

YANGON UNIVERSITY OF ECONOMICS
DEPARTMENT OF MANAGEMENT STUDIES
MBA PROGRAMME

**FACTORS INFLUENCING TRADEMARK
REGISTRATION AND FIRM PERFORMANCE**

ZIN MAR MYINT AUNG

MBA (Online) 161108

ONLINE MBA

DECEMBER, 2019

YANGON UNIVERSITY OF ECONOMICS
DEPARTMENT OF MANAGEMENT STUDIES
MBA PROGRAMME

FACTORS INFLUENCING TRADEMARK
REGISTRATION AND FIRM PERFORMANCE

ACADEMIC YEAR (2016-2019)

Supervised by:

Dr. Hla Hla Mon

Professor

Department of Management Studies

Yangon University of Economics

Submitted by:

Zin Mar Myint Aung

MBA (Online) 161108

Online MBA

2016-2019

YANGON UNIVERSITY OF ECONOMICS
DEPARTMENT OF MANAGEMENT STUDIES
MBA PROGRAMME

FACTORS INFLUENCING TRADEMARK
REGISTRATION AND FIRM PERFORMANCE

**This thesis is submitted to the Board of Examiners in partial
fulfillment of the requirements for degree of Master of Business
Administration (MBA)**

Supervised by:

Dr. Hla Hla Mon
Professor
Department of Management Studies
Yangon University of Economics

Submitted by:

Zin Mar Myint Aung
MBA (Online) 161108
Online MBA
2016-2019

ACCEPTANCE

This is to certify that this thesis entitled “**Factors Influencing Trademark Registration and Firm Performance**” has been accepted by the Examination Board for awarding Master of Business Administration (MBA) degree.

Board of Examiners

(Chairman)
Dr. Tin Win
Rector
Yangon University of Economics

(Supervisor)

(Examiner)

(Examiner)

(Examiner)

DECEMBER, 2019

ABSTRACT

This study intends to examine the effect of legal factors and competitive factors on trademark registration, and to analyze the effect of trademark registration on performance of the firm which have registered trademark in Yangon. The data are collected from 120 respondents which are selected from 138 firms registered through Htin Lin Oo Myanmar Trademark and Patent Law Firm in Yangon. The study found that there is legal factors and competitive factors have significant effect on trademark registration. Moreover, trademark registration has significant effect on firm performance. Therefore, trademark firms should made trademark registration for increasing customer reliability and credibility which lead to improve sales volume, satisfaction and loyalty of the customers.

ACKNOWLEDGEMENTS

Firstly, I would like to express my deepest gratitude to our Rector, Professor Dr. Tin Win, Yangon University of Economics, for allowing me to undertake this study as a partial fulfillment towards the Master Degree of Business Administration.

Secondly, my sincere thanks to Professor Dr. Nu Nu Lwin, Head of Department, Department of Management Studies for her extensive and constructive suggestions, her supporting excellence lecturers and comments to complete this thesis.

I would like to take this opportunity once again to express my appreciation to Professor Dr. Myint Myint Kyi, Department of Management Studies for their fruitful suggestion and guidance on my title of study.

Furthermore, I also wish to express my deepest gratitude to my supervisor, Dr. Hla Hla Mon, Professor, Department of Management Studies, for her guidance, suggestion, and support to making my thesis. This thesis would not have been possible unless her guidance and continued encouragement studies, Yangon University of Economics for her generosity of sharing her profound knowledge and support for my thesis.

I would like to express my heartfelt indebtedness to all of the professors, associate professors and lecturers who provided supervision and fortitude to help me achieve the goals set out for this study.

In addition, I would like to express my gratitude to the entire office including management and staff from Htin Lin Oo Myanmar Trademark and Patent Law Firm in Yangon. Without their precious supports, it would not be possible to conduct this thesis.

Finally, I would like to thank my express my gratitude to my family, friends and colleagues for their continuous support and patience throughout the course of my study.

Zin Mar Myint Aung

ID 161108

Online MBA

CONTENTS

	Page
ABSTRACT	i
ACKNOWLEDGEMENTS	ii
TABLE OF CONTENTS	iii
LIST OF TABLES	iv
LIST OF FIGURES	v
CHAPTER (1) INTRODUCTION	
1.1 Rationale of the Study	2
1.2 Objectives of the Study	3
1.3 Scope and Method of the Study	3
1.4 Organization of the Study	4
CHAPTER (2) THYEORETICAL BACKGROUND	
2.1 Intellectual Property	5
2.2 Trademark	6
2.3 Legal Factors	10
2.4 Competitive Factors	11
2.5 Previous Studies	13
2.6 Conceptual Framework of the Study	15
CHAPTER (3) TRADEMARK REGISTRATION IN MYANMAR	
3.1 Trademark Registration Process in Myanmar	16
3.2 Trademark Protection in Myanmar	17
3.3 Trademark Law in Myanmar	19
3.4 Demographic Profile of Respondents	20
3.5 Reliability Test	22

CHAPTER (4)	ANALYSIS ON TRADEAMRK REGISTRATION AND FIRM PERFORMANCE	
4.1	Analysis on the Influencing Factors on Trademark Registration	24
4.2	Analysis on the Effect of Trademark Registration and Firms Performance	30
CHAPTER (5)	CONCLUSION	
5.1	Findings and Discussions	33
5.2	Suggestions and Recommendations	34
5.3	Needs for Further Research	35
	REFERENCES	
	APPENDIX	

LIST OF TABLES

Table No.	Name	Page
3.1	Demographic Profile of Respondents	21
3.2	Reliability of the Variables	23
4.1	Legal Factors	25
4.2	Competitive Factors	26
4.3	Trademark Registration	27
4.4	Factor Influencing Trademark Registration	28
4.5	Firm Performance	30
4.6	Trademark Registration and Firm Performance	31

LIST OF FIGURES

Figure No.		Page
2.1	Conceptual Framework of Barhem El Harbi, and Grolleau,	13
2.2	Conceptual Framework of Greenhalgh & Rogers	14
2.3	Conceptual Framework of the Study	15

CHAPTER I

INTRODUCTION

Trademark is a form of “intellectual property,” trademark differ significantly from patents, which protect invention; copyrights, which protect expression of ideas; and trade secrets, which protect a company’s confidential processes and other information. Trademarks are brand names of products or services; trademarks are not those products or services themselves, nor do trademarks protect the technology underlying such products or services. The more distinctive it is, the more successful a trademark will be in performing its function of distinguishing your company’s products or services from the competition.

The only outstanding formality for the New Law to become is its presentation to the President signature. However, once the President has signed the New Law, the state organs responsible for all the state’s trademark protection services still need to be established. Trademark as an intellectual property which is used by the businesses to identify their products to their customers. Manufacturers or entrepreneurs of consumer goods spend more money on the design of their trademark reap profits.

A trademark is any sign that individualizes the goods of a given enterprise and distinguishes them from the goods of its competitors. Industrialization and the growth of the system of the market oriented economy allow competing manufacturers and traders to offer consumers a variety of goods in the same category. Trademark in general do not represent technological facts but enable companies to differentiate their products and services from those of other competitors on a country, continental and global basis. Distinctiveness is very important for a mark to be protected as a trademark.

A trademark can be protected on the basis of either use or registration. Trademark protection may vary from one country to another. Trademark protection can be carried out by the national legislation and the international legal instruments.

Its name and logo, designs, inventions, works of creative or intellectual effort or trademarks that distinguish a business can all be types of Intellectual property. Protecting Intellectual property Rights depend on various influencing protection. Among those protection, legal framework, effectiveness enforcement, consumer choice and completion in market will be examined in this study. In this study, Myanmar businesses which protect their intellectual property rights of trademark are analyzed.

Trademark is essentially another word for brand or brand name. A trademark can be any name, word, symbol, slogan, or device that serves to both identify and distinguish a business or product from others in the market. Once you have trademarked your business, if someone else makes an attempt to use something similar enough to confuse customers, you have the right to legally protect yourself and stop the other party. Myanmar's long-awaited Trademarks Law was signed into law on January 30, 2019, establishing the framework for a comprehensive trademark registration system open to both foreign and domestic trademark owners.

1.1 Rationale of the Study

It is important for business people to have an understanding of why trademarks are important assets and help grow their business. According to the standard lawyers' original understanding, the rationale for trademark protection resides in the trademark's function of designating the origin of the goods: the public should be protected against the risk of confusion as to the origin of the goods deriving from the unauthorized use of an identical or similar sign in connection with identical or similar goods.

