

HERALDIC LAW IN SLOVAKIA

Information on heraldic law in Slovakia also includes the Czechoslovak period (1918-1993), so it is possible that it will be duplicated with the information of Czech colleagues.

PART 1. OVERVIEW OF HISTORICAL DEVELOPMENT

1.1. - Timeline of important changes

1919 After the establishment of the Czechoslovak Republic (1918), the Minister with full power for the administration of Slovakia issued a regulation that prohibited the use of foreign symbols on the territory of Slovakia. Only the symbols of Bohemia and Slovakia and the common emblem of the Czechoslovak foreign army, composed of the symbols of Bohemia, Slovakia, Moravia and Silesia, were allowed.¹

1919 The Heraldic Commission was established in Prague to create state symbols. A provisional (temporary) state emblem (Czech lion only) was adopted.² The Minister with full power for the administration of Slovakia banned its use on the territory of Slovakia because it did not contain the symbol of Slovakia.³

1920 Law on State Symbols of the Czechoslovak Republic. Three levels of the national (state) coat of arms: **small** (Czech lion on the shoulder with a Slovak coat of arms); **middle** quartered, with the sign of Slovakia, Subcarpathian Ruthenia, Moravia and Silesia and with the heart shield of Bohemia; the **large** coat of arms was supplemented with the emblems of the three Silesian principalities, the shield bearers and the motto. The large emblem was to be used by the president, the middle emblem by the central authorities and the small emblem by other institutions.⁴

¹ Nariadenie ministra s plnou mocou pre správu Slovenska č. 39/1919 z 28. februára 1919, o zástavách, znakoch a odznakoch. (**Regulation of the minister with full power for the administration of Slovakia no. 39/1919 of February 28, 1919, on flags, emblems and badges**).

² Nariadenie vlády č. 300/1919, z 19. mája 1919, ktorým sa ustanovuje štátny znak. (**Government Regulation no. 300/1919, dated May 19, 1919, establishing the state coat of arms**).

³ Nariadenie ministra s plnou mocou pre správu Slovenska č. 6264/1919 zo 6. októbra 1919, o používaní štátneho znaku na území Slovenska. (**Regulation of the minister with full power for the administration of Slovakia no. 6264/1919 of October 6, 1919, on the use of the national emblem on the territory of Slovakia**).

⁴ Zákon č. 252/1920 z 30. marca 1920, ktorým sa vydávajú ustanovenia o štátnej vlajke, štátnych znakoch a o štátnej pečati. (**Law no. 252/1920 of March 30, 1920, issuing provisions on the state flag, state emblems and state seal**).

1936 As a result of the spread of Nazi symbolism by the German minority in Czechoslovakia, a law was adopted to protect state symbols.⁵

1939 After the Munich Dictatorship and the breakup of Czechoslovakia, the Protectorate of Bohemia and Moravia adopted a quartered coat of arms with the Czech and Moravian symbols,⁶ and the Slovak State (Slovak Republic) used the historical coat of arms of Slovakia (patriarchal cross on three peaks).⁷

However, at the same time, in the years 1939–1945, the Czech-Slovak government in exile in London and the Czech-Slovak resistance used the Czech-Slovak state symbols from 1920.

In the years 1945 – 1960, only a small national coat of arms from 1920 was used, because in the middle and large coat of arms there was also the symbolism of Subcarpathian Ruthenia, which belonged to the Soviet Union.

1960 The communist regime did not allow the further use of the Slovak coat of arms with the patriarchal cross in the state Czechoslovak coat of arms from 1920 and a new coat of arms was adopted. It consisted of a Czech lion with a red star instead of a crown, on the shoulder was the new emblem of Slovakia – golden flames of fire in front of a blue silhouette of a mountain.⁸

1968 After Prague spring Czechoslovakia was formally federalized (1969), but the return of the historical symbolism and the expression of the federation (the concept of a symmetrical sign) in the state symbolism did not take place.

1989 Velvet revolution (in Slovakia Gentle revolution). In the spring of 1990, the Slovak historical symbolism⁹ as well as the Czech historical

⁵ Zákon zo dňa 21. októbra 1936 č. 269/1936 Sb. o používaní vlajok, znakov a iných symbolov, ako aj rovnošiat a odznakov a o opatreniach proti závadným označeniam. (**Act of October 21, 1936 no. 269/1936 Coll. on the use of flags, signs and other symbols, as well as uniforms and badges and on measures against objectionable signs**).

