RESEARCH ON THE INFORMATION INTEGRATION OF CHINA'S BASIC INDUSTRIES TRADEMARK INFORMATION SERVICE

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Abstract: On the basis of the related concept’s definition and the importance to basic industries trademark information service, this paper analyses the distribution status of basic industries trademark information resources integration, and then points out the key issues of China's basic industries trademark information service. At last, it purposefully proposes the integration measures and suggestions to upgrade the level of basic industries trademark information service.

1 INTRODUCTION

When this paper studies the related issues of basic industries trademark information service, it refers basic industry, infrastructure, agriculture, information industry collectively as basic industries.

Intellectual property is a general term for the right to be legitimately produced on the basis of the creative intellectual results and business marks. Intellectual property includes industrial property and copyright, the industrial property also includes patent right, trademark right, prohibiting unfair competition, etc., and the copyright includes the author’s right and neighbouring right.

Trademark, on its form, is a distinctive logo for the commodity operator or service provider to distinguish other similar goods or service. In essence, it is also an integrated vector of corporate reputation, product quality and consumer appeal.

The narrow trademark information means the information what the constituting trademark of text, graphics, colour, three-dimensional or their combination expressed. Generalized trademark information, also has the trademark-related information, such information includes, information of trademark application registration people, information approved the use of commodity categories, commodity name information of trademark used, the trademark licence’s using information, information about the trademark administration, as well as trademark laws and regulations, changes in the trademark system, trademark statistics, trademark cases, trademark licensing contract, trademark printing units, trademarks agencies, and other information.

Information of trademark value is reflected in the following aspects. (i) Trademark information is an important economy information concerning the production, sales, service, trade, and many other aspects. Enterprises control and emphasize to develop the trademark information, and can effectively compete in the market. Especially in developing export trade, enterprises should pay attention to the identification of the relevant trademark information, to avoid infringing the competitors’ trademark, while also have to make full
use of international and domestic laws to protect the enterprise exports’ trademark. (ii) Trademark information is the bridge and portal for retrieval other economic information. Many tool books and databases that provide economic information retrieval, all put the trademarks of commodities as one of the access points, through this access point, searchers can get more economic information, such as product suppliers, product price, product performance, market sales, business activities. (iii) The trademark information is one of the channels for consumers to know, to understand and to evaluate enterprises. Through trademark information, enterprises can educate consumers on enterprises, establish and strengthen the corporate image, and make it become promotional material for corporate to produce commercial and advertising goods. Trademark information can also provide an important reference for consumers to judge the quality of goods. (iv) Trademark information is intangible property for business, and even enormous wealth, especially for the certain well-known trademarks. (v) Trademark information is a powerful tool for corporate to compete in the market. Good quality product will continue to expand its trademark reputation, the well-known and good reputation trademarks will in turn enhance the market competitiveness of commodities.

The modern service industry is information-intensive and knowledge-intensive service sector, which relies on modern new technologies, new business conditions and new service forms in order to provide high value-added, high-level, knowledge-based production service and life service to the community.

Strengthening basic industries trademark information service, helps to encourage the innovation of service sector, and promotes to form a number of leading companies who have well-known brands in the field of basic industries trademark information service. With the help of trademark information service websites, online trademark databases and trademark analysis softwares, basic industries enterprises can quickly find the required trademark information, including the feasibility analysis of application trademark registration, the protection of existing trademarks, trademarks monitoring of competitors, etc. For basic industries enterprises, this has a very important role in improving their products’ share and maintaining competitive advantage in the market.

2 THE DISTRIBUTION STATUS ANALYSIS OF CHINA’S BASIC INDUSTRIES INFORMATION TRADEMARK RESOURCES

In current, there is not any trademark website for the basic industries and infrastructure in China. China’s achievement that gains in information industry, agriculture, intellectual property protection is increasing, but there is no trademark site specifically construct for the information industry and agriculture. And some industry-specific websites do not have professional trademark databases. Therefore, if a basic industries enterprise wants to check trademark information of its industry, at present it can only search the information which is related to its own industry and require at the integrated trademark information service websites.

