

EVIDENT AND EPISTEMIC AMERICAN NEW BALANCE AND SEGWAY LOGO: A FORENSIC LINGUISTIC STUDY

PEMBUKTIAN EPISTEMIS LOGO NEW BALANCE DAN SEGWAY AMERIKA: SEBUAH KAJIAN LINGUISTIK FORENSIK

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ABSTRACT

Language changes have inevitably touched aspects related to laws, especially in implementing the task of being a linguist that deals with cases of duplication. Armed with the knowledge of the symptoms of language change, a forgery case can be explained and explained so that justice is revealed. This paper aims to reveal how cases of a logo and branding falsification can be revealed through linguistic approach using forensic and semiotical analysis. The writer will also discuss the rhetorical effects related to the underlying ambiguities between purely evidential semiotics of the investigated strategies. The method used is documentative descriptive qualitative analysis. This method explains in detail the actual state of data and data retrieval. The results found that the 2 data are linguistically and visually duplicates of the original logos. Some fake products use the same language as the original product logo, but the copycat uses a language style that is more general and acceptable in the target community. In conclusion, the phonological and visual analyses found similarities in the use of original brand consonants and vowels, as well as visualization of the type and size of letters appearing to imitate, deceive, and confusing customers.

Keywords: language markers, visualization, logo, linguistic forensics, and semiotics

ABSTRAK

Fakta bahwa perubahan bahasa memang menyentuh aspek-aspek yang berkaitan dengan hukum terutama dalam melaksanakan tugas sebagai ahli bahasa untuk menangani kasus-kasus duplikasi. Berbekal pengetahuan tentang gejala perubahan bahasa, kasus pemalsuan dapat dijelaskan dan dijelaskan sehingga keadilan terungkap. Artikel ini bertujuan mengungkap bagaimana kasus pemalsuan logo dan merek dapat diungkap melalui studi linguistik dengan menggunakan studi forensik dan visual. Penulis juga akan membahas efek retorik yang terkait dengan ambiguitas yang mendasari antara semiotika bukti murni dari strategi yang diteliti. Metode yang digunakan adalah deskriptif kualitatif dengan analisis dokumen. Metode ini menjelaskan secara detail keadaan aktual dari data dan pengambilan data. Hasil penelitian menemukan bahwa 2 data secara linguistik dan visual merupakan duplikat logo asli. Beberapa produk palsu menggunakan bahasa yang sama dengan logo produk aslinya, tetapi peniru menggunakan gaya bahasa yang lebih umum dan dapat diterima di komunitas sasaran. Kesimpulannya, analisis fonologis dan visual menemukan kesamaan dalam penggunaan konsonan dan vokal merek asli, serta visualisasi jenis dan ukuran huruf yang tampak meniru, menipu, dan membingungkan pelanggan.

Kata kunci: penanda bahasa, visualisasi, logo, forensik linguistik, dan semiotik

INTRODUCTION

False superlogos have attracted many researchers to conduct studies regarding this topic; the need for critical attention about it is related to not only their prevalence but also to the threat of its decline, that superlogos may become outdated in next to no time.

In Asia, in the 1980s, for instance, a long depression has boosted the distribution of false branded logo from Asia to the world (Chang (Translated by Yung-chao Liao, 2004). After the economic recession in Japan, the economic storm in Asia, and 9/11 terrorist attack in the US, however, there was uncertainty about whether the (fake) superlogo market will sustain its vitality or not. This needs observations. Moreover, in terms of the recent changes in the market of the global counterfeit industry, In addition, there has been a shift in the main profit making, from fake superlogo fashion to software, from luxuries to ordinaries.

Up to now American and European branded logos are still attracting most people's attention, still considered trend-setters among potential buyers. To understand the reason for the popularity, further discussions are needed regarding the transformation of the economic and or consumer structure to the historical dimensions that help instill the cultural imagination and the psychic mechanisms of wearing American and European brands and logos. The reason for this consumeristic phenomenon relates to the craving for Western tastes and heritage, and this can be cultivated, among others, through purchasing of imported products from Europe that is rich with its long history and tradition. European superlogos are deemed a sign of spiritual excellence or mental sublimation. The attitude of imitating Western culture, in this case the use of western brands in Japan, for example, can be traced back to over a century of westernization and modernization following the Meiji Restoration (1876). (Chang (Translated by Yung-chao Liao, 2004).

