



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

## Resolution of the Executive Committee, Zurich, Switzerland, 10-14 April 2016

### “Avoidance of limitations of use of trade marks and trade dress”

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Zurich, Switzerland, 10-14 April 2016, passed the following Resolution:

**Recognising** that trade marks and trade dress<sup>1</sup> are intellectual property rights (IPRs) instrumental in facilitating consumer choice by distinguishing the goods and services of different traders, in providing consumer protection and in guarding against unfair and illegitimate commercial activity, such as counterfeiting;

**Urges** legislators to respect legitimate trade mark and trade dress rights and avoid imposing limitations on the use of such IPRs based upon the type of product and/or service without demonstrating a compelling public interest to do so which outweighs the rights of owners of such IPRs; and

**Further urges** legislators, where such a compelling public interest is present to impose such limitations, to ensure that the limitations are neither disproportionate nor unreasonable.

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<sup>1</sup> Also known as get-up in some jurisdictions