

Community Trademarks: The Top Applicants 2009

2009 was a good year for the Community trademark (CTM), seeing a significant increase in CTM filings. The Office of Harmonization for the Internal Market (OHIM), Alicante, Spain, filed 73,032 CTM in 2009, the highest number compared to previous years. In 2008, solely 70,939 applications were filed, a drop from 2007 with 72,426 files.

The 2009 forecast had indicated a continued drop in filings with a strong decline in applications for CTM from October 2008. However, already in March 2009, the registration activity exceeded the previous years' level, reaching a significant peak in April. Since September, the European applications have moved even well above the level of the strongest year 2007 (see diagram *CTM Applications 2007-2009*).

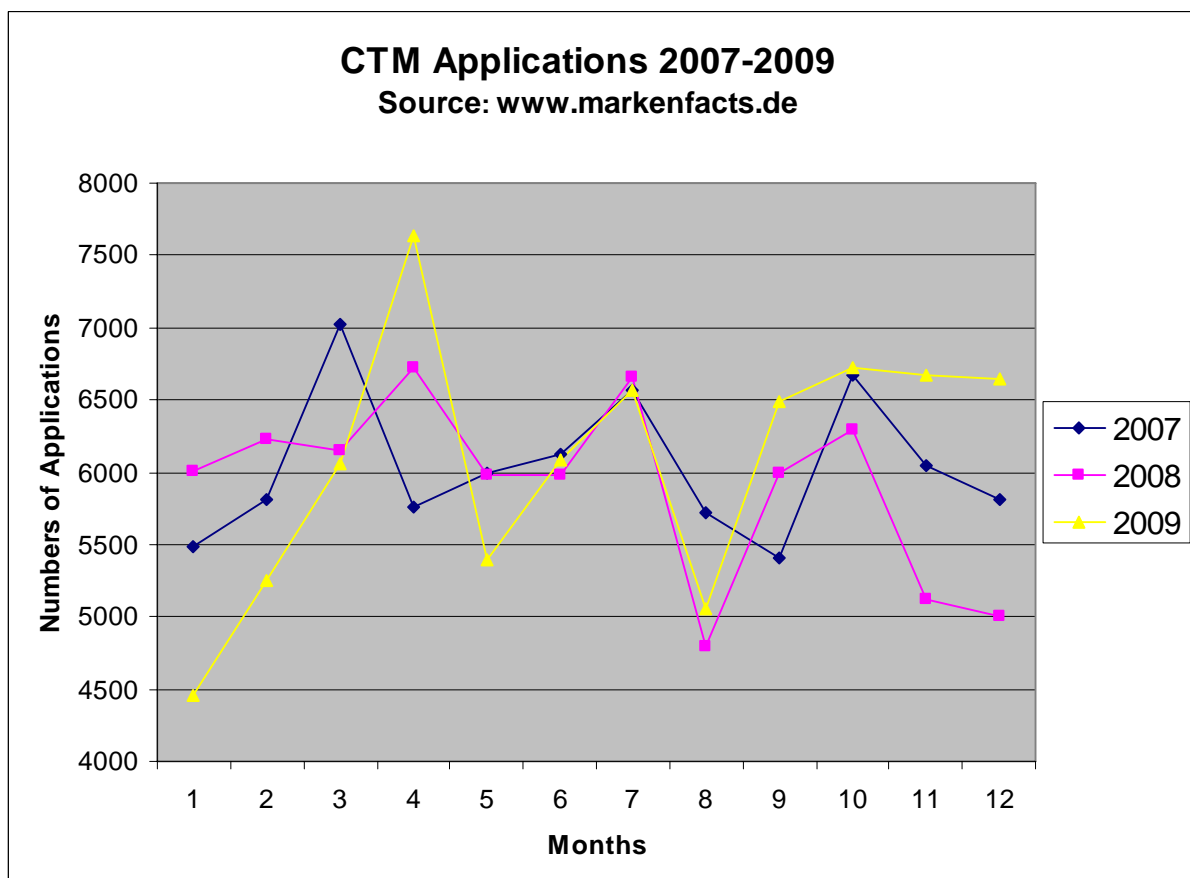


Diagram 1: CTM Applications 2007-2009 (source: www.markenfacts.de, CEDELEX)

The sudden increase of filings in the first quarter of 2009 may be the result of a backflow of applications from companies taking a less risky approach to the uncertain financial situation in 2008.

