

Title – Food Tech Trademarks: A Global Perspective

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Introduction:

As today's society continues to increase its consumption of alternative (“alt”) animal products, the number of food tech entities entering this market continues to grow. As these entrants continue to expand their respective patent portfolios,¹ so do they focus on registering trademarks for both their company names and for their alt-animal products in multiple countries.

Under the Paris Convention for the Protection of Industrial Property (“the Paris Convention”), certain intellectual property – including trademarks – can be registered in any of its 179 contracting member countries based on a registration in the mark owner's home country.² In 2022, three of the top six countries leading in worldwide meat substitute revenue include the U.S., the U.K., and Germany.³ In the following sections, we list registered trademarks associated with three of the largest global alt-animal companies—Impossible Foods, Beyond Meat, and Eat Just—where they filed their trademarks, and under which classes they registered their trademarks.

Impossible Foods:

According to WIPO's global brand database, Impossible Foods, Inc. (“Impossible Foods”) has 297 registered and pending trademarks. It has designated its marks for national entry in the UK, Australia, US, Brazil, New Zealand, Singapore, Ireland, Denmark, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Estonia, the EU, Spain, Finland, France, Greece, Croatia, Hungary, Italy, Lithuania, Luxembourg, Latvia, Malta, Mexico, the Netherlands, Poland, Romania, Sweden, Slovenia, Slovakia, Israel, Iceland, Philippines, Thailand, Indonesia, India, Malaysia, Switzerland, Japan, Korea, Turkey, China, Norway, Russia, Vietnam, the UAE, Morocco, Uruguay, and Colombia. 233 of its trademarks are classified in International Class 29 (meat and animal products), 74 under Class 43 (food services), 54 under Class 30 (certain beverages, pastries, sauces, and spices), 45 under Class 35 (business and advertising), 10 under Class 25 (certain apparel), four under Class 1 (compounds used in chemical processes), four in Class 5 (pharmaceutical preparations), one under Class 16 (paper items), one under Class 21 (household utensils), and one under Class 41 (education and entertainment activities).⁴

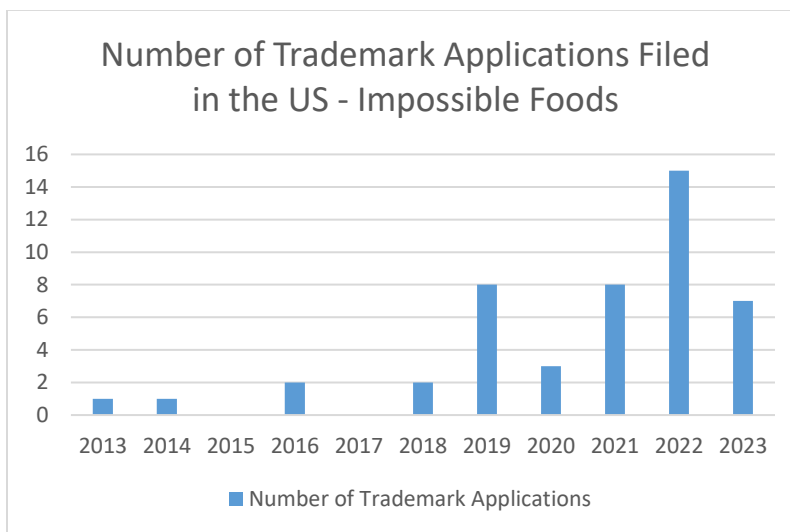
¹ For a discussion on the current Food Tech patent landscape, see Sheena X. Wang & Malissa Magiera, *Food Tech Patents: Who's on the Board and What Moves are they Making?*, 43 *Licensing J.* 5 (2023), https://www.rothwellfigg.com/media/publication/15051_Food%20Tech%20Patents_The%20Licensing%20Journal.pdf.

² *WIPO-Administered Treaties*, WIPO https://www.wipo.int/wipolex/en/treaties/ShowResults?start_year=ANY&end_year=ANY&search_what=C&code=ALL&treaty_id=2 (last visited August 8, 2023).

³ *Worldwide Meat Substitute Revenue in 2022, By Country*, STATISTA (May 2023), <https://www.statista.com/forecasts/1276534/worldwide-meat-substitute-revenue-by-country>.

