male and 67% female respondents expressed a desire for the government of Jamaica to mandate and protect Brand Jamaica's intellectual property, the government cannot protect and manage the use of its country brand internationally as that kind recognition and protection must first come from the Paris Convention, then adopted at the local level by the Government through the Jamaican Intellectual Property Office, JIPO. Again as stated earlier, over 60% of respondents believe that it is the government's responsibility however the government through JIPO still remains powerless in enforcing stronger intellectual property for Brand Jamaica. The fact that WIPO SCT is reluctant to grant this request further impedes, at the local level the powers of JIPO in providing protection for intangible and tangible assets, the economic spheres of Brand Jamaica, Jamaica's innovation and brand protection is at risk, while free rides by 'pirates' continues due to the lack of enforced IP for the nation's brand management. Therefore H1 is refuted based on the responses and analysis from the questionnaires. Based on the analysis of the findings, there is indeed a direct relationship beyond intellectual property protecting Brand; it is necessary creating value for the brand as well. The Chi-square test in the next section will be used to test the assumptions of H1.

The assumptions for H2 states that: *"Trademarks, industrial designs, copyrights and other objects of intellectual property protects Brand Jamaica"*. The percent finding from the questionnaire reveals that Brand Jamaica can achieve value from enforced intellectual property protection. This is indicated where respondents presumed that intellectual property is actually necessary for creating value for brand Jamaica in the following sectors listed in table 4.1.4.1

Table 4.1.4.1: Brand Jamaica’s economic possibilities through intellectual property rights

Brand Jamaica Economic Possibilities	Female (%)	Male (%)
Attract international companies and / or foreign investments to Jamaica	50	49
Promote the tourism industry more	21	46
Promote public diplomacy and strengthen the brand's image	42	30
Promote the export market	25	52
Revenue	33	49
Protect and promote Reggae music industry	33	30
Increase awareness, personality and equity for the brand	42	37

As indicated from the findings, intellectual property is perceived to create value for Jamaica key industries. More importantly, over 49% of respondents believed that by enforcing IP Protection for Brand Jamaica more international companies and foreign investments will increase. Anholt studies already confirm that good country brands are normally associated with value and prestige [1]. Furthermore the responses also indicate that Intellectual property with strengthen Brand Jamaica image globally, promote and protect the Reggae music industry, which can further develop into one of Jamaica key economic sectors. The findings also indicate that intellectual property can promote the export market which is another key creative industry in Jamaica. Not only will the export and tourism market benefit, but enforced intellectual property will stimulate more brand awareness, personality and equity for Brand Jamaica, which traditionally is normally a daunting task for country brand managers. The questionnaire results from the previous table 4.1.4.1 are also related to the findings listed in table 4.1.4.2 below:

Table 4.1.4.2: Electronic Business and Brand Jamaica

Brand Jamaica in Cyberspace	Female Respondents				
	Very Important (%)	Important (%)	Neutral (%)	Low Importance (%)	Unimportant (%)
For social business only	25	25	38	4	0
For online business only	17	33	29	4	0
For tourism marketing purposes only	33	33	17	4	0
For online forums/community discussions	25	25	21	0	0
For quality assurance and brand control only	29	17	29	8	0
For advertising only	25	33	29	0	0
For promoting brand Ambassadors such as Usain Bolt	42	17	21	0	0
As a branded e-commerce website/e-portal	42	21	21	0	0

Table 4.1.4.3: Electronic Business and Brand Jamaica

Brand Jamaica in Cyberspace	Male Respondents				
	Very Important (%)	Important (%)	Neutral (%)	Low Importance (%)	Unimportant (%)
For social business only	6	30	30	15	0
For online business only	15	37	40	3	0
For tourism marketing purposes only	24	46	15	0	3
For online forums/community discussions	18	43	30	0	0
For quality assurance and brand control only	21	30	24	12	0
For advertising only	34	43	37	3	0
For promoting brand Ambassadors such as Usain Bolt	18	58	0	0	0
As a branded e-commerce website/e-portal	30	40	24	3	0

