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Chapter I

Application for authorization

Rule 1. *Presentation of the application for authorization*

1. The application for authorization to use one of the names or emblems for which the Government is the competent authority shall be filed with the ministry to which the service for authorizations to use State signs or emblems has been allocated (the competent ministry) using the form fixed by this ministry.
2. The application for authorization to use one of the names or emblems for which the Government is the competent authority shall be subject to prior payment of the public price fixed by the Government.

Rule 2. *Contents of the application for authorization with regard to the applicant*

1. Any application for authorization to use one of the names or emblems for which the Government is the competent authority shall contain the following data relating to the applicant(s):
 - a) if the applicant is an individual, his complete name;
 - b) if the applicant is a legally constituted body, the complete company name and the legal form in which it has been incorporated;
 - c) the State in which the individual applying for authorization has his permanent residence or in which the legally constituted body applying for authorization has its registered offices;
 - d) the postal address.
2. Any application for authorization to use one of the names or emblems for which the Government is the competent authority may also contain the following data relating to the applicant(s):
 - a) any other indication which might facilitate his identification such as the passport number;
 - b) any other data which might facilitate contacting the applicant such as telephone number, fax number or email address.

Rule 3. *Contents of the application with regard to the State name or emblem for which the authorization is being requested*

1. The application shall contain a clear indication of the emblem or name or combination of emblems or names for which authorization to use is being requested:
 - a) if application is being made to use a single name, the indication of this name;
 - b) if application is being made to use a name as one element in a series of words, the indication of the name and the series of words;
 - c) if application is being made to use a graphic emblem or a name applied graphically, the application shall have annexed a photographic reproduction of the graphic application of the emblem or name for which authorization to use graphically is being requested in three colour copies of 13x18 format. If application is being made to use an emblem or name as one element in a series of graphic emblems or a combination of graphic emblems and words, the photographic reproduction shall represent the whole series of elements containing the name or emblem for which authorization to use is being requested;
 - d) a single application for authorization to use may contain one or more of the indications or photographic reproductions in accordance with subsections a), b) or c) of this section if they are mutually related in such a way as to form a single unit using an emblem or name or series of emblems or names for which the Government is the competent authority.
2. The application shall indicate whether the application for authorization to use the emblem or name or emblems or names is:
 - a) for use as a trade mark or element thereof,
 - b) for use in commerce,
 - c) to manufacture or market the flag or coats of arms of the Principality of Andorra,
 - d) for use by an association or other non-profit making body.
3. The application shall indicate whether it is a question of use for an indefinite period or for a definite period of time or for a specific number of units.
4. If the application is for using the emblem or name or series of emblems or names as a trade mark or an element or elements of a trade mark, the name of the products and/or services for which the trade mark is to be used shall be indicated.
5. If the application is for using the emblem or name or series of emblems or names in commerce or by an association or other non-profit making body, the purpose of this use shall be indicated.

Chapter II Examination of the application

Rule 4. *Examination of the form of the application*

1. The competent ministry shall examine whether the application has been filed in accordance with the conditions set out in rule 1 and contains the data and indications set out in rules 2 and 3.
2. The competent minister shall reject, giving reasons, any application which has not been filed in accordance with the conditions set out in rule 1 or omits any of the indications set out in rules 2.1) or 3.

Rule 5. *Basic examination for authorizations relating to the use of a State name or emblem as a trade mark*

1. If the application is for the use as a trade mark or element of a trade mark of the flag, coats of arms or other emblems of the Principality of Andorra or an imitation thereof, the competent minister shall bear in mind the following criteria for granting or refusing authorization:
 - a) The competent minister shall refuse any application to use the flag, coat of arms or other emblems of the Principality of Andorra or an imitation thereof as a trade mark.
 - b) The competent minister shall refuse any application to use the flag, coat of arms or other emblems of the Principality of Andorra or an imitation thereof as an element of a trade mark used by any business, whether an individual or a legally constituted body, not domiciled in the Principality of Andorra.
 - c) Subject to the conditions laid down in subsection d) of this section, the competent minister shall grant authorization to use the flag, coat of arms or other emblems of the Principality of Andorra or an imitation thereof as an element of a trade mark used by any business, whether an individual or a legally constituted body, domiciled in the Principality of Andorra.
 - d) Any authorization granted under subsection c) of this section shall be granted subject to compliance with the following conditions:
 - i) that the flag, coats of arms or other emblems of the Principality of Andorra or an imitation thereof shall be a secondary element within the series of elements in which it is used;
 - ii) that the application shall contain a specific waiving by the applicant of any right to bring suit against other holders or applicants for the registration of a trade mark on the grounds that the trade mark contains the flag, coats of arms or other emblems of the Principality of Andorra or an imitation thereof as one of its

