

PREAMBLE

This Law sets out the restrictions on the use of State emblems and signs in order to avoid any improper use that could cause confusion in the public mind or adversely affect the institutions represented by such emblems. It was the Paris Convention that established the need to protect State emblems and signs from any unauthorised use. This Law does not define the precise form of each of the State emblems or signs but indicates the authorities entitled to use them and to authorise their use. These authorities are obliged to define the official form of each State emblem or sign and to draw up, in the form of a book of rules, the printing regulations governing the authorised use of each of them.

The Law includes an Annex that defines the traditional coat of arms and the traditional flag of the Principality of Andorra. This definition implements Article 2.2 of the Constitution, which states that “the coat of arms and the flag are the traditional ones”, and aims to clear up the confusion generally created by interpreting the word “traditional” as “official”. Traditionally, various coats of arms and flags have been used that differ in some way from the official coat of arms and flag of the moment, but these different forms that the coat of arms and flag of the Principality of Andorra have traditionally taken do not fall outside the protection of this Law. It is the respective competent authority that will establish the coat of arms and official flag in each case.

Article 1. Definitions

1. For the purposes of this Law, the following definitions shall apply:

a) intergovernmental organisation: an intergovernmental international organisation whose members include the Principality of Andorra or one or more countries that are signatories to the Paris Convention for the protection of Industrial Property.

b) competent authority: the authority of the country or of the intergovernmental organisation that is entitled to use and authorise the use of:

- the name
- the coats of arms
- the flags
- the other emblems
- the signs or stamps of control or warranty of that country or intergovernmental organisation.

2. The official form of the flag, the name and its abbreviated form, the coat of arms and other emblems of the Principality of Andorra must necessarily be defined by law.

Article 2. Prohibited use

1. The use, either as a trademark for goods or services or as an element of such trademark, of any of the names or signs indicated in sub-paragraphs a) to d) below, and any imitation of the aforesaid names or signs, including part thereof, is prohibited within the territory of Andorra, unless authorised by the competent authority.

a) the name or the abbreviated form of the name, the coats of arms, the flag and the other emblems of the Principality of Andorra, its institutions, its

parishes, its quarters or its other administrative districts, and the official signs and stamps of control and warranty of the Principality of Andorra.

- b) the name of any State or an abbreviated form of this name, the coats of arms, the flags and the other emblems of any State or the official signs and stamps of control and warranty adopted by any State.
 - c) the name, the initials, the coats of arms, the flag or the other emblems of any intergovernmental organisation.
 - d) the adjectives “State”, “national”, “governmental” “communal”, “official”, when such use is likely to mislead the public.
2. Any commercial use of any of the names or signs indicated in paragraphs a) and/or d) of section 1 of this Article, and any imitation of the aforesaid names or signs, including part thereof, is prohibited within the territory of Andorra, unless authorised by the competent authority. In no case may it be authorised if such use is likely to mislead the public as to the origin of the goods or service.
3. A State may only benefit from the protection established in sections 1 and 2 of this Article for its name or the abbreviated form of this name, its coats of arms, its flags, other emblems of State, and its official signs and stamps of control and warranty, if it guarantees equivalent protection in its own territory with respect to the name and the abbreviated form of the name, the coats of arms, the flag, other emblems, and the official signs and stamps of control and warranty of the Principality of Andorra.
4. Any manufacture or marketing of the flag or coats of arms of the Principality of Andorra, its parishes, its quarters or its other administrative districts, without the authorisation of the competent authority, is prohibited within the territory of Andorra.

5. Any use of the name or of an abbreviated form of the name, the coats of arms, the flag and other emblems of the Principality of Andorra, its institutions, its parishes, its quarters or its other administrative districts by any association or other non-profit organisation is prohibited within the territory of Andorra unless authorised by the competent authority.

Article 3. *Right to take legal action; procedural rules*

1. The violation of any of the prohibitions established in Article 2 constitutes an administrative infringement, and the Government shall, on its own initiative or at the proposal of any competent authority of the Principality of Andorra, after the relevant disciplinary proceedings, impose the following two penalties on the perpetrator of such infringement:
 - a) a fine of 100.000 pesetas.
 - b) the obligation to withdraw from the public all physical supports on which the signs infringing these prohibitions are reproduced, within a maximum period of 15 days.
2. In the event of a repeat infringement, the penalty laid down in section 1.a) of this Article shall be tripled.
3. All penalties imposed by the Government pursuant to section 1 of this Article may be appealed in accordance with the provisions of the Administrative Code.
4. If the penalties laid down in section 1 of this Article are not imposed at the initiative of the Government, a foreign competent authority that considers its rights to have been infringed may take such legal action as may be available to it.

