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Decoding the Future

WELCOME!

BREAKAWAY ROOM 2



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BOTS AND BRANDS:
CAN AI BE USED TO BUILD BRANDS ?



Risks when using bots to choose trade marks

► Trade mark infringement and/or passing-off

- **Prompt:** “Please assist with a brand name of cosmetic products”.

- **Response:**

✦ 1. Elegant / Luxury Feel

These work well for premium skincare or beauty brands:

- Veloura

Please help me choose a brand name for premium athleisure wear.

Love this brief—premium athleisure is all about *effortless luxury + performance + identity*. The name should feel clean, aspirational, and slightly understated (think the vibe of brands like Lululemon or Alo, but still distinct).

Let's explore a few strong directions based on different brand personalities:

✦ 1. Clean, Premium & Minimal

Short, elegant, and high-end sounding:

- Velora

Sort

Default

Desc

Page Size

50 Apps

No of results: 2

Show Grid View

Application no	Class	Mark type	Status	Representation of mark	Client ref	Applied on	Accepted on	Registered on	
2026/03788	3	Verbal	Pending	VELORA	BATM0002	2026/02/05			
2026/03789	3	Figurative	Pending	 VELORA	BATM002	2026/02/05			

Sort

Default

Desc

Page Size

50 Apps

No of results: 1

Show Grid View

Application no	Class	Mark type	Status	Representation of mark	Client ref	Applied on	Accepted on	Registered on	
2025/35849	3	Figurative	Pending	 VELOURAE LUXE	2029051	2025/10/15			





Risks when using bots to choose trade marks

- ▶ Can an AI tool conduct a search of the Trade Marks Register?

Important: As an AI, I cannot directly access the CIPC register to perform an official clearance search. The "availability checks" below are preliminary screening based on web/common-law searches and brand-landscape review. A formal clearance search via CIPC's Trade Mark Search or an IP attorney should be conducted before filing.

- ▶ Can an AI tool filter through search results and accurately gauge risk?

Risks when using bots to choose trade marks

Uncertainty regarding applications filed on the basis of honest concurrent use (“HCU”)

- ▶ The Registrar holds a discretion in allowing a mark to proceed on the basis of HCU
- ▶ HCU focuses on honest adoption
- ▶ Will it be feasible to argue that an AI tool was honest in the adoption of the mark?
- ▶ AI is trained on existing datasets
- ▶ Registrar may be reluctant to accept that a trade mark conceived by an AI tool was adopted honestly

Risks when using bots to choose trade marks

- ▶ Copyright infringement
- ▶ Ownership of AI generated logos and devices
 - ▶ Terms & conditions
 - ▶ Level of human input
 - ▶ Jurisdictional nuances





Potential AI Use Cases When Building a Brand



Use Case 1

INDUSTRY NAMING PATTERN ANALYSIS

- ▶ Distinctiveness is a foundational requirement for trade mark registration
- ▶ The problem brand owners face:
 - ▶ “Everything sounds the same”,
 - ▶ Saturated naming landscapes = weak brands & weak rights
- ▶ **What AI does well here: Scans thousands of existing brand names in seconds**
 - ▶ Identifies: commonly used words, repetitive prefixes & suffixes, common industry clichés

1. “GLOW / RADIANCE” LANGUAGE

(Extremely crowded – high descriptive risk)

These words are ubiquitous because they describe the **desired outcome** of cosmetic products:

- Glow
- Glowing
- Radiant / Radiance
- Luminous / Luminosity
- Bright / Brightening
- Illuminate / Illuminating
- Dewy
- Shimmer
- Shine

✦ Trade mark note:

Names built around *Glow*, *Luminous*, or *Radiant* often receive **weaker protection** and may attract descriptiveness objections, especially for skincare.



Use Case 2

REGISTRABILITY + LINGUISTIC & CULTURAL SCREENING

- ▶ The real-world risk:
 - ▶ A brand can be legally available and commercially disastrous
- ▶ **What AI can do early (before legal spend):**
- ▶ Score proposed names for:
 - ▶ Descriptiveness, genericness, laudatory weakness,
 - ▶ Flag wording that is: “Too close” to the product / service offering
- ▶ **Cross-border advantage:** AI can instantly screen names across multiple languages and multiple regions
 - ▶ **Surfacing:** Unintended meanings, cultural sensitivities, potentially offensive interpretations
 - ▶ Prompt: *“I plan to use the brand LESWIKa for cosmetics sold in Southern Africa. Are there linguistic or cultural risks?”*



Use Case 2

LS Lesotho

Linguistic context

- **Sesotho** is dominant
- Direct overlap with:
 - *lefika* / *leswika* → “rock”

Cultural perception

- Strong intuitive meaning:
 - **strength, endurance, permanence**
- Could also feel like a **given name or surname**

Risk assessment

- ✓ No offensive meaning
- ✓ Positive symbolic associations



SZ Eswatini

Linguistic context

- Dominated by **siSwati** (Nguni language)
- “LESWIKA” does **not directly map** to known siSwati words

Cultural perception

- Likely interpreted as:
 - a **neutral or premium-sounding African name**
- No obvious semantic meaning → flexible branding

