

The worldwide surge of trademark applications related to COVID-19

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Coronavirus and COVID-19 are words that have become part of the daily life of a large part of the world's population since the disease caused by the SARS-CoV-2 virus became a pandemic. The subject dominates in the media, among government authorities and in conversations among friends. Not surprisingly, COVID-19 has also hit Intellectual Property Offices around the world.

Recent months have seen an explosion of trademark applications related to the pandemic. These marks seek to protect all sorts of products and services, from vaccines and medications to food services; from magazines to financial services; from clothing to educational services. Just as an example, applications for **CORONAVIRUS** or **CORONA VIRUS** can be found in the U.S.A., Australia, Argentina and the European Union, and for **COVID 19** in the U.S.A, Germany, Portugal, and Spain. In Brazil, one applicant seeks to register **CORONAVÍRUS** for, among other services, the "sale of pharmaceutical preparations".

In many of the cases cited above, discussions regarding trademark exclusivity are likely to occur. The question will be this: can this person/business hold exclusive rights over CORONAVIRUS or COVID 19 for the products or services claimed? The same questions can arise in connection with trademarks in which the terms CORONAVIRUS or COVID are used to describe the coverage of the mark, as in applications to register **CORONAVIRUS TAX AMNESTY PROGRAM**, **COVID-VENTURES** and **COVID CARE** in the U.S.A.

Various trademarks applied for around the world seek to transmit a positive message to consumers, like **I WILL SURVIVE COVID-19** in Benelux and **CORONAVIRUS 2020 PANDEMIC SURVIVOR**, **I SURVIVED CORONAVIRUS** and **I BEAT THE CORONAVIRUS** in the U.S.A. Others relate the pandemic to political factors, like **COVID-19 TAKES DOWN COFFEE** and **COVID PRO QUO** in the U.S.A., both alluding to recent events involving the president of that country.

At the other extreme are applications for trademarks that can be considered to be in "poor taste" or "insensitive", in light of the effects of the pandemic globally. For example: **COVID-19**, **CORONAVIRUS: MADE IN CHINA**, **COVID-19 INFECTED**, **CORONABABY**, **COVID-19 BABY**, **COVID KID**, **CLASS OF COVID-19**, **PLEASE, VIRUSES** and **WARNING MY RIDE IS SICKER THAN THE CORONAVIRUS** in the U.S.A. and, in China, **HUOSHENSHAN** and **LEISHENSHAN** (the names of the hospitals built in record time to fight Covid-19 in the city of Wuhan) and **LI WENLIANG** (the name of the Chinese physician who first warned the authorities about Covid-19). The Chinese Trademark Office has already denied applications to register these marks on the grounds that they are offensive.

This text belongs to BMA's Newsletter called: "**COVID-19 and its impacts on**

Intellectual Property and Data Protection".

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