Based on these findings there is a direct relationship between country brand value and intellectual property. Enforced intellectual property creates possibilities for Brand Jamaica in cyberspace especially as a branded e-commerce website portal as indicated from the respondents. The author strongly agrees to this affirmation, because a branded ecommerce website is ideal for online forums and building brand community and feedback from customers that is necessary for improvement of Brand Jamaica. In addition, the branded e-commerce website is also ideal for advertising campaigns of Jamaican brand ambassadors and aspiring personalities from Jamaica, as well as business transactions. Traditional marketing literature confirms that online community forums provides an outlet for customers to connect and interact with the facets of a brand [6]; this is also applicable to country brands especially in tourism and destination sectors that require consumers to recall the brand in order to connect and interact with the country branded personality. Furthermore, a branded e-commerce portal or website ensures the development of brand certification and collective marks which protects and promotes Jamaican products and services in the international market place which ultimately generates revenue or country brand equity, as well as credibility to consumers of the authentication of goods and services manufactured. Moreover, empirical research supports that higher value are is associated with country brands goods and services that are authentic in nature and not counterfeits. IP protection counters activities such as piracy and infringements on the intellectual assets of country brands. The findings from the questionnaire confirms that goods and services authenticity that are branded and IP protected will achieve revenue for local and online business, ensures higher website protection, decrease illegal piracy and downloading of Brand Jamaican emblems and marks, as well as preserving the authenticity. Although some respondents were neutral or did not

agree, this may be due to the fact that the e-commerce activity in Jamaica still has online securities regarding transactions made over the internet; there are other studies that confirms this statement, however e-commerce and electronic business is still emerging in Jamaica and in order for this sector to be successful the role of intellectual property is important..

Table 4.1.4.4: Responses on the possible benefits of intellectual property protection for Brand Jamaica's goods and services in Cyberspace (male respondents)

Brand Jamaica E-commerce Commodities	Strongly agree (%)	Agree (%)	Neutral (%)	Disagree (%)	Strongly disagree (%)
My goods and services' authenticity would be preserved	46	30	15	0	0
My goods and services would be protected locally and internationally	46	30	15	0	0
My business would achieve more sales	27	24	37	0	0
My business website would be protected	9	55	24	0	0
My trade secrets, inventions, industrial property and intangible goods would be protected	27	49	15	0	0
My music and recordings will be protected from piracy and infringement	37	24	21	0	0
My business will not benefit	3	3	24	27	15

Table 4.1.4.5: Responses on the possible benefits of intellectual property protection for Brand Jamaica's goods and services in Cyberspace (female respondents)

Brand Jamaica E-commerce Commodities	Strongly agree (%)	Agree (%)	Neutral (%)	Disagree (%)	Strongly disagree (%)
My goods and services' authenticity would be preserved	58	29	4	0	0
My goods and services would be protected locally and internationally	63	25	4	0	0
My business would achieve more sales	33	25	25	4	4
My business website would be protected	25	25	38	0	0
My trade secrets, inventions, industrial property and intangible goods would be protected	38	17	29	4	0
My music and recordings will be protected from piracy and infringement	38	17	33	0	0
My business will not benefit	8	4	13	29	25

The Brand Jamaica concept can be promoted through managing intellectual property as a tradable good or service, supporting authentic Jamaican business enterprises and firms that brand and linked their product or service to country brand. Nation branding strategy is not limited to products alone but also includes significant services such as the education, creative and entertainment industries. Currently these industries have strong growth potential and capable of providing significant foreign exchange earnings for Jamaica. By strengthening this comparative advantage, Jamaica could be a viable education export industry under the Brand Jamaica aegis (mark). Additionally, other creative industries including music, theatre, indigenous food and other cultural icons can be marketed and developed successfully online,

while providing monetary and commercial incentive for Jamaican creators. From the analysis of the case study report, the creative industries sector of Jamaica already contributes 3% to the GDP. Although such a small figure, it is quite significant since it is predominantly funded by private institutions.. The potential economies of scale are unlimited, granted, if Jamaican government through JIPO, formalize and patent the elements of the creative industry sector through IP protection both in the online and offline environment. Therefore, based on the results from the questionnaires intellectual property is necessary to generate, protect and value for country brands such as Brand Jamaica, given that the right infrastructural facilities such as amendment to the current laws by WIPO, which then permeates and be enforced at the local level by JIPO. With a more active presence on intellectual property at the local level, Jamaican creators will then be encouraged to patent, register industrial property, and copyright their works to prevent infringement by Jamaicans and Non-Jamaicans alike since this group is believed to be the perpetrators, responsible for exploiting Brand Jamaica's intellectual assets.

