

ASSESSMENT OF THE AUTHORSHIP OF THE BRAND-ASSET HEALTHINEERS



WIRTSCHAFTSPHILOSOPHIE

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SUBJECTIVE DESCRIPTION OF THE CREATIVE ACT

Upon my diachronic review of the working materials, my examination of the broader processual behavior of the phenomenon over time, I observed a distinction in meaning that is characterized, in Claude Lévi-Strauss's terms, as oppositional. In particular, when considering the value differential attributed to work, divided in my then-understanding between *ficcare* and *laborare*, I perceived and/or intuited a conceptual vacuum within the relevant linguistic field.

At the time of creation in 2012, it was my subjective understanding and perception that the world of work, as structured by the division of labor, was split between *ficcare* and *laborare*. In that framework, I separated economic entities into *ficcare* as abstract labor, i.e., academically trained professions, and *laborare* as concrete labor, i.e., Apprenticeship-Jobs. Only much later did I realize that this classification was inaccurate. For purposes of assessing the creative act, however, that misinterpretation itself is further evidence of the originality of the creative process that was undertaken.

The expressive moment was shaped by my recognition that, at this particular intellectual juncture, neither the German language nor the English language contained a term designating what I then perceived as higher-value abstract labor. By contrast, lower-value concrete labor appeared identifiable in English as *healthcare*, meaning the care on health. A further back-translation also yielded the German concept *Gesundheitswesen*. Yet a direct translation of *Gesundheitswesen* into English generally resulted in terms such as *healthcare system* and, less frequently, *health essence*, *health nature*, or *health creation*.

I then turned to the translation of the German word *Gesund*. In addition to *health* and *fitness*, I examined *healthiness* more closely. In formal terms, this entire process constituted an act of *ficcare* according to its official meaning. I had not been commissioned by the client to create a Claim. Rather, my task in relation to the logo was challenged by the fact that two firms were to be founded, *Schug Medical GmbH* and *Schug Medical Service GmbH*, and both should receive logos that were self-similar in form.

The graphic logo draft that I subjectively found fitting persuasive (cf. § 2 UrhG) consisted, for both ventures, of the same word-and-design combination, except that the version for *Schug Medical Service* additionally bore the word *Service* beneath it. When comparing the logo draft for *Schug Medical* to the version for *Schug Medical Service*, I perceived a vacuum. My thought was that something should stand there beneath *Schug Medical*, something similar to *Service*, which, under my then-mistaken assumption, represented *laborare*, but which would express the deeper character of that entity.

It was only as a consequence of that circumstance that I turned to the creation of a new word. My economic calculation was that I could proactively offer this logo element to the client as a *claim*, and thereby potentially realize additional revenue and/or professional reputation. That act, too, was subjectively idiosyncratic and clearly reflects a methodological individualism in which spontaneous order describes the creative act as a process in economic philosophy.

Three strands of linguistic alignment converged here, forming what, in linguistic terms, is described as a synchrony. The three typical elements of synchrony are structures, relations, and rules; subjectively, I processed these through three strands of linguistic, the value differential of work (*ficcare*), lingo (jargon), and gravitas (narrative).

I attempted artistically to bridge these three idiosyncratic misinterpretations. I approached the problem with an attitude best described as, *this is as it should get done*. In addition to the previously described mistaken assumption regarding the value differential of work, I had also come to assume that *Medizintechniker* ("medical technician") was an unsuitable designation, and that an English-language neologism would best fit the conceptual space at issue.

BRAND SCHUG MEDICAL AND SCHUG MEDICAL SERVICE

On June 20, 2012 (timestamp), the following image file was generated as the first draft and was discussed shortly thereafter in a personal meeting with André Friedrich, the founder and CEO of *Schug Medical GmbH* and *Schug Medical Service GmbH*.



The following two word-and-design marks were derived from that draft and were subsequently registered by *Schug Medical Service GmbH* itself at the *German Patent and Trade Mark Office*.



File Number 3020120429114	Word-and-Design-Mark
Classification 5	Date 07. August .2012



File Number 3020120429106	Word-and-Design-Mark e
Classification 5	Date 07. August .2012

COMPARISON OF THE BRAND ASSETS

Schug Medical:



Siemens Healthineers:



Visual Imaging

The visual configuration of both word-and-design marks shows that a point-like element, self-described as a *dot matrix*, separates itself from the color spectrum. In this way, the design element acquires directionality resembling an arrow. A similarity, together with a newly formed design language in the Siemens logos, is discernible.

Text Arrangement

The arrangement within the key visual shows that, in both word-and-design marks, the neologism is placed beneath the founder entity identified by the founder's personal surname. This visual language was later adopted by *Siemens Healthineers*.

Contextualization

In the past, the medical-technology division of *Siemens AG* appeared prominently under the designation *Siemens Medical*. Examples of German entities included the following:

Siemens Medical Solutions GmbH (z. B. Eschborn)

Siemens Medical Solutions Health Services GmbH

In the United States, the operating entity that promotes the *Siemens Healthineers* brand asset is:

SIEMENS MEDICAL SOLUTIONS USA, INC.

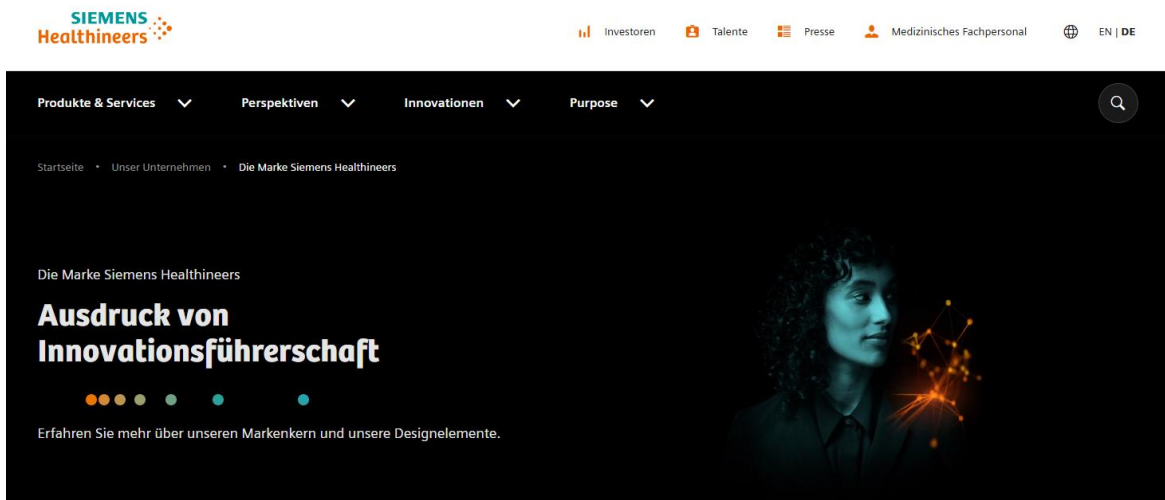
The designation of these legal entities closely corresponds to the designation of the legal entities *Schug Medical GmbH* and *Schug Medical Service GmbH*.

The use of the founder's personal surname together with the addition *Medical* frames the legal entity, and the claim element *Healthengineering* is identifiable in both brand assets.

BRAND SIEMENS HEALTHINEERS

According to its own public statement regarding the brand, as reflected on the *Siemens Healthineers* website and captured in the screenshots dated January 25, 2026, *Siemens Healthineers* presents the following brand-related content.

“The Siemens Healthineers brand is an expression of innovation leadership.”



Logo and Key Visuals

In regard to the meaning attributed to the term *Healthineers*, *Siemens Healthineers* states that the term refers to its employees, which reveals a substantial similarity to the descriptive concept reflected in the earlier *Schug Medical* draft.

Under item 3, it explains the symbolism of the *dot matrix*, which represents a future-oriented perspective. The description of the *key visuals* likewise reflects similarities to those of *Schug Medical*.

