

GUIDANCE ON
THE USE OF
ROYAL ARMS, NAMES
AND IMAGES

The following booklet summarises the legal position governing the use, for commercial purposes, of the Royal Arms, Royal Devices, Emblems and Titles and of photographs, portraits, engravings, effigies and busts of The Queen and Members of the Royal Family.

Guidance on advertising in which reference is made to a Member of the Royal Family, and on the use of images of Members of the Royal Family on articles for sale, is also provided.

The Lord Chamberlain's Office will be pleased to provide guidance when it is unclear as to whether the use of "Arms" etc., may give the impression that there is a Royal connection.

TRADE MARKS

Section 4 (1) of the Trade Marks Act 1994 states:

“A trade mark which consists of or contains –

- (a) the Royal arms, or any of the principal armorial bearings of the Royal arms, or any insignia or device so nearly resembling the Royal arms or any such armorial bearing as to be likely to be mistaken for them or it,*
- (b) a representation of the Royal crown or any of the Royal flags,*
- (c) a representation of Her Majesty or any Member of the Royal Family, or any colourable imitation thereof, or*
- (d) words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation,*

shall not be registered unless it appears to the registrar that consent has been given by or on behalf of Her Majesty or, as the case may be, the relevant Member of the Royal Family.”

The Lord Chamberlain's Office is empowered to grant the consent referred to in *Section 4(1)* on behalf of Her Majesty The Queen. The Lord Chamberlain's Office has a standard procedure and document to implement the grant of any such consent. The consent is conditional on (*inter alia*) the proprietary rights in the registration remaining with the applicant, and cannot be assigned without further consent.

Unauthorised Use

Section 99(1) of the Trade Marks Act 1994 states that "a person shall not without the authority of Her Majesty use in connection with any business the Royal arms (or arms so closely resembling the Royal arms as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal arms".

International Protection

The use of certain Royal insignia as trade marks can also be protected internationally under the Paris Convention for the Protection of Industrial Property of 1883.

Article 6ter (1) (a) of the Paris Convention states that:

“The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view”.

All the countries which are contracting parties to the Paris Convention undertake not to register trade marks which incorporate or imitate State emblems, armorial bearings, official signs or hallmarks, which are designated as protected emblems under the Convention, without evidence of content to the registration for the appropriate “competent authority”.

There are currently 173 member states that are party to the Paris Convention and bound by this provision (Annex A). Several versions of the Royal arms (including the Supporters) are protected as UK state emblems under the Paris Convention.

ROYAL ARMS AND SIMILAR EMBLEMS

The use of the Royal Arms and of Royal Devices, Emblems and Titles, or of Arms, Devices, etc., which are so similar as to be calculated to deceive, in connection with any trade or business, or to suggest that the person is employed by or supplies goods to a Member of the Royal Family, is prohibited by the Trade Marks Act 1994, unless the permission of the Member of the Royal Family concerned has been obtained.

The Lord Chamberlain's Office will be pleased to provide guidance when it is unclear as to whether the use of "Arms" etc., may give the impression that there is a Royal connection.

Conventional representations of the Royal Arms are shown below:



(English Version)

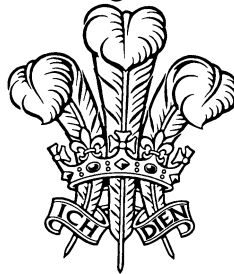


(Scottish Version)

The Duke of Edinburgh's Arms:



