

**Ordinance
regulating the use of the word “Swiss”
for watches**

dated 23 December 1971 (status as of 1 January 2017)

The Swiss Federal Council

having regard to Art. 50, para. 2, of the Trade Mark Protection Act of 28 August 1992 (TmPA)^{1,2}
adopts the following Ordinance:

Art. 1³ Definition of the watch

¹ The term “watch” means the following:

- a. time measuring devices designed to be worn on the wrist;
- b. devices whose main function is to measure time and:
 1. whose movement does not have a width, length or diameter of more than 60 mm,
or
 2. whose thickness, measured with the bottom plate and bridges, does not exceed 14 mm.

² In respect of the width, length, diameter and thickness, only those dimensions which are technically necessary are taken into consideration.

³ The component enabling the watch to be worn is not included in the definition of the watch set out in para. 1.

Art. 1a⁴ Definition of Swiss watches

A watch may be considered a Swiss watch if:

- a. ...
- a^{bis}. its movement is Swiss;
- b. its movement has been encased in Switzerland;
- c. final inspection by the manufacturer took place in Switzerland and
- d. at least 60% of the manufacturing costs are generated in Switzerland

RO 1971 1915

¹ RS 232.11

² New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO 2016 2593).

³ New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO 2016 2593).

⁴ Introduced by chapter I of the Ordinance of 27 May 1992 (RO 1992 1229). New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017, except for (a) in force since 1 January 2019 (RO 2016 2593). See also the transitional provision for this amendment at the end of the text.

Art. 2 Definition of the Swiss movement⁵

- a The movement may be considered a Swiss movement if:
- a. ...⁶
 - a^{bis} ⁷ it has been assembled in Switzerland;
 - b. it has been inspected by the manufacturer in Switzerland and
 - b^{bis} ⁸ at least 60% of the manufacturing costs are generated in Switzerland and
 - c. at least 50% of the value of all the constituent parts, but excluding the cost of assembly, is of Swiss manufacture.⁹
- ² For the calculation of the value of the Swiss-manufactured constituent parts according to para. 1, letter. c, the following rules apply:
- a. ...¹⁰
 - a^{bis} ¹¹ the cost of the dial is included:
 1. if it performs an electronic function for the watch and
 2. if it is intended for fitting to watches with an electro-optical display or with a solar module;
 - b. the cost of assembly may be included when a certification procedure stipulated by an international treaty guarantees that, by reason of close industrial cooperation, quality equivalence exists between the foreign constituent parts and the Swiss constituent parts;
 - c.¹² the cost of assembly taken into consideration, where this is appropriate, may not exceed the total value of the foreign constituent parts recognized as equivalent which are incorporated into the Swiss movement concerned.
- ³The provisions of the Agreement of 20 July 1972 supplementing the Agreement on products of the clock and watch industry between the Swiss Confederation and the European Economic Community and the Member States¹³ are reserved.¹⁴

⁵ New wording according to chapter I of the Ordinance of 27 May 1992, in force since 1 July 1992 (RO **1992** 1229).

⁶ Enters into force on 1 January 2019 (RO **2016** 2593). See also the transitional provision for this amendment at the end of the text.

⁷ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

⁸ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

⁹ New wording according to chapter I of the Ordinance of 27 May 1992, in force since 1 July 1992 (RO **1992** 1229)

¹⁰ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

¹¹ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

¹² Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

¹³ RS **0.632.290.131**

¹⁴ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593)

Art. 2a¹⁵ Definition of the Swiss constituent part

¹The following is treated as a Swiss constituent part:

- a. a part which was inspected by the manufacturer in Switzerland and
- b. of which at least 60% of the manufacturing costs have been generated in Switzerland.