2.1 Websites Profile of Trademark Management Institutions at Home and Abroad

2.1.1 International Trademark Association (http://www.inta.org/)

International Trademark Association (INTA) mainly provides the U.S. foreign trademark’s registration service, and the United States Patent and Trademark Office's registration service. Users can choose trademark registration countries at INTA, eliminates the need for trademark registration in other countries that they have to sign an agreement for Trademark Office to make it be valid. In addition, it provides certainty of trademark search service, that is to determine whether a trademark can be authorized, so as to provide basis for trademark search, proxy and litigation. And by entering their specific service, users can find significant meeting information of international trademark in this year.

2.1.2 Government Trademark Authorities Websites of Some Countries in the International

2.1.3 China's Trademark Website
(http://sbj.saic.gov.cn/)
(http://www.ctmo.gov.cn/)

As China's web portal of State Administration for Industry and Trademark Office, the Chinese Trademark Network's status and role is second to none in China's trademark websites. From view of the site functionality, because it is a portal of Government Trademark Office, the trademark applications, trademarks query, trademark agent and these online trademark service are essential. And as a government portal, the site provides trademark notice, special enforcement, statistical information service, and is the outside window of government's official information and official statistics data. Trademark highlights, well-known trademarks, and international exchange these projects have been very informative. The site's trademark query doing is quite norm, it can be said to be a typical example of interface trademark query. Of course, the Chinese network also has some shortcomings, such as that, the page is too simple and the information of home page is too little.

(iv) Hong Kong, Macao and Taiwan Trademark Search

They include, Government of the HKSAR Intellectual Property Department’s trademark search (http://ipssearch.ipd.gov.hk/mlr/jsp/main_schi.jsp); Macao Economic Services Bureau (http://www.economia.gov.mo/index.jsp)

2.2 Website’s Feature Analysis of Trademark Information Resources at Home and Abroad

2.2.1 World Trademark Network
(http://www.trademark.com/newsite2/index.html)

The website's most prominent feature is that the search capability is powerful, search interface is clear and easy to understand, search results are very perfect, there is a strong intelligence, and is able to carry out a Boolean search, voice search. Another feature of the site is that each database’s last update is available on the search page, that is the database state entries. The site’s page is an excellent production, the user can easily grasp the structure of the site, and it is a more successful production site. The inadequacies of the service are that, little background information, the lack of samples and demonstrations.

2.2.2 Avantiq Website
(http://www.avantiq.com/)

Avantiq has the following characteristics: collection of 28 countries’ trademark databases, trademark information all comes from various trademark administrative organizations. So it is accurate and reliable, authoritative, rich in content; And its information update cycle does not exceed 15 days; So it has a certain novelty; Through the newly developed call centre capabilities, it provides users with a multi-database retrieval, personalization database combination search, cross-search and other retrieval ways, strengthens the trademark information service function; It supports multiple algorithms, so has strong search function.

2.2.3 Idsearch (http://www.idsearch.com/)

Idsearch is able to provide free trademark information service and comprehensive trademark service. Free trademark information service primarily determines whether the user’s trademark is in conflict with existing trademarks in a certain range. While the comprehensive trademark service, can expand the scope of the user's query, and is more specific that whether the user to use’s text or images can be used as a trademark. Due to the economic globalization, a number of important companies are in need of worldwide protection, so the domain name will also be registered, for this situation, the site provides the relevant service, such as domain name management service, is primarily for the global domain information management. In addition, it provides the news service of trademark.