⁴ For more information on Impossible Foods' WIPO trademarks, see the WIPO's Global Brand Database Search System at <https://branddb.wipo.int/en/advancedsearch>.

In the U.S., Impossible Foods currently has 29 federally registered marks and 18 pending applications.⁵ The company's first trademark application was filed in 2013, and it has filed multiple trademarks applications this year. Below is a chart showing the rise in trademark applications by Impossible Foods from the past decade:



The earliest trademark was IMPOSSIBLE, which was filed on October 25, 2013.⁶ Although a majority of the trademarks is in Class 029 for meat substitutes, in the more recent years, the company has been filing in classes such as Class 43 for take-out services and restaurants⁷ and Class 34 for concession stands and retail vending stand services,⁸ reflecting the company's ambitions to expand the business into the restaurant and vending spaces. Interestingly, the company seems to file its trademarks in one class only per application, and will file additional trademarks to cover multiple classes, potentially showing a strategic decision if there were any opposition or cancellation proceedings.

In the U.K, Impossible Foods has filed less trademark applications than it has in the U.S., for a total of 17 trademarks, but many of its trademarks claim priority to its U.S. trademarks.⁹ Impossible Food's first trademark application was filed on April 9, 2014, for the mark IMPOSSIBLE.¹⁰ Below is a chart showing the number of trademarks filed in the U.K. by year:

⁵ For more information on Impossible Foods' U.S. trademarks, see the U.S.P.T.O's Trademark Electronic Search System (TESS) at <https://tmsearch.uspto.gov>.

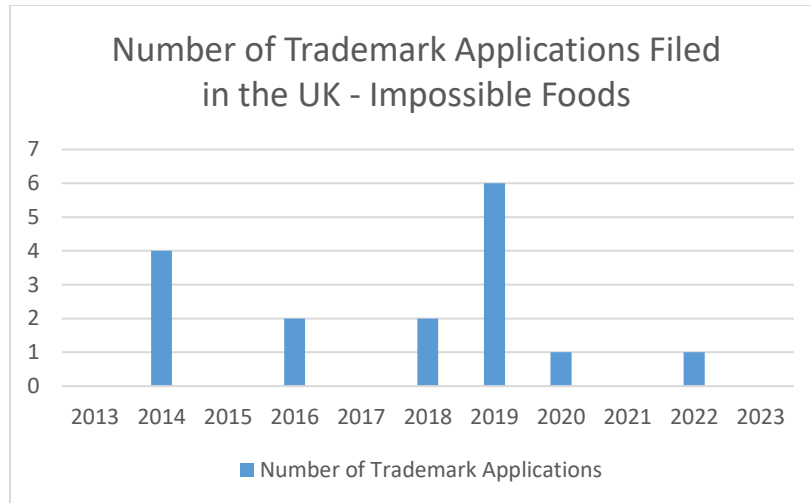
⁶ U.S. Reg. No. 5,459,255.

⁷ U.S. Serial No. 97,580,370; U.S. Serial No. 97,915,811.

⁸ U.S. Serial No. 97,580,367.

⁹ For more information on Impossible Foods' U.K. trademarks, see U.K's Intellectual Property Office Trademark Search website at <https://trademarks.ipo.gov.uk/ipo-tmowner/page/Results?Postcode=&Name=%22Impossible+Foods%22>.

¹⁰ Trademark No. UK00912775664. Note that this mark claimed priority to U.S. Serial No. 86,102,158.



As reflected by its U.S. trademarks, Impossible Foods likely has interest in expanding its business into the restaurant market based on some of the marks covering class 43.¹¹ Some of its UK marks also cover class 25, which includes a variety of clothing.¹² One of its first trademarks, IMPOSSIBLE, filed on April 9, 2014, is currently in a cancellation proceeding.¹³ Additionally, Impossible Foods has a trademark for the phrase BUTTON LIKE PROGRESS, which it filed on March 19, 2022.¹⁴ Interestingly, this trademark does not exist in the U.S. or U.K. system.

Impossible Foods's German trademark portfolio looks similar to its U.K trademark portfolio, with a total of 25 registered marks, a majority of which claim priority to U.S. marks.¹⁵ Unlike the U.S. trademarks, both the U.K. and the German applications claim multiple classes.