elements if these holders or applicants for the registration of a trade mark have been duly authorized by the Government to make such use; and,

- iii) that the trade mark for which application is being made to use the flag, coats of arms or other emblems of the Principality of Andorra or an imitation thereof shall comply with the requirement laid down in article 2.1)d) and e) of the Law on trade marks.
2. If the application is for the use as a trade mark or element of a trade mark of the name "Principality of Andorra" or an abbreviation thereof such as "Andorra", "Principality" or "AND" or an imitation thereof such as the prefix or suffix "andor" or "and" or the words "Andorran", "Andorrans" or "co-principality", the competent minister shall bear in mind the following criteria for granting or refusing authorization:
- a) The competent minister shall refuse any application to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as a trade mark.
 - b) The competent minister shall refuse any application to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as an element of a trade mark used by any business, whether an individual or a legally constituted body, not domiciled in the Principality of Andorra.
 - c) The competent minister shall refuse any application to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as an element of a trade mark if this may lead the public into error with regard to the relation of the products and/or services for which the trade mark is being registered with the activity of a public service or official body.
 - d) Subject to the conditions laid down in subsection e) of this section, the competent minister shall grant authorization to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as an element of a trade mark used by any business, whether an individual or a legally constituted body, domiciled in the Principality of Andorra.
 - e) Any authorization granted under subsection d) of this section shall be granted subject to compliance with the following conditions:
 - i) that the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof shall be a secondary element in the series of elements, whether graphic or verbal, in which it is being used. In the case of verbal trade marks, to comply with the requirement that it be a secondary element it is necessary but not enough that the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof be accompanied by two other words but this condition is not applicable in the case of a suffix or prefix such as "andor" or "and". For all types of trade mark, to comply with the requirement that it be a secondary element it is necessary but not enough that the words accompanying the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof have a distinctive character without the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof. Or

- ii)* that the applicant is the owner of a trading name registered in Andorra which is identical to the trade mark for which application is being made to use the State emblem or of a company name registered in Andorra identical to the trade mark for which application is being made to use the State emblem, if the date of one of these registrations is prior to the date of coming into force of these regulations and the applicant appends a copy of this registration to the application for use; and,
 - iii)* that in the cases provided for in both subsection *i)* and subsection *ii)* of this section, the application shall contain a specific waiving by the applicant of any right to bring suit against other holders or applicants for the registration of a trade mark on the grounds that the trade mark contains the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as one of its elements if these holders or applicants for the registration of the trade mark have been duly authorized by the Government to make such use; and,
 - iv)* that the trade mark for which application is being made to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof shall comply with the requirements laid down in article 2 of the Law on trade marks.
- f) The competent minister shall refuse any application filed by a private company to use the name "Government" or "Government of Andorra" or an imitation thereof as a trade mark or element of a trade mark.
 - g) The competent minister shall refuse any application filed by a private company to use the adjectives "state", "national", "government", "official" or an imitation thereof as a trade mark or element of a trade mark if their use is of such a nature as to lead the public into error.
 - h) The competent minister shall refuse any application filed by any applicant, other than the bodies empowered to use such seals and/or emblems or organizations authorized by such bodies, to use as a trade mark or element of a trade mark the seals and/or emblems of control and guarantee of the Principality of Andorra or an imitation thereof.

