

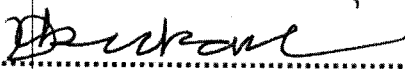


**Final Assessment of Certification Trade Mark Application CTM1402501 lodged
by the International Association of Emergency Managers**

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 individuals 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 *Competition and Consumer Act 2010* (the Act) and the principles relating to unconscionable conduct (Part 2-2), unfair practices (Part 3-1), and safety of consumer goods and product related services (Part 3-3) in Schedule 2 (Australian Consumer Law) of the Act.

Signed.......... (Deputy Chair)

Date.....18 August 2014.....



**Australian
Competition &
Consumer
Commission**

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18 August 2014

The Registrar of Trade Marks
IP Australia

By email: FEP@ipaaustralia.gov.au

Dear Registrar

**Certification Trade Mark Application No 1402501 – International Association of
Emergency Managers**

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. 1402501.

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 Tess Macrae on (03) 9290 1835.

Yours sincerely

Darrell Channing
Director
Adjudication Branch

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

Richard
Commissioner
18/6/2014
Date

CEM
Rules for Certification

These Rules set out the requirements that must be met by all CEM candidates applying for CEM certification or recertification in Australia, and the continuing standards and requirements that must be maintained by CEM's in Australia in order to obtain and retain the CEM credential and the right to use the CEM Certification Mark. The Mark may not be used or applied except as set out in these Rules.

1. Definitions

In these Rules, which have been developed specifically for application to CEM candidates applying for CEM certification in Australia, the following terms have the following meanings:

"Candidate" means an applicant for certification. Certification is available to any individual member or non-member of the Owner IAEM who meets all of the qualifications and requirements for achieving certification set forth in these Rules.

"Owner" means the International Association of Emergency Managers, an international nonprofit professional society organized and operating under the laws of the State of Ohio and the United States, and comprised of more than 5,000 individual emergency management professionals and members worldwide. The Owner is comprised of geographic and member focused councils and CEM commissions operating worldwide, including, but not limited to, Europe, Canada, the United States, and Asia/Oceania, with the Asia/Oceania Council and the Asia/Oceania CEM Commission having within its jurisdiction the countries comprising Asia, as well as Australia and New Zealand. The Owner is an internationally recognized and respected professional society whose nonprofit mission to educate and represent emergency management professionals worldwide and to promote among its membership and to the general public, the "Principles of Emergency Management" as enumerated in detail on the IAEM website at www.iaem.org.

"Appeal" means a request for formal review of an Asia/Oceania CEM Commission decision to grant or deny a certification application by three (3) Asia/Oceania CEM Commissioners appointed by the Asia/Oceania CEM Commission Chair to serve on an appeals panel to review the case/application. The Asia/Oceania CEM Commission appeals panel shall be comprised of three (3) Asia/Oceania CEM commissioners who did not participate in any manner in the initial review and consideration of the original packet and application.

"Mark" means the certification trademark shown in Australian Trademark No. 1402501. The "Mark" is comprised of a credential to be used by persons who have attained Owner required levels of experience, education, and training in the field of emergency management, have contributed to the emergency management profession, passed the

required examination, and successfully had their packet reviewed and approved by the Asia/Oceania CEM Commission. The Mark is used to indicate that the individual displaying the Mark has fully complied with all requirements and qualifications for achieving and displaying the credential or Mark; has achieved and demonstrated the knowledge set described in 2.3 below, skills and ability to effectively manage a comprehensive emergency management program; has a working knowledge of all the basic tenets of emergency management, including mitigation, preparedness, response and recovery; has experience and knowledge of interagency and community-wide participation in planning, coordination and management functions designed to improve emergency management capabilities; and has effectively accomplished the goals and objectives of any emergency management program in all environments with little or no additional training orientation. The Mark may only be issued to and displayed by an individual who has satisfied all criteria established in these Rules.

