

## Practical advice on the operational issues facing your business today

# Q As a retailer, what do I need to know about intellectual property laws and limitations surrounding the royal wedding?

**A** While there are sales opportunities associated with the royal wedding, it is also a legal minefield that requires careful navigation. Kirsten Gilbert, partner at Marks & Clerk Solicitors LLP, says retailers need to be aware of restrictions on souvenirs when selling products related to the event, as well as provisions in general intellectual property law relating to design right.

The royal family already has official suppliers both for the event and for merchandise – selling products to commemorate the event is fine, but problems will arise if you mislead consumers by implying royal endorsement, Gilbert says. “Be careful with wording like ‘the royal wedding tea-towel’, which gives a false air of association,” she adds.

The Trade Mark Act forbids the use of the royal arms, devices, emblems and titles without permission. However, in December the Lord Chamberlain’s office released guidelines on the production of souvenirs, which specify a tempo-



Retailers must be aware of restrictions on selling souvenirs for the royal wedding

rary relaxing of the restrictions covering royal imagery and approved photos of souvenirs that conform to the guidelines.

Gilbert says the guidelines indicate the types of approved souvenirs, such as cushions, wall hangings and coins. “However, the Palace is unlikely to crack down on unauthorised souvenirs that breach the guidelines,” she explains.

Retailers also need to be careful of exploiting the ‘Kate Middleton effect’ to sell their products. “Use of her name should be avoided, lest it imply association,” says Gilbert. Clothing she wears is protected by general design right, whether registered or unregistered, and clothing that copies that worn by Middleton violates design law and could spell trouble for anyone selling it.

### BRIEFING

**Skillsmart Retail** and Retail Trust are offering 11 free Oxford Summer School scholarships for managers at smaller retailers. The week-long training course, from August 20 to 26, allows attendees to develop their retailing skills and exchange ideas with retailers from across the UK. The scholarships are available exclusively to those retailers employing fewer than 1,000 people. Application forms can be downloaded from [www.skillsmartretail.com/oxfordsummerschool](http://www.skillsmartretail.com/oxfordsummerschool)

**Nearly half of** consumers believe detailed product information is critical to them making a purchase, according to Stibo Systems’ report *The Devil’s in the Detail*. 30% felt product information is the best way to improve online shopping sites, ahead of other factors including more personalised promotions (17%), better search capabilities (14%) and email or text alerts notifying consumers when products are back in stock (12%).

➤ **Got a question you’d like answered in the retail surgery? Email us at [retailsurgery@emap.com](mailto:retailsurgery@emap.com)**

# Q Will mobile phone discount vouchers become the new face of loyalty schemes and how can we, as a retail brand, ensure they are used to our advantage?

**A** Mobile phone discount vouchers and iPhone apps look certain to revolutionise the way consumers use discount vouchers in retailing.

“Paper vouchers look likely to become obsolete in the near future, as targeted virtual vouchers continue to drive customers through their smartphones – the channels that really speak to them,” says Richard Wood, managing director of ecommerce consultancy Gillissa.

Retailers need to use the popularity of smartphones to their business advantage and offer voucher codes and giveaways on sites such as Twitter. “These have a huge outreach and are a great way of speaking directly to your target audience,” says Wood.



Mobile phones can cater for customers

Shoppers can also download smartphone apps that will automatically send them vouchers for retailers that are close to their physical location, download the voucher onto their smartphone and then show it to staff at the checkout to gain their

## “VIRTUAL VOUCHERS CONTINUE TO DRIVE CUSTOMERS THROUGH THEIR SMARTPHONES”

Richard Wood, Gillissa

discount. Some websites also offer discounts by text for those without smartphones.

A personalised voucher based on browsing activity or registered interests means the customer receives a relevant discount that is far more likely to be used than a speculative one. “This is where data capture from mailing lists comes in handy,” adds Wood. Used correctly, mobile phones provide an opportunity to listen and observe what customers want.