There are many reasons of why trademarks are important to business. In a single brand or logo, trademarks can convey intellectual and emotional attributes and messages about of company's reputation, products and services. Therefore, trademark is an effective communication tool.

The marketplace is crowded and it's hard to distinguish business from competitors. Trademark, brands are an efficient commercial communication tool to capture customer attention and make business, products and services stand out. Brand is the first thing customers enter into a search engine or social media platform (Facebook, Twitter, Pinterest) when looking for products and services.

Trademark can appreciate in value over time. Trademark provide value beyond core business. Trademark can lead the way for expansion from one industry to another, such as from personal care to clothing or eye ware.

Trademark is essentially another word for brand or brand name. A trademark can be any name, word, symbol, slogan, or device that serves to both identify and distinguish a business or product from others in the market. Once you have trademarked your business, if someone else makes an attempt to use something similar enough to confuse customers, you have the right to legally protect yourself and stop the other party.

Trademark will not expire as long as the firms are using it in United States commerce. Some of the most recognized brands in the United States today have been around for over a hundred years. Mercedes was first registered in 1900. Pepsi-Cola was registered in 1896. Brands can inspire positive feelings in people's minds. As a result, employment opportunities are more attractive to candidates. Employee retention can be higher if employees have positive feelings for the brand and the products and services offered. The United States Patent and Trademark Office charges as little as \$275 to obtain trademark registration, only a few hundred dollars after five years and another few hundred dollar every ten year.

Trademarks registration is important of firm because trademarks play an essential role in protecting consumers and in promoting global economic growth. Trademark enable consumers to make quick, confident and safe purchasing decisions. Trademark promote freedom of choice. Trademark and related intellectual property encourage vibrant competition for the benefit of consumers, workers, brand owners and society at large.

1.2 Objectives of the Study

There are two main objectives;

- To analyze the influencing factors on trademark registration
- To analyze the effect of trademark registration on firm performance

1.3 Scope and Method of the Study

This study only focuses on factor influencing trademark registration and firm performance in Yangon. This study mainly focuses on trademark registered firms which register from Htin Lin Oo Myanmar Trademark and Patents Law Firm in Yangon. In this study, analytical research is used in this study.

Descriptive research method and multi linear regression model are conducted in this study. Primary data are collected from 120 clients of Htin Lin Oo Myanmar Trademark and Patents Law Firm by applying structured questionnaire and simple random sampling method. Secondary data are collected from relevant books, journals, previous research and internet web sites, plan and reports. There are 138 firms registered through Htin Lin Oo Myanmar Trademark and Patents Law Firm in Yangon.

1.4 Organization of the Study

This study consists of five chapters. Chapter one is about the introduction of this paper. It includes rational of the study, objective of the study, scope and method of the study and organization of the study. The chapter two presents theoretical background of intellectual property, trademark registration, previous studies and conceptual framework of the study. The chapter three presents about the consists of trademark registration process in Myanamr, Trademark Proteciton in Myanmar, Trademark Law in Myanamr and demographic profile of respondents. The chapter four analyzes the effect of legal factors and competitive factors on trademark registration firms and to analyze the effect of trademark registration on firm performance. Finally, chapter five is conclusion which consists of finding and discussion, suggestion and recommendation, limitation need for future research study.

CHAPTER 2

THEORETICAL BACKGROUND

In this chapter presents the theoretical background of the all the applied theories in this study. This chapter starts with a definition of Trademark and its attributes, followed by trademark registration and firms performance and discussion on the relationship between each of variables. The concept of each variables will be reviewed by different authors' perspective. And then, conceptual framework of the study will be discussed at the end of the chapter. Among different categories of intellectual property, trademarks are widely used in various economic sectors all over the world. In order to know the protection of trademark rights in theory and practice, the definition of trademark and what is signs which may serve as trademarks need to know first.

2.1 Intellectual Property

Intellectual Property Rights (IPR) are legal rights aimed at protecting the creations of the intellect, such as inventions, the appearance of products, literary, artistic and scientific works and signs, among others. literary, artistic and scientific works and signs, among others. Intellectual property rights include patents, copyright, industrial design rights, trademarks, plant variety rights, trade dress, geographical indications, and in some jurisdictions trade secrets. There are also more specialized or derived varieties of sui generis exclusive rights, such as circuit design rights (called mask work rights in the US) and supplementary protection certificates for pharmaceutical products (after expiry of a patent protecting them) and database rights (in European law). The term "industrial property" is sometimes used to refer to a large subset of intellectual property rights including patents, trademarks, industrial designs, utility models, service marks, trade names, and geographical indications.

Intellectual property in the company comprises of the new technical, design and technological decisions, software and other solutions in the form of new or improved products and technologies. They are protected by patents for inventions, certificates for design and the breeder's achievements or under copyright protection. Along with the innovations for the purpose of business the company creates and manages business indicators such as trademarks, geographical indications and domain names. All of the above solutions are intellectual property of the company, which is reflected in its

financial accounting documents such as company 'intangible assets'. These assets are entered in the accounts as the numerical value of the costs of creation and protection, cost of research, design, research and development activities and costs for filing an application for the protection of new decisions in the Patent Office of the Republic of Bulgaria and EU offices in the intellectual property rights.

2.2 Trademark

Trademark is defined as a mark capable of distinguishing goods of one undertaking from those of other undertakings in the course of trade. "Trademark" means any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark.

Trademark already existed in the ancient in the world as long as 3,000 years ago, Indian craftsman used to engrave their signatures in their artistic creations before sending them to Iran. Manufacturers from China sold goods bearing their marks in the Mediterranean area over 2,000 years ago and at one time about a thousand different Roman Pottery marks were in use, including the "Fortis" brand, which became so famous that it was copied and counterfeited with the flourishing trade of the Middle Ages, the use of signs to distinguish the goods of merchants and manufacturer likewise expanded several hundred years ago. The English word "brand" often used synonymously with "trademark" even today, reflects this usage: "brand" was the marking placed on cattle by farmers with hot irons. (Background Reading Material on Intellectual property. WIPO, 1988, p20.)

Trademark as an intellectual property which is used by the businesses to identify their products to their customers. Manufacturers or entrepreneurs of consumer goods spend more money on the design of their trade to reap profits. A trademark is any sign that individualizes the goods of a given enterprise and distinguishes them from the goods of its competitors. Industrialization and the growth of the system of the market-oriented economy allow competing manufacturers and traders to offer consumers a variety of goods in the same category. Trademark in general do not represent technological facts but enable companies to differentiate their products and services from those of other competitors on a country, continental and global basis. Distinctiveness is very important for a mark to be protected as a trademark. Trademark is a word, phrase, symbol or design, or combination of words, phrases, symbols or

designs, which identifies and distinguishes the source of the goods or services of one party from those of others.

Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings shall be capable of constituting a trademark. Such signs shall be eligible for registration as trademarks under TRIPs Agreement. If there is a strict principle that the sign must serve to sign distinguish the goods of a given enterprise from those of others, the following types and categories of signs can be imagined. For example, - existing words: “Apple: for computers, Names: “Ford”, Peugeot, for automobiles; Slogans: “Every Body needs milk” for a diary product; “Toyota cars the world over” for automobiles; “Fly Me” for an airline.

2.2.1 Trademark Registration

Trademark registration takes about one month to process in Myanmar. It is necessary to provide a specimen of owner’s trademark with a detailed description of the related goods or services associated with the trademark.

The international trademark registration system is called the Madrid system or Madrid Protocol. It is administered by the World Intellectual Property Organization (WIPO) located in Geneva, Switzerland. The Madrid system allows to have a trademark protected in several countries by filing an application directly with own member country and the U.S. is a member. The international mark registered with the U.S. is equivalent to an application or a registration of the same mark in countries designate. The trademark office of the designated country must allow the protection of the mark.

The Madrid system also simplifies management of trademark or service mark, since changes or renewals of the registration can be recorded directly, without making those changes in each country of registration. It can also designate registrations in additional countries through the Madrid process.

2.2.2 Advantages and Disadvantages of Trademark Registration

Trademark registration is essential if owner want of business, brand, product or service to stand out from the crowd. Registering of Trademark will protect the identity of services or goods from copycats, and the worst-case scenario of having to re-brand. Registering a trademark in Australia is vital if owner want to protect of intellectual property assets and secure rights. As well as the importance of registering of trademark,

it is vital that get a trademark professional to do it for you, there are a number of reasons why. Here are advantages of trademark registration in Australia.

