



Ministero dello Sviluppo Economico
DIPARTIMENTO PER L'IMPRESA E L'INTERNAZIONALIZZAZIONE
DIREZIONE GENERALE PER LA LOTTA ALLA CONTRAFFAZIONE
UFFICIO ITALIANO BREVETTI E MARCHI – UFFICIO XIII - MARCHI

**INFORMATION REGARDING THE PROTECTION OF COUNTRY NAMES WITH
RESPECT TO THE REGISTRATION OF TRADEMARKS.**

With reference to your request (ref. C.8199 dated November 30th, 2012) for further information regarding the protection of Country names in trademark applications, please be informed that in the Italian Legislation (the “**Code of Industrial Property Rights**”) there is no provision that clearly prevent such use, provided that the name of the Country is not detrimental for the Country, nor deceptive for the users with respect to the origin of the goods/services for which registration is sought. Moreover, general provisions for trademarks examination apply also in case of a trademark that contains a Country name: such trademark must have a distinctive character and must not be contrary to law, public policy or accepted principles of morality. Therefore when we examine a trademark that contains the name of a Country, we take into consideration the above and also **Art. 10 of the Paris Convention** for the Protection of Industrial Property, which prescribes *inter alia* some measures applicable in case of the direct or indirect use of a false indication of the source of goods or the identity of the producer, manufacturer, or merchant.

In conclusion, this Office considers that the Questionnaire (STC/24/2 ANNEX) sent some time ago was exhaustive and no further information can be furnished by us on this matter.

The Italian Office considers also that there is no need for further discussion on the subject and that National Offices should continue their practice according their national legislation.

RC/

Stefania Benincasa
Head of Trademark Division