

NATIONAL LEGISLATIONS PERTAINING TO THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, AND RED CRYSTAL DESIGNATIONS, WORDS AND NAMES

(relevant extracts)

AUSTRALIA

Royal Charter, 1941

Introductory paragraphs:

[...]

- (ii) That the said Society is representative of the whole of Australia and of the Territories thereof (including the Territory of New Guinea) and has been authorised by Our Minister of State for Defence of Our Commonwealth of Australia pursuant to the Geneva Convention Act 1938 of Our Commonwealth of Australia to use therein the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland and to use the words "Red Cross" and also to render assistance to the Medical Services constituted under the Defence Acts of Our Commonwealth of Australia and to the Medical Units and establishments thereof and also that the said Society is recognised by the International Committee of the Red Cross as an autonomous national Society.

[...]

Geneva Conventions Act, 1957 (amended 2009)

Part IV, section 15:

15 Use of Red Cross and other emblems, signs, signals, identity cards, insignia and uniforms

- (1) Subject to this section, a person shall not, without the consent in writing of the Minister or of a person authorized in writing by the Minister to give consents under this section, use for any purpose whatsoever any of the following:
- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";
 - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";
 - (c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun";
 - (ca) the emblem of a red frame in the shape of a square on edge on a white ground, or the designation "Red Crystal";

[...]

- (e) a design or wording so nearly resembling any of the emblems or designations specified in paragraph (a), (b), (c), (ca) or (d) as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems;
- (f) such other emblems, identity cards, signs, signals, insignia or uniforms as are prescribed for the purpose of giving effect to Protocol I or Protocol III.

Penalty: \$1,000

[...]

- (4) Where a court convicts a person of an offence against subsection (1), the court may order the forfeiture to the Commonwealth of:
 - (a) any goods upon or in connection with which an emblem, designation, design, wording or sign was used by that person, and
 - (b) any identity cards, insignia or uniforms used in the commission of the offence.
- (5) In the case of a trade mark registered before the day to which subsection (5A) applies, subsections (1), (2), (3) and (4) do not apply by reason only of its consisting of or containing an emblem or designation specified in paragraph (1)(b), (c) or (ca) or a design or wording resembling such an emblem or designation, and where a person is charged with using such an emblem, designation, design or wording for any purpose and it is proved that the person used it otherwise than as, or as part of, a trade mark so registered, it is a defence for the person to prove:
 - (a) that the person lawfully used that emblem, designation, design or wording for that purpose before the day to which subsection (5A) applies; or
 - (b) in a case where the person is charged with using the emblem, designation, design or wording upon goods, that the emblem, designation, design or wording had been applied to the goods before the person acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the emblem, designation, design or wording upon similar goods before the day to which subsection (5A) applies.

- (5A) For the purposes of subsection (5), this subsection applies to the following day:
- (a) to the extent that subsection (5) applies in relation to a trade mark consisting of or containing an emblem or designation specified in paragraph (1)(b) or (c) or a design or wording resembling such an emblem or designation—the day on which this Act received the Royal Assent;
 - (b) to the extent that subsection (5) applies in relation to a trade mark consisting of or containing an emblem or designation specified in paragraph (1)(ca) or a design or wording resembling such an emblem or designation—the day on which Schedule 1 to the *Defence Legislation (Miscellaneous Amendments) Act 2009* commenced.
- (6) Where an offence against this section committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, he or she, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (7) This section extends to the use in or outside Australia of an emblem, designation, design, wording, sign, signal, identity card, insignia or uniform referred to in subsection (1) on any ship or aircraft registered in Australia.
- (8) Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.

Sources:

http://www.redcross.org.au/files/Royal_Charter_Consolidated_and_Fourth_Supplemental_Charter.pdf

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/F259BE43B240D657C12563F1002F6124>

AUSTRIA

Federal Law on the Recognition of the Austrian Red Cross and the Protection of the Red Cross Emblem, 2007

Article 5:

Emblem

§ 5. (1) The emblem of the Austrian Red Cross is the Red Cross on a white background. The Austrian Red Cross authorised to utilise this emblem for all its tasks and to authorise other persons and institutions in connection with these tasks.

(2) The Austrian Red Cross is entitled to bear a coat of arms and a seal, in which the Austrian federal eagle as well as the inscription "Austrian Red Cross" appear beside the emblem of the Austrian Red Cross commensurate with Para. 1.

Article 8:

Improper utilisation of emblem

§ 8. (1) It is forbidden to utilise

- a) the emblem of the Red Cross on a white background or the words "Red Cross" or "Geneva Cross" in all languages,
- b) the emblem of the Red Crescent on a white background, the emblem of the Red Lion with a red sun on a white background, the words "Red Crescent" or "Red Lion with Red Sun" in all languages,
- c) the emblem of the Additional Protocol to the Geneva Conventions from 12 August 1949 concerning the adoption of an additional distinctive emblem (Protocol III), "Red Crystal on a white background" or the words "Red Crystal" in all languages,
- d) emblems and designations which represent an imitation of the emblems and designations according to lit. a) to c), which could engender cases of mistaken identity or errors, or unjustifiably allude to a connection with the Austrian Red Cross, or

[...]

(3) The words and emblems specified under Para. 1 lit. a to d may only be registered as a brand with the approval of the Austrian Red Cross. This also applies to emblems which merely include these words and emblems as components. After the entry into force of this federal law, brands registered contrary to this provision are to be cancelled via appropriately justified request. Words and emblems registered as brands before entry into force of this federal law commensurate with Para. 1 lit. a, b and d, the latter insofar as it concerns imitations of the emblem commensurate with lit. a and b, are to be cancelled via appropriately justified request if they have been registered contrary to the utilisation prohibition of Para. 1; however, in the event of words in other languages than German only if they have not already been utilised in a lawful manner before the entry into force of this federal law.

The realisation of the cancellation is retroactive to the commencement of the period of protection.

[...]

Article 9:

Administrative penalties

§ 9. (1) Whoever contravenes the provisions of § 8 Para. 1 and 2 commits, insofar as a judicially punishable element of a case is not at hand, an administrative violation, and is to be punished with a fine of 360.-- Euro to 3,600.-- Euro.

(2) Whoever commits the offence commensurate with Para. 1 in a form through which the utilisation of improperly designated objects becomes known to a broad public is to be punished with a fine of 800.-- Euro to 15,000.-- Euro.

(3) If an administrative violation is committed according to § 8 Para. 1, the regional administrative authorities have to order the removal of the unlawful designation at the owner's expense. Objects designated as unlawful can be declared invalid.

[...]

