

GREEN TRADEMARKS AND SUSTAINABILITY

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Abstract. The new generations of consumers are increasingly aware and demand more and more sustainable products that are friendly to the environment and health in general. Nowadays, most companies know that using trademarks that are associated with the nature, sustainable or healthy goods or services could increase their sales and profit. In recent years, there has been a growing trend in companies using **environmentally conscious branding** to highlight their commitment to sustainability. This involves terms like “organic”, “green”, “eco”, “eco-friendly”, “sustainable” or related words in the trademarks, including in logos, or slogans to convey their dedication to environmental responsibility. (Palacio 2023) These so-called **Green Trademarks** could bring sustainability to the company. Green Trademarks could be a way for companies to distinguish their products or services in the market by emphasizing their eco-friendly attributes.

Keywords: green trademarks; intellectual property; sustainability

Introduction

In the last decade, the legal entities have duties not only to their shareholders but also to their employees, customers, suppliers and to the society as a whole. This new corporate social responsibility has been broader discussed for realizing the 2030 Agenda for Sustainable Development, adopted by the General Assembly of the United Nations in 2015. The Agenda is symbolized by the 17 goals of sustainable development, encompassing its economic, environmental and social dimension.

In recent years, there has been a significant increase in demand for information on corporate sustainability, especially from consumers. There are new trends - the purpose of a company is to provide solutions to problems of consumers and planet and in the process to produce profits, but profit is not per se the purpose of the company.

A great number of the companies in Europe are standing on a crossroad and are in decline after COVID-19 pandemic and the wars.

“Overcoming decline requires a new type of professional strategic management.” (Krushkov 2023, p. 7). Such management could be based on green inventions and green trademark that could increase the sustainability of the company.

Companies in any field are facing this issue and are already going “green” by creating new types of trademarks called “green trademarks”.

In this paper, a comprehensive research is performed for filed and registered “green” trademarks in the European Union. The aim of the present research is firstly to determine the nature of green trademarks and the areas in which they apply. In addition, the purpose is to analyze the applicants’ activity and the registered green trademarks in the European Union in the last 12 years. The search is conducted according to a specific trademarks research methodology.

Protection of Green Trademarks

Trademarks distinguish the products of a company from those of its competitors. It should be distinctive and not descriptive regarding the goods and services it is registered for. A trademark is considered “green” if its specification contains at least one green term, regardless of other non-green terms included (European Union Intellectual Property Office, 2021). Under specification, the EUIPO means the list of goods and services for which the trademarks are registered for. However, the author’s position is that a trademark containing or consisting of terms like “green”, “eco”, “bio” and “organic”, etc. could be also considered as a “green trademark”.

Due to the fact that terms like “green”, “eco”, “bio” and “organic” are deemed descriptive, there is a possibility of rejection of the trademark’s application due to absolute grounds of refusal.

Green Trademarks are in general registrable according to the European law, although sometimes disclaimers are needed.

In Bulgaria for example the trademark could contain such terms, however the owner will not have the exclusive right over them.

However, there are some existing limitations to the registration of Green Trademarks in some other national legislations. For example, in Argentina, Section 11, Decree No. 206/2001 of Law on Ecological, Biological or Organic Production No. 25,127 establishes that the terms “BIOLÓGICO”, “ECOLÓGICO”, “ORGÁNICO”, “ECO” or “BIO” cannot be registered as trademarks in classes 16, 20, 24, 29, 30, 31, 32 of the International Classification of Goods and Services for the Purposes of the Registration of Marks (“Nice Classification”), when the covered products that are agricultural, such as food, fiber, wood, furniture or paper.

European Green Deal’s ambition that „sustainability should be further embedded into the corporate governance framework” is being pursued as part of the European Commission’s Sustainable Corporate Governance Initiative.

