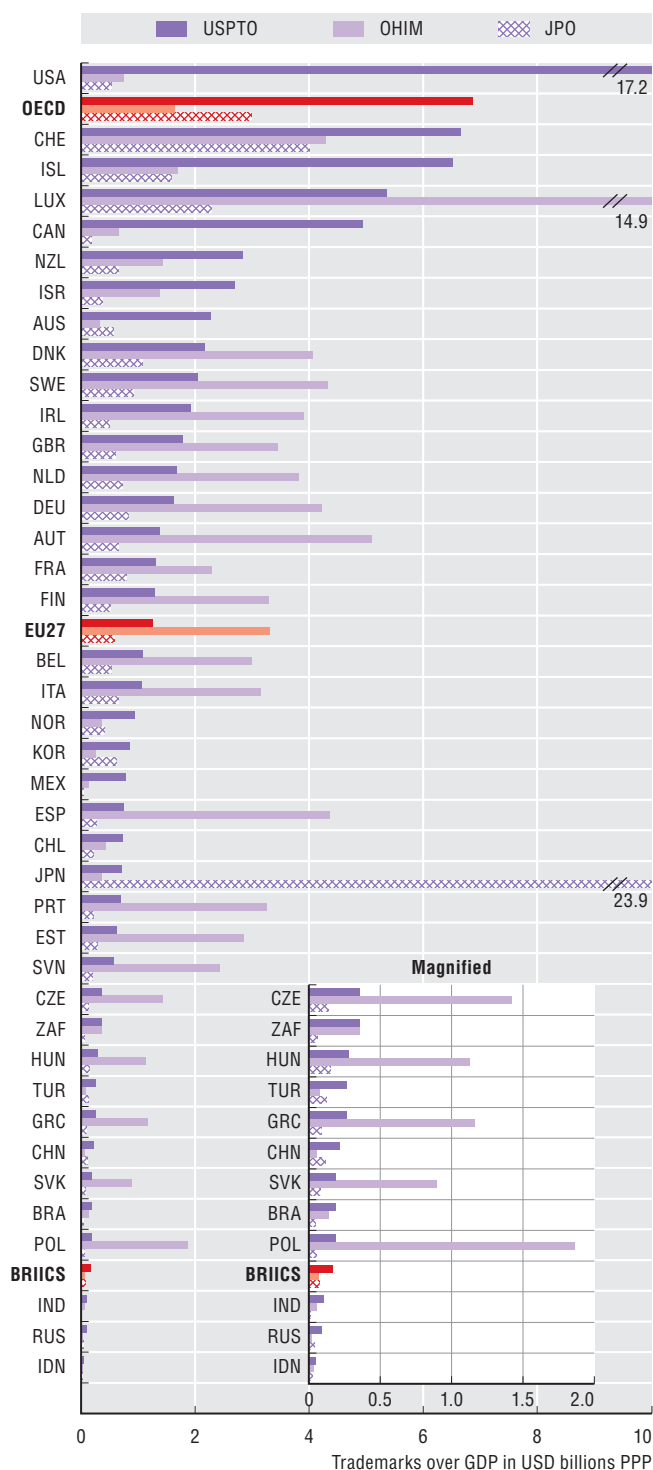


5. UNLEASHING INNOVATION IN FIRMS

3. Trademarks

Trademark applications at JPO, OHIM and USPTO, 2007-09 average

Trademarks relative to GDP, OECD and BRIICS countries



Source: US Patent and Trademark Office (2011), "The USPTO Trademark Casefile Dataset (1884-2010)"; OHIM Community Trademark Database; CTM Download, April 2011; JPO (2008-10), *Annual Reports*; OECD, National Accounts Database, June 2011; and IMF, World Economic Outlook Database, June 2011. See chapter notes.

StatLink <http://dx.doi.org/10.1787/888932487172>

Trademarks (TM) may serve as indicators of innovative and marketing activity, and may proxy non-technological innovations and innovation in services. Firms tend to register trademarks primarily in their home country. Trademarks registered by non domestic firms can be used as a measure of market penetration and may help understand the kind of products, whether goods or services, exported.

Japan, Luxembourg and the United States show the highest ratio of trademark activity to GDP at the Japanese Patent Office (JPO), the European Office for Harmonization in the Internal Market (OHIM) and the United States Patent and Trademark Office (USPTO) combined. Korea and Japan register more trademarks at the USPTO than at OHIM, and US firms register more at OHIM than at JPO. On average, European firms register trademarks more at the USPTO than at the JPO. Australia and New Zealand register more trademarks at the USPTO, followed by the JPO for Australia and OHIM for New Zealand. Both Mexico and Chile show stronger ties with the United States than with Europe and Japan.

BRIICS' (Brazil, the Russian Federation, India, Indonesia, China and South Africa) trademark activity abroad is low compared to OECD countries, with South Africa the most outward-oriented, followed by China and Brazil. The number of trademarks registered at the respective national offices cannot be compared as different class systems exist (e.g. China, India. See chapter notes).