Nationwide Trademark Registration Trademark Registration and Easier to Go Global. Top in our list of advantages of trade mark registration is 'Nationwide Coverage'. Registration of your trademark gives you exclusive rights to that name across the country. In today's global marketplace, another advantage of trade mark registration is that, if owner have registered of trademark in Australia, it will stand in good stead should want to register trademark in another country or countries.

To Protect the Business, Goods or Services, contact us Today for more Information on How we Could Save Time and Money on Trademark Registraton. Second in our list of advantages of trademark registration is that it will deter others. There are few things that companies hate more than a legal 'cease and desist' letter for infringing on a registered trademark. An advantage of trade mark registration is that it will deter others from using your name as a whole or part of their brand or company name. This is particularly important whether your offering is unique or commonplace. If owner's business is offering something unique or new to market owner should register of trademark in order to deter copycats trying to sell their goods or services off the back of the innovation. The business is offering a more common service or goods, but defined by fantastic customer service or another Unique Selling Point (USP), owner should register trademark to prevent companies using of good name and reputation but without rewarding for hard work. The registration process means that registered trademark will appear when companies search the register, therefore deterring them from using the name.

Brand Control and Consistency Trademark registration is key of considering offering a franchise or licensed reseller aspect to business. The brand is most valuable asset – it signifies of strengths, it's who are and its owner's identity in the marketplace. Another advantage of registration is that you will be able to determine how brand is used by others on licence. This should prevent trademarked name from being used inappropriately or displayed in a manner which brings the brand into disrepute. Registration of the trademark will also give the right to licence of brand in return for money, giving another potential revenue stream.

Another advantage of business mark registration is that the top internet search engines, like Google and Bing, regard trademark-registered names highly and, for example, will restrict the use of trademarked words in ads. Registration of the mark

also means that can issue a notice to the Australian Customs Service objecting to the import of goods that are infringing your registered trademark.

Enhanced perceived value of services or goods is the global marketplace with anything available from anywhere in the world at the click of a button. Buyers are becoming savvier and are more likely to seek recommendations from friends on Facebook and to read Amazon reviews, for example. An advantage of trademark registration is that it demonstrates a commitment to the brand and its goods or services. By investing time and money in your registered trademark are showing the world that a bona-fide business, committed to the long-term success of brand not a here-today-gone-tomorrow company

Registering of trademark gives the confidence that won't receive one of the dreaded 'cease and desist' letters mentioned above. Just imagine spending several years working on business, building up a loyal customer base and an eye-catching marketing strategy. And then having to change your business name after receiving a 'cease and desist' letter from a similarly-named business that didn't know existed. All that hard work wasted! Save the time, money and heartache by ensuring that trade mark registration is top of the list today.

Trademark registered can be sold and there's no doubt that, if looking to sell of business, a trademark registration will prove very attractive to potential buyers and enhance the selling price of the company. It gives potential buyers security that they will not be subject to copycats and another other company infringing on the trademarked name – nor will they be accused of infringing on another trademark registration.

In regards to the trademark symbols being used like "TM" (trademark), "SM" (service mark) or, it has different uses. The "TM" and "SM" can be used to claim the ownership of a product or service even without registration to the USPTO. The registration symbol can only be used after the trademark is registered successfully to the USPTO.

Besides, trademark owner also has some other important advantages. Most importantly, it will help the owner protect their mark from being used by competitors, even when that is a similar mark to the mark registered. USPTO also states that if there is any party trying to use the trademark, the owner can take legal actions against that party in federal court and claim charges depending on the situation.

Once a company has the trademark ownership, it will have exclusive right to use it nationwide and for all the products that are listed in the registration. In addition, the mark will be listed in the USPTO's online databases and if there is any similar mark to the registered mark for related products, the new registration will be refused. Mark Trademan also said in the Trademark Information Network's video podcast that trademark can last forever as long as it is being used, products are still being manufactured and sold on the market.

On the other hand, trademark registration also has some disadvantages for the owner. In the article "Emulation: Right or Wrong?" published by Sam Pettus in 2000, he mentioned some disadvantages of trademark protection. Firstly, the owner will need to show proof of use at regular intervals, the first submission is between 5-6 years after registration, the second is 5 years later and every 10 years thereafter. If the owner doesn't file these documents on time, it could lead to the loss of trademark. The trademark is also described as the weakest form of intellectual property protection as it protects just marketing concepts and not always product itself. Therefore, trademark should go with other intellectual property rights like patent. Another disadvantage for trademark owners is that they will have to pay fee for registration and renewal. The fee depends on the number of classes of products that are covered in the application and some more additional fees.

2.3 Legal Factors

Legal evolution evidences that trademarks are currently protected not only to avoid consumer confusion, but also to provide firms with an adequate return on investments made to create and maintain strong brands. The existence of trademark protection creates an incentive for continuous improvement in product quality. In the standard literature of law and economics, trademark law is presented as an incentive for business enterprises to invest in the quality of the goods and services with which marks are used and as a remedy to specific market failures.

It should be noted that until just a few decades ago, both common and civil law lawyers adopted an approach to explain the rationale for trademark factor that was markedly different from the one suggested by economists, but was altogether compatible with it. Whoever is found guilty of any of the following offences for commercial purposes without the consent of the right holder shall be punished with a prison sentence of no more than three years, a fine not exceeding five million

(5,000,000) kyats, or both: (1) counterfeiting a mark; (2) using a counterfeit mark for goods or in relation with services; (3) keeping any object or equipment mainly used to make a counterfeit mark or mainly used to use a counterfeit mark in goods.

Whoever is found guilty of any of the following offences shall be punished with a prison sentence of no more than two years, a fine not exceeding five million (5,000,000) kyats, or both: (1) trading in and distributing goods using counterfeit marks or keeping such goods in possession for the purpose of trading and distribution; (2) importing goods using counterfeit marks into Myanmar or exporting such goods from Myanmar.

Whoever commits and is convicted of any of the acts in section 87 and has been convicted of the same offense previously shall be sentenced to prison for a minimum period of three (3) years to a maximum period of ten (10) years and, in addition, a fine not exceeding ten million (10,000,000) kyats may be imposed.

Whoever is convicted of using flags or symbols, which receive special protection under international agreements where the Republic of the Union of Myanmar is a Party, as a mark for commercial purposes shall be punished with imprisonment of not more than three (3) years, a fine not exceeding five million (5,000,000) kyats, or both.

Whoever is convicted of removing, destroying, altering, or adding to a registered mark with the intention of harming the owner of said mark, shall be punished with imprisonment of no more than one (1) year, a fine not exceeding three million (3,000,000) kyats, or both. Whoever is convicted of any of the following acts may be punished with imprisonment of no more than one (1) year, a fine not exceeding two million (2,000,000) kyats, or both: (a) issuing or causing to issue a counterfeit registration certificate of a mark; (b) making or causing to make a false entry in the mark registration records without good faith. (c) violating the prohibition in section 52. Whoever is part of or abets any of the offences under this Law shall be punished according to the provisions for the offence committed.

2.4 Competitive Factors

Factors that influence the competitive position of a company in an industry or market. Competitive forces include (1) bargaining power of the buyers and suppliers, (2) threat of new entrants, and (3) rivalry among existing companies.

Famous trademark should be granted protection even in the absence of direct competition between the senior and the junior users and in the absence of a risk of confusion as to the origin of the marked goods. Economists generally agree on the fact that trademark protection creates an incentive for the production of quality goods.

Trademark protection makes firms produce high quality goods, and the aggregate effect is to increase the average quality of goods throughout the whole market. Trademark protection induces firms to offer goods with a precisely defined and constant quality. There are many ways to stay ahead of competitors and protect ideas in the long run. The best way to outcompete competition is to understand customers better—which means to provide service better than anyone else,

An accenture study revealed that 93% of executives believe the long-term success of their organization depends on the company's ability to develop new ideas. The key to the success of any business is its ability to keep its products and services fresh. In other words, you must be innovating all the time. In a vast sea of competition, the companies that do best are ones that constantly identify new opportunities.

