Title: Wordless figurative trade mark applications

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Information request:

I would like to know the number of wordless figurative trade mark applications that have been filed, and registered, in the United Kingdom.

I know from your statistics the number of figurative trade marks that have been filed. However, are you able to ascertain the number of trade marks that are pure image marks (without text or words)?

Information released:

Please find attached a breakdown of filings and registrations for years 2014-16 according to whether they were word marks and also broken down by the type of mark – e.g. colour, hologram etc.

There are a number of caveats we need to bring to your attention.

1. We no longer have categories such as 'word only', 'device and word', 'device only' etc. We still retain 'word only' but the term 'figurative' now includes the old 'device only' marks and also 'device and word' marks. The same is true of other types such as 3-D marks – some may have wording, some may not. The only way we can identify marks without a word element at all is to search for mark text in the denomination field. However, due to variances in the way in which data has been captured over the years, some denomination fields have NULL recorded whereas others have blank characters recorded. This makes it very difficult to be exact over the breakdown of these counts.

2. In respect of filings for each year, not all will be registered and, as series of marks are allowed, it is possible that some applications may have been filed with more than one application type – e.g. the first mark may have been the word only version, the second the word mark in stylised form, the third the word with a device element and the fourth a device element only. Whilst these marks would not be a series, we would only correct the data and limit the marks should they proceed to publication – if some are still awaiting resolution or if we have refused or withdrawn them, they may still be recorded on the system incorrectly.

3. In a similar way, for filings, we can only record one application type for each case so if, for example, a series of marks is filed we would have put down a single mark type that would allow us to record all the marks until the examination process resolves which, if any marks proceed. This might mean that a figurative mark with no word element is filed alongside a word only mark. Either of these cases may be acceptable individually but not in one application and although it may be recorded at the time of filing as a figurative mark, the applicant may choose to proceed for the word only version.

4. We can only tell you what the current mark type of each case is at this point in time. If any of these cases have changed from figurative to word only during the examination process, whilst we could review the history of the case, the decision to proceed with one out of two or three marks by the applicant does not necessarily mean that the original type of application that we recorded was incorrect.
5. Also, due to system limitations, we have not always captured mark types correctly, for example the way in which we have recorded colour and hologram marks historically has not always been consistent and breakdowns of these types of marks are not as accurate as we would wish.

I am sorry that this is very long winded but what appears to be a straightforward question is not easy to answer. This is, I believe, the best we can do within the limitations of the system and the quality of some of our data.