Protection of Swiss cross and "Swiss" ("Swissness"-legislation)

On 2 September 2015, the Federal Council approved the new ‘Swissness’ legislation which will come into force on 1 January 2017.

The new legislation establishes precise rules on the use of the Swiss cross and the designation "Switzerland/Swiss", namely to the "share of Switzerland" in a product. Also, goods may officially be marked with the Swiss cross and trade marks for goods can be registered with the Swiss cross (this was previously only possible for service marks).

The Swiss cross or the designation "Switzerland/Swiss" may be - in principle - used on goods as of 1 January 2017 as follows:

- **Natural products** (unprocessed products such as mineral water, fruits, meat, gravel, wood, etc.) must have grown and harvested in Switzerland.

- **Foodstuffs**:
  - 80% of the weight of the raw materials available in Switzerland must be of Swiss origin, and
  - the **processing step that give a product its essential characteristics** must be carried out in Switzerland.

- **Industrial products** (machines, knives, etc.):
  - 60 % of the **manufacturing costs** must occur in Switzerland (including costs for raw materials, semi-finished parts, accessories, wages, production overhead costs, research and development, quality assurance and certification), and
  - the **processing step that give a product its essential characteristics** must be carried out in Switzerland.

- **Specific activities in the manufacturing process**: even if the requirements as outlined above are not met for the finished product, one may use the designation "Swiss" (not the Swiss cross, however) for specific activities within
the manufacturing process if these activities took place in Switzerland (eg "Swiss engineering", "designed in Switzerland", "smoked in Switzerland", etc.).

Goods manufactured before 1 January 2017 may be placed on the market by the end of 2018.

There may be specific provisions for individual sectors. Currently, there is only one such specific ordinance in place, namely for the watch industry. The Ordinance on the Use of "Swiss" for watches is currently under revision. According to the latest draft, 60% of the manufacturing costs for the finished product and the movement must occur in Switzerland and the technical development of the watch or the watch movement must take place in Switzerland.

For further questions relating to "Swissness" and the forthcoming regulation, please do not hesitate to contact us.

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i The use of the Swiss flag is allowed, while the use of the Swiss coat of arms is prohibited:

Swiss flag (red/white): ![Swiss flag](image)

Swiss coat of arms: ![Swiss coat of arms](image)

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ii There are numerous exceptions: the raw materials must be available in Switzerland (unlike coffee, cocoa, exotic fruits, precious metals, mineral oils, etc.), for example, 100% of the milk for milk and dairy products must be of Swiss origin.