A lot of institutions and authors nowadays are highlighting the importance of precision in commercial messages. The commercial is much more precise and distinct in its message to specific target groups” (Strijlev 2020). According to the EU Directive on unfair commercial practices from 2005, companies should not provide untruthful information to consumers or use aggressive marketing techniques

to influence their choices. (Directive 2005/29/EU). Such misleading information could be for example the word “green” “eco”, “bio”, “organic” or other similar in the composition of the trademark.

Even when the products have obtained an ecological, biological or organic certification the prohibition must apply due to the fact that such words should remain free to be used by all companies. However, if the word is incorporated in the logo, it could receive protection according to European Union Law. The protection will be for the whole graphic representation of the trademark (colours, typeface, font size, ent.) excluding the word element. Below are examples of registered European Union green trademarks:



Figure 1. EUTM: 011559721



Figure 2. EUTM: 011498912



Figure 3. EUTM 011748365

Source for figure 1, 2 and 3: <https://www.euipo.europa.eu>

Even the Nice Classification is now amended and introduces new terms with regard to environmental challenges. On 1 January 2024, the new version of the twelfth edition of the “Nice Classification” has come into force. The 45 classes of preapproved goods and services have been updated with omissions and notable additions. The changes not only seek to align the Nice classification with the evolving landscape of inventions and

technological advancements but also mirror societal changes and **ecological awareness**, namely: “production of renewable green energy” or “light-emitting diode (LED) light bulbs” – (Nice Classification, 2024).

Methodology

In the present article, trademark research is performed for green trademark applications and registrations according to the methodology for conducting patent studies set by Prof. B. Borisov (1999).

The research was carried out for results in the field of green trademarks. Keywords have been selected for performing the search. The analysis methods used are the comparative method, structural method, and statistical data analysis. The study used literature review and document analyses, observation and tracking of trends. The findings are presented in a tabular form and through diagrams.

Determining the parameters of the trademark search

Purpose of the trademarks research

This trademark research aims to identify the filed applications and registered EU green trademarks in order to reveal the trend of the developing of the green trademarks.

Subject of trademark research

The subject of the research is filed applications and registered EU green trademarks, applied before EUIPO containing or consisting of the keywords: eco, bio, green, organic.

Countries covered by the survey

The territory covered by this research is the territory of the European Union.

Depth (retrospective) of the trademark research

The trademark research covers two periods, namely from 01.01.2012 – 31.12.2017 and from 01.01.2018 to 31.12.2023 or a total of 12 (twelve) years. The two consequent periods show the trend and the development of green trademarks.

Information sources

The online database of the EUIPO was used to implement this trademark research. This research covers only filed applications and registered EU green trademarks that are published in the publicly accessible online trademark database listed above.

Search results

Eight different searches have been performed for the two periods. Four searches covering the first period (one search per keyword) and four searches covered the second period (one search per keyword). The aim is to reveal the trend of the developing of green trademarks.

I. Green trademark for the period 01.01.2012 – 31.12.2017

1. Trademarks containing the word “Bio”

A search was conducted with the keyword “Bio”. The total number of applications for the relevant period is **3950**, of which total registrations are **3198**.

1.1. Examples of word trademarks containing the word “Bio”:

– **BIOFOREST** (EUTM: 011349958) registered for *Firewood; Charcoal (fuel); Combustible briquettes; Pellets of wood and briquettes of wood; Briquettes of peat (fuel)*.

– **BIO BEADS** (EUTM: 011498813) registered for *Chemical additives, other than unprocessed plastics, prepared from natural products for use in the manufacture of cosmetics*.

2. Trademarks containing the word “Eco”

A search was conducted with the keyword „Eco”. The number of total applications filed for the relevant period is **4658**, of which total registrations are **3683**.

2.1. Examples of trademarks containing the word “Eco”:

– **ECOIBERIA** – figurative trademark (EUTM: 011532520) registered for *Unprocessed artificial resins, unprocessed plastics, Plastic materials for packaging (not included in other classes), Treatment of materials*.

– **EcoGrady** – word trademark (EUTM: 011487345) registered for *Water heating apparatus*.