⁶ Vládne nariadenie č. 222/1939 z 19. Septembra 1939m ktorým sa mení zákon č. 252/1919 z 30. marca 1920. (**Government regulation no. 222/1939 of September 19, 1939 amending Act no. 252/1919 of March 30, 1920**).

⁷ Zákon č. 148/1939 z 23. júna 1939 o štátnom znaku, štátnej pečati, štátnej vlajke a štátnej zástave. (**Law no. 148/1939 of June 23, 1939 on the state emblem, state seal, state flag and state flag**).

⁸ Ústavný zákon z 11. júla 1960, číslo 100, Ústava Československej socialistickej republiky. (**Constitutional Act of July 11, 1960, number 100, Constitution of the Czechoslovak Socialist Republic**).

⁹ Ústavný zákon Slovenskej národnej rady 50/1990 z 1. marca 1990, o názve, štátnom znaku, štátnej vlajke, štátnej pečati a o štátnej hymne Slovenskej republiky. (**Constitutional Act of the Slovak National Council 50/1990 of March 1, 1990, on the name, state emblem, state flag, state seal and state anthem of the Slovak Republic**). Zákon 51/1990 o používaní štátnych symbolov Slovenskej republiky. (**Act 51/1990 on the use of state symbols of the Slovak Republic**). Vyhláška Ministerstva vnútra Slovenskej republiky, 253/1990 z

symbolism¹⁰ and subsequently the state coat of arms of the Czech and Slovak Federative Republic (quartered with the symbols of Bohemia and Slovakia) were restored.¹¹

Discussions about relations between the Czech Republic and the Slovak Republic led to the division of the federation and to creation of two independent states. In 1992, the Constitution of the independent Czech Republic and the Constitution of the independent Slovak Republic were adopted. The state coat of arms of the Slovak Republic has been added to the flag of the Slovak Republic. The Czech Republic retained the flag of the former Czecho-Slovakia from 1920. This was in violation of the adopted federal law on the dividing of the Czech and Slovak Federative Republic from 1992. It expressly prohibited the use of the former common symbol by one of the successor states.¹²

The Independent Slovak Republic (1993) continues to use its coat of arms, restored in 1990.¹³ The Independent Czech Republic (1993) codified two levels of the state coat of arms. In small there is only the Czech lion, the large coat of arms is quartered (Bohemia, Moravia, Silesia, Bohemia).¹⁴

30.mája 1990, ktorou sa vykonáva zákon o používaní štátneho znaku, štátnej vlajky, štátnej pečate a štátnej hymny Slovenskej republiky. (**Decree of the Ministry of the Interior of the Slovak Republic, 253/1990 of May 30, 1990, which implements the law on the use of the state emblem, state flag, state seal and state anthem of the Slovak Republic**).

¹⁰ Ústavný zákon Českej národnej rady zo dňa 13. marca 1990 číslo 67 o štátnych symboloch Českej republiky. (**Constitutional Act of the Czech National Council of March 13, 1990 No. 67 on State Symbols of the Czech Republic**).

¹¹ Ústavný zákon zo dňa 20. Apríla 1990 č. 102 o štátnych symboloch Českej a Slovenskej Federatívnej Republiky. (**Constitutional Act of April 20, 1990 No. 102 on the state symbols of the Czech and Slovak Federative Republic**).

¹² "Česká republika a Slovenská republika nesmú po zániku Českej a Slovenskej Federatívnej Republiky používať štátne symboly Českej a Slovenskej Federatívnej Republiky". Článok 3. Odsek 2 Ústavný zákon z 25. Novembra 1992 číslo 542 o zániku Českej a Slovenskej federatívnej republiky. (**"The Czech Republic and the Slovak Republic may not use the state symbols of the Czech and Slovak Federal Republic after the dissolution of the Czech and Slovak Federal Republic". Article 3. Paragraph 2 Constitutional Act of 25 November 1992 number 542 on the dissolution of the Czech and Slovak Federal Republic**).

¹³ Ústava Slovenskej republiky z 1. septembra 1992, číslo 460. (**Constitution of the Slovak Republic dated September 1, 1992, number 460**). Zákon z 18. februára 1993, číslo 63 o štátnych symboloch Slovenskej republiky a ich používaní. (**Act dated February 18, 1993, number 63 on the state symbols of the Slovak Republic and their use**).

¹⁴ Zákon Českej národnej rady zo dňa 17. decembra 1992, číslo 3 o štátnych symboloch Českej republiky. (**Act of the Czech National Council of 17 December 1992, No. 3 on State Symbols of the Czech Republic**).