Comparison with the German Trademark Applications

If we focus on the German market it will appear that the applications for national German trademarks (DE) continued to remain at a low level in 2009 (see diagram *DE Applications 2007-2009*).

Probably, this reflects a general trend towards the CTM: in today's globalized economy, it is of increasing importance to acquire protection in several countries in terms of product piracy. A CTM grants protection for 27 European countries at once. The recent reduction in fees for CTM and the acceleration of the registration process seem to reinforce this trend.

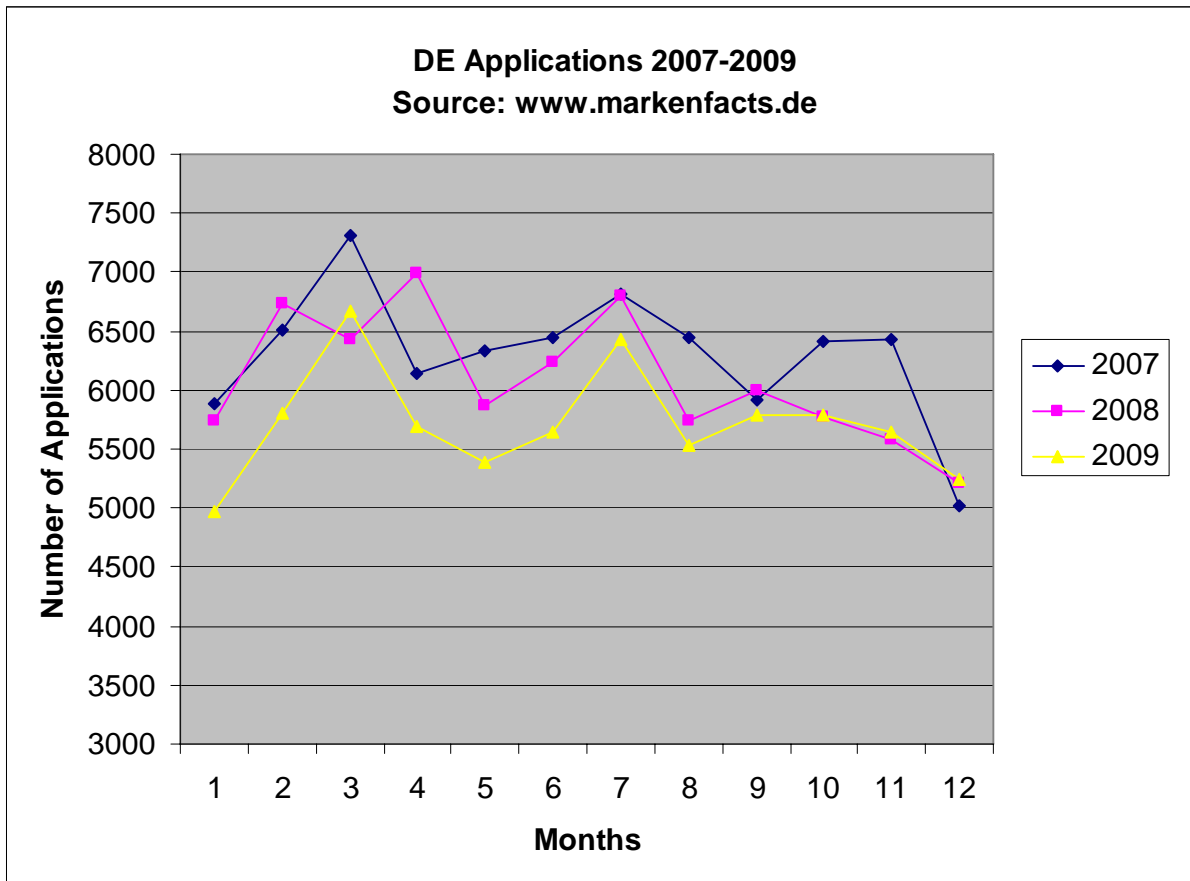


Diagram 2: DE Applications 2007-2009 (source: www.markenfacts.de, CEDELEX)

Top Applicants: Winners and Losers

The ranking shows the top 15 applicants for CTM in 2009. LG Electronics is ranked top with 219 applications followed by Novartis with 158 applications and by Nintendo with 155 applications. More in-depth information on the respective trademarks filed may be searched on www.markenfacts.com.

