



## Review on WIPO Trademark Registrations on Goods of Class 5

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Received: 31 August 2018; accepted: 22 June 2020

World Intellectual Property Organization (WIPO) was established with a mission to bring up the innovative and creative inventions worldwide. The organization cooperates and maintains the Intellectual Property rights, that bring integrity among the various countries of the World. WIPO IP statistical data base collects the information from the national and regional offices annually, mentioning it with the various indicators and the different report types. The different intellectual property rights such as, patent, trademark, industrial design, utility model data are available in the database from 1980 to 2016. This article shows the statistical data related to the trademarks that was collected and stored in the data base by WIPO. This gives an idea to know the country's progress in filing up of the trademarks, for acquiring the IP rights globally. In this article, the leading countries such as, India, Australia, China, European Union, United Kingdom and United States of America that are involved in the trading worldwide are considered and their statistical data is compared. The data related to the class 5 of *Nice Classification*, which became part of essentials to lead healthy life, are also included.

**Keywords:** WIPO, United International Bureaux for the Protection of Intellectual Property-1893, Nice Classification, Standing committee on the law of Trademarks, Industrial Designs and Geographical Indications, IP rights, trademark

As it is well-known fact that the quality products have good trade in the market. The manufacturers tend to make a mark of their products in the market. Though, the marks are in usage from the ancient times, there were no regulations or legislations to restrict others from using it, causing infringement. This in fact pushed the traders to register their marks, as per the regulations framed in their country. When the need for Intellectual Property Rights and their protection recognized, there held many conventions, treaties and agreements. The Paris Convention (1883) was the first convention held, followed by Berne Convention (1886), Madrid Agreement (1891), BIRPI (United International Bureaux for the Protection of Intellectual Property-1893), WIPO (1967), etc.

### World Intellectual Property Organization (WIPO)

WIPO was established in 1967 with headquarters at Geneva. The BIRPI was changed to WIPO in 1970 and became the agency of United Nations in 1974 with 191-member states. From then it is

extending its services to protect intellectual property rights globally, resolving any disputes related to trade among states. From the year 1998, WIPO is involved in the training up of IP professionals.<sup>1</sup> WIPO deals with the intellectual property rights, such as, patents, trademarks, copyrights, industrial designs, geographical indications, etc. For bringing awareness about the IP rights, their protection for the innovations and the creations, April 26 is celebrated as the World Intellectual Property Day every year. This year the day was celebrated with the theme to encourage Women creative works.<sup>2</sup> Francis Gurry is the Director general of WIPO.<sup>3</sup> WIPO conducts seminars, workshops every year for spreading awareness about the usage of intellectual property rights.<sup>4</sup>

### Role of WIPO in Trademark Protection<sup>5</sup>

Trademark is a word or symbol or any sign that distinguishes one product from the other. Many treaties related to trademarks were directed by WIPO, so that there develops the integrity among the countries in attaining the protection over their mark. WIPO in collaboration with the national and

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regional IP offices designed the internationally acceptable legislation for the registration of the trademark by considering their laws. WIPO gives access to the various trademark laws of the different countries and also mentions the treaties related to the trademarks. For the development and improvement of the various laws related to the trademark and also to resolve the controversies, a committee is formed with the members of WIPO, called SCT (Standing committee on the law of Trademarks, Industrial Designs and Geographical Indications). Recently 39<sup>th</sup> Session of SCT meeting was held from 23 April to 26 April 2018 in Geneva. The International Trademark Registration through Madrid System is attained with the assistance of WIPO. The database also helps in the searching of the trademark from the records available globally which ultimately assists for designing of the trademark by the applicant before applying.

#### WIPO IP Statistics Data Center<sup>6</sup>

This is one of the online services provided by WIPO, in order to have an idea about the various intellectual property rights registered or applied for that particular year country wise. This enables to know the progress of the country in the trading. The data is collected from the national IP offices through questionnaires and is presented in the data base for accessibility. The data also includes the International filings.

