

NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND

Technical and procedural aspects relating to the registration of certification and collective marks:

The term collective mark is used in this paper to describe marks that are registered by a collective body to be used by the members of that body in their professional activities.

The term certification mark is used in this paper to describe a mark registered by an authority, association or institution to be used on goods or services subject to control or supervision.

The registration of certification and collective marks is regulated by the Finnish Trademarks Act, Finnish Trademarks Decree and the Finnish Act on Collective Marks. The Act on Collective Marks applies to both the collective as well as certification marks.

The requirements for registration as regulated in the Trademarks Act and Trademarks Decree apply to certification and collective marks. This means for example that certification and collective marks have to be distinctive in order to be registered and searches for earlier rights that would form an obstacle for registration are done ex officio.

The only differences in the registration procedure between trademarks and certification and collective marks are the following:

- The fee for the registration of certification and collective marks is 290 euros whereas the registration fee for trademarks is 215 euros.
- The applicant has to indicate in the application form that the application is for a certification or a collective mark.
- An application for a collective mark can only be made by a collective body (an association or cooperative society)
- An application for a certification mark can only be made by an authority, association or institution whose duty is to check or supervise goods or services or to issue directions regarding them
- The following documents must be included in the application for a certification or a collective mark:
 - an excerpt from the association, trade or institution register or some other report on the applicant's field of activities
 - association's bylaws
 - stipulations regarding the use of the mark. Later amendments to the stipulations must also be reported to the registration authority.
- If the registration of a certification mark has expired, that mark can later be registered only for a holder entitled to own such a mark.
- An assignment of a certification or collective mark can only be registered if the mark in the hands of the assignee is not liable to mislead the public. The assignee must also fulfil the above stated requirements given for the applicant of a collective or a certification mark – i.e. the assignee has to be a collective body or an authority, association or institution.
- An identical trademark cannot be registered for similar goods or services as a traditional trademark if there is an earlier registration as a collective or a certification mark.
- An identical trademark cannot be registered for similar goods or services as a collective or a certification mark if there is an earlier registration as a traditional trademark.