Marketeers generally like to choose a name for a product that says exactly what the product is, thereby making the initial sales job easier. Unfortunately, the more a mark describes the product or characteristics of the product, the less protectable it will be legally. The long-term effect of adopting a descriptive name all too often is that the competition jumps on the bandwagon and adopts very similar names for competing products, a phenomenon against which the original user has little or no legal recourse given its initial decision to use a legally weak mark.

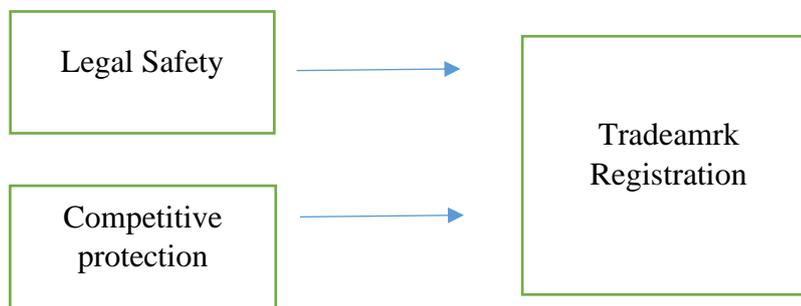
Advantage of competitive factor is superiority gained by an organization when it can provide the same value as its competitors but at a lower price, or can charge higher prices by providing greater value through differentiation. Competitive advantage results from matching core competencies to the opportunities.

Disvanctage of competitive factor is which places a business at risk for losing customers to a competitor. For example, if a restaurant has its liquor license suspended it is at a competitive disadvantage to the neighboring food establishments which still have a liquor license

2.5 Previous Studies

Brahem, M, El Harbi, S. and Grolleau, G., (2013) studied the determinants of trademark registration among Tunisian apparel firms . They analyze 116 questionnaires with a response rate of 70 %. Their results confirm the study of Malmberg (2005) that legal safety and competitive factor are correlated with trademark registration. Into the relevance of trademarks for measuring innovation, the authors conclude that innovation plays a role as a motive for trademark registration.

Figure (2.1) Conceptual Framework of Brahem, El Harbi, and Grolleau



Source: Brahem, El Harbi, and Grolleau., 2013

Schwiebacher, (2012) showed the analysis of a complementary relationship between legal protection and trademark registration in German companies. Thus, companies benefit when they use trademarks to complement the innovative content of their products. For company strategy, their results imply that managers should carefully consider whether company's customer base is informed about the performance characteristics of the product portfolio. The analysis showed that combining patents and trademarks can thereof lead to a higher sales share with new products. In the end, managers need to perform a cost-benefit- analysis. Trademark protection is only useful when combined with marketing expenses and applying for patents is also costly.

Figure (2.2) Conceptual Framework of Greenhalgh & Rogers



Sources: Greenhalgh & Rogers (2007)

Greenhalgh and Rogers (2007) assessed the links between trademark activity and market value and productivity using standard econometric methodologies and find stock market values are positively associated with trademark activity by UK manufacturing and service sector large firms and firms that trademark have significantly higher value added than non-trademarkers (by between 10% and 30% across all firms). Their interpretation is that trademark activity proxies a range of other, unobservable, firm-level characteristics including innovation that raises productivity and product unit values.

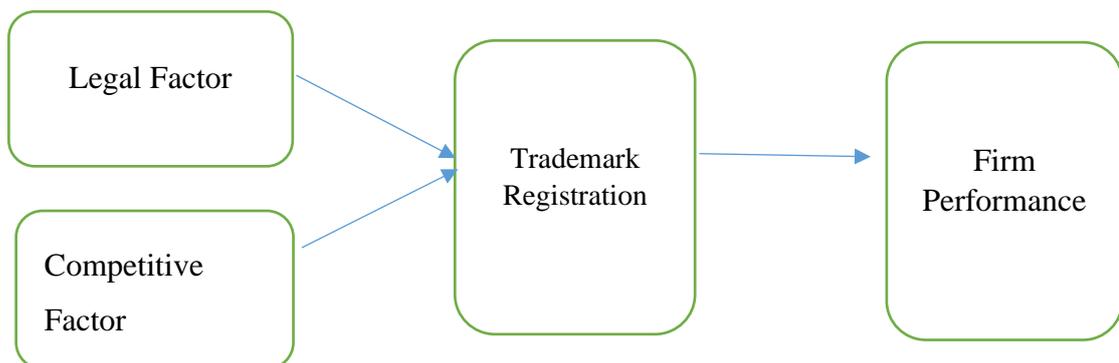
Landes and Posner (1987) are the first ones who investigate the influence of trademarks on performance in the sense that a firm uses trademarks to show its products are of quality, so that “search costs” of customers decrease and the firm can charge a higher price and, thus, have a profits increase; this model highlights that trademarks may encourage firms to increase investment in improving the quality of their goods, so expecting higher returns. As confirmed by the qualitative study of Llonch-Casanovas (2012) carried out in the Spanish knitwear districts, trademarks allow firms to differentiate a specific product and to establish it among consumers: trademarks are used to differentiate the products in the eyes of the consumers, but also to identify a new product.

A study of 300 Australian firms observed from 1989-2002 by Griffiths et al. (2005) showed that the stock of trademarks is a significant determinant of profits, but with a smaller impact than either patents or registered designs. Seethamraju (2003) analyzed the value of trademarks in 237 US firms from selected industries in 1993-97, finding a positive role for trademarking on sales and also market values. Similar results were also reached by Krasnikov et al. (2009) who prove that trademarks increase cash flows and decrease cash flow variability and are also positively associated with Tobin’s q , ROA and stock returns of large firms.

2.6 Conceptual Framework of the Study

The framework for the study was modified from the empirical study described in Figure (2.3). The Figure illustrates the factor influencing legal factor, competitive factor and trademark registration to maintain trademark registration and firm performance.

Figure (2.3) Conceptual Framework of the Study



Source: Own Compilation (2019)

According to Figure (2.3), the conceptual framework explains the relationship between the independent and the dependent variables in the study. In this study, the independent variables are legal factor and competitive factor. The trademark registration variable is regarded both as the independent variable and the dependent variable. The firm performance variable is regarded as the dependent variable. This conceptual framework describes the relationship between the factor influencing on trademark registration, and also trademark registration and firm performance.

CHAPTER 3

TRADEMARK REGISTRATION IN MYANMAR

This chapter consists of trademark registration process in Myanmar, trademark protection in Myanmar, trademark law in Myanmar, demographic profile of respondents and reliability analysis of variables.

3.1 Trademark Registration Process in Myanmar

The term of registration for marks will be ten years from the filing date of the application for registration, and the protection will be renewable every ten years. In order to register for the trade mark an applicant needs to submit,

The enactment of the Myanmar Trademark Law 2019 (“MTL”), Myanmar is replacing its old trademark registration system where declarations of trademark ownerships (“DTO”) are registered with the Office for Registration of Deeds with a new trademark registration system where trademarks will be registered with the Myanmar Intellectual Property Office (“MIPO”). Re-filing of Registered Trademarks to recognize the existing registered trademarks under the new system, MIPO will soon commence the “soft opening” of its operation to accept applications for re-registration of approximately 200,000 existing trademark registrations starting January 2020.

Applications for re-registration of the registered trademarks must be filed with the MIPO within 6 months of the soft opening date. Otherwise the priority right of the registered trademarks cannot be claimed. POA and Representative (Attorney) A Power of Attorney (“POA”) or Appointment Letter is required to appoint a representative or attorney to file trademark applications for an applicant residing outside Myanmar. MIPO shall prescribe a standard form of the POA. MIPO will soon announce whether or not notarization and legalization of POA are required. Multi-Class Application Multi-class applications will be allowed. Non-use of a registered trademark with the goods or services mentioned in its registration for three years can be a ground for cancellation of its registration in relation to such goods and services. Applications for New Trademarks which have never been registered in Myanmar can be filed from the grand opening date of MIPO, expected in Q3 of 2020.

The 6 major steps for registration of new trademarks are; filing of application, formality check, absolute ground examination, publication of application, substantive examination (post opposition period), registration or rejection. An application form, filled either in Myanmar language or in English. A request of registration. The notice of the power of attorney (if the applicant has to appoint local agent to file the application). Reproduction or the sample of the trademark in accordance with the stipulations. Representation or the description of the trademark. The declaration of intention to use the trademark.