1.2. - Heraldry as part of the law

In the years 1918-1975, only state symbols were part of the law in Slovakia (Czechoslovakia). The Czechoslovak Republic, especially in the first decade after 1918, saw in heraldry a connection with the nobility and Austria-Hungary. The "Abolition of the Nobility" Act was passed. Presenting yourself with noble titles or coats of arms was not allowed.¹⁵

It was not until 1975 that legislation allowed the "semi-official" use of city coats of arms. Cities had to continue to use the national emblem with a lion under a red star in their seals.

After the gentle revolution (1989), legislation recognized the legal force of city and municipal coats of arms and also regulated the mandatory codification and use of city signs, municipal signs and signs of self-governing regions (counties) and their registration in the Heraldic Register of the Slovak Republic.

The legislation also does not prohibit (permit) the creation, registration and use of coats of arms of other legal entities (church coats of arms, school coats of arms...) and coats of arms of natural persons. These coats of arms, if they are heraldically correct, can also be registered in the Heraldic Register of the Slovak Republic, if their owner requests registration.

PART 2. INTERNATIONAL LAW ON STATE COATS OF ARMS, FLAGS AND OTHER STATE SYMBOLS

2.1. - Paris Convention for the Protection of Industrial Property of 1883, Art. 6 ter

The Slovak Republic has been a party to the Paris Convention for the Protection of Industrial Property since January 1, 1993 (according to the Stockholm Act of 1967).

In 1970, the Czechoslovak Republic became a contracting state of the Paris Convention, and after the division of the Czech and Slovak Federal Republic, both the Czech Republic and the Slovak Republic became contracting parties to this multilateral international treaty.

The state symbols of the Slovak Republic (state coat of arms, state flag and state seal) have been registered since 5/5/1993. The information was communicated to the other contracting parties by WIPO Circular C. 5475 - 551).

2.2. - Legal protection of coats of arms of other states and international organizations

Article 6ter is implemented in Slovak legislation in paragraph 5 par. 1 letter h) Act no. 506/2009 Coll. on trademarks as an absolute reason for

¹⁵ Zákon zo dňa 10. Decembra 1918, číslo 61, ktorým sa zrušuje šľachtictvo, rády a tituly. (**Law of 10 December 1918, number 61, abolishing nobility, orders and titles**).

rejecting an applied-for trademark that contains a sign protected under an international convention (i.e. Article 6 ter of the Paris Convention). The Slovak Republic grants protection to such a sign only with the consent of the relevant state authority. In the Slovak Republic, the relevant state authority is the Ministry of the Interior, Heraldic Register.

At the same time, if it is proven in the proceedings to declare the trademark invalid that the sign was entered in the register in violation of the cited paragraph 5, such a trademark will be declared invalid (i.e. as if it had not been entered in the register).

PART 3. NATIONAL HERALDRY

3.1. - State emblem - definition

The state coat of arms is defined (described) in the Constitution of the Slovak Republic.¹⁶ Subsequently, it is described in more detail in the Act on State Symbols and Their Use,¹⁷ where it is also depicted (in color, line, heraldic hatch).

In the Heraldic Register of the Slovak Republic there is also an assembly (geometric) drawing for the assembly of the state coat of arms.

The state coat of arms of the Slovak Republic has only one (basic) level, the sign in the shield.

The protection of the national emblem also applies to such a representation of the patriarchal cross on the three peaks, which is different from the legal model of the national emblem (different stylization of the cross, different shade of color...). Defamation, disparagement of even such a representation is considered as a crime.

3.2. - National flag - definition

The national flag is defined (described) in the Constitution of the Slovak Republic.¹⁸ Subsequently, it is described in more detail in the Act on State Symbols and Their Use, where it is also depicted.

3.3. - Legal protection

¹⁶ Čl. 8 - 9, odd. 2, hl. I Ústavy Slovenskej republiky z 1. septembra 1992, účinnej od 1. januára 1993. (**Art. 8 - 9, sec. 2, Ch. I of the Constitution of the Slovak Republic from 1 September 1992, effective from 1 January 1993.**)

¹⁷ Zákon č. 63/1993 Z. z. o štátnych symboloch a ich používaní v znení neskorších predpisov, a ktorým sa dopĺňajú niektoré zákony. (**Law no. 63/1993 Coll. on state symbols and their use, as amended, and which supplement some laws**).

¹⁸ See above

Institutions that use (must use) the state emblem are listed in the Act on State Symbols and Their Use.¹⁹ Any non-use of the state emblem by the mentioned legal entities is considered contempt of the state symbol and is punishable.

Other legal entities and natural persons may use state symbols, but not in seals, on buildings, uniforms... that is, in cases where there could be a mistake that it is a state body. (For example, a private security service may not mark its uniforms with the state emblem).