2.2.4 Other Foreign Countries’ Trademark Information Retrieval Service Networks that Commonly Used


2.2.5 China Trademark Network
(http://www.cta.org.cn/)

China Trademark network is the website founded by China Trademark Association, China Trademark Association is subordinated to the State Administration for Industry and Commerce’s membership-based national social organization. China Trademark Association Network’s main means of network information service include three chunks, news state, trademark search and magazines. Its trademark query is also divided into general query, well-known trademark query and famous
trademark query. Well-known trademarks and famous marks query is divided by geography, through this search way, companies can easily understand the trademarks distribution in certain area of the country, which will help companies' plan for future market development and judgement for opportunities of cooperation and competition.

2.2.6 Tongda Trademark Service Centre (http://www.tdtm.com.cn/index.asp)

Tongda Trademark Service Centre is directly under the State Administration for Industry and Commerce, implements the enterprise management. In order to facilitate industrial and commercial administrative organs and other law enforcement agencies' work, to meet the need of trademark applicants and the agent query for the registered trademark, the Tongda Trademark Service Centre organizes all the trademark information has been announced since 1980 and had not announced before 1980, compiles the Trademark Notice Inquiry System V3.0. The system supports queries of single-user and multi-user at the same time.

2.2.7 China's Trademark Online (http://www.21etm.com/)

China's Trademark Online is the intellectual property industry portal site, has a certain scale in China, belongs to Beijing Sorbonne Foundation Technology Co.Ltd. Sorbonne trademark agency office system V2004 is researched and designed by the enterprise, is a trademark agency business management system which is a set of data management, trademark agency business acceptance, business ownership, business summary, decision analysis shows and other functions. The Sorbonne trademark Inquiry System V2005 Edition is full-featured and is company's independent research and development.

2.2.8 China's Registered Trademark Online (http://www.chntm.com/)

China's Registered Trademark Online is a trademark industries portal of China with a certain scale, its on-line trademark query system is full-featured.

2.2.9 China Trademark Special Network (http://www.cha-tm.com/)

China Trademark special network is sponsored by the White Rabbit Company is a very unique professional trademark website. The trademark query software which this site develops is feature-rich, comprehensive, has a variety of practical tools.

2.2.10 Other Domestic Trademark Information Service Websites Have their Own Characteristics


3 MAJOR PROBLEMS EXISTING IN CHINA'S BASIC INDUSTRIES TRADEMARK INFORMATION SERVICE

China's trademark information service industry has not yet formed into an industrial scale, service level and potential development need to be improved.
Trademark information resources construction is fragmentation, duplication, and there is no formation of an effective integration and sharing mechanism. The technology and size of domestic trademark information service websites are uneven. The whole society, especially various main parts of scientific and technological innovation are not enough awareness of the important value of the information to the trademark information, and the ability to use trademark information is not strong. The service team which is able to provide trademark strategic analysis and guidance for use of trademark information, is grossly inadequate.

The problems mentioned above have seriously restricted the effective exertion of the intellectual property system to promote the independent innovation. The task to strengthen development of basic industries trademark information service is very urgent and to comprehensively raise the level of basic industries trademark information service. It is very important to accelerate the reform and development of basic industries, and has urgent need for the government to guide and provide funding support from areas such as industrial policy. So, it can provide strong support for implementation of the national intellectual property strategy and promotion of economic development and technological innovation.

4 POLICY PROPOSALS FOR COMPREHENSIVELY ENHANCING THE LEVEL OF BASIC INDUSTRIES TRADEMARK INFORMATION SERVICE

4.1 Basic Industries Trademark Protection Measures

4.1.1 Enhance the Understanding of the Strategic Position of Trademark in the Market Competition and Economic Development

After accessing to the World Trade Organization, China faces economic competition that is increasingly fierce among countries. In the international trade, the intellectual property right factors including trademark right are increasing. Facing the grave international situation, the CPC Central Committee Plenum proposed the formation of a group of excellent enterprises who have their own intellectual property right, well-known brands, strong international competitiveness. We should make strengthening the trademark’s application, registration, nurturing and development as an important entry point for enhancing the independent innovation ability of basic industrial enterprises, try hard to create a group of domestic and foreign well-known brands which have independent intellectual property right, so to improve the overall competitiveness of basic industries.

