Green EU trade marks
Analysis of goods and services specifications, 1996-2020

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Foreword

Climate change and other environmental issues concern many citizens in the EU and beyond, and are more and more prominent in politics, in business and in the public debate. In 2019, the European Commission established action on climate change as a priority, promising to deliver a European Green Deal with the aim to make Europe the first climate-neutral continent by 2050.

Intellectual property (IP) is, alongside financial resources, an important success factor in the achievement of the Commission’s goals. In order to accomplish the Green Deal objectives, new technologies will be created, new products and services will be brought to market, and existing products will be redesigned to make them more sustainable.

This study, carried out by the EUIPO through the European Observatory on Infringements of Intellectual Property rights, examines the increasing frequency with which goods and services specifications of EU Trade Marks reflect issues related to environmental protection and sustainability. It shows that filings of “green” EUTMs have increased significantly since the Office began operations in 1996, both in absolute figures and as a proportion of all EUTM filings.

This is the first study of its kind, pointing the way to further research that uses the information contained in the EUIPO register. The richness of this data, coupled with a new and innovative methodology, has made these insights possible. It is our hope that other researchers will take advantage of the possibilities offered by EUIPO’s Open Data platform to deepen our knowledge of the role of IP in this important undertaking.

Christian Archambeau
Executive Director
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1. Introduction

Climate change and other environmental issues concern many citizens in the EU – and beyond. These issues are becoming increasingly important in politics, in business and in public debate. In 2019, the European Commission established that action on climate change was now a priority, promising to deliver a European Green Deal with the aim of making Europe the first climate-neutral continent by 2050.

Alongside financial resources, intellectual property (IP) is an important factor in the achievement of the Commission’s goals. In order to accomplish the Green Deal objectives, new technologies will be created, new products and services will be brought to market, and existing products will be re-engineered to make them more sustainable.

The role of IP in environmental protection has traditionally been studied by focusing on technology and innovation, using patent filings as the principal indicator of innovative activity in this sphere. In conjunction with the European Patent Office (EPO), the Observatory has engaged in this type of research on several occasions. One such joint research project consisted of a chapter dedicated to Climate Change Mitigation Technologies in the IP Contribution study, published in 2019. However, to date virtually no studies have considered trade mark filings as an indicator of innovation related to environmental protection. The present study seeks to fill that gap.

In particular, this study examines the description of goods and services (G&S) of the trade marks filed at the EUIPO since the start of its operation in 1996. It did this to determine the presence of terms related to the protection of the environment and to sustainable development.

An inventory of ‘Harmonised Green Terms’ was developed based on the list of the standardised description of G&S in EUIPO’s Harmonised Database. This inventory contains about 85 000 terms that are accepted by all IP offices in the EU, as well as several non-EU countries. On this basis, a predictive model was developed that enabled the algorithm to determine if any of the terms covered by the trade mark application can be considered a ‘green term’, thereby classifying the EUTM under the ‘green EUTM’ category. More than 2 million EUTM applications received by EUIPO since 1996 were searched using this algorithm. The output of this search constitutes the main results of this study, as presented in Chapter 6.

The remainder of this report is organised as follows: following the Executive Summary, Chapter 3 provides a brief review of the existing literature. Chapter 4 explains the definition of a ‘green’ trade mark and provides some examples. The data and methodology used are explained in Chapter 5. The main results are presented and discussed in Chapter 6. The final Chapter 7 concludes and suggests areas for further research.

This study is included in the 2021 Work Programme of the Observatory. The terms of reference for the study were discussed in the Public Awareness Working Group meeting, held online on 21 October 2020.

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1 EUIPO began accepting trade mark applications on 1 April 1996. The name of the Office at that time was Office for Harmonization in the Internal Market (OHIM) and the EUTM was called the Community Trade Mark. The current names of the Office (EUIPO) and the trade mark (EUTM) became effective in March 2016. For simplicity, the new names are used throughout this report.
2. Executive summary

In this study, the G&S descriptions in the 2 million EUTM applications – filed at the EUIPO since it began operation in 1996 – are analysed for the presence of terms that can be said to be related to the protection of the environment and sustainability. Examples of such terms include expressions such as ‘photovoltaic’, ‘solar heating’, ‘wind energy’, ‘recycling’. Using the EUIPO’s Harmonised Database as the source, approximately 900 such terms have been identified as ‘green’; these terms have in turn been classified in 35 categories which are further organised into 9 groups.

An algorithm was developed to search through the more than 65 million terms contained in the EUTM applications filed over the years in order to identify applications that contain at least one ‘green’ term. The purpose was to examine whether the increased concern among the public and policymakers over climate change and environmental degradation is reflected in the EUTM applications.

The main finding of the study is that growing interest in sustainability is indeed reflected in the EUTMs filed at the EUIPO. As seen in the graphs below, the absolute number of green EUTMs has increased significantly since 1996, as has the share of green EUTMs, although the latter has oscillated between 10% and 12% during the past decade.

Figure 1. Green EUTM filings, 1996-2020

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2 The Harmonised Database (HDB) is a database of approximately 85 000 G&S terms available to EUTM applicants. These terms have been translated into all EU languages and have already been accepted by all IP offices in the EU as well as in some third countries.

3 Such EUTMs are referred to as ‘green EUTMs’ in this report.
A second trend that can be seen in the chart is the increasing importance of green EUTM filings from outside the EU. This reflects the increase in such filings from Chinese companies. Other non-EU countries with significant green EUTM activity are South Korea, Switzerland, the UK, and the USA. Among EU Member States, the top green EUTM filing countries are Germany, Spain, France, Italy and the Netherlands.

Figure 3. Green EUTMs by main product group, 2015-2020

- Energy Production: 9.7
- Transportation: 9.7
- Pollution control: 17.7
- Reuse/recycling: 5.9
- Energy conservation: 42.9
- Agriculture: 1.9
- Waste Management: 2.9
- Environmental awareness: 3.4
- Climate change: 6.0
Figure 3 shows the distribution of green EUTMs filed in the most recent 5-year period among the 9 main product groups. The dominant product groups are Energy Conservation and Energy Production, which together account for more than 52% of green EUTM filings, followed by Pollution Control with 18% of filings, and Transportation (close to 10%).

Another interesting finding is that small and medium-sized enterprises (SMEs) are active in the sphere of green EUTMs, as shown in Table 1.

Table 1. Green EUTMs by size of applicant, 2015-2020

<table>
<thead>
<tr>
<th>Firm size</th>
<th>Green TMs</th>
<th>Total TMs</th>
<th>Green</th>
<th>Bundle with patents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large</td>
<td>8 571</td>
<td>67 754</td>
<td>12.7%</td>
<td>36.3%</td>
</tr>
<tr>
<td>SME</td>
<td>11 554</td>
<td>118 860</td>
<td>9.7%</td>
<td>7.8%</td>
</tr>
<tr>
<td>medium</td>
<td>4 261</td>
<td>43 821</td>
<td>9.7%</td>
<td>11.7%</td>
</tr>
<tr>
<td>small</td>
<td>4 031</td>
<td>38 759</td>
<td>10.4%</td>
<td>6.8%</td>
</tr>
<tr>
<td>micro</td>
<td>3 262</td>
<td>36 280</td>
<td>9.0%</td>
<td>4.2%</td>
</tr>
</tbody>
</table>

For large companies in this sample, close to 13% of EUTM filings are green. This percentage is somewhat lower for SMEs, but even for the smallest companies in this group the green EUTM share is 9%. As shown in the last column, when it comes to patent activity, large companies are far more active than SMEs, but the table shows that SMEs still play a significant role in bringing environmentally relevant G&S to the EU marketplace.
3. Literature review

Of the main IP rights (IPR), patents are by far the most widely studied right among economists. This is because the main focus of economic research into IP has been innovation and technological progress, and patents were traditionally seen as the main (or the only) indicator of such progress.

