**Update on MSF Trade Marks**

*in preparation of the Restricted Council, 5-6 March 1999.*


“The protection of the name (is) to be used as a means of internal unification. It was decided to transfer the ownership of the name to MSF International from all the sections that still retain it, and to establish a licensing agreement between MSF International and each section to control the conditions for using the name. In the eventuality of sanctions or exclusion, rather than using listed criterias, it was decided to hand the question over to the IC to take such a decision by studying each case. Any decision should be made by a very large majority.”

(Minutes of the I.C, 19-20 September 1997)

2. Licensing contracts

A licensing agreement has been signed with each partner section (last one pending: Japan)
MSF Greece first needs to assign its trade mark (registered on its own initiative in November 1996) to the IO, before we can sign a license.
MSF-USA: ditto (for “Doctors without Borders”)

N.B The licensing agreement signed with the partner sections stipulates that the contract will be automatically and immediately terminated in the event that:

a) the licensee loses its status as a member of MSF International,
   *cf article 7 of MSF International’s statutes: non-payment of the annual contributions, resignation or exclusion for serious misdemeanor* - the section concerned having been given notice by the IC to explains its actions.
b) the licensee contrevenses its contractual obligations* and does not remedy the situation within 30 days upon reception of a registered letter from the IO.
   *acknowledge that the name/brand/trade marks is the exclusive property of MSF International, refrain from registering similar or identical trade marks, make good use of them by respecting and by promoting MSF’s good reputation, ask the IO for authorization prior to granting any trade mark sublicence, inform the IO in case of counterfeiting of the trade marks in its country.
c) the section becomes insolvent or undergoes compulsory liquidation.

3. Commitment of the Operational Centres.

At the IC meeting of September 1997, those sections who had already registered their trade mark, voted unanimously and committed themselves
1) to transfer their trade mark to the International Office
2) to sign an exclusive licensing agreement.
To date, the assignment have not been made and this meeting is the opportunity to settle any difference or remaining obstacles and move on.

**Situation of each OC re: trade marks:**
- **MSF France**: assignement (transfer the ownership) of the trade marks that were registered abroad (e.g: Austria, Italy, Benelux, Switzerland, the USA) and in France pending.
- **MSF-Belgium & Luxembourg**: never registered the trade mark (“Médecins sans frontières” et “Artzen zonder grenzen” in the Benelux belong to MSF France, MSF-Holland and MSF-Int’l)
- **MSF-Switzerland**: ditto -> not personally concerned by the assignment issue.

*Both Belgium, Luxembourg & Switzerland should be granted a license by the IO as soon as the registrations made in their country by other sections have been transferred to the IO.*
- **MSF-Holland**: agreement pending
- **MSF-Spain**: OK to transfer the ownership of its trade marks to the IO, but, in order to respect the specificities of its bylaws, asks to reconfirm this IC decision by a general assembly vote.
Special Cases:

* **MSF-Greece**: pending - specific request that it can keep the name even if excluded of the IC.

* **MSF-USA**: pending.

**4. Proposal:**

**Voting procedure to exclude a section from the International Council**

Further to the request of several sections regarding the possibility of being excluded from MSF International, the following definition & voting procedure is submitted for approval.

All members of MSF International and the IC are committed to participate in, develop and strengthen MSF’s international organization/movement. Therefore,

Should a section:

* commit a serious ethical fault or
* contravene MSF International’s rules and regulations which were decided by an IC vote
  - and that its action/behavior is deemed by the International Council to be unquestionably detrimental to the movement’s good standing or cohesion,

The IC will hold an extraordinary meeting (within the next x days upon reception of IC’s registered letter requesting explanations) and call for an exclusion vote.

The majority should be 17/19 sections, or 89.5% of the votes.