In justified cases, when the national emblem is part of the logo and the institution represents Slovakia abroad, the Ministry of the Interior - Heraldic Register can issue approval for the use of the national emblem (national flag) in the logo of such an institution.

Part 4. Heraldry of the head of state and other central officials

4.1. - Head of a state

The President of the Slovak Republic uses as his symbol the presidential standard, which is defined by a special law.²⁰ As its emblem, the president (as well as the presidential office) uses the image of the standard (in color, but also in gold or other lines). However, the president (presidential office) always uses a seal (stamp) with the state emblem, not with the image of the standard.

4.2. - Prime Minister and other representatives of central authorities

Special symbols of other state representatives (except the President of the Republic) are not codified by law. Other representatives do not use special official symbols.

PART 5. HERALDRY AND SEALS OF COURTS AND STATE AUTHORITIES

5.1. - Adoption, grant or registration

State authorities, as well as courts, always use only the state coat of arms to mark buildings, official rooms, seals, and official forms. They can also create and adopt logos or heraldic emblems, but they are not legally binding, they serve only for representational purposes (medals, commemorative plaques...).

5.2. - Is it a heraldic competence?

¹⁹ Zákon č. 63/1993 Z. z. o štátnych symboloch a ich používaní v znení neskorších predpisov, a ktorým sa dopĺňajú niektoré zákony. (**Law no. 63/1993 Coll. on state symbols and their use, as amended, and which supplement some laws**).

²⁰ Zákon č. 51/1993 Z. z. o štandarde prezidenta republiky. (**Law no. 51/1993 Coll. on the standard of the president of the republic**).

Some state institutions create heraldic emblems intended for representation (medals, plaques...). It is an emblem that is not used in administrative practice (to mark buildings, rooms, documents, seals...). They are symbols without legal binding. Only a stamp with the state emblem is legally binding.

If the national coat of arms is used in the emblem of the central office, the Ministry of the Interior - Heraldic Register expresses its opinion on it. An emblem of heraldic quality can be registered in the Heraldic Register of the Slovak Republic if the owner requests it.

5.3. - Legal protection

The aforementioned emblems of central authorities, if they exist, can also be registered as a trademark. If the national emblem is part of the logo, the Patent Office acts in cooperation with the Ministry of the Interior - Heraldic Register.

PART 6. HERALDRY AND SEALS OF MILITARY AUTHORITIES

6.1. - Adoption, grant or registration

Military authorities always use the state coat of arms to mark official buildings, rooms, seals... Next to it, there is also a special emblem of the Army of the Slovak Republic (state emblem placed on three swords), which is used, for example, on uniforms. Furthermore, it is the designation of the military equipment of the Army of the Slovak Republic (the national coat of arms in a square). These and other heraldic emblems were created in cooperation with the Heraldic Register and are registered.

6.2. - The heraldic competence

In addition to these army-wide emblems, individual military formations (units) design their own emblems. Proposals are reviewed by the Commission for Military Symbolism and are codified by order of the relevant commander. As a rule, they are in the shape of a shield, but without heraldic value. The army does not create designs for emblems in cooperation with the Ministry of the Interior - Heraldic Register, and they are not even registered.

6.3. - Legal protection

Emblems of military units can be registered at the patent office as a trademark.

PART 7. REGIONAL AND MUNICIPAL HERALDRY

7.1. - Adoption, grant or registration

Cities, municipalities and regions are obliged to adopt and use their own coats of arms in administration. Their Coats of arms must be registered at the Ministry of the Interior - Heraldic Register.²¹ However, the heraldic register is only authorized to register a coat of arms that is heraldically correct.²²

In practice, the procedure is as follows:

A city, municipality, or region will ask a heraldist to **create** a design for a coat of arms. Coats of arms of cities and municipalities generally respect the content of **historical symbolism** from municipal seals, but are heraldically stylized. The municipality will submit the created proposal to the **Heraldic Commission** of the Ministry of the Interior.²³ Its members (heraldists, historians, university professors, lawyers, archivists) are appointed by the Minister of the Interior. The Heraldic Commission will assess the historical authenticity and heraldic correctness of the proposal and will notify the municipality of its opinion. If the commission's opinion is positive, the **municipal council will adopt** a resolution on the adoption of the municipal coat of arms²⁴ and notify the Ministry of the Interior. Subsequently, the coat of arms of the municipality is **registered** in the Heraldic Register²⁵ at the Ministry of the Interior. The Ministry will notify the municipality of the registration information (registration signature).

