

QUESTION 92 B

Protection of service marks

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Q92 B

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Protection of Service Marks

RESOLUTION

Whereas the Revision Conference of Lisbon in 1958 introduced by way of Article 6 sexies ofüba the Paris Convention the obligation of member countries to protect marks for services; and

Whereas there has been a substantial growth in service activities throughout the world; and

Whereas there is general recognition that significant economic and other benefits flow from the certainty provided by a registration system for marks used in relation to goods and no practical distinction can be drawn in respect of marks used in relation to services; and

Whereas a majority of member countries have undertaken to protect marks for services and to provide for the registration thereof; and

Whereas on the basis of the reports submitted by national groups and the Summary Report, AIPPI seeks to develop and enhance the protection of marks for services with a view to their greater acceptance and the harmonization of the laws relating thereto;

Now Therefore Be It Resolved:

- 1) That a service mark be considered as a mark used in connection with a service performed for another, distinguishing such service from services performed by others.
- 2) That the public interest would best be served by providing for registration of marks for services.
- 3) That any person or entity may be the proprietor of a mark for services including a mark relating to social or charitable services.

4) That for purposes of registration of marks for services, countries may include collective and guarantee (certification) marks.

5) That the same general principles governing the obtaining, maintaining, and protection of a mark for goods be applied to marks for services. The same general principles shall also govern in particular the relationship between marks for goods and marks for services.

6) That following the practice of a number of countries, the principle of Article 4(A) 1 of the Paris Convention granting priority rights in respect of marks for goods be applied to marks for services.

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