# BUSINESSES LURE POKÉMON GO PLAYERS TO THEIR DOORSTEPS

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Businesses have latched on to the Pokémon GO phenomenon by luring customers to their doorsteps, quite literally. The game offers a range of in-app purchases and the one that is most important for businesses is lures.

A lure module allows you to attract wild Pokémon, thereby increasing the rate of Pokémon generation in the area around the Pokéstop where they are placed for half an hour.  Therefore, if your business is a Pokéstop or is situated near one, the use of lures will result in a mass of people stumbling to your doorstep.

Being associated with the game can have a positive impact on getting businesses noticed, however, neither Niantic (the app-creator) nor Pokémon has released any guidance for businesses to follow regarding the legal implications.

Using Pokémon for commercial benefit has direct copyright and trademark consequences.  Copyright is a set of exclusive legal rights given to the author or creator of an original work – that includes the right to copy, distribute, adapt, perform and display the work in public.  A trademark on the other hand, is a word, phrase, symbol, and/or design that distinguish the source of the goods of one from those of another.

It is important to avoid creating a false impression that your business or brand is affiliated or authorised by Pokémon.  We have highlighted three methods to help businesses avoid landing themselves in hot water.

- Do not use words or phrases that explicitly state that your business is an official and licensed Pokéstop.
- Do not use images of Pokémon characters and other copyright works owned by Nintendo.
- Do not use the distinctive trademarked design of the word mark “Pokémon” to inform people that there is a Pokéstop near your place of business.

In an interview with the Financial Times, John Hanke who is the CEO of Niantic hinted that advertisements will soon be coming to the game in the form of “sponsored locations.” Pokémon Go will offer businesses the option to sponsor locations, and advertisers would pay Niantic based on the

number of visits they receive as a result of the game.  McDonalds has been the first company that has partnered with Pokémon Go and this will surely lead to other companies following suit.  Pokémon has the potential to be a game changer in getting your business noticed.  However, it is imperative to approach advertising with caution so that it does not create the impression that your business and brand is affiliated with Pokémon or Niantic, until such time that you are able to enter a formal partnership with them.