



European Communities Trade Mark Association

29 September, 2015

ECTA's Comments - Revised Draft Reference Document on the Protection of Country Names

ECTA has studied the Revised Draft Reference Document on the Protection of Country Names (SCT/34/2 Prov). ECTA generally agrees with the findings of the document. Nevertheless, in point 88 (at Conclusion, page 15) ECTA considers the following part to be too broad:

"...it would appear useful to emphasize country names as a possible application of the general grounds for refusing signs that lack any distinctiveness, are descriptive, are contrary to public policy, or are misleading, deceptive, or false."

ECTA is of the opinion that listing all different grounds of refusal as appropriate should not be the approach to pursue, or at least this should be reworded to ensure it is understood when and which ground would be applicable. For instance, ECTA is of the opinion that the descriptive character will only be applied when relevant as for any other sign and, therefore, it would not be included here or any other wording would be used.