

QUESTION 59

The International Trade Mark with supranational effect

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Q59

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The international trademark with supranational effect

Resolution

The IAPIP adopts the following resolution:

The IAPIP understands an international mark with supranational effect to be a mark which:

- (a) extends to the whole of the territories of two or more States;
- (b) has a uniform effect throughout the territories of the said States;
- (c) derives such effect from an international convention and not from national law;
- (d) is administered and interpreted, at least in the last resort, by an international authority.

The IAPIP makes the following observations concerning the international mark with supranational effect (supranational mark):

1. A supranational mark can serve a useful purpose only in the territories of countries with closely tied economies.
2. The effectiveness of the supranational mark depends upon a large measure of harmonization among the laws of the member States.

3. The question whether the supranational mark should, ideally, replace national marks within the territories of the member States should be examined.

4. The resolutions heretofore adopted by the IAPIP concerning the definition of the mark, the method of acquiring trademark rights, the forfeiture of a mark on the ground of non-use and the incontestability of the mark are also in principle applicable to the supranational mark.

The IAPIP believes that it should conduct further studies of this question within the framework of specific proposals for a supranational mark.

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