The registrar will then perform the inspection of the application and publish the trademark. Once the trade mark has been published, it will be open to opposition which can be made by anyone. Opposition can be lodged against trademark applications during the publication period. The deadline to file an opposition will be 30 days from the date of the application if the opposer resides inside Myanmar and 60 days if the opposer resides outside Myanmar.

New registration system is the law replaces the current first-to-use system with a first-to-file system, aligning Myanmar with other ASEAN countries. The first-to-file system grants the right for registration of the mark to the person who files his application which has been prepared in accordance with the requirements stipulated under the law first. Where applications to register a mark, which are identical or similar are filed on the same day, the registrar shall direct the application to negotiate amongst themselves as to who proceeds with the application. Where parties cannot agree, they shall abide by the decision of the registrar.

The law does provide for a right of priority, meaning that where an applicant had filed an application for registration of the mark in any member state of the Paris Convention or the World Trade Organization, that applicant shall have priority in registering that mark in Myanmar. The right of priority extends to applicants who have exhibited goods bearing the mark or provided services under the mark in any member state to the Paris Convention or the World Trade Organization. This is consistent with other countries who adopt a first-to-file system.

3.2 Trademark Protection in Myanmar

As a recently opened market with a great potential, a member State of ASEAN and a signatory to the Trade Related Aspects of Intellectual Property Rights Agreement, Myanmar is attracting many foreign investors who yet carefully consider the old (or

even outdated) and limited legal framework. Myanmar's existing system for trademark protection despite the lack of any specific legislation governing trademarks in Myanmar, it is possible to protect trademark under the current Registration Act by recording a Declaration of Ownership of Trademark with the Office of the Registration of Deeds and publishing a Cautionary Notice of the registered mark in a local newspaper to inform the public of ownership on the trademark and warn against potential passing off or infringement.

Any individual or corporate entity that owns the trade mark will be allowed to register it with the Myanmar Intellectual property Office, which will be fully operational by the time the new trademark law comes into force. Foreigners have to appoint a local agent to file the registration on their behalf, if their ordinary residence or principal place of business is outside of Myanmar. A trademark has come to be recognized as a species of property which its owner can take steps to protect. A register of trademarks provides the source of this protection by: (a) making proof of registration equivalent to proof of title in all legal proceedings, and (b) restricting to registered owners the right to prevent others from using their trademarks without permission.

The transfer from the customer to the proprietor of the right to stop deception caused by false marketing has had enormous benefit and has led directly to an expansion of trade without any loss of consumer protection.

A trademark owner has the right to file litigation in criminal and/or civil actions, against an alleged infringer. Myanmar is currently in the process of establishing special IP Courts that will then hear criminal and civil cases relating to trade mark infringements. Trade mark infringement will also be a criminal offence under the Myanmar law and can be punishable with up to a 3 years prison sentence. The trade mark must be registered in Myanmar if the trade mark owner wishes to take action against infringers. This is why it will be important for SMEs to register their marks in Myanmar as soon as possible. Trademark owners will also have the opportunity to use customs to enforce their IP rights. A trademark owner who has sufficient grounds for suspecting the import, export or transit of infringing goods through seaport, airport or border crossing, may lodge an application to the relevant customs to issue a suspension or detention order for the infringing goods. The IP Courts may also issue injunctions that the customs will then carry out, once the trade mark owner presents the injunction to the customs.

The law states that its objectives are to develop investment, trade and commerce by protecting marks, to protect the interests of the proprietor of the marks and to create fair market competition and a safe environment for the public by preventing trademark infringements and flow of counterfeit products into the market.

The law provides for more than the registration and protection of trademark. The provisions of the law apply to trademark, service marks, collective marks, certification marks and geographical indications.

3.3 Trademark Law in Myanmar

The Union Parliament of Myanmar finally passed the Myanmar Trademark Law (“TML”) on 30th January 2019 as a Pyidaungsu Htuttaw Law No. 3/2019 and it was signed by the President of Myanmar on the same day. It will be effective after a notification is issued by the President of Myanmar.

Myanmar’s long-awaited Trademark Law was signed into law on January 30, 2019, establishing the framework for a comprehensive trademark registration system open to both foreign and domestic trademark owners. The only outstanding formality for the New Law to become is its presentation to the President for signature.

The 2019 Myanmar Trademark Law, which was finally enacted on January 30, 2019, is an important step in the government’s efforts to attract foreign investment. The new law establishes a framework for a comprehensive trademark registration and protection system for both foreign and domestic trademark owners.

The Union Parliament of Myanmar finally passed the Myanmar Trademark Law (“TML”) on 30th January 2019 as a Pyidaungsu Htuttaw Law No. 3/2019 and it was signed by the President of Myanmar on the same day. It will be effective after a notification is issued by the President of Myanmar. The TML has established a new trademark system with the following major principles: The Myanmar Intellectual Property Office (“MIPO”) will be established under the Ministry of Commerce to administer trademark registration.

The Central Intellectual Property Committee (“CIPC”) and the Intellectual Property Agency (“IPA”) will be established to issue and implement intellectual property policies in compliance with the principles and provisions of the IP-related treaties and conventions of which Myanmar is a member state. The first-to-file system for trademark registration and protection will be adopted to bring Myanmar to be in line with other ASEAN countries. Trademarks, service marks, collective marks,

certification marks and geographical indications will be given protection. Well-known marks and trade names will also be protected. A trademark application can be filed with the MIPO with or without a priority claim. A trademark examination and opposition proceedings will be handled by the MIPO. Registration of a mark is valid for ten years from the trademark application filing date and can be renewed every period of ten years. A trademark registration can be cancelled for non-use and it can be invalidated for non-registrability. Each trademark already registered under the Registration Act 1908 or the Deeds Registration Law 2018 must be re-filed with the MIPO because the current trademark registration is not automatically recognized under the TML.

While the effective date has not yet been announced, businesses are well advised to audit their trademark portfolios in preparation for new filings because existing trademark declarations and notices will no longer be sufficient to demonstrate ownership of marks once the new law is implemented.

The law replaces the current first-to-use system with a first-to-file system, aligning Myanmar with other ASEAN countries. The first-to-file system grants the right of registration of the mark to the person who files the application which has been prepared in accordance with the requirements stipulated under the law first. Applications to register a mark can be made in either English or the Myanmar language, through a translation may be requested by the registrar.

A registered mark is valid in Myanmar for 10 years from the filling date of the application to register the mark. The mark can be renewed for a further term of 10 years after the expiration of its current 10-year registered term.

3.4 Demographic Profile of Respondents

In this study, demographic profile of respondents is measured with seven items: position level, types of business, years of working experience, years of registration, no. of trademark registration update and number of employees. The study involved 120 respondents from trademark clients of Htin Lin Oo Myanmar Trademark and Patent Law Firm in Yangon. For each question, the most possible answer is provided to respond and they can choice in relevant answer. This can be seen Table (3.1). Yamane's (1973) Formula is used to calculate sample size for this study with 90% confident level;

$$n = \frac{N}{1+N e^2} = \frac{138}{1+(138)(0.5)^2} = \frac{138}{1+0.345} = 102.60$$

Table (3.1) Demographic Profile of Respondents

	No. of Respondents	Percentage (%)
Total	120	100.00
Position of Level		
Owners	58	48.33
Manager	62	51.67
Number of Employees		
10 - 30	35	29.17
31 - 60	63	52.50
61- 90	22	18.33
Respondents by Industry		
Manufacturing	38	31.67
Trading	33	27.50
Education	13	10.83
Health	8	6.67
Agriculture forestry and fishing	4	3.33
Arts entertainment	3	2.50
Construction	19	15.83
Financial and Insurance	2	1.67
Working Years (Established)		
1 year - 2 years	92	76.67
3 year - 4 years	28	23.33
Years of Trademark Registration		
1 Year – 2 Years	92	76.67
3 years - 4 years	28	23.33
Frequency of upgrade Trademark Registration		
1 – 2	101	84.17
3 – 4	19	15.83

Source: Survey Data (2019)

According to Table (3.1) position level of respondents is classified into two groups – manager level (employees) and owners (employers). It was found that, 62 respondents (51.67 %) are Manager Level and 58 respondents (48.33 %) are owners. It is found that most of the respondents are assistant manager.

The industry of respondents is classified into two groups – production and services. It was found that 97 respondents (80.83%) are from production industry and 23 respondents (19.17%) are from service industry. It is found that most of respondent are production industry.

