

Cross-shaped mark is held to differ from Red Cross logo Switzerland - Meyerlustenberger Lachenal

Examination/opposition National procedures

February 20 2008

The Federal Administrative Court has [allowed](#) the registration of a logo consisting of a combination of acronyms in a cross shape (January 9 2008).

The Association of Swiss Elevator Companies applied for the registration of its logo (a combination of the acronyms VSA and ASA in a cross shape) with the [Federal Institute of Intellectual Property](#) (IGE). The association sought the registration of the logo both in black and white and in white on a red background. The applications covered services in Classes 35, 37, 41, and 42 of the [Nice Classification](#).

The IGE rejected the applications on the grounds that the logo violated the Federal Act on the Protection of the Name and Logo of the Red Cross 1954. The association argued that its logo differed from the [Red Cross](#) logo (a red cross on a white background) and instead suggested the shape of the Swiss cross (a white cross on a red background). Moreover, the association claimed that the two acronyms contained in the logo prevented confusion with the Red Cross logo. The IGE disagreed, holding that the application for the black and white logo would allow any variations in terms of colour. The decision of the IGE became final.

The association appealed to the Federal Administrative Court, which found in its favour. In reaching its decision, the court clarified the following points:

- The Federal Act on the Protection of Coats of Arms applies only to trademarks for goods. However, the legislature is planning to extend the protection of the act to service marks.
- The Federal Act on the Protection of Names and Logos of Organizations of the United Nations does not include the name and logo of the Red Cross.
- In order to assess the scope of the Act on the Protection of the Name and Logo of the Red Cross, the four international agreements for the protection of war victims must be considered.

The court reasoned that the statutory definition of the Red Cross logo was very specific. Therefore, the court concluded that it is possible to register a sign that is sufficiently different from the Red Cross logo and is used for services other than those rendered by the Red Cross.

The decision is significant in that it clarifies the regulations on official signs, logos and coats of arms. Moreover, the ruling should influence the practice of the IGE with regard to the registration of trademarks including parts of the Swiss cross.

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