

AFS

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

[Signature]
Commissioner

07-04-06
Date

AUSTRALIAN FORESTRY STANDARD LIMITED

Building 6, CSIRO Complex
Wilf Crane Crescent
[PO Box 7031]
Yarralumla ACT 2600 Australia
www.forestrystandard.org.au



AFS LOGO USE RULES MANUAL

12 December 2005

TABLE OF CONTENTS

1	INTRODUCTION	4
2	OBJECTIVES	4
3	SCOPE OF MANUAL	5
4	LOGO COVERAGE	5
5	OWNERSHIP AND USAGE OF THE LOGO	5
6	ROLE OF NATIONAL GOVERNING BODY	5
7	ROLE OF CERTIFICATION BODY	6
8	LOGO USAGE	6
8.1	User Groups	6
8.1.1	Group A - National Governing Body	6
8.1.2	Group B – Forest Management Group	6
8.1.3	Group C – Chain of Custody Group	7
8.1.4	Group D - Promotion Groups	7
8.2	Usage Alternatives	7
8.3	Claims	8
8.3.1	Minimum requirements	8
8.3.2	Off-product use – Additional Voluntary Information	8
8.3.3	On-product use – Additional Voluntary Information	8
9	LICENCES FOR LOGO USAGE RIGHTS	9
9.1	Licence Arrangements	9
9.1.1	General conditions	9
9.1.2	Process for issuing licences	9
9.1.3	Licence Agreement	11
9.1.4	Suspension of Logo Usage Licence	11
9.2	Logo Usage Fee	12
9.3	Dispute Settlement	12
10	REGISTRATION AND CODING SYSTEM	12
10.1	Register of Logo Users	12
10.1.1	Responsibility of National Governing Body	12
10.1.2	Responsibility of Group organisations	13
10.2	Coding System	13
10.3	Monitoring and Reporting	13
Appendices		
A	Logo Reproduction Tool Kit	
B	Application for Logo Usage Licence	
C	Logo Usage Fee Schedule	
D	Logo Usage Licence Agreement	
E	Registration Coding System for Logo Usage Licences	

GLOSSARY

ACFS	<i>Australian Forest Certification Scheme</i> , which is based on the AFS and the CoC Standard in conjunction with accreditation programmes and certification
AFS	The <i>Australian Forestry Standard</i> [AS 4708(Int)—2003] or subsequent versions of AS 4708 For further information, refer: www.forestrystandard.org.au
Claim	Any form of representation to the market and or stakeholders relating to the company or the company's products carrying AFS certification. Claims can be made on-product or off-product, as defined in the Manual
COC	<i>Chain of custody</i> , which relates to the supply chain extending between timber production from forests and end users of wood products manufactured from timber harvested from these forests The <i>Chain of custody for certified wood and forest products</i> [AS 4707(Int)—2004] or subsequent versions of AS 4707 For further information, refer: www.forestrystandard.org.au
FM	<i>Forest management</i> , which encompasses all activities involved in the establishment or regeneration of forests, silvicultural tending and other management for a range of forest values, and harvesting of forest products
Group	In the context of group certification, a group is a legal entity representing growers that are collectively maintaining or progressing towards AFS certification (FM or COC) under the one certificate
JAS-ANZ	<i>Joint Accreditation System of Australia and New Zealand</i> For further information, refer: www.jas-anz.com.au
Logo	A logo that constitutes a trade mark, which distinguishes goods or services provided in the course of trade, under the <i>Trade Marks Act 1995</i> (Cth)
Logo User Group	Categories of Logo Users, as defined in the Manual
PEFC	The <i>Programme for the Endorsement of Forest Certification schemes</i> For further information, refer: www.pefc.org

1 INTRODUCTION

The Australian Forestry Standard [AS 4708(Int)-2003] seeks to ‘*distil from community values and the science of forest management those economic, social, environmental and cultural criteria that are considered to be most important for ensuring that a forest is well managed*’¹. It specifies criteria and requirements for wood production that support continual improvement towards sustainable forest management. It is intended for voluntary application and will assist to promote access to both domestic and international markets for timber from certified forests.

