

## Covid-19 Impact on Trademarks

Having affected the whole world, Covid 19 pandemic also had an impact on trademark law as the other areas of law. When considered in detail, it can be seen that trademark law is affected in various aspects by the Covid 19 pandemic.

As a matter of fact, one of the most apparent examples of this impact is that the number of trademark applications related to the Covid 19 period has risen, although the number of trademark applications in total has decreased. Worldwide known trademarks have changed their trademarks during this pandemic period, aiming to show their customers their awareness and sensitivity regarding this period.

### The Impact of The Period on Trademark Applications

It can be seen that during the Covid 19 period, the number of trademark applications has declined in Turkey. The reason for this decline is the economically unstable situation in which the main actors of the trademark applications that are the companies from various sectors were during the period rather than the technical impossibilities. After all, the trademark applications can be made online.

It can be seen that the number of trademark applications has decreased, when the official statistics are observed. The figures had increased respectively by 32.5% and 26.4% in January and February 2020 compared to the same months in 2019. On the other hand, according to the official statistics of Turkish Patent and Trademark Office (“Office”)<sup>1</sup>, the numbers of trademark applications in March 2020, when the first Covid 19 case was detected in Turkey, has decreased by 3.6% compared to the figures in March 2019. The most dramatical decrease in the number of trademark applications occurred in April when Covid 19 had more impact in Turkey. There has been a decrease by 25.8% in April 2020 compared to the same month in 2019.

On the other hand, with the introduction of the ‘new normal’ notion and the decreasing impact of Covid 19 compared to April, in May the decrease in the trademark applications has regressed. In June, when many of the restrictions in effect were terminated and the ‘new normal’ was implemented, an increase beyond expected occurred and the number of trademark applications increased by 147% compared to the same month of the previous year.

Months	Total Number of Office Trademark Applications		
	2019	2020	Increase Rate
January	8235	10916	32.6%
February	9261	11705	26.4%
March	10650	10267	-3.6%
April	9685	7181	-25.9%
May	9500	8867	-6.7%
June	6196	15305	147.0%

Table 1.1

When the statistics of European Union Intellectual Property Office (“EUIPO”) are observed, it can be seen that the period has been relatively stable in Europe. Indeed, there has neither been an integral

<sup>1</sup> <https://www.turkpatent.gov.tr/TURKPATENT/statistics/> access to website: 03.07.2020.

<sup>2</sup> EUIPO Statistics in European Union Trade Marks 1996-01 to 2020-5 Evolution

increase nor a decrease in the trademark applications during this period. According to the data, likewise in Turkey, the highest rate of decrease has occurred in March and April and there has been an increase beginning to be apparent in May. In June, there was an increase in the number of trademark applications compared to the same month of the previous year.

Months	Total Number of EUIPO Trademarks Applications	
	2019	2020
January	13466	13058
February	12981	13332
March	14256	13190
April	14004	13000
May	14184	13735
June	12300	15121

**Table 1.2**

Within this frame, we can state that the figures in Turkey has recovered after the dramatic decrease in April but the whole period was experienced a more stable way in terms of the applications before EUIPO.

#### **Trademark Applications Related to the Covid 19 Period**

With Covid 19 pandemic, phrases like “Koronavirus” (*Coronavirus*), “Korona” (*Corona*), “Sosyal Mesafe” (*Social Distancing*), “Evde Kal” (*Stay at Home*) has become a part of our daily lives. This has also affected the trademark applications. Hence, we can find the phrases that are related to the pandemic like “Covid-19”, “Coronavirüs”, “Koronavirüs” “Sosyal Mesafe”, “Covid”, “Korona” etc. as a part of the trademark applications since the beginning of the year 2020.

It has been detected in the research made on the trademark records of the Office that some of the trademark applications have been rejected after the first examination and the registration process of some of them still go on.

It can be stated that the Office rejects the trademark applications with the phrases “Covid-19”, “Korona” and “Corona” when they are applied for the classes 03, 05, 09 and 10 which include cleaning, health, medical and protective materials in general, except when they have an additional distinctive device or



phrase. For instance, it has been decided for the trademark application “ ” numbered 2020/32607 that the registration process continue for the classes 03 and 05. On the other hand, the trademark application “**Korona**” numbered 2020/38152 has been rejected for the class 03. Likewise, the trademark application for “**Coronagel**” numbered 2020/10514 has been rejected after the first examination for the class 05 including “*Disinfectants, antiseptics (microbe killers), detergents for medical purposes, medicated soap, disinfecting soap, antibacterial hand lotions.*”; On the other hand, it can be seen that the trademark application for “**Hyper Corona**” numbered 2020/35062 has

not been rejected for the class 05 that includes the same goods and is published on the Official Trademark Bulletin.

It is also seen that Office does not generally reject the trademark applications with phrases "Covid-19", "Korona" and "Corona" for the goods and services that these phrases cannot be defined as 'descriptive'. Within this frame, it has been decided that the registration process of the trademark



applications for " " numbered 2020/45781 for class 35, "



" numbered 2020/58481 for classes 28 and 41, and "**Korona Günlerinde Aşk**" numbered 2020/35152 for classes 09 and 41 to continue. Likewise, the trademark application "**Corona**" numbered 2020/14479 for the class 13 including "*Firearms, air guns, spring arms and adapted cases and shoulder straps therefor. Heavy weapons, mortars and rockets. Fireworks. Defence gases for personal use.*" has not been rejected after the first examination and has been published on the Official Trademark Bulletin. However, the trademark application for "



" numbered 2020/34233 has been rejected for classes 01, 18 and 25.

It is seen that Office also rejects the trademark applications related to the Covid-19 period with the phrases "Sosyal Mesafe" (*Social Distancing*) and "Evde Kal" (*Stay at Home*) unless they have distinctive devices or phrases. Within this frame, the trademark applications "**Sosyal Mesafe**"



numbered 2020/38434 for class 35, 41, 42 and 44, "



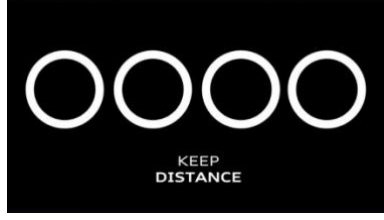
for classes 25 and 35, "**Evdekal**" numbered 2020/36708 for class 35, "



2020/42290 for class 42, " " numbered 2020/42290 for class 30 have been rejected by the Office. On the other hand, the trademark application "**Tadelle Evde Kal**" for class 30 has not been rejected after the first examination and has been published on the Official Trademark Bulletin.

### The Approach of Existing Trademarks to the Covid-19 Period

Existing trademarks have tried to cope with the Covid-19 period with various approaches. Worldwide known trademarks have created many commercial films raising awareness about the importance of social distancing and staying home. Apart from that, the trademarks that can be called as "social distancing trademarks" have been one of the methods that the trademarks adopted.



Trademarks in Turkey have also changed their logos in this way and participated in this trend of creating “social distancing trademarks”.



As a result, the Covid 19 pandemic, which has affected the whole world, has also had impact on the trademark law in many ways as well as all areas of law. While the total number of trademark applications before the Office has decreased, the trademark applications related to the Covid-19 period including phrases like “Korona”, “Corona”, “Covid”, “Sosyal Mesafe” (*Social distancing*) and “Evde Kal” (*Stay Home*) have increased rapidly. Existing trademarks have made temporary revisions in their trademarks and slogans parallel with the Covid 19 period.

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