The data for the first four mentioned indicators in Fig. 1, are available from the year 1980 where as for the systems the data included from the year 2004. The data for the system type of indicators can be yearly/quarterly and monthly. The data from the earlier years can be collected from the historical data available in the data base of WIPO. The data is sorted out for different reporting types, such as:

- Total count by filing office
- Resident and non-resident count by filing office
- Total count by applicant's origin

- Resident and abroad count by applicant's origin
- Count by filing office and by applicant's origin

The data also includes the individual country profiles containing all the statistical data related to Intellectual Property Rights.

#### Trademark as the Key Indicator

As the emphasis is on the trademark, the IP statistical data base is highlighted for the trademarks. After the selection of 'trademark' as the key indicator, it has to be followed by selection of the indicator, report type, year, office or origin as per the requirement of the data. The search gives the results that can be captured graphically for easy analysis.<sup>7</sup> The six major trading countries were considered, which marked their importance globally in the market for the goods falling under Class 5 of Nice Classification.<sup>8</sup> The countries with the office code, namely Australia (AU), China (HK), European Union (EM), India (IN), United Kingdom (GB) and United States of America (US) are taken for review and their data was analysed comparatively (Table 1 and Fig. 2).

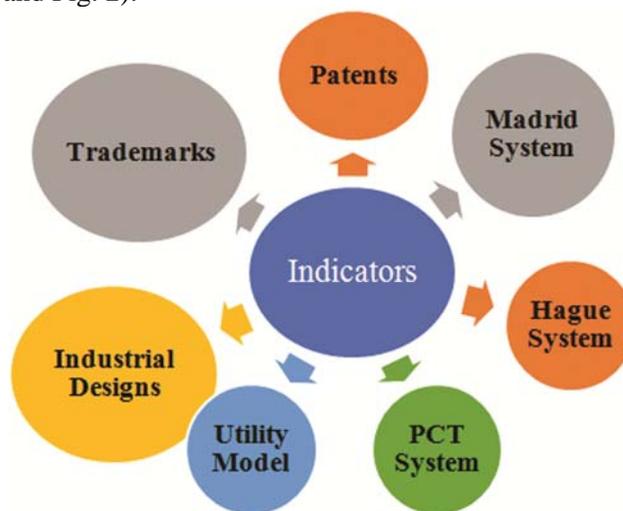


Fig. 1 — The indicators for which data is available in the WIPO IP statistical data base.

Table 1—Total trademark applications (Direct and *via* Madrid System) counted by the office of filing from the year 1980 to 2016

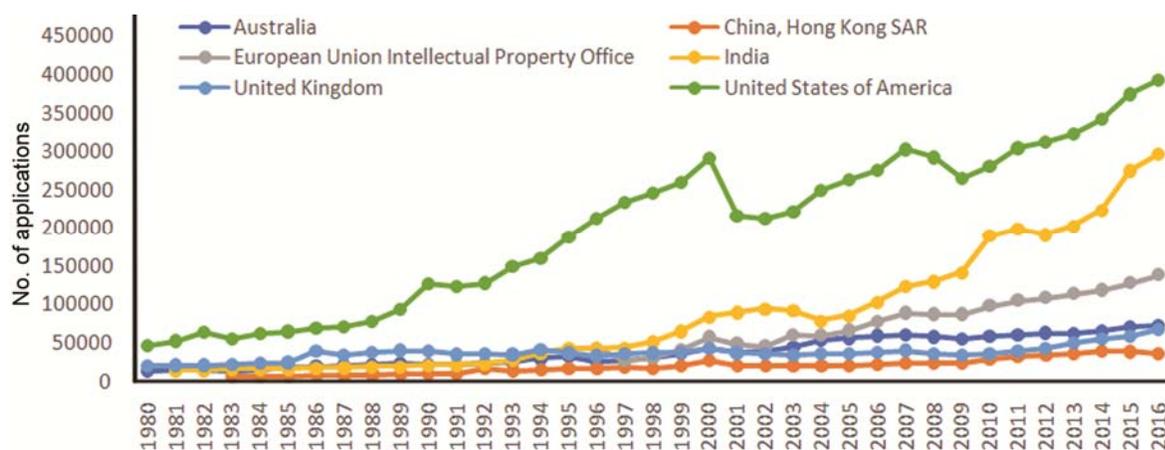
Year	Australia	China, HK SAR	EU IPO	India	UK	USA
1980	13567	-	-	-	20102	46837
1981	14929	-	-	14397	20881	52509
1982	15737	-	-	14691	20631	63745

(Contd.)