This article, through linguistic markers, visual, historical and economic complications of fake famous logo, maps out the global networking of counterfeit production and consumption. An

investigating officer often uncovers the single, partial, or only details of a logo at a crime scene, which may be the only forensic evidence obtained from the crime scene. In determining the identity of the original and fake of every company, crime scene examiners are helped by these linguistic markers and visualization of a logo (Greco, 2018).

There has been assumption that the global widespread of fake logograms is the result of intricate networking of commodities, involving commodity (re)production and circulation of the product. Advanced duplication technology and restructured global economic system have dramatically increased the growth of the fake logograms as a prevailing economic and cultural phenomenon (Reid, 2017).

By definition, forensics is a science and work-related activity that shows the public evidence, especially in relation to crime and legal cases. Forensics is, therefore, a science for the public (Gibbons, John and Turell, 2008). Forensic cases are not only related to physical evidence but also to nonphysical evidence, such as speech, writing or other signs (Heydon, 2012). Forensic Linguistics in this context plays its role as a means of understanding and analyzing the evidence. It concerns the application of linguistic knowledge and techniques, the facts that language is contained in legal cases, in personal feuds between certain parties that may cause the taking of certain legal actions" (Olsson, 2008)

In a broad sense, language is any text -whether oral or written-contained in a legal case, such as letters, logo and brands, books, essays, diaries, contracts, doctor's letters, articles, theses, even parking tickets (Olsson, 2008). There has, however, been a semantic expansion of the concept about text, now including anything that uses language. Marks, stamps, trademarks, logos, emblems, and song lyrics, are generally related to civil law matters, i.e. violations of Intellectual Property Rights (IPR), including plagiarism.

In the case of trademarks, for instance, linguistic analyses work to identify and differentiate brands, in the context of competitions among well-known brand owners;

this leads to possible confusions, errors, or falsifications (Gibbons et al., 2008:233).

To develop and complete this research about forensic linguistic analysis of logos and their transformation, there are several related previous researches studied. There is a study conducted by Chang (Translated by Yung-chao Liao, 2004) on fake logos, fake theories, and fake globalizations.

This research considers economic effects of global use of fake logos in Taiwan, Hong Kong and Mainland China as a point of departure. It not only traces the capital logic of the counterfeiting industry, which duplicates the international division of labor, but also its cultural logic that has created the Euro-American superlogogram that brings along with it the Western imperialist ideology.

Fake globalization, based on the result, has helped create demand in and out of the globalization itself. The globalization of fake superlogos is an internal exposure of how the historical and psychic formulations of the logics of global capitalism are subject to the cultural imagination under (western) colonialist ideology.

Research that discusses semiotic analysis of consumer-generated antibranding was conducted by Kucuk (2015). The study is a semiotic analysis as an effort to prevent the decline of value of brands that consumers enjoy and provide rules for, i.e. the use of semiotic science by digital anti-branders. This research is an implementation of the theoretical discussions about the semiotic character of brands that can be defined through digital analysis.

Two studies have been conducted regarding consumer's semiotic digital antibranding efforts, investigated in examining a sample of antibranding images that are targeted at valuable corporate brands. The first study reveals that to demonize, criminalize, and dehumanize targeted brands, antibranders use drama and humor, creating strong antibrand voices and positioning themselves against greed and wrongdoing.

The second found that the success of consumers in decoding antibranding semiotic representations and classifying them lie in the

message clarity, fact finding, and "hostility versus entertainment values." These findings reveal that logos are often completed with humor and clear and transparent messages as well as aggressive messages to attract potential consumers.

After studying the previous research, the present writer expects to examine the evolution of two U.S. corporate logos – New Balance and Segway, and even the newest version of the graphic emblem today. The objective is to determine the meanings that the logos have for a corporation's identity, mission, and relationships, as well as the messages that logos conveyed to viewers (i.e., mostly customers) by using stylistic theory on Semiotics and micro linguistics. The semiotic model used in this analysis is Peircean semiotics which made up of a three-part paradigm of signification: the representamen (or the sign itself), the object (or "referent" – what the sign refers to), and the interpretant (the effect on the viewer, or the viewer's interpretation).

METHOD

Profiling of Logos can be attained through visualization, phonemic analysis, semiotic a combination of these methods. However, the research shows that linguists are better trained at the creation and meanings of logos. Non-linguists are sometimes asked to only help build linguistic profiles. They do not even have their disposal when offering their profile (Schilling & Marsters, 2015); but they have to rely on previous experience with logos or language variations on.