Based on the results and findings from the questionnaire the assumptions for H1 and have been refuted because the findings indicate that Trademarks, industrial designs, copyrights and other objects of intellectual property protection *are* necessary for protecting Brand Jamaica *but also to create value for that country brand*. From this stance the findings only then proves the assumptions of H2 which states that: "*Trademarks, industrial designs, copyrights and other objects of intellectual property creates value for Brand Jamaica*". Although the results verifies H2, the Chi-squared test will be applied to measures the variation between the observed responses and expected responses for rejecting the null hypotheses which in this case is H1. The Chi-squared test will also be applied to test H2 which so far based on the comparative analysis of responses indicates that all object of intellectual property protection are necessary to create value for Brand Jamaica's intellectual assets including its creative industries.

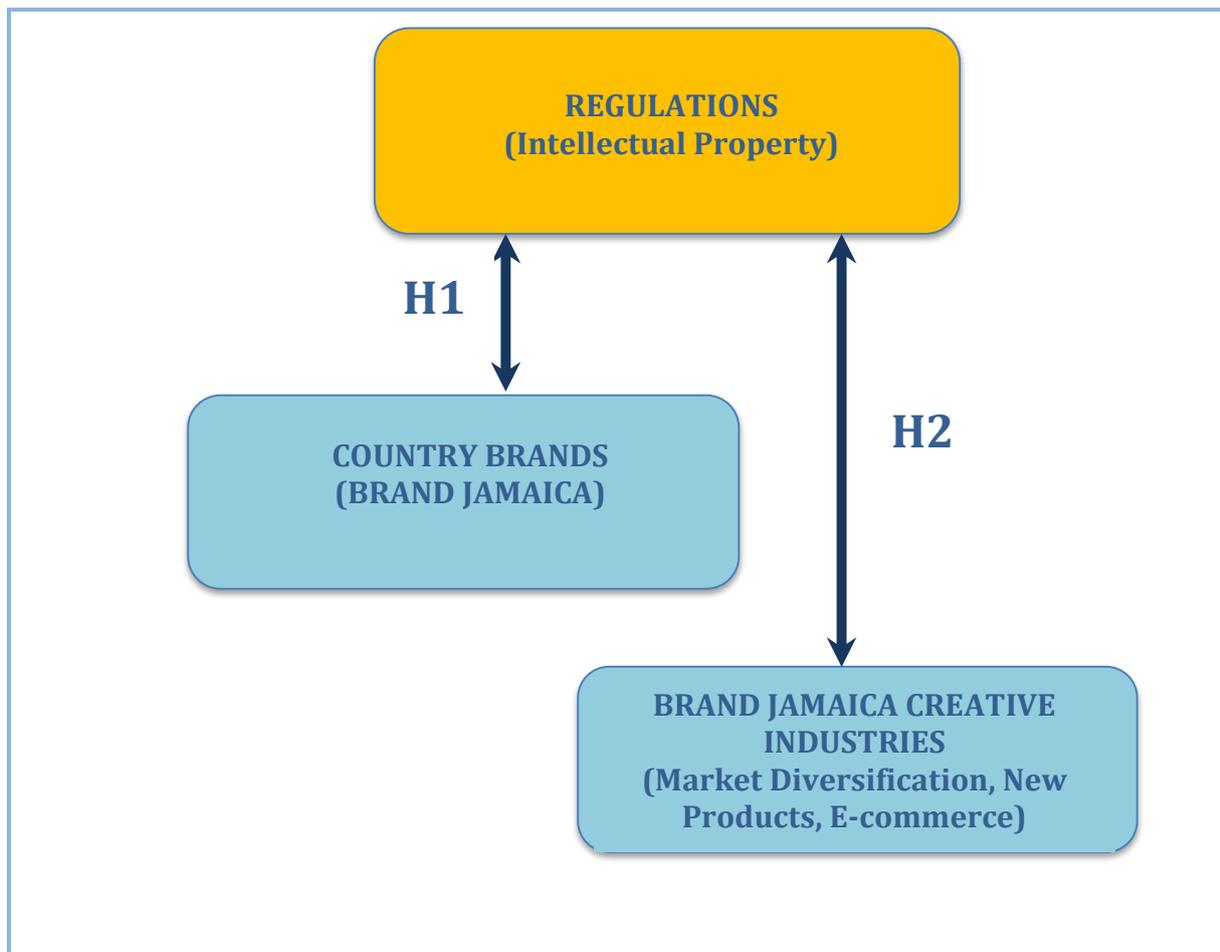
4.1.4 Data Analysis using Chi-Square Test