Working years of respondents is classified into four groups: less than 1 year of experiences, between 1 and 2 years of experiences, between 3 and 4 years of experiences and above 5 years of experiences. It was found that experience years of respondents in their business is founded that 92 respondents describing 76.67 percent are between 1 and 2 years and 28 respondents describing 23.33 percent are between 3 year and 4 years. It can be deducted that most of the respondents are 1 years and 2 years in their relatives' business.

Number of employees is classified into four groups: under 30 and 30 employees, between 31 and 60 employees and between 61 and 90 employees' years. It was found that number of employees in their business is founded that 35 respondents describing 29.17 percent are under 30 and 30 employees, 63 respondents describing 2.50 percent are between 31 and 60 employees, and 22 respondents describing 18.33 percent are between 61 year and 90 years. It can be deducted that most of the respondents are 31 years and 60 employees are appointed in their relative's business.

3.5 Reliability Test

To measure the reliability of the instruments, Cronbach's coefficient alpha was calculated. This method has been recognized as an effective and widely-used approach to determine the internal consistency of study instruments. Generally, an alpha value close to 1.0 indicates high internal consistency reliability, an alpha value less than 0.6 is considered to be poor, values of 0.7 are considered acceptable and values above 0.8 are deemed to be good (Sekaran, 2003). In this study, the alpha value for each of the variable is described in following Table (3.2).

Table (3.2) Reliability of the Variables

Sr.No.	Variables	Items	Cronbach's Alpha
1	Legal Factors	4	0.830
2	Competitive Factors	5	0.701
3	Trademark Registration	5	0.799
4	Firm Performance	5	0.822

Source: Survey Data (2019)

Table 3.2 shows the results of reliability test for all of variable – (legal factors and competitive factors) and dependent variable (trademark registration and firms' performance) for Myanmar Company. It was observed that all of the alpha values are more than 0.6. Alpha value for legal factor was 0.830 which was the highest alpha value among factor influencing on trademark registration. Computed alpha values results showed that Cronbach's alpha was 0.822 for Trademark Registration and 0.967 for financial and firms' performance. These statistics reveal that internal consistency of items to the concept was good.

CHAPTER 4

ANALYSIS ON TRADEAMRK REGISTRATION AND FIRM PERFORMANCE

This chapter presents the analysis the effect of legal factors and competitive factors on trademark registration firms and analysis the effects of trademark registration and firm performance.

4.1 Analysis on the Influencing Factors on Trademark Registration

The objective of the study is to analyze the factor influencing trademark registration. In this study, legal factor and competitive factor are regarded as the independent variables for trademark registration. The trademark registration variable is regarded as the independent variable. This section is to analyze clients' perception on trademark registration of Myanmar Trademark and Patent Law Firm in Yangon. The respondents were asked to indicate the factor influencing trademark registration utilizing by Trademark Firm in Yangon.

This study based on 120 trademark clients of Htin Lin Oo Myanmar Teademark and Patent Law Firm in Yangon. A 5-point scale was used to measure level of agreed or disagreed where (1) = strongly disagreed (2) = disagreed (3) = nature (4) = agreed and (5) = strongly agreed. The scoring was done using mean values ranging from 1-5; therefore, the closer a score is to 5, the more strongly agreed the practice. Trademark clients of Htin Lin Oo Myanmar Teademark and Patent Law Firm response towards those factors influencing trademark registration and firm performance will be presented in mean and standard deviation values as follows.

4.1.1 Legal Factors

The following Table (4.1) describes client perception on legal factor on trademark registration with mean and standard deviation values. There are four factors for legal factor.

Table (4.1) Legal Factors

Sr. No.	Particular	Mean	SD
1	Legal protection	3.65	0.681
2	Taking court action	3.65	0.669
3	Difficult to imitate	3.64	0.731
4	Difficult to copy	3.50	
Overall Mean		3.61	

Source: Survey Data (2019)

According to the results of Table (4.1), mean value of client perception on legal factors is strongly and correct action to get more trademarks owners believes and reduce copying cases. The results Table (4.1), the overall mean value of the client perception on legal factor is 3.61. This result presents the agreement level because the respondents of the study generally recognizes and believes on government's trademarks registration rule and regulation that can be protected on their own brand name by using or imitate other organization.

The maximum mean value of client perception on legal factors is 3.65 in two factors. This item indicates that product imitate is protected by legal and companies that copied own products are taken by court action. This result means that trademark rule and regulation of this country regularly supports and helps to trademark owners for using or copying own products from other parties by taking court action and investigating other parties. To receive these chances, the trademark owners has the right registration file and records for intellectual property (IP) because government is also not allowed to distribute or sell owner's goods without trademark registration.

But the item that other companies do not easily copy our brand has the minimum mean value is 3.50. This result indicates that trademarks rule and regulation of Myanmar have weakness to protect and check every process of copying brand name with taking strongly and correct action to get more trademarks owners believes and reduce copying cases.

4.1.2 Competitive Factors

The following Table (4.2) describes clients' perception on competitive factors with mean and standard deviation values. There are five factors for competitive factor process.

Table (4.2) Competitive Factors

Sr. No.	Particular	Mean	SD
1	Attracting investment among competitors	3.80	0.602
2	Supporting customer's trust and reliability	3.63	0.810
3	Distributing products easily among competitors	3.63	0.789
4	Easily developing new products and services	3.83	0.584
5	Attracting customer from competitors	3.42	
Overall Mean		3.66	

Source: Survey Data (2019)

According to the results of Table (4.2), the result of indicates that the companies are also needed to attract and consider customers from competitors not only trademarks registration but also provides better services quality on their product. The results Table (4.2), the overall mean value of the clients' perception on competitive factors is 3.66. This result presents the agreement level because trademark registration has the many advantages to compete among investors, easy new products and services launch, attract, and trust and reliability from their customers.

Among the factor, the item companies can easily develop new products and services because of trademark have the maximum mean value, 3.83. This result means that most of companies believe and agree the importance of making trademark registration for develop new products and services. This is because customers will emphasize on new brands which is whether or not making trademark legally on their usage brands. On the other hand, the factor for trademark can attract customer from competitors is the minimum mean values, 3.42 among the competitive factors.

4.1.3 Trademark Registration

The following Table (4.3) describes clients' perception on trademark registration with mean and standard deviation values. There are five factors for trademark registration.

Table (4.3) Trademark Registration

Sr. No.	Particular	Mean	SD
1	Being importance of company	3.63	0.544
2	Getting benefits of company	3.69	0.460
3	Getting customer's trust and reliability	3.53	0.545
4	Protecting of products	3.72	0.496
5	Protecting of customers.	3.65	

Source: Survey Data (2019)

According to the results Table (4.3) is, the overall mean value of the clients' perception on trademark registration are significant level . This result presents the agreement level because this trademark registration system is implemented effectively factor process on company's brand to get more customers trust and reliability, benefit, competitive advantages and reduce brand copies from other companies.

Among the factor, the item that register trademark factor of owner's products have the maximum mean value, 3.72. This result means that Myanmar's companies makes trademark registration to protect company products/ brand name for using or copying others competitors or organization as a first priority and main objectives.

But the item that register trademark for getting customer's trust and reliability has the minimum mean value, 3.53. Therefore, most company brings customer trust and reliability by providing better product and services quality firstly because most customers emphasize on product and services quality then trademark's registration products.

4.1.4 Factors Influencing Trademark Registration

Pearson correlation test was conducted to check the magnitude of correlation between the dependent variable, trademark registration and various independent variables under influencing protection of trademark registration such as legal factor and competitive protection. The correlation analysis is the statistical tool used to study the closeness of the relationship between two or more variables. Correlation coefficient range is the between +1 and -1 that +1 indicates the strongest positive correlation possible, and -1 indicates the strongest negative correlation possible. If the value of positive, it means that one variable gets larger, other will also be larger. If value is negative, it means that one variable gets larger, the other gets smaller.

In multiple regression analysis, the model for simple linear regression is extended to account for the relationship between the dependent variable and independent variables. It is used to predict the value of a variable based on the value of two or more other variables. Regression analysis helps the researcher to understand how typical value of the dependent variable changes when any one of the independent variables is varied, while other independent variables are held fixed. Besides, the following two hypotheses will be tested. In the multiple regression models, the dependent variable is trademarks registration while the independent variables – legal factor and competitive factor in this study. The results of multiple regression analysis are shown in Table (4.4).

