



Adopted by the Council on 25 November 2002

HALLMARKS - AVOIDING CONFUSION

Definition

For the purpose of these Guidelines, any mark applied, or intended to be applied, to precious metal articles which is not authorised under the Hallmarking Act 1973, ie the fineness mark, the Assay Office mark, the sponsor's mark, and the date letter (voluntary), is referred to as a "logo".

Principles

In order to attempt to avoid confusion between a logo and a hallmark, the use of a logo, where applied to a precious metal article:

- (i) must be principally for decorative purposes;
- (ii) must not give the impression that it is a present or formerly authorised hallmark;
- (iii) must not give or purport to give additional information about that article regarding the standard of the metal, or at which Assay Office or when it was marked; and
- (iv) must not be described as being part of a hallmark.

Guidelines

To attempt to ensure meeting the above principles.

Design

- (i) A logo should not take the form of a motif in a shield, similar to those used for hallmarks, unless it is clearly distinctive;
- (ii) generally, a logo consisting of numbers which could be interpreted as identifying the fineness of the precious metal should be avoided;
- (iii) marks of former or defunct Assay Offices may only be used, if legally permitted, for purposes which are clearly decorative and distinctive from authorised hallmarks; and
- (iv) a logo must not be the same or similar to a current or former registered sponsor's mark.



Application

- (v) A logo may be applied by an Assay Office or by other persons;
- (vi) the application of a logo must not damage or distort any hallmark, or its legibility;
- (vii) a logo must not be applied in such a way as to form part of the pattern of the hallmarks, eg added to a line or sequence of hallmarks, unless clearly distinctive due to its size, motif or other feature;
- (viii) where a well established or traditional logo has some of the design elements of a hallmark, eg a former Assay Office mark, particular care should be taken in its siting on the article to avoid conflict with the Principles.

Promotion

- (ix) Marketing or other information used in connection with the use of a logo must not breach or contribute to a breach of the Principles.

Note

These Principles and Guidelines have been formulated by the British Hallmarking Council in order to give assistance to Assay Offices and the Trade towards avoiding confusion caused by marks on precious metal articles. No warranty is given that confusion could not be created by other circumstances, not expressly mentioned, or that observance of these Principles and Guidelines will necessarily avoid allegations of "passing off" or commission of an offence under Section 6 of the Hallmarking Act 1973. Council recommends that these risks are kept in mind by Assay Offices and the Trade, and that legal advice is taken as necessary.

ACB
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