Types of trademarks and their function

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Summary. This article represents the main types of trademarks and their functions. The current legislation of the Republic of Kazakhstan is taken as a basis for it. Special attention is paid that the trademarks can be classified by the different bases: in an expression form, on objects, by the property right of the owner and on popularity degree. In its turn each type of the trademark has its advantages. The verbal trademark has the legal protection independently from the image in some other color scale, a type of a font and etc, it can easily be advertised by the radio and it will promote his storing for potential consumers. Unlike to the verbal, the graphic trademark, or its separate elements, bring the visual images to the consumers that cannot always be expressed in one-two words. The combined trademark promotes a memorability at consumers of both its verbal part, and the image. Volume (three-dimensional) trademarks helps to protect in the best way an original form of goods or its packing, and not only from direct copying, but also from similar designations. There are four main functions inherent in trademarks that are also: distinctive function, guarantee function, advertizing function and guarding function of the trademark.

Keywords: the trademark, types of trademarks, verbal trademarks, graphic trademarks, volume trademarks, sound trademarks, combined trademarks, firm trademarks, assortment trademarks.

A. Introduction

Nowadays, the efficiency of business activity in many ways depends on the trademark. The trademark can be presented in different types, it can be: a name, a sound, a sign, a symbol, a drawing or combination of drawing, and all of it help to distinguish goods of one manufacturer from the similar goods of competitors. In its turn, the trademark has to be individual, simple, recognizable and attractive to potential consumers. The variety of types of the trademark gives great opportunities for the manufacturer to promote the goods in the market.

The basis of legal regulation of trademarks in the Republic of Kazakhstan is made by the legislation of the Republic of Kazakhstan according to trademarks, in particular: The law of the Republic of Kazakhstan "About trademarks, service marks and names of places of goods origin", the Law of the Republic of Kazakhstan "About the competition", the Civil code of the Republic of Kazakhstan, the Criminal code of the Republic of Kazakhstan. And also, the International standards on protection of trademarks which were ratified by the Republic of Kazakhstan: "Madrid agreement concerning the...
international registration of marks”, "Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks “.

B. Types of trademarks

The analysis of the current legislation allows to draw a conclusion that the Trademarks can be classified by the different bases, in an expression form, by objects, by the property right of the owner and by popularity degree.

Types of trademarks in a form of expression are subdivided on verbal, graphic, volume, sound, combined [1, p. 179].

Verbal trademarks belong to one of the most various categories. As for verbal trademarks names of famous people (Caesar, Napoleon), names of animals, birds, plants, jewels (a snow leopard, a hawk, a birch, diamond), the name of the natural phenomena, celestial bodies, geographical objects (a decline, a floodlight), etc. can be used. The trademarks taken as derivatives from classic languages are also popular (Laktos, Sanorin).

As a vocabulary which capable to be trademarks are limited even more often the trademarks representing artificially educated words (neologisms) meet. Such symbols are widely used for names of new substances, preparations, devices and materials as emphasize originality and possess bigger protectability.

Verbal trademarks are often connected with a trade name of the enterprise, in particular make all its essential elements.

In certain cases combinations and even short phrases are registered as trademarks.

During the registration of verbal trademarks not only the word or the phrase is protected, but also their font decision. By worldwide recognition of experts verbal trademarks are the most effective ones. Their popularity proceeds from that they are well remembered, convenient for advertising and are easily distinguishable, and also efficiency from the point of view of advertizing, possibility of use on various materials, semantic loading, etc.

Graphic trademarks are symbols which represent different types of badges, drawings, ornaments, symbols, etc. Efficiency of this type of the trademark is estimated a little below, in comparison with efficiency of verbal trademarks. Graphic trademarks can be developed on the basis of the use of images of known historical and cultural monuments, architectural constructions, national ornaments, etc. Popularity of graphic trademarks in big degree is defined by their simplicity and catchiness,
also efficiency from the point of view of advertising, possibility of use on various materials, semantic loading, etc. [2].

Volume trademarks are a three-dimensional images of goods or its packing [3, p. 56]. The original form of a product can be a subject of such sign (the form washed, candles) or its packing (an original form of a bottle or a bottle of perfume). The volume trademark has to be characterized by new and unusual appearance, but it isn't simple to copy appearance of a known subject. It is also necessary to note that the form of a product shouldn't be defined only by its functional purpose. It has to be creative and allocate a product of the specific manufacturer from a row of uniform goods.

Sound trademarks include musical melodies and sound effects which have practical application, as a rule, in the form of signal radio stations, radio programs, a melody of any popular and settled telecasts, for example "KVN". Besides, separate companies abroad, in particular "the Harley Davidson", releasing very known motorcycles, is registered in the form of the trademark "specific and only to this firm inherent sound of the motor of the motorcycle", and many similar firms of the world had attempts to imitate it [3, p. 67].

In most cases the combined trademarks, such signs represent combinations of drawing and the word, drawing and letters, drawing and figures, words and figures, etc. Often, the specified combinations bear in themselves semantic loading, and the used elements supplement and explain to each other. Most often such signs represent combinations of drawing and the word, drawing and letters, drawing and figures, words and figures, etc. Quite often specified combinations bear in themselves semantic loading, and the used elements mutually supplement and explain each other. It is very desirable that verbal and visual parts formed a whole, being connected both compositionally and according to the plot. The legislation recommends to select such combined sign that each its element could be registered as an independent sign. However the combined sign can consist of a combination of such elements which in itself can't be registered. So, very often drawing joins one or two letters (usually it is initial letters of the name of the enterprise) [3, p. 64].

