



# MEASURING CONSUMER CONFUSION THROUGH ONLINE SURVEYS

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## Practical Guide to Survey Acceptance

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# Overview of Online Surveys

- Respondents typically click an Internet link from a survey invitation
- Respondents are taken to a website that contains a survey programmed on the site.
- The survey site has instructions, questions, and survey stimuli on a succession of screens that interact with the respondent.
- The respondents' answers are then logged directly to the server
- Real-time results may be reported

# Types of Data Collection

 0%

**Please enter your date of birth**

*Please enter in this format MM/DD/YY*

Month	Day	Year
<input type="text" value="04"/>	<input type="text" value="25"/>	<input type="text" value="79"/>

**Continue »**

# Second Example

What is your **primary** medical specialty, if you have one?

Select one

Anesthesiology	<input type="radio"/>
Cardiology	<input type="radio"/>
Dermatology	<input type="radio"/>
Emergency Medicine	<input type="radio"/>
Family practice/general practice	<input type="radio"/>
Internal Medicine	<input type="radio"/>
Neurology	<input type="radio"/>
OB/GYN	<input type="radio"/>
Ophthalmology	<input type="radio"/>
Orthopaedics	<input type="radio"/>
Otolaryngology	<input type="radio"/>
Pediatrics	<input type="radio"/>
Pulmonology	<input type="radio"/>
Psychiatry	<input type="radio"/>
Radiology	<input type="radio"/>
Surgery	<input type="radio"/>
Urology	<input type="radio"/>
Other	<input type="radio"/>
None	<input type="radio"/>

Continue

# More Screen Shots

34%

Now, please indicate the highest price range you have paid and the highest price range you would consider paying for a pack of tooth whitening gel capsules, strips, or trays?

*Please select one in each column*

	Highest Paid	Highest would consider paying
Less than \$10	<input type="radio"/>	<input type="radio"/>
\$10 to \$19	<input type="radio"/>	<input type="radio"/>
\$20 to \$34	<input checked="" type="radio"/>	<input type="radio"/>
\$35 to \$49	<input type="radio"/>	<input checked="" type="radio"/>
\$50 to \$74	<input type="radio"/>	<input type="radio"/>
\$75 to \$99	<input type="radio"/>	<input type="radio"/>
\$100 or more	<input type="radio"/>	<input type="radio"/>

Continue »

# Additional Screen Shots

38%

Where have you shopped for health and beauty products in the past 12 months?

Please select all that apply

A drug store or pharmacy, such as CVS or Walgreens	<input checked="" type="checkbox"/>
A supermarket/grocery store	<input type="checkbox"/>
A Sephora store	<input checked="" type="checkbox"/>
Another specialty boutique (other than Sephora)	<input type="checkbox"/>
Home shopping network (television)	<input type="checkbox"/>
QVC television network	<input type="checkbox"/>
Other shopping television channel	<input type="checkbox"/>
QVC <a href="#">website</a>	<input type="checkbox"/>
Sephora <a href="#">website</a>	<input type="checkbox"/>
Home shopping network <a href="#">website</a>	<input type="checkbox"/>
Other health/beauty <a href="#">website</a>	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

Continue »

# Example Continued



Do you think this product is put out by the same company as the very first product you were shown, or by a different company, or do you have no opinion?

*Please select one*

Same company	<input type="radio"/>
Different company	<input type="radio"/>
No opinion	<input type="radio"/>
Can't see image clearly	<input type="radio"/>

[Continue »](#)

# Example Continued



What makes you think this product is put out by the same company as the very first product you were shown?

*Please be as specific as possible*

Continue »

# Example Continued

 88%

Please identify the brand name and type of any product you think is put out by the same company as the product you were shown, and give the reason you think so. (Five boxes are provided below but you do not need to fill in all).

*Please be as specific as possible*

Product Brand Name/Type	Reason
Test...	test..