4.1.2 Trademark Strategy to Actively Respond Multinational Corporations in China

Multinational corporations, through the ultrahigh complementary value of their well-known trademark are to achieve their trademark strategies. Some foreign-owned enterprises also continue to strengthen and expand the protection of well-known trademarks, and some joint ventures are diluted and excluded the use of local trademark. Trademark adopts the principle that registerition is first. Trademarks malicious is becoming cool means of commercial warfar for a number of multinational corporations to do repeatly, well-known trademarks, famous trademarks and originating protection product names are hots of cybersquatting outside. Trademark strategy is the inevitable result of the development of market competition, China’s enterprises have opted for a reasonable brand positioning, enhancing trademark protection, building a complete trademark strategy, and is the only way to participate in international competition.

4.1.3 Vigorously Promote the Incubation Program of Well-known Trademarks

Various sectors’ departments of basic industries should implement both nurturing work and technical innovation of well-known trademark, actively guide the brand enterprises qualified to establish the technological innovation system in core of enterprises’ technology R&D centre, and improve the trademark value. At the same time, to promote the establishment of specialization and cooperation system for well-known trademark enterprise groups and SMEs, to format a mechanism of brand and trademark cultivating the market which is "common input, sharing of benefits, coordinated operations".

4.1.4 Vigorously Develop the Strong Trademarks of High-tech Industry

The national key high-tech enterprises in the basic industries comprehensively promote the trademark registration work, focus on cultivating a number brand product groups which are optoelectronics, auto parts, new materials and fine chemical industry
as leading; make group of high-tech information industry enterprises as axis, their well-known trademark products as the link. Through the venture capital mechanism and equity investment, to merger and restructure capitaly the way they operate, to integrate the stock of resources, to nurture strong brands, to format scale economy of high-tech industry, to improve the contribution degree for products of well-known high-tech enterprise to the national economy, to promote industrial upgrading.

4.1.5 Focus on Promoting the Trademarks Building of Local Agricultural Products

According to the distribution of agricultural resources in China, through the cultivation of quality varieties, to focus on promoting the use of agricultural trademarks, agricultural standardization and brand building. To strengthen the cultivation of pollution-free agricultural products, green agricultural products and organic agricultural products, to implement of "leading edge industrial + brand" strategy, to vigorously implement the development path of "trademark + company + peasant household", to extend the upper and lower ends of industrial chain, to upward develop the agricultural products’ deep processing, to down develop the breeding and cultivation of agricultural and other infrastructure, and to build a complete industrial chain, to realize industrialization of agricultural products and large-scale operation, to increase peasant income.

4.1.6 Timely Register Trademarks and Seek Legal Protection

The relevant government departments should support enterprises to actively apply for trademark registration, and guide qualified enterprises to actively register trademarks or handle overseas, and apply multi-country registration, encourage to strive for well-known and famous trademarks, in particular to strengthen the support overseas registration of long-established trademarks. China’s enterprises should be forward-looking in the international trademark protection. When businesses intend to develop abroad, they need to advance the understanding of foreign law and to register trademark timely. Enterprises can register through the means of Madrid Agreement and the Protocol, the advantages are mainly saving time, saving effort, and saving money, and can individually register trademark abroad.

4.1.7 Timely Renewal the Trademark Right

Trademark has time limit, as the validity of trademark right. When expiry, we must apply for extension, or will lose the trademark right.

4.1.8 Strengthen Prevention, Establish the Defense System of Corporate Trademark

To enhance the awareness of prevention, is to effectively prevent others from infringing or taking the name. Such as all categories of goods and service categories of Haier Group apply for registration of the Haier and graphics three general trademarks, set up a barrier for Haier trademark protection.