²¹ Zákon č. 369/1990 Zb. o obecnom zriadení; (**Law no. 369/1990 Coll. on municipal establishment**). Zákon č. 302/2001 Z. z.o samospráve vyšších územných celkov (zákon o samosprávnych krajoch). (**Law no. 302/2001 Coll. on self-government of higher territorial units (Act on self-governing regions)**).

²² Vnútorný pokyn generálneho riaditeľa sekcie verejnej správy Ministerstva vnútra Slovenskej republiky o Heraldickom registri Slovenskej republiky č. SVS-204-2004/00933 (Vnútorné pokyny Ministerstva vnútra SR, 10/2004 z 30.12.2004). (**Internal instruction of the director general of the public administration section of the Ministry of the Interior of the Slovak Republic on the Heraldic Register of the Slovak Republic no. SVS-204-2004/00933 (Internal instructions of the Ministry of the Interior of the Slovak Republic, 10/2004 dated 30.12.2004)**).

²³ Opatrenie ministra vnútra z 28. VIII. 1991 č. 5, ktorým sa vydáva Štatút Heraldickej komisie. Vestník vlády SR z 2. IX 1991. (**The measure of the Minister of the Interior dated 28. VIII. 1991 no. 5, which issues the Statute of the Heraldic Commission. Gazette of the Government of the Slovak Republic from 2 IX 1991**).

²⁴ Zákon č. 369/1990 Zb. o obecnom zriadení; (**Law no. 369/1990 Coll. on municipal establishment**);

²⁵ Vnútorný pokyn generálneho riaditeľa sekcie verejnej správy Ministerstva vnútra Slovenskej republiky o Heraldickom registri Slovenskej republiky č. SVS-204-2004/00933 (Vnútorné pokyny Ministerstva vnútra SR, 10/2004 z 30.12.2004). (**Internal instruction of the director general of the public administration section of the Ministry of the Interior of the Slovak Republic on the Heraldic Register of the Slovak Republic no. SVS-204-2004/00933 (Internal instructions of the Ministry of the Interior of the Slovak Republic, 10/2004 dated 30.12.2004)**).

At the request of the municipality, the Ministry can also issue a **letter of arms** (armales) for the municipality - a ceremonial announcement of the entry of the coat of arms into the Heraldic Register (A3 format, frame, with text and image of the coat of arms). The coat of arms can be handed over by the **herald** in tabard (chairman of the Heraldic Commission) at a municipal ceremony.²⁶

7.2. - Is it a heraldic competence

The region, city and municipality can use their symbols only after they have been registered in the Heraldic Register. The procedure is described above.

7.3. - Legal protection

The coat of arms of the capital city of Bratislava²⁷ and the coat of arms of the city of Košice²⁸ (the East Slovak metropolis) are defined in special laws on these cities.

Cities, municipalities, villages and regions issue generally binding regulations (lower-level legal norms) about their symbols. They also define legal protection.

Symbols of the municipality are used by all institutions established by the municipality (including schools).

Municipal symbols can also be used by citizens and other legal entities in the municipality, but not in stamps, to mark their buildings, on uniforms (private security services)...

The symbols of the village are registered in the Heraldic Register. In case of disputes about any coat of arms, he can issue his opinion on request.

PART 8. ECCLESIASTICAL AND ACADEMIC HERALDRY

University heraldry has no tradition in Slovakia, nor did it in Czechoslovakia. However, some schools (primary and secondary) as well as some universities use their own coats of arms. If they are heraldically correct, they can be entered in the Heraldic Register.

8.1. - Adoption, grant or registration

The use of church coats of arms (and their registration) is not mandatory. However, the Conference of (Catholic) Bishops of Slovakia expressed the wish to pay attention to the creation of church coats of arms and to register these coats of arms in the Heraldic Register of the Slovak republic. At the same time, the church appointed three heraldic consultants for the coats of arms of the Roman Catholic and Greek Catholic churches and priests in

²⁶ ibidem

²⁷ Zákon č. 377/1990 Zb. o hlavnom meste SR Bratislave. (**Law no. 377/1990 Coll. about Bratislava, the capital of the Slovak Republic.**)

²⁸ Zákon č. 401/1990 Zb. o meste Košice. (**Law no. 401/1990 Coll. about the city of Košice.**)

Slovakia.²⁹ The Heraldic Register respects the Consultors as one of its advisory bodies.