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=116BEB7CE7CCE29AC12576C000394748&action=openDocument&xp_countrySelected=AT&xp_topicSelected=GVAL-992BU8&from=state&SessionID=D00E86AAAD03D2A73FA1C0A46AD12BC2B9F5D4D6

BELGIUM

Law relative to the protection of designations, signs and emblems of the red cross, 1956

Articles 1 and 2:

Article premier.

Sans préjudice d'autres dispositions pénales, quiconque, en violation des conventions internationales qui en règlent l'emploi, fait usage de l'une des dénominations « Croix-Rouge », « Croix de Genève », « Croissant Rouge » ou « Lion et Soleil rouges » ou d'un des signes ou emblèmes correspondant à ces dénominations, est puni d'un emprisonnement de huit jours à trois ans et d'une amende de 26 à 3,000 francs ou d'une de ces peines seulement.

Est puni des mêmes peines celui qui fait usage d'une dénomination, d'un signe ou d'un emblème susceptible de créer la confusion avec ces dénominations, signes ou emblèmes.

Art. 2.

Si elles sont commises en temps de guerre, les infractions prévues à l'article premier seront punies d'un emprisonnement de quinze jours à cinq ans et d'une amende de 50 à 5,000 francs ou d'une de ces peines seulement.

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=17DF2D81F3F482E7C1256396004E0076&action=openDocument&xp_countrySelected=BE&xp_topicSelected=GVAL-992BU8&from=state

CAMBODIA

Royal Decree on the use and Protection of the Emblem, 2002

Section V, article 8:

Article 8:

The public authorities of Cambodia shall at all times ensure strict compliance with the rules governing the use of the emblem of the red cross or red crescent, the name "Red Cross" or "Red Crescent" and the distinctive signals. They shall exercise strict control over the persons authorized to use the said emblem, name and signals.

They shall take every appropriate step to prevent misuse, in particular by disseminating the rules in question as widely as possible among the armed forces, the police forces, the public authorities and the civilian population.

Section VI, article 10:

Article 10:

The registration of associations and trade names, and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the red cross or red crescent or the designation "Red Cross" or "Red Crescent" in violation of the present Royal Decree shall be refused.

Only the Cambodian Red Cross shall be registered for the use of the red cross emblem.

Section VII, article 11:

Article 11:

Anyone who, wilfully and without entitlement, has made use of the emblem of the red cross or red crescent, the words "Red Cross" or "Red Crescent", a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or which might lead to confusion, irrespective of the aim of such use, and in particular anyone who, in particular, has displayed the said emblem or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked, shall be punished according to the applicable law.

[...]

Section VII, article 14:

Article 14:

The Courts shall have jurisdiction to order the seizure of objects and any material marked in violation of the present Royal Decree , to demand the removal of the emblem of the red cross or red crescent and of the words "Red Cross" or "Red Crescent" at the cost of the instigator of the offence, and to order the destruction of the instruments used for their reproduction.

Sources:

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/5CEC1052E0F83D8AC1256E68003801FC>

CANADA

Canadian Red Cross Society Act, 1909 (as of 2010)

An act to incorporate the Canadian Red Cross Society

Section 4:

[...]

(2) No person shall wear, use or display for the purposes of his or her trade or business, for the purpose of inducing the belief that he or she is a member or representative of, or agent for, the Society or for any other purposes whatsoever, without the Society's written authorization, any of the following:

(a) the heraldic emblem of the Red Cross on a white ground, or the words "Red Cross" or "Geneva Cross";

(b) the emblem of the Red Crescent on a white ground, referred to in Article 38 of Schedule I to the *Geneva Conventions Act*, or the words "Red Crescent";

(c) the third Protocol emblem — commonly known as the "Red Crystal" — referred to in Article 2, paragraph 2 of Schedule VII to the *Geneva Conventions Act* and composed of a red frame in the shape of a square on edge on a white ground, or the words "Red Crystal";
or

(d) any other word, mark, device or thing likely to be mistaken for anything mentioned in paragraphs (a) to (c).

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence, and is liable on summary conviction to a fine of not less than \$100 but not more than \$500, or imprisonment for a term not exceeding one year, or both, for each offence, and any goods, wares or merchandise on which, or in connection with which, any of the emblems or words mentioned in paragraphs (2)(a) to (c) or any coloured imitation of them were used are liable to forfeiture to Her Majesty in right of Canada. The proceeds of the fine so collected shall be paid to the Society.

[...]

Trade-marks Act, 1952 (amended 2007)

Section 9:

9. (1) No person shall adopt in connection with a business, as a trade-mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for,

[...]

(f) the emblem of the Red Cross on a white ground, formed by reversing the federal colours of Switzerland and retained by the Geneva Convention for the Protection of War Victims of 1949 as the emblem and distinctive sign of the Medical Service of armed forces and used by the Canadian Red Cross Society, or the expression "Red Cross" or "Geneva Cross";

(g) the emblem of the Red Crescent on a white ground adopted for the same purpose as specified in paragraph (f) by a number of Moslem countries;

(g.1) the third Protocol emblem — commonly known as the "Red Crystal" — referred to in Article 2, paragraph 2 of Schedule VII to the *Geneva Conventions Act* and composed of a red frame in the shape of a square on edge on a white ground, adopted

for the same purpose as specified in paragraph (f);

(h) the equivalent sign of the Red Lion and Sun used by Iran for the same purpose as specified in paragraph (f);

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=FEB9C8F94ACF11A9C12576FF00416DB6&action=openDocument&xp_countrySelected=CA&xp_topicSelected=JPAA-9F5MUE&from=state

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=ED9398DC0B8A846CC12563A40052D582&action=openDocument&xp_countrySelected=CA&xp_topicSelected=GVAL-992BU8&from=state

FINLAND

Act on the use of certain internationally protected symbols, 1979

Article 1:

§ 1

The distinctive emblem of the Red Cross, the terms "Red Cross" or "Geneva Cross", and the international distinctive sign of civil defence shall not be used in cases other than those provided for in this Act.

Article 2:

§ 2

Signs, pictures or terms which resemble the emblems, signs or terms referred to in § 1 to such a degree that confusion may arise, shall not be used.

Article 3

[...]

The Finnish Red Cross is entitled to use the distinctive emblem and the name of the Red Cross in its activities in accordance with the Conventions referred to in sub-paragraph 2 of § 1.

Article 6:

§ 6

Whosoever makes use of the emblems, signs, pictures or terms referred to in §§ 1 and 2 in commerce or other unauthorized activity shall be sentenced to pay a fine or a prison sentence of maximum six months for the unauthorized utilization of an internationally protected emblem or sign unless a more severe penalty is provided elsewhere.

