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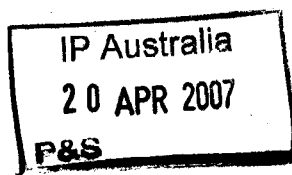
**Australian
Competition &
Consumer
Commission**

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Our Ref: C2006/2184
Your Ref: TM 218
Contact officer: Cameron Martin
Contact phone: (02) 6243 1107

19 April 2007

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



Dear Registrar

Certification Trade Mark Application No. 1105837 – lodged by the Crown in Right of the Commonwealth of Australia

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.1105837.

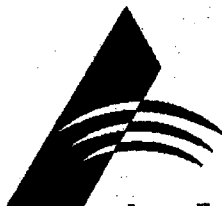
A certificate detailing the ACCC's assessment is attached, as well as a certified copy of the rules. The applicant has been notified.

If you have any queries on this matter, please contact Cameron Martin on (02) 6243 1107.

Yours sincerely

Darrell Channing
Director
Adjudication Branch





Australian
Competition &
Consumer
Commission

Final Assessment of Certification Trade Mark Application 1105837 lodged by the Crown in Right of the Commonwealth of Australia

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 or 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.....17 APRIL 2007.....

**RULES FOR USE OF THE
GREENHOUSE FRIENDLY™ LOGO**

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


Commissioner

17-04-05
Date

A. Introduction to the Greenhouse Friendly™ initiative

The Greenhouse Friendly™ initiative is part of the Australian Government's Greenhouse Challenge Plus programme. It is managed by the Australian Greenhouse Office (AGO), part of the Department of the Environment and Heritage.

The Greenhouse Friendly™ initiative aims to minimise the impact that products and services have on climate change by:

- engaging consumers on climate change issues;
- broadening the basis for investment in greenhouse gas abatement;
- offering businesses the opportunity to achieve a government certified abatement trade mark for their product/service; and
- giving consumers the confidence to make a choice based on accurate and reliable information.

Further information on the Greenhouse Friendly™ initiative is available at:
www.greenhouse.gov.au/greenhousefriendly/index.html

B. Vision

Most of the world's leading scientists are convinced that human activities are contributing to climate change.

Climate change is caused by an increase in greenhouse gases in the Earth's atmosphere. Governments, industry and the community are increasingly recognising the need to reduce the amount of greenhouse gases produced by human activity (particularly the burning of fossil fuels and land clearing).

Through the Greenhouse Friendly™ initiative, Australian businesses can market greenhouse-neutral products or services, deliver greenhouse gas abatement and give Australian consumers greater purchasing choice.

C. Benefits to participants

Market research and concept testing indicates support for the concept of 'green labelling'.

Greenhouse Friendly™ certified products and services are eligible to be labelled with the Greenhouse Friendly™ certification logo. Use of the Greenhouse Friendly™ logo allows businesses to differentiate their products and services from those of competitors and gain the market benefits that this offers.

Consumers can use the Greenhouse Friendly™ logo to make environmentally responsible purchasing decisions. The rigorous Greenhouse Friendly™ certification process gives consumers confidence that their purchase of Greenhouse Friendly™ products and services will not add to climate change.

In addition, the Greenhouse Friendly™ initiative provides a way for certified product and service providers to demonstrate corporate social responsibility and their commitment to positive environmental action and to enhance their reputation amongst investors, shareholders, employees and the general community.

TERMS AND CONDITIONS

1. Definitions

- a. **AGO** means the Commonwealth of Australia as represented by the Australian Greenhouse Office, which is part of the Department of the Environment and Heritage.
- b. **Approved User** means an entity or person meeting all relevant requirements for use of the Greenhouse Friendly™ logo.
- c. **Deed of Certification** means the deed of certification that the Approved Users must sign in order to commence using the Greenhouse Friendly™ logo in connection with their certified products and/or services. A copy of the Deed of Certification can be accessed from www.greenhouse.gov.au/greenhousefriendly/index.html.
- d. **Greenhouse Friendly™ Administrator (Administrator)** means the AGO, or a person authorised by the AGO to administer aspects of the Greenhouse Friendly™ initiative. The Administrator assesses applications for certification and monitors compliance with certification requirements.
- e. **Greenhouse Friendly™ Guidelines** means the document of that name that can be accessed from www.greenhouse.gov.au/greenhousefriendly/index.html.
- f. **Greenhouse Friendly™ initiative** means the Greenhouse Friendly™ initiative, details of which are provided on the AGO website at www.greenhouse.gov.au/greenhousefriendly/index.html.
- g. **Greenhouse Friendly™ logo** means the registered certification mark which Approved Users are permitted to use in connection with their products and/or services which have been certified under the Greenhouse Friendly™ initiative. A depiction of the Greenhouse Friendly™ logo appears in black and white in the **Schedule** to these Rules.
- h. **Programme Framework** means the document titled 'Greenhouse Challenge Plus Programme Framework', as amended from time to time, which provides an overview of the Greenhouse Challenge Plus programme and outlines the responsibilities and obligations of programme members and the Australian Government. The current version of the Programme Framework appears at <http://www.greenhouse.gov.au/challenge/publications/pubs/programmeframework.pdf>.
- i. **Visual Style Guide** means the document, as amended from time to time, titled 'Greenhouse Friendly™ Certification Logo Visual Style Guide' which sets out conditions for use of the Greenhouse Friendly™ logo. The current version of the Visual Style Guide can be accessed from www.greenhouse.gov.au/greenhousefriendly/index.html.

