

## **Swissness Enforcement fights against the misuse of country names at the European Intellectual Property Office (Iceland versus Iceland)**

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**To this day, country names such as Switzerland, Suisse and Schweiz are being registered as elements of a trade mark without any restriction. As a result, there are a large number of trade marks with country names that have nothing to do with the respective country. The dispute between the Icelandic state and the British supermarket chain ICELAND is therefore considered a model case. Swissness Enforcement is supporting the country of Iceland and is campaigning for a change of practice at the European Union Intellectual Property Office (EUIPO).**

A dispute concerning the use of the country name Iceland as a trade mark has been going on for around 20 years between Iceland (the nation) and the British supermarket chain ICELAND. Iceland had filed an [invalidity action](#) against the EU trade mark ICELAND. The first instance decision in favour of the Icelandic state has now been referred to the next instance, the EUIPO's Grand Board. The Swissness Enforcement association supported Iceland with an 'amicus curiae brief' to the Grand Board – with the aim that in future a country name may no longer be registered as a trade mark in the European area without any restriction or consent of the respective country.

Swissness Enforcement has a strong interest in this case because it concerns an issue that has preoccupied the World Intellectual Property Organization (WIPO) at international level for more than a decade, namely the use of state names as trade marks. Countries such as Serbia and the People's Republic of China already guarantee absolute protection for state names. From the point of view of Swissness Enforcement, the brand function of a country name is to convey indications about the origin and quality of goods and services. Purchasing decisions therefore depend on indications of origin and quality being reliable and predictable respectively.

Both Iceland and Switzerland have an excellent reputation worldwide, but especially in Europe. There are also other similarities: both countries are export-oriented and offer their goods and services primarily in European markets. Their respective reputations have a crucial and positive reflex effect on customers.

Iceland's success at the European intellectual property office and the resulting change in practice will have an indirect impact on the "Switzerland" brand and thus on the Swiss export industry. We are expecting a decision by the end of November 2021. Until a final decision is made, Swissness Enforcement will continue to work for effective law enforcement at home and abroad.



Swiss Association Against the Misuse  
of Swiss Indications of Source

Swissness Enforcement, the Swiss association against the misuse of Swiss indications of source abroad, currently comprises 13 members: Biscosuisse, Chocosuisse, economiesuisse (presidency), The Federation of the Swiss Watch Industry (FH), The Institute of Intellectual Property (IPI, vice-presidency), Hoffman-La Roche, The Swiss Cosmetic and Detergent Association (SKW), Switzerland Cheese Marketing AG, Swisscos (Association for the Protection of the Origin of Swiss Cosmetics), The Swiss Dental Industry Association, Swissmem, Swiss Textiles and Victorinox. In addition are other supporting institutions such as the Federal Department of Foreign Affairs (FDFA) and Switzerland Global Enterprise (S-GE).

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