Certification marks related to the AFS can be fixed to a product to indicate that the product originated from a forest certified to the AFS. The AFS Logo is a certification trademark, which is registered by Australian Forestry Standard Limited, the organisation formed to manage the implementation of the AFS. To ensure the AFS endures as a credible and robust certification framework, the authority and integrity of the logo must be understood and used correctly.

The Australian Forest Certification Scheme (AFCS)² has been recognised by the *Programme for the Endorsement of Forest Certification Schemes*³ (PEFC) as conforming to its certification standards for forest management and chain of custody for forest and wood products. This conformity confers mutual recognition with other PEFC national schemes and enables companies with AFCS certification for their forest management and wood products to use the PEFC Logo and related PEFC claims in their marketing and communications with stakeholders provided that they are a licensed user under the requirements of the PEFC Logo Use Rules Manual.

This manual is designed to support Australian Forestry Standard Limited in managing the use of the AFS Logo as a certification trade mark in Australia, and to guide organisations and individuals seeking to use the logo.

The use of the AFS logo and related claims are prohibited unless authorised by Australian Forestry Standard Limited in conformity with this AFS Logo Use Rules Manual.

2 OBJECTIVES

This document, the *AFS Logo Use Rules Manual*, has the objective of:

To set rules for the use of the Australian Forestry Standard (AFS) logo and claims to assure the protection of ownership rights and to ensure clear and credible communication of claims connected with certification under the AFCS to avoid misleading or misunderstanding of AFS logo messages.

Australian Forestry Standard Limited (AFS Limited), the company established to manage the implementation of the AFCS, is also the ‘National Governing Body’ of the PEFC Council in Australia, and is authorised to administer the usage of the PEFC Logo in Australia on the

¹ The Australian Forestry Standard, which can be accessed at: www.forestrystandard.org.au

² The AFCS comprises the AFS and CoC Standards as the forest management and chain of custody standards; accreditation programmes offered by JAS-ANZ for forest management and product (chain of custody) certification to certification bodies and the certification bodies who have as a component of their scope of accreditation, the capacity to offer certification to the two standards.

³ For further information on the PEFC, refer to: www.pefc.org

basis of AFS certification as a mutually recognised forest certification scheme under the PEFC system.

3 SCOPE OF MANUAL

This document establishes the rules and guidelines for the use of the AFS Logo **and related claims** by Australian-based companies or companies operating in Australia. The scope is to specify the:

- Owner and governing body of the AFS Logo (Sections 5, 6 and 7);
- Parties that can use the logo (Section 8);
- Type of claims that are to be, and can additionally be, included with the logo (Section 8);
- Type of on- and off-product communication that can be associated with the logo (Section 8);
- Specifications for reproduction of the logo in printed and published form (Section 8, and Appendix A); and
- Process for issuance of logo usage licences and logo use rules (Section 9);

4 LOGO COVERAGE

The AFCS is a single-issue labelling scheme, the claims (see 8.3) of which only concern sustainable forest management, as defined and embraced by the AFS⁴. Consequently, apart from wood and wood based raw material, the AFCS does not make any claims on other raw materials. The AFCS does not include any multi-issue or lifecycle analysis claims.

5 OWNERSHIP AND USAGE OF THE LOGO

The AFS Logo is copyright material and is a registered certification trademark owned by AFS Limited.

Unauthorised use of this copyright material is prohibited and may lead to legal action. The use of the AFS Logo **and claims** in Australia is regulated and governed by AFS Limited.



6 ROLE OF NATIONAL GOVERNING BODY

AFS Limited is the not-for-profit, public company formed to manage the implementation of the AFCS. This includes providing a contact point for queries and comments on the AFS and

⁴ The AFS acknowledges a definition of sustainable forest management as: *“The integration of commercial and non-commercial values of forests so that both the material and non-material welfare of society is improved, whilst ensuring that the values of forests, both as a resource for commercial use and for conservation, are not lost or degraded for current and future generations”* based on the Forestry Working Group on Ecologically Sustainable Development (1991) and the National Forest Policy Statement (1992). The AFS also notes the three key principles of ecological, social and economic sustainability.

CoC Standards and promoting mutual recognition for the AFCS with compatible forest certification schemes.