In recent years, however, economists have begun to recognise that to fully analyse innovation and firm behaviour, other IP rights need to be considered, in particular trade marks. While a successful patent application means that a firm has developed a new product or a new production method, a trade mark registration indicates that a new product or service has been offered on the market, thus contributing to the firm’s sales and consumer welfare. In her review paper, Castaldi (2020) discusses the research possibilities enabled by trade mark databases made available by IP offices such as EUIPO and USPTO.

In the past 15 years, an increasing number of studies using trade mark data – mainly from Europe and the USA – have been published. These studies fall into two main groups, briefly discussed below.

**Studies on the contribution of trade marks to the economy**

Several studies have looked at the impact of trade mark registrations on a firm’s growth and profitability. Some examples include Greenhalgh and Rogers (2012) and Sander and Block (2011), both of whom find a positive relationship between a firm’s trade mark activity and its value added and/or stock market valuation. Davis (2009) and Schwiebacher (2010) examine the relationship between a firm’s use of trade marks and its use of other IP rights, especially patents. Both find a positive impact of bundling trade marks and other IP rights, although the question of whether trade marks and patents are substitutes or complements depends on the nature of the innovation.

In a series of studies carried out jointly by the EUIPO and the European Patent Office (EPO), the relationship between IPR ownership (including ownership of trade marks) and firm performance is analysed. The EUIPO-EPO (2019) study of high-growth SMEs found that trade mark activity was associated with higher likelihood of subsequent growth, in particular when combined with patenting activity, and even more so when EU-level rights were being registered. Similarly, EUIPO-EPO (2021) found that firms that own patents, trade marks or registered designs have higher revenue per employee and employ more workers than firms that do not own any of the three IP rights.

There are also studies that look at the contribution of trade mark on a national or regional level. In their industry-level IP Contribution study of 2019, EUIPO and EPO found that sectors that make intensive use of trade marks account for 37% of the EU’s economic output (as measured by GDP) and 22% of employment. Belderbos, Kazimierczak and Goedhuys (2021) look at the impact on new firm formation on a regional level of existing patent and trade mark stocks owned by firms already established in each region, and find that trade mark stocks can encourage entry of new firms into the region, depending to some degree on the behaviour of existing firms.

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4 Summarised in Schautschick and Greenhalgh (2016).
DeGrazia, Myers and Toole (2019) consider whether economy-wide trade mark filings can be considered a leading indicator of the business cycle. They conclude that this is indeed the case and advocate for the inclusion of trade mark filings as a component in existing leading indicator indices.

**Studies on the relationship between trade marks and innovation**

The second main strand of research using trade mark data concerns using trade mark filings as an indicator of innovation, whether on the company level or within a given sector or country. Two pioneering studies stand out. Mendonça, Pereira and Godinho (2004) studied the possibility of using trade mark filings as an indicator of innovation, based on data on EUTM and Portuguese filings. They conclude that trade mark data can indeed be a useful indicator of patterns of innovation and industrial dynamics but that further empirical and methodological work is required. Schmoch (2003) focused on trade marks as an indicator of innovation in services, finding a significant correlation between trade mark activity and innovation, in particular in knowledge-intensive service sectors.

Building on this idea, in subsequent years, many studies examining the link between trade mark activity and innovation have appeared. Malmberg (2005) examined this link for the electromechanical, automotive and pharmaceutical industries in Sweden and concluded that trade marks can be an indicator of innovation in sectors whose products target consumers and professional end users and in which trade marks are used frequently.

In an attempt to discern the motivation behind trade mark filings, Flikkema, de Man and Wolters (2014) combine data from trade mark applications filed at the Benelux Office of Intellectual Property (BOIP) in 2007 by companies based in the Benelux countries. They found that 60% of these trade mark registrations were related to innovative activity and that most trade marks are filed close to the date new products or services are put on the market. Therefore, they conclude that trade marks are a useful indicator of late-stage innovation, especially in service industries and in the case of SMEs. However, in a later study by Seip, Castaldi, Flikkema and de Man (2018), this conclusion is nuanced somewhat. It appears that the timing of a trade mark filing by an innovating firm depends on many factors and can occur early or late in the process of bringing a new product or service to market.

While most of the studies examining the link between trade mark activity and innovation are carried out on the national level, some take a regional approach. Drivas (2020) studies the relationship between the technological capabilities of regions within the EU and the applications for EUTMs from those regions. For their part, Block, Fisch and Kato (2021) study the relationship between trade marks and innovation in Japanese prefectures, finding that trade mark applications are a good indicator of economic performance of regions within Japan.

The above studies analyse various relationships between the economy and trade mark filings using the number of such filings during a particular period, or the distribution of filings among various originating countries or sectors as the main variables to be analysed. However, the description of G&S in any given trade mark filing also contains a wealth of information worthy of study. This information was used by von Graevenitz, Graham and Myers (2021) to analyse the diffusion of innovation between US states. This was based on the tracking of novel ‘tokens’ (i.e. descriptions of G&S not previously encountered in the USPTO register). Such analysis of
the G&S specifications of trade mark applications is quite new, and it is also one of the distinguishing characteristics of the present study. In this study the G&S descriptions are used to detect the presence of terms relevant to protecting the environment and promoting sustainability.
4. Definitions

Trade marks distinguish the products of a firm from those of its competitors. Trade mark applications must contain a representation of the trade mark (typically words, graphic elements or a combination thereof) and a list of the products (goods and/or services) to be covered by the trade mark.

In the case of EUIPO, the atomic definition of a product is called ‘term’. The terms are classified under one of the classes of the Nice Classification and grouped accordingly.

The ‘term’ (plus its Nice class) will be the basic data unit for this study. For example, ‘Nice 9, Solar Panels’ or ‘Nice 9, carbon dioxide monitors’ are both considered green terms (Nice Class 9 covers a broad range of technical goods). It is important to note that the term is comprised of the Nice class and the expression since, without this pairing, ambiguity can result. A particular expression (description) can be ‘green’ or otherwise, depending on the Nice class. For example, ‘carbon dioxide monitors’ will not be a green term if included in Class 10 (medical instruments), but will be green if included in other classes.

As an example, the Swedish firm InnoVentum AB registered an EUTM in 2012, for the following goods:

- Nice 6 Towers [metal structures];
- Nice 7 Wind turbines;
- Nice 7 Generators for wind turbines;
- Nice 19 Towers [non-metallic structures].

The algorithm developed for this study will find the two green terms of this trade mark, highlighted above. It will also assign the trade mark to the category ‘Wind energy’ within the broad group ‘Energy production’.

An EUTM is considered ‘green’ if its G&S specification contains at least one green term, regardless of other non-green terms included. In the example above, two of the terms are green terms, and two are not, but in this case it seems clear that the main activity is related to the production of wind energy, the other terms being subsidiary to this activity. In other cases, the green activity of a trade mark will be secondary. Therefore, the definition ‘a trade mark is green if at least one of its terms is green’ can sometimes overestimate the degree to which a particular trade mark is truly related to environmental protection.

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5 The Nice Classification, administered by the World Intellectual Property Organisation (WIPO), is a system of classifying goods and services for trade mark applications. It consists of 45 classes, 34 of which cover goods and 11 services. Each class is represented by a class heading which give general information about the type of goods or services covered, and further contains a set of terms within that class to better define the goods or services to be protected by the trade mark application.
5. Data and methodology

Defining sustainable activities

A challenge for the compilation of statistics on ‘green IPR’ is to define with the necessary precision the object of the study. In this case, it is a matter of giving a precise meaning to institutional declarations and international treaties, which by their nature may be ambiguous and in some cases contradictory.\(^6\)

In recent years, the EU and international organisations have sought to define the sustainable economy, drawing up green inventories or taxonomies, attempting to systematically include all the ‘matters’ (activities, technologies, products) related to the protection of the environment and to sustainable development.

