

Assembly of States Parties

Distr.: General
6 August 2004

Original: English

Third session

The Hague
6-10 September 2004

**Proposal by the Court of a supplementary item to the agenda:
protection of the name of the International Criminal Court**

Note by the Secretariat

The Secretariat of the Assembly of States Parties has received a communication from the Registry which, after consultation with the Presidency of the International Criminal Court requests, pursuant to rule 12 of the Rules of Procedure of the Assembly, the inclusion as a supplementary item to the agenda of the third session of the Assembly a proposal on protection of the name of the International Criminal Court.

Protection of the official name and abbreviation of the International Criminal Court

1. The name “International Criminal Court” has been embraced formally in the Rome Statute of the International Criminal Court, although an emblem and a seal for the Court have not yet been adopted. Despite the adoption of the name of the Court, no official mechanism yet exists for the protection of the name and its abbreviated form (“ICC-CPI”¹).
2. The Court has already noted increased unauthorized use of the name “International Criminal Court” (ICC-CPI) by private persons or societies residing within territories of States Parties. It is thus highly desirable that States Parties adopt measures to protect the name of the Court from abuse.
3. In view of the importance of protecting the integrity of the official name of the Court and the abbreviation thereof, it is proposed that the Assembly adopt a resolution recommending national legislative action by all States Parties to prevent the use, by private persons or by societies other than those upon which the Assembly or the Court confers the right thereto, of the name “International Criminal Court” or the abbreviation “ICC-CPI”, particularly for commercial purposes by means of trade marks, labels, domain names or any other such means.
4. The expected increase in the activities of the Court is likely to generate more unauthorized use of its name. In view of this, it is recommended that the Assembly consider the attached draft resolution for adoption.
5. The resolution by the Assembly of States Parties seeking to protect the name and the abbreviation thereof would be adopted bearing in mind the need for similar protection once the emblem, seal and/or flag have been adopted.
6. The procedure proposed above is in line with that followed by the United Nations to protect its name, emblem and flag. The alternative would be to adopt an international protocol for signature by States Parties, which would be a much more cumbersome procedure.

¹ While the initials “ICC” are already used widely by other organizations, the initials “ICC-CPI” are largely unique to the International Criminal Court.

Draft resolution

Protection of the official name and abbreviation of the International Criminal Court

“The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Considering that it is necessary to protect the name of the International Criminal Court and the abbreviated form thereof,

Bearing in mind that the same protection should be granted to the emblem, logo, seal, flag or insignia adopted by the Assembly or the Court,

Recommends:

1. That the States Parties to the Rome Statute of the International Criminal Court, whose legislation may not be adequate, take such measures, or recommend to their legislatures or appropriate organs of their Government such legislative or other appropriate measures, as may be necessary to prevent the use, by private persons or by societies other than those upon which the Assembly or the Court confers the right thereto, of the name “International Criminal Court” and of the abbreviation of that name through the use of its initial letters (“ICC-CPI”), particularly for commercial purposes by means of trade marks, labels, domain names or any other such means;
2. That such measures should take effect as soon as practicable but in any event not later than two years following the date of adoption of the present resolution;
3. That each State Party, pending the entry into effect within its territory of any such measures, should use its best endeavours to provide for the protection of the name and initials of the International Criminal Court in order to prevent any use, without the authorization of the Assembly or the Court, of the name and abbreviation thereof, in particular for commercial purposes, by means of trade marks, labels, domain names or any other such means;
4. That the above measures be similarly undertaken by each State Party in respect of any emblem, logo, seal, flag or insignia adopted by the Assembly or the Court.

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