[Continue »](#)

## Example Online Surveys

- Eveready confusion surveys
- Squirt confusion surveys
- Secondary meaning surveys
- Genericness surveys
- Dilution surveys
- Advertising perception surveys
- Multi-phased surveys

# General Rule of Admissibility

- Online surveys are admitted in accordance with generally accepted principles of survey research
- The survey must be sufficiently reliable to be admitted into evidence

# General Admissibility Requirements

- The relevant universe was properly defined
- A representative sample was selected from the universe
- The questions were clear, precise, and non-leading
- The person conducting the survey has sufficient expertise and used reliable interviewing procedures
- The data gathered was accurately reported
- The data was properly analyzed
- Objectivity of the process was assured

# Universe: Selecting Respondents

- Means to gather potential respondents:
  - Online panels
  - Real-time sampling
  - Organization and email lists

# Online Panel Surveys

- Databases of contact information typically developed by research organizations
- Composed of individuals willing to complete online survey
- Panelists generally receive incentives
- Two main types of online panels
  - Consumer Panels
  - Professional panels

# Real-Time Sampling

- Includes individuals who are visiting certain websites.
- Generally, a pop-up invitation appears while the consumer is visiting the website, inviting the individual to take part in the survey
- Potential respondents then follow the pop-up link
- Respondents are qualified for the survey a the website in real-time



# Organization and Email Lists

- Individuals are obtained when organizations make their member data available
- Industry email lists