Rank	Name	City, Country	2009 Applications	2008 Applications	2008 Rank	% Changes
1	LG Electronics Inc.	Seoul, KR	219	40	n.a.	447.50
2	Novartis AG	Basel, CH	158	178	3	-11.24
3	Nintendo Co., Ltd.	Kyoto, JP	155	53	13	192.45
4	Johnson & Johnson	New Brunswick, US	128	124	7	3.23
5	The Procter & Gamble Company	Cincinnati, US	118	234	1	-49.57
6	Deutsche Telekom AG	Bonn, DE	109	183	2	-40.44
7	NOVOMATIC AG	Gumpoldskirchen, AT	107	115	9	-6.96
8	L'OREAL Société Anonyme	Paris, FR	105	125	6	-16.00
9	BSH Bosch u. Siemens Hausgeräte GmbH	München, DE	94	60	10	56.67
10	Bristol-Myers Squibb Company	New York, US	90	43	n.a.	109.30
11	Milux Holding S.A.	Luxembourg, LU	90	0	n.a.	n.a.
12	Intesa Sanpaolo S.P.A.	Torino, IT	88	145	4	-39.31
13	Jafer Limited	Lima, PE	72	51	n.a.	41.18
14	Gerd Ingo Janitschek	Wien, AT	66	0	n.a.	n.a.
15	Barilla G.eR. Fratelli - Società per Azioni	Parma, IT	59	41	n.a.	43.90

Table 1: Top Applicants of CTM Trademarks in 2009 (source: www.markenfacts.de, CEDELEX)

The most significant growth was recorded in the electrical and electronics industry (classes 7, 9, 11), including manufacturer LG Electronics as well as Nintendo and BSH Bosch and Siemens Haushaltsgeräte: LG Electronics increased their filing

activity by 447 percent, Nintendo could improve by 192 percent and BSH Bosch and Siemens Home Appliances recorded a 57-percent growth compared to the previous year 2008.

Surprisingly, LG Electronics is a newcomer in the ranking. In a 2008-press release, they had announced their intention to grow strongly through rapid innovation. The aim was to become one of the top three largest companies for electronics, information and telecommunications in the world.

Nintendo undertook a bunch of filings to protect their Wii and DSi product range. The third company of the electronics industry, BSH Bosch and Siemens, has been one of the most active applicants for patents and trademarks during the previous years already. Their filing activity in 2009 has manifested their innovation leadership once more.

A significant increase in CTM filings can be stated with regard to pharmaceutical manufacturer Bristol-Myers Squibb. Accompanied by strong strategic and operational performance reported for 2009, their filings improved by 109 percent.

Another winner of the 2009 ranking was Italian consumer goods manufacturer Barilla. Their Annual Report for 2008 had already announced further product and process innovation to strengthen their brands against the increasing competition of private labels.

The previous year's number one CTM applicant, Procter & Gamble, filed only 118 CTM in 2009, a 49 percent decline from 234 applications in 2008. German Telekom AG was another company that saw their filings drop from 183 in 2008 to 109 in 2009 (-40 percent). However, their shift within the ranking should not be over-estimated. Strong filing activity in one year is often followed by a weaker performance in following years as it is quite normal to file trademarks to store them for later market entries.

Regarding the newcomers of the "Top 15 CTM Applicants 2009", it can be stated, that Milux is a Luxembourg holding company. Jafer Ltd., a Peruvian company from the cosmetics industry, seems to be planning an entry into the European market. Gerd Ingo Janitschek, ranked 14, is the manager of willhaben.at, the leading Austrian portal for professional and consumer classified advertisements. Probably only half of his trademark applications will actually be used later with 50 percent of the filings repeating the same words in reverse order like Event of Power, Power of Event etc.

From this fact, it becomes clear, that a trademark filing does not always result in a new product or service. The number of trademark applications consequently may serve only as a vague early indicator for an expected economic growth.

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Method applied: Filings were analyzed regardless of their state of proceeding. IR designations to the EC were not taken into account. Furthermore, changes of names, mergers, spin-offs, acquisitions etc. remained unconsidered during the course of the year. The chronological segmentation was undertaken according to the year of filing. Filing does only constitute a small part of the companies' economic activity. Notably, the ranking cannot and does not represent a statement on the economic success or value of the companies contained.