



Canadian Red Cross  
Croix-Rouge canadienne

January 30, 2006

Mr. Chris Bennett, LL.B.  
Davis and Company  
Suite 2800 Park Place  
666 Burrard Street  
Vancouver, BC, Canada  
V6C 2Z7

Dear Mr. Bennett:

**Re: Misuse of Red Cross Emblem**

On behalf of the Canadian Red Cross, I wanted to bring to your attention a practise which appears to be rather widespread in the video game industry. The practise I am referring to is the unauthorized and indeed illegal use of the Red Cross emblem by the industry. A number of examples have been brought to my attention which display the Red Cross emblem to depict "First Aid" "Health" or "Injury Recovery" within the content of these games. The emblem has also been used in video games depicting Red Cross facilities and vehicles in combat situations presumably to give the games more verisimilitude.

For your information, the use of the emblem of the Red Cross is restricted in law and protected in the international domain. It occupies a significant and highly regarded place in international humanitarian law. The emblem is easily recognizable as a symbol of neutrality and aid to the wounded and sick in times of war. Most critically, the display of the Red Cross by humanitarian assistance workers in a conflict zone is intended to afford those workers physical protection under the Geneva Conventions. Of course, the emblem is also an important symbol of humanitarian aid in times of peace.

Internationally, the use of the Red Cross emblem is explicitly reserved under the Geneva Conventions of August 12, 1949. In this regard, you may wish to consult Chapter VII Articles 38-44 of the Convention. As Canada is a signatory to the Convention, domestically the exclusive use of the emblem is reserved for the Medical Corps of the Canadian Forces and the Canadian Red Cross Society. This is confirmed in Canadian law under the *Geneva Conventions Act* and the *Canadian Red Cross Society Act*. With respect to the former, I would draw your attention to Articles 44 and 53 of Schedule 1. In the case of the latter, you may wish to consult Section 4 of the Act.

The importance of protecting this internationally recognized symbol of neutrality and protection of life is reinforced under the *Canadian Trade-marks Act*. Among other things, the Act specifies that no one may adopt or use any mark consisting of the emblem of the Red Cross or any design so nearly resembling it as to be likely to be mistaken for it as a

trade-mark or otherwise. I would suggest you review sections 9 (1) (f), 10 and 11 of this Act. (For your easy reference, these statutes can be accessed at [www.justice.gc.ca](http://www.justice.gc.ca).) I have also provided a link for information about the Red Cross emblem. It can be accessed at: [Red Cross Emblem Brochure](#).

It is our considered view that the various displays of the Red Cross which are referenced above are inappropriate and are a breach of international and domestic law. The fact that the Red Cross is also used in videos which contain strong language and violence is also of concern to us in that they directly conflict with the basic humanitarian principles espoused by the Red Cross movement. The crux of the problem is that the misuse of the Red Cross in video games is not only in contravention of the law, it also encourages others to believe that the emblem of the Red Cross is “public property” and can be freely used by any organization or indeed for commercial purposes. The time and effort we must spend across Canada protecting the emblem of the Red Cross is not inconsequential. The same holds true for the American Red Cross and other national societies around the world.

As a humanitarian organization, our first choice is to seek the cooperation of people who may be unaware of the importance of the Red Cross and the reasons why it is a protected emblem under both international and domestic law. Consequently, this letter is a request to video game developers and publishers to mount a comprehensive education campaign about the protected status of the Red Cross emblem.

While we recognize that there is probably little that can be done to redress past infringements, we would like to engage in a discussion with game developers and publishers to ensure that the Red Cross emblem is protected in the future. We see this as a means of avoiding costly litigation while at the same time discharging our legal responsibilities to protect the emblem. I very much hope that we at the Canadian Red Cross can count on your support and cooperation in this regard and we would be pleased to provide additional information and respond to any questions you may have. As mentioned above, it is not only the right thing to do in terms of assisting us with our humanitarian mission, it is the law.

Yours sincerely,

A handwritten signature in blue ink that reads "David Pratt". The signature is stylized with a long horizontal line extending from the end of the name.

**David Pratt**  
**Director, Humanitarian Issues Program**