



**Australian  
Competition &  
Consumer  
Commission**

**Final Assessment of Certification Trade Mark Applications 899364 and 899365 lodged  
by the International Foundation of Employees Benefit Plans, 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) applications.

The Commission's Final Assessment is that it is satisfied that:

- (a) the approved certifiers are competent to certify the services in respect of which the CTMs are to be registered;
- (b) the rules governing the use of the CTMs would not be to the detriment of the public;  
and
- (c) the rules governing the use of the CTMs 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.....6 AUGUST 2004.....

**Rules**

V/C for the ACCC

Governing the use in Australia of

16/8/4

**CERTIFICATION TRADE MARK NO. 899364**

**RPA**

1. In these Rules:
  - a. "The Foundation" means International Foundation of Employee Benefit Plans, Inc of 18700 West Bluemound Road, Brookfield, Wisconsin 53008, United States of America.
  - b. "Certified User" means a person authorised by the Foundation to use the Trade Mark.
  - c. "Trade Mark" means Australian Certification Trade Mark No. 899364 for RPA in class 42.
  - d. "Accredited Training Program" means the courses or series of courses conducted by or with the authority of the Foundation with the intention of graduating Certified Employee Benefit Specialists practitioners or Retirement Plans Associate practitioners.
2. The Trade Mark is the absolute property of the Foundation and shall not be used by any person except under and by virtue of a Certificate issued in accordance with these Rules.
3. The Foundation may from time to time alter these Rules or make new ones wholly or partly in lieu thereof, provided that the Registrar of Trade Marks and Australian Competition and Consumer Commission consents to the changes.

4. The power of issuing, renewing and withdrawing a Certificate is vested in the Foundation.
  
5.
  - a. A Certificate to use the Trade Mark as a Certified User, a copy of which is included in Schedule "A" shall be granted to any person who properly graduates from an Accredited Training Program.
  - b. The Certified User undertakes to use the Trade Mark only in the form authorised by the Foundation, as noted in the Guidelines Governing Uses of the New Designations, a copy of which is included in Schedule "B".
  - c. The applicant must agree to abide by the Foundation's Precertification Standards and Principles of Conduct, the terms of which are set out as Schedule "C" to these Rules.
  - d. Certification must be maintained by successfully meeting any of the Foundations Continuing Education Program requirements and the Foundation's Standards and Principles of Conduct.
  - e. Use of the Trade Mark is subject to the permanent control of the Foundation which may take such steps as necessary to ensure the observance of requirements of these regulations and the Certified User of the Trade Mark acknowledges the Foundation's rights to this regard.

6. The Foundation will keep a Register in which will appear the names and addresses of each Certified User together with the date on which the Certificate was issued. More specifically, the Foundation will keep a Register with:

International Foundation of Employee Benefit Plans, Inc.  
18700 West Bluemound Road  
Brookfield Wisconsin 53008  
United States of America

7. Every person wishing to undertake an Accredited Training Program can obtain an application form from the Foundation.
8. Any notice given by or on behalf of the Foundation in the pursuance of these Rules shall be deemed to have been duly given if it is forwarded by prepaid letter addressed to the party concerned at the address on the Foundation's records.
9. Certified Users and applicants for Certified Users status will advise the Foundation of any change of address.
10. All communications regarding Certificates and information in respect of the Trade Mark should be addressed to:

International Foundation of Employee Benefit Plans, Inc.  
18700 West Bluemound Road  
Brookfield Wisconsin 53008  
United States of America

11. Upon proof to the satisfaction of the Foundation of the loss or destruction of a certificate that is in force the Foundation may authorise the issuance of a duplicate thereof.
12. The Foundation may cancel or refuse to renew a Certificate if the Certified User has committed a breach of these Rules and any amendments made in accordance with Clause 3 or has refused or proved unable to comply with such Rules.
13. Subject to Clause 16, any person who is aggrieved by any decision of the Foundation to:
  - a. refuse to grant a certificate to use the Trade Mark;
  - b. cancel a Certificatemay appeal to an independent appeal body to be agreed between the parties. Following such appeal, the parties or either of them shall decide whether and upon what conditions, the said aggrievement shall be redressed.
14. The assessment of a candidate's success or failure in the Accredited Training Program or in any assessment for the purposes of certification or re-certification remains a matter for the Foundation. No appeal shall lie to an independent appeal body in respect of a candidate's success or failure in any Accredited Training Program or assessment, nor in relation to the content of the Accredited Training Program or of any prescribed assessment requirements for certification or re-certification.

CERTIFIED TRUE COPY

## Rules

Governing the use in Australia of

*[Handwritten signature]*  
for the  
ALCC  
16 8 1

CERTIFICATION TRADE MARK NO. 899365

## GBA

1. In these Rules:
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  - b. "Certified User" means a person authorised by the Foundation to use the Trade Mark.
  - c. "Trade Mark" means Australian Certification Trade Mark No. 899365 for GBA in class 42.
  - d. "Accredited Training Program" means the courses or series of courses conducted by or with the authority of the Foundation with the intention of graduating Certified Employee Benefit Specialists practitioners or Group Benefits Associate practitioners.
  
2. The Trade Mark is the absolute property of the Foundation and shall not be used by any person except under and by virtue of a Certificate issued in accordance with these Rules.
  
3. The Foundation may from time to time alter these Rules or make new ones wholly or partly in lieu thereof, provided that the Registrar of Trade Marks and Australian Competition and Consumer Commission consents to the changes.

4. The power of issuing, renewing and withdrawing a Certificate is vested in the Foundation.
  
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  - a. A Certificate to use the Trade Mark as a Certified User, a copy of which is included in Schedule "A" shall be granted to any person who properly graduates from an Accredited Training Program.
  - b. The Certified User undertakes to use the Trade Mark only in the form authorised by the Foundation, as noted in the Guidelines Governing Uses of the New Designations, a copy of which is included in Schedule "B".
  - c. The applicant must agree to abide by the Foundation's Precertification Standards and Principles of Conduct, the terms of which are set out as Schedule "C" to these Rules.
  - d. Certification must be maintained by successfully meeting any of the Foundations Continuing Education Program requirements and the Foundation's Standards and Principles of Conduct.
  - e. Use of the Trade Mark is subject to the permanent control of the Foundation which may take such steps as necessary to ensure the observance of requirements of these regulations and the Certified User of the Trade Mark acknowledges the Foundation's rights to this regard.

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Australian Competition & Consumer Commission

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Mr Knight  
2) XB.

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Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
Australia  
Ph (02) 6243 1111  
Fax (02) 6243 1199

Our Ref: C2003/545, C2003/547  
Your Ref: TM141  
Contact officer: Bronwyn Davis  
Contact phone: (02) 6243 1363

16 August 2004

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

IP Australia  
18 AUG 2004

Dear Registrar

Certification Trade Mark Applications 899364 and 899364<sup>5</sup> - International Foundation  
of Employee Benefit Plans, Inc.

The Commission, in accordance with the provisions of the *Trade Marks Act 1995*, has completed its final assessment of the above Certification Trade Marks.

A certificate detailing the Commission'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 Bronwyn Davis on (02) 6243 1363.

Yours sincerely

Paul Palisi  
Director  
Adjudication Branch





**Australian  
Competition &  
Consumer  
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**Final Assessment of Certification Trade Mark Applications 899364 and 899365 lodged  
by the International Foundation of Employees Benefit Plans, Inc**

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Signed.......... (Commissioner)

Date.....6 AUGUST 2004.....

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CERTIFIED TRUE COPY

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Governing the use in Australia of

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*for the  
ALCC*

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