



Australian Competition & Consumer Commission

TCAC12
(M. Knight)

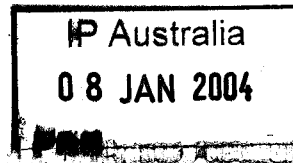
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Ph (02) 6243 1111
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Our Ref: C2001/138
Your Ref: TM0093
Contact Officer: Amanda Dadd
Contact Phone: 02 6243 1391

6 January 2004

Ms Margaret Knight
Examination Services
IP Australia
PO Box 200
WODEN ACT 2606



Dear Ms Knight

Certification Trade Mark: Institute of Inspection, Cleaning and Restoration No. 789517

Further to our telephone discussion yesterday, please find enclosed a certified true copy of the rules for the abovementioned certification trade mark.

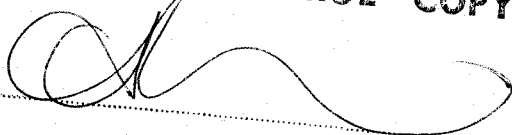
If you would like to discuss any aspect of this matter further, please do not hesitate to contact me on 02 6243 1391.

Yours sincerely

Amanda Dadd
Assistant Director
Adjudication Branch



CERTIFIED TRUE COPY



6/1/04 MEMORANDUM

COPY

To: Australian Registrar of Trade Marks
From: The Institute of Inspection, Cleaning and Restoration
Certification (IICRC)

Date: August 29, 1997

Re: Trade Mark Application No. 730239;
Description of the Rules and Regulations of IICRC
Pertaining to Use of the IICRC Certification Mark

IP Australia
08 JAN 2004

1. A list and details of the persons who may be approved for the purpose of certifying the services:

The main activity of IICRC is to provide certification of technicians and firms working within the carpet and upholstery cleaning industry. In order to become personally certified, a technician must attend an approved course at an approved school and pass an examination. Upon completion of the course, the technician takes a written examination that is prepared by the Certification Board. When the technician passes the examination, he or she receives a certification and wallet card from IICRC. After initial certification, the technician must comply with the continuing education program in order to maintain their credentials. The technician must also maintain annual certification fees.

Carpet, upholstery, and restoration firms may also receive IICRC certification. There is no examination, but a firm may be certified by submitting an application, paying the annual certification fee, agreeing to adhere to the code of ethics of IICRC and the IICRC policies, rules and regulations. Furthermore,

there must be an IICRC certified technician employed by each certified firm. Each certified firm is also registered in a directory of certified firms, which is known as the "Green Book." The Green Book is regularly updated. This registry also lists practicing carpet inspectors, master cleaning technicians, and master restorers. A copy of the Green Book is provided free of charge to certified firms, carpet and fiber manufacturers, retailers, consumer organizations, and any one who requests a copy.

2. Details of the characteristics of the services being certified, for example, quality, accuracy, etc., and the object of the certification:

The purpose of the certification activity is to establish and maintain standards in the industry with regard to performing various cleaning procedures. The policy of IICRC is to encourage education in all cleaning methods. Thus, IICRC does not specify what cleaning method is to be used in any given case. Rather, the IICRC goal is to provide guidelines and training so that technicians are better qualified to perform the cleaning method they choose to use. IICRC offers certification in the following categories:

- A. Commercial carpet maintenance
- B. Carpet cleaning
- C. Upholstery and fabric cleaning
- D. Water damage restoration
- E. Odor control
- F. Color repair

- G. Carpet repair and reinstallation
- H. Fire and smoke restoration
- I. Carpet inspection.

Schools that wish to provide IICRC approved courses apply to IICRC for course review and approval by the Board of Directors. Schools that obtain IICRC approval must be taught by an IICRC approved instructor. Both the school and instructors teaching the course receive a copy of an approved course outline, the examination booklet and answer key from IICRC. While the schools use their own instruction material and workbooks, such material must be approved in advance by the IICRC Board of Directors. IICRC monitors each school and instructor in each category of approval once every two years. If an approved school is found in violation of the IICRC rules or ethics, the school may lose its approval and its right to offer approved courses.

The certification process basically involves technicians in the carpet and upholstery cleaning and restoration industry completing an approved educational curriculum, demonstrating proficiency by passing an examination, and thereafter being better able, through training, knowledge and skills, to serve the consuming public.

