



Media relations
P.O. Box, 9023 St. Gallen

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Press Release

on Judgment B-4493/2022 of 26 July 2023

Protection for Apple's figurative mark



The Federal Administrative Court upholds an appeal by Apple Inc., Cupertino, against the Swiss Federal Institute of Intellectual Property (IPI). The trade mark for sound, video and film recordings is granted protection in Switzerland.

The Swiss Federal Institute of Intellectual Property (IPI) had refused to protect the international registration on the grounds that, for customers, the image directly describes the content of the sound, video and film recordings and corresponding data carriers and would not, therefore, be perceived as a trade mark.

The Federal Administrative Court holds that the trade mark registration does not indicate the subject for which the recordings are used. A refusal on the grounds that the depicted apple *could* be the subject would exclude any sound, video and film trademarks as such. Since the IPI did not find any current market need to keep the sign free (requirement of availability), and since the image is not typical for the goods in question, protection for Switzerland must be granted. However, if the trade mark is used for media dealing thematically with apples, the protection would diminish.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.