It is considered expedient that verbal and graphic parts formed a whole, being connected both compositionally and according to the plot [2]. One of the most widespread types of the combined trademarks are various labels in which, verbal and graphic elements in a certain color scheme are combined.

Types of trademarks on objects share on firm and assortment.

Firm trademarks are intended for identification directly of manufacturers. They can be ordinary which are developed by designers at the request of manufacturers, or prestigious which are appropriate to the enterprises for participation in exhibitions, fairs, etc. [3, p. 51].
Assortment trademarks are intended for assortment identification of goods by the form, to a trademark or the name.

The trademark is a sign or a name inherent in concrete goods with certain consumer properties allowing to distinguish these goods from others.

As a rule, the known company having the logo makes some groups of goods with different trademarks. For example, the Yunilever Company lets out a huge number of different goods under known trademarks.

Depending on a number of subjects having the right for use of the trademark it is necessary to distinguish individual and collective trademarks.

The individual trademark is the designation registered to the certain legal or natural person who is engaged in business activity [4, p.149].

According to the article 1 of the Law Republic of Kazakhstan about trademarks, the collective trademark is the trademark of association (union) or other merger of legal entities and (or) individual entrepreneurs (further – association) serving for designation of the goods (services) possessing uniform qualitative or other characteristics which are let out or realized by them [5].

In its turn, the collective trademark has to conform to requirements imposed to individual trademarks. Also, the collective trademark has a number of features which distinguish it from the individual trademark:

1. the collective trademark can belong only to merger of the enterprises.

2. such enterprises or the organizations entering association behind which under the law the possibility of possession of the individual trademark is acknowledged can only be subject of use of the collective trademark.

3. the enterprises - participants of association can use the collective trademark as the only means for designation of goods or apply it along with the individual trademark.

4. a necessary condition of registration of the collective trademark is existence at goods which will be designated by this sign, qualitative uniform or other general characteristics.

5. association addressed to which the collective trademark is registered, has rights of control of its use [2].
It should be noted that all these conditions of use of the collective trademark contain in the charter of the collective trademark. He is developed and approved by association and applied to the demand for registration of the collective trademark.

One more basis for classification of trademarks is degree of their popularity. On popularity degree trademarks are subdivided on usual and well-known. Any new original designations of goods answering to criteria of protectability act as usual trademarks.

According to the article 1 of the Law Republic of Kazakhstan about trademarks "The world-renowned trademark — the designation used as the trademark, or the trademark, recognized world-renowned to the international agreements which participant is the Republic of Kazakhstan, as the decision of competent authority or court, based on proofs of interested persons" [5]. In other words, the well-known trademark such designation, which to familiarly wide range of consumers thanks to its use for designation of certain goods admits. The trademark in the territory of Republic of Kazakhstan is world-renowned or not, is defined by the Kazakhstan Patent department, and in case of dispute emergence - judicial authorities. Importance of allocation of well-known signs is that protection even before registration in Patent department is provided to such signs. Special protection of well-known trademarks locates problems of fight against unfair competition, and also need of protection of interests of consumers which can confuse again registered trademark with the well-known. Therefore, for example, in the territory of Republic of Kazakhstan such verbal trademarks as Coca-cola, BMW, Compaq, HP, Sony, Canon and etc are subject to protection as well-known

What are the functions of the trademark?

First, it is distinctive function, namely opportunity to distinguish goods of one producers from similar goods of other producers. The trademark promotes recognition of goods and allows to distinguish goods and services of one producers from uniform goods and services of other producers, facilitating the consumer a choice upon purchase of goods or service.

Secondly, guarantee function is an ability to assist in a choice of goods of a certain quality. To the trademark the consumer addresses first of all as to a quality assurance. The owner of the right for the trademark guarantees that all goods and services offered under this trademark conform to certain quality standards.

Thirdly, advertising function that is the trademark can directly act as object of advertizing of goods. At creation of new effective trademarks one of the main requirements to them is its marketing probability, that is ability of a sign to attract to itself (and to mean and to goods) attention of consumers. It is possible to refer novelty of idea, associativity, esthetics, laconism, easy pronunciation, a memorability, reproducibility and color to number of signs of a market probability.
It is necessary to emphasize that the trademark is irreplaceable, as an advertizing medium and advances of goods and services in the market.

And fourthly, guarding function of the trademark - ensuring legal protection of goods of firm of the set quality in the consumer market in the conditions of the competition to goods of other firms. Existence of guarding function of the trademark forces businessmen to register the trademarks in patent departments of those countries in which there is a sale of these or those goods made by the enterprise [2].

C. Conclusion

It should be noted that each type of the trademark has its advantages. The verbal trademark has the legal protection irrespective of the image it in some other color scale, a type of a font and so forth, it without effort can be advertized by radio and it will promote his storing at potential consumers.

Unlike verbal, the graphic trademark, or its separate elements, promotes emergence at consumers of accurate visual images who can be not always put by one-two into words.

The combined trademark promotes a memorability at consumers of both its verbal part, and the image. Black-and-white trademarks are protected in any color combinations (it agrees to the practice existing at the moment). Trademarks in color and color trademarks help the consumer to be guided quicker in a set of goods and services of different producers. Volume (three-dimensional) trademarks help to protect in the best way an original form of goods or its packing, and not only from direct copying, but also from similar designations [4, p. 244].

So for what is the trademark necessary? The trademark is necessary for the buyer in order that he could identify the producer of these or those goods and services, in order to avoid possibility of acquisition of goods or services of bad quality. The trademark is important for the manufacturer in order that its goods or service differed from similar goods or service of the competitor. The correct use of the trademark can give it to the owner of advantage before competitors. Also the trademark serves for protection of products in the market and is applied in fight against unfair competition.

The list of the used sources

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