

CERTIFICATION RULES FOR AUSTRALIAN TRADE MARK NO. 1833315

These are the certification mark rules (**Rules**) governing the use of Australian Trade Mark No. 1833315, being the content communication logo depicted below



(the **Mark**) of Content Group Pty Ltd. (ABN 40 056 881 844), L3 City Walk Centre, 2 Mort Street, Canberra, ACT 2601 (**Content Group**).

Definitions

Accredited Content Communication Person means a Person duly approved or re-approved by Content Group to use the Mark in relation to that Person's Services as they relate to the Content Communication Program;

Application Process means the process description at Annexure 1 to these Rules (and as varied from time to time);

Approval Program means the program governing the process of approval and re-approval by Content Group of Persons providing Services as Accredited Content Communication Persons;

Approved Certifier means an approved certifier within the meaning of the *Trade Marks Act 1995* (Cth);

Approved Term has a meaning ascribed in clause 8.1.

Content Communication Process means the processes, systems and methods developed by Content Group in relation to content creation and management;

Content Communication Program means the program developed and operated by Content Group which utilises the Content Communication Process with reference to the Mark and accredits Accredited Content Communication Persons;

Management Policies means all policies, guidelines, bylaws, codes of conduct, agreements and other legal or administrative instruments made by or on behalf of or otherwise relating to Content Group and arising from or related to these Rules;

Management Purposes means any purposes reasonably related to promotion, management and operation of the Approval Program (whether arising in relation to Management Policies or otherwise);

Person means both individuals and registered legal entities such as incorporated associations and corporations;

Primary User means an approved user of the Mark within the meaning of the *Trade Marks Act 1995* (Cth) who is an Accredited Content Communication Person;

Secondary User means an approved user of the Mark within the meaning of the *Trade Marks Act 1995* (Cth) other than a Primary User; and

Services means content creation and management services utilising the Content Communication Process.

Trade Mark or **Mark** means Australian trade mark number 1833315 and international registrations based on Australian trade mark number 1833315.

User has a meaning ascribed in clause 10.1.

User Records has a meaning ascribed in clause 7.1.

1. The Content Communication Program

1.1 Content Group has developed the Content Communication Process and the Content Communication Program.

1.2 The Content Communication Program has been developed as a result of a desire to create a professional standard for those operating in the content creation and management industry.

1.3 The Content Communication Program is operated by Content Group in relation to the provision of qualified Accredited Content Communication Persons to consumers with an assurance of a pre-determined level or standard or quality of services offered or provided.

1.4 Persons completing an Approval Program and who meet Content Group's approval criteria can apply to use the Mark in relation to their Services.

1.5 Persons who satisfy the requirements of clause 1.4 and are approved to use the Mark will be an Accredited Content Communication Person.

1.6 Consumers utilising the Services of Accredited Content Communication Persons will benefit from the awareness that the service provider is training and accredited to meet minimum quality assurance standards.

1.7 Content Group will assess and certify all Accredited Content Communication Persons. If Content Group engage a third party to be an Approved Certifier, then such Person will be required to undertake an Approval Program and have been trained by Content Group in relation to the Content Communication Program.

2. Ownership of the Mark

2.1. The Mark is the property of Content Group and may not be used by any individual or entity except in accordance with these Rules.

3. Administration of the Rules

3.1. These Rules will be administered by Content Group and/or Content Group's nominees duly authorised in writing from time to time.

4. Certification Process

4.1. For a Person to be approved (or re-approved) as an Accredited Content Communication Person under the Approval Program and to become (or remain) a Primary User, that individual must:

- 4.1.1. make honest, full and proper submission into the Application Process;
- 4.1.2. successfully pass through the Application Process; and
- 4.1.3. pay the fees specified in the Application Process.

5. Principal Use of the Mark

5.1. Subject to these Rules, the Mark may be used by an Accredited Content Communication Person as a Primary User provided always such use:

- 5.1.1. Is in connection with that Accredited Content Communication Person's credentials and qualifications to provide Services;
- 5.1.2. complies with these Rules and with Management Policies; and
- 5.1.3. otherwise consistent with the Content Communication Process.

5.2. For the avoidance of doubt, a Person who was formerly an Accredited Content Communication Person or who has applied to become an Accredited Content Communication Person may not use the Mark unless and until that Person has been approved or re-approved (as the case may be) as an Accredited Content Communication Person under the Approval Program and has paid all required fees.

