

## Law on Collective Marks

(No. 795 of December 5, 1980)\*f

1. A collective body of persons engaged in industry and commerce may, in the same way as traders under the Law on Trademarks (7/64)<sup>1</sup> obtain, by means of registration or use, the exclusive right to a trademark intended to be used by the members of the body in their professional activities (association mark).

The aforementioned exclusive right may also be obtained with regard to slogans used as association marks through the establishing of the mark by means of use.

An authority, association or institution whose duty it is to check or supervise goods or services or to issue directions regarding them may, by means of registration, obtain the exclusive right to a special mark to be used on goods or services subject to control or supervision (control mark). The marks referred to in this Law shall be called collective marks.

2. Unless otherwise provided by the provisions of this Law, the provisions of the Trademark Law shall apply *mutatis mutandis*.

3. An application for the registration of a collective mark shall include an excerpt from the association, trade or institution register or from some other report on the applicants' field of activities, along with the association's bylaws and stipulations regarding the use of the mark.

Amendments to the stipulations for use referred to in paragraph 1 shall be reported to the registration authorities.

4. Assignment of collective marks shall be registered on application therefor, unless the mark, in the hands of the assignee, is liable to mislead the public.

If the registration of a control mark has expired, the mark may be registered only for a party entitled to own such a mark.

5. In addition to the cases referred to in the Trademark Law (Section 26, paragraphs 1 to 3), the registration of a collective mark may also be cancelled if the owner of the mark has ceased his activities, if the owner permits use of the mark in a manner contrary to the stipulations mentioned in Section 3, or if amendments to the aforementioned stipulations have not been reported to the registration authorities.

Anyone aggrieved by the registration may bring legal action to cancel the registration. Legal action may also be brought by a public prosecutor, an authority appointed by the Ministry of Trade and Industry or by a body entrusted with the task of looking after the interests of the trade and industry concerned or of consumers.

6. In cases concerning infringement of collective mark rights, only the owner of the mark may be considered as a complainant. He may sue for compensation for damages, including damages that have been caused to another party entitled to use the collective mark.

7. More detailed provisions concerning the implementation of this Law shall be provided by decree when required.

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\* Finnish title: Yhteismerkilaki.

Entry into force: March 1, 1981.

Source: Communication from the Finnish authorities.

Note: The English translation of this Law was furnished by the Finnish authorities.

<sup>1</sup> See *Industrial Property*, 1969, p. 274, and 1970, p. 379. Recent amendments to the Law on Trademarks have not been published. An updated version of the Law on Trademarks will be published in a future issue of *Industrial Property Laws and Treaties* (Editor's note).



8. This Law shall take effect on March 1, 1981. This Law replaces Chapter 10 of the Law on Trademarks issued on January 10, 1964.