Risk assessment

- ✓ No offensive or sensitive meanings
- ✓ Easy pronunciation
- ✓ No unintended associations



BW Botswana

Linguistic context

- Dominated by **Setswana**
- Very close phonetic match to real Setswana word structures

Cultural perception

- High likelihood consumers will associate it with:
 - “**leswika**” (rock/stone)
- Feels **authentic and local**, not foreign

Risk assessment

- ✓ No negative or vulgar meaning
- ✓ Strong cultural fit



NA Namibia

Linguistic context

- More linguistic diversity (Oshiwambo, Afrikaans, English, Herero, etc.)
- Sotho–Tswana influence is **less dominant**

Cultural perception

- Likely perceived as:
 - a **neutral, African-sounding brand name**
 - without a clear literal meaning for most consumers

Risk assessment

- ✓ No known negative meanings
- ✓ No linguistic conflicts across major language groups
- ✓ More **distinctive** due to lack of direct meaning



ZA South Africa

Linguistic context

- Strong presence of **Sesotho, Setswana, and Sepedi** (Sotho–Tswana languages)
- “LESWIKA” closely resembles:
 - *leswika* / *lefika* → “rock/stone”

Cultural perception

- Likely interpreted as:
 - **strength, stability, foundation**
- Sounds like a **personal or clan name**, which can build trust and familiarity

Risk assessment

- ✓ No offensive or inappropriate meaning
- ✓ Easy pronunciation across language groups (including Nguni speakers)





Why this matters

Example 1 – Mitsubishi Pajero

- ▶ “Pajero” = derogatory term in Spanish
- ▶ Brand renamed Montero in Spanish-speaking markets



Example 2 – Chevrolet Nova

- ▶ “No va” = “doesn’t go” in Spanish
- ▶ Terrible association for a car

Example 3 – KIMONO BY KIM KARDASHIAN

- ▶ Cultural appropriation

Use Case 3

AI FOR DECORATIVE CONTENT AND BRAND COMMUNICATION

- ▶ AI can generate decorative visual elements, draft social media captions, suggest taglines, and help maintain a consistent brand voice across platforms.
- ▶ Faster content creation, instagram captions, product descriptions, promotional copy, all produced at scale.
- ▶ Bear in mind that there might still be a degree of risk

Social Media Captions (short, engaging)

Option 1 (elegant + minimal)

LESWIKA — where strength meets radiance. ✨

Beauty that lasts, confidence that shows.

Option 2 (aspirational)

Glow with intention. Shine with confidence.

#LESWIKA

Option 3 (natural + grounded)

Rooted in strength. Designed for your glow.

LESWIKA 

Promotional Copy (longer-form)

Option 1 (premium brand introduction)

LESWIKA is a celebration of beauty in its strongest form. Inspired by resilience and refined through innovation, our products are designed to enhance your natural glow while supporting your skin's strength and vitality. Each formula is carefully developed to deliver visible results — leaving your skin radiant, balanced, and confidently you.

Use Case

MONITORING & INFRINGEMENT DETECTION

The enforcement problem:

- ▶ Manual monitoring is slow
- ▶ Infringements appear everywhere, constantly

AI's strength here:

- ▶ Scans vast volumes of data across:
 - ▶ Social media, E-commerce platforms, domain registrations,
 - ▶ Flags potential unauthorised trade mark use

But...  AI detects patterns  Humans decide infringement

Use Case 5

MARKET USE SCREENING

- ▶ The gap in traditional trade mark searches:
 - ▶ Register searches ≠ market reality
- ▶ How AI helps early: identifies obvious market use before attorney review
 - ▶ Quick checks via: search engines, social media, domain registrations
 - ▶ Example:site:.za "____" / AI Tool
- ▶ **Prompt:** Check whether the name LESWIKA is currently used in the South African market in relation to cosmetic or beauty products. Limit the search to actual marketplace use only (websites, online stores, social media, salons, product listings, influencers). List any active commercial use, with links and a brief description of the products.
- ▶  Useful for pre-screening
- ▶  Not legal clearance search

1. Use of LESWIKA in the Cosmetics / Beauty Sector (Class 3)

 No evidence found

A comprehensive web and business search returned **no companies, brands, or individuals using LESWIKA for cosmetics, skincare, beauty, personal care, or related goods** in South Africa.

Specifically:

- No cosmetic brand websites, e-commerce listings, salons, or beauty product distributors under the name **LESWIKA**
- No social-media (Instagram, Facebook, TikTok) evidence of **LESWIKA** used as a beauty or cosmetic brand
- No press, influencer, or consumer references linking LESWIKA to cosmetics

This strongly suggests **no current marketplace use in cosmetics**.

2. Existing Use of the Name LESWIKA in South Africa (Other Sectors)

Although not used for cosmetics, **LESWIKA** is in use as a business name across **unrelated industries**, which is relevant for *distinctiveness* but **not automatically disqualifying** for cosmetics.

2.1 LESWIKA Paints (Industrial / Construction Products)

- **Leswika Paints** is an established South African business operating in **paint and coatings**, not cosmetics
- Paints fall under **industrial goods**, not competing or adjacent to cosmetics

leswika

Relevance:

Low risk of confusion — consumers do not associate industrial paint with cosmetic products.





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THANK YOU