The chi-square test is a commonly used statistical test for testing independence and goodness of fit between test variables. The test involves the testing of the independence in order to determine whether two or more observations across two populations are dependent on each other. For this work the Likert scale approach was used for some of the critical questions of the questionnaire as this method makes it better to quantify survey responses and

analyze the data from the Chi-square test. In addition, the Likert response scale approach was chosen in order to perform the assessment of the statistical significance of hypotheses. The overall aim for choosing Chi-squared test method was to measure the levels of deviation between actual and expected responses. Therefore for this method is stated that the higher the chi square statistic the more likelihood of the results fitting the hypothesis.

The Chi-squared test was performed using Microsoft Excel software where, after performing the percent calculations of the sample responses, the data was extrapolated to determine the Chi-square statistic and the level of the statistical significance. Normally, a higher Chi-square statistic indicates greater relationship between observed and expected responses. A significance level of 5% will be applied to test the relationship between the variables of the generated hypothesis. Figure defines the research model.

Figure 4.1.5.1: Research Model



As recalled two hypotheses for this work are:

H1: Trademarks, industrial designs, copyrights and other objects of intellectual property protects Brand Jamaica.

H2: Trademarks, industrial designs, copyrights and other objects of intellectual property creates value for Brand Jamaica.

For H1 the dependent variable is country brands (Brand Jamaica) and the independent variables is Regulations (Intellectual Property). For H2 the dependent variable is Brand Jamaica Creative Industries and the independent variables are Regulations (Intellectual Property). The Chi-squared test approach will measure if a direct relationship between the variables of H1 and H2. If a null hypothesis is generated then it means that there is no relationship between the variables of H1 and H2.

For H1 the chi-square test indicates that there is a direct relationship between the objects of intellectual property rights protection and Brand Jamaica. The results show a low variance of this relationship especially for trademark registration and copyrights, however the relationship exists. The findings are also consistent with the presumptions made from the questionnaire findings the all objects of intellectual property are necessary for protecting country brands such as Brand Jamaica and thus creates value.

Table 4.1.5.1: Chi-square results for Brand Jamaica's IP Rights

INTELLECTUAL PROPERTY RIGHTS	CHI SQ. RESULTS
Trademark registration	9.94117E-10
Copyrights	4.89567E-10
Patent and Industrial design registration	2.12765E-10
Protecting trade secrets	1.81896E-09
Protecting copyrighted works from infringement	1.52453E-10
Filing more lawsuits for infringements	5.04854E-09
Registering geographical indications	3.93181E-09

It also confirms that the objects intellectual property is only necessary for protecting Brand Jamaica. On the other hand table 4.1.5.1 refutes the assumptions of H1 and thus confirms that not only there is a direct relationship between the objects of intellectual property and Brand Jamaica and IP but value is created as a result of IP protection of Brand

Jamaica. The results from table 4.1.5.2 and therefore confirms the assumptions of H2 that Trademarks, industrial designs, copyrights and other objects of intellectual property protection is necessary for protecting and creating value for Brand Jamaica. The results indicate that although the relationships between the variables are low when compared with the significance statistic that ranges from 08 to 09, the probability still exists, even with at a 5% variance significant level.