6. Other Use of the Mark

6.1. The following uses of the Mark are also permitted under these Rules to the extent such use does involve or may involve use of the Mark as such:

- 6.1.1. use by Content Group for Management Purposes;
- 6.1.2. use by a client of Content Group or an Accredited Content Communication Person where that use refers to the Services provided by the Accredited Content Communication Person;
- 6.1.3. use by a Person requested or required by Content Group to provide goods or services in connection with Management Purposes, such person being a Secondary User;
- 6.1.4. use by a Person in connection with the conduct of such Approval Program related functions as Content Group may

have delegated in writing to that person (whether pursuant to an agreement or otherwise), such person also being an Approved Certifier.

- 6.2. Before a Person becomes a Secondary User or an Approved Certifier, Content Group or an Accredited Content Communication Person will determine whether that person has the necessary content creation and management attributes to meet the requirements set out at in these Rules and complies with the current Management Policies.
- 6.3. In the case of a person seeking to become an Approved Certifier, the necessary attributes are that the relevant person is a fit and proper person with, depending on activities in question, suitable experience, suitable qualifications (if an individual) and suitable personnel (if a legal entity) to carry out the functions of assessing certification standards on behalf of Content Group.
- 6.4. Secondary Users and Approved Certifiers must only use the Mark in accordance with these Rules and in compliance with Management Policies.

7. Records

- 7.1. Content Group will keep written records of Primary Users and Secondary Users (whether by means of a register, table, index or otherwise) (**User Records**). Primary Users and Secondary Users are responsible for maintaining the currency and accuracy of details held in User Records and must promptly notify Content Group of any changes.
- 7.2. In the case of clients of Accredited Content Communication Persons, Content Group will receive annual updates of all clients who meet the content creation and management requirements set out in these Rules and have been granted rights to use the Mark as a result of receiving the Accredited Content Communication Person's Services.

8. Term of Use

- 8.1. Subject to suspension or early termination, an Accredited Content Communication Person's status as a Primary User lasts only for the period of currency of that person's status as an Accredited Content Communication Person set out in the Application Process, subject to any subsequent modification by Management Policies (the **Approved Term**). In order to maintain status as a Primary User, an Accredited Content Communication Person must seek re-approval as an Accredited Content Communication Person under the Approval Program ahead of the expiry of their current Approved Term.
- 8.2. Subject to suspension or early termination, a Secondary User or Approved Certifier may only use the Mark for a period specified in writing by Content Group or, failing such specification or where a licence is granted from an Accredited Content Communication Person, only for so long as the activities required or requested by Content Group or the Accredited Content Communication Person of that Secondary User or that Approved Certifier continue to be so required or requested.
- 8.3. As a condition of permitted use of the Mark, Primary Users, Secondary User and Approved Certifiers agree to indemnify Content Group its directors, its

officers, its employees, its contractors, its agents and its representatives, for all costs, fees and expenses howsoever arising in relation to, or in connection with, any claim, dispute or legal action arising in relation to their use of the Trade Mark, including proposed use, or their Services provided in connection with the Trade Mark.

9. Suspension of Use

9.1. Without prejudice to other rights and remedies Content Group may have, the use of the Mark by a Primary User, Secondary User or Approved Certifier may be immediately suspended by written notice from Content Group in relation to any investigation of any suspected or alleged breach of these Rules or Management Policies by that Primary User, Secondary User or Approved Certifier (as the case may be).

10. Termination of Use

10.1. Without prejudice to other rights and remedies Content Group may have, Content Group may revoke the status of a Primary User, Secondary User or Approved Certifier (collectively for convenience, **User**) in relation to the Mark immediately and without prior notice if:

- 10.1.1. that User has not complied (or has ceased to comply) with these Rules, the Approval Process, the Approval Program or Management Policies;
- 10.1.2. where the User is a client of Content Group or an Accredited Content Communication Person, where that client no longer meets the content creation or content management requirements set out in these Rules;
- 10.1.3. that User has disparaged Content Group or, in Content Group's sole opinion, is bringing Content Group into disrepute;
- 10.1.4. that User is in breach of applicable laws or codes of conduct or duties of care;
- 10.1.5. that User (if an entity) undergoes a change of control;
- 10.1.6. that User fails to respond in a timely fashion to any reasonable requirement or request issued by Content Group; or
- 10.1.7. that User (if a Primary User or Approved Certifier) is no longer in good standing with Content Group (including but not limited to payment of fees, disciplinary matters or qualifications).