Act on the Finnish Red Cross, 2000

Section 2:

Section 2

Distinctive emblem

What is ordered in the Conventions and the Protocols additional thereto referred to in section 1(1) and what is provided in the Act on the Use of Certain Internationally Protected Symbols (947/1979) apply to the Society's right to use the name and distinctive emblem of the Red Cross.

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=45C9D345123D72B2C1256ABD0053294C&action=openDocument&xp_countrySelected=FI&xp_topicSelected=GVAL-992BU8&from=state

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=D73192BF5D0F672DC1256ABC004F2217&action=openDocument&xp_countrySelected=FI&xp_topicSelected=GVAL-992BU8&from=state

FRANCE

Law on the Approval of Articles 23, 27 and 28 of the Geneva Convention 1906, and of Articles 5, 6 and 21 of the Hague Convention X 1907, 1913

Article 1:

Art. 1er. — Conformément aux articles 24 et 28 de la convention pour l'amélioration du sort des blessés et malades dans les armées en campagne, signée à Genève le 27 juillet 1929, l'emploi, soit de l'emblème de la Croix-Rouge sur fond blanc, soit des mots Croix-Rouge ou Croix de Genève est réservé, en tout temps, pour protéger ou désigner le personnel, le matériel et les établissements du service de santé des armées de terre, de mer et de l'air, ainsi que les associations officiellement autorisées à lui prêter leur concours avec les extensions prévues à l'article 24 de ladite convention.

En conséquence :

a) Est interdit en tout temps l'emploi, soit par des particuliers, soit par des sociétés ou associations autres que celles visées au paragraphe précédent, desdits emblèmes ou dénominations, de même que de tous signes ou dénominations constituant une imitation, que cet emploi ait lieu dans un but commercial ou dans tout autre but;

b) Est également interdit l'emploi par des particuliers ou par des sociétés des armoiries de la Confédération suisse ou de signes constituant une imitation, soit comme marques de fabrique ou de commerce, ou comme éléments de ces marques, soit dans un but contraire à la loyauté commerciale, soit dans des conditions susceptibles de blesser le sentiment national suisse.

[Article modifié par la loi du 4 juillet 1939, dont l'article 2 stipule:

«Les dispositions de l'alinéa 2 de l'article 1er de la loi du 24 juillet 1913, modifiée par la présente loi, en tant qu'elles concernent des imitations de l'emblème de la Croix-Rouge ou des dénominations Croix-Rouge ou Croix de Genève et les reproductions ou imitations des armoiries de la Confédération suisse, ne seront exécutoires qu'à partir du 21 août 1939 pour les particuliers, sociétés ou associations qui seraient en situation de justifier d'une possession antérieure au 21 février 1937.»]

Article 16:

Art. 16. — Par décret rendu sur la proposition des ministres des affaires étrangères, de la guerre, de la marine, du commerce et de l'industrie, les dispositions de la présente loi pourront, sous le bénéfice de la réciprocité, être rendues applicables à la protection des signes distinctifs substitués à l'emblème de la Croix-Rouge et aux mots «Croix-Rouge» et «Croix de Genève» par une puissance qui avant de signer les conventions de Genève et de la Haye visées au cours des articles ci-dessus, ou d'y adhérer, aurait déclaré faire des réserves au sujet de ces mots ou emblèmes. Il sera constaté dans ledit décret que la protection des signes distinctifs de la Croix-Rouge et de ceux que ladite puissance y aura substitués est d'ores et déjà pleinement assurée par celle-ci dans l'esprit des conditions déterminées par les conventions précitées de Genève et de la Haye, ainsi que par les dispositions de la présente loi.

[...]

Act amending the Law of 1913 on the protection of the emblem, 1939

Article 1:

Art. 1er. — Conformément aux articles 24 et 28 de la convention pour l'amélioration du sort des blessés et malades dans les armées en campagne, signée à Genève le 27 juillet 1929, l'emploi, soit de l'emblème de la Croix-Rouge sur fond blanc, soit des

mois Croix-Rouge ou Croix de Genève est réservé, en tout temps, pour protéger ou désigner le personnel, le matériel et les établissements du service de santé des armées de terre, de mer et de l'air, ainsi que les associations officiellement autorisées à lui prêter leur concours avec les extensions prévues à l'article 24 de ladite convention.

En conséquence :

a) Est interdit en tout temps l'emploi, soit par des particuliers, soit par des sociétés ou associations autres que celles visées au paragraphe précédent, desdits emblèmes ou dénominations, de même que de tous signes ou dénominations constituant une imitation, que cet emploi ait lieu dans un but commercial ou dans tout autre but ;

[...]

Law introducing various steps to adapt the French justice system to the European Union Law and to France's International Commitments, 2013

Chapter VIII, article 12:

I – L'article 433-14 du code pénal est complété par un 4° ainsi rédigé :

« 4° D'user de l'emblème ou de la dénomination de l'un des signes distinctifs définis par les conventions signées à Genève le 12 août 1949 et leurs protocoles additionnels. »

II – L'article 433-15 du même code est complété par un alinéa ainsi rédigé :

« Les mêmes peines sont applicables au fait, par toute personne, de faire publiquement usage d'un emblème ou d'une dénomination présentant avec l'un des signes distinctifs des conventions signées à Genève le 12 août 1949 et de leurs protocoles additionnels une ressemblance de nature à causer une méprise dans l'esprit du public. »

[...]

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=A6FF5EF4A66D838C4125693C00591C1C&action=openDocument&xp_countrySelected=FR&xp_topicSelected=GVAL-992BU8&from=state

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=D22531EC21CB74D4C12576480036C078&action=openDocument&xp_countrySelected=FR&xp_topicSelected=GVAL-992BU8&from=state

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=24D30BE74C72F36CC1257D2D00503884&action=openDocument&xp_countrySelected=FR&xp_topicSelected=GVAL-992BU8&from=state

GUINEA

Law L/95/019/CTRN on the use and protection of the emblem and name of the Red Cross Society of Guinea, 1995

Chapter 2, articles 3 and 4:

Article 3 : La Croix - Rouge Guinéenne est la seule institution autorisée à porter l'Emblème et le nom de la Croix - Rouge.

Article 4 : Personne ne doit faire usage de l'Emblème et du nom de la Croix - Rouge sans en avoir été autorisée par les dispositions de la présente Loi et des Conventions de Genève.

Chapter 2, article 9:

[...]

La Croix - Rouge Guinéenne réglemente les conditions d'usage de l'Emblème et du Nom de la Croix - Rouge dans l'exercice de ses activités.

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=80AC056D513C9776C1256D4E0031C1A7&action=openDocument&xp_countrySelected=GN&xp_topicSelected=GVAL-992BU8&from=state&SessionID=DZ9SK5TT9X

IRELAND

Red Cross Acts, 1938 to 1954

Section 4:

Restriction on use of
Red Cross, etc.