Table 4.1.5.2: Chi-square results for Brand Jamaica's Creative Industries

BRAND JAMAICA CREATIVE INDUSTRIES	CHI SQ. RESULTS
Tourism Industry	1.06878E-08
Athletics and other sports	2.64657E-09
Culture	1.25015E-09
Business Industry	3.19238E-09
Indigenous goods and services	4.78992E-08

Table 4.1.5.2 further confirms H2, especially in the high variance levels for social and online business of the brand. Although the lowest variances are for promotion of the brand's ambassadors for online forums and communities, the variance results level are significantly higher than the previous tabulated results, and therefore confirm the assumptions of H2 since a null hypothesis was not generated from the test.

Table 4.1.5.3: Chi-square results for copyrighting of Brand Jamaica in Cyberspace

COPYRIGHTED BRAND JAMAICA IN CYBERSPACE	CHI SQ. RESULTS
For social business only	0.000155194
For online business only	4.44639E-05
For tourism marketing purposes only	7.10887E-06
For online forums/community discussions	7.97594E-07
For quality assurance and brand control only	8.05541E-06
For advertising only	5.59156E-05
For promoting brand Ambassadors such as Usain Bolt	6.21167E-07
As a branded e-commerce website/e-portal	1.68851E-06

CONCLUSIONS

1. The changes the Internet has made in the management and transmitting of information worldwide more easily. Indeed the information age has improved the economy of developed nations such as the USA and the EU especially in e-commerce trade and ebusiness. New sources of information and new methods of communication system have been established on a global basis as result of the Internet. In comparing this scenario to developing countries such as Jamaica, it is seen that the Internet has also impacted and changed information practices in various sectors and traditional ways of conducting business in those countries. While Jamaica is progressing down the path established by other ecommerce and Internet economy adopters, its e-readiness have been significantly slow since the last decade. Nonetheless, it is predicted that once information technologies is developed, the level of ecommerce will increase exponentially, thus creating potentiality for the ebusiness environment.
2. Country image cannot be controlled by a governments' effort, nor can it be administered by means of its marketing practices. Country image studies have documented that country image or equity is influenced by external factors such as the country's economic status, technology, social desirability, the characteristics of its people, natural image, and so on. Since country, images or equity seemed to be specific to a product category, a fit between product category and country image is very important for brand equity management. In addition, while traditional brand management marketing techniques can tell the consumers about the brand concept, social media is emerging a powerful tool for shaping consumers perception of brands.
3. The viability and attractiveness of the ebusiness environment, which is accessible to customers, located in near and remote geographical locations is ideal for promoting IP protected brands, from piracy and infringement from other entities. It is therefore reiterated that in order for a country to take full advantage of its creative and innovative resources, intellectual property cannot be viewed in isolation, simply as a legal system protecting the rights of individuals or corporations; it must be seen as an intrinsic part of the fabric of a modern society and a thriving economy. For Brand Jamaica, implementing quality control for IPR that encourages foreign and local investment that converts the country's profile from a leisure destination to business destination will significantly develop the ebusiness possibilities for that brand.

4. While there is the conclusion that intellectual property will aid in fostering this in the competitive nature of ebusiness, it is imperative to understand the role of intellectual property, in converting Brands into sustainable ventures. This is achieved through developing an internationally enforced IP system for patents, copyrights and trademarks of all symbols and iconic features of the Brand, which is necessary for the ebusiness environment. The ebusiness environment is a simple and clear-cut solution that ensures the development of Brand Jamaica in terms of the local infrastructure that facilitates it, and further expansion of other distinct areas that encourage the growth of IP assets relating to the brand. Developing this kind of infrastructure through patents, copyrights and trademarks of all symbols and iconic features that is related to the Brand in all areas such as music, sports and tourism is required and strong IP protection is necessary in the business and ebusiness environment of Jamaica. Together these kinds of efforts will promote a healthy IP environment for Brand Jamaica in the ecommerce and ebusiness industry.
5. The thesis proves that Brand Jamaica stands to gain overall from an improved infrastructure of intellectual property rights through WIPO. Hence, the reason for strong intellectual property legislation since it will be the tool for successful development of Brand Jamaica in the ebusiness environment. For the Jamaica Intellectual Property Office, JIPO, it is continuing to advocate for change in the current Paris Convention regarding the right of countries or states to trademark, patent, copyright and controls its national assets through intellectual property laws. The work also shows that through implementing quality control for IPR that encourages foreign and local investment ensures that the country's profile converts from a leisure destination to business destination. This is also imperative for developing the ebusiness possibilities and sustaining the creative industries for that brand.
6. The consequence of enforced intellectual property rights creates more possibilities for Brand Jamaica in cyberspace especially as a branded e-commerce website portal as indicated from the primary data results. The author strongly agrees to this affirmation, in that a branded ecommerce website is ideal for online forums and building brand community and feedback from customers that is necessary for improvement of Brand Jamaica. Based on the findings from the primary and secondary sources there is a direct relationship between country brand value and intellectual property protecting and creating value for these brands. Hence H1 raised within the thesis cannot be accepted.