Art. 2b¹⁶ Definition of assembly in Switzerland

A movement is deemed to have been assembled in Switzerland within the meaning of Art. 2, para. 1, letter a^{bis} when all the constituent parts are assembled in Switzerland. Only the sub-assembly of the following constituent parts may be effected abroad:

- a. in the case of exclusively mechanical movements: the gear trains
- b. in the case of non-exclusively mechanical movements:
 1. the electronic modules,
 2. the electro-optical display modules,
 3. the energy collecting module,
 4. the regulating organ,
 5. the gear trains,
 6. the motor or motors, including the rotors and coils.

Art. 2c¹⁷ Determining manufacturing costs

The following are not taken into consideration for the purpose of calculating the manufacturing costs:

- a. the cost of the natural products which cannot be produced in Switzerland because of the natural conditions;
- b. the cost of the materials that are not available in sufficient quantity in Switzerland for objective reasons to the extent that they are not available;
- c. the packaging costs;
- d. the transport costs;
- e. the costs of commercialisation, such as promotional costs and after-sales service costs;
- f. the cost of the battery.

¹⁵ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

¹⁶ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

¹⁷ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

Art. 2d¹⁸ Materials that are not available in sufficient quantities in Switzerland

If the watchmaking industry publishes information about materials that are not available in sufficient quantities in Switzerland pursuant to Art. 52k of the ordinance of 23 December 1992 on the protection of trade marks,¹⁹ it must make sure that such information is objectively well-founded. In the event of failure to agree within the industry, it shall refer the matter to independent third parties.

Art. 3²⁰ Conditions for use of the word “Swiss” and the Swiss cross²¹

¹ The following may be used only for Swiss watches and Swiss movements:

- a. the word “Swiss”;
- b. indications such as “Swiss”, “Swiss product”, “made in Switzerland”, “Swiss quality”, other designations containing the word “Swiss” or indications that are liable to be confused with that word and
- c. the Swiss cross or signs which may be confused with it.²²

^{1bis} Swiss indications of source relating to specific activities within the meaning of Art. 47, para. 3^{ter}. TmPA²³ are permitted only if they are not understood by the interested parties as an indication of source for the product as a whole.²⁴

² If the watch is not Swiss, the designations referred to in para. 1 may still be placed on Swiss movements, provided that they cannot be seen by the watch purchaser.

³ The indication “Swiss movement” may be placed on watches which contain a Swiss movement. The word “movement” must be written in full using letters that are identical in type face, size and colour to those used for the designation “Swiss”.

⁴ Paras. 1 and 3 apply even when these designations are used either in translation (in particular “Swiss”, “Swiss Made”, “Swiss Movement”), or with the indication of the genuine origin of the watch or with the addition of words such as “nature”, “type”, “style” or other combinations of words.

⁵ Apart from the placing of these indications on the watches or on their packaging, use comprises:

- a. the sale, offering for sale or bringing into circulation of watches with an indication of this kind;

¹⁸ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

¹⁹ RS **232.111**.

²⁰ New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 July 1992 (RO **2016** 1229). See also the transitional provision for this amendment at the end of the text.

²¹ New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

²² New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

²³ RS **232.11**.

²⁴ Introduced by chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

- b. the placing on signs, advertisements, sales leaflets, invoices, letters or commercial papers.

Art. 4²⁵ Placing the indication of source

- a. On the watch cases

¹ A watch case is regarded as Swiss if:

- a. it has undergone at least one essential manufacturing operation in Switzerland (i.e. stamping, machining or polishing);
- b. it has been assembled in Switzerland;
- c. it has been inspected in Switzerland and
- d. at least 60% of its manufacturing costs has been generated in Switzerland.²⁶

² The designations referred to in Art. 3, paras. 1 and 4, may only be placed on cases which are destined to be fitted to watches that satisfy the criteria set out in Art. 1a.²⁷

³ The indication "boîte suisse" [Swiss case], or a translation thereof, may be placed on Swiss cases intended to be fitted to watches which are not Swiss watches within the meaning of Art. 1a. When the indication is placed on the exterior of the case, the indication of source of the watch or of the movement must appear in a visible manner on the watch.²⁸

⁴ and ⁵ ...²⁹

Art. 5³⁰ b. On the watch dials

¹ The designations appearing in Art. 3, paras. 1 and 4, can only be placed on dials which are intended for watches that satisfy the criteria defined in Art. 1a. ...³¹

² The words "*cadran Suisse*" [Swiss dial], or a translation thereof, may be placed on the back of Swiss dials intended to be fitted to watches that are not themselves Swiss watches within the meaning of Art. 1a.

