

Developing Products with Place Name Protected by Bac Ninh Province's Intellectual Property Rights

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Abstracts

The article analyzes the current status of product development bearing place names in Bac Ninh province, as well as factors influencing customers' choices about products bearing place names in Bac Ninh province. The research methods employed by this study were statistical methods combined with the interview method. When participating in worldwide economic integration, intellectual property rights protection is necessary trend for any country and locality; it fosters trade, investment, and creative activity. The findings also show that protected products play an important role in raising awareness among those who produce and sell products with geographical names (from 241 registered establishments granted copyright to 390 authorized establishments). Further, customers are interested in product traceability and product branding. Customers trust protected products while making purchasing decisions. This is a significant achievement for the province, which has recently focused on developing items with protected place names. From there, propose solutions for sustainable development of products named after places of Bac Ninh province in the future.

Keywords

Products with place names, intellectual property rights, development, Bac Ninh

Introduction

Bac Ninh is a province in Vietnam that is part of the economic triangle Hanoi-Hai Phong-Quang Ninh. It is related with the Northern important economic sector and serves as the northeastern entrance to Hanoi. Bac Ninh benefits from product movement and has broad markets for development. Bac Ninh has a tropical monsoon environment that is ideal for many sorts of agricultural crops. The province currently has 65 craft villages and traditional craft villages, which employ 20% of the province's total population in occupations such as processing and preserving agricultural, forestry, and fishery products; handicraft production; handling and processing raw materials to serve rural production; producing furniture of wood rattan and bamboo. These circumstances create opportunities to develop products carrying the province's place names.

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According to a report by the Bac Ninh Department of Science and Technology (2023), the province has 21 products with protected place names: ten collective trademarks, ten certification marks, and one geographical indication. In all 390 organizations/individuals (production and business establishments) are registered to use this protected brand. As a result, a complete study examining the current state of products having place names protected by intellectual property rights in Bac Ninh province, as well as user reviews of items bearing geographical names, is required. Propose ways to produce items named after place names protected by Bac Ninh province's intellectual property rights in the future to sustainably develop vital local products.

Intellectual property rights for geographically named products are rights created by registering intellectual property protection for geographically named items that are recognized by law and jointly owned by the community and organizations. When meeting the owner's criteria and regulations, organizations and people have the right to use and prevent others from utilizing this intellectual property right (Intellectual Property Law, 2005).

Most countries' laws and international law recognize and protect organizations' and individuals' intellectual property rights in order to encourage creative activities in all fields, ensuring the dissemination of science and technology, education, technology, culture, and arts for the purpose of social development without being infringed, counterfeited, or imitated by others. In recent years, the system for protecting intellectual property rights has been continuously strengthened with the purpose of safeguarding the rights of owners, producers, and linked entities while also promoting a healthy competitive environment.

For products named after place names, there is currently no concept of products named after place names. New studies introduce the concept of brand and trademark. Kotler (1991) defines a brand as "a name, term, sign, symbol, or design, or a combination thereof, intended to identify the goods and services of one seller or group of sellers and to differentiate them from competitor brands". Davis, 2002 defines "Brand is not just a name or symbol but a set of attributes that provide target customers with the assets they require". According to the World Intellectual Property Organization, a brand is "a special tangible and intangible sign used to identify a product or service produced or provided by an individual or an organization." A brand is a consumer notion about products and services that has the business's logo connected to the surface of the product or service to authenticate the quality and provenance. Brand is an essential intangible asset, and the enterprise's brand assets make for a major amount of the enterprise's overall assets in large firms.

Current law in Vietnam only reference the ideas of trademarks, certification marks, collective markings, related marks, and geographical indications, but not of brands. As a result, Vietnamese law only recognizes and protects trademarks, whereas brands are the outcome of long-term business activities that are recognized by consumers.

Most countries' laws divide intellectual property rights into the following categories: Copyright and rights connected to copyright; Industrial property rights; plant variety rights. Industrial property rights, in particular, include legal rights to innovations, industrial designs, trademarks, geographical indications, trade names, integrated circuit layout designs, trade secrets, and anti-competition rights.

Thus, when collective marks, certification marks, and geographical indications are protected by industrial property rights for items from a certain location, they are referred to as products bearing the protected location's name. Products with place names are frequently created by residential communities in a geographical area through the application of traditional knowledge and production practices in order to efficiently use natural circumstances and culture. This is unique to the geographical area and its population, resulting in items with significantly different quality and characteristics than other products on the market.