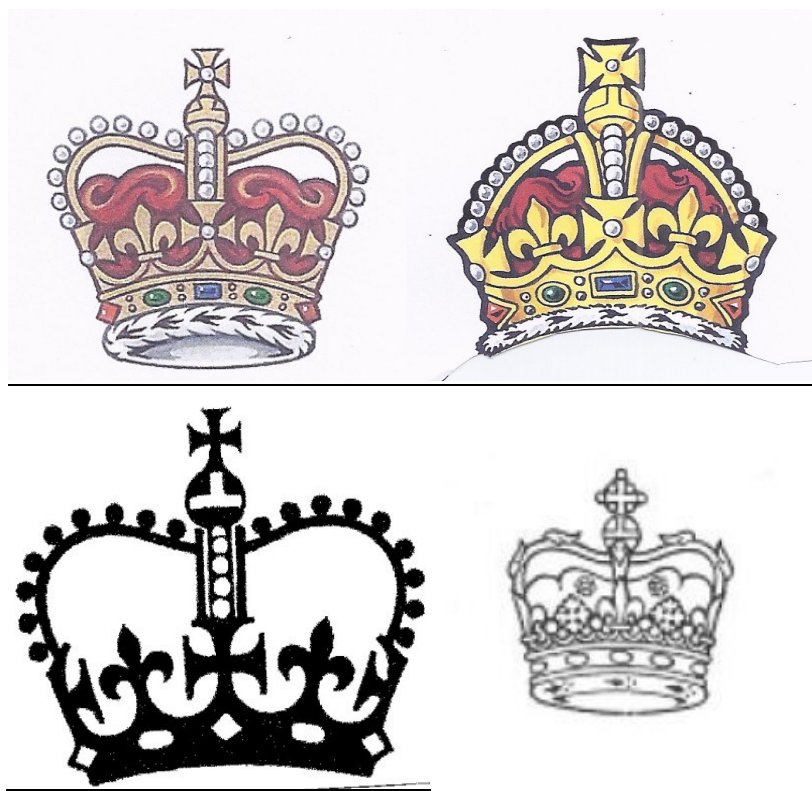
The Prince of Wales's Three Feathers Badge:



The late Queen Mother's Arms:



Conventional representations of the Royal Crown are shown below:



Further images of Royal Crowns are shown in Annex B.

A Royal Coronet is also a protected Royal Device:-



Crown designs that may be used for business purposes without infringement of the Royal Crown are shown in Annex C.

Products

The Royal Arms, similar emblems and the Royal Crown may not be used on articles for sale, unless prior permission has been granted by the Lord Chamberlain's Office.

It is only proposed to vary these rules on occasional events of national importance.

Trade Descriptions Act 1968

Section 12 states that:

"If any person, in the course of any trade or business, gives, by whatever means, any false indication, direct or indirect, that any goods or services supplied by him or any methods adopted by him are or are of a kind supplied to or approved by Her Majesty or any member of the Royal Family, he shall, subject to the provisions of this Act, be guilty of an offence".

Royal Warrants

When Royal Patronage is granted, for instance a Tradesmen's Warrant, the Royal Arms may be displayed in certain instances, as laid down in the Lord Chamberlain's Rules for holders of a Tradesmen's Warrant. However they may not be used as a trade mark and should only be displayed for the duration of the grant of a Royal Warrant.

The Lord Chamberlain's Office will be pleased to provide guidance if required.

NAMES OF THE ROYAL FAMILY

Trade Marks

Names of the Royal Family may not be registered in, or as, trade marks without the consent of The Queen or the relevant Member of the Royal Family. The names of Members of the Royal Family are listed at Annex C. The names of Royal Residences may not be registered either.

In addition to the possibility of an objection under Section 3(5) Trade Marks Act 1994, Trade Mark examiners will also consider whether the application has been made in bad faith (Section 3(6) and whether the mark is distinctive for the goods/services (Section 3(1))

Trade Marks incorporating the word Royal

Section 4 of the Trade Marks Act related to the use of any words, in such a manner as to be likely to lead persons to think that the applicant either has, or recently has had, Royal patronage or authorization.

Examples of goods or services for which ROYAL may indicate Royal patronage are high quality porcelain or glassware, luxury foods, organic food, confectionery, alcoholic beverages, clothing, organisation of sporting events, exhibitions, flower shows, tourism, medical and charitable services. This is not an exhaustive list.

ROYAL may indicate royal patronage or authorisation for other high value products, or prestige or 'public interest' type services.

ROYAL is unlikely to indicate Royal patronage or authorisation for everyday items e.g. insurance or financial services, double glazing services, provision of electricity, or for goods which are far enough removed from any association with the Royal family such as skateboards, computers, computer games or T-shirts.