In 2010, the Heraldic Commission of the Evangelical Church of the Augsburg Confession in Slovakia was established. The Ministry of the Interior - Heraldic Register respects it as one of its advisory bodies. The Evangelical Church issued a special church law "on the external symbols of the church", where the formal signs of the coats of arms of evangelical church organizational units are determined. At the same time, it established the procedure for the creation of coats of arms of evangelical church organizational units.³⁰

In 2020, the Heraldic Commission of the Orthodox Church in Slovakia was also established. The heraldic register respects it as one of the advisory bodies, but its activity is not great.

8.2. - Heraldic competence

The church (parish, decanatus, choir, seniority, bishopric...) is not obliged to apply for registration of the coat of arms in the Heraldic register, but

²⁹ Smernice pre tvorbu heraldických symbolov (erbov) v Rímskokatolíckej cirkvi a Gréckokatolíckej cirkvi v Slovenskej republike schválené dňa 10. -11. marca 2008 Konferenciou biskupov Slovenska. (***Guidelines for the creation of heraldic symbols (coats of arms) in the Roman Catholic Church and the Greek Catholic Church in the Slovak Republic approved on 10-11 March 2008 by the Conference of Bishops of Slovakia***).

³⁰ Cirkevný ústavný zákon č. 1/2010, ktorým sa mení a dopĺňa Cirkevný ústavný zákon č. 1/1993 (Ústava Evanjelickej cirkvi na Slovensku) Zbierka cirkevnoprávných predpisov Evanjelickej cirkvi augsburského vyznania na Slovensku, roč. 17, čiastka 2/2010 z 20. októbra 2010. (***Church Constitutional Act No. 1/2010, amending the Church Constitutional Act no. 1/1993 (Constitution of the Evangelical Church in Slovakia) Collection of ecclesiastical regulations of the Evangelical Church of the Augsburg Confession in Slovakia, vol. 17, amount 2/2010 of October 20, 2010***).
Cirkevný zákon č. 2/2010 o vonkajších symboloch Evanjelickej cirkvi augsburského vyznania na Slovensku, Zbierka cirkevnoprávných predpisov Evanjelickej cirkvi augsburského vyznania na Slovensku, roč. 17, čiastka 2/2010 z 20. októbra 2010. (***Church Act no. 2/2010 on external symbols of the Evangelical Church of the Augsburg Confession in Slovakia, Collection of ecclesiastical regulations of the Evangelical Church of the Augsburg Confession in Slovakia, vol. 17, amount 2/2010 of October 20, 2010***).
Cirkevné nariadenie č. 1/2011, o používaní vonkajších symbolov Evanjelickej cirkvi augsburského vyznania na Slovensku, vydané Generálne presbyterstvo Evanjelickej cirkvi augsburského vyznania na Slovensku svojim uznesením č. 80/5-2010 v zmysle § 11 odseku (1) cirkevného zákona 2/2010 o vonkajších symboloch. (***Church regulation no. 1/2011, on the use of external symbols of the Evangelical Church of the Augsburg Confession in Slovakia, issued by the General Presbytery of the Evangelical Church of the Augsburg Confession in Slovakia by its resolution no. 80/5-2010 in accordance with § 11 paragraph (1) of the Church Act 2/2010 on external symbols***).

it is always interested in registration (and possibly also in letter of arms).

8.3. - Legal protection

There is no special legal regulation for the protection of church coats of arms. A church can register its coat of arms as a trademark.

PART 9. FAMILY AND PERSONAL HERALDRY

9.1. - Adoption, grant or registration?

The creation and use of family coats of arms is not prohibited by law.³¹ Families can receive their coats of arms freely (even without consulting a heraldist and without registration, but the family coats of arms are usually created in cooperation with heraldist (Collegium heraldicum, Heraldic college). The Heraldic Register published the formal heraldic details of the family coat of arms. The proposal of the coat of arm will be submitted to the Heraldic College for research and creation of ancestral civil coats of arms. The Ministry of the Interior respects the Heraldic college as one of its advisory bodies. The Heraldic College will recommend the proposal to the Ministry of the Interior for registration in the Heraldic Register.

9.2. - Legal protection

Coats of arms are not awarded (granted) in the Slovak Republic (not even city, municipal, regional, university, church or civic family coats of arms). Coat of arms bearers **receive** (adopt) their coats of arms (created by heraldists and consulted in advisory heraldic bodies). The Ministry **registers** them and can also issue a ceremonial **certificate** (letter of arms) about the registration and ceremonially hand it over to the bearer through a herald. This process (although not mandatory) is attractive to future bearers of the coat of arms.

9.3. - The legacy

Historic family coats of arms can be restored and registered (as civic coats of arms) provided that the bearer of the coat of arms can prove that it is a family heritage. This fact is proven mainly by genealogical documents from the state archives.