¹¹ Trademark Nos. UK00913462742, UK00913462809, UK00801509356, UK00801516803.

¹² Trademark Nos. UK00913462742, UK00913462809, UK00913462833, UK00913462874.

¹³ For more information, see the EUTM file information at <https://euipo.europa.eu/eSearch/#details/trademarks/012775664>.

¹⁴ German Trademark No. 1674059.

¹⁵ For more information on Impossible Foods' German trademarks, visit the DPMA register at <https://register.dpma.de/DPMAregister/marke/basis>. Note that Impossible Foods has 12 registered EU marks.



Although the U.S. and U.K. marks that claim the classes corresponding to restaurants and food services claim later in the respective portfolios, Impossible Foods’ German portfolio shows the classes claimed by certain trademarks years earlier.¹⁶

Beyond Meat:

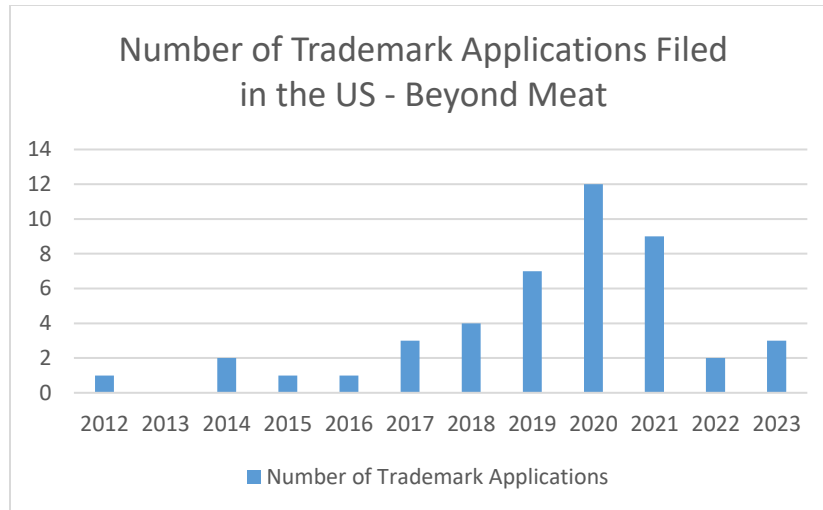
According to WIPO’s global brand database, Beyond Meat, Inc. (“Beyond Meat”), formerly named Savage River Inc. has 49 registered and pending trademarks. It has designated its marks for national entry in Indonesia, Canada, Malaysia, Uruguay, USA, Philippines, Singapore, Australia, Ukraine, Vietnam, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Estonia, the EU, Spain, Finland, France, the UK, Greece, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, Netherlands, Poland, Romania, Sweden, Slovenia, and Slovakia. 51 of its trademarks are classified under Class 29 (meat and animal products), four under Class 30 (certain beverages, pastries, sauces, and spices), two under Class 43 (food services), one under Class 31 (agricultural), one under Class 32 (beers, aerated waters and other non-alcoholic drinks), one under Class 35 (business and advertising), and one under Class 45 (legal and security services).¹⁷

Beyond Meat has 26 registered marks and 18 pending applications.¹⁸ The peak of its trademark filings thus far occurred in 2020, as shown in the chart below:

¹⁶ German Trademark Nos. 015495633, 016213514, and 017924675.