4.—(1) On and after the date of the establishment of the Society it shall not be lawful for any person to use for the purpose of trade or business or any other purpose whatsoever, without the consent of the Minister for Defence, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland or any emblem closely resembling such heraldic emblem, or the words “*Cros Dearg*”, “*Cros na Geinéibhe*”, “*Red Cross*” or “*Geneva Cross*” or any words closely resembling the words “*Cros Dearg*”, “*Cros na Geinéibhe*”, “*Red Cross*” or “*Geneva Cross*”.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section.

Sources:

https://ihl-databases.icrc.org/_c1256b1f0053435b.nsf/a42a5edc55787e8f41256486004ad09b/36de934eb904f324c1256bba00563eb2

NEW ZEALAND

Geneva Conventions Act, 1958 (amended 2012)

Section 8:

8 Use of Red Cross and other emblems

- (1) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the Minister of Defence or a person authorised by him or her in writing to give consent under this section, to use for any purpose whatsoever any of the following emblems, designations, designs, or wordings, that is to say:
- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross":
 - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent":
 - (ba) the emblem of a red crystal, composed of a red frame in the shape of a square on edge on a white ground, or the designation "Red Crystal":
 - (c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun":

[...]

- (e) any design or wording so nearly resembling any of the emblems or designations specified in the foregoing provisions of this subsection as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.
- (2) If any person contravenes the foregoing provisions of this section he or she shall be guilty of an offence and be liable on conviction to a fine not exceeding \$10,000 and to forfeit any goods upon or in connection with which the emblem, designation, design, or wording was used.
- (3) The Minister of Defence or a person authorised by that Minister to give consents under this section shall not refuse to give such a consent, and shall not withdraw such a consent, except for the purpose of giving effect to the provisions of the Conventions or of the Protocols.
- (4) In the case of a trade mark registered before the passing of this Act, the foregoing provisions of this section shall not apply by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or designation specified in paragraph (b) or paragraph (c) of subsection (1).
- (4A) In the case of a trade mark registered before subsection (1)(ba) comes into force, subsections (1) to (3) do not apply by reason only of the trade mark consisting of or containing a design or wording that reproduces or resembles the emblem or the designation specified in subsection (1)(ba).

- (5) If a person is charged with using a design or wording to which subsection (4) or (4A) applies for any purpose and it is proved that he or she used it otherwise than as, or as part of, a trade mark registered as aforesaid, it is a defence for him or her to prove—
- (a) that he or she lawfully used that design or wording for that purpose before the passing of this Act or subsection (1)(ba) comes into force (as the case may be); or
 - (b) in a case where he or she is charged with using the design or wording upon goods, that the design or wording had been applied to the goods before he or she acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the design or wording upon similar goods before the passing of this Act or subsection (1)(ba) comes into force (as the case may be).

[...]

- (7) This section extends to the use in or outside New Zealand of an emblem, designation, design, or wording referred to in subsection (1) on any New Zealand ship or New Zealand aircraft.

[...]

Section 9:

9 Regulations

The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:

[...]

- (b) prescribing the form of flags, emblems, signs, signals, designations, designs, wordings, uniforms, and insignia for use for the purposes of the Conventions or the Protocols or both, and regulating their use:

[...]

Sources:

<http://www.legislation.govt.nz/act/public/1958/0019/latest/whole.html>

THE PHILIPPINES

Republic Act No.95, Act to incorporate the Philippine National Red Cross, 1979

Section 10:

[...]

The use of the name Red Cross is reserved exclusively to the Philippine National Red Cross and the use of the emblem of the red Greek cross on a white ground is reserved exclusively to the Philippine National Red Cross and the medical services of the Armed Forces of the Philippines as provided in Article 28 of the Geneva Red Cross Convention. It shall be unlawful of any other person or entity to use the words Red Cross or Geneva Cross or to use the emblem of the red Greek Cross on a white ground or any designation, sign or insignia constituting an imitation thereof for any purpose whatsoever.

[...]

Red Cross and Other Emblems Act, 2013

Republic Act No. 10530 defining the use and protection of the red cross, red crescent, and red crystal emblems, providing penalties for violations thereof and for other purposes

Part 1, section 2 (d):

(d) The misuse of the emblem of the Red Cross, Red Crescent, and Red Crystal; and of the words Red Cross, Red Crescent, and Red Crystal or their translation in any official language and dialect shall not go unpunished. Its effective prosecution shall be ensured by taking measures at the national level.

Part 3, section 11:

SEC. 11. *Misuse of the Red Cross, the Red Crescent, or the Red Crystal Emblem as Indicative Device in Peacetime and in Times of Armed Conflict.* – Any person who willfully,

and without entitlement, make use of the Red Cross, Red Crescent, or Red Crystal emblem; the words "Red Cross", "Red Crescent", and "Red Crystal" or their translation in any official language and dialect; a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause confusion or mistake or to deceive the general public, irrespective of the purpose of such use; as well as any person who has displayed the said emblems or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked shall be punished by the penalty of *arresto mayor*, or a fine of not less than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court for each and every violation.

[...]

Section 12, (b):

[...]

In addition, the court may order the forfeiture in favor of the PRC of any proceeds, or property or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in violation of this Act, including any identity cards, insignia or uniforms used in connection therewith.

Section 13:

SEC. 13. *Interim Measures.* – The DND, the DTI and the DOH shall take the necessary *interim* measures such as order the seizure of objects and materials marked in violation of this Act, demand the removal of the Red Cross, Red Crescent or the Red Crystal emblem or the words "Red Cross", "Red Crescent", or "Red Crystal", or their translation in any official language and dialect at the expense of the offender and order the forfeiture or destruction of the instruments used for their reproduction.

Persons making use of the Red Crystal emblem or of any sign constituting an imitation thereof or the words "Red Crystal" or any translation thereof in any official language and dialect, prior to the adoption of Additional Protocol III (Adoption of an Additional Distinctive Emblem) shall be permitted to continue such use: *Provided*, That the use shall not be such as would appear, in time of armed conflict, to confer protection under the 1949 Geneva Conventions and their Additional Protocols: *Provided, further*, That such rights were acquired prior to the effectivity of this Act.

Otherwise, persons making use of the Red Cross, the Red Crescent, or the Red Crystal emblem, or any sign constituting an imitation thereof, or the words "Red Cross", "Red Crescent", or "Red Crystal", or their translation in any official language and dialect upon entry into force of this Act, shall voluntarily cease and desist from using the same and withdraw from the market any and all products bearing the same within two (2) months from the promulgation of this Act.

