

TQAC
TxR.



**Australian
Competition &
Consumer
Commission**

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

Our Ref: C2006/29
Contact officer: Louise Hird
Contact phone: 02 6243 1272

18 July 2006

Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606

Dear Registrar

Certification Trade Mark Application 1086501 lodged by Woollsafe Organization

The Australian Competition and Consumer Commission (the ACCC), in accordance with the provisions of the *Trade Marks Act 1995*, has completed its final assessment of Certification Trade Mark (CTM) No. 1086501.

A certificate detailing the ACCC's assessment is attached, as well as a certified copy of the rules. The applicant has been notified.

If you have any queries on this matter, please contact Louise Hird on 02 6243 1272.

Yours sincerely


Sue Philp
Director
Adjudication

IP Australia
19 JUL 2006
P&S





Australian
Competition &
Consumer
Commission

Final Assessment of Certification Trade Mark Application 1086501 lodged

The Australian Competition and Consumer Commission (the ACCC), in accordance with the requirements of the *Trade Marks Act 1995*, has completed its Final Assessment of the above Certification Trade Mark (CTM) application.

The ACCC's Final Assessment is that it is satisfied that:

- (a) the approved certifiers are competent to certify the goods and services in respect of which the CTM is to be registered;
- (b) the rules governing the use of the CTM would not be to the detriment of the public; and
- (c) the rules governing the use of the CTM are satisfactory having regard to the principles relating to restrictive trade practices set out in Part IV of the *Trade Practices Act 1974* (the Act); the principles relating to unconscionable conduct set out in Part IVA of the Act; and the principles relating to unfair practices, product safety and product information set out in Part V of the Act.

Signed.....  (Commissioner)

Date..... 12 JULY 2006

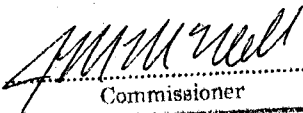
1086501



The
WOOLSAFE
Certified Operator Network

QUALIFICATION REQUIREMENTS
MEMBERSHIP TERMS AND CONDITIONS

Certified copy
pursuant to section 175(2)(b)
of the *Trade Marks Act 1995*


.....
Commissioner

12-07-06
Date

The WOOLSAFE Organisation
Europe – Australia – North America

Index **page**

The WOOLSAFE Certification programmes	3
1. Qualification requirements and conditions for joining the Network	4
2. Articles of membership of the WOOLSAFE Certified Operator Network	6
3. Regulation regarding the use of the WOOLSAFE Certified Operator Mark	10
Appendix I	12

The WOOLSAFE Mark and the WOOLSAFE Certified Operator Mark in all languages are Certification Marks and are the property of The WOOLSAFE Organisation.

© The WOOLSAFE Organisation
49 Boroughgate, Otley, Great Britain, LS21 1AG

17 July 2003

1086501

The WOOLSAFE certification programmes

WOOLSAFE certified cleaning companies

The WOOLSAFE Organisation operates an accreditation scheme for professional carpet cleaners, called the WOOLSAFE Certified Operators Network.

Carpet cleaning companies can become WOOLSAFE Certified Operators, provided they are fully trained in all carpet cleaning techniques, have been in business continuously for a period of at least 5 years and are a member of a recognised professional or trade association related to the cleaning industry. They must also have attended a WOOLSAFE training course, passed the exit exam and use WOOLSAFE-approved products whenever they clean or maintain wool or wool-rich carpeting.

WOOLSAFE-approved products

The WOOLSAFE certification programme for carpet maintenance products was established in 1991. The performance criteria for accepting - or rejecting - carpet maintenance products as being suitable for cleaning, maintaining and protecting wool carpets are based predominantly on internationally used standards and tests.

WOOLSAFE is available world-wide to manufacturers of carpet cleaning chemicals, spot removers, soil and stain resist treatments and other products used to maintain or enhance carpets and rugs. Products are independently tested and those that meet all the performance requirements are issued with a Certificate and suppliers are entitled to display the WOOLSAFE Mark on packaging, product literature and advertising material associated with the product.

All approved products are subject to annual re-evaluation to ensure they continue to meet the WOOLSAFE requirements, or that changes introduced when products are re-formulated, are not detrimental to the performance of the product.

1. Qualification requirements and conditions for joining the Network

1.1. Introduction

A carpet cleaning company that would like to become a Certified Operator has to meet a number of qualification requirements, attend one of the WOOLSAFE training courses, pass the examination, undertake to use WOOLSAFE-approved products whenever they clean or treat wool carpets or rugs and pay the registration and membership fees.

1.2. Membership eligibility

Membership is open to the following:

1.2.1. *Carpet cleaning franchisees*

Companies using one particular cleaning/maintenance system, which may be a franchised or a licensed system.

1.2.2. *Carpet cleaning companies*

Independent cleaning companies, which obtain their cleaning equipment and/or supplies from one or more sources.