3. Trademarks containing the word “Green”

A search was conducted with the keyword „Green”. The number of total applications filed for the relevant period is **2173**, of which registered are **1707**.

3.1. Examples of trademarks containing the word “Green”:

– **Green Office** – figurative trademark (EUTM: 011540051) registered for various goods and services in the field of *Telecommunications*

– **Greenware** – figurative trademark (EUTM: 011498912) registered for *plastic molded products made entirely from plants, namely, cups and lids, therefore, food containers and lids therefore and plates*.

4. Trademarks containing the word “Organic”

A search was conducted with the keyword „Organic”. The number of total applications filed for the relevant period is **589**, of which registered are **445**.

Examples of trademarks containing the word „Organic”:

– **THE ORGANIC SKIN CO.** EUTM 011748365 – registered for *Cosmetics, soaps, essential oils, perfumery, hair lotions; Natural and organic cosmetics*;

– **1001 Organic**, EUTM: 011670262 – registered for a wide range of *Pharmaceutical and veterinary preparations; Meat, fish, poultry, Coffee, tea, cocoa, etc.*

The total number of applied trademarks containing the words “**bio**”, “**organic**”, “**eco**” or “**green**” for the first searched period is **9 604**. Registration has been granted for **8315 trademarks**.

The search results reveal that the main product groups are energy conservation, energy production, transportation, climate change, environmental awareness, agriculture, waste management, cosmetics, pollution control, food and beverage, reuse, and recycling.

Analyzing the product categories, there are no repeating products across the different searches. For example, trademarks containing the word “Bio” include products related to firewood, charcoal, briquettes, and additives for cosmetics. “Eco” trademarks cover unprocessed resins, plastics, and materials for packaging, as well as water heating apparatus. The “Green” keyword results in trademarks for goods and services in the field of telecommunications, along with plastic molded products made from plants. Lastly, “Organic” trademarks are registered for cosmetics, soaps, essential oils, pharmaceutical and veterinary preparations, and various food items. The absence of repeated products indicates a diverse range of applications and industries associated with each keyword.

The analysis highlights a substantial global shift towards environmentally aware branding and an increasing focus on sustainability throughout the first relevant period. This indicates a broad scope of industries adopting green trademarks. These results suggest a consistent trend in the importance of green trademarks across various sectors, reflecting a growing emphasis on sustainability and environmental consciousness within the business environment.

Similar results were revealed by a survey of the European Union Intellectual Property Office in 2021 about Green EU trade marks. The period of the survey was 2015 – 2020. However, different criteria were used concerning Nice Classification green terms.

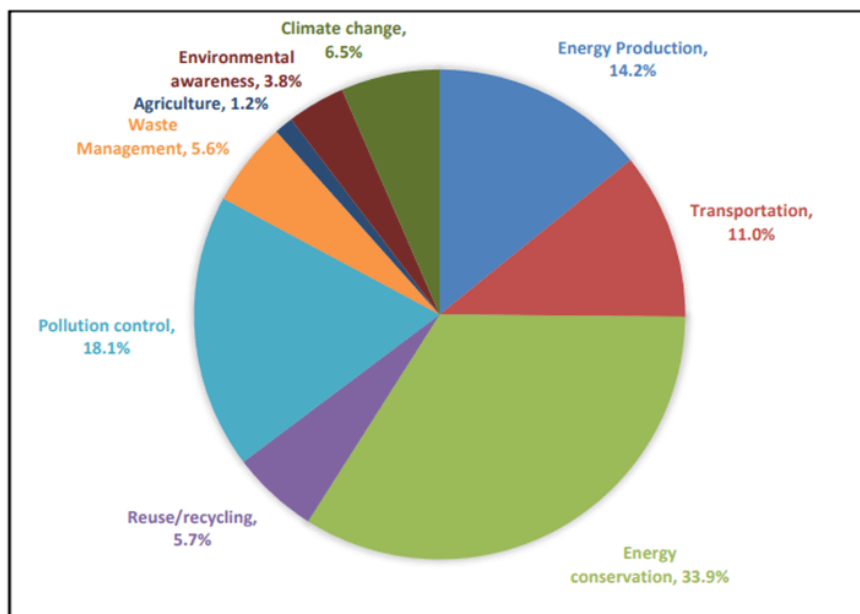


Figure 4. Percentage of green EUTMs by product group (2015 – 2020)

