

THE DYNAMICS OF TRADE MARK FILINGS BEFORE AND DURING THE COVID-19 PANDEMIC



THE DYNAMICS OF TRADE MARK FILINGS BEFORE AND DURING THE COVID-19 PANDEMIC

ISBN 978-92-9156-349-4

DOI 10.2814/68386

Catalogue number: TB-09-23-601-EN-N

© European Union Intellectual Property Office, 2024

Reuse is allowed provided the source is acknowledged and changes are mentioned (CC BY 4.0)

Executive Summary



With more than three years having passed since the start of the COVID-19 pandemic, this study aims at better understanding the effects of COVID-19 on EU Trade Mark (EUTM) filings.


Following an analysis of the long-term evolution of filings, the study focuses on the period 2020-2022 which corresponds to the COVID-19 pandemic. An examination of the filings received from the member states of the European Union (EU-27) is provided. The analysis of filings from the United States of America (USA) and China is detailed in the annex.

Moreover, the study also addresses the evolution of filings at the level of Nice classes, going beyond just the geographical aspect to delve into the classification-specific trends in these filings.

The main dataset used in this study is the EUIPO register. This dataset contains detailed information about each trade mark and applicant. Each application is associated to one or more Nice classes which are divided into goods and services classes. The registration process allows the assignment of more than one Nice class to each trade mark.

COVID-19 data such as death rates and government measures is sourced from the [University of Oxford COVID-19 government response tracker](#), a source that catalogues governmental policy measures implemented to mitigate the crisis, encompassing a wide array of interventions adopted by governments worldwide.

In addition to examining specific government measures and their impact on trade mark filings, this report incorporates key macroeconomic indicators, in particular private domestic demand. Moreover, besides the macroeconomic data, this study also looks at how business expectations are linked to



trade mark filings. For this, the data from the Business and Consumer survey of the European Commission are used. All data is obtained from EUROSTAT.

EUIPO filings as whole

Between 2001 and 2022, EUIPO trade mark filings grew 6.1% per year on average, reaching about 198,000 filings in 2021. From that ceiling a 12.1% reduction pushed 2022 filings down to approximately the same level as in 2020. This was the highest decrease throughout the entire time series.

The 2020 filings growth was fuelled mainly by Chinese organisations that submitted about 13,600 of the 16,800 filings growth that year. However, the 2021 growth was boosted by filings from the EU-27 Member States with 12,902 of the total 20,680 additional filings of that year. The reduction of 2022 was due to a decline in filings from the EU-27 with -10,000 filings and from China with -12,500.

Although 2020 ended with a significant GDP and domestic private demand reduction, and despite the initial reduction of filings in the first month of the pandemic, that year closed with an EUIPO filings growing trend which shows that filings can increase even in unfavourable economic conditions. 2022 behaved in the opposite direction because, despite of the growth of the domestic private demand, filings plummeted. However, the business expectations, measured through the Economic Sentiment Indicators, showed a significant reduction which would be in line with the direction of the filings.

Concerning the split between Goods and Services classes, the latter showed a stable growth during the 2020-2022 period and ended flat. However, Goods classes grew significantly with additional 75,000 filings with respect to a linear trend. This was mainly driven by China with 38,000 and the EU-27 with 31,400.

It was found that some services Nice classes, namely 36 (banking and financial services), 39 (transport) and 42 (technical and scientific services), showed correlation with the economic sentiment indicator as well as the industrial confidence indicator. Such correlation occurs with

variables observed in the same year which suggests that filings could react quickly to the variation of business expectations.

The study focused on the COVID-19 period spanning from the beginning of 2020 to the end of 2022. No correlation was found between the evolution of filings and simultaneous COVID-19 death rates or the government measures¹ adopted in the EU-27 to face the crisis.

Concerning the behaviour of individual Nice classes, 2020 closed with 45% of the classes growing below their 2015-2019 baseline. That year Goods classes resisted better to the COVID-19 crisis as only 35% of the goods classes fell while this reached 70% for services.

2021 was better for most of the Nice classes as only five (02, 03, 05, 10 and 23) fell below the 2015-2019 average. All of these classes corresponded to goods. All the services classes grew above the baseline recovering very quickly from the previous year. However, 2022 ended with most classes below the 2015-2019 average.

Every year of COVID-19 pandemic period, some Nice classes performed better than others. In 2020, the best performing classes corresponded to Goods with two Nice classes associated to medical and pharmaceutical products in the top four. The 2021 top 10 included three services classes with class 39, corresponding to transport services, in the top five. Finally, only four (37, 39, 40 and 41) high performing classes were identified in 2022, all of them on the services side.

Some time series shifted from a decreasing to an increasing trend during the COVID-19 crisis. These classes were: 45, 26, 37, 40, 42 and 45. Therefore, for some types of products, the COVID-19 could have been an opportunity.

¹ Three government measures were selected for this study: Public transports closure, restrictions on internal movements and stay-at-home requirements.

EUTM filings from the EU-27 Member States

Since 2015, the share of EUIPO filings from the EU-27 has fallen from about 59% of the total to about 56²%, partly due to the increase in filings from China.

The long-term trend of filings from EU-27 Member States shows consistent growth. The analysis demonstrated that the impact of the COVID-19 crisis had a very short duration and that growth returned after a brief period of decline. It remains unclear whether this was due to the natural dynamic of filings and the resilience of the system, the expectations resulting from the announcement of the extraordinary measures adopted by government or a combination of both. Additionally, the crisis catalysed new opportunities, such as accelerated digitalization, potentially contributing to the swift recovery and growth in filings.

When comparing the 2020 monthly filings profile with other years, only March and April (to a lesser extent) presented an abnormal behaviour indicating that, following the initial shock, filings recovery was quick.

Regarding the direct influence of the COVID-19 waves and the government restrictions, no correlation was found between the intensity of such measures (in terms of affected population) and the evolution of filings.

The best performing Nice classes in 2020 included two medical and pharmaceutical classes (5 and 10).

² Value calculated on the entire COVID-19 period (2020-2022).