1.2.3. *In-house carpet cleaners*

In-house carpet maintenance divisions responsible for the cleaning and maintenance of carpets and rugs in the building(s) their company occupies.

1.3. Membership requirements

To qualify for WOOLSAFE certification companies must:

1.3.1. have been *practising carpet cleaners* for a continuous period of at least five (5) years;

and:

1.3.2. have received appropriate and thorough technical and practical *training* in carpet cleaning and business management;

and:

1.3.3. have adequate professional and public liability *insurance*;

and:

1.3.4. be *members of a trade or professional association*, including franchises, covering carpet cleaning, which is recognised by The WOOLSAFE Organisation;

1086501

and:

1.3.5. attend the half-day WOOLSAFE Training Course, run by a WOOLSAFE Certified Trainer or The WOOLSAFE Organisation. A written exit exam is part of this course. WOOLSAFE certification is conditional upon passing the course exam (the "Pass" requirement is 80%);

or: attend an **in-house WOOLSAFE Training Course**, run by a WOOLSAFE Certified Trainer or The WOOLSAFE Organisation;

and:

1.3.6. use WOOLSAFE-approved products when cleaning or maintaining wool or wool-rich carpets or rugs (or wool or wool-rich upholstery)

1.4. Training course (one-day training course for carpet cleaners)

A WOOLSAFE training course covering the characteristics and behaviour of wool fibres, wool yarns and wool carpets as far as they affect the soiling, cleaning and maintenance of the same. Also, the fundamentals of wool carpet maintenance, including the soiling mechanism, the various cleaning mechanisms, the wide range of approved products available and the problems that may be encountered when cleaning wool carpets and rugs. The training course includes a copy of the course manual, *THE WOOL CARPET CLEANER'S MANUAL*.

1.5. Membership fees and subscriptions

Members of the WOOLSAFE Certified Operator programme are required to pay a one-off joining/registration fee and an annual membership subscription. WOOLSAFE Membership commences on the day the registration and membership fees are received by The WOOLSAFE Organisation and continues until the last day of the same month of the following year.

2. Articles of membership of the WOOLSAFE Certified Operator Network

2.1. Code of practice

All member companies are required to adhere to the Code of Practice (WS 2000) published by The WOOLSAFE Organisation*.

2.2. Membership fees

2.2.1. Registration and initial membership

A one-off joining/registration fee and an annual membership subscription is payable before a company can become a member of the WOOLSAFE Certified Operator Network. Membership commences on the day the registration and membership fees are received by The WOOLSAFE Organisation and continues until the last day of the same month of the following year.

2.2.2. Renewal of annual membership

Membership renewal notices are sent out to the member companies at least one month prior to the expiry date of the membership, and the renewal of the subscription is due before the end of the month. If the membership renewal fee is not received by The WOOLSAFE Organisation at the end of the month during which the subscription is due, a reminder will be sent to the member company.

If the membership renewal is not received 30 days after the official expiry date of the membership, the membership will be deemed to have lapsed and the company details will be removed from the membership directories and other listings.

Membership of the WOOLSAFE Certified Operator Network entitles members to, among other things, entry of their company's details in the *Directory of WOOLSAFE Certified Professional Carpet Cleaners*, published in January each year (see 2.6.1). All companies who are paid-up members of the Network will be entitled to entry into this Directory.

Any company whose membership is due for renewal and who wishes to discontinue membership must inform The WOOLSAFE Organisation prior to publication of the Directory. Failure to do so before 31 December may result in the company's details being included in the new Directory. This will then entitle The WOOLSAFE Organisation to claim by all available means from the company concerned the membership fee for the period (usually one year) covered by the new Directory.

2.2.3. Accreditation of staff

Membership of the WOOLSAFE Certified Operators Network is registered in the name of the Principal or Owner of the company. However, it is incumbent upon the Principal or Owner to ensure that all key cleaning personnel in the company – Team Leaders, (Senior) Technicians, Operatives, etc. – attend a WOOLSAFE training course, sit the exam, and achieve a "Pass" score of at least 75%.

* in preparation

2.3. Certificate

Every WOOLSAFE Certified Operator – and every member of their staff, if appropriate (see 2.2.3.) - will receive a Certificate confirming their membership of the programme. The Certificate is valid for one year and is renewable upon payment of the annual subscription.

2.4. Submission of documents

I

2.4.1. Business registration

It is a condition of membership that all WOOLSAFE Certified Operators submit evidence showing the length of time they have been a carpet cleaner, have run a carpet cleaning company, or have been a Limited Company.

Limited Companies: Copy of the Certificate of Incorporation, or Company Number.

Sole traders, partnerships and other private companies: Any evidence showing how long the company has been trading as a carpet cleaning company (Accountant, bank or other financial statement, dated correspondence, etc.).