2. Certification Requirements

In order to be certified pursuant to these Rules and make use of the Mark, candidates in Australia must have:

2.1 Completed 100 hours of emergency management training within the ten (10) year period preceding the application, with emergency management training focused on civil defense systems, programs and policies, criminal justice and law enforcement, disaster preparedness, emergency management foundations, emergency medical training, emergency operations centers, crisis management, exercise courses, fire technology, hazard analysis and assessment, hazardous materials management, health, safety and environment management, incident command, medical technology, physical sciences, public information, radiological monitoring and detection, safety technology, shelter management, information systems, training and instruction, and urban search and rescue.

2.2 Completed 100 hours of general management training within the ten (10) year period preceding the application, with general management training focused on behavioral and social sciences, oral and written communication, decision-making and problem solving, professional ethics, executive and management development, financial management and budgeting, human resources and personnel management, leadership, marketing and public relations and media management, race and ethnic relation and intercultural communications, strategic and tactical planning, technology, equipment and information systems and volunteer resources;

2.3 Satisfactorily completed a comprehensive management essay in the form of a written narrative response to a problem scenario demonstrating: Knowledge and Abilities in Disaster/Emergency Management and Written Communication Skills.

Candidates are asked to:

1. Identify the problem to be solved;
2. Identify the objective to be achieved;

3. Describe the necessary actions to be taken in order to achieve the objective and the problem solution;
4. Describe the intended outcome (behavioral, technical, equipment and/or supplies, financial, etc.) as a result of necessary actions;
5. Describe the human resources utilized in the process; and
6. Describe the material and financial resources utilized in the process.

Assessment of Knowledge and Abilities in Disaster/Emergency Management and Written Communication Skills are determined by:

1. Demonstrated ability to develop a solution for the stated problem.
2. Demonstrated knowledge of the Prevention phase of disaster/emergency management and activities.
3. Demonstrated knowledge of the Mitigation phase of disaster/emergency management and activities.
4. Demonstrated knowledge of the Preparedness phase of disaster/emergency management and activity.
5. Demonstrated knowledge of the Response phase of disaster/emergency management and activity.
6. Demonstrated knowledge of the Recovery phase of disaster/emergency management and activity.
7. Demonstrated knowledge of the organization and the environment in which it operates.
8. Demonstrated knowledge of codes, legislation, regulations, plans, policies, or procedures which impact the disaster/emergency management function.
9. Demonstrated skill in written communication as evidenced by the essay that demonstrated your ability to present information in a logical, clear manner.

This is exact criteria the Asia/Oceania CEM Commission will apply to assess a candidate's essay. The Candidate must score an 18 out 24 possible points to pass this section of the certification process.

- 2.4 Provided three (3) signed letters of reference on letterhead (including one from the candidate's current supervisor or employer, if applicable);
- 2.5 Passed with a score of 75% or better a 100-question multiple-choice examination designed to test and confirm the qualifications of an emergency manager in the areas of emergency management and general management and the principles of emergency management as developed and posted on the Owner's website at www.iaem.org. The examination, developed, administered and assessed by the Asia/Oceania CEM Commission and required of all candidates in Australia, is focused on emergency and general management content specific to Australia.
- 2.6 Documented three (3) years of comprehensive work experience in the field of emergency management, including all phases of emergency activity for all types of

disasters - mitigation, preparedness, response and recovery for all hazards resulting from human, technological or natural causes;

2.7 Participated in at least one (1) full-scale exercises or actual disasters encompassing all phases of emergency management;

2.8 Completed a baccalaureate or non-U.S. equivalent degree, or for non-U.S. candidates without a baccalaureate degree, additional work experience in the field of emergency management (2.6 above) may be substituted at two years of full time emergency management employment per year of college/university. Supplemental work experience may be used in place of baccalaureate or equivalent degree until January 1, 2014;

2.9 Documented six (6) contributions to the profession in the areas of professional membership, conference attendance, service role, leadership role, special assignment, speaking, teaching, course development, publication, audio-visual and interactive products, awards or special recognition, state or province certification, or legislative contact (note: service role and leadership role contributions must be outside the scope of the candidate's job duties).

