# Artsy cakes

Since the win in the US Presidential election to the inauguration of President Trump, the new leader has been put under the microscope by the media, with endless coverage of the daily affairs of the new President. Even celebrities are talking about President Trump! Why break the trend? Relax. There is no politics here, just CAKES!

Recently the famous Chef Duff Goldman from the Ace of Cakes, a reality show in the Food Network, posted a side-by-side comparison of the strikingly similar cakes on the social media, Twitter, stating that *'the cake on the left is the one I made for President Obama's inauguration 4 years ago. The one on the right is Trump's. I didn't make it'*. (Source: Twitter Duff Goldman @ duffgoldman)

Gone were the days when we would just drop by a confectionary shop to buy a readymade cake or whatever cakes that's available on the shelves. Today, cakes are more than just celebratory food, they are works of art and people are captivated by beautiful cake designs, a craze that caused the cake business to boom in recent times. Similar to any business, cake business is a competitive one and to place one's business on a pedestal, the cake designs have to be extraordinary, appealing and beautiful (and of course delicious).

Unfortunately, while you strive hard to stand out from the rest, maximizing your creativity, building your own brand, giving your cakes a persona which otherwise lack, others may just copy them with ease. Despair not for there is still hopes under the protection of the Intellectual Property rights.

To begin with, whenever a (new) cake design is created, it falls squarely under copyright protection, particularly under the category of artistic work as it is the "author's" original, creative expression fixed in a tangible medium. In other words, copyright protects the designs or the appearances of the cakes but not the utilitarian aspects of the cakes, i.e. the recipes or processes in making the cakes.

However, since copyright does not protect ideas and concepts it is generally permissible to borrow ideas and even to use a prior work or design for inspiration because copyright only protects the author from an unauthorized reproduction of the actual design, not a design which has a similar style or concept. Therefore, a baker who, without permission, uses another person's design or any copyrighted characters such as cartoon characters could be at risk of committing copyright infringement.

Although it may seem like a norm for a baker to copy another's cake designs but if you want to prevent others from benefitting from your hard work, or more importantly to prevent competitors from squatting on your creativity, you should take some proactive measures by attaching the copyright symbol to the pictures of the designs on any printed materials or expressly informing the public of your rights on your websites. The placing of the copyright symbol coupled with a ceased and desist letter to the infringer is likely to stop the copying.

With the proposed amendments to the Malaysian Trade Mark Act in the near future, non-conventional trademarks such as smells, sounds, colours, shapes, moving images, taste, textures and etc. shall be registrable trademarks. This move may enable cake designs to be protected under the Act, as "3D shape marks", albeit the difficulty and rarity of such registration.

A trademark is an identifier of the source and it is used to distinguish the goods and services of one trader from those of other traders. Therefore, to be registrable, cake designs must be used as trademarks to indicate and to identify the source of origin. Apart from that, just like any ordinary trademarks, cake designs must be distinctive. In other words, the designs must have acquired secondary meaning by being recognizable as the source identifier. Take for instance, the name Toblerone will immediately pop up whenever you see a triangular shaped chocolate, Hershey's Kisses for flat bottom teardrop, and Kit Kat's four fingers shaped chocolate slab. Although it seems to be more common for chocolate products to be registered as trademarks than cake designs, there are several registered cake designs existing in the United States Patent and Trademark Office. For examples, Carvel's famous "Fudgie the Whale", a whale shaped ice cream cake and Magnolia Bakery's registered cupcakes with its signature icing swirl.

IP protections for food products attract both criticism and applaud, depending on which side of the coin one prefers but the main idea is to encourage creativity in the culinary industry. Just like any artists who paint, carve or mould, cake designers should be treated equally by having these protections up their sleeves. The only difference is their works are edible works of art. MSME

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# Does size matter?

## Micro-management for macro-companies or the big SMEs

**I AM NOT A BUSINESS MAN...**

I am an Architect and an Educationist and, until now, I have never had much (or any) interest on how to do businesses with Architecture. However, my knowledge on the European context and my experience with the Asian market through my position with VERITAS Design Group, pushes me (more than invites me) to know about how the Architecture Industry works out of my screen.

West, East, North and South, SMEs play a great role in societies of all sizes: I trust people are well aware of that. With the due exceptions to the rule, Architecture companies in Europe (I would not dare to tell a percentage: well, let's say 95%) tend to fit the definition of Small (more than Medium) Enterprises*. On the other hand, many practices in Asia are allocated at the upper range of the Medium Enterprise definition and, few of them, as VERITAS, exceed that number with above 300 employees. However, in Architecture, it is still possible to read large companies as an addition of SMEs as Macro & Micro lose their boundaries in the complexity of the Architecture Project.

