**Questionnaire**

*XXIInd Colloquium of the International Academy of Heraldry, arranged by Societas Heraldica Lundensis in cooperation with Societas Heraldica Scandinavica and The Swedish Heraldry Society*

**Heraldry and the Law**

**We suggest that the heraldic institutions, associations and organizations in each country together appoint one or more reporter(s) to answer the questions. Please let us know by May 30th, 2022, who is the responsible reporter, and send in the answers by May 30th, 2023.**

**Contact:** **Lund2023@heraldik.org** **(Associate Professor Dr. Martin Sunnqvist)**

**Part 1. Overview of the historical development**

* 1. *– A timeline of important changes*

Provide a brief overview of the history of the legal regulation of heraldry in your country. Focus on the important shifts between periods in heraldry, for example the establishment of a heraldic office, important statutes or cases, or changes in the political organization (states established and dissolved). The information should serve as a background to the answers to the following questions.

*1.2. – Heraldry as part of the law*

Provide a brief overview of whether, and to what extent, heraldry historically has been considered being part of law, or has been dealt with outside law (for example has been treated as custom or a tradition, rather than as part of law). Consider whether different parts or aspects of heraldry have been treated differently.

**Part 2. International law on armorial bearings, flags, and other state emblems**

*2.1. – Paris Convention for the Protection of Industrial Property of 1883, art. 6ter*

Is your country contracting party to the Paris Convention for the Protection of Industrial Property of 1883? Has your country registered armorial bearings, flags, and other state emblems according to art. 6ter of the convention? Which armorial bearings, flags, and other emblems are registered?[[1]](#footnote-1)

*2.2. – Legal protection of the coats of arms of other states and of international organizations*

How is art. 6ter of the convention implemented in national law, in order to protect armorial bearings, flags, and other emblems of states and of intergovernmental organisations legally?

**Part 3. National heraldry**

*3.1. – National coat of arms – definition*

Is the national coat of arms (or various national coats of arms, if there are different ones, such as a greater and a lesser national coat of arms) defined and described in statutory law? If so, in heraldic terms (blazon) or with reference to a picture?

*3.2. – National flag – definition*

Is the national flag (or various national flags, if there are different ones) defined and described in statutory law? If so, through a description or with reference to a picture?

*3.3. – Legal protection?*

Is it forbidden to use the national coat of arms or flag without a permission, in some contexts or situations? Which authority grants permissions? Are there sanctions within criminal law or other types of law such as administrative regulations etc. for someone who uses the national coat of arms or flag without permission or in a wrongful manner?

**Part 4. Heraldry of the head of state** **and other central office holders**

*4.1. – The head of state*

Are there specific rules about the armorial bearings or flags for the head of state? Do such rules extend to other persons close to the head of state, for example a royal family?

*4.2. – The prime minister and other central office holders*

Are there specific rules about the armorial bearings or flags for the prime minister or other central office holders like ministers, the supreme commander, etc?

**Part 5. Heraldry and seals of courts and state authorities**

(Below are separate sections for military, regional, municipal, ecclesiastical, and academic authorities and institutions.)

*5.1. – Adoption, grant or registration?*

Are these arms and seals adopted by the court or authority itself, or granted or registered by some other authority? How do these procedures work?

*5.2. – Heraldic competence involved?*

When a court or state authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

*5.3. – Legal protection?*

Are coats of arms of courts or state authorities legally protected? How?

**Part 6. Heraldry and seals of military authorities**

(If military authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

*6.1. – Adoption, grant or registration?*

Are these arms and seals adopted by the authority itself, or granted or registered by some other authority? How do these procedures work?

*6.2. – Heraldic competence involved?*

When a military authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

*6.3. – Legal protection?*

Are coats of arms of military authorities legally protected? How?

**Part 7. Regional and municipal heraldry**

(If regional and municipal authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

*7.1. - Adoption, grant or registration?*

Are arms adopted by regions, cities, towns, communities etc. themselves, or granted or registered by some authority? How do these procedures work?

*7.2. – Heraldic competence involved?*

When a region, city, town, community etc. wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

*7.3. – Legal protection?*

Are coats of arms of regions, cities, towns, communities etc. legally protected? How?

**Part 8. Ecclesiastical and academic heraldry**

(If ecclesiastical and academic institutions follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

*8.1. – Adoption, grant or registration?*

Are arms adopted by ecclesiastical and academic entities themselves, or granted or registered by some authority? How do these procedures work?

*8.2. – Heraldic competence involved?*

When an ecclesiastical and academic entity wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

*8.3. – Legal protection?*

Are coats of arms of ecclesiastical and academic entities legally protected? How?

**Part 9. Family and personal heraldry**

*9.1. - Adoption, grant or registration?*

Are these arms adopted by the families or individuals themselves, or granted or registered by some authority? How do these procedures work?

*9.2. – Legal protection?*

Are coats of arms of families and individuals legally protected? How? Is there a difference between granted and adopted coats of arms?

*9.3. – Inheritance*

How are coats of arms of families inherited and how may they be used by an armiger’s spouse? Is there a difference between granted and adopted coats of arms? Have changes occurred because of changed family and gender structures?

**Part 10. General assessment of the status of heraldry in a legal context**

*10.1. – Institutions and knowledge*

Is the level of knowledge about heraldry on a reasonable level within state authorities and regional or municipal authorities? Are there enough institutions that deal with heraldry professionally? Are there many different institutions having similar responsibilities, and how does the coordination and cooperation work?

*10.2. – Legal uncertainties*

Are there legal uncertainties relating to heraldry? For example, is there a lack of legal protection of state symbols, or difficulties in adapting heraldic rules to new family and gender structures?

*10.3. – Recent disputes or proposals*

Have there been recent disputes or law proposals highlighting the interest in heraldry and the law? If so, what was the case or proposal about, and what was the outcome? Was the issue reported in the media, and was there a public involvement?

*10.4. – Strengths and weaknesses*

If you would make an over all assessment of the status of heraldry in your country, what are the main strengths and weaknesses related to the legal status of heraldry and the legal regulation of coats of arms? What could be used as a model for other countries and what could be improved?

**Part 11. Bibliography**

Please provide full references to the most relevant statutes, cases and literature referred to in the answers.

1. Information about article 6ter and a link to the database are available here: <https://www.wipo.int/article6ter/en/> or <https://www.wipo.int/article6ter/fr/>

Under “Structured search”/”Recherche structurée”, choose your country under “State”/”État”. [↑](#footnote-ref-1)