



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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