Table 1—Total trademark applications (Direct and *via* Madrid System) counted by the office of filing from the year 1980 to 2016

(Contd.)

Year	Australia	China, HK SAR	EU IPO	India	UK	USA
1983	13818	6374	-	15870	22100	55545
1984	15415	6409	-	16306	22796	62600
1985	18459	6966	-	15914	24323	65100
1986	19194	7686	-	17810	39153	69253
1987	21150	8510	-	18227	33399	71292
1988	22256	8956	-	19582	38006	78345
1989	23821	10255	-	18846	40052	94401
1990	22015	10530	-	20681	39632	127346
1991	21810	9900	-	21994	34983	123319
1992	23460	16456	-	22982	35968	127837
1993	26126	14284	-	27485	34764	150419
1994	30051	15389	-	37097	41044	161055
1995	32382	16463	-	42723	36743	188850
1996	24926	16289	43144	43234	33046	212510
1997	26997	18295	27280	43302	35944	234610
1998	30171	17631	31572	51704	36748	246611
1999	36733	19885	41242	65730	37940	260761
2000	42890	28114	57324	84275	42550	292464
2001	37841	20945	48849	90236	36691	216311
2002	39595	20446	45098	94120	35306	212638
2003	44202	20369	60372	92251	34194	221739
2004	53280	19940	59716	78996	36192	250366
2005	55906	20877	66398	85669	35500	263677
2006	59280	22994	78029	103421	38056	276110
2007	60316	23529	88875	123514	40044	303501
2008	57841	24230	87101	130172	35091	292726
2009	55649	24754	87334	141943	33846	265943
2010	58913	28872	98616	189926	36255	281461
2011	60613	32542	105332	198547	39113	305209
2012	62759	35530	108876	190851	42912	313324
2013	61729	37092	113928	202818	50004	323338
2014	64651	40063	118976	223754	54794	342573
2015	70756	39179	127887	274817	57885	374964
2016	72301	36181	138520	296302	67035	393210

Fig. 2— Total trademark applications counted by the filing office (Direct and *via* Madrid System)

The above data clearly shows the progress of each country in applying the trademark for registration from 1980 to 2016. United States of America tops of all the countries followed by India, EU IPO, Australia, UK and China.

Fig. 3 to Fig. 8 defines the trademark applications filed from the filing office along with the applicant's origin, that accounts for the actual IP relations among the countries. The main difference between the filing office and the count by the office and by

origin is that the count by filing office includes the counting multiple times based on the members of that region where as the count by filing office and applicant's origin is the actual count eliminating the multiple counts. The data not included in the table, may be missing or nil. It has not reached the data base.

The Table 2 and Fig. 9 show the increase in the trademark registrations year after year from the year 1980 to 2016.

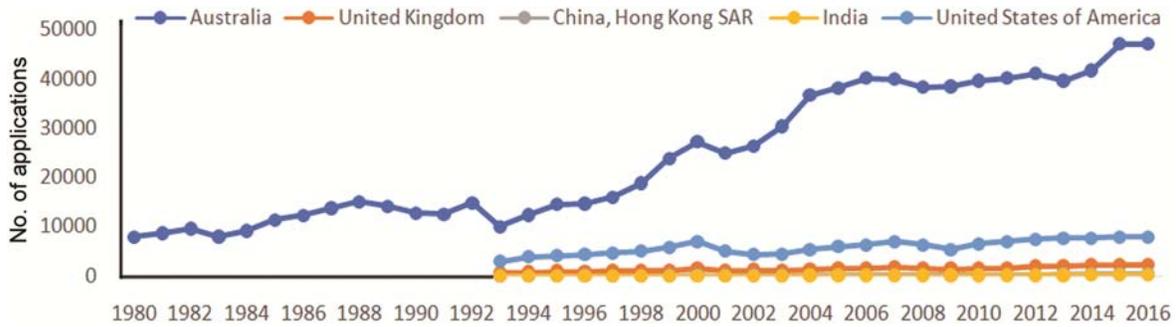


Fig. 3 — Total trademark applications count by Australia filing office & applicant's origin