*A worldwide accepted definition considers Small Businesses or Enterprises as those employing between 20-50 people. Medium-sized Businesses, on the other hand, usually employ up to 200 or 250 people.*

**MORE ABOUT ASIA vs. EUROPE (IN ARCHITECTURE)**

Looking at the big picture (with one eye closed) there are many differences between the Architecture Industry in Europe and Asia and, not only the day-to-day Practice but, especially, Education get us ready for it. All these differences (as well as all those similarities) have a clear, direct and unavoidable relation to the size of the projects and hence (and often) to the size of the companies. However, despite the scenario, the approach to the Architecture Project & Design remains the same regardless the scale: a journey from General to Specific, from Overall to Detail: SIZE DOES NOT MATTER.

The different sizes of many of the projects currently happening in Asia and Europe seem to talk about few realities. First of all, they talk about the momentum in their respective economies: while Europe seems to be stuck (well, Europe is definitely stuck), Asia is in the midst of a vertiginous development explosion, even though some regions are accusing a certain slowdown.* On the other hand, different sizes of architectural interventions in Europe and Asia seem to talk about a certain feeling of completeness. Demography in Europe is not moving, cities are not growing, "everything is there already": it is a matter or touching up here and there and keeping things as "nice" as possible. Obviously, there is still some room for certain impactful interventions. However, demography in Asia is explosive, hungry and demanding, cities grow and grow greatly: towers, big condominiums and new malls and airports everywhere.

Even Architecture Schools get us ready for the market we will be inserted in. Despite some common bases, Architecture Schools in Spain clearly insist on the education ►

# Malaysian SMEs have potential for centre stage in a digital economy

Small and medium enterprises (SMEs) today account for more than 97% of all businesses and, according to Asia-Pacific Economic Corporation (APEC), employ more than half of the workforce across APEC countries.

These companies play an increasingly significant role in the socio-economic development strategies of many countries. For the past three decades, the private sector has been the main driver of economic growth and poverty reduction around the world. By helping SMEs scale and grow, governments have been able to increase wealth generation, market access, job creation, and skills development.

As such, strengthening SME competitiveness is a critical agenda for Asia, given that 50% to 70% of businesses fail within the first 18 months. A new IDC study, commissioned by SAP, found that SMEs which embraced and invested in technology reaped benefits that helped them compete globally: 81% offered employees more flexibility, 74% improved customer loyalty and 72% increased sales and revenue.

Within the Malaysia context, the government is building an entire ecosystem to help propel SMEs into the future. Digital Malaysia is a national agenda that draws from the huge opportunities created by the digital world to harness the country's ICT capabilities. It is built upon a vibrant domestic ICT industry as well as transformative use of digital solutions by government, businesses and citizens.

## Those who hesitate, fail

Digital technology has emerged as a tool that can enable SMEs to gain a distinct advantage in regard to speed, cost and the ease of business. It has also become a platform for them to break into therefore unachievable markets.

Yet the same time, SMEs seem to be taking a "practical and tactical" approach to digital transformation – 43% are investing in technology to make an immediate difference in supporting current processes, and less than half see digital transformation as a long-term strategy.

The data points to one thing: there is a gap between what SMEs want and what they are doing to achieve it.

This is a worrying trend, since we today have 3 times the economic opportunity now through the digital economy than what we have seen over the last 20 years. By 2020, the total size of the digital economy is estimated to be $90 trillion (RM390 billion).

With today's borderless global economy, Malaysia and our enterprises, especially SMEs, can further leapfrog ahead over other countries if they are willing to proactively evolve to stay relevant.

## Can SME's really outcompete the bigger companies?

SMEs are the perfect group to capitalise on the benefits of digital as they are the ones who are most able to leverage on agility and speed to break into new markets quickly. Although they face challenges, the capability to adopt ground-breaking technology is not one of them. These nimble companies can make decision fast, and adopt them even faster.

39% of SMEs in the Asia Pacific Japan region recognise that their active participation in the digital economy will be essential to their company's survival in the next 3-5 years. The challenge is in connecting different technology areas for maximum impact.

The SMEs that see the openings and respond quickly are surging ahead. The trick however, is not to let complexity creep into the business as it grows. Take family owned businesses as an example – many are moving towards what is described as "third-generation management" and want to truly run as an international companies. They are moving quickly to digitally transform their business and get ahead in the digital economy.

Avoiding technology to reduce complexity is certainly not an option. SMEs often get caught in the trap of using one-off IT solutions to meet short term needs. That approach quickly results in problems as more disjointed solutions are added to the mix. This is why many SMEs often have the misperception that digital transformation is costly and difficult to manage, or that employees will get bogged down by inefficiency.

Whether you're a logistic company competing with disruptors or a food producer looking to reinvent to expand globally - there are enormous business opportunities and cost-savings to reap by using technology to modernise and scale their business, fuelling productivity and growth.

Thankfully, there are tools available in the market that are specifically designed, packaged, and priced for SMEs. These tools are intended to meet specific market demands with considerations of both privacy and cost to SMEs. For us at SAP, we have made some of these tools available on the Cloud platform, which enables us to drastically reduce the cost of ownership to benefit SMEs. This helps them to ease their minds in terms of equipment acquisition and maintenance, while at the same time allowing them to retain ownership and storage of their private data.