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SUMMARY

Intellectual Property Rights and Competition in Electronic Business: Promoting and Protecting Brand Jamaica/ Master Thesis of Electronic Business Management program. Supervisor Prof. Dr. Mindaugas Kiškis. - Vilnius: Mykolas Romeris University, Faculty of Social Informatics, Electronic Business Department, 2014. – 105 p.

This thesis represents the economic analysis on the role of country brand management and intellectual property towards promoting and protecting Brand Jamaica, the national brand of Jamaica. The role of good country brand management was determined from the comparative analysis of scientific literature as well as the brand index measurement and perceptions of a country across several dimensions. These dimensions include culture, governance, people, exports, tourism, investment and immigration as well as the management and constructing of the country's reputation positively. Country brand management is integral for the successful development of industry sectors and is also dependent on good country image. For Brand Jamaica one such industry is the creative industries sector. This sector possess great potential for achieving revenue under Brand Jamaica indicia (mark), however enforced intellectual property through patents, industrial property, copyrighting and geographical indications are absent. The administration of intellectual property rights, which is currently governed by the Jamaica Intellectual Property Office, JIPO, is inadequate for controlling Brand Jamaica's national symbols, emblems, tangible and intangible property because of the current position of the Paris Convention rules. From an economic perspective there is a direct relationship between country brands and intellectual property and for Brand Jamaica this relationship was emphasized for that country brand's creative industries sector. Through enforced intellectual property, potential economic gains for Brand Jamaica and its creative industries can be achieved. In addition, it was emphasized that enforced intellectual property lessens the occurrence of infringements, country brand misuse, piracy, counterfeit goods and services, improve country image and increase investments as a result of the positive brand perceptions associated. Finally, this thesis also proved that enforced intellectual property rights can create future possibilities for Brand Jamaica in cyberspace especially as a branded e-commerce website portal, which is another valuable tool for promoting and protecting this country brand.

Keywords: Intellectual property, Brand equity, Country brand, Brand Jamaica, Creative Industries

SANTRAUKA

Intelektinės nuosavybės teisė ir konkurencija elektroniniame versle: Jamaikos nacionalinio prekės ženklo skatinimas ir apsauga / Baigiamasis magistro darbas Elektroninio verslo vadybos programa . Vadovas dr. Mindaugas Kiškis. - Vilnius: Mykolo Romerio universitetas, Socialinės informatikos fakultetas , Elektroninio verslo katedra , 2014 . - p.105.

