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Trademark Highlights from the IPO's 2014 IP Record

By Monica Riva Talley

The Intellectual Property Owners' Association (IPO) recently released its 2014 IP Record, an annual report detailing global intellectual property trends. Now in its seventh year, the report draws from a range of sources, including the [USPTO Performance and Accountability Report FY 2013](#), and [WIPO 2013 World Intellectual Property Indicators](#), to provide extensive information on various facets of intellectual property. The trademark registration and application statistics in the report are interesting to parse, particularly as they relate to innovation, business development, and overall market strength.

Data from this year's IP Record reveals that in 2013, trademark applications hit an all-time high with 433,654 application filed, a 4% increase from 2012. The number of registration also rose in 2013. 259,681 were registered in 2013, compared to 243,459 in 2012. Both trademark applications filed and registrations issued have experienced continued growth this decade.

Unlike previous years and contrary to total market statistics, top trademark registrants seem to have obtained fewer trademarks in 2013. According to the USPTO's list of the top 50 trademark registrations of the year, the top five registrants of trademarks in the U.S. obtained a collective 990 registrations compared to the 1101 obtained in 2012. The discrepancy grows between the top ten registrants of 2013 and 2012. The top ten companies of 2013 registered 1503 trademarks – more than 200 fewer than their counterparts managed in 2012. This wider distribution coupled with more filings altogether, may reflect economic growth, as more businesses develop and protect IP.

The coveted spot atop the top 50 U.S. trademark registrants was secured by Mattel Inc., despite a decrease in total registrations compared with 2012. With 346 trademarks – 12 fewer than in 2012 – it nearly doubled the number of registrations obtained by any other company. LG Electronics secured 183 trademarks, which – although fewer than it registered in 2012 – was enough to move the company up one spot into second. Johnson & Johnson, which fell one spot to #3, secured 169 trademarks – 77 fewer than it secured in 2012. Disney Enterprises remained in fourth having registered 156 trademarks for the year. Rounding out the top five was Procter & Gamble. The world's largest household products maker rose from its #7 spot in 2012, securing 136 patents in 2013.

The most significant newcomer to the 2013 rankings was by L'Oreal. The company – left off the rankings in 2012 – secured the #11 spot after registering 77 trademarks.

Other household names to make notable top 50 climbs include Twentieth Century Fox which registered 104 trademarks and rose 15 spots to #7; Nestle rose 18 spots to #9 and Walgreen's 61 trademark registrations secured it the #21 spot.

Conversely, Bally Gaming, a company specializing in gaming technology and manufacturing casino equipment, dropped out of the top 5 falling all the way to 19th position; Summit Entertainment dropped from #8 to #22 registering only 60 trademarks; Nintendo, having registered only 48 trademarks, fell 24 spots to #37 and the U.S. Marine Corps registered 7 fewer marks in 2013 but snagged the final spot on this year's top 50.

In 2013, only 30 companies retained their 2012 position among the top fifty registrants. Among the newcomers are the previously mentioned L'Oreal accompanied by General Motors (GM), UnitedHealth Group, Huawei Technologies, Microsoft, Viacom, AOL, and Wal-Mart. Meanwhile, those companies present in 2012, but left off the list in 2013 include: American Express Marketing & Development, Hershey Chocolate, T-Mobile, Warner Bros, S.C. Johnson, Merck, BMW, Kraft Foods, and Kohler, among others.

In general, top registrants are companies that offer multiple lines of consumer products, such as entertainment behemoths, consumer electronics brands, and food and beverage companies – all of which operate in markets where dominance requires almost constant product innovation. For example, the increase of alternative platforms for delivering unique entertainment content, conflating the previously distinct content providers from broadcasters, has given rise to a fragmented market. Content providers must thus work harder than ever to gain and maintain market share. In addition, merchandising and co-branding programs account for ever increasing shares of entertainment revenue streams, necessitating a strong trademark registration strategy.

Similarly, increased globalization and market specialization have made constant innovation and differentiation a necessity within the consumer products industry. Brands are no longer competing solely within their geographic market, but instead in a global market against competitors who can deliver goods to market at a faster rate and cheaper price. More than ever before the competitive landscape requires that brands differentiate themselves via the entire brand experience – whether that be the shape of the product, the look of their storefronts, or the quality of a new user interface – savvy marketers today are seeking to protect these factors that impact how customers connect emotionally with a brand. As many of these factors fall under the purview of trademark protection, this too is likely affecting the total number of filings.

Finally, the rise in counterfeiting is no doubt spurring brands to protect themselves more broadly, both in terms of the jurisdictions covered, and in terms of marks protected. Additionally, trade dress protection provides another weapon in the anti-counterfeiting arsenal, providing additional grounds on which to enforce against look-alike products.

About the Author

Monica Talley is a director in the trademark practice at intellectual property specialty law firm **Sterne, Kessler, Goldstein & Fox P.L.L.C.** She has more than 18 years of experience protecting some of the world's most recognizable brands. Ms. Talley specializes in strategic trademark portfolio counseling and management, developing anti-counterfeiting solutions and strategies, and trademark enforcement. Ranked as one of the leading trademark prosecution and strategy attorneys in Washington, DC, she is particularly noted for her global brand protection and commercialization strategies, and is lauded by clients for utilizing “her broad IP savvy to procure fantastic short and long-term results” (*World Trademark Review 1000*).

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1100 New York Avenue, NW Washington, DC 20005

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