

Wadden Sea Board

**WSB 20
16 June 2017
Harlingen, Netherlands**



Agenda Item: 5.1 World Heritage

Subject: Campaign Slogan

Document No. WSB 20/5.1/1

Date: 30 May 2017

Submitted by: Secretariat

Proposal: The meeting is invited to consider the document.

Wadden Sea World Heritage Campaign Slogan

As decided by WSB 19, the Secretariat contacted the agencies “MerkMakers” and “DieBrueder”, who suggested the campaign slogan, to clarify if there are infringements of copyrights. In addition a trademark attorney was consulted.

Status

The research by agencies, which was done when developing the concept for the campaign, resulted in the conclusion that the slogan (or common phrase) “It’s your nature” is not used in connection with the Wadden Sea, and that the existing use of the phrase in other commercial contexts does not lead to a breach of copyright if it is used in the campaign concept.

Usually, professional research regarding the possibility of breaches of copyright is carried out by an agency specializing in trademark law. This involves additional costs, which is why this professional research always takes place after the customer has agreed to the agency’s proposal (which has not yet been done in case of the slogan proposed).

The trademark attorney consulted by CWSS confirmed the view of the agencies that there is no legal infringement of copyright when using the slogan (or common phrase) “It’s Your Nature”. So far, only one registered trademark in the EU for this slogan was found which is confined to agricultural machinery (Nice categories 7 and 8) and has no connection to the Wadden Sea. The attorney underlined that there is no legal conflict when using the slogan for other purposes. He also regarded the use of the slogan by others (not registered as trademark, such as WHC in the USA) as not problematic, because it is used in another context (as a common saying) and not related to the Wadden Sea.

The trademark attorney explained that he regarded a trademark protection for the slogan as potentially possible, but since it is a commonly used figure of speech without reference to the Wadden Sea, he is uncertain as to whether this possibility ultimately really exists. It has to be clarified if this would be easier if the trademark registration is done in connection with the Wadden Sea, for instance as follows: “Wadden Sea World Heritage: it’s your nature”.

In principle, only a completed trademark application procedure can provide full legal certainty as the tagline would then be published throughout the EU and the procedure includes a 6-month right of objection. The cost for a trademark registration depends on the number of selected Nice categories.

Proposed next steps

As proposed by TG-WH and TG-STC to WSB 19, the meeting should approve the use of the slogan for the communication of the Wadden Sea World Heritage as approved by WSB 18 (http://www.waddensea-secretariat.org/sites/default/files/Meeting_Documents/WSB/WSB18/wsb_18-5-1-7-campaign-workshop.pdf).

After professional trademark research has been carried out and it has been established that there is no apparent breach of copyright, the next step could be to prepare a trademark registration for the campaign slogan.

Proposal

The meeting is requested to consider the document.