



**Australian  
Competition &  
Consumer  
Commission**

**Final Assessment of Certification Trade Mark Application 888055 lodged by the  
Pyrenees Vignerons' Association Inc**

The Australian Competition and Consumer Commission (the Commission), 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 Commission's Final Assessment is that it is satisfied that:

- (a) the approved certifiers are competent to certify the goods 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.....13 FEBRUARY 2004.....

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for Australian  
competition  
and Commerce  
Committee

888055

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**PYRENEES VIGNERONS' ASSOCIATION****Rules Governing the Use of Proposed Certification Trade Mark**

- (a) In these rules –
- (i) “the Association” means the Pyrenees Vignerons' Association Inc;
  - (ii) “the Pyrenees Wine Region” is the Pyrenees region as defined in the GIC indication.
- (b) The Person approved for the purpose of certifying goods is the President from time to time (or the Acting President if the President is absent) of the Association.
- (c) The cases in which goods are to be certified are where the goods are wine and where –
- (i) the wine was made, to the extent of at least 85% by volume, from grapes grown in the Pyrenees Wine Region; and
  - (ii) the wine was made by or under contract to a member of the Association.
- (d) The conditions under which an approved user is to be allowed to use the mark in relation to goods are that –
- (i) the goods come within the terms of sub-para (c);
  - (ii) the goods are certified in writing by the President of the Association as coming within those terms;
  - (iii) the mark is not used in a way that conveys the impression that any other goods are or may be such as would come within the terms of sub-para (c);
  - (iv) the mark is not used in a way or in conjunction with other material that would tend to bring discredit upon wine or the wine industry; and
  - (v) the mark is not used in a deceptive, misleading or confusing way.
- (e) The mark may be used by an approved user where certified and in accordance with the conditions set down in sub-para (d).
- (f) The owner of the mark, the Association, may use the mark –
- (i) upon goods in the same circumstance and subject to the same conditions as would apply to an approved user;
  - (ii) in connection with the promotion of the Pyrenees Wine Region and of the wines, wineries and vineyards within that region;
  - (iii) upon its own stationery, brochures and printed and electronic material and generally in connection with its own operations as an association;
  - (iv) in such other situations as the Association may by resolution determine.
- (g) Any dispute as to a refusal to certify goods in relation to use of the mark and/or as to a refusal to allow use of the mark is to be resolved in the following manner:
- (i) the person aggrieved by the refusal shall submit the dispute to the Association for resolution in general meeting;
  - (ii) such submission shall be in writing addressed to the Secretary of the Association and shall set out –

- (A) a description of the wine in connection with which the mark is desired to be used;
  - (B) the origin of all of the grapes used in the making of the wine;
  - (C) the name of the person or company by or under contract to whom the wine was made;
  - (D) a brief but adequate statement of the nature of the dispute;
- (iii) the dispute shall be placed upon the agenda of the next general meeting of the Association, being a meeting to be held not less than 14 days after written notice thereof is given to the person submitting the dispute;
  - (iv) the person submitting the dispute may if desired be present at the general meeting and may, subject to the Chair, make brief oral representations in support of his or her position in the dispute;
  - (v) the dispute shall be resolved by that general meeting (either at the time or after an adjournment to a later meeting) and that resolution shall be binding;
  - (vi) the person submitting the dispute shall be notified in writing of the resolution thereof by the secretary of the Association.