Objects, materials and products abovementioned shall be disposed of by the PRC accordingly.

Section 14:

SEC. 14. *Prohibition on the Use and Registration of Tradenames, Businessnames, Trademarks, Etc.* – Tradenames, businessnames, trademarks, service marks, collective marks, other marks of ownership, utility models and industrial designs making use of the emblem of the Red Cross, the Red Crescent, or the Red Crystal emblem, or of the words "Red Cross", "Red Crescent", or "Red Crystal" or their translation in any official language and dialect cannot be used or registered.

Sources:

[https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/7d0c04c4f0a50dcbc1256ae70031967c/\\$FILE/ACT%20NO.%2095.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/7d0c04c4f0a50dcbc1256ae70031967c/$FILE/ACT%20NO.%2095.pdf)

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=928EE0CE8F19A698C1257D9700550F2A&action=openDocument&xp_countrySelected=PH&xp_topicSelected=GVAL-992BU8&from=state&SessionID=DMVOEOKVBI

SOUTH AFRICA

South African Red Cross Society and Legal Protection of Certain Emblems Act, 2007

Act no. 10 of 2007

Part 3, sections 9 and 10:

Offences and penalties

9. (1) No person may make use of an emblem or an imitation thereof, or words describing an emblem, unless that person—

- (a) falls under the protection of the Conventions;
- (b) is connected with the International Red Cross and Red Crescent Movement or any body forming part of that movement;
- (c) is authorised by the Minister or, in respect of the South African National Defence Force, the Minister of Defence to make use of an emblem;
- (d) is otherwise authorised by the Conventions to make use of an emblem; or
- (e) uses the emblem, imitation or words for the purposes of *bona fide* research at a recognised educational or research institution or for the purposes of *bona fide* reporting in the news media.

(2) Any person who contravenes subsection (1) is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(3)(a) When an offence contemplated in subsection (2) has been committed for which any corporate body is or was liable to prosecution, any person who was, at the time of the commission of the offence, a director or member of the management of the corporate body and who knew of or could have prevented the commission of the offence, is guilty of the said offence, either jointly with the corporate body or apart therefrom, and on conviction liable to the punishment provided for in that subsection.

(b) Section 332 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), with the exception of subsections (2)(c), (5), (7), (8) and (9) thereof, applies with the necessary changes in respect of any prosecution of a corporate body or director or member of the management thereof for an offence contemplated in this section.

Seizure of certain article or thing

10. The State may seize any article or thing used in contravention of this Act, and Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes in respect of any such article or thing.

Implementation of the Geneva Conventions Act, 2012

Act No. 8 of 2012

Chapter 5, sections 14, 15 and 16:

CHAPTER 5

USE AND PROTECTION OF EMBLEMS

Protection of flags, emblems, designations, signs, signals, designs, wordings, identity cards, information cards, insignia and uniforms

14. (1) Subject to Part 3 of the South African Red Cross Society Act, no person may, without the consent of the Minister, use or display for any purpose whatsoever any of the following:

[...]

- (i) a design, wording or signal so nearly resembling any of the emblems, designations, signs or signals specified in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) as to be capable of being mistaken for or understood as referring to one of those emblems, designations, signs or signals, as the case may be; and
- (j) such other flags, emblems, designations, signs, signals, designs, wordings, identity cards, information cards, insignia or uniforms as may be prescribed by regulation by the Minister for the purposes of giving effect to the Conventions.

(2) The Minister must give the consent contemplated in subsection (1) in writing and may only give such consent for the purposes of giving effect to the provisions of this Act, the South African Red Cross Society Act and the Conventions.

(3) Section 8 of the South African Red Cross Society Act applies to the Minister with the changes required by the context in respect of any flag, emblem, designation, sign, signal, design, wording, identity card, information card, insignia or uniform contemplated in subsection (1)(c) to (j).

(4) This section also applies to the use outside the Republic of an emblem, designation, sign, signal, design, wording, identity card, identification cards, insignia or uniform contemplated in subsection (1) on any ship or aircraft registered in the Republic.

(2) The Minister must give the consent contemplated in subsection (1) in writing and may only give such consent for the purposes of giving effect to the provisions of this Act, the South African Red Cross Society Act and the Conventions.

(3) Section 8 of the South African Red Cross Society Act applies to the Minister with the changes required by the context in respect of any flag, emblem, designation, sign, signal, design, wording, identity card, information card, insignia or uniform contemplated in subsection (1)(c) to (j).

(4) This section also applies to the use outside the Republic of an emblem, designation, sign, signal, design, wording, identity card, identification cards, insignia or uniform contemplated in subsection (1) on any ship or aircraft registered in the Republic.

Offences and penalties

15. (1) Any person who contravenes or fails to comply with section 14 is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(2) (a) When an offence contemplated in subsection (1) has been committed for which any corporate body is or was liable to prosecution, any person who was, at the time of the commission of the offence, a director or member of the management of the corporate body and who knew of or could have prevented the commission of the offence, is guilty of the said offence, either jointly with the corporate body or apart therefrom, and on conviction liable to the punishment provided for in that subsection.

(b) Section 332 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), with the exception of subsections (2)(c), (5), (7), (8) and (9) thereof, applies with the changes required by the context in respect of any prosecution of a corporate body or director or member of the management thereof for an offence contemplated in this section.

Seizure of certain article or thing

16. The State may seize any article or thing used in contravention of this Act, and Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the changes required by the context in respect of any such article or thing.

Chapter 5, section 18:

International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies

18. (1) The International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies may make use of the emblems contemplated in section 14(1)(a) and (b) at any time and for all their activities.

(2) (a) The International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies, and their duly authorised personnel, may make use of the red crystal to facilitate their work if there is sufficient reason for such use.

(b) For the purposes of paragraph (a) the red crystal means the emblem in red on, and completely surrounded by, a white ground, that is to say, a red frame in the shape of a square on edge (whether or not incorporating within its centre another emblem or sign

or combination thereof in accordance with Article 3, paragraph 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III), done at Geneva on 8 December 2005), or the designation "Red Crystal", or the designation "third Protocol emblem".

Sources:

<http://www.wipo.int/edocs/lexdocs/laws/en/za/za100en.pdf>

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=B5EFE573DB35A7CAC1257B4E0041E237&action=openDocument&xp_countrySelected=ZA&xp_topicSelected=GVAL-992BU8&from=state&SessionID=DMTPDHKXZM

SINGAPORE

Singapore Red Cross Society (Incorporation), Act 1973 (amended 1978)

(Chapter 304)

Section 10:

Use of the "Red Cross". 10.—(1) No person other than the Society and any person so authorised by the Minister shall use —

[...]

(b) the words "Red Cross" or "Geneva Cross".