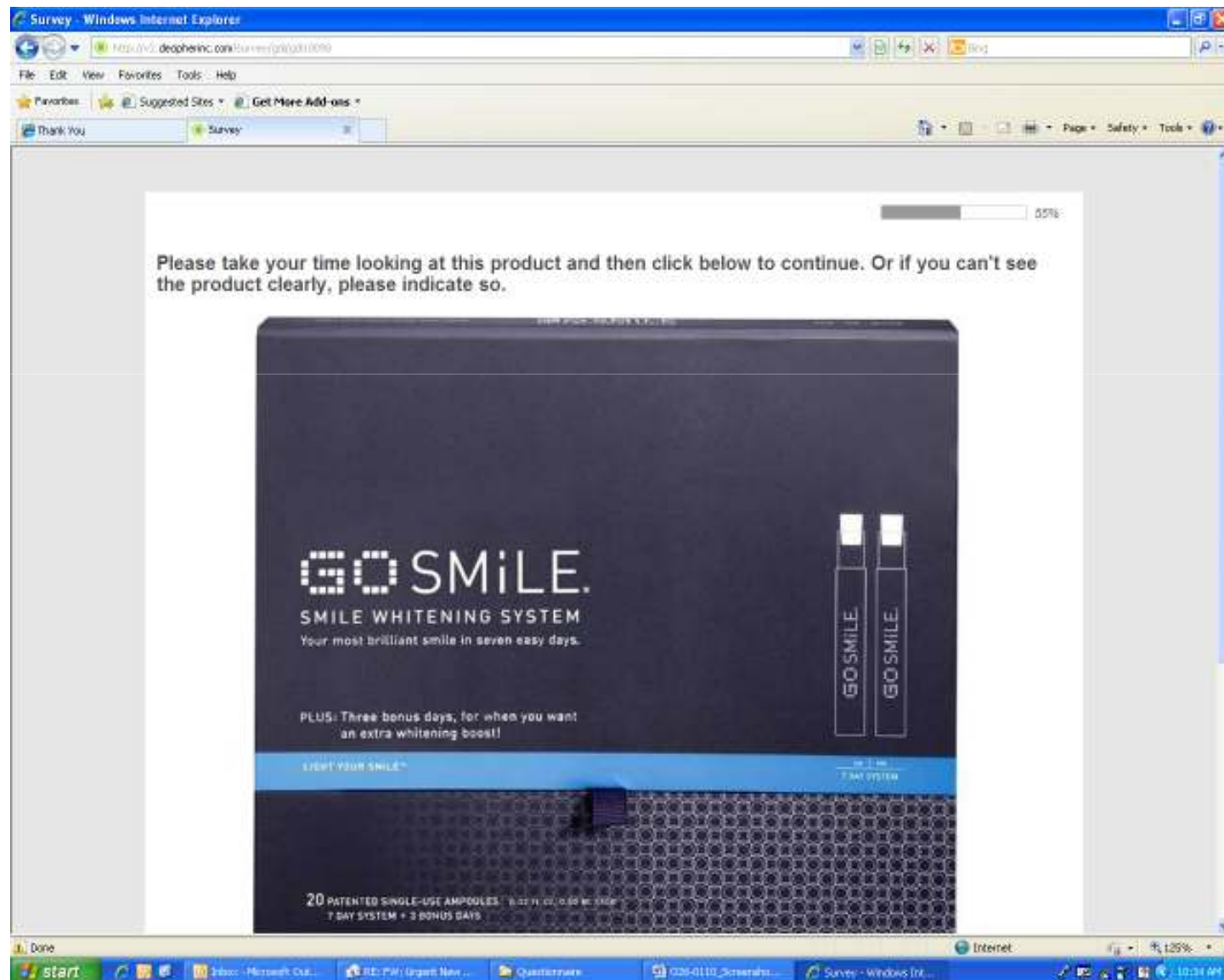
# Universe Issues

- **Size of Sampling Pool**
  - Issue: the number of people who have access to the survey via the Internet
- **Representativeness of Sampling**
  - Issue: those who are online may differ from those who are not online, thus skewing the results of an online survey
- **Response Rates**
  - Issue: individuals who do not respond could be different from individuals who do respond
- **Internet Stigma**
  - Issue: respondents do not use the Internet
  - Reality: approximately 80 percent of Americans use the Internet. 29.7 percent of American homes do not have landlines.

# Stimuli Issues

- Consider whether the use of the marks and important marketplace conditions be fairly portrayed on a computer screen
- Technical aspects should be taken into consideration when deciding whether the online survey format is proper
  - Size and resolution of a respondents computer monitor
  - Web browser displays
  - Download speeds
  - CPU speeds
  - Video capabilities.

# Stimuli Example



# Example Continued

The screenshot shows a Windows Internet Explorer browser window displaying a survey. The address bar shows the URL <http://www.deqpharinc.com/survey/gm00010099>. The browser's menu bar includes File, Edit, View, Favorites, and Tools. The address bar also shows a search icon, a refresh icon, and a stop icon. The browser's status bar shows the page title "Survey", the page URL, and the page's safety status.

The main content area displays an advertisement for GOSMILE. The advertisement features the GOSMILE logo, the text "SMILE WHITENING SYSTEM", and the tagline "Your most brilliant smile in seven easy days." Below this, it says "PLUS: Three bonus days, for when you want an extra whitening boost!" and "LIGHT YOUR SMILE™". The advertisement also shows two vertical tubes of GOSMILE product. At the bottom of the advertisement, it says "20 PATENTED SINGLE-USE AMPOULES" and "7 DAY SYSTEM + 3 BONUS DAYS".

Below the advertisement, the survey asks the user to "Please select one" and provides two radio button options: "Continue" and "Can't see product clearly". A "Continue >" button is located at the bottom right of the form.

The Windows taskbar at the bottom shows the Start button, several open applications (including Internet Explorer, Microsoft Outlook, and a question mark icon), and the system tray with the time 10:35 AM and date 1/2/2010.

# Second Example

In a moment you are going to see an EBAY page offering a stethoscope for sale. Please look at the advertised stethoscope and the web page as you normally would if you were considering a purchase. You can scroll up and down to see the entire page.

Continue

The screenshot shows an eBay product listing for a stethoscope. The main image shows a silver and blue stethoscope. The title is "GRAY kila Cardiology III Stethoscope + Littmann ID tag" with a "FREE shipping" badge. The price is listed as "US \$39.95". The seller is "kilalabs (2005)" with a 100% positive feedback rating. The listing includes shipping and payment options, and a "Watch this item" button.

**ebay** Sign in or register

Search Advanced Search Buy Sell My eBay Community Help Site Map eBay Security & Reputation Center

Categories Motors Stores Deals

Back to Search Results | Listed in category: Business & Industrial > Healthcare, Lab & Life Science > Medical Instruments > Stethoscopes

We're working to make eBay easier to use. Send us your comments.

Watch this item

**GRAY kila Cardiology III Stethoscope + Littmann ID tag**  
Free Shipping - Quality Dual Head Performance Device

item condition: **New**  
Time left: 17h 34m 34s (12:02:10 PM PDT)

Price: **US \$39.95** Buy It Now  
You can also: [Watch this item](#)

Shipping: **FREE shipping** US Postal Service Priority Mail. See all details. Estimated delivery within 1-4 business days.

Payments: **PayPal**. See all options. Pay with **PayPal** and your full purchase price is covered. See terms.

View larger image

**Seller info**

**kilalabs (2005)** ★  
100% Positive feedback  
[Read feedback profile](#)

[Ask seller a question](#)  
[View seller's other items](#)  
Visit store: [kilalabs](#)

Item number: 350195172021  
Item location: Santa Cruz, California, United States  
Ships to: Worldwide

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# Second Example Continued

Here is the web page. Please take as much time as you need to review the stethoscope and web page as you would if you were considering whether or not to purchase it. When you have finished examining it, you can click next to continue. The web page will then disappear from the screen and you will be asked some questions. If you can't view the image of the web page clearly, please indicate so below.