The coat of arms is always registered to the applicant (one person, the chief armiger). The range of authorized persons is listed in the coat of arms document. The coat of arms is conceived as prospectively ancestral, that is, with the assumption of its inheritance, while it is tied to the surname. The wife, sons and unmarried daughters use the coat of arms in its basic form.

³¹ „Každý môže konať, čo nie je zákonom zakázané, a nikoho nemožno nútiť, aby konal niečo, čo zákon neukladá“. Prvá hlava 1, odd. 1, čl. 2, ods. 3 Ústavy Slovenskej republiky. (***“Everyone can do what is not prohibited by law, and no one can be forced to do something that is not required by law”. First chapter 1, sec. 1, Art. 2, par. 3 of the Constitution of the Slovak Republic.***)

Daughters after marriage can use the sign from the parental coat of arms in the new family coat of arms

Part 10. General assessment of the position of heraldry in the legal context

10.1. - Institutions and knowledge

Information about the Heraldic Register of the Slovak Republic is well known. Also thanks to the publication of registered coats of arms on the Internet or in special book editions:

Edition of the **Heraldic Register of the Slovak Republic** - coats of arms of registered cities and municipalities in the Heraldic Register, 8 volumes have been published so far;³²

Heraldic almanac edition - ancestral civil coats of arms registered in the Heraldic Register, 6 volumes have been published so far;³³

Edition of Thesaurus heraldicum ecclesiasticum - coats of arms of church natural and legal persons of all denominations, entered in the Heraldic Register; 2 volumes have been published so far.³⁴

The heraldic ritual for confirming the registration of city, municipal, church, or civic coats of arms is also widely known and attractive.

The Patent Office (Industrial Property Office) regularly communicates with the Heraldic Register about the registration of heraldic emblems with state symbols.

The Criminal Police consults with the Heraldic Register (Heraldic Commission) on the issue of the symbolism of extremist movements.

The most important and generally respected heraldic institution is the **Ministry of the Interior**³⁵ and the **Heraldic Register**³⁶ operating within it. Its

³² KARTOUS, Peter – VRTEL, Ladislav. Heraldický register Slovenskej republiky.

³³ KARTOUS, Peter – VRTEL, Ladislav. Heraldický almanach

³⁴ PAVLÍKOVÁ, Lenka – VRTEL, Ladislav. Thesaurus heraldicum ecclesiasticum.

³⁵ Zákon č. 575/2001 Z. z. o organizácii činnosti vlády a o organizácii ústrednej štátnej správy v znení neskorších predpisov. (**Law no. 575/2001 Coll. on the organization of government activities and on the organization of the central state administration, as amended**).

³⁶ Vnútorňý pokyn generálneho riaditeľa sekcie verejnej správy Ministerstva vnútra Slovenskej republiky o Heraldickom registri Slovenskej republiky č. SVS-204-2004/00933 (Vnútorňé pokyny Ministerstva vnútra SR, 10/2004 z 30.12.2004). (**Internal instruction of the director general of the public administration section of the Ministry of the Interior of the Slovak Republic on the Heraldic Register of the Slovak Republic no. SVS-204-2004/00933 (Internal instructions of the Ministry of the Interior of the Slovak Republic, 10/2004 dated 30.12.2004)**)

advisory bodies are also widely known - **Heraldic Commission**³⁷ (for municipal heraldry), **Heraldic Collegium**³⁸ (for civic heraldry), **Corps of Heraldic Consultants**³⁹ (for Catholic Church heraldry) and **Heraldic Commission of the Evangelical Church of the Augsburg Confession**.⁴⁰ Mutual cooperation is at a good level.

10.2. - Legal uncertainties

When the Slovak Republic was founded in 1993, it did not consider it appropriate to draft heraldic legislation regarding the protection of state symbols very strictly. However, the Ministry of the Interior and the offices of the regional state administration drew attention to errors in the use of state symbols. The Ministry of the Interior has issued a methodology for the correct use of state and local government symbols.