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Geneva Conventions (Amendment) Act, 2007

(No. 55 of 2007)

Section 8:

"Prohibition of use of emblem without authority

8. No person shall, without the authority of the Minister, use for any purpose in Singapore —

[...]

the words "Red Cross" or "Geneva Cross".

(e)

Section 4:

Amendment of section 9

4. Section 9 of the principal Act is amended —

by deleting the word "or" at the end of paragraph (b); and

(a)

(b)

by deleting paragraph (c) and substituting the following paragraphs:

"(c)

any design being a colourable imitation of the red crescent emblem, the red cross emblem, the red crystal emblem or the red lion and sun emblem; or

(d)

any words so nearly resembling the words "Red Cross" or "Geneva Cross" as to be capable of being understood as referring to the red cross emblem."

Sources:

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/51B1A3BBED8E7EA1C1256A33002F3333>

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=9C452D728FAD9828C1257B8600368BD6&action=openDocument&xp_countrySelected=SG&xp_topicSelected=GVAL-992BU6&from=state&SessionID=DY5Z63YWDX

SOUTH SUDAN

South Sudan Red Cross Society Act, 2012

Chapter V, section 17:

17. Use of Red Cross Emblem by Society.

- (1) The Society shall be authorized to use the emblem of the red cross on a white background and the designation "Red Cross" for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions and Additional Protocols, the Regulations on the uses of the Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent, and the provisions of this Act respectively.

[...]

Geneva Conventions Act, 2012

Chapter IV, section 15:

15. Use of Red Cross, Red Crescent and Other Emblems, etc.

- (1) Subject to the provisions of this section, it shall be unlawful for any person, without the consent in writing of the Minister of Justice, to use or display for any purpose whatsoever any of the following:
 - (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";
 - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";
 - (c) the emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun";
 - (d) the emblem in red on, and completely surrounded by, a white ground, that is to say; a red frame in the shape of a square on edge (whether or not incorporating within its centre another emblem or sign or combination thereof in accordance with Article 3, paragraph 1 of Additional Protocol III), or the designation "Red Crystal", or the designation "third Protocol emblem";

[...]

- (i) a design, wording or signal so nearly resembling any of the emblems, designations, signs or signals specified in paragraph (a), (b), (c), (d), (e), (f) (g) or (h) as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems, designations, signs or signals;
- (j) such other flags, emblems, designations, signs, signals, designs, wordings, identity cards, information cards, insignia or uniforms as are prescribed for the purpose of giving effect to the Conventions or Protocols.

[...]

- (3) This section extends to the use in or outside the Republic of South Sudan of an emblem, designation, sign, signal, design, wording, identity card, identification cards, insignia or uniform referred to in subsection (1) on any ship or aircraft registered in the Republic of South Sudan.

Chapter IV, section 16:

16. Offences and Penalties

- (1) Any person who contravenes section 15(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 10,000 South Sudanese Pounds or to imprisonment for a term not exceeding six months or both.
- (2) If a court convicts a person of an offence against Section 15(1), the court may order the forfeiture to the State of:
- (a) any goods or other article upon or in connection with an emblem, designation, sign, signal, design or wording was used by that person; and
 - (b) any identity cards, identification cards, insignia or uniforms used in the commission of the offence.

[...]

Chapter V, section 18:

18. Regulations

The Minister of Justice may make regulations:

- (a) prescribing the form of flags, emblems, designations, signs, signals, designs, wordings, identity cards, information cards, insignia or uniforms for use for the purposes of giving effect to the Conventions or the Protocols or both, and regulating their use;
- (b) prescribing the penalty that may be imposed in respect of contravention of, or non-compliance with, any regulations made under paragraph (a) of this section, which may be a fine not exceeding five thousand South Sudanese Pounds or imprisonment for a term not exceeding three months or both; and

[...]

Sources:

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/1904F3293A8E9E9CC1257B100047A2C9>

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=352A5730B42BBDC1257C40005897C8&action=openDocument&xp_countrySelected=SS&xp_topicSelected=GVAL-992BU6&from=state

SWEDEN

Lag (2014:812) om skydd för kännetecken i den internationella humanitära rätten

unofficial translation: "Act relating to the protection of the hallmarks of international humanitarian law", 2014

Section 2:

2 § Följande kännetecken är skyddade enligt denna lag:

1. ett märke som består av ett rött kors mot vit bakgrund, eller **benämningen "röda korset"** eller **"Genèvekorset"**,
 2. ett märke som består av en röd ram i form av en kvadrat ställd på sin spets mot vit bakgrund, eller **benämningen "röda kristallen"**,
 3. ett märke som består av en röd halvmåne mot vit bakgrund, eller **benämningen "röda halvmånen"**,
 4. ett märke som består av ett rött lejon och en röd sol mot vit bakgrund, eller benämningen "röda lejonet och solen",
- [...]

English summary:

The protected elements in this law include the following:

- i. The Red Cross emblem, consisting of a red cross on a white background, or the name "Red Cross" or "Geneva Cross";
- ii. The Red Crystal emblem, consisting of a red frame in the shape of a square placed on its tip, on a white background, or the name "Red Crystal";
- iii. The Red Crescent emblem, consisting of a red crescent on a white background, or the name "Red Crescent";
- iv. The Red Lion and Sun emblem, consisting of a red lion and a red sun on a white background, or the name "Red Lion and Sun".

Section 5:

5 § **Internationella rödakorsorganisationer och nationella föreningar som är knutna till dem får använda kännetecknen i 2 § 1-4.**

[...]

English summary:

International Red Cross organisations and associated national societies are entitled to use the distinctive emblems and names referenced in Section 2, 1-4.

Section 9:

9 § Den som i strid med denna lag använder ett kännetecken i 2 § för varor, tjänster eller verksamheter eller för utmärkning på skyltar, anslag eller liknande döms för otillåten användning av kännetecken i den internationella humanitära rätten till böter eller fängelse i högst sex månader. Detsamma gäller den som i näringsverksamhet på annat sätt använder ett sådant kännetecken i strid med denna lag.

Första stycket gäller också den som använder ett **kännetecken som kan förväxlas med ett kännetecken i 2 §.**

I ringa fall ska det inte dömas till ansvar.

[...]

English summary:

To use the distinctive emblems and names in section 2 for the purpose of goods, services or business, or on signs or similar, is punishable with fines or imprisonment for up to six months. This also applies when using a similar emblem or sign that could be confused with a distinctive emblem or sign.