Thus, the EU taxonomy for sustainable activities, currently under review,\(^7\) will govern investment in activities that the EU classifies as environmentally friendly.\(^8\) The EU produced the taxonomy to help meet climate and energy targets for 2030 and reach the objectives of the European Green Deal. According to the European Commission, the taxonomy lays out clear performance criteria for determining which economic activities make a substantial contribution to Green Deal objectives. More information on the current list of activities can be found on page EU Taxonomy Compass (https://ec.europa.eu/sustainable-finance-taxonomy/) where they can be listed and classified using NACE.\(^9\)

Eurostat produces the Environmental Goods and Services Sector (EGSS) statistics, one of the modules of the environmental economic satellite accounts. The EGSS indicate the proportion of the economy that is engaged in producing G&S for environmental protection purposes and resources management activities. The EGSS consists of a heterogeneous set of activities to measure, prevent, limit, minimise or correct environmental damage to water, air and soil, as well as problems related to waste, noise and ecosystems.

Another important environmental classification is WIPO’s inventory of ‘green technologies’, the IPC Green Inventory which is a taxonomy of environmentally friendly technologies, where the terminal elements are the areas of technologies defined in maximum detail by the IPC\(^10\) code.

Table 2 below summarises the main taxonomies.

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\(^6\) For example, discussions have taken place in the European Parliament on whether to include nuclear energy in the EU’s Sustainable Finance Taxonomy. In this study, trade marks with terms related to nuclear energy are not identified as green.

\(^7\) At the moment of the drafting of this study the first EU Taxonomy Climate Delegated Act has not yet entered into force.


\(^9\) The Statistical classification of economic activities in the European Community, abbreviated as NACE, is the classification of economic activities in the European Union.

\(^10\) The International Patent Classification (IPC) provides for a hierarchical system of language independent symbols for the classification of patents and utility models according to the different areas of technology to which they pertain. Unlike the abovementioned taxonomy of activities, this list does include nuclear energy.
## Table 2. Environmental taxonomies

<table>
<thead>
<tr>
<th>Taxonomy</th>
<th>Object</th>
<th>Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU taxonomy for sustainable activities</td>
<td>Economic activities (NACE)</td>
<td>EU</td>
</tr>
<tr>
<td>Environmental Goods and Services Sector</td>
<td>Economic activities (NACE),</td>
<td>Eurostat, UN</td>
</tr>
<tr>
<td></td>
<td>Environmental activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(CEPA &amp; CREmA)</td>
<td></td>
</tr>
<tr>
<td>IPC Green Inventory</td>
<td>Technologies (IPC)</td>
<td>WIPO</td>
</tr>
<tr>
<td>Harmonised Green Terms</td>
<td>Products (G&amp;S) (HDB, Nice)</td>
<td>EUIPO</td>
</tr>
</tbody>
</table>

This study sets out a first version of the **green taxonomy for trade marks** and proposes methods that may be used for further mapping with the other classifications.

### Methodology

Starting from taxonomies of activities and technologies, the first step was to ‘project’ the Green Deal objectives onto the specific scope of protection of the trade marks, that is, the description of the products (goods and/or services) of the trade mark applications.

The G&S are coded following the Nice classification. However, this classification lacks the necessary granularity for a precise ‘green’ definition. Instead, the Harmonised Database (HDB) was used for this purpose.

The HDB is used in the EUTM online application form. It contains more than 85 000 entries that have already been accepted by all intellectual property offices in the EU as well as in several non-EU countries. The HDB contains for example 0032872 Advertising by mail order in Nice Class 35 or 0006396 Roofing, not of metal, incorporating photovoltaic cells in Nice Class 19.

Thus, the definition of the **object to be measured** was done by choosing, in an exhaustive way, the terms in the HDB which are considered green. This inventory of 904 terms is the first output of this study and is reproduced in the Annex.

Once this **Harmonised Green Terms** inventory was established, an option considered for the analysis of all trade marks filed at EUIPO was to study only the applications that used HDB terms. In 2020 more than 85% of the terms in applications filed at EUIPO were from the HDB.

However, during the first 10 years of operation of the EUTM system, the use of HDB terms was below 50\%\textsuperscript{11}. Therefore, instead of taking the subset of ‘HDB trade marks’ as the sample for the study, an algorithm was developed that could determine if a trade mark was green, even if it used terms not included in the HDB. This approach has two advantages: older EUTM activity is better assessed, avoiding selection bias; and trade marks containing new green terms

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\textsuperscript{11} HDB use is relatively recent, but for this study all the past (from 1996) trade marks containing terms consistent with the current version of the HDB were identified.
(not yet in HDB) can be identified. This algorithm was able to recognise 120 000 different green terms\textsuperscript{12} in the EUPO registry.

Therefore, the second output of the study is the **Green Term Classifier**, an algorithm that determines whether a product description is green and assigns to it the appropriate green category.

The algorithm combines machine learning with human intervention and is summarised in Figure 4.

**Figure 4. Green TM algorithm development**

The HDB, after having been classified into green/non-green terms by EUPO experts\textsuperscript{13}, was selected as the training set for the algorithm. This set is made up of two parts: the 61 000 main terms, each of which has a unique identifier, and the 25 000 synonyms (sometimes several for each main term, sometimes none). Synonyms can be linked with their main term because they share the same HDB identifier. The main terms were used as the initial training set while the synonyms were used as the validation set during the repeated tuning cycles.

The objective of the exercise was to find a final set of ‘green expressions’ that could be used to correctly classify all the terms in the HDB.

\textsuperscript{12} The terms are ‘different’ from a ‘machine’ point of view; many of the different terms may be considered synonymous by humans; but searching for 900 terms and their synonyms in a database of 65 million terms is a task that can only be carried out if it is automated.

\textsuperscript{13} The classification created for this study was inspired by the existing taxonomies shown in Table 2. However, no attempt was made at creating a precise correspondence with those taxonomies.
Three examples of such green expressions are shown below.

<table>
<thead>
<tr>
<th>REF</th>
<th>Green expression</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>+carbon +monitor –10</td>
</tr>
<tr>
<td>114</td>
<td>+filter.engine –air –oil</td>
</tr>
<tr>
<td>225</td>
<td>+solar +heating</td>
</tr>
</tbody>
</table>

The first expression (Ref. 35) means: a term is green if it contains the word *carbon* and the word *monitor* except if it is in the class of Nice 10 ‘medical instruments’. The second expression (Ref. 114) means: a term is green if it contains the words *filter engine* (together, and in that order) and does not contain either the word *air* or the word *oil*. The third expression (Ref. 225) means that a term is green if it contains the words *solar* and *heating*.

Before the search, the descriptions and expressions were normalised, that is, stop words and suffixes were eliminated in the green expressions and in the descriptions of the G&S of the trade marks.

In each iteration the set of rules was modified to maximise ‘precision’ and ‘recall’, or, stated differently, to minimise false positives and false negatives. The development process did not fully follow the machine learning paradigm as it required a significant number of human decisions. This development model can be described as ‘machine-supported learning’.

A fully automated model is not optimal, for two reasons: human intervention is required for the correction of classification inconsistencies that are revealed after applying the first sets of rules; and sometimes spurious rules are generated by the machine. Once the algorithm was fine-tuned, the ‘green classifier’ search program used 375 green expressions to search for green terms in the descriptions of all EUTM G&S specifications.

The grouping of these green expressions defined the 35 green categories: for example, the ‘+solar +heating’ expression was assigned to category ‘12. Solar energy’ along with (among other expressions) ‘+photovoltaic’. The expression ‘+wind +power’ belongs to the category ‘13. Wind energy’.