Logo

Siemens Healthineers ist eine relativ junge Marke. Wir wurden 2016 als eigenständiges Unternehmen innerhalb von Siemens eingeführt. Unser Logo verkörpert unsere Herkunft, unser Team und unsere Innovationsführerschaft:

- Der Name „Siemens“ steht für unsere Geschichte von über 120 Jahren als Medizintechnikarm der Siemens AG, unserem Hauptaktionär.
- Das Wort „Healthineers“ ist eine Hommage an unsere Mitarbeiter*innen, es kombiniert unsere Branche (**healthcare**) mit der Identität unserer Mitarbeiter*innen (Ingenieure und Pioniere; **engineers pioneers**) und spiegelt so unsere herausragenden Leistungen und unseren Innovationsgeist wider.
- Die nach vorne gerichteten Punkte („Dot-Matrix“) symbolisieren unseren zukunftsorientierten, innovativen Ansatz in Bezug auf unsere Mitarbeiter*innen, Produkte und Dienstleistungen.

Key Visuals

Unsere Key Visuals sind eine Kombination aus einem Portrait und einem Overlay:

- Das Portrait in *Siemens Petrol* stellt die Menschen dar, die bei allem, was wir tun im Mittelpunkt stehen. Es steht für die Menschheit an sich und nicht für einzelne Individuen.
- Das Overlay in *Healthy Orange* fügt Kontext hinzu, der sich auf die Kernbotschaft des jeweiligen Kommunikationsmittels bezieht. Unsere Overlays zeigen klinische oder wissenschaftliche Bilder oder eine Kombination aus beidem.

Mit dem unverwechselbaren Petrol von Siemens und unserer orangen Markenfarbe sind unsere Key Visuals eine Hommage an unsere Herkunft und sorgen gleichzeitig für einen sofortigen Wiedererkennungswert: unsere einzigartige Farbkombi macht Siemens Healthineers auch ohne Logo sofort erkennbar.

COLOR-CODES COMPARED

Schug Medical Key-Color vs. Supporting Color Contrast

			
Beige dark Pantone-Code: 728C Hexal-Code: E9C38A	Beige light Pantone-Code: 617C Hexal-Code: E1D48C	Turquoise dark Pantone-Code: 3292C Hexal-Code: 006561A	Turquoise light Pantone-Code: 3285C Hexal-Code: 00928B

Siemens Healthineers Brand Color Hierarchy



			
2nd left Hexal-Code: D68832	3rd left Hexal-Code: BF9552	5th left Hexal-Code: 71A287	6th left Hexal-Code: 2BA39C

Schug Medical Service Key-Color vs. Supporting Color Contrast

			
Beige dark Hexal-Code: E9C38A	Beige light Hexal-Code: E1D48C	Red dark Hexal-Code: 741613	Red light Hexal-Code: A0211B

Siemens Healthineers Key-Color vs. Supporting Color Contrast

	
Siemens Petrol Pantone-Code: 7716C Hexal-Code: 009999	Healthineers Healthy Orange Pantone-Code: 179 C Hexal-Code: EC6602

On the Siemens Healthineers website, the company states, as follows:

“Our distinctive color composition makes Siemens Healthineers recognizable even without the logo.”

The comparison shows that the brand strategy is the same. In each instance, the marks draw from the same color space and employ highly similar hues to produce a comparable psychological effect. The proximity of the respective color codes can be measured by spectrophotometric analysis using ΔE (Delta E).

SIEMENS- SPIN OFFS OVERVIEW

For Siemens AG, spin-offs and the related branding processes are customary corporate practices. Historically, the company has been active in the acquisition of third parties, in joint ventures undertaken in collaboration with third parties, and in spin-off transactions through which business units were separated and converted into third-party entities. The valuation and management of brand assets has accordingly been a continuous practice. In order to generate value-creation, the group utilizes the **Aeon** of an enterprise as an object of equity trading.

Set forth below is an initial, high-level overview.

<u>Year</u>	<u>Company / Business Unit</u>	<u>Transaction Type & Notes</u>
1903	Telefunken	Founded as a joint venture between Siemens & Halske and AEG for wireless telegraphy.
1919	OSRAM	Formed from a joint enterprise with AEG/DGA; later developed into an independent corporate group.
1967	Bosch und Siemens Hausgeräte GmbH (BSH)	Joint venture with Bosch; later became wholly owned by Bosch (2014).
1990	Siemens Nixdorf Informationssysteme AG	Merger of Siemens-DIS and Nixdorf; in 1999 later split into Fujitsu Siemens Computers and Wincor Nixdorf.
1999	Infineon Technologies AG	Spin-off of Siemens' semiconductor division as a publicly listed stock corporation.
1999	Fujitsu Siemens Computers GmbH	50/50 joint venture with Fujitsu; stake sold in 2009. This was preceded by the founding of Fujitsu with Furukawa Denki Kōgyō in 1935.
2000	EPCOS AG	Electronics/components division carved out and publicly listed (later acquired by TDK).
2005	Siemens Mobile	Sale of the mobile communications division to BenQ; subsequently became BenQ-Siemens.
2005	Gigaset Communications GmbH	Carve-out of the home/office telephony business; later sold to Arques/private equity and currently continued externally (VTech/Snom).
2006	Nokia Siemens Networks (NSN)	Joint venture with Nokia; Siemens' interest was sold off in stages and the business was integrated into Nokia Networks.
2016	Siemens Healthineers AG	IPO/spin-off of the medical technology division (Siemens retained a majority interest).
2020	Siemens Energy AG	Carve-out of the energy/power generation business as an independent publicly listed stock corporation.
2023	Innomotics GmbH	Carve-out of Siemens' large motors/drives business (later sold to KPS Capital Partners).

BRAND ASSETS OF SIEMENS DIVISIONS AND SUBSIDIARIES

The Brand-Assets associated with prominent Siemens ventures and spin-offs warrant closer examination. The strategic positioning of these assets, and their relationship with one another, shows that in each case a nucleus-centered structure, rather than a conventional product-market relationship, is present. Siemens maintains a complex brand architecture in order to preserve the integrity of the respective Aeon while enabling a distinct equity-story for separate valuation of the assets. Siemens is not readily classifiable as either a house of brands or a branded house. In parts, the group name is used as an endorsed brand. Umbrella brands must function internationally and allow product brands to be subordinated with flexibility.

 Siemens Energy received its brand asset at the same time as Healthineers. If a deeper understanding of subject designation with an implicit predicate would be present, why the name is not <i>Siemens Energieers</i>.	 <i>Siemens Healthineers</i> stands apart because it implies a predicate and refers, as a subject designation, to the identity of the employees themselves, whereas the other designations refer to inanimate things.
 Through a series of intermediate transactions, Stock-Company Bad Salzschlirf came to the designation <i>Siemens Home and Office Communication Devices</i>, never been able to preserve the intrinsic value, technically accompanied by the non-distinctive brand.	 Infineon signifies infinity and Aeon. It is a successful, but also typical, example of the combinatory linguistic logic of contemporary marketing, one that bears relatively little relation to the nucleus and purpose of the enterprise itself.
 A purely technical approach of the Aeon at this business segment resulted in a negative price, which illustrates the distance of a subject designation with an implicit predicate and an identity less brand asset.	 This creation, derived from osmium and tungsten and was originally coined by Carl Auer von Welsbach, which illustrates Siemens's recurring practice of drawing upon a third party's design at brand assets.
 The sale of the dynamo-electric division, a core asset (Aeon) originating from the parent company's nucleus, shows through the verbal shell formed around <i>innovation</i> and <i>motion</i>, as <i>Innomotics</i>, a subject matter-oriented materiality and a clear distinction from a subject designation with an implicit predicate.	 The founding of <i>Fujitsu</i> together with Furukawa Denki Kōgyō in 1935 created an authentic trademark, converted in 1972 into a spelled-out word mark, underscoring that the textual elements are meaning-bearing.