Within its charter to manage the implementation of the AFCS, AFS Limited is the national governing body for usage of the AFS Logo and will use the logo and claims for educational and other communication purposes, and is responsible for issuing and controlling logo usage licences to other parties.

7 ROLE OF CERTIFICATION BODY

The certification body⁵ which undertakes the verification audit of an organisation to a standard and grants a FM or COC certification is responsible for control of the use of the AFS Logo and claims by the relevant Logo User as a part of an AFS forest management or chain of custody certification audit.

Certification bodies and nominated agents are required to report unapproved non-conforming uses of the logo and trademark to AFS Limited. AFS Limited will evaluate the material to determine whether further action, including legal action, is required.

8 LOGO USAGE

8.1 User Groups

Four groups of Logo Users are identified. These user groups comprise both certification certificate holders and also non-certificate holders. The user groups are:

- Group A: National governing body, ie AFS Limited;
- Group B: Forest management (FM) certification certificate holders who have been certified to AS 4708
- Group C: Chain of custody (COC) certification certificate holders who have been certified to AS 4707
- Group D: Promotional groups

8.1.1 Group A - National Governing Body

AFS Limited, as the governing body for the AFCS, is permitted to use the AFS Logo for educational purposes. It is also able to issue licences for use of the AFS Logo within Australia.

8.1.2 Group B – Forest Management Group

Group B comprises forest owners and managers who have a valid AFS forest management (FM) certificate or all eligible entities participating in a group with a valid forest management certificate (group certification). The forest management certificate shall be issued by an independent third-party certification body meeting the Procedure 26 accreditation requirements of JAS-ANZ⁶ and shall state in the certificate, the compliance with the requirements of the AFS [AS 4708(Int)-2003].

⁵ Certification body – an independent, third-party organisation accredited by JAS-ANZ to provide certifications to AS 4707 and/or AS 4708 – details of accredited certification bodies can be found on the JAS-ANZ Register at www.jas-anz.com.au

⁶ Joint Accreditation System of Australia and New Zealand. Refer to www.jas-anz.com.au

Under Group B, the following entities can be Logo Users:

- Individual forest owners (as holders of individual certificate or members in regional or group certification);
- Holders of a group certificate (group of forest owners); and
- Other entities participating in the group forest certification (eg, contractors).

Under groups of forest owners, participating individual forest owners/managers/other entities can get an individual licence which is linked to the group licence and it has to be obtained from AFS Limited.

Logo Users from Group B – Forest Management Group shall comply with the following requirements in regards to their forest management certification:

Summary reports of independent certification and surveillance audits shall be publicly available to stakeholders.

8.1.3 Group C – Chain of Custody Group

Group C comprises forest related industries, (eg, wood procurement organisations, wood processing industries, timber traders, distributors and retailers) as holders of the chain of custody (COC) certificates or participating in a group with a valid chain of custody certificate (group certification). The chain of custody certificate shall be issued by an independent third-party certification body meeting the Procedure 15 and CoC Scheme Rules accreditation requirements of JAS-ANZ and shall state in the certification the compliance with the Australian Standard for Chain of Custody for Certified Wood and Forest Products [AS 4707(Im)-2004].

Where wood or wood based raw materials are sourced from AFCS certified entities other than holders of a valid PEFC or AFS logo user licence, there must be evidence provided to AFS Limited that the forest manager has made the summary reports of independent certification and surveillance audit results publicly available to stakeholders,

Under group chain of custody certification, participating individual companies can obtain individual approval for the usage of the logo. This requires a licence which is linked to the user group licence and has to be obtained from AFS Limited.

8.1.4 Group D - Promotion Groups

Group D comprises organisations and other bodies that are willing to promote or advertise the AFCS for educational purposes only within their relevant sector, and are permitted to do so by the AFS Limited.

8.2 Usage Alternatives

The AFS Logo conveys information to consumers that wood and wood-based raw material used in designated products comes from sustainably managed forests, as defined within the AFCS.

When the AFS Logo is used, the following essential elements must to be fulfilled:

- The AFS Logo shall be reproduced according to the measurements, colours and other specifications detailed in *The AFS Logo Reproduction Tool Kit* (Appendix A).
- A logo licence registration number provided by AFS Limited shall be included (see Appendix E).