The categories were further combined into nine groups. The two categories in the preceding paragraph both belong to the group ‘1. Energy Production’.

The green expressions are shown in the Annex. The algorithm can be applied to any trade mark G&S description in English.

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14 Stop words are a set of commonly used words in a language. Examples of stop words in English are “a”, “the”, “is”, “are” and etc. Stop words are commonly used in Text Mining to eliminate words that are so commonly used that they carry very little useful information.

15 *Precision* is the percentage of truly green terms among the terms marked as green by the algorithm, while the *recall* is the percentage of green terms of the total of all green terms found by the algorithm. The trade-off between precision and recall is one of the most complex parts of algorithm development.

16 In some cases, the HDB contains terms for ‘green’ goods but not their associated services, for example repair or installation of such goods. A fully automatic learning system will tend to exclude such ancillary services, even if they appear in the G&S description of the relevant trade marks.
Once the model has classified the terms, a green EUTM is defined as one that contains at least one green term. This definition requires that trade marks with a very large number of terms (up to 27,000 in some cases\(^\text{17}\)) should be excluded in order to avoid spurious identification of green EUTMs. In this study, only directly filed EUTMs with less than 200 terms have been considered, representing 97% of EUIPO’s direct filings registry.

**Data**

**Trade mark data**

As previously mentioned, the main data sources for this study were the 85,000 terms in the HDB and the 65.5 million terms in the G&S descriptions of the trade mark applications filed at the EUIPO from 1996 to 2020.

The data is publicly available data from the EUIPO’s Open Dataset\(^\text{18}\). From this data, the directly filed\(^\text{19}\) trade marks and the descriptions of G&S in any of the official languages of the EUIPO can be extracted. The English language version was used for this study.

After excluding trade marks with more than 200 terms, 1,802,195 EUTMs filed from 1996 to 2020 constitute the universe of trade marks for this study. Some of the analyses in Chapter 6, are based on EUTMs filed between 2015 and 2020 (a total of 693,577 trade marks).

It is important to note that it is EUTM applications in general that are the subject of this study, that is, regardless of whether they ended up being registered or not. The referenced dates are the filing dates.

For convenience, in this report **trade mark** will always mean **trade mark application**. Similarly, for simplicity, expressions such as ‘Spanish trade marks’ refer to trade mark applications filed by, or on behalf of, a resident of Spain (the same format is used for other countries). Finally, the acronym EU refers to the 27 Member States of the European Union following Brexit, even for data referring to earlier years\(^\text{20}\).

**Economic data**

Two main sources of economic data are used in Chapter 6.

The environmental economic statistics (EGSS) from Eurostat are defined as follows:

*Environmental goods and services either reduce environmental pressures or help maintain the stock of natural resources (e.g. vehicle catalysts, soil remediation services) or they are designed to be cleaner and more resource efficient than conventional products (e.g. electric*

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\(^{17}\) There are several EUTMs with more than 25,000 terms, for example EUTM no. 017992149, with 27,128 terms in 12 Nice classes, of which 343 are green terms.


\(^{19}\) G&S descriptions of EUTM applications filed using the Madrid Protocol route are not available in this database.

\(^{20}\) This is equivalent to the Eurostat acronym EU27_2020.
The EGSS comprises all entities in their capacity as ‘environmental producers’ (i.e. an undertaking engaged in economic activities that result in products for environmental protection and resource management). Producers in the EGSS may or may not be specialised in the production of environmental G&S, and may produce them as their principal or secondary activities, or they may produce these products for their own use. Consequently, the scope of the EGSS may overlap with existing legal definitions or statistical classifications of units only to a certain extent.

Eurostat estimates four variables: Output, Gross Value Added (GVA), Employment and Exports. In this study, GVA and Employment are used.

The second economic data source consists of the data used in the EUIPO study ‘Use of IPR bundles by EU firms’\(^{21}\). The study looks at EU firms’ simultaneous use of patents, trade marks and registered designs to protect their innovation. It is based on a sample of more than 63,000 companies across all EU Member States. The demographic data of the firms is used here, in particular their size, their economic sector and their use of IP bundles. This data is used in connection with EUTMs filed after 2015.

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\(^{21}\) EUIPO (2020).
6. Main results

Overall trends

Of the approximately 46,700 EUTM applications received by EUIPO in 1996, the first year of operation, 1,588 were green trade marks. Since then, the increase in green trade marks has been continuous, except for 2001 and between 2011 to 2014. In 2020, the number of green EUTMs filed approached 16,000.

These trends are illustrated in Figure 5. As can be seen, part of the overall increase is due to a strong increase in green EUTM filings from outside the EU. For most of the past two decades, green filings from the EU were higher than such filings from third countries. However, in 2020 non-EU green filings had caught up and, in fact, slightly exceeded filings from within the EU.

Figure 5. Annual number of EUTMs with at least one green term

The temporary drop in 2011-2014 is mainly due to three categories: ‘storage of electricity’, ‘solar energy’ and ‘other energy’. All the other categories continued to grow.
The fall in the first category is related to a fall in filings from EU firms and the others could be related to European Emission Allowances\textsuperscript{22} prices and level of investment in low carbon energy.

Of course, the total number of EUTM filings has also increased strongly since 1996. Therefore, Figure 6 shows the proportion of green filings. This proportion has also increased significantly, from less than 4\% in 1996 to more than 11\% in 2020, although it has stagnated in the past 10 years. The ascending tendency of green EUTM filings from outside the EU is also evident: in 2020, the proportion of EU green filings was 10\% while for filings from outside the EU it was close to 14\%.

**Figure 6. Green EUTM filings as a share of all EUTM filings, 1996-2020**

Although it is difficult to clearly establish the causes of the temporary slowdown in 2011-2014, it seems consistent with Eurostat’s Environmental Goods and Services Sector (EGSS) statistics on employment in the relevant sectors. EGSS show a decrease in employment and Gross Value Added (GVA) as a percentage of GDP in 2013 and 2014, both of which did not regain 2012 levels until 2017. Figure 7 shows the evolution in EGSS employment in the EU, while Table 3

\textsuperscript{22} The European Union Emissions Trading System (EU ETS), launched in 2005, was the world’s first major greenhouse gas emissions trading scheme. The ETS covers all EU Member States as well as countries in the EEA and Switzerland. According to the ‘cap and trade’ principle, a maximum (cap) is established on the total amount of greenhouse gases that all participating entities can emit. EU allowances are auctioned or allocated free of charge and can subsequently be traded. If a participant exceeds its allowance, it must purchase allowances from others. Conversely, if a facility has done well in reducing its emissions, it can sell its excess credits. This allows the system to find the most cost-effective ways to reduce overall emissions by using the market mechanism.
shows the underlying data for both employment and GVA. Nevertheless, the long term trend for both employment and GVA is clearly positive.