STRUCTURALIST PERSPECTIVE ON JUDGMENT BASED ON FERDINAND DE SAUSSURE

From a structuralist perspective, the cultural and linguistic phenomenon of compound-word formation is a characteristic feature of the German *langue*, particularly when contrasted with English as a global language. Accordingly, as a matter of structural origin in the intellectual sense, the use of this technique in a neologism situated within the English *langue* points to a trait associated with German identity. The reason is that German ordinarily combines lexical units into a single word, whereas English generally does not.

Healthgineering constitutes a *parole* capable of international use, one that conveys an identity referable to Germany and that clearly expresses a *laborare* context. This characteristic alone, when used as the conceptual object of a one-word *claim*, demonstrates an artistic feature of substantial novelty, individuality, and originality within the meaning of Section §2 UrhG.

Meaning does not arise from isolated elements but from relations within a system. The *langue* makes *parole* possible, not the reverse. Concretely, I transferred what I understood as a mythological and epistemic basic assumption. My motive as an entrepreneur must always be in its core abstract labor, and this oppositional and creative quality, in Claude Lévi-Strauss's sense, enabled me to form a narrative structure from mythemes around the potential signified.

The text structure available did not provide a function for abstract labor in relation to concrete labor. I was therefore able to distinguish between a nurse and a doctor as instances of concrete and abstract labor, but identified an absence in the present case.

Through the narrative pattern of the *hero's journey*, I created, in concrete terms and by analogy to *parole*, the *signifié* as a narratological application! On the structural level, by analogy of *langue*, I subjectively experienced the actantial model as follows:

The subject desires a usually abstract object. The helper supports the subject in obtaining the object. The opponent, however, works against the helper and tries to prevent the subject from gaining the object. The sender initiates the action and the receiver profits from the action and/or the object. Whether or not the subject will acquire the desired object depends on the abstract power often connected to the subject.

In my artistic formulation, this yielded the following narrative:

Schug Medical desires, through its services, to bring about health. Doctors and nurses assist in that effort. Diseases, however, operate against the doctors and nurses and attempt to prevent Schug Medical from bringing about health. Web Wirtschaft E-Business Marketing presents the appropriate brand asset, and Schug Medical benefits from that brand asset and brings about health. Whether Schug Medical can bring about health depends on the abstract power associated with a startup project / entrepreneurship.

The differential system clearly shows how the claim precisely delineates the operative force of the neologism. The neologism opens a discursive positional space that had previously functioned only as a structural deficiency within the conceptual system of differences. Only through its naming does that space become expressible, connectable, and operationalized as an autonomous distinction within discourse.

VERDICT OF PORT ROYAL

Under the terminology of *Port Royal*, the Brand-Asset described here constitutes an ellipse. On that view, every well-formed linguistic utterance corresponds to a complete logical judgment structure. Classically, a judgment consists of a subject, a predicate, and a copula (*is*).

In the present case, the sentence logic remains complete notwithstanding linguistic compression. What is involved is the omission of linguistic elements that are logically necessary but contextually reconstructable.

Concrete sentence:

Schug Medical – Healthgineering

Logically reconstructed:

Schug Medical works as an engineer on health.

The grammar here is economical, but the logic remains complete. The implicit predication conveyed by the claim is likewise evident in the adoption of the “Sujet” by *Siemens Healthineers*. Even when no verb appears, a predicative relation is logically present. Under a *Port Royal* analysis, that result is necessary, because thought without predication is impossible and language reflects thought. Accordingly, every meaningful construction must be capable of predicative reconstruction.

Concrete sentence:

Siemens Healthineers

Logically reconstructed:

Siemens works as an engineer on health.

What is present here is a “Sujet” functioning as a predicate, which is an elliptical form. The ellipse constitutes a deliberate omission that can be grammatically supplied and that logically refers to an implied element, thereby producing rhetorical force. It is a recognized intellectual and rhetorical figure (§2 UrhG) and its adoption by *Siemens Healthineers* is an unfair taking of reference.

HERMENEUTIC CIRCLE AS A DRIVING FORCE

The *Sanitätshaus Schug GmbH* commissioned *Web Wirtschaft E-Business Marketing UG* to design a company logo. The creation of a neologism was not part of the stated assignment. That fact alone shows that the work exceeded mere technical or craft execution and reached beyond the threshold of ordinary workmanship (§2 UrhG). The instruction given was as follows:

“...make it as if you would found the startup, Mr. Detzer!”

My assumption was that the Enterprise would own a clear unique selling proposition (USP) in order to justify its existence as a *startup* through innovation. That wasn’t communicated to me, even though I intended to contribute my part to the overall. Based on my entrepreneurial impulse, I formed a prior assumption about the market as a whole. This intersection of epistemology to linguistics supplies the relevant momentum, namely the point at which meaning took on form.

A *totum pro parte* (Latin for “the whole for a part”) emerged here as the objectification of the conflicting interpretive situation between the author (*Web Wirtschaft E-Business Marketing*) and the recipient (*Schug Medical*). A productive process of understanding, operating as a reciprocal movement between the whole and its parts, through which the neologism was created.

KRIPKE'S INITIAL BAPTISM OF WORDS

The historical act of first naming, by which the Aeon acquired its reference, constituted the decisive moment at which I subjectively, and with an unmistakably evaluative intention (§ 2 UrhG), decided to use *Healthgineering*. This act of *initial baptism*, in the terminology of Saul Kripke, clearly distinguishes the neologism from the *descriptive theory of proper names* associated with Frege and Russell.

The *initial baptism* constituted the starting point of the term's referential fixation; thereafter, the name was transmitted through communicative use within the brand asset of *Schug Medical*. By virtue of the speech act, the underlying intention became performatively effective, such that the name came to refer to the object and that reference was fixed for future uses. Even where subsequent speakers possess little or no substantive knowledge concerning the bearer of the name, the designation nevertheless remains fixed as a *rigid designator*.

By the subsequent adoption of the designatum into the Brand-Asset of the *Siemens medical technology division*, the originally created rigid designator was likewise employed there as a designation. *Siemens Healthineers* thus makes use of the same referentially fixed object as *Schug Medical*. This constitutes a clear case within the framework of the *causal theory of reference*, because the Brand-Asset functions without requiring any further descriptive content.

SEMIOSE ACCORDING TO CHARLES SANDERS PEIRCE

Peirce's *semiotic theory* may be applied to word-creation and to processes of economic value-creation. Indeed, the present matter concerns precisely such a creative moment as contemplated by Charles Sanders Peirce, namely the moment manifested here in the referential clause of the Brand-Asset.

Within this triadic structure, the symbolic element is the emerging Enterprise, namely *Schug Medical GmbH*. The iconic sign, that is, the sign of resemblance and intuitive association, is the neologism *Healthgineering*. The indexical element, by contrast, is the Brand-Asset itself, namely its use in practice, the everyday attachment of the icon to the symbol.

Symbol	Index	Icone
Schug Medical	Brand Asset	Healthgineering
Object	Interpretant	Representamen

Semiosis is an active process of meaning-formation in which the *representamen* refers to the object, that is, represents it, while its meaning is constituted only through the interpretant. The interpretant, in turn, may become the next link in a continuing chain of signs.

Siemens AG, specifically through the naming of its medical-technology division, adopted this triadic relation as the parent company, reinterpreted it, and thereby generated a further semiosis cycle. Inasmuch as the interpretant of that third sign-constellation forms the basis of a subsequent interpretive sequence.

Symbol	Index	Icone
Siemens med-tech division	Brand Asset	Healthineers
Object	Interpretant	Representamen

It is noteworthy that this process occurred not only with respect to the neologistic component, but also with respect to the visual elements of the Brand-Asset. Accordingly, this adoption of the interpretant likewise extended to the key and supporting colors, as well as to the dot matrix.

THE CATEGORICAL IMPERATIVE AS CLAIM

The abstraction does not exist logically within the German cultural-linguistic sphere. An utterance such as,

gesundheitsingenieuren

is not a word that would yield intelligible meaning in German. Rather, in negative form, it reveals the scope (*extensio*) of the present categorical imperative, in the Kantian sense. Because the Brand-Asset, as an intangible economic good, is itself an act of thought.

