



New types of Trademarks that Contribute to Digital Competitiveness. Educational and Practical Aspects.

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Abstract

Subject matter of this article is the new types of trademarks that contribute to the digital competitiveness of the company. Educational and practical aspects of the specific requirements and the protection of the new types of trademarks are presented. One of the main changes both in EU and national trade marks legislative instruments is the elimination of the graphic representation requirement from the definition. Such change lead to accepting new types of trade marks, filed in formats not previously provided for by national or regional systems. Moreover, the change in supply due to the global pandemic has led to greater digital trade, therefore the need for a new representation of trademarks in the digital environment arised. The following trademarks have been examined in the article – position, pattern, colour, sound, motion, multimedia, hologram. How the non-traditional trademarks contribute to the company's digital competitiveness is also analysed. The above-mentioned educational and practical aspects are presented in the course "Trademarks and Geographical Indications" before students in bachelor's degree.

Keywords: *Trademarks, intellectual property rights, digital competitiveness, education*

1. Introduction

Nowadays there are 4 billion internet users all over the world, 342 million domain names and 64 % of the small and medium enterprises (SMEs) have website. According to recent researches, 95 % of the purchase of goods and services will take place in internet in 2040. In practice, the digital environment has become an integral part of everyday life. Considering the above data, the new non-traditional (mainly digital) trademarks will mainly contribute the digital competitiveness of the companies in the near future. The aim of the present article is to present the new types of trademarks that contribute to digital competitiveness in view of the greater digital trade. Educational and practical aspects are also revealed in the article. The education is presented in the course "Trademarks and Geographical Indications" before students in Bachelor Degree in the University of National and World Economy, Sofia, Bulgaria.

2. Definitions and examples of the new types of trademarks

The theoretical knowledge acquired by the students during the lectures concerns the different types of trademarks and how they affect the consumers' decisions.

The traditional trademarks are as follows:

- Word mark - a trade mark consisting exclusively of words or letters, numerals, other standard typographic characters or a combination thereof;
- Figurative - marks that consist exclusively of figurative elements;
- Combined (Device) – combination of verbal and graphic elements.
- Shape (3D) - a three-dimensional shape, including containers, packaging, the product itself or their appearance
- Colour - a trade mark that consists exclusively of a single colour without contours; or exclusively of a combination of colours without contours.

One of the main changes brought about by the new European legislation, implemented in the EU Member States, including Bulgaria, is the elimination of the graphic representation requirement from the definition of EU and national trademarks. Such change lead to accepting new types of trade marks, filed in formats not previously provided for by national or regional systems, namely: sound marks, pattern mark, hologram, position mark, motion mark, multimedia.

2.1. Sound marks

A sound mark is defined as a trademark consisting exclusively of a sound or combination of sounds. A sound mark must be represented by submitting either an audio file reproducing the sound or an



accurate representation of the sound in musical notation. Example for a representation of a sound mark is listed below.

Fig.1. Sound mark



2.2. Pattern mark

A pattern mark is a trademark consisting exclusively of a set of elements that are repeated regularly. This type of mark must be represented by submitting a reproduction showing the pattern of repetition in one single file. Famous example of a pattern mark is the pattern of well-known marks Burberry and Louis Vuitton.

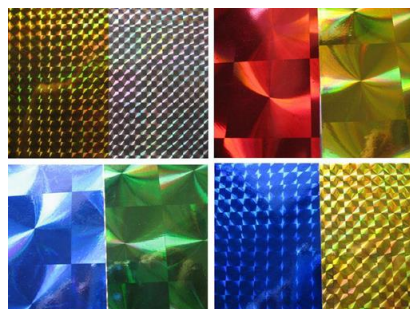
Fig.2. Pattern mark



2.3. Hologram mark

Hologram mark is defined as a trademark consisting of elements with holographic characteristics. A hologram mark must be represented by submitting either a video file or a graphic or photographic reproduction containing the views necessary for sufficiently identifying the holographic effect in its entirety.

Fig.3. Hologram mark





2.4. Position mark

A position mark is a trademark consisting of the specific way in which the trademark is placed on or affixed to the product. This type of mark must be represented by submitting a reproduction that identifies appropriately the position of the mark and its size or proportion with respect to the relevant goods. It is usually used for footwear and apparels.

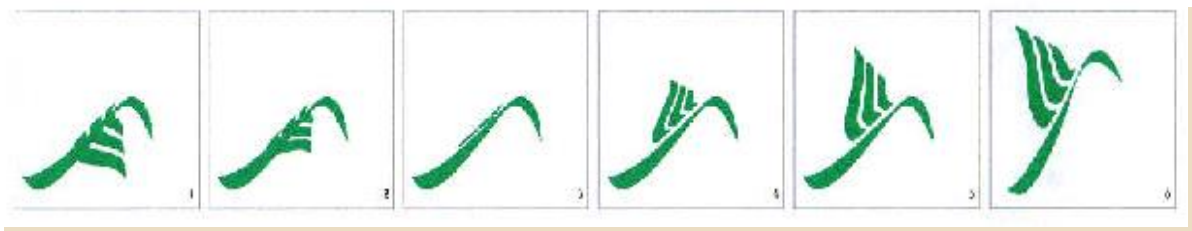
Fig.4. Position mark



2.5. Motion mark

A motion mark is defined as a trademark consisting of, or extending to, a movement or a change in the position of the elements of the mark. A motion mark must be represented by submitting either a video file or a series of still sequential images showing the movement or change of position.

Fig.5. Motion mark



2.6. Multimedia

A trade mark is defined as a trademark consisting of, or extending to, the combination of image and sound. The term “extending to” means that the mark may also include words, figurative elements, labels, ect. In addition to the image and sound.

The sound, motion, multimedia and hologram marks are the non-traditional trademarks that contribute to the digital competitiveness of the company, because they are used mainly virtually.

Along with the theoretical part of the course, the practical part of the student’s work concerns examining registered trademarks and preparing Individual assignments in accordance with a principal methodology. Based on the studies conducted and after making a comparative analysis on the business identifiers, the student can make recommendations to the specific company concerning the use of one of the strategies.

The educational model reveals to the students the possible strategies for choosing a trademark and turning it into a management resource.

4. Conclusion

The development and use of digital technologies have forced companies to quickly adapt to the new environment. In order to attract the consumers, the companies started to use new types of trademarks



along with the traditional ones. The education model concerning the new types of trademarks is innovative and include both theoretical and practical studies. It is recommended for students in Bachelor degree as it presents in-depth knowledge in the field of trademarks and the strategies that companies could use for building a stable digital competitiveness.

References

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