?Trade Mark Cluttering?: an exploratory report

Last April, the UK Intellectual Property Office (UKIPO) issued the results of a commissioned research exploring the problem of trademark ?cluttering?, meaning a dense set of similar trademarks registered by a firm and which are overly broad or unused (what has been compared to so called ?patent thickets?). According to the report, this would cause an increase in search and registration costs for later applicants, and also provides a motive to bring invalidity and opposition proceedings. Moreover, it may also inhibit the entry of new competitors on the market.

However, this exploratory analysis does not provide strong evidence that cluttering has already become a systemic problem for trademark systems, comparable to the effect of patent thickets for patent systems.

The report consists of two parts:

- The first presents a conceptual discussion of ?cluttering? of trade mark registers.
- The second part provides an exploratory empirical analysis of trade mark applications at the UK Intellectual Property Office (IPO) and the European trade mark office (OHIM).

To read the full report, please click here.

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