



THE BRITISH HALLMARKING COUNCIL

PRINCIPLES AND GUIDANCE ON SPONSORS' MARKS, LOGOS AND TOWN MARKS

Preamble:

The overall purpose of this document is to try to prevent confusion regarding hallmarks for the benefit of the public.

Sponsors' Marks.

The Hallmarking Act 1973 was amended by a Legislative Reform effective from 8 February 2013 and has changed *inter alia* the requirements for the design of "sponsors' marks".

The amendment removed the requirement to include in the sponsor's mark the initial letters of the name or names of the manufacturer or sponsor. The Hallmarking Act 1973 s3(3) (a) now provides that:

"Any sponsor's mark which is registered under this section shall be of such design as may be approved by an assay office."

This document provides guidance to the trade and to the assay offices on the procedure adopted by assay offices in respect of approving sponsors' marks which are designed following the amendment to the Hallmarking Act 1973 s3.

Logos and Town Marks.

Logos and the use of a Town Mark from a town where there was once an Assay Office which has now closed, have the potential to be confused with the legal hallmark.

This paper is intended to update previous guidance on logos and to give fresh advice on the use of 'old town marks' to prevent any such confusion.

Approved by the British Hallmarking Council on 15 April 2013

PRINCIPLES AND GUIDANCE

1. **Definitions**

(i) **Hallmark**

For the purpose of these Guidelines, an approved hallmark is defined as any mark applied, or intended to be applied, to precious metal articles within the requirements of the Hallmarking Act 1973 s4 and subsequent amendments, i.e.

- (a) The Sponsor's Mark.
- (b) The Millesimal Fineness Mark.
- (c) The Assay Office Mark.
- (d) Approved voluntary marks, such as Traditional Fineness Marks, the Date Letter and Commemorative Marks.

(ii) **Logo**

A logo is any mark applied to the article which is not one of the marks making up an approved hallmark (see above).

Guidelines for Sponsors' Marks

(i) **Introduction**

Up until 8th February 2013, the sponsor's mark had to include the initial letters of the name or names of the manufacturer or sponsor, which could be the designer, importer, retailer or individual who submits an item for hallmarking. Initials were generally included in a shield design. This has now been changed and Hallmarking Act, s3(3)(a) now provides that "*any sponsor's mark which is registered under this section shall be of such design as may be approved by an assay office.*"

While the assay offices will continue to recommend the use of the traditional mark comprised of initials and shield, under the amendment suppliers may now register a trade mark or other registered design for use as a sponsor's mark, subject to approval by an assay office.

(ii) **Guidelines for approval of Sponsors' Marks comprising Trade Marks**

- (a) The supplier must provide the assay office with an authorised hard copy of the Registered Trade Mark or other registered design.
- (b) The supplier must provide the assay office with a written undertaking that they have the authority to use the trade mark.
- (c) The assay office is not responsible for validating ownership of the design or its use, or for verifying its registration, although it is expected that common sense and existing knowledge will be applied when approving such designs.
- (d) The design must allow the mark to be clearly distinguished and described.

- (e) Numbers alone will not be approved.
- (f) Designs resembling the character of a current or ancient hallmark will not be approved.
- (g) Any design must be of size that allows it to be made into a punch which can be used for the hallmark and still be legible. It is unlikely that designs of more than 5 characters long could be made into a satisfactory punch.

2. Guidelines for Logos

(i) Principles

Where a logo has suitable characteristics, it may be approved by an assay office for use as a sponsor's mark (see above). If this is not the case and the logo is a decorative addition which is not an integral part of the approved hallmark then there are clear guidelines to be followed. 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:

- (a) must be principally for decorative purposes;
- (b) must not give the impression that it is a present or formerly authorised hallmark;
- (c) 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;
- (d) must not be described as being part of a hallmark.

(ii) Guidelines

- (a) A logo should not take the form of a motif in a shield, similar to those used for hallmarks, unless it is clearly distinctive.
- (b) Generally, a logo consisting of numbers which could be interpreted as identifying the fineness of the precious metal should be avoided.
- (c) 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.
- (d) A logo must not be the same or similar to a current or former registered sponsor's mark.
- (e) A logo may be applied by an assay office or by other persons.
- (f) The application of a logo must not damage or distort any hallmark, or its legibility.
- (g) 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.
- (h) 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 citing on the article to avoid conflict with the Principles.
- (i) Marketing or other information used in connection with the use of a logo must not breach or contribute to a breach of the Principles.

3. Guidelines on the use of old 'Town' marks, (e.g. Exeter, York, Newcastle, Chester).

(i) Introduction

While there are only four UK assay offices operating today, there have been many more in years gone by. From time to time the surviving assay offices receive specific requests to apply the town marks of closed assay offices in addition to today's hallmarks.

(ii) Guidelines

These Guidelines are intended for assay offices and the trade.

- (a) The supplier requesting the use of a Town mark from a closed assay office must provide confirmation in writing from the owner of the Town mark that it has the owner's permission to use the mark.
- (b) The mark must be designed such that the spirit of the original Town mark is maintained but sufficiently different from the original.
- (c) The design for the Town mark must be sent to the Technical Committee for approval, together with the written permission to use the mark referred to in (a) above.
- (d) A fee may be charged by the receiving assay office to the customer requesting approval of the mark.
- (e) A modern, hallmark in that complies with the statutory requirements for an approved hallmark under the Hallmarking Act s1973 s4 must be applied to any item bearing the mark. The part of the new hallmark which comprises the statutory hallmark **must always have the current date letter.**
- (f) The Town mark must be applied either before the customer sends submits it to an assay office for hallmarking or by the receiving assay office. It cannot be applied retrospectively after hallmarking, except by an assay office.

Note

These Principles and Guidelines have been formulated by the British Hallmarking Council for guidance only to give assistance to assay offices and the trade in avoiding confusion caused by marks on precious metal articles.

No warranty is given that confusion could not be created even where this guidance is followed or that by observing these Principles and Guidelines allegations of "passing off" or the commission of an offence under Section 6 of the Hallmarking Act 1973 will be avoided.

The British Hallmarking Council recommends that these risks are kept in mind by assay offices and the trade, and that legal advice is taken as deemed necessary.