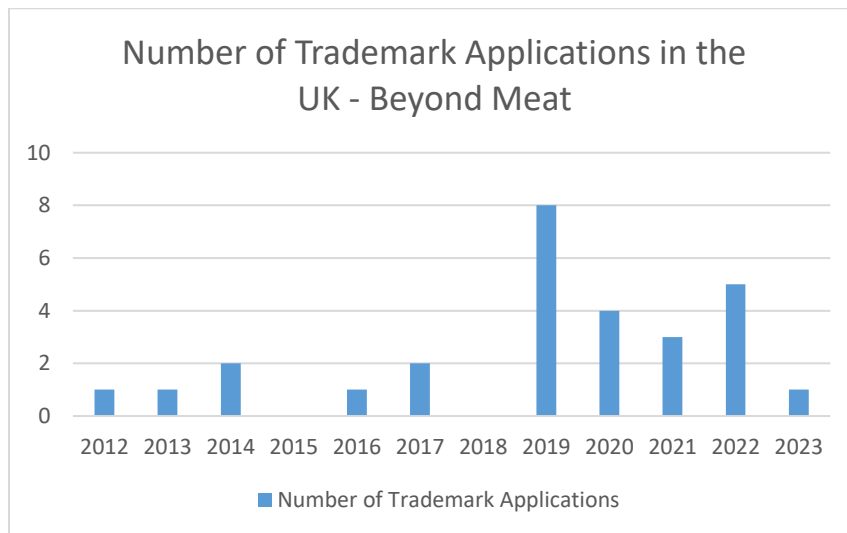
¹⁷ For more information on Beyond Meat’s WIPO trademarks, see the WIPO’s Global Brand Database Search System at <https://branddb.wipo.int/en/advancedsearch>.

¹⁸ For more information on Beyond Meat’s U.S. trademarks, see the U.S.P.T.O.’s Trademark Electronic Search System (TESS) at <https://tmsearch.uspto.gov>.



Similar to Impossible Foods, Beyond Meat’s trademarks generally claim one class, and a majority of those classes are food related. Two marks are related to clothing.¹⁹ The three most recent marks include one for BEYOND STACK BURGER²⁰ and two for BEYOND BAKES.²¹

Beyond Meat has 28 registered trademarks in the UK.²² A majority of the marks are similar or identical to the marks it filed in the US, with the exception of a few, such as the mark BEYOND SCHNITZEL.²³



¹⁹ U.S. Reg. Nos. 7,006,658 and 6,943,812.

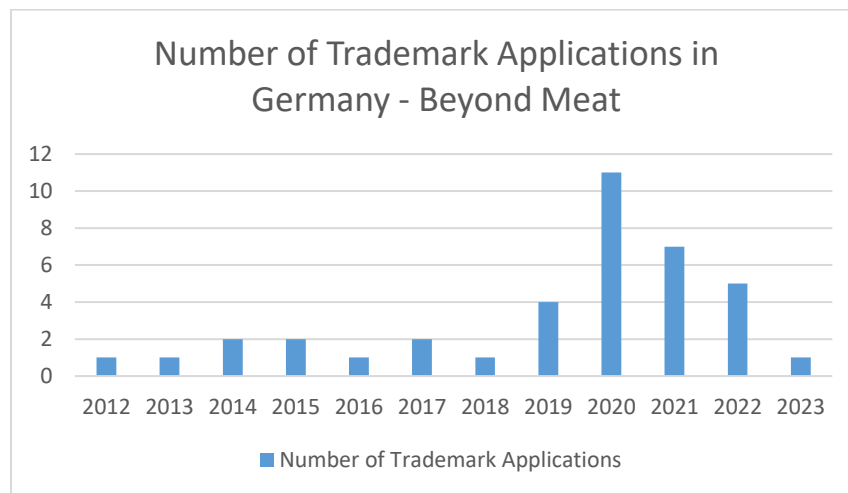
²⁰ U.S. Serial No. 97,904,256.

²¹ U.S. Serial Nos. 97,912,622 and 97,912,631.

²² For more information on Beyond Meat’s U.K. trademarks, see <https://trademarks.ipo.gov.uk/ipo-tmowner/page/Results?Postcode=&Name=%22Beyond+MEat%22>.

²³ Trademark No. UK00003661744.

In Germany, Beyond Meat has filed 38 trademark application.²⁴ Based on the chart shown below, Beyond Meat’s timing in filing its German applications looks more similar to its U.S. filings. Nonetheless, in all three countries, Beyond Meat’s peak of trademark applications occurred in 2019-2020.