³⁷ Opatrenie ministra vnútra z 28. VIII. 1991 č. 5, ktorým sa vydáva Štatút Heraldickej komisie. Vestník vlády SR z 2. IX 1991. *(The measure of the Minister of the Interior dated 28. VIII. 1991 no. 5, which issues the Statute of the Heraldic Commission. Gazette of the Government of the Slovak Republic from 2 IX 1991).*

³⁸ Stanovy Heraldického kolégia registrované Ministerstvom vnútra dňa 3. júla 1997, pod č. VVS/1-900/90-12830. *(Statutes of the Heraldic College registered by the Ministry of the Interior on July 3, 1997, under no. VVS/1-900/90-12830).*

Čl. 2, ods. 3 Vnútorného pokynu generálneho riaditeľa sekcie verejnej správy Ministerstva vnútra Slovenskej republiky o Heraldickom registri Slovenskej republiky č. SVS-204-2004/00933 (Vnútorné pokyny Ministerstva vnútra SR, 10/2004 z 30.12.2004). *(Art. 2, par. 3 of the Internal Instruction of the General Director of the Public Administration Section of the Ministry of the Interior of the Slovak Republic on the Heraldic Register of the Slovak Republic no. SVS-204-2004/00933 (Internal instructions of the Ministry of the Interior of the Slovak Republic, 10/2004 dated 30.12.2004))*

³⁹ Smernice pre tvorbu heraldických symbolov (erbov) v Rímskokatolíckej cirkvi a Gréckokatolíckej cirkvi v Slovenskej republike schválené dňa 10. -11. marca 2008 Konferenciou biskupov Slovenska. *(Guidelines for the creation of heraldic symbols (coats of arms) in the Roman Catholic Church and the Greek Catholic Church in the Slovak Republic approved on 10-11 March 2008 by the Conference of Bishops of Slovakia).*

⁴⁰ Cirkevné nariadenie č. 1/2011, o používaní vonkajších symbolov Evanjelickej cirkvi augsburského vyznania na Slovensku, vydané Generálne presbyterstvo Evanjelickej cirkvi augsburského vyznania na Slovensku svojim uznesením č. 80/5-2010 v zmysle § 11 odseku (1) cirkevného zákona 2/2010 o vonkajších symboloch. *(Church regulation no. 1/2011, on the use of external symbols of the Evangelical Church of the Augsburg Confession in Slovakia, issued by the General Presbytery of the Evangelical Church of the Augsburg Confession in Slovakia by its resolution no. 80/5-2010 in accordance with § 11 paragraph (1) of the Church Act 2/2010 on external symbols).*

The use of symbols of extremist movements is strictly enforced, while the Criminal Code prohibits the use of symbols promoting racial, religious or national intolerance.

10.3. - Recent disputes or proposals

When it comes to state symbols, the discussions (also mediatized) have always been about flags, less about coats of arms.

It is possible to mention the initiative proposal of a member of the Slovak Parliament to ban the use of the rainbow flag on official buildings in the Slovak Republic. The position of the Ministry of the Interior of the Heraldic Commission was that it was not appropriate to prohibit only the use of the rainbow flag, thereby seemingly allowing the use of other flags, the use of which is not stipulated by law.

The position of the Heraldic Committee was that only the flags of the Slovak Republic and the European Union should be used on official buildings in the Slovak Republic, and their self-governing flags on buildings of regional self-governments (cities, municipalities, regions). Flags of other states can be used in these cases only during official foreign visits.

The mentioned initiative proposal of the member of the parliament was rejected by the parliament.

For the aforementioned reason, the Heraldic Commission also labeled the raising of the national flag of Ukraine on the buildings of state offices in the Slovak Republic as inappropriate and recommended expressing solidarity with Ukraine in another way.

A long-term problem is also the use of the flag of the Republic of Hungary in the southern territories of the Slovak Republic by the Hungarian national minority on various occasions, anniversaries important for the Hungarian nation State), etc. The Heraldic Commission did not recommend banning the use of the Hungarian flag on such occasions, but recommended that the national flag of the Slovak Republic has to be used at the same time as an expression of respect for the sovereignty of the Slovak Republic and its borders.

10.4. - Strengths and weaknesses

The main positive of contemporary Slovak heraldry is the existence and activity of the **Heraldic Register of the Slovak Republic**, which is generally respected in Slovakia and represents a heraldic authority which, together with its advisory bodies (commissions), ensures a sufficient professional level of coat of arms creation in Slovakia. It can be a problem if it is not possible to provide professional personnel to ensure its operation for decades to come.

Coats of arms of foreign citizens related to the Slovak Republic can also be entered in the Heraldic Register. This mainly concerns citizens of the Czech Republic, Slovaks living abroad, or citizens of other countries with genealogical roots in Slovakia.

Coat of heraldry law in the Slovak Republic is currently made up of a system of about fifty legal regulations, which regulate state symbolism and heraldry in some way and establish the competences of state and other authorities in

this area, or regulate the details of the use of coats of arms and flags. Together with sub-statutory generally binding legal regulations on symbols of cities, municipalities and regions, issued by local self-government bodies, their number exceeds three thousand.

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