

The Growth of “Green” Trademarks

The term GREEN suddenly seems to be everywhere, and yet a precise definition of what constitutes a GREEN product or service is not easily found. In the 1970s, political groups used GREEN primarily as a symbol of environmental protection and social justice, i.e. the “Green Movement.” Today, the meaning of GREEN is expanding and used in connection with a variety of products and services in the marketplace.

The Clean Energy Patent Growth Index (CEPGI) of Heslin Rothenberg Farley & Mesiti P.C. tracks the granting of patents by the United States Patent and Trademark (USPTO) in the clean energy sector. As of the third quarter of 2007, the CEPGI indicated a generally upward trend in clean technology patents over the last five years. In another area of intellectual property, the growth of GREEN trademarks can provide us with further insight into the cleantech marketplace.

“Green Energy” is considered energy that is renewable, more efficient or environmentally friendly. “Green Power” is electricity supplied in whole or in part from renewable energy sources, such as wind and solar power, geothermal, hydropower, and various forms of biomass. In the U.S., however, there currently are no agreed-upon industry standards or restrictions regarding what GREEN actually means in connection with energy and energy technologies. Unlike the word ORGANIC, which has been regulated by the National Organic Standards Board since 2002, there are no guidelines regarding who can claim to be GREEN.

However, there is a general idea in the marketplace regarding what GREEN should mean, and its use is surely indicative of current trends in the economy. A trademark search on the USPTO website for trademark applications filed, by year, that incorporate GREEN in connection with energy related goods/services is telling. These filings were compared with



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a search for CLEAN and RENEWABLE in connection with similar goods/services. While trademark applications for CLEAN and RENEWABLE slightly increased over the past five years, a distinct spike was seen in applications incorporating GREEN. Specifically, GREEN applications were 3.5 times greater in 2007 than in 2006, and increased ten fold since 2004. The total number of applications since 1990 incorporating GREEN in connection with energy related goods/services exceeds the combined filings for CLEAN and RENEWABLE. Whether the substantial spike in the occurrence of GREEN as a trademark can manage to sustain itself in the marketplace remains to be seen. However, if it is any indication, USPTO trademark filings that include ORGANIC have yet to slow down despite the newly imposed standards.

Although not as sophisticated as the CEPGI, the above analysis furthers the conclusion that, in the face of an increasing concern over energy costs, resource shortages, and global environmental concerns, not only are technological innovations occurring in the clean technology sector, but financial investments, business ventures, and marketing efforts are being made as well. Further details regarding the above search results are available at www.cleanenergypatent-growthindex.com.