The bottom line is that SMEs stand to gain the most in today's technologically driven economy, but they also stand to lose the most if they do not innovate. Expectations have changed and companies must follow or become irrelevant. **MSME**
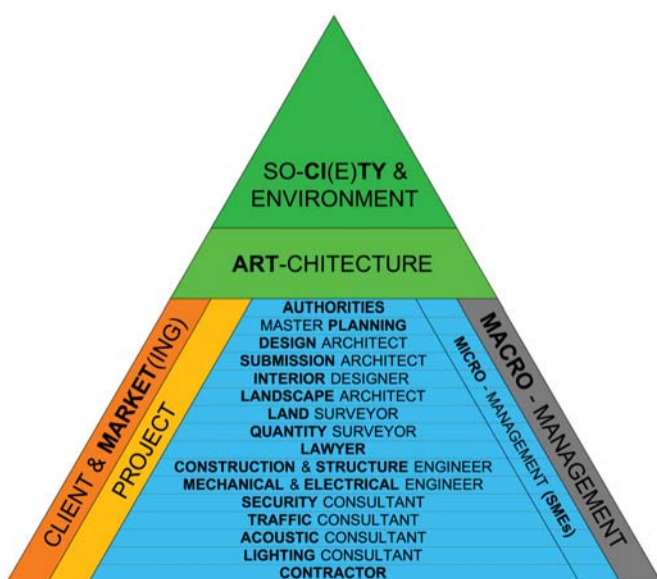
### Digital Economy Insights

**Terrence Yong**

Terrence Yong is a firm believer that SMEs are able to compete with the big boys given the right technology strategy. Today, he is Managing Director for SAP Malaysia and finds great fulfilment in empowering companies to go beyond their comfort zones to further expand their horizons.

# Think big, and act accordingly



▶ of comprehensive and independent professionals capable to carry the completeness of the Architecture Project, from the design concept to the provision of services, passing by the calculation of the structure, even when structures take a certain entity. On the other hand, Architecture Schools in Malaysia insist on the purely design aspect, knowing that scale and complexity of the projects approached and, therefore, the structure of the industry, will seldom set an architect in the role of calculating structures or services because it will be done by an external consultancy in coordination (not always) with the architectural design. It will be the practice and, especially, the experience what will train architects in the most technical Architecture matters: in Spain it is assumed by default in fresh graduates.

*An Spanish Architect (Julio Cano Lasso, 1920-1996), who I admire for both his buildings and writings, used to tell that the World Hegemony seems to move following the movement of the Sun: first Europe, then North-America, now Asia. I wonder when Australia, Africa and South-America will take their chances...*

## THE BIG ARCHITECTURE SME

As every 1000 miles trip started with a single step, every adult was before a kid and every tree a seed: most of the world's largest companies were once SMEs. For this reason, SMEs play a crucial role in the working and growth of the Architecture Industry.

VERITAS has not always been a large company, however big were the ambition, vision and perseverance of its founder David M. Hashim: to arrive to the Moon you have to target the Sun. Even though, the large VERITAS Design Machine is composed by few SBUs, all of them "SMEs" composed themselves by different specialized departments arranged and sized to respond efficiently to their particular scopes: Micro-Management FOR Macro-Companies*.

The Pyramid of Scope of Work shows how the Architecture Project is managed: 1) The Art of Architecture serves Cities, Societies and Environment; 2) The Architecture Project is tied to the Client, who tries to respond and mirror the Market; 3) The Macro-Complexity of the Architecture Project is Micro-Managed by the Architecture firm (most likely an SME) under which (or within which) the rest of consultancies or "scopes of work" are parked (most likely SMEs as well). However, in the reality, the boundaries of the Blue are blurred, and the scope covered by the Architecture firm will depend on the particular project (and its size) as well as on the size of the firm itself: this is how large Architecture companies can be read as an "addition of specialized SMEs" or a "BIG SME".

*My boss, Lillian Tay, uses to tell me to do "only" what someone under me cannot do: Macro-Management.*

## SIZE DOESN'T MATTER

In the end, a business does not need (should not wait) to become a large company to do the best it can do: regardless as an individual or as a business, set a commitment and set the determination to achieve excellence. "*If you can't be a pine at the top of the hill, be a shrub in the valley. Be the best little shrub on the side of the hill. Be a bush if you can't be a tree. If you can't be a highway, just be a trail. If you can't be the Sun, be a star. For it isn't by size that you win or fail. Be the best of whatever you are*".* Does size matter? For some things, it doesn't. **MSME**

*"Life Blueprint", Dr. Martin Luther King Jr., October 26th 1967. I strongly encourage readers to check out this speech (easy to find in YouTube), as well as "What if Money was no Object?" by Alan Watts.*