In brief, a product with a place name is a product produced or exploited by the population in a geographical location according to a specific production and exploitation process and practice that generates quality and features unique to the product that cannot be found elsewhere. Products with place names are significant assets derived from traditional knowledge and are regarded as community brands.

Methodology

The following secondary data sources are used in this article: a report on the development of intellectual property in Bac Ninh province from 2020 to 2022; survey data from 197/390 production and business establishments granted the right to use community brands in Bac Ninh province; and 300 customers who purchased products bearing Bac Ninh province protected place names. Simultaneously, the study is consolidated and inherited from linked studies, such as periodicals, books, newspapers, and some specialist websites.

Results and Discussion

By the end of 2022, the entire Bac Ninh province will have 21 items with protected place names, with the right to use awarded to 390 local production and business establishments. This include 8 products from the agricultural sector and 13 products from craft villages and traditional craft villages. For the Bac Ninh province, the total number of protected products from craft villages with place names accounts for only about 16% of the total number of existing craft villages and traditional craft villages.

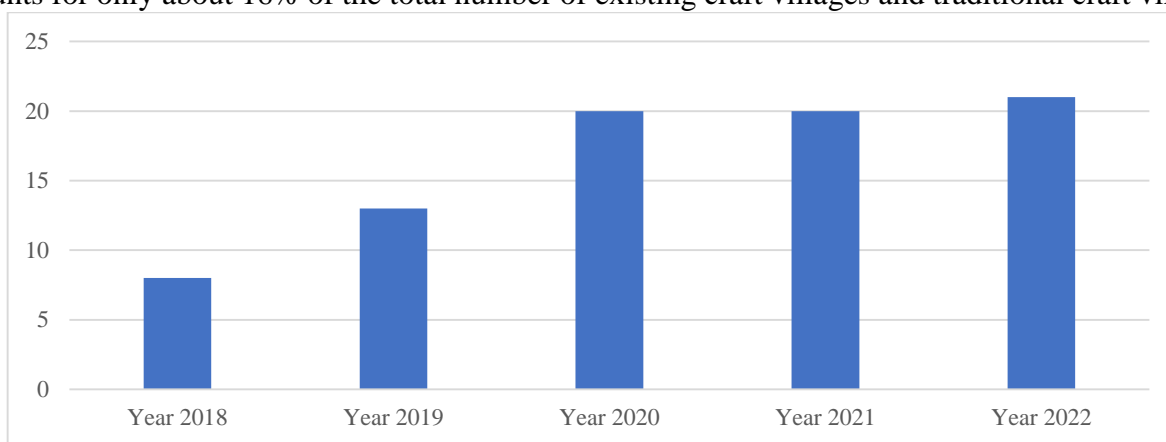


Figure 1. Number of products with place names protected by intellectual property rights in Bac Ninh province

Products with place names that have protected intellectual property rights in Bac Ninh province are implemented by policies, programs, and support schemes of the central, provincial, and municipal governments. Two products are implemented under the Government's Program 68, using the central budget and a counterpart part from the provincial budget, and are collective brands (NHTT): Phu Lang Vietnam Ceramics, Dong Dai Bai. Fourteen products are protected through the Bac Ninh province's annual science and technology budget.

The project "Building, managing, and promoting brands for a number of agricultural products and craft villages in Bac Ninh province in the period 2018-2020" includes one geographical indication (GI), four collective brands (NHTT), and nine certification marks (NHCN). Three products are made with local budget capital, or other sources (using the budget arranged by the District People's Committee): collective brand Dong Ky Wooden Handicrafts, certified brand Que, and fragrant rice Vo Bac Ninh. One collective brand (Truong Manh Cooperative Clean Fish - Thuan Thanh - Bac Ninh) is implemented through the budget support of People's Council Bac Ninh province Resolution No. 147/2018/NQ-HDND dated December 6, 2018 on promulgating regulations to support the development of agricultural production in the province.

