



Resolution of the Executive Committee, Hangzhou, China 26-30 March 2017

“Protection of Country Names”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Hangzhou, China from 26 to 30 March 2017, passed the following Resolution:

Recognizing that trademark owners can have legitimate trademark rights in trademarks that comprise the name by which a country is known;

Noting that while no individual universal ground of refusal on the basis of a country name exists, various prohibitions prevent registration of trademarks comprising a country name including inter alia descriptiveness, lack of distinctiveness, deceptiveness, misleading or false, contrary to public policy, disparaging and adopted/used in bad faith;

Noting that some countries wish to prevent the adoption and/or use of trademarks containing or comprising:

- a) a country name;
- b) imitations of a country name and/or;
- c) variations of their country names,

absent consent by the country whose name is being adopted or used in some instances to be able to better capitalise on the country name to for example increase trade in goods and services originating within that country;

Believing that the public interest and the rights of trademark owners would be adversely affected by:

- a) an expansion of the principles of Article 6ter of the Paris Convention to include country names, imitations of country names or variations of country names and/or
- b) granting sui generis protection to country names;

Urges no change on an International level of the protection of country names; and

Further urges avoidance of the application of sui generis protection to country names, abbreviations or variations/imitations thereof.

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