

QUESTION 29

Trade marks or names with extended protection

Yearbook 1960, New Series No. 10, 2nd Part, 63rd Year, page 15
24th Congress of London, May 30 - June 4, 1960

Q29

QUESTION Q29

Trade Marks or Names with Extended Protection

Resolution

The Congress

1. considering that it is desirable that certain well-known marks be protected, not only against use in respect of the products which they cover, but also against use to distinguish any product whatsoever,

and that this extended protection should be the object of a conventional provision as distinct from Art. 6bis and Art. 10bis;

2. considering that it is necessary to study the granting of this extended protection:

- to marks, and to trading names (and possibly to other individual distinctive devices);
- which are well known within the meaning of Art. 6bis in the country in which protection is claimed;
- but without their being necessarily used in that country;

3. considering that it is necessary to study a prohibition on the use of well-known devices for different objects when such use:

- creates a possibility of confusion;
- or confers an unjustified advantage on the user;
- or causes the device to be really weakened in its distinctive character or its power of attraction;

invites the Executive Committee to carry out a further study of the question with a view to drawing up a resolution.

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QUESTION 29

Trade Marks or Names with Extended Protection

Yearbook 1963, New Series No. 13, 1st Part, 66th Year, page 83
25th Congress of Berlin, June 3 - 8, 1963

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QUESTION Q29

Trade Marks or Names with Extended Protection

Resolution

The Congress expresses the wish that protection be afforded for trade marks or service marks, against use or registration by third parties, even in respect of different goods or services,

- when such marks, even if they are not used in the country where protection is sought, are regarded as enjoying a high reputation, either in that country or internationally;
- and when such registration or such use is liable to mislead the public or be harmful to the proprietor of the mark.

Note

The question of the extended protection of a trade name will be considered later as part of the proposed study by the IAPIP on protection of trade names.

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