The subjects in the name of the owner for registration are rather diversified among the total of 21 items bearing the names of places in Bac Ninh province that have been protected by intellectual property rights, as shown in figure 02:

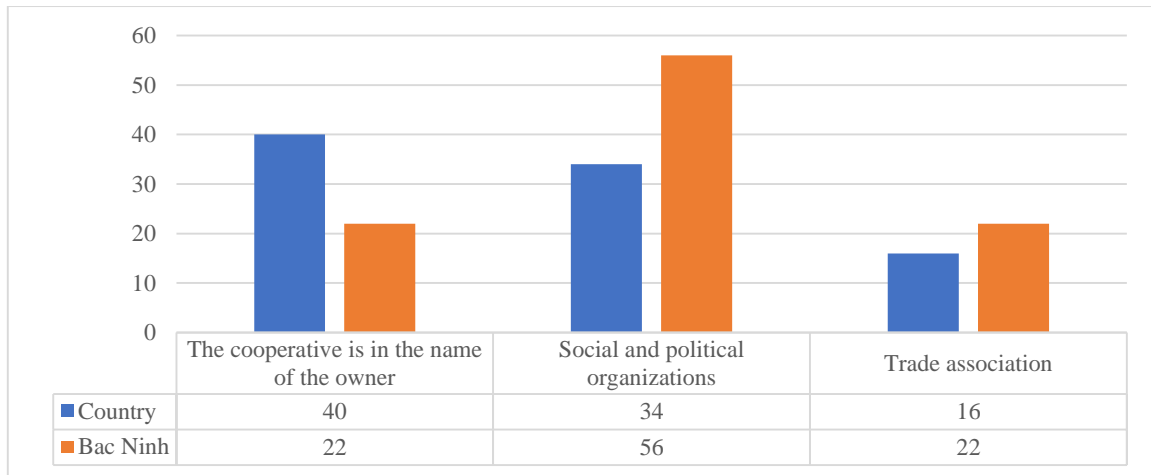


Figure 2. Comparison of the rate of collective trademark owners in Bac Ninh compared to the whole country

According to Vietnamese law, Article 121.4 - Intellectual Property Law 2005, the State is the owner of geographical indications. Thus, the State can directly exercise the right to manage geographical indications or grant the right to manage geographical indications to organizations representing the interests of all organizations and individuals who are granted the right to use geographical indications. Collective marks are typically owned by a group of manufacturers such as cooperatives, corporations, professional groups, or social and socio-political organizations.

According to the Intellectual Property Office, the number of collective trademarks owned by socio-political organizations accounts for only 34% (while in Bac Ninh this proportion is 56%), 16% of the country's collective trademarks are named by professional associations (Bac Ninh's is 22%), and the remaining collective trademarks (accounting for 40%) are held by cooperatives (Bac Ninh's is 22%). Thus, when compared to the country's general statistics on collective trademark owners, Bac Ninh province differs, but the number of cooperatives identified as collective trademark owners accounts for a high part throughout the entire country. Bac Ninh possesses more than half of the collective trademarks listed by the Farmers' Association (56% of the collective trademarks are protected).

Data reported by the Bac Ninh Department of Science and Technology, gives the number of organizations/individuals (production and business establishments) granted certificates to use intellectual property rights for products named with place names of Bac Ninh province (figure 3). 241 establishments were granted certificates for the first time for 21 products protected by intellectual property rights; 176 businesses were granted additional certificates (an increase of 82.24%). This demonstrates the critical importance of maintaining intellectual property rights for essential local products.

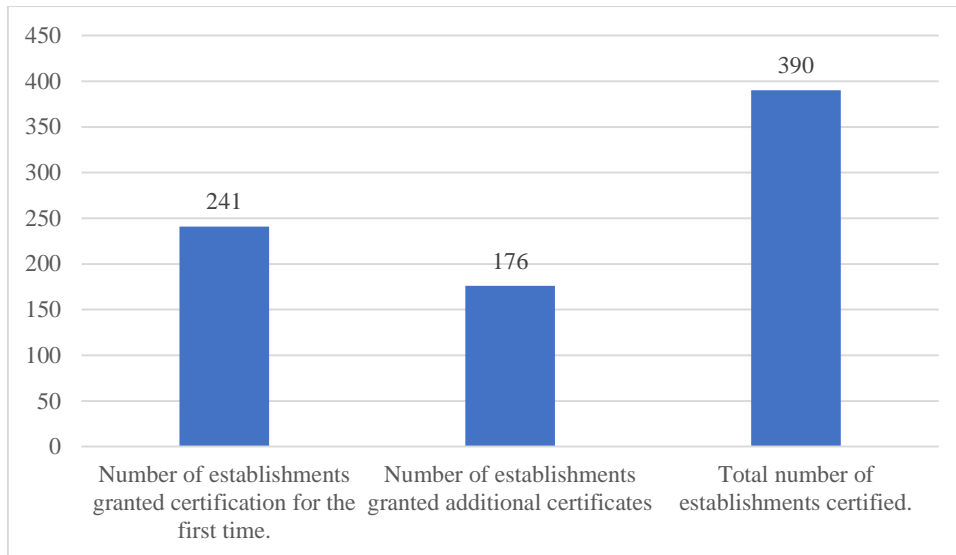


Figure 3. Number of establishments granted certificates to use intellectual property rights for products bearing place names

However, a survey of 197 establishments in Bac Ninh province producing and trading items with geographical names (on the level of use of protected community brands), shows that 74% of members consistently attach common brands to products, while 20% use them infrequently, and 6% do not use them at all.