However, it should be noted that Beyond Meat’s trademark application for BEYOND BACON was withdrawn.²⁵ Additionally, its figurative mark shown below is currently in a cancellation proceeding.²⁶



Eat Just:

According to WIPO’s global brand database, Eat Just, Inc. (“Eat Just”) has 41 registered and pending trademarks. It has designated its marks for national entry in Mexico, Canada, Singapore, US, Australia, Indonesia, New Zealand, Philippines, Bahrain, Malaysia, and Switzerland. Interestingly, Eat Just appears to be less focused on expanding its brand to Europe and East Asia as Beyond Meat and

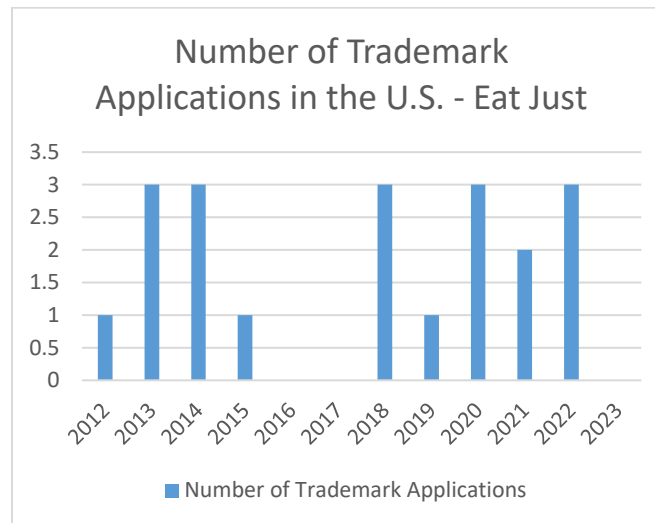
²⁴ For more information on Beyond Meat’s German trademarks, visit the DPMA register at <https://register.dpma.de/DPMAregister/marke/basis>. Note that Beyond Meat has 15 registered EU marks.

²⁵ German Trademark No. 018807180.

²⁶ German Trademark No. 018497478. For more information, see the EUIPO at <https://euipo.europa.eu/eSearch/#details/trademarks/018497478>.

Impossible Foods. Thirty-nine of its trademarks are classified under Class 29 (meat and animal products), and 15 under Class 30 (certain beverages, pastries, sauces, and spices).²⁷

Within the U.S., although Eat Just started filing its trademark applications, it has substantially less U.S. trademark applications than either Impossible Foods or Beyond Meat. Thirteen of its trademarks were, at one point, registered; it also had, at one point, seven pending applications.²⁸



Five of Eat Just’s once registered marks have been cancelled,²⁹ including its mark WHAT WOULD IT LOOK LIKE IF WE STARTED OVER, which covered Class 35 and was directed to “Promoting public awareness of food that’s healthier, sustainable and affordable.”³⁰ Additionally, five of its trademark applications have been abandoned.³¹

Eat Just has even less of a portfolio in the U.K., with a mere 13 trademarks.³² Interestingly, Eat Just’s trademark portfolio does not show a jump in the late 2010s or early 2020s, as we have seen with Impossible Foods and Beyond Meat.

²⁷ For more information on Eat Just’s WIPO trademarks, see the WIPO’s Global Brand Database Search System at <https://branddb.wipo.int/en/advancedsearch>.

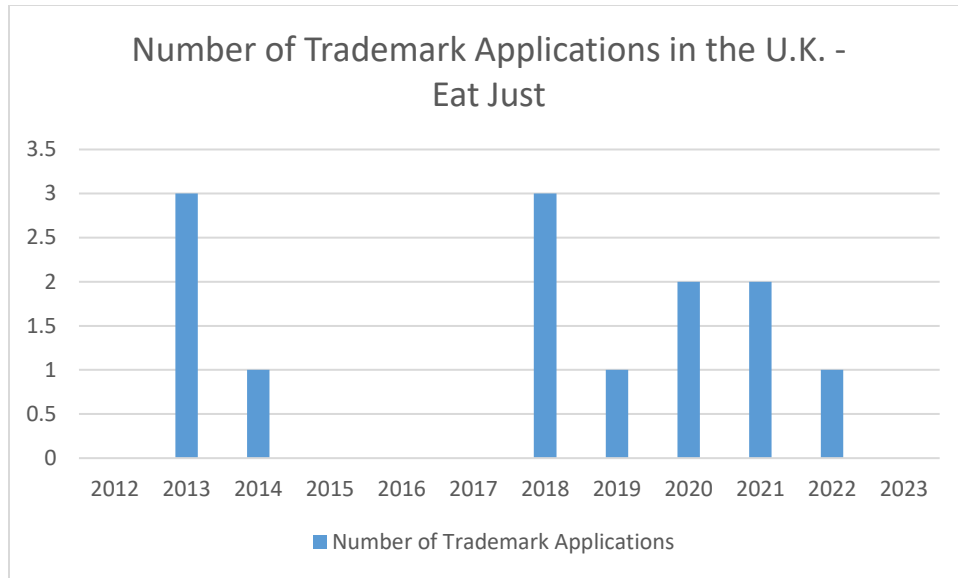
²⁸ For more information on Eat Just’s U.S. trademarks, see the U.S.P.T.O.’s Trademark Electronic Search System (TESS) at <https://tmsearch.uspto.gov>.