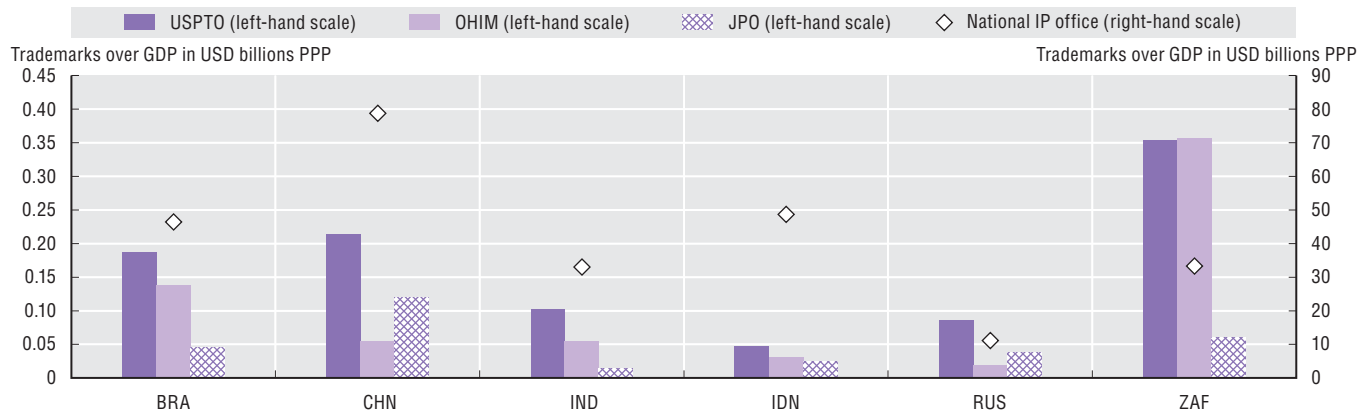
TMs for goods have the highest number of applications for all countries at both OHIM and USPTO. The share of TMs for services is highest for the United States at the USPTO and for Norway at the OHIM. Countries tend to file proportionally more service TMs in their home markets. In addition, most countries show a higher share of trademarks services at the OHIM than at the USPTO.

Geographic distance and cultural proximity, the presence and location of foreign affiliates, countries' competitive advantages and industrial specialisation, and trade agreements may explain the patterns observed.

Definitions

Trademarks are distinctive signs identifying goods or services. They help consumers choose products that meet their needs and expectations in terms of nature, quality and price. Trademarks are a form of intellectual property protection granting owners the exclusive right to use them. This protection is enforced by the courts, which in most systems may block infringements. A trademark's country of origin is defined according to the address of the firm or economic agent listed in the trademark document. The word trademark is sometimes used as a synonym for brand, but the concept of brand is wider than that of trademark. Brands combine tangible and intangible elements such as image and reputation, and may or may not involve trademarks.

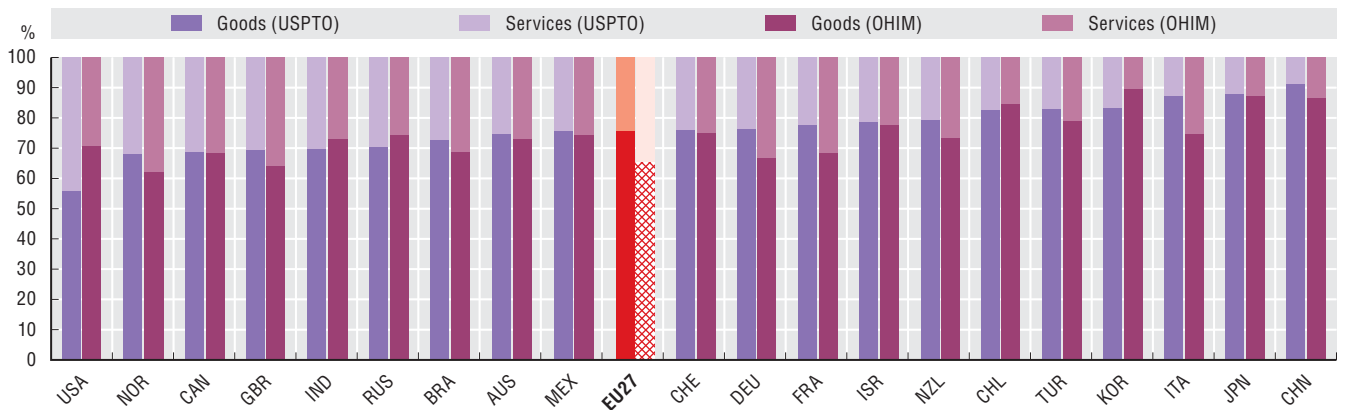
Trademark applications by BRIICS countries at national IP offices, USPTO, OHIM, and JPO, ratio to GDP, 2007-09 average



Source: WIPO, Statistics on Trademarks, May 2011; US Patent and Trademark Office (2011), “The USPTO Trademark Casefile Dataset (1884-2010)”; OHIM Community Trademark Database; CTM Download, April 2011; JPO (2008-10), *Annual Reports*; OECD, National Accounts Database, June 2011; and IMF, World Economic Outlook Database, June 2011. See chapter notes.

StatLink <http://dx.doi.org/10.1787/888932487191>

Share of goods and services trademark applications at USPTO and OHIM, 2007-09



Source: US Patent and Trademark Office (2011), “The USPTO Trademark Casefile Dataset (1884-2010)”; OHIM Community Trademark Database; CTM Download, April 2011. See chapter notes.

StatLink <http://dx.doi.org/10.1787/888932487210>

Measurability

Applications to register trademarks must be filed with the relevant national or regional trademark offices and contain the list of goods or services (or both) to which the sign would apply. The current edition of the *International Classification of Goods and Services for the Purposes of the Registration of Marks*, known as the “Nice Classification” (ninth edition, entered into force on 1 January 2007) contains 34 classes of goods and 11 classes of services. Good trademarks relate to classes 1-34; service trademarks correspond to classes 35-45. Fractional counts based on the classes designated in the TM application are used to quantify good and service trademarks. Most countries allow for multi-class filings; a few countries allow only single-class applications (e.g. China). The period of protection may vary – it is typically ten years – and trademarks can be renewed indefinitely upon payment of fees. Fees are generally proportional to the number of classes designated, with exceptions such as OHIM allowing for up to three designated classes for the same initial fee.



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