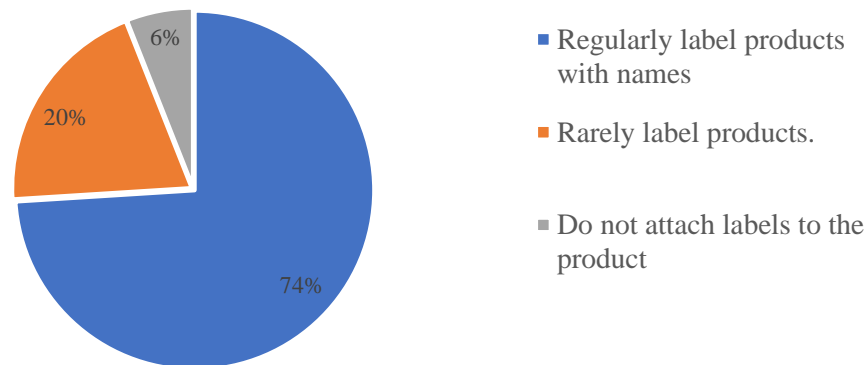


Figure 4. Level of use of intellectual property rights for products

Furthermore, according to a synthesis of the thoughts and judgments of the owners' representatives, products with extensive protection terms (given early protection certificates) have a high rate of trademark usage. In general, these products have a greater rate of success than newly protected products.

According to numerous research (give examples of references here), products symbolize consumers' emotions and willingness to support a brand, and the brand is the consequence of unit marketing efforts giving buyers faith in the product. According to Nguyen Anh Tuan (2020) and Hai (2019), five elements drive brand equity: brand awareness; brand association; perceived quality; brand trust; and brand loyalty. A random survey of 300 customers purchasing products at protected enterprises shows how these factors influence customers' choice of products named after Bac Ninh province locations (Table 1) Customers value "brand awareness," "brand trust," and "brand loyalty" for products carrying protected Bac Ninh provincial place names.

Table 1. Factors influencing customers to choose products named after places of Bac Ninh province

Factor	Average score	Standard deviation	Rating level
Brand awareness	3,75	0,913	Agree
Brand association	3,10	1,024	Neutral
Perceived quality	2,89	1,138	Neutral
Brand trust	3,50	0,889	Agree
Brand loyalty	3,45	0,865	Agree

Source: Author's 2022 survey

However, customers only rank brand and perceived quality of items bearing the names of Bac Ninh province's sites at a "neutral" level. As a result, the quality of items having protected place names from Bac Ninh province must be both improved and effectively advertised to consumers.

Conclusion

This study of the existing conditions of developing products with geographical names protected by intellectual property rights in Bac Ninh province demonstrate that the province has only recently began to pay attention to the protection of key products local force. The findings also show that protected products play an important role in raising awareness among those who produce and sell products with geographical names (from 241 registered establishments granted copyright to 390 authorized establishments). Further, customers are interested in product traceability and product branding. Customers trust protected products while making purchasing decisions. This is a significant achievement for the province, which has recently focused on developing items with protected place names. However, there are policy implications of the study. The Bac Ninh province can be advised to simultaneously apply strategies to continue increase product quality and branding for products having geographical names in the area.

First, Bac Ninh must continue to focus on and encourage the development of major local products, with a particular emphasis on protecting intellectual property rights for products bearing place names.

Second, the province should educate state management agencies on the importance of safeguarding assets with geographical names in local socioeconomic development, thereby better assisting people in participating in the use of intellectual property rights in products with protected place names.

Third, one must raise awareness among organizations and individuals producing and trading key local products about the role and benefits of production and business establishments being granted certificates of ownership of property rights. This intellectual property for products bearing place names, should allow them to invest voluntarily and boldly in production and business development, improving the quality of products they produce to meet certification criteria, and accepting the use of place names.

Fourth, the province needs regulations that encourage and better support the production and consumption of major local products, with a focus on marketing the quality and value of products to customers, since geographically named products are protected in the area.

Fifth, the province requires solutions for managing production and business enterprises that have been given certificates to utilize protection rights for products with place names. Handle cases involving violations of protected standards in accordance with regulations.

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