**Figure 7. Employment in EGSS (thousands)**

![Graph showing employment in EGSS from 1996 to 2020](image)

**Table 3. Environmental Goods and Services Sector statistics**

<table>
<thead>
<tr>
<th>year</th>
<th>employment (million FTE)</th>
<th>GVA (billion €)</th>
<th>GVA (% GDP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>3.113</td>
<td>129</td>
<td>1.63%</td>
</tr>
<tr>
<td>2001</td>
<td>3.182</td>
<td>135</td>
<td>1.64%</td>
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<tr>
<td>2002</td>
<td>3.476</td>
<td>145</td>
<td>1.70%</td>
</tr>
<tr>
<td>2003</td>
<td>3.298</td>
<td>149</td>
<td>1.70%</td>
</tr>
<tr>
<td>2004</td>
<td>3.303</td>
<td>158</td>
<td>1.72%</td>
</tr>
<tr>
<td>2005</td>
<td>3.306</td>
<td>165</td>
<td>1.72%</td>
</tr>
<tr>
<td>2006</td>
<td>3.528</td>
<td>183</td>
<td>1.81%</td>
</tr>
<tr>
<td>2007</td>
<td>3.650</td>
<td>200</td>
<td>1.87%</td>
</tr>
<tr>
<td>2008</td>
<td>3.726</td>
<td>215</td>
<td>1.94%</td>
</tr>
<tr>
<td>2009</td>
<td>3.804</td>
<td>213</td>
<td>2.01%</td>
</tr>
<tr>
<td>2010</td>
<td>3.901</td>
<td>231</td>
<td>2.11%</td>
</tr>
<tr>
<td>2011</td>
<td>4.181</td>
<td>249</td>
<td>2.19%</td>
</tr>
<tr>
<td>2012</td>
<td>4.271</td>
<td>256</td>
<td>2.25%</td>
</tr>
<tr>
<td>2013</td>
<td>4.138</td>
<td>258</td>
<td>2.24%</td>
</tr>
<tr>
<td>2014</td>
<td>4.027</td>
<td>255</td>
<td>2.17%</td>
</tr>
<tr>
<td>2015</td>
<td>4.188</td>
<td>269</td>
<td>2.20%</td>
</tr>
<tr>
<td>2016</td>
<td>4.222</td>
<td>282</td>
<td>2.25%</td>
</tr>
<tr>
<td>2017</td>
<td>4.251</td>
<td>294</td>
<td>2.25%</td>
</tr>
<tr>
<td>2018</td>
<td>4.363</td>
<td>307</td>
<td>2.27%</td>
</tr>
</tbody>
</table>

Source: Eurostat, env_ac_egss2
Green EUTMs by product categories, by countries, and by company size

In order to analyse the distribution of the green EUTMs among the various G&S, the algorithm distributes the green trade marks into 35 green categories, which are further aggregated into 9 green groups. Figure 8 shows the distribution of green EUTMs from 2015 to 2020 among the groups.

Figure 8. Percentage of green EUTMs by product group (2015-2020)

Energy-related products\(^{23}\) are predominant, with energy production and conservation accounting for more than half of all green EUTMs. **Energy conservation** is the largest group with 43% of all green filings. Within this group, ‘storage of electricity’ (that is, mainly batteries of various kinds) with 38% of all green filings, is the most important category. This category is dominated by Chinese firms.

The second most important group is **Pollution control** with 18% of filings, dominated by water purification products (11% of all green filings, mainly from China and South Korea). Two groups account for 10% of filings each, **Energy production** and **Transportation**. In the former group, solar energy products stand out (close to 5% of green filings, mainly from South Korea).

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\(^{23}\) As used here, “products” refers to the groups or categories of G&S, as appropriate.
Products related to **Climate change** and to **Reuse/recycling** each account for 6% of green EUTM filings. Finally, three smaller groups account for 2-3% each, with products linked to **Environmental awareness** (ecology and sustainability), products linked to **Waste management**, and alternative products in **Agriculture**.

Table 4 provides a more detailed breakdown of the green EUTM applications by category and by group. It also indicates the main countries of origin of applications in each category.

The countries of origin of the applicants are quite varied, dominated in absolute terms by large countries (such as China or Germany) but with some smaller countries showing a much greater intensity in specific areas of specialisation, for example Denmark in Wind Energy and Hydrogen Vehicles, or Poland in Fertiliser Alternatives.
## Table 4. Green EUTM filings by category (2015-2020)

<table>
<thead>
<tr>
<th>Category</th>
<th>EUTM</th>
<th>% green</th>
<th>Top countries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Energy production</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Energy production</td>
<td>7 121</td>
<td>9.7</td>
<td>DE, UK, IT</td>
</tr>
<tr>
<td>11 Biofuels</td>
<td>1 334</td>
<td>1.82</td>
<td>DE, UK, IT</td>
</tr>
<tr>
<td>12 Solar Energy</td>
<td>3 358</td>
<td>4.57</td>
<td>CN, DE</td>
</tr>
<tr>
<td>13 Wind Energy</td>
<td>421</td>
<td>0.57</td>
<td>DE, DK</td>
</tr>
<tr>
<td>19 Other energy</td>
<td>2 008</td>
<td>2.73</td>
<td>DE, IT, US</td>
</tr>
<tr>
<td><strong>2 Transportation</strong></td>
<td>7 092</td>
<td>9.7</td>
<td></td>
</tr>
<tr>
<td>20 General transport</td>
<td>3 065</td>
<td>4.17</td>
<td>CN, DE</td>
</tr>
<tr>
<td>21 Electric car</td>
<td>201</td>
<td>0.27</td>
<td>IT, CN, DE</td>
</tr>
<tr>
<td>22 Electric moto</td>
<td>585</td>
<td>0.80</td>
<td>CN, DE</td>
</tr>
<tr>
<td>23 Electric bike</td>
<td>991</td>
<td>1.35</td>
<td>CN, DE</td>
</tr>
<tr>
<td>24 Hybrid vehicle</td>
<td>24</td>
<td>0.03</td>
<td>DE, US</td>
</tr>
<tr>
<td>25 Hydrogen vehicle</td>
<td>24</td>
<td>0.03</td>
<td>KR, DE, DK</td>
</tr>
<tr>
<td>26 Electric engines</td>
<td>1 918</td>
<td>2.61</td>
<td>DE, CN</td>
</tr>
<tr>
<td>29 Other vehicles</td>
<td>284</td>
<td>0.39</td>
<td>IT, CN, FR</td>
</tr>
<tr>
<td><strong>3 Energy conservation</strong></td>
<td>31 516</td>
<td>42.9</td>
<td></td>
</tr>
<tr>
<td>31 Energy saving</td>
<td>1 656</td>
<td>2.25</td>
<td>DE, FR, ES</td>
</tr>
<tr>
<td>32 Storage of electricity</td>
<td>27 571</td>
<td>37.53</td>
<td>CN</td>
</tr>
<tr>
<td>33 Low energy lighting</td>
<td>701</td>
<td>0.95</td>
<td>DE, IT, ES</td>
</tr>
<tr>
<td>34 Energy management</td>
<td>1 588</td>
<td>2.16</td>
<td>DE, FR</td>
</tr>
<tr>
<td><strong>4 Reuse/recycling</strong></td>
<td>4 324</td>
<td>5.9</td>
<td></td>
</tr>
<tr>
<td>41 Recycling</td>
<td>2 603</td>
<td>3.54</td>
<td>DE, IT, ES</td>
</tr>
<tr>
<td>42 Reusable bags</td>
<td>527</td>
<td>0.72</td>
<td>CN, US</td>
</tr>
<tr>
<td>43 Reusable bottles</td>
<td>364</td>
<td>0.50</td>
<td>US, CN</td>
</tr>
<tr>
<td>44 Refilling cartridge</td>
<td>198</td>
<td>0.27</td>
<td>UK, US</td>
</tr>
<tr>
<td>49 Other reusable</td>
<td>632</td>
<td>0.86</td>
<td>CN</td>
</tr>
<tr>
<td><strong>5 Pollution control</strong></td>
<td>12 993</td>
<td>17.7</td>
<td></td>
</tr>
<tr>
<td>50 Pollution general</td>
<td>6 478</td>
<td>8.82</td>
<td>CN, DE</td>
</tr>
<tr>
<td>51 Water purification</td>
<td>3 011</td>
<td>4.10</td>
<td>CN, DE</td>
</tr>
<tr>
<td>52 Air purification</td>
<td>2 247</td>
<td>3.06</td>
<td>CN, DE</td>
</tr>
<tr>
<td>53 Biodegradable</td>
<td>1 257</td>
<td>1.71</td>
<td>DE, IT</td>
</tr>
<tr>
<td><strong>6 Waste management</strong></td>
<td>2 133</td>
<td>2.9</td>
<td></td>
</tr>
<tr>
<td>61 Waste disposal</td>
<td>485</td>
<td>0.66</td>
<td>DE</td>
</tr>
<tr>
<td>62 Process waste</td>
<td>1 648</td>
<td>2.24</td>
<td>DE, CN</td>
</tr>
<tr>
<td><strong>7 Agriculture</strong></td>
<td>1 374</td>
<td>1.9</td>
<td></td>
</tr>
<tr>
<td>71 Fertiliser alternatives</td>
<td>900</td>
<td>1.23</td>
<td>ES, IT, PL</td>
</tr>
<tr>
<td>72 Pesticide alternatives</td>
<td>395</td>
<td>0.54</td>
<td>IT, FR</td>
</tr>
<tr>
<td>79 Other agriculture</td>
<td>79</td>
<td>0.11</td>
<td>IT, ES</td>
</tr>
<tr>
<td><strong>8 Environmental awareness</strong></td>
<td>2 519</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>81 Ecology</td>
<td>1 392</td>
<td>1.89</td>
<td>DE, US, UK</td>
</tr>
<tr>
<td>82 Sustainability</td>
<td>1 127</td>
<td>1.53</td>
<td>DE, FR, US</td>
</tr>
<tr>
<td><strong>Climate change</strong></td>
<td>4 390</td>
<td>6.0</td>
<td></td>
</tr>
<tr>
<td>91 Environmental services</td>
<td>3 553</td>
<td>4.84</td>
<td>DE, US, UK</td>
</tr>
<tr>
<td>92 Carbon monitor</td>
<td>119</td>
<td>0.16</td>
<td>UK, US</td>
</tr>
<tr>
<td>93 Carbon brokerage</td>
<td>718</td>
<td>0.98</td>
<td>DE, IT</td>
</tr>
</tbody>
</table>