Fig.4 — Total trademark application count by China filing office & applicant's origin

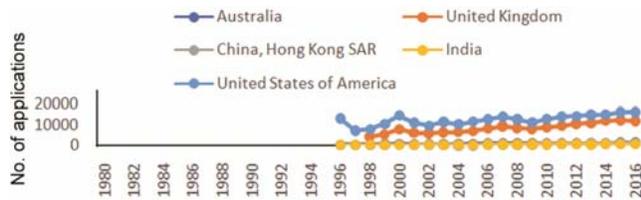


Fig. 5 — Total trademark application count by India filing office & applicant's origin

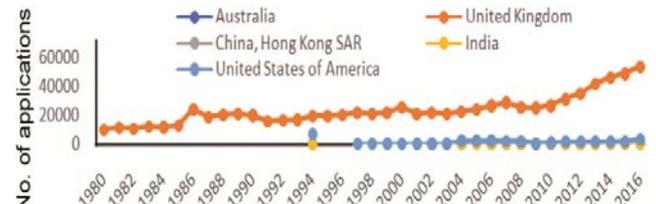


Fig. 6 — Total trademark application count by United Kingdom filing office & applicant's origin

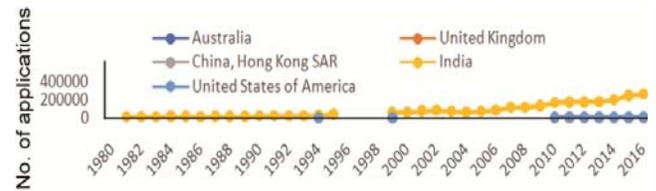


Fig. 7— Total trademark application count by EU IPO & applicant's origin

Table 2— Total trademark registrations counted by the filing office (Direct & via Madrid System) from 1980 to 2016

Office/ Year	Australia	China, HK SAR	EU IPO	India	UK	USA
1980	4583	-	-	-	6708	18885
1981	5776	-	-	3090	9542	42702
1982	5955	-	-	3230	13134	42444
1983	6643	2820	-	3900	11925	46752
1984	6826	2700	-	2240	16083	55499
1985	5523	2780	-	1870	16154	65800
1986	5304	3120	-	2965	17089	52648

(Contd.)

Table 2— Total trademark registrations counted by the filing office (Direct & *via* Madrid System) from 1980 to 2016 (Contd.)

Office/ Year	Australia	China, HK SAR	EU IPO	India	UK	USA
1987	7889	3460	-	3075	14401	53533
1988	8902	4360	-	4366	14381	53229
1989	11781	4060	-	5335	22374	62483
1990	11217	4020	-	6429	28389	61343
1991	11091	4340	-	7425	30421	46647
1992	14010	5500	-	5990	35137	80173
1993	14516	5720	-	5202	32934	80614
1994	16328	8700	-	5646	28828	63903
1995	16140	10940	-	5310	33400	85557
1996	19566	11720	-	4436	42704	93714
1997	24395	12680	576	4120	32924	138155
1998	22104	13580	24247	5300	31765	129871
1999	19801	17140	34259	8010	30108	87421
2000	18295	16920	34760	14202	35950	109544
2001	30696	14219	38173	6204	35937	108839
2002	31786	16240	35896	11190	31585	146536
2003	30259	20356	34207	39762	29556	129307
2004	32906	26440	34588	45015	29865	120307
2005	38926	19686	66034	184325	31149	133182
2006	41204	17907	66709	109361	33515	166931
2007	44770	19394	70293	100857	32544	184960
2008	47245	18408	83924	102257	39971	196915
2009	41882	22500	89044	67490	28346	190116
2010	41340	23043	103065	67812	27663	179194
2011	42719	24122	95936	142943	33302	195703
2012	44043	26383	97380	55191	36810	190937
2013	46753	31464	99584	60283	43386	197306
2014	44326	34251	104244	58789	45363	207709
2015	49968	37476	114790	69663	50557	220874
2016	50177	35504	120375	187248	55307	234256

