

Band Name Protection – Fact Sheet

How and where can I have the name of our band protected?

Provided the requirements are satisfied, a band name can be listed in the IPI trade mark register:

Federal Intellectual Property Institute

Stauffacherstrasse 65/59g

CH-3003 Bern

Phone +41 31 377 77 77, info@ipi.ch, www.ige.ch

Direct link: <https://www.ige.ch/en/protecting-your-ip/trade-marks/national-applications>

You cannot apply for registration through SUISA.

How much does it cost to have a band name protected?

Filing a “national registration” with the Federal Institute of Intellectual Property costs CHF 450 or, if the filing is submitted electronically, CHF 350. The fee includes:

- a ten-year term of protection;
- in Switzerland;
- in three classes (e.g. for “Advertising”, “Clothing” and ”Entertainment”).

For further information, see IPI costs and fees at the following link:

<https://www.ige.ch/en/protecting-your-ip/trade-marks/national-applications/costs-and-fees>

What are the effects of a trade mark registration?

A listing in the trade mark register ensures the band a monopoly over its name. This has two aspects: on the one hand, only the band can use the name, and on the other, the band can take legal action against anybody who uses the same name for goods and services in the same classes. These effects are subject to three restrictions:

- Trademark protection is limited to a ten-year term which can, however, be extended.
- As previously mentioned, the protection is only valid for the specified classes of goods and services.
- A trade mark holder cannot prohibit anyone who was already using the name prior to registration from continuing to use it in the same scope as before.

Does it make sense for a band to register their name?

Trade mark registration has a few advantages:

- it eases the burden of proof in the event of a dispute; and
- it is preventive: newly established bands will avoid choosing a protected name if their research shows it is already registered;
- the scope of protection is clearly demarcated through registration for specific classes of goods and services.

These advantages must be weighed against the following disadvantages:

- the cost of CHF 350 or CHF 450 for a ten-year term of protection;
- protection arising from personal rights applies even without registration through the use of the name;
- possible legal uncertainty if the trade mark is only registered for the domestic market.

Each band must weigh its own interests before deciding whether or not to register the band name. There is certainly no need, however, for amateur bands to register their band name.

In what forms can a band name be protected as a trade mark?

A band name can be protected as a trade mark in the following forms:

- the band name itself;
- the band name in a specific graphic design;
- the band logo.

In respect of which classes of goods and services is it advisable to register the trade mark?

The following classes of goods and services are relevant for trade mark registration in the musical field:

- Class 41: Entertainment, cultural activities
- Class 35: Advertising
- Class 25: Clothing and head wear (merchandising)
- Class 9: Devices for recording, transmitting and reproducing sound and images; magnetic recordings, recorded and down-loadable media
- Class 15: Musical instruments

What is the procedure for a successful band name registration?

Nowadays, trade mark filing applications can easily be submitted online. The IPI website guides customers intelligibly through the step-by-step application process. It is advisable to submit your application online. Electronic submission is practical and cheaper. You can register your band name online via the following link:

<https://www.ige.ch/en/protecting-your-ip/trade-marks/national-applications>

You may nevertheless still submit your application by post or email using the ad hoc form. All forms are available for downloading on the IPI website.

How far does national trade mark protection extend?

If a band follows the above-described procedure, its band name is protected in Switzerland alone. This does not prevent a foreign band from adopting the same name. A Swiss band can only prevent a foreign band from performing, or releasing a recording, under the same name in

Switzerland. The foreign band cannot be prosecuted anywhere else. This begs the question: how useful is a purely national registration?

How can the name be protected abroad?

If a Swiss band wishes to protect its name abroad, it must file an international registration. This can be done either in the relevant countries directly, or an international registration can be filed with the IPI. Applications for international registrations may be submitted via the IPI online service. Customers are guided through the process step by step.

The registration of a band name in the EU, USA, Canada and the UK together, for ten years, in two categories of goods and services costs approximately CHF 3'000.

How do you protect a domain name?

Registering a band name as a trade mark does not automatically protect that designation as a domain name. The domain name must be registered separately. In this case, the IPI is not responsible; the registration must be filed via www.switch.ch. For all further information in this regard see the "switch" website.

How do you protect a DJ name?

The preceding explanations concerning band names apply analogously to the protection of DJ names.

Further Information:

IPI, Swiss Federal Institute of Intellectual Property, Stauffacherstrasse 65/59g, CH-3003 Bern, phone +41 31 377 77 77, info@ipi.ch, www.ige.ch