²⁵ New wording according to chapter I of the Ordinance of 18 October 1978, in force since 1 January 1979 (RO **1978** 1620).

²⁶ New wording according to chapter I of the Ordinance of 17 June 2016, in force since 1 January 2017 (RO **2016** 2593).

²⁷ New wording according to chapter I of the Ordinance of 29 March 1995, in force since 1 May 1995 (RO **1995** 1218).

²⁸ New wording according to chapter I of the Ordinance of 29 March 1995, in force since 1 May 1995 (RO **1995** 1218).

²⁹ Rescinded by chapter I of the Ordinance of 29 March 1995, with effect from 1 May 1995 (RO **1995** 1218).

³⁰ New wording according to chapter I of the Ordinance of 27 May 1992, in force since 1 July 1992 (RO **1992** 1229).

³¹ Sentence rescinded by chapter I of the Ordinance of 29 March 1995, with effect from 1 May 1995 (RO **1995** 1218).

Art. 6³² c. On other separate parts of the watch

¹ The designations appearing in Art. 3, paras 1 and 4, may only be placed on separate parts intended for watches that satisfy the criteria defined in Article 1a.

² Swiss movement blanks which are exported, together with movements manufactured using such blanks, may bear the indication "Swiss parts".

Art. 7³³ Samples and collections of samples

Notwithstanding Art. 3, para. 2, and Art. 4 to 6, cases, dials, movements and other separate parts may bear Swiss indications of source when:³⁴

- a. they are exported separately in the form of samples or collections of samples;
- b. they are manufactured in Switzerland and
- c. they are not intended for sale.

Art. 8³³ Criminal provisions

Any breaches of the provisions of this ordinance are covered by the criminal provisions set out in the TmPA.

Art. 9³⁴ Entry into force

This ordinance enters into force on 1 January 1972.

Final provision for the amendment of 27 May 1992³⁵

Undertakings that, on the date of entry into force of this amendment, have already used, lawfully and consistently, one of the protected designations defined in Art. 3 (1) and (4) have a right to continue use for five years after the entry into force of this amendment, even if the encasing and final inspection by the manufacturer took place abroad.

³² Introduced by chapter I of the Ordinance of 18 October 1978 (RO **1978** 1620). New wording according to chapter I of the Ordinance of 29 March 1995, in force since 1 May 1995 (RO **1995** 1218).

³³ New wording according to chapter I of the Ordinance of 18 October 1978, in force since 1 January 1979 (RO **1978** 1620).

³⁴ New wording according to chapter I of the Ordinance of 27 May 1992, in force since 1 July 1992 (RO **1992** 1229).

³³ Formerly Art. 6. New wording according to chapter I of the Ordinance of 23 December 1992, in force since 1 April 1993 (RO **1993** 312).

³⁴ Formerly Art. 7.

³⁵ RO **1992** 1229.

Transitional provision for the amendment of 17 June 2016³⁶

¹ Watches and movements manufactured between 1 January 2017 and 31 December 2018 which do not comply with the conditions set out in Art. 1 a, letter a, and 2, para. 1, letter a may only be placed on the market for the first time until 31 December 2020 with an indication of origin compliant with the law in force at the time of manufacture.

² The calculation of the manufacturing costs of a watch may exclude the costs of the cases and glasses:

- a. which a manufacturer had in stock prior to 31 December 2016 and
- b. which are incorporated into a watch until 31 December 2018.

³⁶ RO 2016 2593

