



Green Dot – Trademark Infringement Guidelines

Introduction

This document is designed to help businesses apply the Green Dot correctly and in accordance with accepted guidelines.

Who can have and needs to hold the Green Dot User Agreement?

Anyone that places goods on the market in the UK which displays the Green Dot on their packaging will need to hold a User Agreement that covers those goods. This includes anyone that (irrespective of selling technique used including distance sellers):

- Manufactures and sells goods under his own brand
- Resells under his own brand goods produced by other suppliers
- Imports or exports goods on a professional basis into the UK

What is not infringement?

A person who prints or otherwise applies the Green Dot on material to be used for labelling or packaging goods with the authority of a person who holds a User Agreement for the trademark, and where such material is to be used by the licensee in accordance with the terms of the User Agreement, will not infringe the Green Dot trademark.

When can an infringement occur?

Although each situation will need to be assessed on a case by case basis, use of a sign in the course of trade which is the same or similar to the Green Dot trademark (which is registered in the UK as trademark numbers 1482185, 1482187, 1466826, 2039593, 1466353 and European trademark numbers 298273 and 297960) may infringe the Green Dot trademark in the following circumstances:

- Where the sign is identical to the Green Dot trademark and is used in relation to goods or services which are identical to the goods and services for which the Green Dot trademark is registered and there is a likelihood of confusion on the part of the public.
- Where the sign is identical to the Green Dot trademark and is used in relation to goods or services which are similar to those for which the Green Dot trademark is registered and there is a likelihood of confusion on the part of the public.
- Where the sign is similar to the Green Dot trademark and is used in relation to goods or services which are identical or similar to goods or services for which the Green Dot trademark is registered and there is a likelihood of confusion on the part of the public.
- As the Green Dot trademark has a reputation in the UK, where the sign is identical or similar to the Green Dot trademark and is used in relation to any goods or services (whether or not these similar to those for which the Green Dot trademark is registered), is used without cause and takes unfair advantage and/or is detrimental to the distinctive character and repute of the Green Dot trademark.

For the above purposes, use of a sign includes:

- Applying it to goods or packaging for goods
- Importing goods, for disposal, to which the sign has been applied to those goods or their packaging
- Supplying services under the sign