

# Federal Administrative Court finds that Rynkeby's bottle design is distinctive

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## SWITZERLAND

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- The IGE rejected Rynkeby's mark, notably finding that the bottle design was banal and that the word element 'Rynkeby' was not legible
- The court disagreed, finding that the label design was visually striking and dominant
- The combination of the label, colours and text gave the mark sufficient distinctiveness

The Swiss Federal Administrative Court has upheld Rynkeby Foods A/S' appeal and reversed a decision of the Swiss Federal Institute of Intellectual Property (IGE) refusing to extend protection to Switzerland for the international trademark registration "bottle design Rynkeby (figurative)" (International Registration No 1452818). The court ordered that the

trademark be fully recognised and protected in Switzerland for goods in Classes 32 (non-alcoholic beverages) and 33 (alcoholic beverages, excluding beer) ([Decision B-4008/2022](#), 2 April 2025).

## Background

The IGE rejected Rynkeby's trademark (depicted below) on 13 July 2022, arguing that the bottle design was banal and did not sufficiently differ from standard beverage bottles. It claimed that the label was merely decorative and that the word 'Rynkeby' was not legible. Therefore, the word element was not capable of giving the sign the necessary distinctive character.



Rynkeby appealed.

## Decision

The court found that the label design, which included an oval green medallion with the clearly readable word 'Rynkeby' in white and a red butterfly, was visually striking and dominant. Further, it held that the combination of the label, colours and text gave the mark sufficient distinctiveness to indicate a commercial origin. The court further advised the IGE that it should have considered the electronic image of the mark as it appeared in the *WIPO Gazette* and the EU trademark (No 017937328), where 'Rynkeby' was clearly legible.

## Comment

The decision confirms established Federal Court jurisprudence, which permits trademark protection for designs incorporating commonplace elements, such as standard bottle shapes, provided that they feature distinctive graphic elements (eg, a recognisable logo). However, trademark owners should be aware that, in such cases, protection extends solely to the distinctive features, not to the generic bottle shape itself.

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