Source: European Union Intellectual Property Office, 2021, Green EU trade marks

As presented in Figure 4, from 2015 to 2020, a significant percentage of green trademarks, precisely 33.9%, were filed for the product category of “energy conservation”. The second-highest application activity with 18.1% for the indicated period is in the product category “Pollution control”. The other applications of green trademarks include categories, namely “Energy Production”, “Transportation”, “Climate change”, “Reuse/recycling”, “Waste Management”, etc. According to the EUIPO survey, the product category with the least trademark application activity is “Agriculture” representing only 1.2%.

II. Green trademarks for the period 01.01.2018 – 31.12.2023

The same search was conducted for the second relevant period. The results are listed below.

1. Trademarks containing the word “Bio” – total applications filed – **6111**, total registrations – **4991**. It is obvious that the increase of applied and registered green trademarks containing or consisting of the word “Bio” is around 40 %.

Trade mark status (EUTM)		Trade mark status (IR)		Published in		Nice Classification		Trade Mark type	
Registered	4991			A.1	5646	5	2296	Figurative	3221
Application refused	324			B.1	3866	3	1315	Word	2862
Application published	261			B.2	1128	42	1220	3D shape	26
Application withdrawn	191			C.2.1	826	35	1050	Motion	1
Application opposed	177			C.2.2	679	1	1014	Position	1
Application under examination	120			C.1.3	505	44	706		
Application filed	16			C.3.6	370	9	667		
Registration cancellation pending	13			C.1.1	285	30	648		
Registration surrendered	9			C.2.4	92	29	638		
Appeal pending	7			A.2.2	70	10	579		
Registration pending	2			A.2.4.1	36	31	568		
				B.4.2	29	41	424		
				C.9.1	23	32	399		
				C.3.2	19	40	313		
				C.10.1	16	16	312		
				C.4.1	11	11	254		
				C.9.2	10	21	224		
				C.1.4	9	33	163		
				C.3.1	9	37	163		
				E.1	8	39	163		

Figure 5. Green trademarks containing the word “Bio” applied for registration in the period 01.01.2018 – 31.12.2023

Source: <https://euipo.europa.eu/eSearch/>

2. Trademarks containing the word “Eco” – total applications filed – **6576**, total registrations – **5382**.

Trade mark status (EUTM)		Trade mark status (IR)		Published in		Nice Classification		Trade Mark type	
Registered	5382			A.1	5969	35	1714	Figurative	3486
Application refused	334			B.1	4204	9	1558	Word	3076
Application published	303			B.2	1166	42	1318	3D shape	13
Application withdrawn	190			C.2.1	900	41	841	Pattern	1
Application under examination	168			C.2.2	717	16	666		
Application opposed	159			C.1.3	379	37	594		
Application filed	22			C.3.6	364	11	588		
Registration cancellation pending	8			C.1.1	227	21	555		
Registration surrendered	8			C.2.4	131	20	527		
Appeal pending	1			A.2.2	45	3	522		
Registration cancelled	1			B.4.2	29	25	510		
				A.2.4.1	20	7	439		
				C.9.1	15	1	429		
				C.3.2	14	40	421		
				C.10.1	12	5	414		
				C.5.1	12	38	392		
				C.4.1	9	19	386		
				C.3.1	8	36	371		
				C.9.2	7	24	347		
				C.1.2	6	39	313		

Figure 6. Green trademarks containing the word “Eco” applied for registration in the period 01.01.2018 – 31.12.2023

