

FINLAND

Act on Collective Marks

No. 795 of December 5, 1980, as amended by Act No. 40 of January 25, 1993

TABLE OF CONTENTS

Section 1
Section 2
Section 3
Section 4
Section 5
Section 6
Section 7
Section 8

Section 1

A collective body may, by means of registration in accordance with the Trademarks Act (7/64) or use, obtain 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 other special symbols used as association marks through the establishing of the mark by means of use.

An authority, association or institution whose duty 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 Act shall be called collective marks.

Section 2

Unless otherwise provided by the provisions of this Act, the provisions of the Trademarks Act shall apply mutatis mutandis.

Section 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 applicant's 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.

Section 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.

Section 5

In addition to the cases referred to in the Trademarks Act (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.

Section 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.

Section 7

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

Section 8

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