3. Certification Process and Status

3.1 The Owner will issue a Certificate of Certification as a "CEM" (Certified Emergency Manager) to a Candidate upon the following:

- (a) The Asia/Oceania CEM Commission has reviewed each CEM candidate's submissions and verified that the Candidate has met the above identified requirements for certification set forth in Section 2 of these Rules. The Asia/Oceania CEM Commission is a body within the Asia/Oceania Council comprised of not less than five (5) volunteer commissioners and serves as a peer review body comprised of qualified CEM's from the Asia/Oceania Council, including Australia, each of whom has applied for CEM commissioner status and been vetted by the Chair of the Asia/Oceania Professional Development Committee with recommendations made and subject to the approval of the Asia/Oceania Council. The prospective commissioner's application must include a letter of intent expressing a desire to serve as an Asia/Oceania CEM commissioner, a narrative description of the qualities the applicant will bring to the Asia/Oceania CEM Commission, and a list of the applicant's professional and CEM qualifications to serve as a commissioner. The role of the Asia/Oceania CEM Commission is to consider policy and procedure changes regarding the certification process, and to review each CEM candidate's submissions for certification, and to verify that each candidate meets the Owner's requirements for certification;
- (b) The Owner has received required certification fee payment;
- (c) The Candidate has successfully passed the Asia/Oceania CEM Commission developed and administered examination consisting of the subject matter identified in 2.1, 2.2 and 2.3 above.

The certification will be co-signed by the IAEM Global Board and the Global CEM Commission chairs.

3.2 Fees for Certification

- Initial Application Fee for Certification for IAEM Members: \$325 (USD)
- Initial Application Fee for Certification for non-IAEM Members: \$450 (USD)
- Recertification fee (every five (5) years upon certification/recertification) applicable to both IAEM Members and non-members: \$200 (USD)

The certification and recertification fees collected are used by the Owner to operate and administer the CEM Program globally.

4. Maintenance of Certification

Once issued by the Owner, the CEM certification is effective for five (5) years. In order to maintain the CEM certification and the right to continue to use and display the Mark in Australia, the CEM must undertake continuing professional development by completing one hundred (100) hours of training (seventy-five (75) hours in emergency management training and twenty-five (25) hours in general management training) as well as six (6) additional contributions to the profession every five (5) years following the effective date of certification. The CEM must provide the Owner and the Asia/Oceania CEM Commission with documentary proof confirming the successful completion of each of the above identified continuing certification requirements.

5. Use of the Mark

5.1 A Candidate will be notified in writing by the Owner of the Candidate's successful completion of the requirements for certification and approval as a certified emergency manager and the date upon which the Candidate may commence use of the Mark as a "CEM." Only an individual who has met the requirements for certification is authorized to make use of and display the Mark as "CEM."

5.2 A successful Candidate may use the Mark by placing the designation "CEM" after his or her name.

5.3 A successful Candidate will also be able to call him or herself a CEM or certified emergency manager.

5.4 The responsibility for monitoring and controlling use of the Mark will be within the province of Asia/Oceania CEM Commission in cooperation and communication with the Owner (IAEM). Reported or discovered violations of these Rules, including alteration, misuse, improper display, or misrepresentation of the Mark, and/or continued use of the Mark after having failed or refused to meet recertification requirements will be investigated and acted upon promptly by the Asia/Oceania CEM Commission in cooperation with the Owner in accordance with the Dispute Resolution provisions of these Rules.

5.5 The Owner will provide each CEM with written notice of outstanding recertification requirements twenty-four (24) months and twelve (12) months prior to the applicable recertification submission deadline.

5.6 Continued use of the Mark after failing or refusing to meet the requirements for recertification will result in a Cease and Desist letter issued by the Owner, removal of the individual from the Owner's register of CEM's in good standing, and where necessary, appropriate legal action to enforce the Owner's ownership rights to the Mark.

5.7 Use of the certification mark is available to any individual who complies with these Rules and practices within the field of professional emergency management.

