

## Ordinance

governing the use of the appellation "Switzerland" or "Swiss" for watches

of December 23, 1971 - Status as of July 1st 1995

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### *The Swiss Federal Council*

considering Article 50 of the Federal Act of August 28, 1992 concerning the protection of trade-marks decrees :

#### **Article 1** : Definition of the watch

An appliance for the measurement of time is considered to be a watch if its movement is not more than 50 millimeters in breadth, length or diameter or if its thickness, measured with the main plate and the bridges, does not exceed 12 millimeters.

For the breadth, length or diameter, only such dimensions as are technically necessary are taken into consideration.

#### **Article 1a** : Definition of the Swiss watch

A watch is considered to be Swiss if :

- a. its movement is Swiss;
- b. its movement is cased up in Switzerland and
- c. the manufacturer carries out the final inspection in Switzerland.

#### **Article 2** : Definition of the Swiss watch movement

A movement is considered to be Swiss if :

- a. it has been assembled in Switzerland;
- b. it has been inspected by the manufacturer in Switzerland and
- c. the components of Swiss manufacture make up for at least 50 percent of the value, without considering the cost for assembly.

For the calculation of the value of the component parts of Swiss manufacture according to paragraph 1) c above, the following rules are applicable :

- a. The cost of the dial and hands is taken into consideration only when they are fitted in Switzerland;
- b. The cost of assembly may be taken into consideration when a certification procedure provided for by an international treaty guarantees that, owing to close industrial cooperation, the foreign and the Swiss component parts are of equivalent quality.

### **Article 3** : Conditions of use of the name "Swiss"

The name "Switzerland", indications such as "Swiss", "Swiss product", "manufactured in Switzerland", "Swiss quality" or other appellations which contain the name "Swiss" or "Switzerland" or which may be confused therewith may be used solely for Swiss watches or watch movements.

If the watch is not Swiss, the indications appearing in the 1st paragraph may nevertheless be applied to Swiss movements, provided they are not visible to the watch purchaser.

The indication "Swiss movement" may be applied to watches which contain a Swiss movement. The word "movement" must appear written out in full in the same type-face, dimension and colour as the appellation "Swiss".

The 1st and 3rd paragraphs are also applicable, when these appellations are used in translation (in particular "Swiss", "Swiss made", "Swiss movement") with the true indication of origin of the watch or with the addition of words such as "style", "type", "form" or other word combinations.

Are further considered as use, beside applying these indications on watches or their packing :

- a. the sale, offering for sale or putting into circulation of watches bearing such an indication;
- b. the application thereof to signs, advertisements, prospectuses, invoices, letters or commercial papers.

### **Article 4** : Marking indications of origin

a) on watch cases

A watch case is considered to be Swiss if it has undergone in Switzerland at least one essential manufacturing operation (to wit stamping, turning or polishing), if it has been assembled and tested in Switzerland and if at least 50 per cent of the cost of manufacture (excluding the value of the material) is accounted for by operations carried out in Switzerland.

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to watch cases which are intended for watches in the sense of Article 1 a.

The indication "Swiss case" or its translation may be applied to Swiss watch cases, which are not intended for Swiss watches in the sense of article 1a. When such an indication is applied to the exterior of the case, the indication of origin of the watch or of the movement must be conspicuously indicated on the watch.

**Article 5** : Marking indications of origin

b) on watch dials

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to dials which are intended for watches in the sense of article 1 a.

The indication "Swiss dial" or its translation may be applied to the back of Swiss dials, which are not intended for Swiss watches in the sense of article 1 a.

**Article 6** : Marking indications of origin

c) on other components of watches

The appellations mentioned in Article 3, 1st and 4th paragraphs may be applied only to components which are intended for watches in the sense of article 1 a.

Exported Swiss ebauches (movement blanks) as well as movements produced with such ebauches may however bear the indication "Swiss parts".

**Article 7** : Samples and collection thereof

Notwithstanding Article 3, 2nd para. and Articles 4 to 6, watch cases, dials, movements and other components may bear Swiss indications of origin when they are :

- a. exported separately in the form of samples or collections thereof;
- b. manufactured in Switzerland and
- c. not intended for sale.

**Article 8** : Penal provisions

Infringements of the prescriptions of this Ordinance come within the penal provisions of the Act concerning the protection of trade-marks.

**Article 9** : Coming into force

The present ordinance shall come into force on January 1, 1972.

Final provision of the modification of May 27, 1992

Enterprises which, at the date of coming into force of the present amendment, have already lawfully and durably made use of one of the protected appellations within the meaning of Article 3, 1 st and 4th paragraphs, shall be entitled to continue such use during a period of five years following the coming into force of the present amendment, even if the casing-up and final checking by the manufacturer take place abroad.