

**PROTECTION OF INTELLECTUAL PROPERTY AS PART OF THE MARKETING POLICY**

*This article stipulates that the protection of intellectual property is an important part of marketing strategy. Registered trademarks for goods and services which consumers find a positive attitude can be the most valuable asset of intellectual property or even most valuable of all assets owned by this commercial structure. In addition, the concept allows you to create brand loyalty consumers to the product in the long run by providing a steady growth.*

*Key words: intellectual property; protection; marketing policy.*

*Пичик Е.В. Защита интеллектуальной собственности как элемент маркетинговой политики*

*Статья рассматривает защиту интеллектуальной собственности как важный элемент маркетинговой стратегии. Зарегистрированные товарные знаки для товаров и услуг могут быть самым ценным активом из всех, принадлежащих компании. Кроме того, концепция подразумевает формирование у потребителей лояльности к бренду обеспечивая устойчивые продажи в долгосрочной перспективе.*

*Ключевые слова: интеллектуальная собственность; защита; маркетинговая политика.*

*Пічик К.В. Захист інтелектуальної власності як елемент маркетингової політики*

*Стаття розглядає захист інтелектуальної власності як важливу частину маркетингової стратегії. Зареєстровані товарні знаки для товарів і послуг можуть бути найціннішим активом з усіх, що належать компанії. Крім того, концепція передбачає формування у споживачів лояльності до бренду забезпечуючи стійкі продажі в довгостроковій перспективі.*

*Ключові слова: інтелектуальна власність; захист; маркетингова політика.*

With the constant changes in international and Ukrainian society and knowledge economy becoming a major factor in social and economic development is increasing the role and scope of the development of intellectual property. Under the protection of intellectual property plays an important role in the development of various sectors of the economy as a whole, because it enables companies to gain competitive advantage providing resistance to a particular market segment. Including mentioned benefits are shown in the management of consumer behavior, brand protection, protection from unfair competition and counterfeiting.

Legal protection is easy to understand by analyzing the global market as a whole. According to the initiative of the International Chamber of Commerce Business Action to Stop Counterfeiting and Piracy (BASCAP) Business Action to Stop Counterfeiting and Piracy Prevention - is estimated that each year about 7.8 % of world trade is in counterfeit goods. According BASCAP- 2011 on economic and social losses from the production and sale of counterfeit and pirated goods reached 650 billion dollars a year. At the same time, it was predicted that by 2015, the international trade in counterfeit goods may rise to 960 billion dollars, While domestic production and consumption will fluctuate around 570 billion dollars. Losses from piracy in 2015 will be about 1770 billion [1].

Doris Long, Patricia Rae, V. Zharov, Shevelev T., I. Vasilenko, V. Drobyazko consider the provisions of international and national legislation and enforcement to protect intellectual property rights. B. Kowalski, B. Berezanska consider the problem of counterfeit goods. However, analysis of the publications showed that discussed above issues are not processed.

Objective of this article is to develop the concept of protection of intellectual property as an important part of the marketing strategy.

In the process of market reforms in the field of intellectual property 's main, so far, is the creation of certain conditions of unfair competition. They are directed against such actions undertaken in the course of trade or industry entrepreneurs, contrary to honest business practices. We are talking about actions that can cause:

- similarity of the products or services of industrial or commercial activities of enterprises of other entities;
- false allegations to discredit the products or services of industrial or commercial activities of enterprises;
- information or evidence that can put consumers misled as to the nature, manufacturing process, quality, suitability or quantity of goods or services;
- actions for misappropriation, disclosure or use of brands other entities.

The above effects affect the basic purpose of companies blocking performance management behavior of consumers by reducing the consumption of enterprises. Most companies build long-term strategy of development through the creation of consciousness the image of the product or service, the company focused on thoughts, feelings and emotions of the individual. In this paper we consider the elements influence consumer behavior through protection of marketing communication tools such as a slogan, design, logo, trademark, or directly to the product or service itself.

Since most markets are saturated, and each segment differs considerable competition, namely the protection of intellectual property can be an effective tool positioning and capture a larger market share. Each holder of a patent for an invention, a plant variety or the author of a work has the potential and strategically important instrument of struggle. Extremely efficient, you can use this tool in managing the behavior of consumers. However, in terms of marketing communications of all intel-

lectual property rights are crucial - marks for goods and services (trade marks, brands) and industrial designs.