4.1.9 Note the Evidence of Trademark Use and the Collection Management of Related Information

Enterprises should keep concern on market movement, strengthen market surveys, collect information about trademark use, give evidence to trademark protection for enterprises. In addition, if find counterfeit their own trademark goods, companies should not be laissez-faire attitude, but should actively complaint to industrial and commercial administrative organs, promptly stop infringement, safeguard the reputation of corporate goods, and protect exclusive right of trademark for the enterprises.

4.2 Vigorously Promote the use and Service of Basic Industries Trademark Information

4.2.1 Attach the R&D of Trademark Analysis Software

The use of high-level analysis system of trademark is an important strategic means of practical operation for countries, regions, industries and enterprises to trademark. United States Patent and Trademark Office started to develop the new trademark electronic application system TEAS in November 1997, and in October 1998 first launched the TEAS website in the global. The trademark information management system which this website established is most comprehensive and powerful in the industry. The system is mainly constituted by the following major modules.

First, Online Trademark Electronic Access Subsystem (TESS), which provides four different query means that the new user's query or basic
query, structure query, or Boolean query, free query or advanced query, browse dictionary or index query. So that trademark applicants master the trademark registration in the archives of trademarks. TESS can provide free service, but the data is limited to the data in the United States Federal Trademark.

Second, Trademark Retrieval Subsystem (TARR). By selecting the serial number or registration number, user can retrieve the trademark information in trademark database.

Third, Trademark Online Application Subsystem (TEAS). It is the subsystem who developed earliest and has the most prominent and complete features in USPTO trademark information management systems, mainly provides two kinds of application tools, electronic application and paper application. Electronic application can send e-mail of application form directly through the network, and the number will gradually increase, so the USPTO has prepared a very detailed e-application guidelines, which greatly facilitate the use of the trademark application for the user, and becomes an outstanding characteristic of USPTO Trademark Information Management System. The advantages of TEAS are mainly embodied in, on-line help for electronic application form, personalized application mode, providing trademark information registered, rapid recovery and confirmation registration number, uninterrupted service, mobile application (ie, an agent faxes to the applicant for sign after filling, and then faxes back to agent for application registration), and low cost. But comparatively speaking, the deficiency of USPTO trademark management system is the lack of an intuitive windows interface.

Information service organizations related to trademark in China are also actively developing trademark information management system software, and produce a certain impact. Include:

Beijing enterprise credit information system. The "Beijing Enterprise Credit Information System" (http://qxyy.baic.gov.cn/) which is contracted by the Beijing Industry and Commerce Administration, developed by the Beijing Zhonghengtiandi Science and Technology Development Co. Ltd., to full use the Internet multimedia retrieval technology, network database technology. It consists of four sub-components: corporate identity system, enterprise information system of good conduct, corporate early warning information system of bad behaviour and of misconduct.

Beijing Zhilin Technology Co. Ltd. (http://www.12315 bj.cn/index.html) developed the Trademark Management Information System, is a set of system software to query, retrieval, monitor and manage for trademarks whether can register and registered, and combines with the current inquiries orders of customer trademarks filling by hand, to achieve the automation of computer query, to provide customers with comprehensive, efficient trademark query service, monitoring, and business processing.


Providers of China's basic industries trademark information service should actively learn the advanced analysis software’s R&D experience in trademark and technology from home and abroad, should develop and design out the analysis software products basic industry trademark as soon as possible, to meet the management need of basic industries and have characteristics.

4.2.2 Strengthen the Construction of Trademark Database

Although China's main results of trademark database construction have Delong China Trademark Search Library (http://www.dtdm.net/), but is still far to meet the requirement of growing use of trademark information service.

Trademark database construction is the primary task of trademark for carrying out the user-oriented online trademark information service. Besides it should include a variety of trademark information, also should further improve the search query points. Besides query points include the fundamental international classification number, registration number / application number, trade name and other inquiries, also should provide more effective and efficient image query, voice query methods and other higher skills, while should maximize the use of advanced systems and database software to improve the network circulation. In improving the trademark information service, the websites of basic industries trademark information service should focus on strengthening the development of basic industries trademark database resources who have characteristics, for the data resources, should integrate, process and build a series of databases which are high-availability, high-quality and professional, to exchange data with other international intellectual property right bureaus and organizations.