Select one

Continue	<input type="radio"/>
Can't view image	<input type="radio"/>

Continue

You will now be asked some questions. If for any question, you have no opinion, please feel free to choose that option. Please do not guess.

Continue

# Smart Phones and Tablets

- People access the Internet via smart phones and tablets
- The technical aspects of these devices may differ and alter the survey
- Issues:
  - Screen size
  - Software requirements
  - Response time
  - Typing accuracy

# Validation

- Potential concerns:
  - Whether the individual completing the survey is the actual person who was sent the invitation
  - Whether the respondent, and not a computer program, completed the questionnaire.
- Validation techniques:
  - Traditional telephone validation
  - Online validation – ask questions to reduce the concerns (benefit – immediate validation)

# Validation Example

 48%

Please select **BLUE** below to continue.

*Please select one*

YELLOW	<input type="radio"/>
RED	<input type="radio"/>
BLUE	<input checked="" type="radio"/>
GREEN	<input type="radio"/>

*Continue »*

# Second Example

For quality control purposes, please select "South" below

Select one

East	<input type="radio"/>
North	<input type="radio"/>
South	<input type="radio"/>
West	<input type="radio"/>

Continue

# Cost and Time Considerations

- Online surveys are typically less expensive than mail or telephone surveys.
  - NOTE: Costs have increased to reflect the value that access to online respondents has to the growing online survey field.
- The greatest cost savings for an online survey occur in surveys of low incidence populations and/or where large sample sizes are desirable.
- Most time savings occur with large-sized studies or studies among hard-to-reach consumers.
- Time savings are not as great for small-scale or pilot-sized surveys.

# Reliability Comparisons

- A Comparative Empirical Analysis of Online Versus Mail and Phone Methodologies for Trademark Surveys, 100 TMR 756 (May-June 2010)
  - Just as reliable as traditional methods
  - Equal or higher response rates Reliable
  - Suitable for obtaining representative samples
  - Few issues related to viewing stimuli
  - Few gave gibberish or nonsense answers
  - Few took a troublingly small or large amount of time to complete the survey
  - Rates of expressing “no opinion” were similar to traditional formats
  - Validation causes little concern
  - Online respondents tended to present shorter, possibly less thorough responses to open-ended questions

# Reliable Online Survey Tips

- Select a reliable sample supplier
- Select a reliable survey host
- Hire a knowledgeable programmer
- Implement procedures for targeting the relevant universe online and sampling among the online universe in a representative fashion
- Achieve online response rates in line with industry standards
- Use quality control measures to ensure respondents pay adequate attention to survey instructions and questions and properly complete survey

## More Tips

- Create proper, representative stimuli that are easily viewable and ensuring that respondents can view the stimuli without problems
- Ensure that the types of questions asked will result in sufficiently thorough answers, particularly if the survey results are reliant on open-ended questions
- Verify respondent characteristics, either through collecting data that can confirm characteristics to a sufficiently high degree of probability or through independent validation methods

# Court Acceptance of Online Surveys

- *1-800 Contacts, Inc. v. Lens.com, Inc.*, 2010 U.S. Dist. LEXIS 132948 (D. Utah Dec. 15, 2010)
- *In re Carl Walther GmbH*, 2010 TTAB LEXIS 410 (Trademark Trial & App. Bd. Oct. 26, 2010)
- *Kargo Global, Inc. v. Advance Magazine Publr., Inc.*, 2007 U.S. Dist. LEXIS 57320 (S.D.N.Y. Aug. 6, 2007)
- *GoSmile, Inc. v. Levine*, 769 F. Supp. 2d 630 (S.D.N.Y. 2011)
- *Fortune Dynamic, Inc. v. Victoria's Secret Stores Brand Mgmt.*, 618 F.3d 1025 (9th Cir. 2010)
- *Maker's Mark Distillery, Inc. v. Diageo N. Am., Inc.*, 703 F. Supp. 2d 671 (W.D. Ky. 2010)
- *ComponentOne, L.L.C. v. ComponentArt, Inc.*, 2008 U.S. Dist. LEXIS 87066 (W.D. Pa. Oct. 27, 2008)
- *3M Co. v. Mohan*, 2010 U.S. Dist. LEXIS 124672 (D. Minn. Nov. 24, 2010)
- *General Motors Co. v. Urban Gorilla, LLC*, 2010 U.S. Dist. LEXIS 136711 (D. Utah Dec. 27, 2010)