| GREEN EUTMs | 73 459 | 100 | CN, DE |

**NOTE:** The column ‘Top countries’ is the list of countries from which at least 1/3 of the green applications in the category originate. In the case of Biofuels, for example, at least 1/3 of the total filings come from firms in Germany, Italy or the United Kingdom. In some categories, for example Waste disposal, a single country (Germany) has at least a 1/3 share.
From the analysis of the data, it appears that green EUTMs combine G&S more often than do other EUTMs: 44% of green EUTMs contain both G&S in their specifications. This is compared to 31% in the case of non-green trade marks. Many of the services relate to the sale, advice, training, evaluation or support provided for new green goods, since in some cases it involves a complex deployment/substitution processes. For example, the complexity of the deployment of hydrogen cars is reflected in the related trade marks covering both G&S terms. These trade marks contain terms related to devices to generate hydrogen, devices for storage or transport of the hydrogen, services related to transport or generation of hydrogen (installation, maintenance and repair), devices for fuelling cars in stations, the operation of fuelling stations, engines for cars, reformers for cars, fuel cell cars, rental of those cars, and the wholesale or retail sale of the above.

Table 5 shows the distribution of green EUTM applications by country of applicant and also indicates the categories in which each country specialises.

**Table 5. Green trade marks by country (2015-2020)**

<table>
<thead>
<tr>
<th>country</th>
<th>% green in country</th>
<th>green TMs</th>
<th>category (SE = Storage of Electricity) (at least 33%)</th>
<th>total TMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>CN</td>
<td>22.6</td>
<td>16 356 SE (59%)</td>
<td>72 422</td>
</tr>
<tr>
<td>Germany</td>
<td>DE</td>
<td>11.6</td>
<td>12 003 SE, Air purification (42%)</td>
<td>103 150</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>UK</td>
<td>8.7</td>
<td>4 801 SE, Environmental services (40%)</td>
<td>55 391</td>
</tr>
<tr>
<td>Italy</td>
<td>IT</td>
<td>8.0</td>
<td>4 748 SE, Air purification, Pollution general (39%)</td>
<td>59 102</td>
</tr>
<tr>
<td>United States</td>
<td>US</td>
<td>6.8</td>
<td>4 501 SE, Environmental services (43%)</td>
<td>66 151</td>
</tr>
<tr>
<td>France</td>
<td>FR</td>
<td>10.9</td>
<td>4 025 SE, Pollution general (38%)</td>
<td>36 969</td>
</tr>
<tr>
<td>Spain</td>
<td>ES</td>
<td>7.1</td>
<td>3 790 SE (34%)</td>
<td>53 712</td>
</tr>
<tr>
<td>Netherlands</td>
<td>NL</td>
<td>11.1</td>
<td>2 667 SE (36%)</td>
<td>23 967</td>
</tr>
<tr>
<td>Sweden</td>
<td>SE</td>
<td>9.6</td>
<td>1 809 SE, Pollution general (39%)</td>
<td>18 816</td>
</tr>
<tr>
<td>Poland</td>
<td>PL</td>
<td>9.1</td>
<td>1 785 SE, Air purification, Pollution general (39%)</td>
<td>19 688</td>
</tr>
<tr>
<td>South Korea</td>
<td>KR</td>
<td>25.4</td>
<td>1 761 SE (46%)</td>
<td>6 926</td>
</tr>
<tr>
<td>Austria</td>
<td>AT</td>
<td>8.0</td>
<td>1 360 SE, Air purification (36%)</td>
<td>16 940</td>
</tr>
<tr>
<td>Switzerland</td>
<td>CH</td>
<td>10.7</td>
<td>1 228 SE (52%)</td>
<td>11 452</td>
</tr>
<tr>
<td>Finland</td>
<td>FI</td>
<td>12.1</td>
<td>1 064 SE, Pollution general (37%)</td>
<td>8 772</td>
</tr>
<tr>
<td>Belgium</td>
<td>BE</td>
<td>8.2</td>
<td>1 030 SE, Air purification, Environmental services (37%)</td>
<td>12 571</td>
</tr>
<tr>
<td>Hong Kong SAR China</td>
<td>HK</td>
<td>14.1</td>
<td>995 SE (58%)</td>
<td>7 052</td>
</tr>
<tr>
<td>Denmark</td>
<td>DK</td>
<td>9.5</td>
<td>914 SE, Pollution general (36%)</td>
<td>9 662</td>
</tr>
<tr>
<td>Japan</td>
<td>JP</td>
<td>10.2</td>
<td>765 SE (38%)</td>
<td>7 519</td>
</tr>
<tr>
<td>country</td>
<td>% green in country</td>
<td>green TMs</td>
<td>category (SE = Storage of Electricity) (at least 33%)</td>
<td>total TMs</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------</td>
<td>-----------</td>
<td>------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Czechia</td>
<td>CZ</td>
<td>10.1</td>
<td>595 SE, Pollution general (34%)</td>
<td>5 903</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>LU</td>
<td>10.8</td>
<td>581 SE (34%)</td>
<td>5 381</td>
</tr>
<tr>
<td>Taiwan</td>
<td>TW</td>
<td>14.1</td>
<td>561 SE, Electric bike, Pollution general (41%)</td>
<td>3 969</td>
</tr>
<tr>
<td>Turkey</td>
<td>TR</td>
<td>20.0</td>
<td>555 SE (56%)</td>
<td>2 778</td>
</tr>
<tr>
<td>Canada</td>
<td>CA</td>
<td>7.4</td>
<td>547 SE, Environmental services, Reusable bags, Recycling (39%)</td>
<td>7 346</td>
</tr>
<tr>
<td>Ireland</td>
<td>IE</td>
<td>6.0</td>
<td>390 SE, Environmental services (37%)</td>
<td>6 464</td>
</tr>
<tr>
<td>Greece</td>
<td>EL</td>
<td>6.3</td>
<td>293 SE, Environmental services, Other energy (34%)</td>
<td>4 671</td>
</tr>
<tr>
<td>Romania</td>
<td>RO</td>
<td>6.7</td>
<td>284 SE, Air purification, Pollution general (40%)</td>
<td>4 216</td>
</tr>
<tr>
<td>Cayman Islands</td>
<td>KY</td>
<td>23.4</td>
<td>248 SE (78%)</td>
<td>1 060</td>
</tr>
<tr>
<td>Norway</td>
<td>NO</td>
<td>12.6</td>
<td>247 SE (39%)</td>
<td>1 956</td>
</tr>
<tr>
<td>Estonia</td>
<td>EE</td>
<td>8.5</td>
<td>243 SE (37%)</td>
<td>2 858</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>BG</td>
<td>7.1</td>
<td>231 SE, Air purification, Solar Energy, Fertiliser alternatives (39%)</td>
<td>3 255</td>
</tr>
<tr>
<td>Slovakia</td>
<td>SK</td>
<td>11.1</td>
<td>231 Electric engines, SE (37%)</td>
<td>2 084</td>
</tr>
<tr>
<td>Slovenia</td>
<td>SI</td>
<td>12.8</td>
<td>226 SE, Air purification, Recycling (38%)</td>
<td>1 762</td>
</tr>
<tr>
<td>Hungary</td>
<td>HU</td>
<td>6.8</td>
<td>222 SE, Air purification, Pollution general (38%)</td>
<td>3 269</td>
</tr>
<tr>
<td>Australia</td>
<td>AU</td>
<td>7.8</td>
<td>164 SE, Air purification (40%)</td>
<td>2 095</td>
</tr>
<tr>
<td>Lithuania</td>
<td>LT</td>
<td>6.6</td>
<td>139 SE, Pollution general, Solar Energy, Sustainability (40%)</td>
<td>2 120</td>
</tr>
<tr>
<td>Singapore</td>
<td>SG</td>
<td>9.2</td>
<td>134 SE (54%)</td>
<td>1 452</td>
</tr>
<tr>
<td>British Virgin Islands</td>
<td>VG</td>
<td>7.0</td>
<td>112 SE (50%)</td>
<td>1 592</td>
</tr>
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<td>HR</td>
<td>8.4</td>
<td>63 SE, Environmental services, Recycling (38%)</td>
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<td>ZA</td>
<td>5.8</td>
<td>63 SE (73%)</td>
<td>1 079</td>
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<td>6.1</td>
<td>42 SE (45%)</td>
<td>688</td>
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<td>MC</td>
<td>7.1</td>
<td>41 SE (51%)</td>
<td>581</td>
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<td>New Zealand</td>
<td>NZ</td>
<td>6.3</td>
<td>32 SE, Pollution general, Carbon monitor (38%)</td>
<td>510</td>
</tr>
</tbody>
</table>