4.2.3 Actively Promote the Construction of Basic Industries Trademark Information Service Platform

① Narrow the construction gap between trademark information service websites and patent information service websites.
Either from the number or from the scale of websites, China's trademark information service websites are not as good as the construction of patent information service websites, the China Trademark Website of the National Trademark Office Website and the State Intellectual Property Office Website all are related sites of the government departments. But compared with the State Intellectual Property Office Website, the difference of the China Trademark Website is obvious. We should be based on the government management functions and information resources of the State Industry and Commerce Administration’s Trademark Office, and make the utilization and development of government information resources as the main line, implement the government affairs, improve the e-government applications and service level, and build a complete and comprehensive e-government platform which is main in information release, online office, retrieval service and business process, and can meet the work of national trademark management.

2. Industries departments should strengthen the planning and management of domestic trademark information service website development.

The industries competent authorities should adopt policies and take some foster measures, vigorously support the establishment of some distinctive features, have good service and excellent management measures, really have big and medium websites of trademark information service which have their own core competitiveness, drive basic industries trademark information service websites as a whole. Domestic trademark websites compare and compete not only with national counterparts, but also with more foreign trademark information service websites.

China has to and is also possible to establish a portal website which is through the harmonization of basic industries intellectual property management sectors, the rational use of available resources, to avoid duplication, and can provide users with comprehensive, systematic, integrated basic industries trademark information service.

3. Enhance personalized service

Meet various need of customers: according to the need of users, to customize the appropriate trademark information resources, to act as information agent in basis of user request, to achieve personalized and intelligent information service.

4. Provide domain name management service

In recent years, the cyber squatting case of domain name occurs frequently, some foreign websites of intellectual property right, such as the Idsearch website provides a special service for this, but the majority of our trademark information service websites have inadequate attention. China's basic industries trademark information service websites should be proposed to focus on providing domain name management service.

5. Make great efforts to construct a trademark credit system in core of the enterprise

To give full play to the role of information technology, to establish the trademarks credit rating of companies in basic industries, to improve the trademark credit monitoring system which is trinity of government, market and public opinion, to build the credit evaluation system of basic industries trademarks. To promote the trademark credit rating’s link with the government plan projects and financial institutions finance. Making the government or agency be a bridge to let the trademark credit fuse into the SME credit guarantee system of basic industries, and using various news medias to publish real-time trademarks credit rating, including the internet media.

6. Early implement the online application of trademark registration

To accelerate the construction of China's trademark information technology, to further enhance the automation level of the trademark registration work, to build and safeguard the China's trademark websites, and to implement the online application of trademark registration as soon as possible. Achieving the online application of trademark registration, can not only greatly facilitate the trademark applicants to apply for trademark registration, reduce the workload and error rate of inputting the trademark application piles for Trademark Office, further enhance the efficiency and quality of trademark registration, but also can reduce the cost of registration of trademark applicants and reduce the administrative cost of trademark registration authorities.

In order to ensure that the application information is not tampered and the subsist of trademark agents is safe, to prevent others to counterfeit agency, the online trademark application system should use electronic signature and identity authentication technology. Before online application, the trademark registration agencies must apply for digital certificates of online trademark business system, and learn from the development of Internet banking experience to use the third-party digital certificate as much as possible.

In addition to the online application of trademark registration, we also have to actively explore for the trademark information service platform to support the trademark agency, transfer, right protection, litigation, assessment and other series of trademark service, and continuously improve the level of handling trademark matters for the information network technology to facilitate the public.
5 CONCLUSIONS

In this paper, basic industries are entry points. The paper researches and analyses the current situation and countermeasures of basic industries trademark information service, and the research findings have a certain degree of enlightenment to other industries.

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