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National standardization:

Office treatment of name

Draft Resolution on Names that Seek a Commercial Purpose

Submitted by Canada**

* E/CONF.101/1.

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*** The full text of the report is being issued in English and French only as document E/CONF.101/136

Background

The commercialization of toponymy for promotional purposes can be detrimental to both the trademarks used as toponyms and the places named. We consider the use of geographical names that are commercial in nature, as well as the buying and selling of geographical names, as practices that harm the stability of geographical names consecrated by use and threaten the quality of these names as useful geographical references.

Because this increasingly common practice should be avoided and the United Nations Conferences on the Standardization of Geographical Names have not yet adopted a resolution on the subject, we believe we should study the issue.

Trademarks and company names

Before presenting a draft resolution on promotional names, it is important to define certain terms. By *name that seeks a commercial purpose*, we mean a trademark, company name or slogan associated with a product or a known company. A *trademark* is a brand used to distinguish a commodity or service. A *company name* is a name under which a person or corporation operates.

With respect to company names, it should be noted that, legally, the concepts of “person” and “corporation” are very close. We believe that resolution VIII/2, adopted by the Eighth United Nations Conferences on the Standardization of Geographical Names, could also apply to company names:

[...] Recalling [...] that naming or renaming of a geographical feature to include the name of a living person could be a source of problems,

Recognizing that this practice is generally disadvantageous, as this type of designation is subject to subsequent changes not recommended by the Conference, [...]

1. Recommends that the appropriate national authorities discourage the use of personal names to designate a geographical feature during the lifetime of the person in question; [...].

Naming places after trademarks should also be avoided because it is a form of brand recognition and insidiously contributes to the brand’s notoriety and continuity, which is not the mandate of toponymy administrators.

Furthermore, a number of names drawn from commercial practices refer to companies that are no longer in operation or brands of products or services that no longer exist. The disappearance of certain trademarks over time, and the appearance of new ones inevitably results in changes that affect and harm the stability of toponymy and gives the landscape the appearance of a vast advertising market.

Standards already in place

A number of toponymic authorities already have criteria or standards in place to restrict or even prohibit promotional toponyms. We will not conduct an exhaustive study here, but we will present a few examples that demonstrate the importance assigned to this problematic practice.

In Canada, the Commission de toponymie du Québec has created a list of contraindicated practices. Among them are promotional names, as outlined in the following:

“Names that can be used as an advertisement for trademarks or commercial or industrial firms should be avoided.” [translation]

“The primary goal of a place name is not to be used as an advertisement. The Commission de toponymie du Québec considers that the use of advertising already provides for-profit businesses with an effective means of promoting themselves without having to attribute their names to a place. However, the criterion does not include names such as **Ruisseau de la Fabrique** or **Mont de la Croix-Rouge** (the international humanitarian organization). If there is a link between the place or activity, a name inspired by a trademark or a commercial or industrial firm is justifiable.”¹ [translation]

The last paragraph refers to the fact that a number of geographical names generated from commercial practices have also been consecrated by usage and effectively serve as reference points because they were spontaneously adopted by users of the territory, as the result of a company’s presence in the area. In this case alone, the names borrowed from the commercial sector serve as a reference and can therefore be used in the specific part of the geographical name.

Also in Canada, toponymic authorities in Alberta and British Columbia propose the following criteria for buying and selling names for commercial purposes:

“A geographical name, or the right to name a geographical feature, cannot be bought or sold, raffled or otherwise conferred through contest or auction.”²

The use of trademarks in toponymy could lead to companies buying toponyms, a possibility that could result in the creation of all types of slogans that are not only commercial but also political or religious in nature. The right to name a place could also come to be considered a commodity that can be sold. The buying and selling of toponyms should not be tolerated in any situation.

The toponymic authorities for Arizona (U.S.), Victoria (Australia) and Ontario (Canada), to name just a few, have also adopted criteria that allows them to limit the use of commercial names.

Draft resolution

With these elements now in context, we believe the Conference should adopt a resolution to limit the use of names that seek a commercial purpose in toponymy. We propose the following wording:

The Conference,

1. Commission de toponymie du Québec (Canada). [<http://www.toponymie.gouv.qc.ca/ct/normes-procedures/criteres-choix/pratiques-contre-indiquees.html#publicitaires>] (Retrieved February 22, 2012).

2. Government of Alberta, Culture and Community Services. *Geographical Names Manual*, [online]. [http://culture.alberta.ca/heritage/resourcemanagement/archaeologyhistory/geographical/pdf/2012/alberta_geographical_names_manual.pdf] and GeoBC. *British Columbia’s Geographical Naming Principles. Geographical Naming Policy and Procedures*, [online]. [<http://archive.ilmb.gov.bc.ca/bcnames/files/GeogNamingPolicy2010.pdf>] (Retrieved February 22, 2012).

Recognizing that the use of geographical names that seek a commercial purpose and the buying and selling of geographical names are practices that exist, especially in urban areas;

Considering that these practices transform the places and names they affect into commodities that will likely promote the replacement of geographical names with long-standing local usage and to threaten the integrity of geographical nomenclatures of nations;

Recalling resolution VIII/9, which recognizes the importance of geographical names as part of a nation's historical and cultural heritage and resolution IX/4, which confirms that toponyms are part of the intangible cultural heritage, within the meaning of the *Convention for the Safeguarding of the Intangible Cultural Heritage*, adopted by UNESCO on October 17, 2003;

Noting that in the *Operational Directives for the implementation of the Convention for the Safeguarding of the Intangible Heritage*, it is stated that “commercial activities [...] should not, however, threaten the viability of the intangible cultural heritage,” and that “particular attention should be paid to avoiding commercial misappropriation [...] and to ensuring that the commercial use does not distort the meaning and purpose of the intangible cultural heritage for the community concerned.”

Considering that the use of geographical names that seek a commercial purpose and the buying and selling of geographical names are practices that harm the stability of geographical names with long-standing local usage and threaten the quality of these names as useful geographical references;

Noting also that, on one hand, a number of geographical names generated from commercial practices also have a long-standing local usage and serve as effective reference points and that, on the other hand, a number of geographical names with long-standing local usage were named spontaneously by users of the territory owing to a company's presence in the area;

Noting also that some toponymic authorities around the world have already adopted standards to limit or prohibit these commercial toponymic practices;

Recommends that national toponymic authorities discourage the use of toponyms that seek a commercial purpose, as well as various practices involving the commercialization of geographical names, by adopting standards that address these issues.