

Administrative agreement with the Council of Europe regarding the use of the European emblem by third parties

(2012/C 271/04)

1. General principle

Any natural or legal person ('user') may use the European emblem or any of its elements, subject to the following conditions of use.

2. Conditions of use

The use of the European emblem and/or any of its elements is allowed, irrespective of whether the use is of a non-profit or commercial nature, unless:

- (a) the use creates the incorrect impression or assumption that there is a connection between the user and any of the institutions, bodies, offices, agencies and organs of the European Union or the Council of Europe;
- (b) the use leads the public to believe erroneously that the user benefits from the support, sponsorship, approval or consent of any of the institutions, bodies, offices, agencies and organs of the European Union or the Council of Europe;
- (c) the use is in connection with any objective or activity which is incompatible with the aims and principles of the European Union or of the Council of Europe, or which would be otherwise unlawful.

3. Trade mark and related issues

The use of the European emblem in accordance with the conditions in the previous section does not mean consent to registration of the emblem or an imitation thereof as a trade mark or any other IP right. The European Commission and the Council of Europe will continue the monitoring of applications for registration of the European emblem or part thereof as (part of) IP rights, in accordance with the applicable legal provisions.

4. Legal responsibility

Any user that intends to use the European emblem or elements of it may do so on its own legal responsibility. The users will be liable for any abusive use and possible prejudice following from such use under the laws of the Member States or any third country applicable to them.

5. Right to pursue any abuse

The Commission reserves the right to pursue on its own initiative or on request by the Council of Europe:

- any use which does not comply with the conditions set out herein, or
 - any use which the Commission or the Council of Europe deem abusive in the courts of the Member States or any third country.
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