3. The conditions under which the approved user is allowed to use the mark. For example, what tests and/or standards are applied:

A certified firm can use the IICRC certification mark in its advertising and present itself as being registered with IICRC. The

✓ conditions and requirements for qualifying as a certified firm are set forth in items 1 and 2 above.

4. Details of the use of the mark by the owner and approved users (where the owner certifies its own services, the Australian government may require an independent certifier):

Generally, members of IICRC authorized to use the certification mark use the mark in advertising, such as the telephone book; on marketing materials, such as business cards and letterhead stationary; on patches on uniforms; on business signs and vehicle decals.

5. Details of how it is proposed to settle any disputes arising from a refusal to certify the services or to allow use of the mark (the Australian government suggests that such disputes be arbitrated by an ex-judge, senior barrister, or a Law Society):

Requests to obtain certification are made to IICRC. If a certification request, and therefore the right to use the certification mark, is denied, the matter is referred to the Certified Firm Committee of IICRC for a determination. The Committee holds an informal hearing and renders a decision, which is communicated to the applicant and all interested parties. Any aggrieved party can appeal the decision of the Committee to a Review Panel, who holds another hearing and makes a final determination, pursuant to Review Panel policies and procedures described on the attached Exhibit "A".

MEMORANDUM

TO: Dan Bernazzani, President IICRC; and
Kenway Mead, Executive Administrator, IICRC
FROM: Mark B. Hansen, Attorney at Law
DATE: August 14, 1997
RE: Review Panel Policy with Arbitration Provisions

REVIEW PANEL

The IICRC Board of Directors authorizes the appointment of an Appeals Panel empowered to adjudicate appeals from decisions rendered by the Instructors Committee, the Registrant Standards Committee, the Certified Firms Committee, or other existing or future committee of IICRC. The Review Panel shall act as the final appellate review authority of the Board of Directors of the IICRC, and shall be the final arbiter of complaints or other proceedings brought before such committees. Review Panel decisions shall be rendered by majority vote.

The Review Panel shall have authority and jurisdiction only after a complaint, grievance, or other matter has been first heard by the appropriate committee. All appellate review by the Review Panel must be requested in writing within sixty (60) days from the date of the original decision by the appropriate committee.

The Review Panel shall have the authority to adopt rules and procedures pertaining to matters brought before the Review Panel;

however, such rules and procedures shall be subject to approval and modification by the IICRC Board of Directors. Such rules and procedures shall not be inconsistent with the organizational documents of IICRC, or any other policies, procedures, rules or regulations of IICRC.

The Review Panel shall be composed of five (5) members appointed by the Executive Committee of IICRC, only one of which shall also be a member of the Executive Committee. The Chairman of the Review Panel shall be selected by the President of IICRC from the members of the Review Panel appointed by the Executive Committee. If members of the Review Panel are unable or unwilling to serve on particular cases because of a conflict of interest or other reason, the President may appoint temporary alternate Review Panel member(s) solely to adjudicate proceedings on which panel member(s) have stepped aside. The Review Panel members shall serve at the will and discretion of the Executive Committee, for annual renewable terms. The Review Panel may coordinate meetings at its discretion as reasonably necessary to accomplish its purposes, and may communicate or meet in person, by conference call, electronic means, mail, or other method deemed appropriate by the Chairman of the Review Panel. Decisions of the Review Panel shall be rendered in writing, in a reasonable time, with copies of the decision directed to the parties, the IICRC Executive Committee, and the IICRC Executive Administrator.

The authority and policy empowering the Review Panel shall be subject to revocation or modification by the Board of Directors at any time.

Any dispute or claim which arises out of or which relates to a decision of the Review Panel shall be resolved by arbitration in accordance with the then-effective Commercial Arbitration Rules of the American Arbitration Association. Written Notice of Demand for Arbitration shall be filed with the other parties no later than thirty (30) days after the effective date of any Review Panel decision. Unless otherwise agreed, the arbitrator shall be selected by the process of elimination from a panel of seven (7) arbitrators furnished by the American Arbitration Association. The cost of arbitration, including the fee for the arbitrator and the respective attorney's fees for each party, if any, shall be borne by the losing party. The award rendered by the arbitrator shall be final, and judgment may be entered upon it in accordance with the applicable law in any court having jurisdiction. Any arbitration of Review Panel decisions shall be governed by the laws of the state of Washington, and the venue for any such arbitration shall be Clark County, Washington, U.S.A.