Rule 6. *Basic examination for authorizations relating to the use of a State name or emblem in commerce*

- 1. If the application is for the use in commerce of the flag, coat of arms or other emblems of the Principality of Andorra or an imitation thereof, the competent minister shall bear in mind the following criteria for granting or refusing authorization:
 - a) The competent minister shall refuse any application to use in commerce the flag, coat of arms or other emblems if such a use is of such a nature as to lead into error with regard to the origin of the product or service.
 - b) The competent minister shall refuse any application to use in commerce any imitation of the flag, coat of arms or other emblems of the Principality of Andorra.

- c) The competent minister shall authorize any application to use the flag, coat of arms or other emblems of the Principality of Andorra not subject to refusal under subsections a) or b) of this section, subject to the obligation that when the applicant uses the flag, coat of arms or other emblems of the Principality of Andorra they shall be reproduced in accordance with the *Rule book for the reproduction of the flag, coat of arms and other emblems of the Principality of Andorra* published by the Government.
2. If the application is for the use in commerce of the name "Principality of Andorra" or an abbreviation thereof such as "Andorra", "Principality" or "AND" or an imitation thereof such as the prefix or suffix "andor" or "and" or the words "Andorran" "Andorrans" or "co-principality", the competent minister shall bear in mind the following criteria for deciding for or against authorization:
 - a) The competent minister shall refuse any application to use in commerce the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof if such a use is of such a nature as to lead into error with regard to the origin of the product or service.
 - b) The competent minister shall grant any application to use in commerce a trading or company name even if it contains the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof to any holder of a trading name which was registered in the Principality of Andorra prior to the date of coming into force of these regulations or to any holder of a company the name which was registered in the Principality of Andorra prior to the date of coming into force of these regulations.
 - c) If the application is to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as an element in a trading name or a company name, this word shall be a secondary element in the series of words forming the company or trading name. To comply with the requirement that it be a secondary element it is necessary but not enough that the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof be accompanied by two other words but this condition is not applicable in the case of a suffix or prefix such as "andor" or "and". To comply with the requirement that it be a secondary element it is also necessary but not enough that the words accompanying the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof have a distinctive character without the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof.
 - d) The competent minister shall refuse any application to use the name "Principality of Andorra" or an abbreviation thereof or an imitation thereof as an element in a trading or company name if this may lead the public into error with regard to the relation of the activity of the company or trading activity with that of a public service or official body.
3. The competent minister shall refuse any application filed by any private company to use the name "Government" or "Government of Andorra" or an imitation thereof in commerce.

4. The competent minister shall refuse any application filed by a private company to use in commerce the adjectives "state", "national", "government", "official" or an imitation thereof if their use is of such a nature as to lead the public into error.
5. The competent minister shall refuse any application filed by any applicant, other than the bodies empowered to use such seals and/or emblems or organizations authorized by such bodies, to use in commerce the seals and/or emblems of control and guarantee of the Principality of Andorra or an imitation thereof.

Rule 7. *Authorizations relating to the manufacturing or marketing of the flag or coats of arms of the Principality of Andorra*

The competent minister shall grant authorization to any application for the manufacture or marketing of the flag or coats of arms of the Principality of Andorra subject to the condition that the reproduction of the flag and/or coats of arms shall comply strictly with the rules of the *Rule book for the reproduction of the flag, coat of arms and other emblems of the Principality of Andorra* published by the Government.

Rule 8. *Authorizations relating to the use of a State name or emblem by any association or other non-profit making body*

To grant or refuse an application to use the name or an abbreviated form of the name, coats of arms, flag and other emblems of the Principality of Andorra by an association or other non-profit making body, the competent minister shall bear in mind the same criteria which he shall bear in mind, in accordance with rule 6, for their use in commerce, paying special attention to the fact that he shall refuse any use which might be of such a nature as to lead the public into error with regard to the possibly official character or relation to public administrations of the association or other non-profit making body.

Additional provision

Simultaneous application for authorization to use a State name and a trading or company name

If a trading name or company name contains one of the State names for which the Government is the competent authority, the applicant may simultaneously present the application for authorization to use the State name and that for reserving the trading or company name.

Derogatory provision

The regulations for the execution of the Law on the use of State emblems and signs of 10 June 1998 is hereby derogated.

Final provision

These regulations shall come into force one fortnight after their publication in the Official Gazette of the Principality of Andorra.