



A comprehensive overview of the trademarking world

It is clearer than ever that trademark management
should be considered as critically important by brands,
asserts Rob Davey

Trademarks are more important to brands than they've ever been before. As competition continues to grow fiercely across new channels and platforms, businesses have come a long way in recognising the true value of their intellectual property and viewing them as vital business assets.

However, as more brands continue to follow suit, it is imperative that any secured trademarks are also properly protected at all costs, not only to leverage a stronger position when coming up against competition, but also to prevent brand infringement in potential cases where brand names and taglines are used by others for their own gain.

As the number of global trademark filings increases — there were just under 6 million applications filed in 2015 alone — it is only natural that the number of infringement cases will increase as a result of conflicting trademarks. This can cause significant unforeseen headaches for the brands involved, but proactive preparation for such events can make the process much smoother.

To better gauge the market, the attitudes of C-level executives and the challenges inherent in the trademark management process, CompuMark commissioned Opinium, a leading research agency, to conduct a [global survey](#) of C-level executives, in the US, UK, Italy, Spain, France and Germany.

The growth of the trademark landscape

Globally, the number of trademark applications is on the rise, with no sign of slowing — according to CompuMark and its SAEGIS® on SERION® solution, the number more than doubled between 2008 and 2015.

What this means for business is that there needs to be increased focus on selecting the appropriate marks, taking them through the clearing process, and then protecting them in order to ensure they are not being infringed upon. This state of growth is reflected in the research findings — 61% of respondents in the survey said they had launched

a mark in the last year. Interestingly, 43% registered one mark, while 18% said they registered two or more. Spain demonstrated the highest number of single registrations (53%), while the USA showed the highest amount of multiple registrations (25%).

Looking to the year ahead, the outlook is similar. When asked about plans to launch new marks in the next 12 months, 39% said they would launch one, while 27% said they would launch more than one.

The challenge in trademark work

Despite the obvious growth in the number of trademark applications, and the desire for more launches, there are still challenges. From initial screening, to a full clearance search and registration, the process requires both time,

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effort and expertise. However, in a highly competitive marketplace where speed is key, trademark professionals, regardless of whether they are in-house or external, are under increased pressure to produce results — and to do so accurately.

Interestingly, 80% of respondents said they would be more likely to launch new brands if trademark clearance were simpler — 41% stated this was very likely. Taking the idea of simplicity a step further, participants were asked what they thought the best solution would be to clear trademarks more quickly and more accurately.

Overwhelmingly they cited better technology (44%), a more cost-effective solution (28%) and a self-service style option that can be used in-house (25%). Interestingly there are solutions like this on the market, but perhaps what is required is more education and awareness around the role that technology can play in the trademark research and protection process.

The rise of trademark infringement

With the increasing number of trademark launches across the globe, there is a corresponding fear that infringement too will rise. CompuMark found that overall, C-level respondents said they thought trademark infringement had increased (79%). Specifically, 32% stated it had increased significantly, while a further 47% said it had increased slightly.

There have been efforts from both businesses and the legal sector to try and curb these infringement fears, with increased negotiation and arbitration over trademark infringement cases in an effort to keep them out of court, but this doesn't seem to have made any difference in the mind of the collective C-level. In fact, the research showed that 40% of participants in the survey are more concerned about trademark infringement than they were five years ago.

Conclusion

With all of the above taken into account, it is clearer than ever that trademark management should be considered as critically important by brands. As the number of applications continues to grow, so will the level of the competition, which is why all businesses should be well-versed in choosing the right trademarks to register and proactively monitoring numerous channels for cases of infringement.

Hopefully, as time goes on, there will also be more efficient and technology-driven ways of managing trademark portfolios, which will assist the likes of law firms, trademark experts and in-house counsel in meeting deadlines and making quicker, more informed decisions.

Regardless of the fierce competition and the various challenges that still lie in the way of many, the overall goal remains: to develop strong brand recognition that supports business objectives, while mitigating and managing the risks associated with the full brand portfolio. ■

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