Table (4.4) Factors Influencing Trademark Registration

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	VIF.
	B	Std. Error	Beta			
(Constant)	2.667	0.517		5.156	0.000	
Legal Factors	1.307***	0.103	0.481	12.652	0.000	1.044
Competitive Factors	2.166***	0.120	0.687	18.090	0.000	1.044
R	0.915					
R Square	0.838					
Adjusted R Square	0.835					
Durbin wanton	2.063					
F Vaue	303.236**					

Source: Survey Data (2019)

*10% significant level, ** 5% significant level, *** 1% significant level respectively.

The model can also explain the variance of dependent variable (trademark registration) with dependent variable (legal factor and competitive factor). The value of R square is specified model could explain about 83 percent relationship between independent variable and dependent variables in this study. The independent variables (political protection and competitive protection) are found to be significant regression of trademark registration of customers with p-value`s significance level.

According to the analysis, the legal factor has positive significant on trademark registration. Because of the product imitate is protected by legal factors and also companies that copied own products are taken by court action. By protection in brand counterfeight of trademark. Legal factors are prevented by imitating trademark owned registered. The trademark of legalization are easy and distribute of company's product and services in the market. Therefore, the legal factor is strongly influence on trademark registration.

According to the analysis, the competitive factor has positive significant on trademark registration. Because of the others companies can attract the investors and investment and development project by legalization of trademark among competitors. And also, trademark supported customer's trust and reliability as well as intermediaries agreed that trademarks in distribution products among competitors. Therefore, the competitor factor is strongly influence on trademark registration.

In conclusion, these two legal and competitor factors are influenced on trademark registration. The benefits of a registered trademark are clear, greater confidence that aren't infringing on an existing mark, greater confidence in the strength and validity of mark, protection against infringement, public notice of registration, and legal grounds for trademark enforcement, to name a few. So, the companies should need to register by their product in legalization.

4.2 Analysis on the Effect of Trademark Registration and Firms Performance

This section is to analyze clients' perception on trademark registration and firm performance of trademark registration firm in Yangon. The trademark registration variable is regarded as the independent variable. The financial and nonfinancial benefit is regarded as the dependent variable according to the conceptual framework of the study.

4.2.1 Firm Performance

The following Table (4.5) describes clients' perception on firm performance with mean and standard deviation values. There are five protection for benefits of firm performance.

Table (4.5) Firm Performance

Sr. No.	Particular	Mean	SD
1	Sales increased due to trademark registration.	3.63	0.810
2	Trademark, can decrease physical and mental tiredness.	3.63	0.789
3	Could be reduced because the protection of the trademark was attained.	3.83	0.585
4	Brand sends a signal to market to protect.	3.67	0.653
5	New products with trademark, product life can be extended.	3.68	

Source: Survey Data (2019)

In the multiple regression models, the dependent variable is trademark registration firm performance benefits while the independent variables – trademarks registration in this study. The results of multiple regression analysis are shown in Table (4.5).

According to the results Table (4.5), the overall mean value of the clients' perception on firm performance benefits is 3.69. This result presents the agreement level because trademark registration of brands is increase financial benefit (reduce unfavorable cost, increase sale revenue) and nonfinancial benefit (services quality, satisfaction, lead time) for many companies.

Among the protection, the item for the unfavorable costs could be reduced because the protection of the trademark was attained has the maximum mean value, 3.83. This result means that trademarks registration helps many companies to reduce unfavorable (fines, legal actions, copyright) and trademark provides legal factors to the right holder. In addition, trademark brand builds the trust and understanding among the customers in the market. It helps in making loyalty customers who will dependable choose the company brand and buyers being unwilling to incur the search cost of switching to a competing product.

But the item that by our company's sales increased due to trademark registration and by the registration of trademark, I can decrease physical and mental tiredness has the minimum mean value, 3.63. This result indicated that company needs to prepare effective marketing communication mix activities to increase sale volume because trademark registration process can only ensure on intellectually property right on their

brand. Thus, trademark registration is not helping for sale volumes increase but can help to build customers trust and reliability.

The independent variables (trademark registration) is found to be significant regression of firm's performance of benefit in Law Firm's customers with p-value's of significance level.

According to Table (4.6), the regression model considers trademark registration and firm performance benefits as dependent variable and trademark registration as independent variables. The linear combination of those protection is significantly related to job satisfaction ($R^2=0.113$ and $P<0.001$). This means that, 11 percent of the variance in the dependent variable, financial and nonfinancial benefits can be explained by the independent variables, trademark registration. The model can also explain 10 % (Adjusted $R^2 = 0.105$) about the variance of dependent variable (financial and nonfinancial benefits) with dependent variable (trademark registration).

Table (4.6) Trademark Registration and Firm Performance

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	VIF.
	B	Std. Error	Beta			
(Constant)	2.514	0.306		8.206	.000	
Trademark Registration	0.329***	0.085	0.335	3.868	.000	1.000
R	0.335					
R Square	0.113					
Adjusted R Square	0.105					
Durbin-Watson	1.697					
F- Value	14.961**					

Source: Survey Data (2019)

*10% significant level, ** 5% significant level, *** 1% significant level respectively.

According to the analysis, the trademark registration has positive significant on firm performance. Because of the growth in business and sales increased due to

trademark registration. The registration of trademark can decrease physical and mental tiredness. The unfavorable costs could be reduced because the protection of the trademark was attained. The trademark brand sends a signal to market to protect. By securing new product with trademark, product life can be extended.

Therefore, trademark registration factor is influenced on firm performance. The company should emphasize the trademark registration for wider business environment determines firm performance. The companies delayed registration have been revealed to outperform those registered from the commencement of operations.

CHAPTER 5

CONCLUSION

This chapter is the conclusion which is discussed based on the results of the statistical analysis. It consists of findings and discussions, suggestions and recommendations, and limitations and needs for future research.

5.1 Findings and Discussions

The objectives of this study are to identify the factor influencing trademark registration and firm performance, to analyze the effects of factor influencing legal factors, competitive factors on trademark registration and then analyze the effect of trademark registration and firm's performance.

In this study, 120 respondents (manager and owners level only) of Trademark Firm in Yangon are selected as the sample. According to the survey data, in position group, most of the respondents are Manager level. The majority of respondents work at Manufacturing. In length of working years, the majority of respondents have services year between one years and two years in their current business. In this survey, years of trademark registration of most respondents is between one years and two years. In number of trademark registration upgrade, most of respondents have between one time and two times upgrade for the brand. In number of employees, most of respondents have between thirty-one and sixty staffs in their business.

According to the results of reliability test, all variables are reliable. According to the mean values analysis of influencing protection on trademark registration, competitive factor has the maximum mean value. It can be concluded that trademark registration has the many advantages to compete among investors, easy new products and services launch, attract, and trust and reliability from their customers. In addition, legal factor has the minimum mean value. It can be concluded that legal factors have weakness protection than competitive factors protection.

Trademark registration with significant level and also positive relationship between trademark registration and firm performance of Trademark Firms. These results show that more influencing protection on trademark registration are needed to makes by trademark firm to make more trademark registration. Then, trademark registration will gain the higher level of the benefits for trademark firms will also increase.

In addition, the analysis was used to test the effects of legal factors and competitive factors on trademark registration firm. The results show that legal factors and competitive factors on trademark registration firms have significant and positive relationship with trademark registration. It is concluded that the legal factor and competitive factor are increased for trademark registration level for Trademark firm. The analysis results support the positive and significant relationship between trademark registration and benefit of trademark registration on firm performance. By making upgrade trademark registration through the influencing factor, Trademark firm gains the more benefit. Thus, this result indicates that the influencing factors (legal factor and competitive factor) are significantly influential for trademark firm to uplift and make the trademarks registration and benefits which can shape the future achievement in the Trademark firms in Myanmar.

5.2 Suggestions and Recommendations

The suggestions and recommendations of this study are aimed to advantages of Trademark firms. This study helps the trademark firm in Myanmar to realize whether the two-influencing factors (legal factor and competitive factor) can affect on trademark registration and also trademark registration can affect on financial and nonfinancial of trademark registration on firm performance.

According to influencing protection on trademark registration, it shows that competitive factors is the most agreed for Trademark firms. Therefore, the company needs to upgrade and maintain its trademark by taking legally action such as giving yearly licenses fees, document and others personal information to protect legally and take action for copying other organization on their trademark registration which can increase benefit for trademark firms.