Companies less than 5 years old: If the company has been in existence less than 5 years, evidence must be presented that the Principal or Owner of the company has been a professional carpet cleaner, running another company, or working in a senior position in another carpet cleaning company, for at least the past five years. *See also 2.4.4.*

2.4.2. Use of WOOLSAFE-approved products

It is a condition of membership that all WOOLSAFE Certified Operators use approved products when treating wool carpets and rugs and sign a *Declaration* specifying a minimum of two WOOLSAFE-approved products and their suppliers. In addition it is required to submit at least two recent (last six months) invoices detailing the purchase of approved products.

The WOOLSAFE Organisation reserves the right to check that approved products are indeed being supplied to the accredited company.

2.4.3. Insurance

It is a condition of membership that all WOOLSAFE Certified Operators have adequate business or professional insurance, with a minimum of Public Liability Insurance and preferably Professional Indemnity Insurance.

Copies of the relevant current insurance certificates must be submitted as evidence.

2.4.4. Technical and business training

It is a condition of membership that all WOOLSAFE Certified Operators – and their technical staff - have received professional training in the operation of their equipment and in the techniques and methods of carpet cleaning to at least intermediate level. Training to advanced level is recommended.

Copies of training certificates or diplomas must be submitted as evidence.

2.4.5 Professional affiliations

It is a condition of membership that all WOOLSAFE Certified Operators are members of a professional association, or an organisation such as a recognised franchise, related to the carpet cleaning industry.

Copies of relevant membership certificates must be submitted as evidence.

2.5. Monitoring of performance

The performance of Certified Operators will be monitored through:

2.5.1. feed-back received from clients and customers of Certified Operators and from those who refer their customers or clients to Certified Operators for carpet or upholstery cleaning services.

2.5.2. All Certified Operators can expect at least one *visit by a representative of The WOOLSAFE Organisation* in any one year to view the company's business professionalism, performance, use of approved products, equipment, etc. This visit may include an on-site visit to monitor a company's cleaning methods.

2.6 Directories

2.6.1. Directory of WOOLSAFE Certified Professional Carpet Cleaners

Member company details are listed in the Directory of WOOLSAFE Certified Professional Carpet Cleaners, which is published once a year in January and distributed to leading carpet retailers, carpet mills and other interested companies and organisations, as well as to consumers upon request.

It is incumbent upon Certified Operators to ensure that the entry for their company is correct.

2.6.2. Internet

WOOLSAFE Certified Operators are listed on The WOOLSAFE Organisation's website www.woolsafe.org, which provides information about carpet care and WOOLSAFE-approved products for consumers, corporate carpet owners, retailers, manufacturers, facilities managers and maintenance product suppliers.

It is incumbent upon Certified Operators to ensure that the entry for their company is correct.

2.7. Use of the WOOLSAFE Certified Operator Mark

Certified companies are entitled to use the WOOLSAFE Certified Operator Mark on stationary, business cards, publicity material, advertisements, company vehicles, workwear, etc. Artwork of the Mark is available free of charge from The WOOLSAFE Organisation in various forms, electronic formats.

See also: **3. Regulations governing the WOOLSAFE Certified Operator Mark** – page 9.

1086501

2.8. WOOLSAFE publicity

The WOOLSAFE Organisation regularly publish a newsletter, *WOOLSAFE NEWS*, and various leaflets and other handouts, promoting and explaining the WOOLSAFE Marks and what they stand for and promoting the services of the Certified Operators.

The WOOLSAFE Organisation, through their involvement with the carpet and cleaning trade press, commercial clients, WOOLSAFE product manufacturers and suppliers, carpet mills, the consumer media, wool promotion organisations such as the British Wool Marketing Board, and many others, are in a unique position to promote WOOLSAFE Certified Operator companies and WOOLSAFE-approved products world-wide.

3. Regulations governing the WOOLSAFE Certified Operator Mark

3.1. Ownership of the WOOLSAFE Certified Operator Mark

The WOOLSAFE Certified Operator Mark is a Certification Mark owned by The WOOLSAFE Organisation and is issued by them to accredited carpet & upholstery cleaning companies to be used in relation to the services in carpet, rug and upholstery cleaning, restoration, protection, repair and salvage these companies provide.

The Mark is available in different languages, see Appendix I.

3.2. Authority to use the Mark

The authority to use the WOOLSAFE Certified Operator Mark, and the manner in which it is used, is described below and is further governed by the *Trade Mark Act of 1994 of Great Britain and Ireland*, and the Articles of Membership of the WOOLSAFE Certified Operators Programme (See 2.).

The WOOLSAFE Organisation grants to the WOOLSAFE Certified Operator the non-exclusive authority to use the WOOLSAFE Certified Operator Mark.

