Trade marks

Technically, a trade mark is a protected sign which distinguishes the products or services of one business from another.

Basically, any graphic representations can be used as trade marks under the law: For example, words (e.g., Victorinox), combinations of letters (e.g., ABB), combinations of numbers (e.g., 501), graphic images (e.g., the SBB logo), three-dimensional forms (e.g., the Mercedes star), slogans (e.g., «Cats would buy Whiskas»), any combination of these elements, and a series of tones (acoustic trade marks, e.g., the Ricola jingle).

Trade mark protection derives from entering it in the trade mark register. You must indicate for which products (goods and services classes) you want to register and use the sign. As a trade mark owner you can prevent others from using an identical or similar sign for the same or similar goods and services.

Good to know

- It is often wrongly assumed that the name of a business is automatically protected as a trade mark. But a company can register its name as a trade mark and thus be protected if it meets the register conditions.

- It is not compulsory to use the ® sign in Switzerland and it makes no difference in the owner's rights. However, it can alert other people to the fact that the trade mark is registered and it can help prevent infringement cases. Using the registered trade mark sign without having actually registered the mark is an offense.

Further information

- trade marks
Resources

- www.swissreg.ch: The official publication of Swiss patents, trade marks, and designs contains information on nationally registered trade marks.

CONTINUE

Grounds for refusal