Forensic is a science related to the discovery of evidence in the case of crime and law in general, by investigating and scientifically analyzing the "facts" present in the event. The facts are not only physical ones such as the human body, body organs, blood, clothing, weapons, bullets, shells, knives, identification, natural environment, but also the broader "facts" such as language, sound, writing, symbols, code, internet site, or the entire "cultural fact" associated with crime (Bowen, 2010; Maschi, Tina, Carolyne Bradly, 2009:6). Thus, forensic work involving human

bodies, objects, devices, places, spaces, and the environment, anthropological forensic work and cultural forensics can be helped by “semiotic reading”, namely understanding the structure of signs, the signification relation between the signs, and the meaning or connotation built into it.

Maschi and his colleagues refer to this interdisciplinary, multidisciplinary and multicultural forensic work as ‘collaborative forensic social work’, an integrated approach, involving generalists, specialists and “collectivists” (Maschi, Tina, Carolyne Bradly, 2009). This way of working does not only cover a narrow group of victims and perpetrators involved in crime events, but all relevant parties: anthropologists, sociologists, linguists, and others. This is because forensic work will deal with different individuals, or communities that are influenced by different social environments and legal issues. To be able to understand the cultural complexity of forensic work, “cultural competency” is needed, including: “cultural sensitivity”, “cultural knowledge” and “cultural empathy”. “Cultural sensitivity” is a measure of sensitivity and openness to a variety of different cultures, both in terms of life, lifestyle, beliefs, customs and values. For example, sensitivity to sensitive issues such as beliefs in the context of terrorism. “Cultural knowledge”, namely knowledge about humans in general, and especially about their habits, customs, and patterns of behavior. “Cultural empathy”, namely the ability to feel and understand at a deeper emotional level, which is very personal (Maschi, et al., 2009:34-35). Wen-Shing Tseng mentioned three central issues related to cultural differences that are relevant to forensic and legal practices in general, namely “race”, “ethnicity” and “minority”

RESULT AND DISCUSSION

New Balance vs New Barlun, and New Bunren

New Balance Athletics, Inc. (NB), or better known to the wider community as New Balance, is an American multinational company based in Boston, Massachusetts. The company was founded in 1906 under the name “New Balance

Arch Support Company” and is one of the world’s leading sports shoes manufacturers.

In August 2017, the New York Times reported that New Balance had successfully sued at least three local shoe manufacturers from China who deliberately used the logo that had characterized New Balance shoes; the slightly tilted “N”, as a logo on his shoe products. Three brands of shoes from China are New Barlun, and New Bunren. The three trademarks start their noun using segmental phonemes in which there is a bilabial consonant / b / as expressed by Chaer ie ‘consonants occurring from the process of lower lip closer to the upper lip’ and the way of pronunciation by attaching two lips together and the letters both different but still in vocal type. Vowels are named by mentioning the reverse factor of the tongue, the factor of tongue up and down, and lip factor. The original product using phonem / a /, is a second round unobtrusive (or lower) vowel using phonem / a /, all three using phonem / u /, unopened high (or top) rear vowels.

The type of letters and initial writing of the initial letter on the new balance phrase using lowercase letters while the first duplicator ie NEW BARLUN all capital letters and duplicate the second New burnen using capital letters in the initial word while the second word equates to the originality of the original brand. Thus, the two duplicate products indicate what the linguists call the Minimal pair there as a pair of sounds that are articulationally adjacent in line with those expressed by O’Grady in Contemporary Linguistics (1998) A minimal pair consists of two forms with distinct meanings that differ by only one segment found in the same position in each form of the word.

The syntactic marker on the brand new balance is a noun phrase (NP) written in red letters and duplicates to match the noun phrase (NP) by changing the smallest syntactic unit of balance with barlun and bunren which categorically still belong to nouns. So it still indicates that the brand naming is still in the same phrase that is the noun phrase. *New balance* is a noun phrase consisting of a new adjective that describes the noun balance. The *new* adjective in the above noun phrase describes or makes clearer



Picture 4.1.a Original Trademark

Picture 4.1.b Fake Trademark

Picture 4.1.c Fake Trademark

Figure 1 New Balance vs New Barlun, dan New Bunren

the meaning of the nomina balance. The word *balance* in the above data is categorized as a persuasive noun because the word is considered to cause persuasive effects for viewers who want to get to know the brand even further. So the word can emphasize the meaning of the noun or proposition it describes.