2. Approved certifiers

The AGO is responsible for certifying products or services under the Greenhouse Friendly™ initiative, once these have been independently verified and after consideration of any recommendation from the Administrator. The AGO retains absolute discretion as to whether or not products and services are certified under the Greenhouse Friendly™ initiative.

3. Obtaining and maintaining certification of products and services

Any product or and service may be considered for certification under the Greenhouse Friendly™ initiative.

However, the AGO will only certify a product or service where and for so long as:

- a. it is demonstrated by means of independent verification that all cradle-to-grave greenhouse gas emissions of the product or service have been offset by Greenhouse Friendly™ approved abatement;
- b. all other requirements for obtaining and maintaining certification under the Greenhouse Friendly™ initiative have been met. These requirements are set out in the Greenhouse Friendly™ Guidelines; and
- c. the AGO has determined not to exercise its absolute discretion to reject certification of the product or service under the Greenhouse Friendly™ initiative.

4. Conditions for use of the Greenhouse Friendly™ logo

Approved Users are required to use the Greenhouse Friendly™ logo strictly in accordance with:

- a. these Rules;
- b. the terms and conditions of any Deed of Certification entered into between the Approved User and the AGO;
- c. the terms and conditions of any other written agreement between an Approved User and the AGO; and
- d. the Visual Style Guide, to the extent that this document is not inconsistent with the documents described at paragraphs a. – c. above.

5. Use of the Greenhouse Friendly™ logo by the AGO

The AGO will promote the Greenhouse Friendly™ logo to business and the public to accurately convey its meaning. The AGO will also educate consumers about climate change and work with stakeholders in raising the profile of the Greenhouse Friendly™ initiative.

6. Maintenance of records

Approved Users will maintain sufficient records to demonstrate compliance with these Rules in their use of the Greenhouse Friendly™ logo.

7. Audit and access requirements

Approved Users will be required from time to time to provide relevant records (including samples) to the AGO for the purposes of assessing their compliance with these Rules.

The AGO reserves all other rights of access and production of documents as set out in the Deed of Certification, any other related agreement and these Rules, which relates to the use of the Greenhouse Friendly™ logo by Approved Users.

8. Breach of these Rules

Any breach of these Rules will be actionable under the *Trade Marks Act 1995* and may also constitute a breach of the Deed of Certification and any other agreement with the AGO.

The AGO reserves its rights in relation to any breach of the Rules by an Approved User.

9. Liability

The AGO accepts no responsibility for any loss or damage suffered or costs incurred by an Approved User in relation to its use of the Greenhouse Friendly™ logo.

10. Dispute resolution

Where the AGO refuses to certify a product or service under the Greenhouse Friendly™ Guidelines, the applicant for certification may seek an internal review of the decision by the AGO. As part of this review, the AGO will consider reasons put forward by the applicant as to why the relevant product or service should be certified under the Greenhouse Friendly™ Guidelines. However, the AGO retains its absolute discretion in accepting, rejecting, requesting more information or deferring an application for certification.

This provision does not purport to affect any general rights of review that the applicant may have under law.

11. Variation to the Rules

These Rules may be varied from time to time where:

- (a) the AGO applies to the Australian Competition and Consumer Commission (ACCC) for a variation to the Rules; and
- (b) the ACCC approves the requested variation as required under the *Trade Marks Act 1995*.

12. Compliance with other laws

These Rules do not authorise Approved Users to contravene any Commonwealth, State or Territory laws.

13. Further information

Further information about the Greenhouse Friendly™ initiative is available at:
www.greenhouse.gov.au/greenhousefriendly/index.html or by contacting:

Greenhouse Friendly™ Initiative
Australian Greenhouse Office
Department of the Environment and Heritage
GPO Box 787
Canberra ACT 2601

Phone: 1300 130 606

Email: greenhousefriendly@greenhouse.gov.au

SCHEDULE - GREENHOUSE FRIENDLY™ LOGO