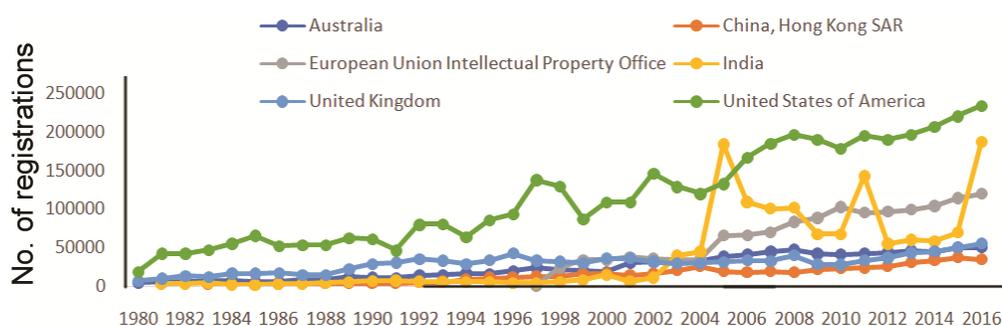


Fig.9 — Total trademark registrations counted from 1980 -2016 by filing office

The country wise profiles show country's statistical data along with the population, GDP etc (Fig. 10 -15). IP filings year wise for the various indicators are also included.<sup>9</sup>

### Australia

Total trademark filings for the year 2016 are 209,640. Out of which, total number of classes in the

trademark applications are 81,399 (resident), 53,674 (non-resident) and 128,241(abroad) and the total classes mentioned in trademark registrations constitute 50,695 (resident), 46,965 (non-resident) and abroad (105,490). Multiple class filing in the single application can be done in this country. In 2017, a total of 139,739 classes for 76,594 applications were filed.<sup>10,11</sup>

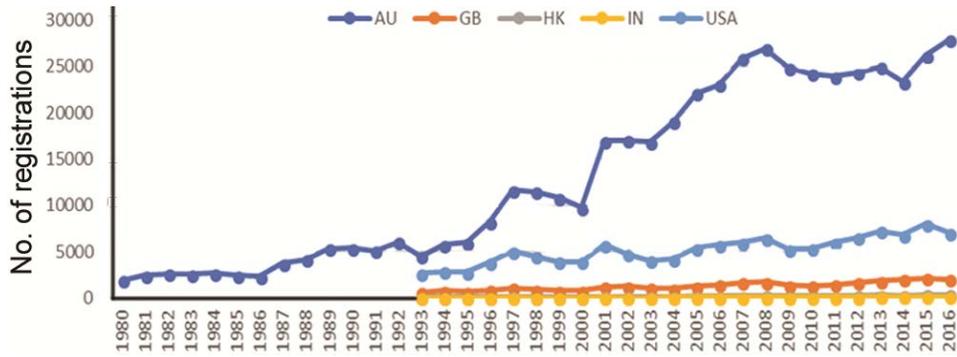


Fig. 10 — Total trademark registrations counted by Australia filing office & applicant's origin

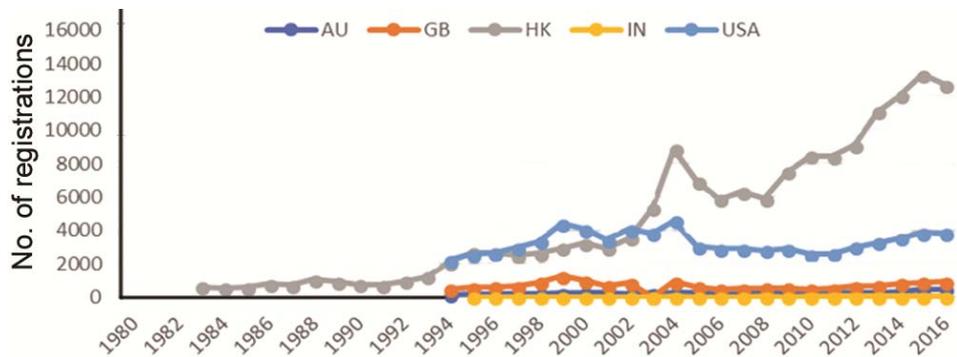


Fig. 11— Total trademark registrations by counted by China filing & applicant's origin

