

teaching note

Teaching Objectives

The points of learning and discussions are (a) to realize the importance of trademarks in the success or failure of a business, (b) to understand the complex nature of factors that can impact the operations of a business overseas, (c) to appreciate the differences in protecting copyrights in different countries, (d) to realize that handling of legal cases are very different in different countries, (e) to know the vulnerability of trademarks under different environmental conditions; and (f) to develop strategies based on protecting brand reputation in different countries, considering local competition and legal jurisdictions. All of these aspects lead to discussions that can broaden the scope of learners to understand the impacting factors in the use of trademarks and brand names.

The target audience for this case can be undergraduates, graduates, or industry professionals. Also one of the important aspects of this case study is that it can be used for and by international audience. The intensity of discussions and follow-up studies can be adjusted to the pace of the audience as well as the subject(s) under study. There are a variety of subject areas for which this case study may be used. The following list provide the subject areas for which it can be used and areas that can be explored.

- Global/International Studies/ International Marketing
- Points to consider in global expansion
- Branding issues
- Trademark protection
- Political impact on businesses
- Legal aspects
- Operations
- Points to consider in trademark designing
- Legal requirements for trademark protection
- Developing strategy for trademark use
- Aligning trademark to portray operations
- Considering the brand image and reputation
- Franchising:
 - Impacts of global expansions
 - Mode of franchising to use to protect trademark
 - Factors to consider before entering a country
 - Assessing environmental conditions
 - Franchisee/franchisor/customer impact on legal proceedings
- Marketing;
 - Developing marketing strategy
 - Brand image management

- Marketing plan development
- Marketing research
- Target markets
- Legal consequences of trademark abuse
- Brand protection

Teaching Approaches and Strategy

It is recommended that more than one of the areas, if not all, should be considered in the use of this case study. It is based on a current situation and should be effective in starting an active discussion and learning experience. It can be used both for undergraduate and postgraduate studies. The level of involvement and discussion should be based on the type of audience. Some points for discussion and connection to the theories are listed below as examples.

Global/International Studies/ International Marketing:

With so much emphasis on globalization, the discussion can be geared towards an understanding of all the factors that should be considered. Differences between different nationalities and the complexities which vary from country to country can be discussed. Major points that should be considered for global marketing success should be identified. The role of brands and trademarks should be emphasized using this case study. Consideration of legal environment before entering a country or selecting a mode of entry should be emphasized.

Operations:

This case study is filled with examples of what aspects are considered by judges when making deliberations on issues related with trademarks. Those can be highlighted. The discussion will provide a good learning experience for those who are involved in operations. It indirectly emphasizes the need to first evaluate and then adjust the brand or trademark. The importance of language, culture, society, and political situations should be emphasized. It also helps in understanding the reasons behind trademark infringements. Other examples can be added thus providing ample opportunity for free flow of discussion. The core of the discussion can be focused on the need for careful alignment of the trademarks considering the legal, religious, social, economic, and other impacting factors.

Franchising:

Since McDonald's primary mode of expansion is by franchising, this case study can serve as an excellent example showing the success and drawbacks of franchising. There are several points that are highlighted in the case study which can lead to intensive discussion. The impacts of global expansion and the best possible mode for foreign

entry can be evaluated. The success of franchising depends on what is offered to customers and this case study shows what factors need to be considered in different countries. Trademarks and brand names are key constituents of services provided by franchisors. Other countries and potential markets not included in this case study can be included in discussions.

Marketing:

This case study can also be effectively used in marketing studies. McDonald's being one of the major corporations expanding worldwide can be a good case for comparative studies. One of the factors that can be discussed using this case study is the importance of brand image and its protection while simultaneously adapting to local preferences and tastes. Assessing the needs of the target markets become an important aspect. A comparative assessment of marketing in different countries can be a follow-up study or discussion. Examples can be used from the case studies as to what should be a good strategy for developing a brand that will withstand all possible infringements. Other topics for discussion can be based on marketing strategy, market development, trademark designs, brands and branding issues.

Teaching Approaches

The presentation of this case study can be supplemented by a PowerPoint presentation of different menu items. A selection of PowerPoint slides can be developed based on the cases. The visual impact of this case study can have a profound effect realizing how trademarks look different as well as compare it with McDonald's trademarks. The design of trademarks can itself be a good topic of discussion and assignments. Similarly videos can be used effectively. In short, this case study can be used in different ways depending on the audience. Some of the ways in which it can be used are listed below with the intent of giving some ideas for further expansion.

It can be used as a supplementary class teaching tool or can be given as an examination question for response primarily for undergraduate students..

If used as class teaching tool it can be used for (a) group discussion by assigning it to a group of students who will present it to initiate class discussion; and (b) asking groups to study and present circumstances in countries that are not included in this case study. This method can be used for graduate students.

It can also be used as a role playing or simulation exercise. This can be done by dividing the audience into groups representing different parties contesting their brand image. Each group can present important factors that should be considered for entry as well as providing supporting arguments for their conclusions. Preferred for use in graduate teaching.

It can be used as a research assignment for students to further explore factors that need consideration. With available information technology and social media, the case study can be supplemented by a variety of examples. Advised for use either in advanced graduate studies or for use for industry professionals.

It can be given as a class assignment to explore the positive and negative impact of glocalization considering social, political, cultural, economic, and environmental factors. This essentially broadens the scope and utility of this case study.

Discussion Questions

- What are the pros and cons of using the term "McJobs" as defined by the Merriam Webster's dictionary?
- What other factors are important that should be considered by restaurants to protect their reputation when planning to enter foreign markets?
- Was the decision in the case of McChina justified? How that could be handled differently.
- How does the court's decision in Malaysia impact other businesses planning to enter foreign markets?
- Does McDonald's have a right to use the prefix 'Mc/Mac' worldwide? Discuss and support giving reasons.
- How can local business compete with rapidly well established trademarks?
- Highlight the most important points in the South African case and show how you would handle the case if you were legal representative of (a) McDonald's or (b) Local businesses.
- Discuss the importance of trademark in the success or failure of a business reputation, particularly in foreign countries.

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