Sources:

https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2014812-om-skydd-for-kannetecken-i-den_sfs-2014-812

SWITZERLAND

Federal law on the protection of the emblem and the name of the red cross, 1954

Article 1:

Art. 1

¹ L'emblème de la croix rouge sur fond blanc et les mots «croix rouge» ou «croix de Genève» ne pourront, mis à part les cas visés dans les articles suivants, être employés, soit en temps de paix, soit en temps de guerre, que pour signaler le personnel et le matériel protégés par:

- a. la Convention de Genève du 12 août 1949 pour l'amélioration du sort des blessés et des malades dans les forces armées en campagne⁴;
- b. la Convention de Genève du 12 août 1949 pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer⁵;

à savoir le personnel, les formations, les transports, les établissements et le matériel du service de santé de l'armée, y compris les secours sanitaires volontaires de la Croix-Rouge suisse, ainsi que les aumôniers attachés aux forces armées.

[...]

Article 4:

Art. 4

¹ La Croix-Rouge suisse pourra faire usage en tout temps de l'emblème et du nom de la Croix-Rouge, pour ses activités conformes aux principes formulés par les conférences internationales de la Croix-Rouge et à la législation fédérale. En temps de guerre, les conditions de l'emploi de l'emblème devront être telles qu'il ne puisse être considéré comme visant à conférer la protection des conventions de Genève; l'emblème sera de dimensions relativement petites et il ne pourra être apposé sur des brassards ou des toitures.

^{1bis} La Croix-Rouge suisse peut, dans des circonstances exceptionnelles et pour faciliter son travail, faire usage à titre temporaire de l'emblème du troisième Protocole aux Conventions de Genève¹¹ si les conditions prévues à l'al. 1 sont respectées.¹²

² La Croix-Rouge suisse fixe dans un règlement les conditions de l'emploi, prévu aux al. 1 et ^{1bis}, de l'emblème et du nom de la Croix-Rouge ou de l'emblème du troisième Protocole aux Conventions de Genève. Ce règlement est soumis à l'approbation du Conseil fédéral.¹³

³ Est réservé le cas des secours sanitaires volontaires de la Croix-Rouge suisse prévu à l'art. 1.

Article 8:

Art. 8

¹ Celui qui, intentionnellement et contrairement aux dispositions de la présente loi ou du règlement prévu à l'art. 4, al. 2, aura fait usage de l'emblème de la croix rouge sur fond blanc ou des mots «croix rouge» ou «croix de Genève», ou de tout autre signe ou mot pouvant prêter à confusion,

celui notamment qui les aura fait figurer sur des enseignes, des annonces, des prospectus ou des papiers de commerce,

ou les aura apposés sur des marchandises ou sur leur emballage, ou aura vendu, mis en vente ou mis en circulation d'une autre manière des marchandises ainsi marquées,

sera puni de l'emprisonnement ou de l'amende jusqu'à 10 000 francs; dans les cas de peu de gravité, ou si l'auteur a agi par négligence, le juge prononcera les arrêts ou l'amende jusqu'à 1000 francs.¹⁶

[...]

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=5A7AF3A142C6EDC8412565940039C533&action=openDocument&xp_countrySelected=CH&xp_topicSelected=GVAL-992BU8&from=state

TIMOR-LESTE

Law no.12/2009 of 21 October on the use and protection of the Red Cross emblem in Timor-Leste, 2009

Introductory paragraphs:

[...]

USO E PROTECÇÃO DO EMBLEMA DA CRUZ VERMELHA EM TIMOR-LESTE

A presente lei visa regular a protecção do emblema da Cruz Vermelha, do Crescente Vermelho e do Cristal Vermelho, bem como da designação “Cruz Vermelha”, “Crescente Vermelho” ou “Cristal Vermelho”. Visa, ainda, proteger os símbolos distintivos que identificam as unidades médicas e os meios de transporte.

[...]

Chapter 2, articles 8 and 9:

Artigo 8 ° Medidas de controlo

1. As entidades competentes devem garantir o cumprimento rigoroso das normas que regulamentam o uso do emblema da Cruz Vermelha, do Crescente Vermelho e do Cristal Vermelho, assim como do uso do nome “Cruz Vermelha”, “Crescente Vermelho” ou “Cristal Vermelho” e dos respectivos símbolos distintivos.
2. As entidades competentes devem igualmente garantir o controlo rigoroso sobre as pessoas autorizadas a usar os emblemas, nomes e símbolos mencionados.

[...]

Artigo 9 ° Dever da Cruz Vermelha de Timor-Leste

A CVTL deve fiscalizar o uso indevido do emblema da Cruz Vermelha, do Crescente Vermelho ou do Cristal Vermelho e das palavras “Cruz Vermelha”, “Crescente Vermelho” ou “Cristal Vermelho”.

Chapter 2, article 11:

Artigo 11 °

Uso indevido do emblema em periodos de paz

1. Quem, intencionalmente e sem ter o direito, usar o emblema da Cruz Vermelha, do Crescente Vermelho ou do Cristal Vermelho, as palavras "Cruz Vermelha", "Crescente Vermelho" ou "Cristal Vermelho" ou um símbolo distintivo ou qualquer outro símbolo, designação ou distintivo que dessa forma constitua uma imitação ou possa levar a confusão, independentemente do objectivo desse uso, é punido com pena de prisão até um ano ou com pena de multa.
2. Na mesma pena incorre quem exibir os emblemas e as palavras mencionados no número anterior em símbolos, cartazes, anúncios, folhetos ou documentos comerciais, os tenha afixado em produtos ou embrulhos ou tenha vendido, colocado à venda ou em circulação os produtos distingui-dos dessa forma.

Chapter 2, articles 13 and 14:

Artigo 13 °

Apreensão de objectos e materiais

1. As entidades competentes devem especialmente proceder à apreensão de objectos e materiais que tenham sido considerados como contrários ao disposto no presente diploma, exigir a retirada do emblema da Cruz Vermelha, do Crescente Vermelho ou do Cristal Vermelho e das palavras "Cruz Vermelha", "Crescente Vermelho" ou "Cristal Vermelho" e ordenar a destruição dos instrumentos usados para a sua reprodução.
2. O custo das providências mencionadas no número anterior é da responsabilidade do infractor.

Artigo 14 °

Registo de associações, sociedades comerciais e marcas registadas

Não é permitido o registo de associações, sociedades comerciais, marcas, modelos e desenhos industriais que façam uso do emblema da Cruz Vermelha, do Crescente Vermelho ou do Cristal Vermelho ou da designação "Cruz Vermelha", "Crescente Vermelho" ou "Cristal Vermelho" em violação da presente lei.