Healthineering

Healthineering fills this lexically unoccupied space, particularly in the German language, because by virtue of its abstraction it triggers, upon each encounter, an operation of the understanding. As a Claim, it intellectually formulates the moral boundary of the field of activity. It is the maxim required of the enterprise as if it were to hold as a universally valid law.

Health, by definition, signifies the absence of disease. Accordingly, the logical abstraction (*conceptus communis*) of the brand asset—namely that an engineering activity is taking place—is not materially given. Its inner moral form (*wealth of forms*) constitutes a distinctive characteristic and therefore falls to be classified, under § 2 UrhG, as a copyrightable work. The maxim, conceived as a health-enhancing mission, together with its morphologically English provenance, admits only an individual interpretation in accordance with the categorical imperative. It can only be used as a Brand-Asset and, when contrasted with the utilitarian designation

Gesundheitsingenieur

which could lend itself to a utility-based balancing of interests, demonstrates its idiosyncratic quality in that it acts, in a formative manner, toward the future designated by the imperative itself. Its character as an intangible economic good underscores that what is at issue is the enterprise's mission as abstract labor and, therefore, cannot be collectivist in nature. What is claimed, rather, is the contemporary task of generating abstract concepts within the health sector through the most advanced engineering performance.

Heilungsingenieur

would be a meaningful designation, but—by reason of the teleological principle of medicine—would carry a different meaning. That concept is directed toward healing rather than toward health.

Medizintechniker

as a defined concept (*intensio*) is subject to the *Nuremberg Code* as a moral boundary. The syntactic head lies in *technician*, while *medical* functions merely as a modifier. Since human dignity, particularly in Germany, cannot be interpreted in technical terms but is perceptible only as a spiritual and subjective good, utilitarianism thereby limits itself. The conceptual sphere thus precludes a collectivist interpretation that could potentially lead to the planned breeding of human beings (eugenics).

By contrast, there exists a negative space that was creatively filled by the Brand-Asset *Healthineering*. Much like the word *fit* in *survival of the fittest*, this example likewise demonstrates that no German alternative adequately captures the intended meaning. The formulation of the categorical imperative is therefore itself the claim. The *commons* (Allmende / *Gemeingut*) stands in opposition to the claim. It demarcates its own space from the collective through the constitutive speech act. In that way, the claim establishes the exclusive attribution of that space to its creator.

MEDTECH INDUSTRY IN COMPARISON

A review of the twenty largest competitors of *Siemens Healthineers* in the medical technology (MedTech) sector shows comparatively little creativity in both, corporate names and marketing claims.

Enterprise Name	Marketing-Claim
Medtronic	Engineering the extraordinary
Johnson & Johnson MedTech	For All You Love
Abbott Laboratories	A Promise for Life
Stryker Corporation	A Global Leader in Medical Technology
Becton, Dickinson & Company (BD)	Advancing the world of health
GE HealthCare	Creating a world where healthcare has no limits
Philips (Healthcare)	Meaningful innovation
Boston Scientific	Advancing science for life
Cardinal Health	Essential to care
Baxter International	Uniting to save and sustain lives
B. Braun	Sharing Expertise
Intuitive Surgical	A future of firsts
Canon Medical Systems	Made for life
Fujifilm Healthcare	Value from innovation
United Imaging Healthcare	To Bring Equal Healthcare for All
Terumo Corporation	From Devices to Solutions
Edwards Lifesciences	Heartbeat of Healthcare
ResMed	Breathe Better. Sleep Better. Live Better.
Danaher Corporation	Helping Realize Life's Potential
Fresenius Medical Care	Committed to Life

The analysis of firm designations in the global MedTech sector reveals a marked structural homogeneity. In the main, these names consist either of technical compounds such as *Medical*, *Scientific*, or *Devices*, or of eponyms derived from founders' or family names. Such designations primarily fulfil an objective identifying and origin-indicating function and semantically refer to objects, procedures, or material entities. From both a linguistic and a trade-mark law perspective, these are descriptive, or at least objectively proximate, signs whose reference lies outside the subject itself.

IDIOM AS IDENTIFICATION-MARK

Siemens Healthineers differs significantly from the designations commonly found within the MedTech sector. The name *Healthineers* is the expression of a visionary mission. It is a nominal stem that may plausibly be derived from the implicit gerund *healthengineering*. That gerund denotes an ongoing activity of creating health. *Healthineers* therefore functions as a subject designation for the persons carrying out that activity. It constitutes a tautological self-reference that is *sensegiving* (meaning-conferring).

Semantically, this creates a predicative effect, in that the frontend is occupied not by devices or systems, but by acting human beings. The mark thus refers to an active subject rather than to an object. From a trade-mark law perspective, this subject-centredness establishes an own sign quality (*USP*) that clearly departs from technically instrumental nomenclature.

A one-word marketing claim which, when used together with the company name, expresses a complete sentence consisting of subject, predicate, and object, as it is the case with

Schug Medical – Healthengineering

is exceedingly unusual and evidences artistic creative capacity within the meaning of § 2 UrhG. As a key term, the neologism forms a logical centre within the semantic network of the organization. As a corporate idiom, it refers to the organisation's distinctive and rule-governed linguistic and behavioral style. It is a genuine neologism which functions as a metaphor, since it shares only an imaginary transfer of abstract labour and therefore cannot operate as a metonymy for *Schug Medical*.

Siemens Healthineers

uses it as a referential proper name and as an idiomatically condensed cultural concept that semantically appropriates the identity and practice of *Schug Medical*. Morphologically, the term is analyzable; semantically, however, its brand meaning is not fully derivable from its constituent morphemes. The morphemes of *health* and *engineering* provide an associative frame, but they do not automatically generate corporate culture, an ethos of innovation, or normative identity. That collective identity formula arises through social practice, which is constituted through the idiom as the distinctive jargon of a group. It traces back to the genuine neologism *Healthengineering* and operates, for *Siemens*, as a metonymy/synecdoche. The contrast with the rhetorical figure used by *Schug Medical* (metaphor) clearly demonstrates the threshold of originality required under § 2 UrhG.

This linguistically logical marker of identity cannot be produced in any other way. Because a technically object-centred compound that would generate a comparable brand-formal self-reference for a MedTech undertaking cannot be formed. Thus, for example, the German term *Medizintechniker*, derived from the lexical combination of medicine and technology, would, if translated into English, yield:

Medtechnicians

It is not possible that this could be derived from a gerund such as *medtechnicing*. Nor is it possible to form a corresponding *parole* from it, which marks the distinction from *Healthineers*. A further designation that formulates the object-centred company name as a persona would likewise constitute only a logical variation. Accordingly, the relevant company name would then become:

Siemens Medical Solutions,

Siemens MedSoluteers or Siemens MedSolutionists

Such a designation might be derived from a gerund such as *solutioning* and could produce a subject-centred corporate designation. The logic of that company idiom, however, would lie elsewhere, namely in the activity of *medical solution-making*. The idiom is identity-forming and was unfairly appropriated!

PHONOLOGICAL SEMANTIC SPACE

An examination of

heal and health

demonstrates how two synchronically distinct lexical strands may emerge from a common historical morph. The point of departure is a shared etymological stem in Old English (*hælan*, “to heal,” and *hælp*, “health”). Through sound change, in particular quantitative vowel developments, including vowel shortening in more complex syllabic structures, distinct phonetic realizations came into being. Thus, the forms diverged into

/hi:l/ and /hɛlθ/.

The resulting vowel alternation is not synchronically analyzable as a productive phonological rule. Rather, it constitutes a historically conditioned morphophonological alternation that is lexically stored in present-day English and is not applied to newly formed derivations. From a synchronic perspective, the difference appears as a sound alternation within a word family. The vowel contrast concerns two distinct phonemes (/i:/ vs. /ɛ/). The syllable-final /l/ is allophonic insofar as it is realized as [ɫ] (“dark l”). The grapheme <ea> therefore does not represent an uniform phonological category.

