The Value of Trademarks

Protecting trademarks as a legal profession

As consumers, we interact with thousands of brand names, logos and slogans of various products and services every day. Yet most of us are unaware of the essential role trademarks play in our daily lives: trademarks enable consumers to make quick, confident and safe purchasing decisions; promote freedom of choice and encourage vibrant competition.

A joint study in 2013 by the Office for Harmonisation in the Internal Market (where the EU-wide Community Trade Mark and Registered Community Design are registered) and the European Patent Office found that approximately 50% of industries in the EU are IP-intensive (industries with an above-average use of IP rights per employee). These industries account for almost 39% of GDP in the EU, worth €4.7 trillion, and directly support 26% (56 million) of all jobs. Moreover, trademark-intensive industries are responsible for the highest shares of both employment and GDP contribution.

Counterfeiting is among the most serious issues that negatively impact trademarks. In a July 2014 report, the European Commission found that nearly 36 million counterfeit goods—at an estimated value of over €768 million—were seized at the EU borders in 2013. The top categories of goods detained were clothing (12%) and medicines (10%), followed by insecticides, polish, lamps, glue, batteries and washing powder. Counterfeiting affects all sectors and many fakes pose serious consumer health and safety threats.

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The world of trademarks is very dynamic, crossing across disciplines such as business, branding and marketing. While the body of trademark law is broad and strong, it is still growing and can be hotly debated, as demonstrated by the recent trademark applications on “Je Suis Charlie.”

The International Trademark Association (INTA) supports trademarks and related intellectual property rights in order to protect consumers and promote fair and effective commerce. INTA is also a community (of over 30,000 trademark lawyers in 190 countries!) and a leading authority in the trademark industry. INTA appreciates that ELSA dedicated its 2008-2011 International Focus Programme to Intellectual Property Law, which marked the start of our cooperation. This cooperation makes it possible for ELSA members to get a taste of trademark law via study visits, delegations and other joint activities—and which we hope to continue for years to come.

For more information, visit www.inta.org.