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Australian
Competition &
Consumer
Commission

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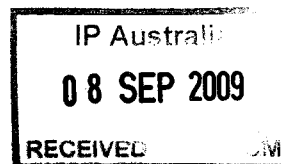
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Our Ref: C2009/1160
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7 September 2009

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



Dear Registrar

Certification Trade Mark Application No 1281614

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. 1281614.

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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

Joanne Palisi
Director
Adjudication Branch



**Australian
Competition &
Consumer
Commission**

**Final Assessment of Certification Trade Mark Application 1281614
lodged by Australian Phone Word Association Limited**

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 demonstrate the attributes necessary to competently certify the products 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.

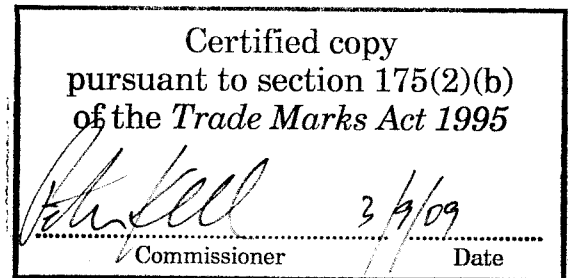
Signed.....  (Deputy Chair)

Date..... 3/9/09

Rules governing use of Certification Trade Mark

Trade Mark: 1281614

Version 1.3
17 June 2009



Background

Alphanumeric Phone Numbers (APN) such as 1300 FLOWERS, 1800 REVERSE, 13 TAXI (AKA phone words, phone names, vanity numbers, word numbers) are promoted by Australian businesses to:

- 1) Increase consumer recall of their phone / SMS 'call to action'
- 2) Increase the effectiveness of their marketing communications
- 3) Reinforce their brand name or nature of the products and services they provide

Independent research has shown that the increase in consumer recall and effectiveness is due to the fact that Alphanumeric Phone Numbers are measurably and significantly easier to remember than numeric numbers.

This increase in memorability is due to the Alphanumeric Phone Number having either a direct link to the advertiser's business name, or a direct link to the nature of the advertiser's business.

Either by being:

- 1) Descriptive of the products and services they provide (eg 1300 FLOWERS, 1800 REVERSE, 13 TAXI); or

- 2) By being an exact match with the advertiser's business name or trade mark (eg 1300 DOMINOS, 1300 TELSTRA, 13 NRMA).

The purpose of this Certification Trade Mark is to help Australian businesses differentiate between high-quality Alphanumeric Phone Number products that will deliver increased consumer recall and increased advertising effectiveness, and sub-standard products that will not deliver these benefits.

Certification requirements that the products must meet for the CTM to be applied to them

For the CTM to be applied to the product, the Alphanumeric Phone Number must meet the following criteria:

RULE 1

The Alphanumeric Phone Number must commence with a recognised FLRN (Free and Local Rate Number) prefix as designated by the Australian Communications & Media Authority (ACMA): FLRN prefixes:

13 XXXX
1300 XXX XXX
1800 XXX XXX

RULE 2

The Alphanumeric Phone Number must consist of approved FLRN prefix followed by a dictionary word, combination of dictionary words, trade mark, company name, or business name. 'Inventive spelling', misspellings, abbreviations, and acronyms are only allowable when the end user of the product has a corresponding business name, company name or trade mark that uses the same 'inventive spelling', abbreviation, or acronym.

RULE 3

The Alphanumeric Phone Number must not use a number in place of a word such as the number '4' in the place of the word 'FOR'. Or the number '2' in place of the word 'TO'.

RULE 4

The Alphanumeric Phone Number must not use numbers in place of letters - eg 1300 FLOWERS - where a 0 (zero) is used in place of the letter O. Or 1300 P1ZZAS - where a 1 is used in place of the letter I.

RULE 5

The Alphanumeric Phone Number must not have more than 4 (four) letters of overdial. Overdial occurs when the word or name is longer than the underlying FLRN number.

For 1300 REALESTATE, the underlying number is 1300 732 537.

As such, 1300 REALESTATE has 4 (four) letters of overdial – the maximum permissible overdial for any Alphanumeric Number.

4 letters of overdial is the maximum accepted by online and print directories including White Pages and Yellow Pages.

RULE 6

The Alphanumeric Phone Number must not use profanity that would prevent it being used in mainstream advertising, or in any print or online directories.

The process for determining whether a product meets the certification requirements

Entities may seek to have their products certified by applying in writing to the APWA. A certification panel – consisting of 3 directors of the APWA - will determine whether or not a product meets the certification requirements.

Paid up members of the APWA may have their products assessed for certification at no charge.

The fees for non-members to apply to have their products assessed for certification are as per the table below. The assessment fees are non refundable. Should the products meet the certification requirements, there are no further fees to be paid for use of the CTM in relation to these approved products.

Fees for assessment of non-members products:

Assessment of 1 - 4 numbers	\$125 per number
Assessment of 5 - 10 numbers	\$105 per number
Assessment of 11 numbers or more	\$85 per number

The attributes a person must have to become an approved certifier to assess whether products meet the certification requirements

Current directors of the Australian Phone Word Association – as voted for by members of the APWA – are approved certifiers. Each product submitted for certification assessment will be individually assessed by a panel of 3 directors of APWA.

The requirements that the owner of the CTM, or an approved user, must meet to use the CTM in relation to products

Any entity that has had their products certified – pending compliance with the rules governing the use of this CTM and certification by the panel – may use the CTM in relation to their products.

The procedure for resolving a dispute about whether the products meet the certification requirements

Disputes about whether or not a particular product meets the certification requirements of the CTM will be resolved by vote of all Directors of the Australian Phone Word Association Ltd (APWA). In the case of a tied vote, the APWA President will have the casting vote.

Should this internal process of review fail to resolve a complaint, the complaint will be handled by an independent dispute resolution expert. The cost of this independent dispute resolution will be paid for by the complainant. In the case of the complaint being upheld, the complainant will be reimbursed their costs by APWA.

The procedure for resolving a dispute about any other issue relating to the CTM

Disputes for any other issues relating to the CTM will also be resolved by vote of Directors of the APWA. In the case of a tied vote, the President will have the casting vote.

Should this internal process of review fail to resolve a complaint, the complaint will be handled by an independent dispute resolution expert. The cost of this independent dispute resolution will be paid for by the complainant. In the case of the complaint being upheld, the complainant will be reimbursed their costs by APWA.