The decisive issue is one of productivity. If the alternation /i:/ → /ɛ/ before -th were synchronically operative as an active rule, it would necessarily have to extend to new formations. Thus, for example,

peel → pealth

is impossible. The -th derivation (cf. *long* – *length*, *wide* – *width*) remains only weakly productive in Modern English, and the specific vowel alternation exhibits a very low type frequency. There are scarcely any comparable patterns from which speakers might abstract a general schema.

The high type and token frequencies of both stems stabilize them as independent forms within the mental lexicon. In the case of *heal* and *health*, the original morphological relationship (*verb* + -th) is no longer synchronically accessible as a rule-governed process. What remains is not a living derivational process, but rather two lexically stored bases.

The relation of *health* to a corresponding verb is re-established only through the neologism as an act of creative authorship (§ 2 UrhG). *Health* forms a nominal and institutional semantic network (*health care*, etc.), and through *healthengineering* it acquires a corresponding verbal and processual field. The negative space that could not be occupied by

healing

is transformed into an artificially created phonological semantic space for the neologism. The timbral quality of the sound, as a differential feature in its function as a claim within the Brand-Asset, delimits a distinct cultural field of meaning. The alternative stem preserves a different signification. It is precisely this autonomous phonological semantic space that grounds the term’s capacity for independent lexical registration.

The sound-based shift in meaning from

Healer to Healthier

constitutes a phono-semantically distinct quality of the creator, one that generates a trope of rhetoric. It effects a shift in meaning that exploits phonetic proximity in order to produce paronomasia as a rhetorical figure of the marketing message. This keyword method, intentionally brought about by the author, generates a narrative effect, particularly in combination with the appended element -*engineering*.

PREDICATOR IN THE CED FRAMEWORK

Through the author's idiosyncratic act of creation (§ 2 UrhG), an organizational identity was constructed that manifests itself in corporate design, corporate behavior, and corporate communication. It is recognized in communication studies, media studies, and organizational theory that such a conceptualization constitutes the basis of corporate identity (CI), corporate personality (CP), and organizational identity (OI). The company thus emerges as a communicatively constructed social actor (§ 17 HGB).

This communicatively constructed identity operates as a cognitive and normative framework structuring strategic decisions, organizational culture, and external perception. In that way, it materially influences the direction of organizational development. The CED framework (Corporate Entity Dynamics) may here be employed as a recognised method for describing that dynamic interrelationship. The three characteristics of organizational identity—Core (central essential features), Enduring (stability over time), and Distinctive (differentiability from others)—can accordingly be clearly articulated through the Brand-Asset.

Schug Medical – Healthengineering

constitutes a value proposition that strategically condenses the organization's self-definition. That value proposition embodies the performance and benefit promise made to stakeholders. Within the CED framework, the value proposition functions as the connecting element between self-description, strategic communication, and actual organizational conduct, thereby forming an intellectual bridge. Before such a proposition could be created, however, the semantic thought first had to entrepreneur!

The explication of the concept arose from loose, brief, and relational conversations with the founder and managing director of *Schug Medical*, followed by the author's idiosyncratic implementation of the design. The process of conceptual refinement, culminating in the defined end result, was exclusively the creator's subjective interpretation (§ 2 UrhG). As part of the product concept of an *external marketing department*, a brand guideline was intellectually anticipated. The level of creative achievement becomes particularly evident when contrasted with the contentless instruction:

it will be a Startup in the medical sector.

At that point in time, the Aeon did not yet exist, as evidenced by the shareholders' agreement dated 26 July 2012. It was abstract labor that intellectually circled the unclear explicandum (the claim) and pointed it out to a precise explicatum. Of particular significance was distinctiveness as an individual form of expression, which, in the creative moment, had to be conceived holistically together with the other CED criteria of Core and Enduring.

The nominator *Schug Medical*, together with the predicator constituted by the Brand-Asset, identified the Aeon as object. In accordance with Aristotle's doctrine of categories, the substance of the company was thereby formed in the creative act, once matter and form, together with the accidents, had come together. As an intangible economic good on the asset side of the balance sheet, that being (Core) has carried its substantial value through time (Enduring) since 2012. Epistemologically, the thought—as an excrement of abstract labor—had to precede linguistics. In grammar, that intellectual bridge subsequently appears as the predicate.

The creative intention of the work was to secure a competitive advantage for the client, *Sanitätshaus Schug*, by formulating the value proposition as a Brand-Asset. What was at issue was the creation of the firm as a communicatively constructed social actor. For *Siemens AG*, as a highly professional enterprise, headquartered in the same regional location, the use of a CED framework forms part of daily business. An unfair appropriation of that structure therefore substantiates infringements of § 5 UWG and § 3 HWG.

PARADOXICAL FIGURE IN THE FIRM LOGO

The compact linguistic unit of the claim, in particular, exhibits an exceptionally high degree of semantic density (*meaning density*) as a condensed brand message. This strategic compression of brand value, value proposition as well as emotion, and affect into the extremely concise form of a single word generates maximum relevance and recognizability with minimal communicative expenditure. It is not the volume of communication, but rather its texture and emotional resonance, that produces the deeper relationship. A

paradoxical rhetorical metaphor

such as is present here, constitutes a stylistic figure that distinguishes itself from competitors by virtue of its substantive meaning. Its semantic-conceptual force conveys, across several dimensions, two contradictory terms which it skillfully combines. The semantic tension between

health and engineering

compels recipients to engage in cognitive elaboration, since the bearer of the tension, *Schug Medical*, does not in fact provide engineering services directed at health. The brand message thereby generates high levels of attention and memorability, both internally and externally, through only minimal cognitive effort.

The narratological tension between *fable* and *sujet* permits the matter to be viewed on three distinct levels. *Fable*, as a level of analysis, denotes the chronological sequence of the events of a story. With respect to the essence of the client, this means that the undertaking consisted in a spin-off from a medical supply store in Northern Bavaria engaged in the trade of bandages and medical supplies. The same recurring operational activity had to be carried out under intense competitive pressure from approximately 2,200 dealers and approximately 150 manufacturers and wholesalers in Germany offering an identical portfolio.

Set against this is the *sujet*, which, as a level of analysis, interprets the manner in which the events of the fable are presented. The dramatic perspective, and the representation and emphasis of particular aspects of the story, are ordered, staged, and communicated through the *sujet*. It was the task of the author to stand out, from this long list of largely interchangeable dealers with the same portfolio, by shaping a distinctive *sujet*. The *sujet* forms the basis of the CED framework and thus of CI, CP, and OI through the rhetorical figure, in the tension of matter (*fable*) and form (*sujet*). The spin arising from

Helper and Genius

occupies an intermediate level. The target audience hears the paradoxical undertones of

Healthier and Ingenuity

and is thereby exposed to a specific psycholinguistic *Ganong effect*. The interpretation of acoustically ambiguous speech sounds is influenced by lexical knowledge. Top-down processes overlay the perception of the acoustic signal, and contextual expectation generates a paradoxical rhetorical figure in the mental lexicon. Language processing in the brain is organized interactively, such that higher cognitive levels exert an early influence on the processing of linguistic signals. A vivid image of the

Heileringenieur

appears as a paradoxical figure each time the sign (Brand-Asset) is recognised. The consciously generated rhetorical figure demonstrates, as a form of spin, the strategic intervention at the transition from appearance to representation. In particular, for the relevant trade circles located within the client's sales territory, the intended effect is capable of substantiating a distinctive level of originality recognizable under copyright law (§ 2 UrhG), because the lexical knowledge operative there is differently configured.

CLASSIFICATION TO WALT DISNEY'S IMAGINEERING

The genesis of the word *Imagineering*, together with the corresponding designation *Imagineers* derived therefrom, constitutes a classic case of brand establishment through adaptation. Contrary to common assumption, *Imagineering*, a portmanteau formed from *imagination* and *engineering*, was not an original coinage of *The Walt Disney Company*. Priority of first use lies with the *Aluminum Company of America* (Alcoa), which had already coined the term in 1942 in the context of an advertising campaign to designate its innovation processes.