Article 4. Competent authorities of the Principality of Andorra

1. The following are the competent authorities for using:

- a) the name “Co-Princes” and the emblems of the Co-Princes: each of the Co-Princes;
- b) the name “General Council”: the General Council;
- c) the flag, the name, the abbreviated form of the name, the coat of arms and other emblems of the Principality of Andorra: the Co-Princes, the General Council, the Government, the Constitutional Court, the High Council of Justice, the communes and the quarters;
- d) the name “Government of Andorra”: the Government;
- e) the names “parish” and “Commune”, the adjective “communal”, and the name and the coat of arms of each parish: the respective Commune;
- f) the name and the coat of arms of each Quarter: the respective Quarter;
- g) the stamps and/or signs of control and warranty: the Co-Princes, the General Council, the Government, the Constitutional Court, the High Council of Justice, the communes and the quarters;
- h) the adjectives “State” and “national”: the General Council and the Government;
- i) the adjective “governmental”: the Government.
- j) the adjective “official”: the Co-Princes, the General Council, the Government, the Constitutional Court, the High Council of Justice, the communes and the quarters.

2. The following are competent to authorise the use of:

- a) the name “Co-Prince” and the emblems of the Co-Princes: each Co-Prince;
- b) the name “General Council”: the General Council;
- c) the flag, the name, the abbreviated form of the name, the coat of arms and other emblems of the Principality of Andorra: the Government;
- d) the name “Government of Andorra”: the Government;
- e) the name “Constitutional Court”: the Constitutional Court;
- f) the name “High Council of Justice: the High Council of Justice;
- g) the names “parish” and “Commune”, the adjective “Communal”, the name and the coat of arms of each parish: the respective Commune;
- h) the name and coat of arms of each Quarter: the respective Quarter;
- i) the stamps and/or signs of control and warranty: the Co-Princes, the General Council, the Government, the Constitutional Court, the High Council of Justice, the communes and the quarters;
- j) the adjectives “State”, “national”, “governmental” and “official”: the Government.

Derogatory provision

This Law derogates all previous provisions that conflict with the contents hereof.

First transitional provision

Each competent authority shall define the official form of its respective sign, shall draw up a book of printing rules and, where necessary, three-dimensional rules for the correct reproduction and application thereof, and shall, within a maximum period of six months, draw up the regulations governing the procedure for authorising the use of its respective names and/or signs.

Second transitional provision

For as long as there is no Law defining the official form of the coat of arms and the flag, their characteristics are those indicated in the Annex hereto, which defines the traditional coat of arms and flag.

Final provision

This Law shall come into force on the date of its publication in the Official Gazette of the Principality of Andorra (Butlletí Oficial del Principat d'Andorra).

ANNEX

1. Traditional coat of arms of Andorra

The coat of arms of the Principality of Andorra has traditionally been formed of four houses, two for each of the two Co-Princes.

The four traditional houses are:

- a) the Bishop's house, represented by a gold mitre and crosier on a red field;
- b) the house of Catalonia;
- c) the house of Foix;
- d) the house of Bearn.

The coat of arms may be accompanied by the motto "Virtus Unita Fortior".

The coat of arms may be surrounded by an aureole or a parchment or crowned with the lordly emblems (crown, helmet).

At certain times in the history of Andorra the colours have been altered, one of the four houses on the coat of arms disappeared, and the elements of one house even became separated, such as, for example, when the mitre and crosier were placed in two different quadrants.

2. Traditional flag of Andorra

The flag of the Principality of Andorra has traditionally been formed of three equal adjacent vertical stripes: the first, beside the flagpole, is blue, the second, in the middle, is yellow, and the third is red.

The coat of arms of the Principality of Andorra is placed in the centre of the flag, on the yellow stripe; however, it may be omitted, particularly when the flag is reproduced in certain small-scale or specific formats, such as tapes, where it may be represented solely by three adjacent stripes in blue, yellow and red.