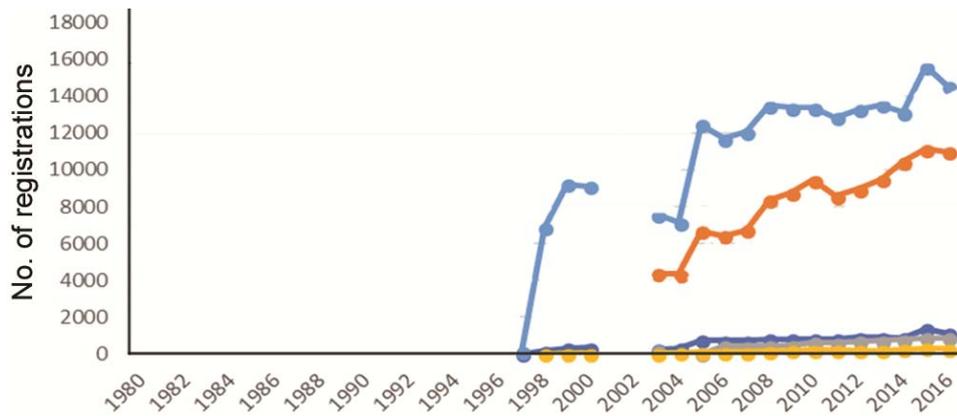


Fig. 12 — Total trademark registrations counted by EU IPO & applicant's origin

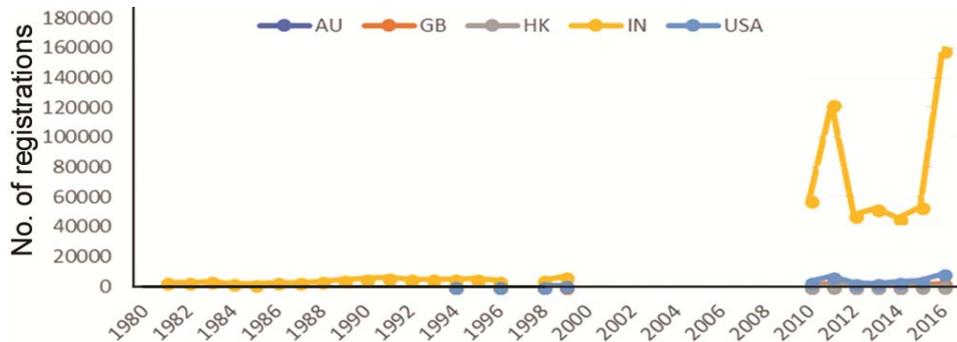


Fig. 13 — Total trademark registrations counted by India filing office & applicant's origin

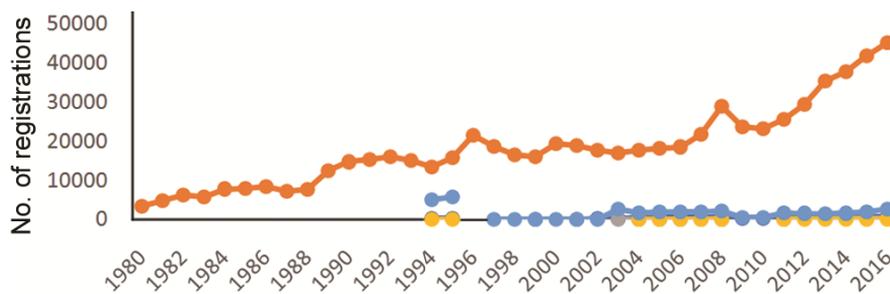


Fig. 14 — Total registrations counted by filing office United Kingdom & applicant's origin

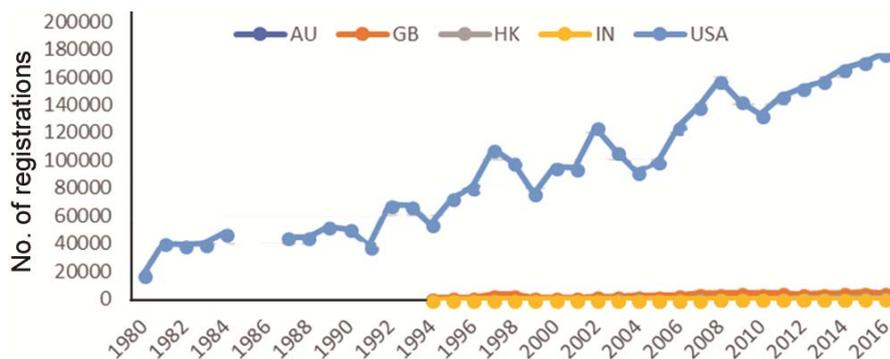


Fig. 15 — Total registrations counted by filing office United States of America & applicant's origin