The Disney organization did not appropriate the processual term *Imagineering* until the 1950s, when it employed the term to describe the operational activity of its subsidiary *WED Enterprises*. Whereas the activity itself (*imagineering*) initially remained conceptually foregrounded, the designation of the employees as *Imagineers* gradually became established as the corresponding professional attribute.

Of legal relevance is the comparatively late consolidation of trademark rights. Although Disney had, for decades, established the term as a de facto standard for theme-park design, the official renaming of *WED Enterprises* as *Walt Disney Imagineering* (WDI) did not occur until 1986.

imagineering = imaginieren

A linguistic and grammatical classification of the German adjective *imaginär*, its semantic relation to *image*, and the English coinage *Imagineering*, together with its derivative *Imagineers* as used by *The Walt Disney Company*, gives rise to the following discourse. A precise delimitation of the relevant morphological, syntactic, and semantic aspects, taking account of the differences between German and English grammar and of the function of lexemes in trademark-fixed contexts, yields the following conclusions.

1. German Classification

Imaginär is an adjective borrowed from the Latin *imaginarius* (from *imago*: image, representation). In German, it denotes a quality (not real, imagined, theoretical). A direct verbal derivation such as “*ich imaginäre das*” does not exist, because the suffix *-är* is productively adjectival, not verbal, in German. The existing verb *imaginieren* is semantically related, but formally rare. Although *imaginär* and *Image* share etymological roots, they function in German grammar as different parts of speech (adjective versus noun) and are not functionally interchangeable.

2. The Walt Disney Brand-Asset

In February 1942, Alcoa placed an advertisement in *Time Magazine* under the title *The Place They Do Imagineering*. This was an advertising text, insofar as the campaign was time-limited and the word did not constitute a central component of the undertaking itself. *The Walt Disney Company*, in order to designate a person who translates ideas into realized concepts, developed from this basis the term *Imagineers*. The form *Imagineering* is the standard *-ing* formation. From a trademark-law perspective, Disney's focus lay on *Imagineering*, because a primary focus on *Imagineers* would presumably have entailed greater legal risk.

3. Legal-Analytical Conclusion

From a trademark-law perspective, it may be concluded that Disney institutionally fixed the lexemes *Imagineers* and *Imagineering*. Any treatment of these forms as generic would be erroneous and could, in legal argumentation concerning trademarks, copyright-related text use, or the linguistic delimitation of claims, lead to confusion.

4. Different Legal-Systems in the United States and Germany

The coinage *Imagineering* illustrates the difference between the relevant legal orders in Germany and the United States. In German, *Bildingenieur* is productive and generic, and would attain neither copyright nor trademark protection. In English, *Imagineering* is an atypical and creative neologism, the protection of which in the United States is governed under trademark law by the *Lanham Act*. That statute marked the turning point at which the United States fundamentally moved beyond the German interpretation of copyright law. Cultural creation (*Äon*) is there treated directly as an economic Brand-Asset capable of commercial exploitation.

5. Analysis in Light of Ludwig Wittgenstein

According to Wittgenstein, meaning arises through use within specific *language-games*. In Germany, a creation is clearly distinguished between *Aeon* (cultural achievement) and *Aktiva* (economic exploitation). Within the relevant German language-game, *Walt Disney Imagineering* is lexically alien, non-generic, and not otherwise occupied. Because *Walt Disney* is a U.S. firm, the designation would receive trademark protection as a Brand-Asset. *Schug Medical – Healthgineering* acquires its meaning originally through use in the language-game of the trade in bandages and medical supplies in Germany, having been created by a German advertising agency for a German business operating in that sector.

The Brand-Asset is not based on a German word such as *gesundheitsingenieuren*; rather, it is a cosmopolitan advertising creation and is therefore inventive derived from the English language-game. If a U.S. advertising agency were to create *Healthgineering* as a claim for the U.S. MedTech division of *Siemens*, the sign would be treated under trademark law. If a third party were then to create *Healthineers*, the requisite proximity under Section 2(d) *Lanham Act* by reason of likelihood of confusion would be present.

That achievement contrasts with the present case of the Brand-Asset associated with *Schug Medical* on at least two levels: the English language-game and the language-game of the German trade in bandages and medical supplies. This demonstrates a degree of originality in individual creative character such that a formative concept of global resonance adheres incongruously to a conservative medical-supply spin-off from rural Bavaria.

6. imagineering vs. imaginieren

Semantically, *picture vs image* illustrates typical limits of translation. Whether, in relation to *Imagineering*, the German lexical component *Bild* is translated as *picture* or *image* determines the marketing suitability of the Brand-Asset. *Picture* primarily denotes a technical, object-related depiction, whereas *image* implies a mental and action-related representation. Correspondingly, the German verb *imaginieren* could be rendered into English as *imaging*. The agentive person in German would be the *Imaginierer*. This, however, is not an established word. *Bebildern*, or *Bebilderer* would make more sense with a German causal chain.

Siemens Healthineers has embarked upon the same form of brand adaptation as illustrated by the example of *Imagineering* and *Imagineers*. An absurd proposal such as *Pictureineering* would be out of the question for *The Disney Company* because of its lack of marketing relevance. The task of a Disney Imagineer is to tell stories, not to measure the technical features at a picture. The translational achievement embodied in the coinage *Healthgineering* must therefore be acknowledged under Section 3 UrhG. Because, according to the claim, the mission of the employees of *Schug Medical* is to work abstractly on health, rather than merely to be medical technicians.

7. Unknown Prior Template

At the time the Brand-Asset *Healthgineering* was created, its creator was not aware, in 2012, of the existence of *Imagineering*.

ORIGINALITY-LEVEL AS BENCHMARK

From the registration of *Imagineering* on the Principal Register of the *USPTO* and from its confirmed incontestable status under Section 15 *Lanham Act*, it follows that the sign has been recognized as inherently distinctive. A classification as *generic* or merely *descriptive* within the *McCarthy spectrum of distinctiveness* is therefore excluded. Doctrinally, *Imagineering* is most convincingly classified as a *suggestive mark*, because the term evokes associations with imaginative engineering or design performance, while the specific nature of that performance becomes intelligible only through a further mental step. In the alternative, an occasional classification as an *arbitrary mark* has also been expressed.

Under *USPTO* practice pursuant to Section 2(d) *Lanham Act*, the registrability of *Imagineers* would be assessed solely by reference to the *likelihood of confusion* standard. The controlling criteria are the *DuPont* factors, in particular similarity of the signs, proximity of the goods or services, and the strength of the earlier mark *Imagineering*. The conceptual and phonetic proximity of the two terms, together with the strong distinctiveness and notoriety of Disney's coined designation, would ordinarily preclude registration by a third party, even if Disney had never itself registered the derivative designation *Imagineers*.

Coined Word

A *coined word* (neological terminology *coinage*) denotes a word that has been newly invented or created in order to describe a concept for which no prior designation existed. The term is derived from the minting of coins, thereby symbolizing the deliberate imprinting of new linguistic units. As the maxim of an economic subject, such a linguistic unit may then become tradable and function internally and externally as *coinage*.

	Creation contribution	Creation contribution
Author	Schug Medical	Siemens Healthineers
Offer	Brand-Asset (HGB)	Brand-Asset (IFRS)
	coined word	dichotomy of money

From the self-imposed aim of the author to create a claim for the occasional customer, a syllogism emerged for the founder and managing director of *Schug Medical*. The decision whether a creative proposal should be accepted constitutes the economic-psychological *sensemaking process* between the creator and that gatekeeper (CEO of *Schug Medical*).

Major premise: a new Foundation requires a brand that foundates

Minor premise: Healthineering is a brand that foundates

Conclusion: Schug Medical – Healthineering

The offer itself, constitutes a protologism, which becomes a *coined word* once the proposal is accepted. The invoice monetizes that momentum for the first time, and prices this creation as a Brand-Asset. Through the conclusion, the creation becomes an intangible asset (form of an asset) within fixed assets, and from this point forward it is calculated at nominal value in the balance sheet of *Schug Medical*.

