



WORLD INTELLECTUAL PROPERTY ORGANIZATION

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MADRID AGREEMENT AND PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Regulations of Use Concerning International Registrations of Collective and Guarantee Marks: Switzerland

1. The Swiss Federal Institute of Intellectual Property (hereinafter called “the Institute”) has drawn the attention of the International Bureau to the following.
2. Pursuant to the law of trademarks in force in Switzerland since April 1, 1993, the holder of a collective mark or of a guarantee mark is required to submit to the Institute regulations concerning the use of such mark.
3. Where Switzerland has been designated in an international application under the Madrid Agreement or Protocol, or in a subsequent designation, and the mark in question is a collective mark or a guarantee mark, the regulations governing the use of such mark should be submitted *directly to the Institute* by a representative established in Switzerland, within six months from the notification by the International Bureau of the international registration or subsequent designation, as the case may be. In default, or in the event that the regulations do not comply with the requirements of the Swiss trademark law, the Institute will notify a provisional refusal accordingly.
4. Furthermore, with regard to an international registration dated prior to April 1, 1993, and relating to a collective mark or a guarantee mark, holders are also invited to submit directly to the Institute, at the time of renewal of such registration and through a representative established in Switzerland, the regulations governing the use of the mark in order to forestall requests for the invalidation of such registrations in the event of a dispute concerning the mark.
5. The regulations governing the use of collective marks and guarantee marks which are required by the Swiss trademark law should contain, at least, the following indications:
 - (a) for collective marks: the circle of enterprises entitled to use the mark;
 - (b) for guarantee marks: the common features of the goods or services which are to be guaranteed by the mark, the means of ensuring the control of the use of such mark, as well as the relevant sanctions in the event of non-compliance with the regulations governing use.
6. For further information concerning the above matters, users should refer to the Swiss Federal Institute of Intellectual Property.

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