### China

In 2016, a total of 4,199,467 trademark filings are recorded. Among these comprises the following number of classes in the trademark application - 3,526,953 were of resident and 170,963 of non-resident and 672,514 are from abroad. The number of classes in the trademark registration encompasses 2,119,151 (resident), 151,659 (non-resident) and 501,480 (abroad).<sup>12</sup> China stood as the top in trademark, patent and design filings in 2016 with the rapid growth of 16.4% in case of trademark filing which made it to reach up to 7 million covering about 9.77 million classes, as per the WIPO press releases-2017.<sup>13</sup>

### India

The total trademark filings in India are 294,598. Of which number of classes include 264,662 (resident), 48,961 (non-resident) and 29,936 (abroad) in the applications where as the number of classes in the registrations include 158,415 (resident), 43,573 (non-resident) and 24,382 (abroad) for the year 2016.<sup>14</sup>

### United Kingdom

1,223,673 are the total trademark filing for the year 2016. The total number of classes in the applications

in the year 2016 include 150,587 (resident), 27,425 (non-resident) and 1,073,086 (abroad) and the classes in the trademark registration includes 131,965 (resident), 20,624 (non-resident) and 1,023,482 (abroad).<sup>15</sup>

### United States of America

The trademark related IP filings for the year 2016 counted to be 1,611,311. The number of classes in the applications filed include 388,504 (resident), 157,083 (non-resident) and 1,222,807 (abroad) and the classes in the registrations constitute 221,500 (resident), 104,981 (non-resident) and 1,088,750 (abroad).<sup>16</sup>

The statistical data for the year 2017 is under the process of compilation and the WIPO invites all the countries for the submission of the data for the calendar year in the annual meeting. The number of the trademark applications boosted up to three folds from the year 2001. China topped of all, followed by USA, Japan, EU IPO and India, in case of annual growth rate regarding the filings.<sup>13</sup>

### Statistical Data for Class 5 of Nice Classification

The Class 5 of the nice classification includes the pharmaceutical products and the other medical or veterinary preparations<sup>17</sup>. The manufacturing as well as trading of the Class 5 drugs increased enormously

as the medications became part of the life. Thus, there is increase in the trademark filings to avoid misconception about the products manufactured. In 2016, the total trademark registrations (direct and *via* Madrid system) counted by filing office under Class 5 are 3845 (Australia), 11398 (EU IPO), 2745 (UK), 3401 (China), 25936 (India) and 9360 (USA).<sup>7</sup>

### Conclusion

Trademark is considered to have a peculiar notion among the consumers, about the products manufactured under it. In order to maintain the standards of quality, safety and efficacy in the global market, there exist always a struggle among the manufactures. The trading is effective once the consumer gets satisfied with the product. Trademark registration helps for identification of goods of particular manufacturer. In recent times, the importance of trademark registration is shooting up, for the product to get into the trade and their IP statues. All over the world, there is upsurge in the awareness for registering a trademark. WIPO is striving hard to cooperate for assessing the data related to intellectual property rights. The statistical data pertaining to the trademark for the selected countries related to the reporting types, was analysed. The data and the graphs show the progress of the country in that particular year. The trademark applications filed and registrations done from the year 1980 to 2016 was collected and reviewed. It was found that the count show gradual increase yearly.

Though, all the statistical data of the WIPO are collected from the national IP offices of individual participating countries and it was found to be inaccurate in the count which causes misperception in the statistical analysis. There is mismatching in country wise profiles in the WIPO statistics from individual country IP status of trademark registration. Hence, the regulatory authorities of individual countries and international authorities can formulate standard guidelines for trademark registration and their updates, which avoids the misbranding, spurious and adulteration, including the goods of Class 5.

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