Šiame magistro baigiamajame darbe pateikiama šalies prekės ženklo valdymo ir intelektinės nuosavybės ekonominė analizė Jamaikos nacionalinio prekės ženklo skatinimo ir apsaugos kontekste. Geros nacionalinio prekės ženklo vadybos vaidmuo šiame darbe nustatomas remiantis lyginamąja mokslinės literatūros analize ir prekės ženklo indekso bei šalies percepcijos įvairiais aspektais skaičiavimu. Į minėtus aspektus įtraukiama kultūra, valdžia, žmonės, eksportas, turizmas, investavimas ir imigracija bei teigiamos valstybės reputacijos kūrimas ir jos vadyba. Nacionalinio prekės ženklo vadyba yra neatsiejama nuo sėkmingo pramonės vystymosi ir priklauso nuo gero šalies įvaizdžio. Jamaikos prekės ženklui svarbus kūrybos pramonės sektorius. Jis potencialus uždirbti pajamas iš Jamaikos nacionalinių pašto ženklų, vis dėlto priverstinės intelektinės nuosavybės per patentus, pramonės turtą, autorines teises ir geografinius parodymus nėra. Intelektinės nuosavybės teisių valdymas, šiuo metu reglamentuojamas Jamaikos intelektinės nuosavybės biuro JIPO, nėra tinkamas Jamaikos nacionalinio prekės ženklo simboliams, emblemoms, materialiajam ir nematerialiajam turtui kontroliuoti dėl dabartinių Paryžiaus konvencijos nuostatų. Žvelgiant iš ekonominio požiūrio taško, nacionalinis prekės ženklas ir intelektinė nuosavybė yra tiesiogiai susiję, o Jamaikos atveju tas ryšys pabrėžtinai nacionalinio prekės ženklo kūrybos pramonės sektoriuje. Pasinaudojant priverstine intelektine nuosavybe, galima ekonominė nauda Jamaikos nacionaliniam prekės ženklui ir jo kūrybos pramonei. Be to, pabrėžiama, kad priverstinė intelektinė nuosavybė mažina pažeidimų, piktnaudžiavimo nacionaliniu prekės ženklu, piratavimo, suklastotų prekių ir paslaugų atsiradimą, gerina šalies įvaizdį ir didina investicijų skaičių, kuris yra teigiamos prekės ženklo percepcijos rezultatas. Galiausiai šis baigiamasis magistro darbas įrodė, kad priverstinės intelektinės nuosavybės teisės Jamaikos nacionaliniam prekės ženklui gali sukurti ateities galimybes kibernetinėje erdvėje, ypač firminių elektroninės prekybos svetainių srityje, o tai dar viena vertinga nacionalinio prekės ženklo skatinimo ir apsaugos priemonė.

Raktiniai žodžiai: intelektinė nuosavybė, prekės ženklo teisingumas, Jamaikos nacionalinis prekės ženklas, kūrybos pramonė.

QUESTIONNAIRE

Dear Respondent,

This survey is created for your feedback on Intellectual Property and how useful it is for protecting and promoting Brand Jamaica. Your feedback is necessary as it provides an insight to understanding the main topic for a research thesis about Brand Jamaica and intellectual property. The questions are designed to get your opinion about the Brand Jamaica concept, the meanings associated with the brand and how Intellectual Property can effectively promote and protect the brand, globally. This survey will not require you to have any expertise or special knowledge about the brands or about intellectual property. Please take a few minutes to complete the questionnaire, as your answers are important and beneficial for the research. Your answers will remain strictly confidential.

Thank you for your time.

1. What comes to mind when you think about country brands?

- Country image
- Country reputation
- A country's locally manufactured goods and services
- Geographic location
- Culture of a country
- Other

2. Do you think that the country of Jamaica is a 'Brand'?

- Yes
- No
- Undecided

3. Which of the following iconic features do you think strongly represents Brand Jamaica, internationally?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Reggae music	<input type="checkbox"/>				
Rastafarian religion and colours	<input type="checkbox"/>				
Culture and language	<input type="checkbox"/>				
Usain Bolt and other famous Jamaican athletes	<input type="checkbox"/>				
Laid back and "No problem lifestyle" mentality	<input type="checkbox"/>				
Bob Marley	<input type="checkbox"/>				
Indigenous food	<input type="checkbox"/>				
Jamaican flag colours (black, green and gold)	<input type="checkbox"/>				

4. How satisfied are you with current perceptions for Brand Jamaica's image in the following sectors?

	Very unsatisfied	Unsatisfied	Neutral	Satisfied	Very satisfied
Tourism Industry	<input type="checkbox"/>				
Athletics and other sports	<input type="checkbox"/>				
Culture	<input type="checkbox"/>				
Business Industry	<input type="checkbox"/>				
Indigenous goods and services	<input type="checkbox"/>				
Reggae Music	<input type="checkbox"/>				