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=FC5067F42E09241BC1257B270034A967&action=openDocument&xp_countrySelected=TL&xp_topicSelected=GVAL-992BU8&from=state&SessionID=DLSW3KZHFZ

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Geneva Conventions Act, 1957 (Amended Section 6)

1957 CHAPTER 52 5 and 6 Eliz 2

6 Use of Red Cross and other emblems.

(1) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the [^{F1}Secretary of State], to use for any purpose whatsoever any of the following ^{F2}...; that is to say—

- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";
- (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";
- (c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun".

[...]

- (f) the emblem of a red frame in the shape of a square on edge on a white ground, conforming to the illustration in Article 1 of the Annex to the third protocol (and whether or not incorporating another emblem, or a combination of emblems, in accordance with Article 3 of the protocol), or the designation "Red Crystal" or "third Protocol emblem"

(2) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the [^{F5}Secretary of State], to use for any purpose whatsoever—

[...]

- (b) any design or wording so nearly resembling any of the emblems or designations specified in the foregoing subsection as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.

[...]

(3) If any person contravenes the foregoing provisions of this section he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [^{F7}[^{F8}level 5] on the standard scale] and to forfeit any goods [^{F9}or other article] upon or in connection with which the emblem, designation, [^{F9}sign, signal,] design or wording was used.

[...]

Geneva Conventions and United Nations Personnel (Protocols) Act, 2009
(amending the Geneva Conventions Act 1957)

Section 1:

1 Amendments of the Geneva Conventions Act 1957

- (1) The Geneva Conventions Act 1957 (c. 52) is amended as follows.
- (2) In section 1 (grave breaches of Conventions and protocols), in subsection (1), for “or the first protocol” substitute “, the first protocol or the third protocol”.
- (3) In subsection (1A) of that section, after paragraph (b) insert “; and
 - (c) a grave breach of the third protocol is anything which for the purposes of Article 6 of the protocol constitutes the perfidious use of the emblem specified in section 6(1)(f) of this Act”.
- (4) In section 6 (use of the Red Cross and other emblems), in subsection (1), after paragraph (e) insert “;
 - (f) the emblem of a red frame in the shape of a square on edge on a white ground, conforming to the illustration in Article 1 of the Annex to the third protocol (and whether or not incorporating another emblem, or a combination of emblems, in accordance with Article 3 of the protocol), or the designation “Red Crystal” or “third Protocol emblem””.
- (5) After subsection (4A) of that section, insert –
 - “(4B) Subsection (4) of this section shall apply in relation to a design or wording reproducing or resembling the emblem or a designation specified in paragraph (f) of subsection (1) of this section as it applies to designs or wording reproducing or resembling an emblem or designation specified in paragraph (b) or (c) of that subsection.
 - (4C) But subsection (4) of this section shall not apply by virtue of subsection (4B) of this section where the use of the design or wording concerned is such as would appear, in time of armed conflict, to confer the protection of the scheduled conventions and, where applicable, the first protocol and the second protocol.
 - (4D) For the purposes of subsection (4B) of this section references in subsection (4) of this section to the passing of this Act shall be construed as references to the passing of the Geneva Conventions and United Nations Personnel (Protocols) Act 2009.”

[...]

Schedule 7, article 3:

[...]

A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.

[...]

Schedule 7, article 6:

Article 6 – Prevention and repression of misuse

- 1 The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in Articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.

[...]

Royal Charter of the British Red Cross Society, 1997

Section 5:

Powers

5. In pursuance of the Objects but not further or otherwise and without prejudice to the powers by law vested in the Society by virtue of this Our Charter, the Society shall have the following powers namely:

[...]

- 5.3 to co-operate with Our Ministers to ensure respect for International Humanitarian Law and to protect the Red Cross and Red Crescent emblems;

[...]

Sources:

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/4fba3fefb860824b41256486004ad097/8a4aaee5c2dc9f88c1256b6d00303244?openDocument>

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=E8DAB93DECF96D3AC125766A00379976&action=openDocument&xp_countrySelected=GB&xp_topicSelected=GVAL-992BUA&from=state

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=1CA5C37A9BFFF336C1256BA4005BB999&action=openDocument&xp_countrySelected=GB&xp_topicSelected=GVAL-992BU8&from=state

UNITED STATES OF AMERICA

18 US Code Chapter 33 – Emblems, Insignia, and Names, 1948

Section 706:

[...]

Whoever, whether a corporation, association or person, other than the American National Red Cross and its duly authorized employees and agents and the sanitary and hospital authorities of the armed forces of the United States, uses the emblem of the Greek red cross on a white ground, or any sign or insignia made or colored in imitation thereof or the words "Red Cross" or "Geneva Cross" or any combination of these words -

Shall be fined under this title or imprisoned not more than six months, or both.

This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this title.

[...]

Section 706a:

[...]

(b) Except as set forth in section (!) (c) and (d), whoever, whether a corporation, association, or person, uses the emblem of the Red Crescent or the Third Protocol Emblem on a white ground or any sign or insignia made or colored in imitation thereof or the designations "Red Crescent" or "Third Protocol Emblem" shall be fined under this title or imprisoned not more than 6 months, or both.

(c) The following may use such emblems and designations consistent with the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols:

(1) Authorized national societies that are members of the International Federation of Red Cross and Red Crescent Societies and their duly authorized employees and agents.

(2) The International Committee of the Red Cross and its duly authorized employees and agents.

(3) The International Federation of Red Cross and Red Crescent Societies and its duly authorized employees and agents.

[...]

(d) This section does not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on or before December 8, 2005, if such use would not appear in time of armed conflict to confer the protections of the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols.

(e) A violation of this section or section 706 may be enjoined at the civil suit of the Attorney General.

[...]

The Geneva Distinctive Emblems Protection Act, 2006

Section 2 (a):

[...]

``(b) Except as set forth in section (c) and (d), whoever, whether a corporation, association, or person, uses the emblem of the Red Crescent or the Third Protocol Emblem on a white ground or any sign or insignia made or colored in imitation thereof or the designations 'Red Crescent' or 'Third Protocol Emblem' shall be fined under this title or imprisoned not more than 6 months, or both.

``(c) The following may use such emblems and designations consistent with the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols:

``(1) Authorized national societies that are members of the International Federation of Red Cross and Red Crescent Societies and their duly authorized employees and agents.

``(2) The International Committee of the Red Cross and its duly authorized employees and agents.

``(3) The International Federation of Red Cross and Red Crescent Societies and its duly authorized employees and agents.

[...]

``(d) This section does not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on or before December 8, 2005, if such use would not appear in time of armed conflict to confer the protections of the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols.

``(e) A violation of this section or section 706 may be enjoined at the civil suit of the Attorney General.''.

[...]

Sources:

https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=EF8F09D7FCF494D1C1256A460036912E&action=openDocument&xp_countrySelected=US&xp_topicSelected=GVAL-992BU8&from=state

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