No authority is given to use the WOOLSAFE Certified Operator Mark in relation to services which have not been approved by the The WOOLSAFE Organisation and the User acknowledges that, in giving or refusing such approval, The WOOLSAFE Organisation will act entirely within its own discretion.

The Authority to use the WOOLSAFE Certified Operator Mark is personal to the User who cannot without the written consent of The WOOLSAFE Organisation sub-license the use of, or transfer any right in the WOOLSAFE Certified Operator Mark to a third party.

The authority to use the WOOLSAFE Mark shall extend worldwide.

3.2. Persons authorised to use the Mark

The licence to use this certification trade Mark will be granted without discrimination to anyone who applies and complies with the Articles of Membership of the WOOLSAFE Certified Operators Programme (See 2.), provided the services provided by the applicant meet the required standards and as long as the licensee complies with the regulations governing the use of the Mark.

The Register of Authorised Users, *The Directory of WOOLSAFE Certified Professional Carpet Cleaners*, is available for inspection at the head office of The WOOLSAFE Organisation, 49 Boroughgate, Otley, LS21 1AG, United Kingdom.

3.3. Evaluation and accreditation procedure for member company

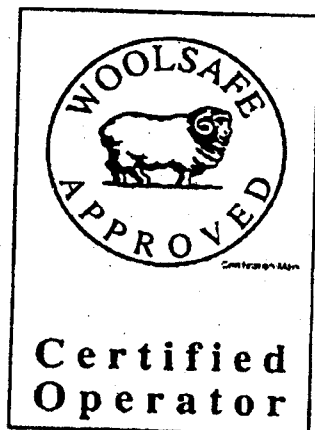
See: *1. Qualification requirements and conditions for joining the Network*

3.6. Disputes

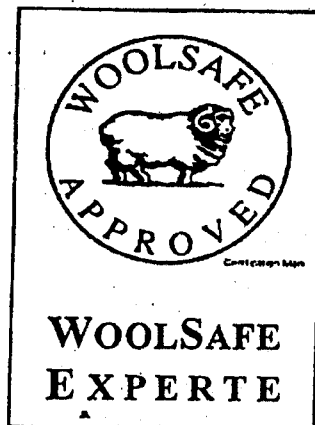
In the event of any dispute arising from the use of the WOOLSAFE Certified Operator Mark, or the quality of the services provided by a WOOLSAFE Certified Operator, the matter shall be referred to an arbiter approved by both parties for his opinion. In the event of the arbiter, his opinion or the arbitration process not being acceptable to both parties, the matter shall be referred to the appropriate competent courts.

Appendix I

Language versions of the WoolSafe Certified Operator Mark



English language version



German language version

3.4. Characteristics of the services to be certified by the Mark

The characteristics to be certified by the Mark are outlined in the Articles of Membership and cover some or all of the following services: carpet cleaning, carpet protection, upholstery cleaning, upholstery protection, fire/smoke damage restoration, water/flood damage restoration, deodorising, colour repairs, antistatic treatments, insect resist treatments and carpet and/or installation repairs.

3.5. Manner in which the WOOLSAFE Certified Operator Mark shall be used

The WOOLSAFE Certified Operator Mark shall not be used in a manner which is deceptive or which would bring it into disrepute.

The Mark must be:

- o clearly identifiable as the WOOLSAFE Certified Operator Mark;
- o the lettering must be clearly legible;
- o the Mark must be *at least* 11 mm in diameter;
- o any colours are permitted, provided the degree of contrast is acceptable to The WOOLSAFE Organisation;
- o positive or negative images are permitted.

In the event of any representation of the WOOLSAFE Certified Operator Mark being considered unsuitable by The WOOLSAFE Organisation, the User shall terminate such use.

3.5. Supervision of the use of the Mark

Supervision of the use (of the use) of the WOOLSAFE Certified Operator Mark is by The WOOLSAFE Organisation and by the WOOLSAFE Certified Operator programme member companies. Any breach of the use of the Mark will initially be referred to Trading Standards Services and, when this fails to resolve the dispute, to the appropriate courts.

The User acknowledges that any and all rights created by the introduction and use of the WOOLSAFE Certified Operator Mark are the sole property of The WOOLSAFE Organisation.

The User acknowledges The WOOLSAFE Organisation's sole ownership of the WOOLSAFE Mark and shall refrain in all countries from:

- (i) registering a symbol identical with or similar to the WOOLSAFE Certified Operator Mark in respect of any goods, services or enterprises;
- (ii) using for any purpose a symbol identical with or similar to the WOOLSAFE Certified Operator Mark except as permitted by The WOOLSAFE Organisation;
- (iii) opposing the use and the registration of a symbol identical with or similar to the WOOLSAFE Certified Operator Mark or contesting the validity of any such registration;
- (iv) causing or assisting any person to do any of the things mentioned in the above sub-section (i), (ii) and (iii).