*Note: the list contains countries with more than 500 EUTMs with at least 5% of these being green EUTMs.*

In many countries, the domains of storage of electricity and products related to pollution control are dominant. Environmental services are important in Belgium, Greece and Croatia but also in Canada, the UK and US.
The countries with the highest percentage of green trade marks in relation to all their EUTM filings are South Korea and China with 25.4% and 22.8% respectively. The Cayman Islands and Turkey are also above 20%, but with lower absolute numbers. These countries are specialised in products related to the storage of electricity although South Korea is more diversified, with filings in solar energy, and hydrogen vehicles.

There seems to be a greater propensity in the EU, Canada, the UK and US for green services, while Asian countries tend towards energy-related goods.

Table 6 shows the breakdown of green EUTMs by company size, as well as the propensity of the different types of companies to bundle trade marks with patents. While large companies are somewhat more active when it comes to filing green EUTMs (and much more likely to bundle trade marks with patents), with 12.7% of the EUTMs filed during 2015-2020 in the green category, SMEs also play a significant role, with about 10% of their EUTMs classified as green. In terms of absolute figures, SMEs filed more green EUTMs than large companies during the period: 11,554 versus 8,571, respectively. This underlines the role played by SMEs in the EU economy, including in the green transformation.

Table 6. Green trade marks by size of applicant (2015-2020)

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<tr>
<th>Firm size</th>
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<th>Total TMs</th>
<th>Green</th>
<th>Bundle with patents</th>
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<td>36.3%</td>
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<td>11.7%</td>
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<td>10.4%</td>
<td>6.8%</td>
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<td>micro</td>
<td>3,262</td>
<td>36,280</td>
<td>9.0%</td>
<td>4.2%</td>
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</table>

Sample: 27% of total EUTMs filed during the period
Details of green EUTMs by product group

In the remainder of this section, the evolution of green EUTMs for each of the nine product groups and for the categories within those groups is presented. For each group, the evolution of filings from EU Member States and third countries, respectively, is shown, followed by a breakdown of the group into the relevant categories.

Figure 9. Number of green EUTMs: Energy conservation
Energy conservation is the dominant product group among green trade marks, accounting for 42.9% of all green EUTMs since 2015. Within this group, electricity storage is the most important category, with 37.5% of green EUTMs. As noted above, this category is dominated by Chinese firms but it is also the most important category for many other countries. Chinese firms filed nearly 10 000 EUTMs in the ‘storage of electricity’ category, compared to nearly 4 000 from Germany and about 1 400 each from Spain, the UK and US. However, since 2011 the number of ‘storage of electricity’ filings has stagnated and even decreased in the case of non-EU countries.

Although still modest in absolute terms, the category ‘energy management’ is the one that grew most in 2020, concentrated in Germany (304 EUTMs) and France (249 EUTMs). The trade marks in this category contain, above all, the expressions ‘energy management’, ‘energy consumption’ or ‘energy audit’ but also ‘energy consultancy’. As in almost all service trade marks, these filings come mainly from the EU, UK, USA or Switzerland. Finland is the country with the highest intensity of trade marks in ‘low energy lighting’ and ‘energy management’ and Norway shows the highest intensity in ‘energy saving’.

The second most numerous product group is related to pollution control, with 17.7% of green EUTM filings. This group is growing, especially since 2019, for biodegradable products while in 2020 growth was seen in applications for air purification products (this could possibly in part be due to the COVID-19 pandemic).

Figure 10. Number of green EUTMs: Pollution control
The recent growth in all the categories of this group is due to growth in Chinese filings. Australian filers show the highest intensity in water purification products while Irish filings centre on biodegradables, even though the absolute numbers of such EUTMs are relatively small. Overall, EU and non-EU filings are about equal in number.

**Figure 11. Number of green EUTMs: Energy production**
The **energy production** group accounts for 9.7% of green EUTM filings. It is one of the most interesting groups from an economic point of view and has also been extensively studied by examining the number of patent filings. Furthermore, this group is related to two other groups: energy storage and transportation.

The group is dominated by filings that contain terms related to solar energy such as ‘photovoltaic’, ‘solar collector’ or ‘solar battery’. The group also contains terms such as ‘wind energy’, ‘research energy’, and ‘biogas’ or ‘biomass’. It also includes trade marks with generic terms such as ‘renewable energy’.

A significant decrease can be observed between 2011 and 2014. This decline coincides with a severe fall in the prices of CO₂ Emission Allowances and also a stagnation of public R&D in energy, as shown in Figures 12 and 13. In 2018, the price of allowances grew strongly, and there was a strong increase in EUTMs related to solar energy, especially from Chinese firms.
The fluctuations in this product group and the stagnation in the linked category ‘storage of electricity’ are responsible for the decline observed for the entire green EUTM filing volume in 2011-2014, (see Figure 5), which was followed by the decline in EGSS employment shown in Figure 7.

In absolute terms, the category ‘biofuels’ is dominated by German, Italian and UK filings. In the case of solar energy more than a third of filings come from China and Germany; South Korean firms also are well represented. Wind energy is dominated by Danish and German firms.