10.2. Where any of the above termination rights affect a client of an Accredited Content Communication Person and Content Group has not entered into a licence for use with the client, these termination rights are to be given effect through an appropriate contractual agreement with that client by the Accredited Content Communication Person.

11. Appeals and Dispute Resolution

- 11.1.If an applicant is unsuccessful in an application under these Rules, the applicant will be issues with a copy of the relevant report with reasons.
- 11.2.If a User has had its certification terminated early pursuant to clause 10 of these Rules, the termination will be confirmed in writing with reasons.
- 11.3.If an unsuccessful applicant has reasonable grounds to believe that their application was not processed in accordance with the rules of natural justice, they may appeal in writing to Content Group within one (1) month of the relevant decision being notified.
- 11.4.If a terminated User has reasonable grounds to believe that the termination of their accreditation was not in accordance with the rules of natural justice, they may appeal in writing to Content Group within one (1) month of the relevant decision being notified.
- 11.5.Content Group will promptly review all matters (and may appoint such independent third parties as it chooses to appoint) when considering appeals made pursuant to clauses 11.3 or 11.4 of these Rules.
- 11.6.Content Group will issues its decision on the appeal in writing with reasons.
- 11.7.Except as provided below, the decision of an appeal is binding, conclusive and final.
- 11.8.Any Person aggrieved by any decision under this Rule 11 may seek binding commercial arbitration by an arbitrator chosen by agreement of the parties to the arbitration or, in default of such agreement, by the President of the Law Society for the Australian Capital Territory.

12. Variation

- 12.1.Content Group reserves the right to seek to vary these Rules from time to time in accordance with the provisions of the *Trade Marks Act 1995* (Cth), such variations taken effect subject to statutory approvals.
- 12.2.Content Group will give two (2) months prior written notice by public written means (including but not limited to notice on the Content Group website) of any request to vary these Rules. If the requested Rules variation is given statutory approval, Content Group will also publish a written notice to that effect.
- 12.3.Content Group reserves the right to vary the Approval Process, the Approval Program and Management Policies from time to time.
- 12.4.Content Group will give two (2) months prior written notice by public written means (including but not limited to notice on the Content Group website) of any variation to the Approval Process, the Approval Program and Management Policies.

13. Conflicts

13.1. In the event of any conflict between these Rules and the Approval Process, the Approval Program and Management Policies, these Rules will prevail.

Dated: 22 August 2017

ANNEXURE 1: APPLICATION PROCESS

1. Fulfil Eligibility Criteria

In order to be Accredited Content Communication Person, all Content Communication Accreditations require you to meet domain experience levels, educational levels or both before you apply. You will need to provide us with the details of this experience and/or education, so it's best to gather and prepare this information before you open the application.

To find out the eligibility requirements, consult the guidelines handbook for the certification that interests you. Each one has unique eligibility criteria.

2. Complete Application

Once you've determined you meet the eligibility criteria, it's time to apply. Collect the following information and then use our online certification system to guide you through the process.

- Contact information — email, address, phone number
- Education attained — school attended, level of education attained, degree date
- Domain experience — details of the projects, programs, portfolios you've worked on including qualifying hours, dates of employment, role, organization details, reference, and experience summary
- Domain education — names of courses completed, institutions attended, dates, qualifying hours

Once you open an application, it will remain active for 90 days after which time it will close.

3. Application Review

Once we receive your application, we'll verify that you meet the eligibility criteria and that your experience and/or education is valid and consistent with the guidelines stated in the certification handbook.

Typically, the application review period will take 5–10 days, depending on the certification. Once it's complete, we'll email you to move on to the next step. If we have any questions or issues with your application, we'll email you further instructions and direction.

4. Payment

After we notify you that your application is approved, it's time to provide payment so you can move to the final stage. The fastest and easiest way to pay is through our online certification system.

Once payment is received, we'll email you an eligibility number that you'll use to schedule your test appointment. You are eligible for one year, and you may take the exam up to three times during that year.

5. Schedule Test Appointment

For all accreditations, your test will occur at one of our designated testing sites. Schedule your appointment online through our accreditation system using your eligibility number.

6. Re-approval

The Content Communication re-approval qualification is designed for those who are Accredited Content Communication Persons and wish to maintain their Accredited status. The Content Group has determined that all Accredited members should be re-approved within 3-5 calendar years of their original accreditation (failure to pass the Re-approval examination after five calendar years as an Accredited member will result in withdrawal of your Accredited status).