Source: <https://euipo.europa.eu/eSearch/>

3. Trademarks containing the word “Green” – total applications filed **3949**, total registrations – **3259**.

Trade mark status (EUTM)	Trade mark status (IR)	Published in		Nice Classification		Trade Ma
Registered	3259	A.1	3600	35	1136	Figurative
Application refused	214	B.1	2583	42	779	Word
Application published	146	B.2	682	9	732	3D shape
Application withdrawn	117	C.2.1	523	5	423	Motion
Application under examination	94	C.2.2	409	41	416	
Application opposed	90	C.3.6	266	1	414	
Application filed	14	C.1.3	258	37	404	
Registration surrendered	6	C.1.1	153	3	394	
Registration cancellation pending	5	C.2.4	61	40	370	
Appeal pending	1	A.2.2	20	36	358	
Registration cancelled	1	B.4.2	15	39	346	
		C.3.2	14	16	344	
		C.5.1	12	31	339	
		A.2.4.1	11	11	311	
		C.9.1	10	30	306	
		C.10.1	7	29	298	
		C.3.1	6	25	279	
		C.9.2	5	7	272	
		C.4.1	4	21	266	
		C.4.2	3	44	223	

Figure 7. Green trademarks containing the word “Green” applied for registration in the period 01.01.2018 – 31.12.2023

Source: <https://euipo.europa.eu/eSearch/>

4. Trademarks containing the word “**Organic**” – total applications filed **750**, total registrations – **629**.

us (EUTM)	Trade mark status (IR)	Published in		Nice Classification		Trade Mark type
629		A.1	676	3	223	Figurative
52		B.1	484	30	180	Word
22		B.2	148	29	176	3D shape
19		C.2.1	103	35	176	
14		C.2.2	102	5	168	
8		C.1.1	44	31	126	
4		C.1.3	41	32	119	
1		C.3.6	38	33	63	
1		C.2.4	23	25	58	
1		A.2.2	8	44	56	
1		A.2.4.1	6	1	53	
1		C.3.1	4	16	31	
1		C.9.1	3	41	31	
1		C.1.4	2	21	29	
1		C.3.2	2	18	26	
1		C.9.2	2	42	25	
1		A.2.5.1	1	24	24	

Figure 8. Green trademarks containing the word “Organic” applied for registration in the period 01.01.2018 – 31.12.2023

Source: <https://euipo.europa.eu/eSearch/>

The total number of applied trademarks for the period 2018 – 2023 containing the word “bio”, “organic”, “eco” or “green” is **17 381**. Registration has been granted for **14 256** trademarks in total.

The quantitative search was carried out for the two periods of 6 years. The information has been systematized by keywords, by trademark type and by field of application regarding the Nice Classification. The results confirm the growing willingness of companies to go green.

As the results from the research indicate, it is notable that during the first period, industries adopted the strategy of filing green trademarks, leading to a total of 9,604 applied trademarks, with 8,315 registrations. The results reflect a significant global shift towards environmentally aware branding, with a consistent trend across various sectors.

The same search parameters applied in the second period resulted in a substantial increase, with a total of 17,381 applied trademarks and 14,256 registrations. Every keyword search conducted shows a significant increase in application activity on EU level. The most evident example of this is the search for the keyword “Bio”, where it can be discerned that application activity has increased by about 40% compared to the first search period, indicating a heightened interest in green trademarks containing or consisting of this term.

In the second period, there has been a distinct increase in the number of green trademarks applied for and registered, reflecting the increasing focus on sustainability.

Conclusion

In a world where innovation is becoming more open, more global and moving even faster, the companies need to commit to doing not only more but also better to become green and sustainable. The purpose of a company is no longer only to provide for the profit of its shareholders but address the environmental, social, and governance factors associated with its business activities, as well. The influence of environmental and social issues has become an inevitable part of companies' long-term strategies. Companies should now balance between the needs of people, planet and profit. Sustainability is a moving target for the companies and a key ingredient for their survival. Green trademarks on the other hand are the tool for the company to reach to the consumers. There green trademarks should be registered as intellectual property in order to provide to their owner exclusive rights.

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