

Federal Administrative Court: Swiss Ice Hockey Federation can no longer use Swiss coat of arms

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Legal updates: case law analysis and intelligence

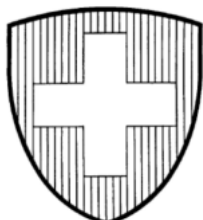
- While use of the Swiss coat of arms is now reserved for the Swiss Confederation, applications for an exemption could be submitted by the end of 2018
- The Swiss Ice Hockey Federation's application for continued use of the coat of arms was refused on the ground that it had been filed too late
- The Federal Administrative Court confirmed, dismissing the argument that the Swiss Federal Council had given oral consent to continue such use

The Swiss Federal Administrative Court has affirmed a decision of the Federal Institute of Intellectual Property (IGE) refusing a late application by the Swiss Ice Hockey Federation (SIHF) for continued use of the Swiss coat of arms ([Case B-669/2024](#), 15 October 2024). This means that the SIHF has no right to continue using the Swiss coat of arms on its hockey shirts and clothing.

Protection of the Swiss coat of arms

The revised Swiss Coat of Arms Protection Act 2017 stipulates that use of the Swiss coat of arms is now reserved for the Swiss Confederation. The Swiss coat of arms is not to be confused with the Swiss Cross, which is generally open to use (if certain requirements are met). The Swiss coat of arms has the following appearance:

Schweizerwappen



An exception is foreseen only for companies and associations that have made uninterrupted use of the Swiss coat of arms for at least 30 years. Applications for an exemption had to be submitted to the Federal Department of Justice and Police (FDJP) by the end of 2018. However, the requirements for exceptions were very strict. Only very few organisations successfully applied for such continued use (eg, Victorinox and the Touring Club Suisse).

Background

On 1 June 2018 the SIHF contacted the Federal Department of Defence, Civil Protection and Sport (DDPS). SIHF explained that it was being forced by the IGE to remove its logo bearing the Swiss coat of arms from the players' shirts and other items of clothing of the Swiss national ice hockey team. It asked for support and suspensive effect for a further season until 31 May 2019, as the costs of adapting the logo would be considerable.

On 11 October 2021 the SIHF contacted the DDPS again. It requested that the Swiss national ice hockey team be allowed to continue using the Swiss coat of arms in the future as it had been using it since 2015. The DDPS informed the SIHF that it was not competent.

By decision of 15 December 2023, the FDJP, represented by the IGE, did not accept the application of 11 October 2021. It reasoned that an application for continued use of the Swiss coat of arms should have been filed within two years of the entry into force of the Swiss Coat of Arms Protection Act.

Federal Administrative Court decision

The SIHF appealed the decision, mainly arguing that the Swiss Federal Council had given consent orally to continue such use. However, the court dismissed this argument, as the SIHF should have asked for written confirmation. The appeal was ultimately dismissed.

Comment

The decision caused a stir in the world of politics and sports, with politicians wondering: if the Swiss national ice hockey team is not suitable to represent Switzerland by bearing the coat of arms, then who is? This has now led politicians to plan a legal exception for the Swiss ice hockey team so that it can once again wear the Swiss coat of arms at the 2025 World Championships in Sweden and Denmark.

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