Intellectual Property Management
Spring '07
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Mid-Term Problem
30 Points
Due Date: 3/26/07

Kamm Breweries of Mishawaka, Indiana has, for over 50 years, produced and marketed beer and ale in kegs, bottles and cans in the area of the U.S. east of the Mississippi. Kamm is now preparing to introduce a new product into its line — malt liquor, to be called "Kamm's Volt." (Teetotalers may think of root beer.)

Kamm's advertising department has proposed that the marketing campaign take a colonial theme. Working with the company's package design department, it has designed the Volt can to resemble a pewter ale mug. The wall of the can slopes slightly inward from the base, and a cut-out handle, deigned to be pulled out and back from the wall of the can, is a stylized version of a common pewter mug handle. The can is pewter-colored and bears a red oval emblem with the unprinted word, "Volt," predominant and, beneath it, the phrase, "Kamm's Volt — Always Good for a Jolt."

The top of the container is designed to be removed easily by an action consisting of grasping and pulling upwards on an attached aluminum loop. Unlike the pull-out tab employed on other beer, ale and malt liquor cans, which affords only a narrow opening, the entire top would be removed to enable drinking directly from the mouth of the can. The advertising executives hope that, aside from fitting into the mug concept, this new design will win new customers by making drinking easier. Their theory is that one effect of the new design will be to curtail the amount of air taken in with swigs from the can, consequently reducing the incident of a syndrome known in the trade as "beer drinker's burp."

On reason the concept of making the entire top removable had not previously been employed by others is that, whenever it was attempted, the resulting can was too weak to contain the pressure required for storage of beer, ale or malt liquor. To employ this new form of top without sacrificing the container's strength and capacity to retain the necessary pressure, Kamm's package design department, after considerable experimentation, arrived at a new method of container construction, accomplishing a significant advance in the can manufacturing art.

What forms of IP protection might be available to Kamm with respect to their new product proposal?

KFJ/Ruh/3.15.07