In the business world marks for goods and services is an important part of the strategy of marketing communications. Sign for the goods and services (which are also called "trade mark", "brand", or simply "mark") can be a word, slogan, logo, color or combination of colors, sounds and even flavor. Steady-state mark for the goods and services which consumers exhibit a positive attitude may be one, but the most valuable asset of intellectual property or even the most precious of all assets owned by this commercial structure. [2]

Analysis of the amount granted to the State Intellectual Property Service of Ukraine proposals on registration indicates their annual growth after the economic crisis. These data are presented in table 1 [3]. This shows the great interest of producers to create their own brand and in accordance with its further development.

Table 1

Objects industrial property	Number of applications				
	2008	2009	2010	2011	2012
Inventions	5 686	4 812	5 311	5 249	4 955
Utility models	9 602	9 199	10 678	10 436	10 217
Designs	2 285	1 669	1 686	1 761	1 851
Trademarks and service	33 081	26 479	28 577	29 756	32 051

As can be seen from table 1, most of all the applications submitted with regard to marks for goods and services - nearly 67%.

That marks for goods and services is a means of identifying the specific products and companies are strong assets in the business. As of goods signs was a major concept in the management of consumer behavior, the role of legal protection given to marks for goods and services, also increased.

Proof of this is the growing number of brands under the Madrid system (fig. 1) [3], with centralized management and allows a single registration procedure to obtain the legal protection of a trademark in several countries that have also signed the Madrid Agreement. Such registration is much more effective than registering a trademark in each of these countries separately.

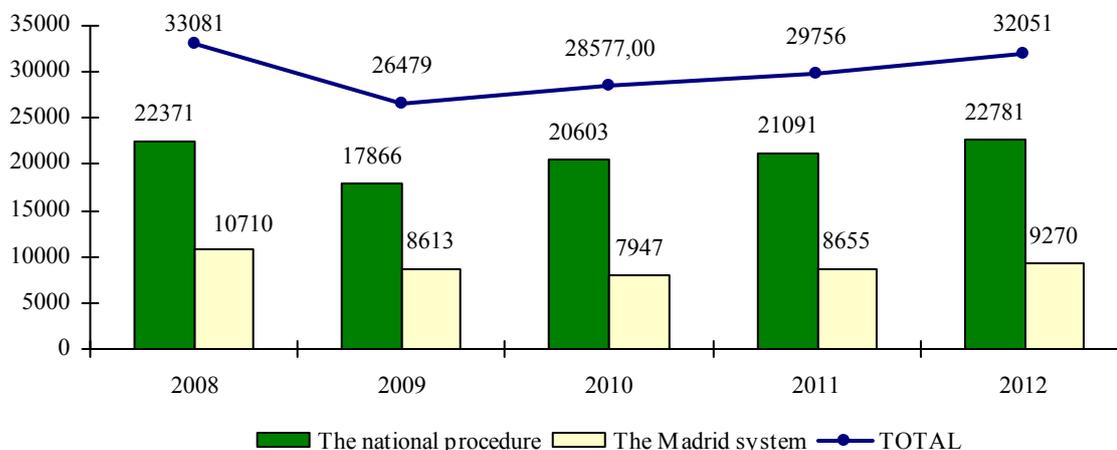


Fig. 1. Number of applications for registration of trademarks for goods and services

Now mark for goods and services is one of the first steps to create such a thing as a "brand". The term "brand value" means the financial value of trademarks for goods and services that they have in creating a reputation (or "goodwill") associated with this commercial enterprise.

Trademarks and service has two main macroeconomic features:

1. Encourage businesses to invest in the development and supply of goods and services that are of high quality, desirable to the consumer;

2. Contribute to decisions regarding the choice of the consumer goods market.

These two functions are complementary and mutually reinforce one another. When consumers choose a product because of quality, which certified its mark for goods and services, and when a business invests in quality to further enhance the reputation of the brand.

The result is a high quality, ensuring customer loyalty for this brand. Trademarks and service is an important integral part of the intellectual property system and have a strong influence on the investment decisions of private companies and on marketing. [2, p. 24] Managers consider the market value of their trademarks for goods and services as part of their intellectual capital and intangible assets.