The transport sector represents 9.7% of green EUTM applications. This product group has seen a continuous increase throughout the period, only dampened somewhat in 2013 by a decline in trade marks related to electric motors used in transport. In recent years, categories such as electric bicycles and motorcycles have seen steady growth.
Most categories in this group are dominated by Chinese and German firms, but also Italian firms in the case of ‘electric cars’ and ‘other vehicles’, and South Korean firms for ‘hydrogen vehicles’. Practically all the EUTMs for hydrogen vehicles are related to refuelling or other services. Overall, EU and non-EU firms file approximately the same number of EUTMs in this product group.

Figure 14. Number of green EUTMs: Transportation
With 6% percent of EUTM applications, the group **climate change** is smaller than energy production or transportation, but it has grown strongly since 2009. The peak in 2013 and 2014 in trade marks related to ‘carbon brokerage’ coincided with phase II of the EU Emission Trading System (ETS). Most of these trade marks are in Nice Class 36 and include the term ‘Brokerage of carbon credit’ along with a long list of other financial or insurance services.
In this group, EU-based applicants account for the majority, especially German and Italian firms.

This group also contains the category ‘Environmental services’, which has grown continuously throughout the period. The vast majority of trade marks in this category contain ‘environmental services’ or ‘environmental protection’ in their G&S description. Again, as for other services, filings from European and American companies predominate. Trade marks in this category often include other, non-green, services but are in general more specific than those related to ‘carbon brokerage’.

**Figure 16. Number of green EUTMs: Reuse/recycling**
This group, similar in size to climate change, represents 5.9% of filings, and it has also grown significantly in recent years. Since opening in 1996, EUIPO has received 21 000 applications using the expression ‘recycle’, which is one of the most commonly used green expressions identified in green trade marks, that is, 2 063 since 2015.

The strongest growth in recycling-related products between 2013 and 2015 came from Germany, but Spain was also a significant filer. However, the growth in the other categories is due to Chinese trade mark filings. The timing of this growth spurt may be related to the European Commission’s Circular Economy Action Plan⁴, adopted in 2015.

There are three more groups that in total only account for 8.2% of the applications. These represent important economic sectors and are growing. The first of these groups is environmental awareness, accounting for 3.4% of green EUTM filings.

Most of the EUTM filings in this group contain the terms ‘ecology’ or ‘sustainable’.

Although EU filings dominate and the difference becomes greater over time, there are a significant number of UK filings with the term ‘ecology’ and Chinese filings with the term ‘sustainability’.

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Figure 17. Number of green EUTMs: Environmental awareness

Waste management accounts for 2.9% of EUTM filings. The most common references for these trade marks are ‘waste process’ or ‘waste treatment’. The number of trade marks in this group is modest, perhaps because the products in question are not aimed at consumers.
Finally, the group with the fewest green EUTMs (1.9% of the total) but with significant growth in recent years consists of alternative products for **Agriculture**. The group is heavily dominated by filings from EU-based companies.
Since 2011 there has been significant growth in filings related to alternative fertilisers from Spain and Italy, as well as growth since 2015 in alternative pesticides from these two countries.
7. Conclusions and areas for further research

Dealing with all forms of environmental degradation and especially climate change is one of the greatest challenges of our time. Many kinds of policies and resources need to be mobilised, and among them is the innovation of European and global companies, leading to products and services that pollute less and/or mitigate the impact of past pollution. Such innovations are often protected by IP rights.

Traditionally, patents are the IP right most closely associated with innovation in the eyes of policy makers and the general public. However, this report has shown that trade marks, specifically EUTM filings that contain relevant terms in their G&S specifications, are also a valid indicator of innovation in the applicable sectors. The number of such trade marks has grown significantly since the EUIPO began accepting EUTM applications in 1996, both in absolute terms and as a proportion of total EUTM filings. This shows that environmental considerations are becoming increasingly important for brand owners filing trade mark applications, and to the consumers who buy the resulting products and services.

In several of the sectors examined in this report, EU-based companies perform well, as judged by their EUTM filings. This observation is also reinforced by the examination of patent filings related to climate change mitigating technologies in the EUIPO-EPO joint study (2019a). Environmental protection and climate change mitigation is therefore an area of strength for the European economy and this can be expected to contribute to the fulfilment of the European Commission’s Green Deal objectives.

This report is the first study that uses trade mark data to examine the evolution of the environmentally relevant G&S markets in the EU. The data on which the study is based represents a rich source of information, which in the future could be combined with other data, whether data on other IP rights such as patents, or more granular data on sectoral economic activity to get a better picture of the factors that drive innovation in this area.

The study has also shown that SMEs play an important role in bringing ‘green’ G&S to the marketplace. More detailed studies could determine the sectors in which such innovative SMEs are particularly active, and could conceivably help fine-tune policy instruments aimed at supporting SMEs, this being another important goal for EU policy makers.
## Annex 1. Green terms in the Harmonised Database

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<th>description</th>
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<td>Chemical substances for use in treating poisonous gases</td>
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Pollution control

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Annex 3. Nice Classification (11th edition)

Class Headings

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<thead>
<tr>
<th>Class</th>
<th>Headings</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.</td>
</tr>
<tr>
<td>2</td>
<td>Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.</td>
</tr>
<tr>
<td>3</td>
<td>Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.</td>
</tr>
<tr>
<td>4</td>
<td>Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes.</td>
</tr>
<tr>
<td>5</td>
<td>Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.</td>
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<td>6</td>
<td>Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus.</td>
</tr>
<tr>
<td>7</td>
<td>Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and assistive devices adapted for persons with disabilities; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles.</td>
</tr>
<tr>
<td>8</td>
<td>Apparatus and installations for lighting, heating, cooling, steam generating, cooking, drying, ventilating, water supply and sanitary purposes.</td>
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<tr>
<td>9</td>
<td>Vehicles; apparatus for locomotion by land, air or water.</td>
</tr>
<tr>
<td>10</td>
<td>Firearms; ammunition and projectiles; explosives; fireworks.</td>
</tr>
<tr>
<td>11</td>
<td>Musical instruments; music stands and stands for musical instruments; conductors' batons.</td>
</tr>
<tr>
<td>12</td>
<td>Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.</td>
</tr>
<tr>
<td>13</td>
<td>Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal.</td>
</tr>
<tr>
<td>14</td>
<td>Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.</td>
</tr>
<tr>
<td>Class Headings</td>
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<td>----------------</td>
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<tr>
<td>Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal. Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.</td>
<td></td>
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<tr>
<td>Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware.</td>
<td></td>
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<tr>
<td>Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.</td>
<td></td>
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<tr>
<td>Yarns and threads, for textile use. Textiles and substitutes for textiles; household linen; curtains of textile or plastic.</td>
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<tr>
<td>Clothing, footwear, headwear. Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile. Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.</td>
<td></td>
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<tr>
<td>Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese, butter, yogurt and other milk products; oils and fats for food. Coffee, tea, cocoa and artificial coffee; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice [frozen water].</td>
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<td>Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt. Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other non-alcoholic preparations for making beverages. Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vapORIZERS FOR SMOKERS; SMOKERS’ ARTICLES; MATCHES.</td>
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<tr>
<td>Advertising; business management; business administration; office functions. Insurance; financial affairs; monetary affairs; real estate affairs. Construction services; installation and repair services; mining extraction, oil and gas drilling. Telecommunications services. Transport; packaging and storage of goods; travel arrangement. Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services; food and drink preservation. Education; providing of training; entertainment; sporting and cultural activities. Scientific and technological services and research and design relating thereto; Industrial analysis, industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software. Services for providing food and drink; temporary accommodation. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, aquaculture, horticulture and forestry services. Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.</td>
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References


Green EU trade marks

September 2021

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