Because the creation is usable only as a Brand-Asset, that moment is decisive. In ordinary cultural usage, it would possess no *value-in-use* and would therefore disappear again as an occasionalism. Here, the higher art of entrepreneurship becomes apparent, since an unmistakably evaluative intention on the part of the author must be present (§ 2 UrhG). As a *creation-contribution*, the prototype of the offered Brand-Asset must already reveal complexity as a quality of inner value. Its use by *Schug Medical* as a Brand-Asset since 2012 has been limited to the product portfolio (bandages and medical supplies) and the relevant catchment area (Germany), yet within the framework of the *HGB* it nevertheless demonstrates quantitative dimensions in Euro terms.

The cognitive processability and markedness of this creation is of such exceptional quality that, upon spinning off its medical-technology division, *Siemens* drew from the same syllogism the same conclusion as *Schug Medical*. This time, however, the Brand-Asset appears directly in the form of the brand name and, owing to a substantially different portfolio (MedTech) as well as market scope (global), displays a greater quantitative magnitude in Euro terms within the framework of *IFRS*.

Major premise: a new Foundation requires a brand that foundates

Minor premise: Healthineers is a brand that foundates

Conclusion: Siemens Healthineers

Dichotomy of Money

The protologism arising from the offer clearly goes beyond the functional scope of the *HGB*, because it demonstrates not merely creditor-oriented, but even capital-market-oriented performance capacity, and thereby reveals the dichotomy of money. Through its incorporation into the title of the spin-off, the creation becomes an intangible asset (form of an asset) within the fixed assets of *Siemens Healthineers*. From that point onward, the Brand-Asset becomes measurable in the balance sheet under *IFRS* by reference to brand-management indicators. The terminal value is empirically tested through regular impairment testing. It is precisely this measurability under *IFRS* that demonstrates the complexity inherent in the *creation-contribution*.

In the act of creation in 2012, the author created a concept which, through its later adoption as a Brand-Asset by *Siemens AG*, receives a double proof of concept. The independent valuation in the real economy and in the capital markets demonstrates the quality of this work as a benchmark of originality (*Schöpfungshöhe*) in marketing. In particular, the period from 2012 to the present may be adduced as evidence of a double product-market fit. The matter is therefore a singular case which, precisely by reason of that characteristic, satisfies the requirements of § 2 UrhG.

Economic Value Added (*EVA*) may be calculated for the relevant brand-performance elements. This permits inferences concerning the author's *creation-contribution*, who generated the core of the brand nucleus. The level of originality may be derived from the *brand-equity-premium* (*EVA*-based brand valuation) and from the forecast period of ten years in strategic brand management that had, by the present time (2026), likely expired. In that respect, an empirical measurability of an a priori-performance is, for the first time, made fully transparent. The comparability with *Walt Disney Imagineering* underscores the magnitude of the achievement.

That the matter constitutes an idiosyncratic artistic work reaching the requisite level of originality under § 2 UrhG is particularly apparent from the creative moment in 2012 for *Schug Medical*. The proposal of a claim bearing some relation to engineering, made in connection with the spin-off of a bandage distributor from a medical-supply store, is in itself highly illusory. The author's lack of knowledge of the mark *Walt Disney Imagineering*, together with the formulation of a claim that would, under Section 15 *Lanham Act*, be capable of attaining incontestable status, shows that pure self-actualization and artistic creative force were decisive.

The qualities that would ordinarily come into consideration for a marketing claim for a dealer in bandages and medical supplies from the Northern Bavarian region differs fundamentally from the present Brand-Asset. Any professional proposal by a German advertising agency would, on technical grounds, have excluded *Healthgineering*! It may therefore be falsified that the Brand-Asset remained within merely functional or craft-based criteria; rather, it extends far beyond them within the meaning of § 2 UrhG.

IDIOSYNCRATIC DEVELOPMENTAL ACHIEVEMENT

A special creative achievement may also reside in an extreme degree of linguistic condensation. Whereas multi-word advertising slogans distribute their message across several lexical units, in the case of a one-word claim a single term bears the entire semantic and communicative function of the brand message. The author must thereby condense brand identity, emotional effect, and substantive meaning into one single expression. That reduction constitutes an individual act of selection from a multitude of possible linguistic alternatives, and, in particular, the realization of that reduction in a neological coinage with ornamental elements constitutes an autonomous creative achievement (§ 2 UrhG).

This accords with the Union-law concept of a work, according to which a original work of authorship must be the expression of the free creative choices of its author (*CJEU, Infopaq; Cofemel*). Precisely because *one-word-claims* are rare in comparison with the usual multi-word slogans and exhibit a high degree of semantic condensation, they may amount to a particularly individual form of expression. Linguistic reduction may therefore, precisely by reason of its brevity, constitute the expression of an intellectual creation of a personal nature and thereby establish copyright protection.

In academic research and professional brand practice, the linguistic and structural features typically associated with successful claims have been studied extensively. Those insights were already established by the early 2010s and were also standardized in practice by branding and advertising agencies. The research clearly shows that claims are expected to follow certain structural patterns. As a rule, they are catchy, rhythmic, and semantically comprehensible; they are often two to four words in length and frequently structured by rhetorical figure. Particularly common are imperatives (*Just do it*), triadic structures (*Quadratisch. Praktisch. Gut.*), parallelisms, or contrastive statements. These forms enhance memorability and support a clear positioning of the brand.

Systematic Development

First of all, an analysis of brand identity, target group, competitors, and value proposition takes place. From that analysis a central message is derived, which is then formulated in numerous linguistic variants. In an iterative process, those variants are evaluated according to criteria such as intelligibility, fit with the brand, differentiation, and strategic territory, legally reviewed, and ultimately tested.

Within this established methodology, dozens or even hundreds of variations commonly emerge before a final claim is selected. A central finding of the research is that the most successful claims usually combine linguistic simplicity, emotional resonance, and rhythmic structure. For that reason, agencies in practice tend to prefer multi-part formulations capable of conveying a value proposition, rhythm, and an emotional brand idea at the same time.

One-Word-Claim

By contrast, *one-word-claims* are very rare, because from a strategic perspective they are regarded as risky. They are more abstract, quantitatively limited, and more difficult to connect with a concrete brand promise. In brand practice, *one-word-claims* are treated as an exceptional special form because they run counter to the usual methodological procedures. The applied practice of agencies in Germany is generally to simply connect several semantic elements—such as utility, emotion, or positioning—in a coherent formulation. A claim consisting of only one word and, moreover, taking the form of a neologism is therefore highly exceptional and, by reason of its idiosyncratic developmental achievement, demonstrates the requisite originality under § 2 UrhG. At the time of creation in 2012, the firm *Web Wirtschaft E-Business Marketing UG* was not aware of the systematic development methodology for claims corresponding to the applied practice of professional marketing agencies!

THRESHOLD IN COMPARISON WITH “WE ARE POPE”

The originality threshold in German copyright law under § 2 UrhG requires an intellectual creation of a personal nature that expresses the author’s individual imprint. According to the case law of the *Bundesgerichtshof* (e.g., *Geburtstagszug*, I ZR 143/12; *Vitrinenleuchte*, GRUR 2023; *Birkenstock-Sandalen*, I ZR 16/24), the decisive question is whether the work goes beyond mere craftsmanship or functional performance and exhibits freely shaped, perceptible originality.

Even simple linguistic or formal works may attain the low threshold of protection traditionally referred to as the *kleine Münze*, provided they display personal and creative design. Applied to the present case, this means that the demonstrable individual design of the creator was the sole origin of the work and that the resulting creation bears its authorial signature in a readily perceptible manner. This is particularly so in light of the fact that there is no comparable undertaking to *Schug Medical* that employs, within its Brand-Asset, a subject designation with an implicit predicate in the form of a one-word neologism!