5. Which of the following elements of Intellectual Property is essential for protecting Brand Jamaica?

	Very important	Important	Neutral	Low importance	Unimportant
Trademark registration	<input type="checkbox"/>				
Copyrights	<input type="checkbox"/>				
Patent and industrial design registration	<input type="checkbox"/>				
Protecting trade secrets	<input type="checkbox"/>				
Protecting copyrighted works from infringement	<input type="checkbox"/>				
Filing more lawsuits for infringements	<input type="checkbox"/>				
Registering geographical indications	<input type="checkbox"/>				

6. Do you think that enough is being done to protect Brand Jamaica?

- Yes
 No

7. Which of the following institutions should be mandated independently to protect Brand Jamaica more?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Jamaica Intellectual Property Office	<input type="checkbox"/>				
Private Sector	<input type="checkbox"/>				
Government	<input type="checkbox"/>				

8. Do you think that Brand Jamaica is exploited by Jamaicans and non-Jamaicans alike?

- Yes
 No
 Undecided

9. If yes, state at what levels do you think the brand is exploited.

- Locally, by Jamaicans only
 Locally, by Non-Jamaicans only
 Locally, by Jamaicans and Non-Jamaicans
 Internationally by Jamaicans only
 Internationally, by Non-Jamaicans only
 Internationally by Jamaicans and Non-Jamaicans
 Don't know

10. Which of the following do you think intellectual property rights can achieve for Brand Jamaica?

- Attract international companies and / or foreign investments in Jamaica
- Promote the tourism industry more
- Promote public diplomacy and strengthen the brand's image
- Promote the export market
- Revenue
- Protect and promote Reggae music industry
- Increase awareness, personality and equity for the brand

11. Do you think more protection is required for promoting Brand Jamaica's intellectual property in electronic business?

- Yes
- No
- Undecided

If 'Yes', state why:

12. Which of the following would encourage the business use of Brand Jamaica?

	Very important	Important	Neutral	Low importance	Unimportant
Intellectual Property	<input type="checkbox"/>				
Government investment	<input type="checkbox"/>				
Online/offline brand quality control	<input type="checkbox"/>				

13. If Brand Jamaica was protected, how would your business benefit from the use of the brand?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
My goods and services' authenticity would be preserved	<input type="checkbox"/>				
My goods and services would be protected locally and internationally	<input type="checkbox"/>				
My business would achieve more sales	<input type="checkbox"/>				
My business website would be protected	<input type="checkbox"/>				
My trade secrets, inventions, industrial property and intangible goods would be protected	<input type="checkbox"/>				
My music and recordings will be protected from piracy and infringement	<input type="checkbox"/>				
My business will not benefit	<input type="checkbox"/>				

14. What are the best ways, as a business entity, should Brand Jamaica be used on the Internet?

	Very important	Important	Neutral	Low importance	Unimportant
For social business only	<input type="checkbox"/>				
For online business only	<input type="checkbox"/>				
For tourism marketing purposes only	<input type="checkbox"/>				
For online forums/community discussions	<input type="checkbox"/>				
For quality assurance and brand control only	<input type="checkbox"/>				
For advertising only	<input type="checkbox"/>				
For promoting brand Ambassadors such as Usain Bolt	<input type="checkbox"/>				
As a branded e-commerce website/e-portal	<input type="checkbox"/>				

Please provide your personal details:

15. Age group:

- 18- 24 years
- 25- 33 years
- 34- 44 years
- 45- 55 years
- 55 and older

16. Gender

- Male
- Female

17. Marital Status

- Single
- Married
- Separated
- Divorced
- Partnership
- Common-law Relationship

18. Occupation Status

- Student
- Employed
- Unemployed
- Self-employed
- Housewife

19. Highest Education Level

- Secondary
- Tertiary- Associate Degree or Diploma
- Tertiary- Bachelor's Degree
- Tertiary- Master's Degree
- Tertiary- PhD.
- Other

20. Income Levels

- \$0- \$15.000 JMD
- \$15.001- \$30.000 JMD
- \$30.001-\$60.000 JMD
- \$60.001- \$100.000 JMD
- \$100.001- \$150.000 JMD
- \$150.001- \$250.000 JMD
- \$250.001- \$500.000 JMD
- \$500.001 JMD and up

Signature of Respondent

Date

Signature of Surveyor

Date