

“GREEN” MARKS CONTINUE TO BE POPULAR

By Alex Butterman

While trademark application filings in the U.S. Patent and Trademark Office (USPTO) have decreased significantly this year as a result of the economic downturn, U.S. applications for environmentally friendly themed marks, i.e. marks featuring the terms GREEN, ECO- (prefix), ENVIRO- (prefix) and CLEAN, continue to be popular and crowd the trademark office. Marks containing the word GREEN increased 32% in 2008 (to more than 3,200 application filings), ECO-prefix marks were up 86% (with 1,700+ application filings), while applications for more than 500 ENVIRO-marks were filed, representing a 22% jump. The word CLEAN suggesting environmental friendliness was a popular buzzword, increasing 30% from the year before to appear in over 1000 marks.*

When deciding to adopt a “green mark,” one must ensure that its use on the products or services is accurate and not misleading or not construed as an environmental claim. The U.S. Federal Trade Commission has pursued false and misleading advertising claims in this regard.

* Adopted from Glenn A. Gundersen, “Hard Times for Trademarks: Filings plunge, TTAB docket shrinks,” *2009 Dechert LLP Annual Report on Trends in Trademarks*