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UNFAIR COMPETITION. FORMS. THE WIDESPREAD UNFAIR COMPETITION IN THE REPUBLIC OF BELARUS. MEASURES TO PREVENT THEM

Competition is the rivalry among sellers trying to achieve such goals as increasing profits, market share, and sales volume by varying the elements of the marketing mix: price, product, promotion and place. Merriam-Webster defines competition in business as “the effort of two or more parties acting independently to secure the business of a third party by offering the most favorable terms. Unfair competition appears because of high competition. Entrepreneurs want to have benefits, so they take risks. The concept of unfair competition is not new, but it always remains relevant.

Unfair (or disloyal) competition in commercial law is a deceptive business practice that causes economic harm to other businesses or to consumers. It includes a number of areas of law involving acts by one competitor or group of competitors which harm another in the field, and which may give rise to criminal offenses and civil causes of action. An example of unfair competition is the illegal use of an economic entity not inherent in their brand name, trademark (service mark), etc.; illegal copying of the appearance of the goods; introduction into civil circulation of goods of another economic entity using own means of individualization of the goods.

According to the Paris Convention, in order to combat unfair competition, its three basic forms were formulated: parasitism, confusion and misrepresentation.

In the Republic of Belarus it can be argued that the most popular type of unfair competition is parasitism in all its forms. Parasitism occurs both in the domestic and foreign markets. A striking example of external parasitism is the scandal of 2016 about the “Tweakers” bar. The famous American company Mars, which produces long-term food products, has accused the government of using international trademarks of Onega (Belarusian company). The trademark “Tweakers”, according to the company Mars “Tweakers” combines the trademarks “Snickers” and “Twix”. Thus, “Tweakers” violates the exclusive rights of the company “Mars” to use trademarks.

An example of internal parasitization is the following: the copying of the Grodno company ABC packaging of mayonnaise by the company “KAMA KO”. As a result, the company “KAMA KO” won the court, as the packaging of its mayonnaise “Provansal. That very taste!” Was copied in many respects and recognized as a fact of unfair competition. And the external similarity was associated with mayonnaise “Provansal Stolichny” of the trade mark “CAMACO”, which misleads consumers.

Also fake products, “pirate” registration, use of trademarks as trademark owners are characteristic for Belarus.

This question is quite serious, so the methods of struggle have to be the same to them. There are two significant methods for solving the problem: first, “helping hand” of the antimonopoly authority of the Republic of Belarus, they can provide assistance, the appeal is submitted on the principle of territoriality; secondly, the assistance of the economic court in the protection of business reputation.

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DIGITAL TECHNOLOGIES IN MARKETING

Rapid changes of modern digital technologies induce changes in marketing.

The subject of our study is digital marketing. **The object** is the application of digital marketing for commercial purposes. **The objective** of our research is to define the role and place of digital marketing in the companies’ economy and in people’s lives as well as its efficiency. Digital marketing is concerned with advertising and selling of products or services by means of digital technologies, mainly the Internet, mobile phones, display advertising, and other digital media. Since the 1990s, the development of digital marketing has changed the way most companies advertise and sell their produce. Currently, when digital platforms are increasingly incorporated into companies’ marketing plans and their production and sale activities, and when more and more people use digital devices instead of just going shopping, the role of digital marketing campaigns is growing. Digital marketing becomes a prevalent and efficient way to enhance sales. Digital marketing techniques such as search engine optimization (SEO), search engine marketing (SEM), content marketing, influencer marketing, content automation, campaign marketing, data-driven marketing and e-commerce marketing, social media marketing, social media optimization, e-mail direct marketing, display advertising, e-books, optical disks and games become quite common in our life and in the operation of many companies. In fact, digital marketing now even involves non-Internet channels that provide digital media, such as mobile phones (SMS and MMS), callback, and on-hold mobile ring tones.

The 21st century is the century when “time is money” and efficiency is the most valuable resource. People do not want to waste time while searching for the information they need. They want it to be easily accessible and attainable. Therefore, as statistics say almost all large and medium-sized companies adopt digital marketing. On any Internet site you browse, everywhere, you can see a huge amount of advertising in the form of banners, KMS advertising, etc. You may not even pay attention to it, but it is already