²⁹ U.S. Trademark Nos. 5,009,114, 4,769,129, 4,801,159, 4,778,598, and 4,580,172.

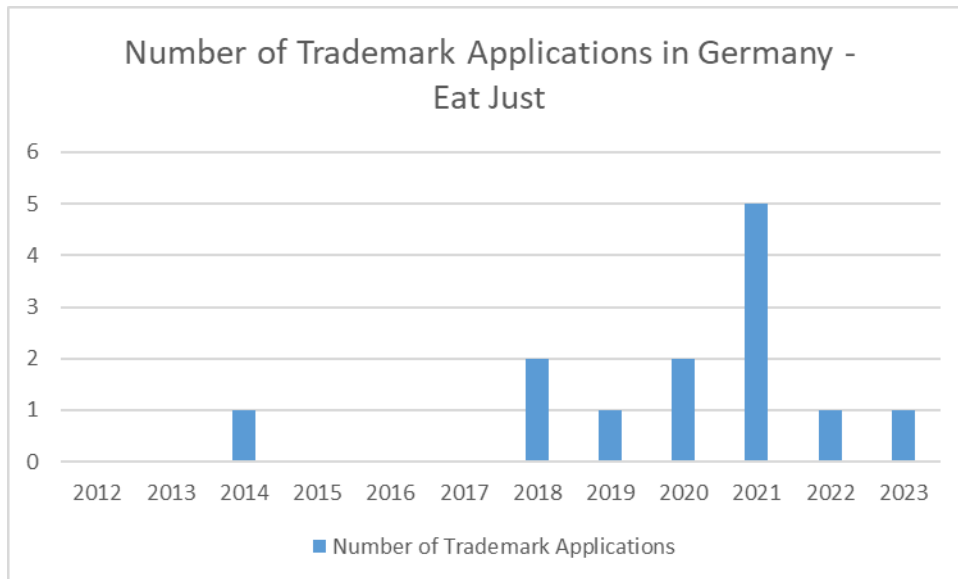
³⁰ U.S. Trademark No. 5,009,114.

³¹ U.S. Serial Nos. 90,042,360, 88,294,172, 88,781,505, 88,202,996, and 87,873,290.

³² For more information on Eat Just’s U.K. trademarks, <https://trademarks.ipo.gov.uk/ipo-tmowner/page/Results?Postcode=&Name=%22Eat+Just%22>.



Its trademark portfolio in Germany has the same amount of trademark applications as it did in the U.K.³³ However, it seems that its filing dates in Germany did look more similar to Impossible Foods’ and Beyond Meat’s timing.



Conclusion:

As the consumption of alt-animal products increases, so does the trademark portfolios of the companies that sell these products; however, not every company is filing the same amount of trademarks in every country, at the same rate, or even in the same countries. Impossible Foods’s branding strategy appear to be to apply for trademark protection around the world, including Europe, Australia, Asia, North America and South America. Beyond Meat’s branding strategy appears similar, except with less focus on East Asia, South Asia, the Middle East and South America. Eat Just, as the newest entrant, appears to be

³³ For more information on Eat Just’s German trademarks, visit the DPMA register at <https://register.dpma.de/DPMAregister/marke/basis>. Note that Eat Just has 11 registered EU marks.

concentrating its initial branding efforts in North America, Australia, Southeast Asia, and parts of Europe. These registration patterns indicate that food tech companies consider North America, Australia, and Southeast Asia to be the biggest markets for alt-animal products, followed by Europe.