Company Names

Sections 55 and 1047 of the Companies Act 2006 and Regulation 8 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 prohibits companies (including overseas companies) and limited liability partnerships from being registered under a name which includes any of the sensitive words specified in the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014, unless the approval of the Secretary of State has been obtained. The sensitive words specified in the 2014 Regulations include Royal, Queen, King, Prince or Princess.

Section 1194 of the Companies Act 2006 provides that it is an offence to carry on any type of business (to include a company (including an overseas), limited liability partnership or any other type of business) under a name which includes any of the sensitive words specified in the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014, unless the approval of the Secretary of State has been obtained. See:

<https://www.gov.uk/government/publications/incorporation-and-names>

To use these words in a company or business name, you must obtain the consent of the body shown below:-

England & Northern Ireland:

E-mail (preferred): RoyalNames@cabinetoffice.gov.uk

or write to:

Constitutional Policy Team 4th Floor (South 1)
Cabinet Office
1 Horse Guards Road
London SW1A 2HQ

To speed up your application, please provide details of the reason(s) why you wish to use this word; the history of the company/organisation and its future plans; details of any Royal or Government associations/leading members. If you wish to use the name to represent an existing public house, hotel or similar establishment, provide evidence including the length of time it has existed. If the name represents a street name, surname or has long usage, provide evidence of such and any other relevant information.

Wales:

Email: PAD@wales.gsi.gov.uk

or write to:

The Welsh Government
Public Administration and Honours Unit
Crown Buildings
Cathays Park
Cardiff CF10 3NQ

Scotland:

Email: protocol@scotland.gsi.gov.uk

or write to:

The Scottish Government
Protocol Team
3-D Bridge, Victoria Quay
Edinburgh EH6 6QQ

Products

Using Royal names or Royal residences on products, rather than as part of a Company's name, is illegal if the use of the name suggests the goods have some connection with or are supplied to a Member of the Royal Family.

It is only proposed to vary these rules on occasional events of national importance.

ROYAL IMAGES

Royal images include representations of The Queen, any Member of the Royal Family (Annex D) and Royal Residences (Annex E).

Trade Marks

Trade Marks containing representations of Her Majesty, or any member of the Royal Family or royal Residences are open to objection under section 3(5) of the Trade Mark Act 1994 unless the consent of The Queen or the relevant member of the Royal Family is provided.

Products

The Lord Chamberlain's Office will not generally seek to oppose the use of images of Members of the Royal Family or Royal Residences on certain articles which are for sale, providing they are of a permanent kind, free from advertisement, in good taste, carry no implication that the firm concerned has received Royal Custom or approval, and are not in contravention of any trademark or copyright.

However, as a general rule, the Lord Chamberlain's Office does not consider that Royal Images should be used on the following:-

- Medals, medallions and coins
(which are not issued by The Queen or are legal tender)
- Adhesive seals
- Articles of dress
- Household linen and furnishing fabrics
- Packaging, containers, boxes, covers or labels

If it is intended to show the image of The Queen or a Member of the Royal Family with that of a person who is not a Member of the Royal Family, then it is suggested that specific advice should be sought from the Lord Chamberlain's Office.

Images of Members of the Royal Family under the age of 18 should not be used for commercial purposes.

Any question of copyright involved in the reproduction of a Royal Image must be settled by the prospective user directly with the copyright holder.

Nothing in these rules gives any right to the use of any particular Image.

It is only proposed to vary these rules on occasional events of national importance.

Advertising

The Advertising Standards Authority issues specific guidelines which cover the use of Royal Images in advertising, but generally, except when advertising a book, newspaper article or magazine article about a Member of the Royal Family, Royal Images may not be used for advertising purposes in any medium.

A firm's advertisement may not include photographs of Members of the Royal Family visiting their works or exhibition stands, or being publicly involved with their goods or services. Such matters may then be referred to the Advertising Standards Authority or the Director General of Fair Trading under the control of the Consumer Protection from Unfair Trading Regulations 2008 or the Business Protection from Misleading Marketing Regulations 2008.

Legal Tender and Postage Stamps

Legal tender which shows The Queen's head side of a coin or bank note may be used in advertising material, providing it is a faithful reproduction and is shown without alteration. This also applies to postage stamps, which must be shown in entirety, including perforations.

Clarification can be sought from the Lord Chamberlain's Office.