

## A review of the enforcement of «Swissness» in 2017

Foreign products that wrongfully bear the Swiss cross are becoming rarer. Since the new “Swissness” rules entered into force on 1 January 2017, the Swiss Federal Institute of Intellectual Property (IPI) has been actively combating such misuse. Cooperation between customs, trade associations and Swiss embassies abroad is also proving to be effective, with the IPI intervening in a total of 287 cases – not only in Switzerland but also abroad.

### Companies in Switzerland reacting cooperatively to interventions by the IPI

Stopping goods at customs, initiating criminal proceedings, conducting civil proceedings – these are the new competencies that legislators have made available to the IPI in the fight against the wrongful use of designations such as “Made in Switzerland”, the Swiss cross and the Swiss coat of arms. In almost all 86 cases where the IPI sent warning letters, those Swiss companies involved responded in a cooperative manner. At the IPI’s intervention, they implemented the necessary modifications regarding the use of a “Switzerland” designation.

### “Swissness” misuse declining in China

The IPI monitors foreign trade mark registers in China, India, the USA, Germany, France, the UK, Argentina and the EU. It is systematically tackling those companies whose trade marks include the Swiss cross or the Swiss coat of arms, despite their product or service not originating in Switzerland. In 2017, the IPI took action in 201 cases abroad. To date, 96 trade marks in China have been prevented from being registered through an objection to the corresponding application. Initial success is already evident; in 2017, 34 per cent fewer trade marks with a designated origin of Switzerland were applied for in China compared to the previous year. The long-standing efforts to prevent misuse of the “Swiss” brand in China are therefore now paying off.

### Business sector and authorities have a mutual interest in enforcing the “Swissness” brand

The IPI is not alone in the fight to stop foreign products from wrongfully bearing Swiss indications of source. Trade associations as well as interested companies are connecting with the authorities to share their experiences and provide information on such wrongful use. As a result, a “Swissness” network has arisen, which will in future become more close-knit. The trade associations say the collaboration is a positive one. The CHOCOSUISSE association and the Federation of the Swiss watch industry FH, for example, have been successfully tackling the worldwide wrongful use of the designation of origin “Switzerland” on the basis of an effective industry agreement.