

The Highland Council
Planning, Development and Infrastructure Committee
4 November 2015

Agenda Item	
Report No	PDI 85/15

Application to register the names ‘Glencoe’ and ‘Glenfinnan’ as trademarks

Report by Director of Development and Infrastructure

Summary

The National Trust for Scotland already holds trademarks for a few of its sites. These are The Battle of Bannockburn site, the Soldier’s Leap at Killiecrankie and Culloden Battlefield. The Trust is now applying to register the names ‘Glencoe’ and ‘Glenfinnan’ as trademarks.

Local businesses have raised concerns that the registration of Glencoe and Glenfinnan as trademarks could impact negatively on their activity, could restrict future community led projects and may hamper efforts being made to secure the economy via the new Glencoe and Ben Nevis National Scenic Area management plan.

Committee is invited to agree that:

- a meeting is held at senior level with members, officers and representatives of the National Trust for Scotland in order to understand the motivation behind the application to register Glencoe and Glenfinnan as trademarks; and
- following the meeting, if a formal response is required, it is delegated to the Director of Development and Infrastructure in consultation with the Committee Chair.

1. Background

- 1.1 The National Trust for Scotland (hereafter referred to as ‘the Trust’ has applied to register the names ‘Glencoe’ and ‘Glenfinnan’ as trademarks. The Trust already holds trademarks for The Battle of Bannockburn, the Soldier’s Leap at Killiecrankie and Culloden.
- 1.2 Current practice in trademark registries in Scotland has changed and it has become apparent to the Trust that other parties, often based outside of Scotland, have registered trademarks or sought to register marks over place names for some of the key heritage locations owned by the Trust.
- 1.3 As a result the Trust considers it is more appropriate for the Trust to hold these trademarks, given longstanding obligations to care for and protect these places. The alternative would be to risk rights over these names being acquired by commercial organisations with interests that may not align with those of the Trust’s conservation and charitable purposes, nor with the wellbeing of local residents and businesses.

- 1.4 In a statement to the Council, the Trust makes it clear that registering these trademarks will categorically not hinder the use of these names by local businesses which wish to refer to their geographic location or to businesses which have already been trading with these place names and so have accrued prior rights. However the trademarks gives the Trust the right to protect names from inappropriate exploitation or use by parties who are not located in or near these places. Holding these trademarks give the Trust the chance to make the most of these special places in terms of marketing and increasing public awareness of the sites and the Trust's role in caring for them. It is hoped that this will result in more support for the Trust's charitable cause and attract visitors, who in turn contribute to the local economy.

2. Local concerns and the Council's response

- 2.1 Local businesses have expressed concerns that the registration of these trademarks could restrict their legitimate desire to link their activity with Glencoe and Glenfinnan, could restrict opportunities for community led projects linked to Glencoe and Glenfinnan, and may hamper efforts being made to secure the economy locally via the new Glencoe and Ben Nevis National Scenic Area management plan.
- 2.2 A recent Sunday Herald article states that local business knew little of the application to register the sites as trademarks or how they might restrict local commercial life.
- 2.3 It has been noted that the Trust owns only part of Glencoe and other, adjoining landowners in the area have not been aware of the Trust's application to register the trademark there.
- 2.4 Given concern locally it is suggested that Members and officers meet at senior level with representatives of the National Trust to discuss and understand better the motivation behind the application to register the sites at Glencoe and Glenfinnan. Thereafter if an objection to the application is considered appropriate this could be delegated to the Director of Planning, Development and Infrastructure in consultation with the Committee chair.
- 2.5 There is a 6 week period for responses and if a response is required it should be submitted by 30 November

3. Implications

- 3.1 Resource
There are no resource implications arising from this paper.
- 3.2 Legal and Risk
There are no legal or risk implications arising for the Council from this paper.
- 3.3 Equality and Rural
There are no equality or rural implications arising from this report.

3.4 Climate Change/Carbon Clever and Gaelic

There are no climate change/Carbon Clever or Gaelic implications arising from this report.

Recommendation

Committee is invited to agree that:

- a meeting is held at senior level with members, officers and representatives of the National Trust for Scotland in order to understand the motivation behind the application to register Glencoe and Glenfinnan as trademarks; and
- following the meeting, if a formal response is required, it is delegated to the Director of Development and Infrastructure in consultation with the Committee Chair.

Designation: Director of Development and Infrastructure

Date: 2 November 2015

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Background papers

1. *'Move to register names of Glencoe and Glenfinnan spark concern among communities'* – Herald newspaper article, Wednesday 28th October 2015
2. Public statement – National Trust for Scotland, 28th October 2015.