Certainly, a registered trademark is a brand basis. A strong brand must meet many requirements. One of them is that he should have infringement. However, brand protection - is not only trademark for goods and services.

It is important to note the situation that prevailed in the current economic climate when placing advertisements in the media. Advertisers refuse to provide services without advertising the presence of marks for goods and services. In other words, no registration trademark. Indeed, under the current legislation of Ukraine marks for goods and services provided in advertising in the form in which they provided legal protection.

However, according to the Law of Ukraine "On Protection of Rights to Trademarks for Goods and Services", the rights arising from certificates for trademarks and service, effective from the date of filing. Thus, the current legislation of Ukraine provides similar rights to use the mark for goods and services, both for the person who has applied for a trademark for goods and services and the owner of the certificate.

In this regard, in Ukraine there is a tendency of giving, so-called "blank" applications for trademarks and service, the applicant shall submit the documents only for promotional purposes knowing that refuses to complete registration.

Consumers know their products not only in its name, manufacturer name and logo, but also for other components of the product, which include quite a number of different elements. These elements, for example, are: packaging, label, font, color, Equipment for Trade in points of sale, which is good, methods of advertising and promotion, and more. By the same components it may mistakenly associate the goods with other similar products.

Accordingly, it should be noted that the trade mark - only one of the components of a brand and therefore its security problem - the problem complex than just protecting the trademark. The components of brand elements may be as subject to legal protection and can not be.

Today, buying a particular product, consumers are increasingly looking over what constitutes its price and what they pay most of the cost - directly to the product or on its brand advertising and promotion. As a result, companies should consider the following features and pursue an active management behavior of consumers of each type of consumer.

Conducted Business Action to Stop Counterfeiting and Piracy (BASCAP) study of consumer behavior is not clearly indicate that almost 40 % of consumers want to buy products with the registered brand manufacturers because they believe that it is quality goods.

At the same time, nearly 35 % of consumers knowingly waive licensed products because they believe that the price of branded products are too high in relation to distribution and taxes. Usually they do not see the need to protect the products of large companies. And about 30 % of consumers believe that they have a moral right to buy counterfeit products as they are in a quandary. Consumers have a low income, a consumer is particularly common in Ukraine.

25% are consumers who wish to have access to licensed products, but can not afford it. They buy the products available and the result is disappointed by such a procedure.

Based on the specific factors of buying branded products and consumer generated portraits of counterfeit products, we can conclude that these consumers are exposed. Companies should use the concept of information and the gradual impact on consumers based on their features. Explaining the importance of buying products with trademarks and creating customer loyalty to your company's brand can provide a steady increase in market share over the long term.

In Ukraine, companies are increasingly trying to protect their reputation, image, brands, and

products. The analysis confirms that the mark for goods and services, and related legal aspects is a powerful tool for the implementation of intellectual property rights. Star is unique among all types of intellectual property and, if supported its validity, gives its owner exclusive rights in perpetuity. Therefore, marks for goods and services are an essential element in the strategy of companies to build their wealth and protect the brand and therefore control the behavior of consumers creating their loyalty to the brand.

Thus, we can conclude that the society created a system of intellectual property not only confirms the innovation works and their authors, but also creates the possibility of economic gain.

In terms of marketing policy in managing the behavior of consumers among the most important reasons for protecting intellectual property are the following:

1. Registered trademarks are the basis of the brand.

2. The brand is an asset that has a value in itself that can be profitable.

3. Brand - is cumulative, comprehensive concept that includes not only the brand but also items such as packaging, design, slogan, etc. forming in the mind a clear image of the product or service.

4. Explaining the importance of buying products with trademarks and creating customer loyalty to your company's brand can provide a steady increase in market share over the long term.

5. Apply the laws of Ukraine marks for goods and services which are listed in the advertisement only in the form in which they provided legal protection, in particular Article 6 of the Paris Convention for the Protection of Industrial Property.

In addition, the protection of intellectual property can be regarded as an instrument of marketing communication. The relevant conclusion can be

confirmed by the fact that consumer demand for goods is influenced by the positioning of the product, and economic communications have a direct impact on its positioning. In turn, protects the intellectual property achieving results control the behavior of consumers, and therefore an important part of being good in long run. Most of the company's policy of applying this concept allows its products to be competitive, and identify themselves associated for consumers, as an individual characteristic feature of the company.

### LITERATURE

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