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Branding in the digital world: seen through legal eyes

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On 4 May 2017 took place in Lausanne the Swiss LES seminar entitled "Branding in the digital world: seen through legal eyes".

The two first interventions dealt with the main objectives and challenges when developing digital strategies to market products and services.

Mr DAVID SMADJA, EMEA Digital Lead for Nestlé Global Procurement Team in Vevey, explained why and how brands are adapting their advertisements and communications to new consumer expectations in the field of food industry. Mr SMADJA explained why developing the brand online, collecting relevant and targeted data and entering into partnerships with new type of influencers are essential steps to display the right message at the right time.

The second speaker was Ms ROBERTA LIMONE, Digital Program Manager at Zurich Insurance Company Ltd. Based on her experience in developing a risk management mobile application for Zurich, Ms LIMONE enlightened the value and the different points to check when developing a digital project in the regulated environment of commercial insurance. On this occasion were highlighted the main challenges such as managing issues with certificates/IOS upgrades, brand guidelines regarding application development, quality and security of data, management of user access rights, regulatory considerations, terms and conditions for using the application, vendors selection and IP considerations.

The third intervention was presented by Mr MICHAEL KAMM, CEO of the agency TRIO based in Lausanne. His presentation was based on a real case and explained how to create and launch communication on a new brand for a web shop or a mobile application by planning the right ecosystem, for example choosing the rights medias, i.e. not only social medias but also print, TV, guerilla marketing, public relation depending on the case. Mr KAMM also put forward the very concrete difficulties that may be encountered by agencies such as check of IP rights availability or establishment of contracts in an increasingly competitive environment.

The two following interventions dealt with digital projects from legal standpoints.

Ms CAROLINE PERRIARD, leader of the legal consultancy firm BrandIT based in Zurich and Lausanne gave the fourth presentation by presenting the legal options with respect to digital projects. Ms PERRIARD highlighted the benefits, the risks and the mitigation steps when communicating the brand on social media pages in terms of branding, advocacy and reputation and when communicating on mobile applications in terms of data, online sale and development respectively.

Mr SEVAN ANTREASYAN, Attorney-at-law with Lenz & Staehelin in Geneva, focused on contractual and intellectual property implications of digital projects. Mr ANTREASYAN recalled the importance of securing the project upstream from legal standpoint. He presented the different steps in order to protect intellectual property, namely strategy of protection of the trademark, transfer and scope of copyrights, points which need to be checked to comply with unfair competition law requirements. Mr ANTREASYAN dedicated the second part of his presentation to development contracts in terms of IP provisions, deliverables, milestones, publishing, scope of services, representations and warranties termination and consequence of termination of the contract.

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The last presentation was made by Ms SOLANGE GHERNAOUTI, Professor at the University of Lausanne and internationally recognized expert on information and communication technology (ITC). Prof. GHERNAOUTI exposed what is relevant for consumers and customers to know about risks and security regarding cyber criminality. She explained the main changes in the cyberspace, the new threats landscape as well as the cybersecurity main challenges such as understanding of the context, risk and analysis and management security governance, policies and compliance, operational security measures, awareness, education, etc. Finally, Prof. GHERNAOUTI informed about the key factors of success, namely how to raise the level of difficulty, to increase the level of effort and of risks and to decrease expected profits of the cybercriminals.

The seminar concluded with a round table with all speakers, moderated by RAYMOND REUTELER, president of LES-CH Switzerland. During this round table, participants actively shared their thoughts mainly on the new Swiss regulations that will be implemented regarding data protection, and on the some solutions that could be found to fight and to protect everybody against cyber criminality, including the issues raised by the cloud computing.