As the result of analysis, influencing factors (legal factor and competitive factor) shows the significant positive relationship with trademark registration. Among them, competitive factor is the strongest factor to make the trademark registration. Thus, government should focus on these two protections – legal factor and competitive factor which are essentially required to effect on trademark registration and then trademark registration leads to benefit of trademark registration firm performance for trademark firms as a consequence. The benefits of a registered trademark are clear, greater confidence that aren't infringing on an existing mark, greater confidence in the strength and validity of mark, protection against infringement, public notice of registration, and

legal grounds for trademark enforcement, to name a few. The companies should need to register by their product in legalization.

Furthermore, the result revealed that the positive and significant relationship between trademark registration and firm performance. Thus, the effective trademarks registration protection should be made to boost and maintain financial and nonfinancial benefit for trademark firms. Therefore, Government should be evaluated and measured on the trademark firm concern with trademark registration.

Finally, trademark firms should more consider trademark registration and firm performance that are critical for long-term health and success of business. Moreover, trademark firms should made trademark registration for increasing customer reliability and credibility which lead to improve sales volume, satisfaction and loyalty. Thus, the better manage on trademark registration process of the organization can be higher benefit and nonfinancial benefits

5.3 Needs for Further Research

This study analyzed the effects of trademark registration on performance trademark firms in Yangon. Based on 120 trademarks firm which registered through Htin Lin Oo Myanmar Trademark and Patents Law Firm in Yangon. Further research trademark firm are valid for a certain period of time should be renewal of trademark registration in every 10 years. New firms want to register to prevent a counterfeiter from using of mark if the company has a strong brand. Having to rebrand, bearing the costs of new promotional materials, and being sued for trademark infringement by a competitor. To get legal factor and competitive advantages, firms should emphasize trademark registration.

REFERENCES

- Bartow, A. (2004). Likelihood of Confusion, *San Diego Law Review*, 41(1), 1-105.
- Bently, L., & Sherman, B. (2008). *Intellectually Property Law*, (3rd Ed.), UK, Oxford Oxford University Press.
- Bosworth, D. (2006), The Management of Intellectual Property, *Electronic Journal of Intellectual Property Rights*, 9(1), 378–88
- Casanovas, M L. (2012). Trademarks, product differentiation and competitiveness in the Catalan knitwear districts during the twentieth century, *Journal of Business History*, 54(2), 179 – 200.
- Chaudhry, M. S., (2007). *Scope of Trademark Protection, Master of European Affairs*, Sweden , University of Lund.
- Chunya, N., & Xiyang, Z. (2015). The analysis of influencing factors of trademark strategy implementation in small and middle enterprise, *Journal of International Business and Management*, 11(1), 7-61.
- Griffiths, J. et al. (2005). Copyright and Free Speech Comparative and International Analyses, *Journal of Law and Political*, 8(2), 182-202.
- Jensen, P. et. al. (2005). *Factors affecting the use of intellectual property (IP) protection by small and medium enterprises (SMEs) in Australia*, Intellectual Property Research Institute of Australia (IPRIA), Australia, Melbourne University.
- Somwaiya, K., & Khin Khin Zaw. (2019). *Latest Changes Related to Trademark Registration in Myanmar*, Law Plus Myanmar Ltd., Myanmar.
- Krasnikov, A., & Mishra, S., & Orozco, D. (2009). Evaluating the Financial Impact of Branding Using Trademarks: A Framework and Empirical Evidence, *Journal of Marketing*, 73(6), 154–166.
- Landes, W. M., & Posner, R. A. (1987). Trademark Law: An Economic Perspective, *Journal of Law & Economics*, 30 (2), 265-309.
- MacEachron, A.E. (1982). *Basic statistics in the human services: An applied approach*, Baltimor University, University Park Press,.

- Mangani, A. (2007). The Extended Protection of Strong Trademarks, *Intellectual Property Reviews*, 11(2), 262-289.
- Schautschick, P., & Greenhalgh, C. (2013). *Empirical Studies of Trade Marks- The Existing Economic Literature*, Department of Economics, United Kingdom , Oxford University,.
- Seethamraju, C. (2003). *The value relevance of trademarks*, United Kingdom ,Oxford University Press,.
- Sekaran, U. (2003). *Research Methods for Business: A Skill-Building Approach*. (4th ed.), New York, John Wiley and Sons Inc.
- Teixeria, A. C., & Ferreria, C. (2018). Intellectual property rights and the competitiveness of academic spin-offs, *Journal of innovation and knowledge*, 4(1), 154-161.
- Vachanavuttivong, D., (2015), "Protection for Well-Known Trademarks in Myanmar", *World Trademark Review*, 6(1), 100-101.
- World Intellectual Property Organization (WIPO). Switzerland, *Wipo Intellectual Property Handbook*, (1st ed). World Intellectual Property Organization (1967-1992). WIPO; 1992.

APPENDIX

YANGON UNIVERSITY OF ECONOMICS

DEPARTMENT OF MANAGEMENT STUDIES

MBA PROGRAMME

(Factors Influencing Trademark Registration and Firm Performance)

This survey is only concerned with Master of Business Administration (MBA) conferred by Yangon University of Economics. Please answer the following questions. Thank you for your precious time.

Part I

General Information

Please tick (√) at the appropriate box/column (or) write in your answers where appropriate

1. Position of Level

Owners

Manager

2. Respondents by Industry

Manufacturing

Trading

Education

Health

Arts entertainment

Agriculture forestry and

fishing

Construction

Financial and Insurance

3. Years of experience as this Organization's employers or employees:

Less than 1 year

1 – 2 years

3 – 4 years

5 – 10 years

More than 10 years

4. Years of Trademark Registration

- | | | | |
|--------------------------|---------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Under 1 Year | <input type="checkbox"/> | Between 1 Year – 2 Years |
| <input type="checkbox"/> | Between 3 Years – 4 Years | <input type="checkbox"/> | Above 4 Years |

5. No. of Trademark Registration Upgrade

- | | | | |
|--------------------------|-------|--------------------------|---------------|
| <input type="checkbox"/> | 1 – 2 | <input type="checkbox"/> | 3 – 4 |
| <input type="checkbox"/> | 5 – 6 | <input type="checkbox"/> | Above 6 times |

6. Number of Employees

- | | | | |
|--------------------------|---------|--------------------------|----------|
| <input type="checkbox"/> | 10 - 30 | <input type="checkbox"/> | 31 - 60 |
| <input type="checkbox"/> | 61- 90 | <input type="checkbox"/> | Above 91 |

Part II

Perception on Factor Influencing Trademark Registration

Please indicate the degree to which you agree or disagree the following statements. Use the following scale to select the number.

- 1= Strongly Disagree** **2= Disagree** **3=Neutral** **4**
=Agree
5= Strongly Agree

A. Legal Factors

Sr	Particular	1	2	3	4	5
1	Product imitate is protected by legal.					
2	Companies that copied own products are taken by court action.					
3	Other companies cannot easily imitate trademark owned by our company.					
4	Other companies do not easily copy our brand.					

B. Competitive Factors

Sr.	Particular	1	2	3	4	5
1	Trademark used by company as a tool can attract investment among competitors.					
2	Companies can easily develop new products and services because of trademark.					
3	Trademark supports customer's trust and reliability.					
4	Intermediaries agree to distribute our products easily among competitors.					
5	Trademark can attract customer from competitors.					

Part – III

Perception on Trademark Registration and Firm Performance

Please indicate the degree to which you agree or disagree the following statements.

Use the following scale to select the number

A. **1= Strongly Disagree** **2= Disagree** **3=Neutral** **4**
=Agree

B. 5= Strongly Agree

C. Trademark Registration

Sr.	Particular	1	2	3	4	5
1	I register trademark for getting customer's trust and reliability.					
2	I register trademark for getting benefits of our company.					
3	I register trademark for being importance of our company.					
4	I register trademark for protecting of our products.					
5	I register trademark for protecting of our customers.					

D. Firm Performance

Sr.	Particular	1	2	3	4	5
1	By our company's sales increased due to trademark registration.					
2	The registration of trademark, can decrease physical and mental tiredness.					
3	The unfavorable costs could be reduced because the protection of the trademark was attained.					
4	Trademark brand sends a signal to market to protect.					
5	By securing new products with trademark, product life can be extended.					