Higher Regional Court of Hamburg, Judgment – 5 U 116/23 (“We Are Pope”)

The copyright protectability of the claim in dispute follows when assessed by reference to the standards set out in the judgment of the Hanseatic Higher Regional Court of Hamburg of 29 August 2024 (Case No. 5 U 116/23 – “We Are Pope”). According to the margin numbers 136–137 of that decision, the assessment of originality depends in particular on the relationship between the concrete design and the existing stock of forms, as well as on the predefined task. A claim consisting of only a single word departs markedly, within the context of the advertising and marketing industry, from the usual stock of forms, since advertising slogans ordinarily take the form of multi-word phrases or complete sentence structures. The deliberate reduction to a single newly created neologism therefore constitutes an autonomous creative decision that differs significantly from the spectrum of design customary in the industry. As set out in detail above, the term employed additionally exhibits multiple layers of meaning and an independent semantic statement, and thereby satisfies the criteria of individual linguistic design emphasized by the Higher Regional Court of Hamburg (§ 2 UrhG).

Margin numbers 138–139 of the judgment (Case No. 5 U 116/23 – “We Are Pope”) further make clear that, in the field of linguistic design, a considerable scope for creative discretion must be taken into account. Precisely in the development of advertising texts, an almost unlimited number of possible formulations is available, such that the concrete creation of a neologism which, moreover, was idiosyncratically shortened by the omission of individual letters and employed as a concise claim, constitutes a free creative choice and expresses the author’s individual imprint. Under the clarificatory concept of a *possible-world*-semantics (R. Montague), the truth of the modal statement embodied in *Healthineering* is that it is possible, but not necessary.

Finally, the considerations set out in margin numbers 144–146 of the judgment (Case No. 5 U 116/23 – “We Are Pope”) are likewise pertinent. The court emphasizes that the adoption of a formulation by third parties may constitute a significant indication of originality threshold. In the present case, the Brand-Asset in dispute was originally created for a regional dealer in bandages in Northern Bavaria and was later adopted by the globally operating stock corporation *Siemens*. The integration of a Brand-Asset creation originating from a micro-enterprise without reputation (*Web Wirtschaft E-Business Marketing UG*) into the brand strategy of an internationally active corporate group demonstrates its particular salience, gravitas, and creative quality. It thereby confirms the copyright-level originality of the original design on reasoning comparable to that of the “We Are Pope” judgment.

ECONOMIC-PHILOSOPHICAL CLASSIFICATION

Consciously and deliberately, the semantic role of the actant that performs the action implied by the verb *Healthgineering* was assigned to *Schug Medical*. The arguments are the complements that a predicate requires for the completion of meaning, both in logic and in grammar. Through this linkage, the logical-type changes from an unsaturated expression to a saturated one. By virtue of that act of creation, *Schug Medical* thus acquired the semantic role of the agent in logic and of the subject in grammar.

Within the Brand-Asset, the brand message functions as a point of semantic condensation in the form of a **subject designation with an implicit predicate.**

By bringing together, in a single highly concentrated statement, central elements of brand identity, utility argumentation, and positioning, the sign initiates *sensegiving* as an active and intentional process. It is particularly the positioning that combines a paradoxical attribute with the bearer of tension that operates here as meaning-conferring. It is a happening that, upon each experience of the neologism, occurs individually on the psychological plane.

Successful value propositions are based precisely on such fields of tension! For example, *performance and simplicity*, *luxury and accessibility*, or *technology and humanity*. Paradoxical brand messages are capable of expressing this duality in an extremely compact form, for example through formulations such as *powerful simplicity*, *affordable luxury*, or *effortless performance*. In such cases, the paradox functions not merely as a stylistic figure, but as a semantic structure that condenses the central benefit of the brand. The expression of this in a one-word-claim evidences a high degree of originality (§ 2 UrhG).

As a tautological self-reference, the congruence of *Schug Medical* and *healthgineering* creates a non-linear equation that may be interpreted in the sense of a topological field model. It is the feature of predication that, within the logic of those who engage with it (stakeholders), repeatedly evokes new interpretations attuned to the *Zeitgeist*. With each interaction, it elicits an individual hermeneutic interpretation through the mysterious question concerning the meaning of the Enterprise itself.

This creation was therefore shaped not only in the context of linguistics and grammar, but also in the philosophy of language and epistemology. A multidimensional consideration of the *Aeon* constituted the basis for forming the self-designation with an implicit predicate as a one-word-claim.

Claiming

in the foundational process of an Enterprise, is in factual terms, the intellectual staking of know-how within the lexical semantic matrix. In the brand strategy, the author positioned paradoxical compaction as an expression of abstract labor in order to generate differentiation and brand personality as an unique selling proposition (USP). Through this creation of a value proposition, the choice of the claim designed a strategic message that confers upon the Enterprise a particular truth content.

Brand assets construct meaning; this value-generating interpretive and trust mark carries a purpose narrative in a single word. It is a neologism that, in psychoacoustic perception when addressing hospital administrations and decision-makers in medical practices, creates a mental anchoring in the context of health and engineering.

The Brand-Asset constitutes an intellectual creation that reflects the freedom of decision and the personality of its author. Individual expression and perceptible formation are clearly attributable to the author.

INTER-LECTUAL CLASSIFICATION

A term must possess a unitary meaning in order to be used logically. That meaning clearly derives from its creation as a claim for *Schug Medical*. In the *speech-act theory* of Austin and Searle, the imperative constitutes a *directive speech act*. It does not merely fill a lexical gap; instead, it posits a normative ideal within a reality that had hitherto been composed solely of actual (descriptive) values. Applied to the present case, this means that the Brand-Asset does not describe what is, but prescribes what is to be done, and it is precisely therein that its copyright significance unfolds.

In particular, the fact that an autonomous logical space can be demarcated from the utilitarian designation *medical technician* foundates an act of authorship within the meaning of § 2 UrhG. The associated *phonological semantic space* supports the argument developed in relation to the *paradoxical figure in the firm logo* and the predicator in the *CED framework*. As a third dimension, the idiom as metaphor furnishes a further angle of logical delimitation, thereby proportioning the Brand-Asset across three dimensions in total (categorical imperative, phonological semantic space, and idiom as metaphor). The Foundation, or spin-off, of an Enterprise requires qualities capable of condensing a complex and fictive nexus into a single focal point. That was the offer made by *Web Wirtschaft E-Business Marketing UG* to *Sanitätshaus Schug* through the product *External Marketing Department*. The quality of being an

Entrepreneur

who, as an external party, comprehensively shaped the firm logo in the original sense of the word, was founded in pure self-ascription. Precisely because there was no advanced academic education in linguistics, philosophy, or economics, the creative achievement under § 2 UrhG is more fundamentally established. The consistent continuation of the subjective vocational calling of the entrepreneur may even support an assessment of the Brand-Asset, within the meaning of § 4 UrhG, as a collective work.

The setting of a point of creation relative to performance, something that may intellectually be described by reference to *competere* as a striving-together, constitutes the individual competence of an entrepreneur (§ 2 UrhG). It is a typical characteristic of an economic subject, one that finds its legal attribution as *sui generis*, and only in that manner can comparability for third parties be established. The logic of collaboration, rather than mere cooperation, is the consequence thereof and is expressed in the unique selling proposition (USP) *External Marketing Department*.

What is involved is a hermeneutic understanding of context concerning the tautological self-reference of an Enterprise in the formulation of the Brand-Asset as an intellectual artifact. It is a conceptual content serving as a *definiens* that contains the definition necessary to function both internally as a coherent management narrative and externally as a brand narrative. This basis for *brand strength* was laid within the Brand-Asset. The appropriation by *Siemens AG* of the Brand-Asset through the naming of its medical-technology division as

Siemens Healthineers

rise to substantial legal implications. On the premise that the work is protectable under § 2 UrhG, infringements may arise under §§ 3, 4, 7, 12, 15, 16, 17, 23, and 97 UrhG, as well as under §§ 4 and 5 UWG, §§ 17 and 30 HGB, and §§ 12 and 823 BGB. The unauthorized use, adaptation and exploitation of the Brand-Asset, together with the resulting likelihood of confusion and Impersonation may therefore claims for injunctive relief and damages, including beyond Germany.

“Who thinks new and differently, can change the world.”

Werner von Siemens