6. Ownership

The Owner is the sole owner of the Mark and a successful Candidate will be entitled to use the Mark as set out in these Rules but does not have, and is not entitled to claim, any rights to ownership of the Mark.

7. Register

7.1 The Owner will keep a register of Certified Candidates at its office which shall include the names, contact details, date and status of certification of each candidate ("Database").

7.2 Candidates shall be required, before and after they receive certification, to notify the Owner of any changes to the Candidate's contact details, and such revised details shall be recorded in the database.

8. Notices

Any notice, consent or other communication that the Owner may be required or may wish to give to a Candidate under these Rules shall be in writing and may be given by:

8.1 being delivered by hand to the Candidate at its address as recorded in the database;

8.2 being sent by electronic mail transmission to the email address of the Candidate as recorded by the database;

8.3 being sent by prepaid ordinary mail to the Candidate at its address as recorded in the database;

AND the notice shall be deemed to have been given:

8.4 if delivered personally, on the date on which the notice was personally delivered;

8.5 if sent by electronic mail transmission, on the date on which the Owner's email message records that the email transmission was dispatched to the email address of the Candidate; or

8.6 if sent by prepaid ordinary mail, on the date being three business days after the date of posting.

Service provided in accordance with any one of the provisions of this clause shall be deemed good and sufficient service of the notice irrespective of whether the notice shall actually have come to the notice of the party to whom it is being sent. Except as otherwise specifically provided in this Agreement, any notice required to be given or made shall be sufficiently signed on behalf of the party sending the notice if signed by an authorized office or agent of such party.

9. Dispute Resolution

If there is a dispute between the parties concerning these Rules, or the certification of or a decision not to certify a candidate, then the parties shall use good faith efforts to resolve any such dispute by the dispute resolution procedure set out herein before resorting to alternative avenues, including commencing an action in a court of competent jurisdiction.

The Dispute Resolution procedure is as follows:

- (a) If a Candidate wishes to appeal the decision of the Asia/Oceania CEM Commission, the Candidate must submit the appeal in writing to the Asia/Oceania CEM Commission and the Owner (IAEM) at its U.S. headquarters within sixty (60) calendar days of being notified of the Asia/Oceania CEM Commission's decision.
- (b) Candidate should enclose the following materials with the letter requesting an appeal:
 - a. A copy of the Asia/Oceania CEM Commission's decision and any other pertinent documents supporting the Candidate's position on appeal;
 - b. A written statement clearly identifying the reasons for the appeal;
 - c. Facts, documents and grounds supporting the Candidate's appeal.

Upon receipt of a request for an appeal, the following procedures will apply:

- (a) Asia/Oceania CEM Commission staff will acknowledge receipt of the materials and indicate if additional materials are needed from the appellant. Such acknowledgement will occur within sixty (60) days of the date of postmark of the appeal request.
- (b) Asia/Oceania CEM Commission staff will distribute copies of all documents related to the appellant's original submission and any other supporting documentation to the Asia/Oceania CEM Commission Chair.
- (c) The Asia/Oceania CEM Commission Chair will select up to three (3) Asia/Oceania CEM commissioners to serve on an appeals panel to review, deliberate and decide the appeal. The Asia/Oceania CEM Commission appeals panel shall be comprised of

- qualified CEM commissioners who did not participate in any manner in the initial review and consideration of the original applicant Candidate packet and application.
- (d) The appeals panel will make its findings based on a review of the materials provided, and has the option of requesting an interview with the appellant. This may be done by teleconference or in person; all expenses involved in facilitating such an interview will be borne by the appellant prior to considering the appeal.
 - (e) After the appeals panel completes its review and consideration of the materials provided and completes any interviews, it shall render a final and binding written decision on the appeal.
 - (f) Asia/Oceania Council staff will notify the appellant within ten (10) days following the decision.
 - (g) The final decision will be reported to the entire Asia/Oceania CEM Commission and the Owner.

10. Amendment

These rules may be amended by the Owner, subject to prior assessment by and approval of the Australian Competition and Consumer Commission ("ACCC").