The word *balance* is a noun which, in the dictionary, has a sense as a quality balance that makes a person or something will not fall or fall, also means the balance of two things that have been contested.

This trademark has semiotically combined the images (icons) and writing language (symbols). The icon is the first to be observed, and then the symbol. In this data, there is a New Balance trademark image shown by the red “NB” alphabet logo and a New Balance written text. This image is an icon as well as a representative of [R] of the semiosis process. The process of semiosis is that the red image “NB” the alphabet logo [R], which means courage and eternal balance, is indicated by fading of “N” and B does not fade. N means New, and B means balance. [I].

Next is the symbol analysis. The symbol is the written language used in the trademark. The symbol of this trademark is a new balance. The language of this essay, New Balance, is a representative [R] that plays a role of balance and positive new things that play a role in human life [O]. Furthermore, the relationship between representamen and object produces an

interpretation [I] With regard to the typeface and the size of all three letters using different types and font sizes. Red color that became the main color and original of the new balance was modified with the assumption that their products are not the same. Speaking of the typeface used that the original brand (Figure 4.1.a) uses the Tw Cen MT typeface with a lowercase print while the duplication brand (Figure 4.1.b) uses the Arial Narrow typeface and all uppercase letters. Similarly, the duplication brand (Figure 4.1.c) uses the same type of letter arial and the New Bunren phrase is only an adjective new that uses capital letters.

In Figure 1 (4.1.a), the displayed brand is a new red balance that is associated with fire, blood and sex. The positive meaning of red is positive, love, energy, enthusiasm, heat and strength. But this color has a negative meaning such as anger, war, cruelty and irreverence. The effect of red color on the product is the dominant color, impressive speed and action, stimulate heartbeat, breath, and appetite, people or objects will look bigger if using red, red car more attention (Monica and Luzar, 2011). The meaning presented by the word balance is 'The product of this trademark gives you comfortable shoes that make the feet happy. Not only is foot length accounted for but foot width ' While the second and third images of NEW BARLUN and New bunren dominant black color associated with night and death. Positive is power, power, weight, elegance, elegance, formal, serious,

prestigious, solitude, mystery. The connection to local culture is black for young boys (Chinese), associated with career, knowledge, sadness, penance (Asia in general), rebels (America, Europe, youth of Japan)

After passing the trial, the three Chinese brands were fined more than 10 million yuan or equivalent to USD 1.5 million by the Chinese District Court for trademark infringement because it was proven to have deliberately used the “N” logo that was the hallmark New Balance shoes and have been registered as legally valid trademarks.

The case causes losses on the New Balance because it can create confusion in the middle of the consumer due to the similarity of the logo used to make consumers think that the three brands have an affiliate with New Balance.

The Second Case: Segway vs Swagway

Segway Inc. is a manufacturer of modern two-wheeled transportation equipment for personal use or known as Personal Transporter such as Segway PT, Segway miniPro and other personal transporters. Founded by Dean Kamen, the name “Segway” is a homophone of “segue” which means a smooth transition, or in Italian means “to follow”.

Segway Inc. based in New Hampshire, United States and has a special market with police departments, military bases, warehouses, corporate campuses and industrial locations; Segway holds many major copyrights for personal transporter products. Since being acquired by a Chinese company, Ninebot, in 2015, Segway has developed its products to be stronger in the consumer market with smaller products such as the Segway miniPro. Legality of the use of electric vehicles varies with jurisdiction.

Phonologically, Both of these trademarks start their nouns using segmental phonemes in which there is a friction / s /, where the active articulator approaches the passive articulator, forming a narrow gap, so that the passing air gets interference in this gap. Furthermore the original product noun uses a rounded / e / center front vowel phoneme, followed by a blocking

consonant phoneme (burst, plosive, stop) / g /, where the articulator completely closes the airflow, so that the compressed air is blocked behind the closure. Then the closure was opened suddenly causing a burst.

Then using the semi-vocal / w / approximant phoneme, which occurs due to the active and passive articulators forming close to the open position as in vocal formation but not narrow enough to produce a sliding consonant. Next is using the low (or lower) front vowel phoneme not round / a /, and finally using the semi-vocal / y / phonetic consonant.

Font type and writing on the original product SEGWAY uses capital letters in all nouns, as well as the SWAGWAY duplication using the whole capital letter. Thus, the SWAGWAY duplication product indicated what the linguists call a minimal pair, namely that there are pairs of articulatively adjacent sounds in line with O’Grady’s disclosure in Contemporary Linguistics (1998) that “a minimum pair consists of two forms with distinct meanings that differ by only one segment found in the same position in each form of the word”.

Syntactically, Syntactic markers on the Segway brand are in the form of nouns written in black letters. And duplication attempts to resemble noun phrases by not changing any syntactic units, because they are still equally classified as nouns. It indicates that the naming of the brand is still in the same type of noun. The Segway word is a noun and is a homophone of the word segue which in the Merriam-Webster online dictionary which has the meaning “to move unhindered from one activity, topic, scene, or part to another.”

In semiotics point of view, this trademark combines images (icons) and written language (symbols). The icon is the first to be observed, then the symbol. In this data, there is a Segway trademark image shown by the silhouette logo of someone who is moving quickly to the right and the text is written “SEGWAY”. This picture is an icon and also as a representation of [R] from the semiosis process. The semiosis process is that the image of someone’s silhouette is moving rapidly to the right [R], which represents a

product of transportation that is easy and fast [I]. Next is symbol analysis. Symbols are written languages used in trademarks. The symbol of this trademark is “SEGWAY”. The language of this writing, SEGWAY, is the representation of [R] which describes the movement from one place to another easily and quickly [O]. Furthermore, the relationship between the representamen and the object produces interpretant [I].

In visually, Regarding the font type and font size both use different types and font sizes. The black color that is the main and original color of the Segway also undergoes modification assuming that their products are not the same.

Speaking of the type of font used that the original brand (figure 4.2.a) uses a font made specifically for Segway and is not publicly available with capital letters printed while the duplicate brand (figure 4.2.b) uses Fenix Blackletter Caps Regular type letters and all use capital letters. In Figure 1 (4.2.a), the brand displayed is the black Segway associated with night and death. The positive meaning of black is strength, power, weight, luxury, elegance, formal, serious, prestigious, silence, mystery. The black effect on the product is to make other colors look brighter, in psychic therapy, black gives the effect of increasing self-confidence and strength, associated with confidentiality (Monica and Luzar, 2011). The meaning presented by the word Segway is ‘The product of this trademark allows to make a transition without interruption from one place to another.’

While the second image, SWAGWAY, is dominated by black, the connection to local culture is black for boys (Chinese), associated with careers, knowledge, sadness, penance (Asia in general), rebels (America, Europe, Japanese youth).

CONCLUSION

From the results of the language and visual analysis performed on the Original brand and logos and duplicates made in America and Europe the following results are obtained:

First, brand images and symbols are an integral part of modern culture of consumption and a mediated economic system. In this system, the value of the image is determined by the brand’s ability to connect cultural and social meaning systems with appropriate semiotic codes. Consumers should be more vigilant in selecting products based on the brand; the brand meaning produced by the duplicate marketer is different from the original values of a product. The brand marketing philosophy of duplication undermines the value and intellectual property of originality information from consumer feedback and their comments. Some duplicate branding, therefore, can be seen as a bully and even anarchist.

Secondly, companies increase brand oversight and legal action against anti-branders to prevent their non-commercial use of their brands under the Trademark Law. Linguistic or grammatical forensics need to understand the



Picture 4.2.a Original trademark

Picture 4.2.b Fake trademark

Figure 2. Segway vs Swagway

true problem of linguistic analysis to break the deadlock of duplication cases brands and logos that are highly developed under their so-called variety and creativity.

Antibrander is a very tough problem, because consumers get disappointed with duplication companies and the market. Thus, a good consumer is willing to directly share feedback, positive or negative, with the company (Krishnamurthy, S. and Kucuk, 2015). Consumers in the United States declare that antibranding measures should be protected by the 'First Amendment Free Speech Rights'

Third, while the police concentration on creation creates a significant dilemma for the company, the authors think that there will always be a semiotic code differentiator for the digital expert's consumption. Thus, companies that do not discuss and renegotiate their semiotic meaning system with consumers; they lose control of the system of meaning to technologically advanced consumers.

Fourth, the findings of this study reveal that consumers can now fill the consumption space of meaning gaps resulting from duplication company errors through the science of semiotics and trademark visualization. Phonological analysis found the similarity of consonant use and bilabial vowels to original and original brands. It also showed that linguists seek to subvert visual resemblance with respect to the type and size of letters and backgrounds, which appear to be evil, criminal, inhuman, and other indications of duplication with original company brands.

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