An AFS certified product can carry the AFS logo without a claim, but it is recommended to have a claim. The logo can be used with or without claims in two different ways: **on-product usage and off-product usage.**

On-product usage and Off-product usage includes the goods and services that are covered by the certification trademark 984827.

The AFS Logo can also be used in off-product applications to promote the usage of AFS-labelled products, or to increase the general awareness about the AFS's goals and purposes in terms of sustainable forest management.

8.3 Claims

8.3.1 Minimum requirements

In on-product and off-product use, the AFS Logo has to be reproduced according to the measurements, colours and other specifications detailed in the *AFS Logo Reproduction Tool Kit* (Appendix A). The AFS Logo licence registration number shall also be included. The Logo licence registration process is set out under Section 9.1.

All users should make use of additional voluntary information as described in sections 8.3.2 and 8.3.3 below. AFS Limited intends for its claims to conform with those set out by the PEFC. Principally, the claim can be either '*From sustainably managed forests*' or '*Promoting sustainable forest management*', with rights to use these claims dependent on whether it is for on- or off-product usage, and whether the claim relates to product with 100% certified wood content.

8.3.2 Off-product use – Additional Voluntary Information

In off-product use, Logo Users may attach additional voluntary information. This information may include the following element:

Element 1 – The appropriate AFS claim is included underneath the logo and would read as follows:

www.forestrystandard.org.au ; or

“Promoting sustainable forest management – For more info: [insert website]”

8.3.3 On-product use – Additional Voluntary Information

In on-product use, Logo Users may attach additional voluntary information on the labels. This information may include the following elements:

Element 1 – The forest management certification or the chain of custody certification register number issued by the certification body could be included.

Element 2 – The appropriate AFS claim in italics below is included:

- In cases where the wood comes from a forest covered by a valid forest management certificate or the chain of custody certification is based on physical segregation and all previous stages of the chain of custody were also based on physical segregation and there is 100% certified wood content⁷, then the claim on the label/underneath the logo would read, as follows:

“From sustainably managed forests – For more info: [insert website]”

⁷ For further information on COC, refer to the Australian Standard, *Chain of custody for certified wood and forest products, AS 4707(Int)-2004*, at: www.forestrystandard.org.au

- In cases where there is less than 100% certified wood content and the chain of custody certification is based on inventory control and accounting of wood flows (input/output system – percentage in / percentage out, or the minimum average percentage system)⁸ the claim underneath the logo would read as follows:

www.forestrystandard.org.au , or

“Promoting sustainable forest management – For more info: [insert website]”

Element 3 – The name or designatory letters of the accredited certification body, which issued the chain of custody certificate.

Element 4 – The certificate holder can also choose to use the certification body’s own logo or mark in addition to the AFS Logo.

Element 5 – A producer of a certified product may add a voluntary product description to inform about other raw material properties such as origin of uncertified raw material in a product. It is recommended that the management of origin-related claims is based on both quality management systems such as ISO 9002 and environmental management systems such as ISO 14001. The content of a product description may include:

- AFS-certified wood-based raw material or certified wood-based raw material from other certification schemes recognised by AFS Limited;
- other compatible primary wood fibres/wood;
- other primary fibres/wood;
- recycled wood fibres; and
- total wood raw material content.

9 LICENCES FOR LOGO USAGE RIGHTS

9.1 Licence Arrangements

9.1.1 General conditions

Organisations or companies applying for use of the AFS Logo must:

1. be a legal entity, such as a company, cooperative or incorporated association; and,
2. be prepared to sign an agreement that allows the public presentation, on an Internet-based database, of the organisation’s, company’s or other legal entity’s identification data. This data includes:⁹
 - organisation’s contact and location details;
 - organisation’s certificate number and expiry date;
 - certification body’s contact details; and
 - area of forest holding under relevant forest type and/or the number of facilities covered by the certificate.

9.1.2 Process for issuing licences

The following process for obtaining logo usage rights approval applies to the use of both the AFS Logo in Australia. Figure 1 provides an overview schematic of this process.

⁸ Under the minimum average percentage claim approach to verification, the Standard requires a minimum of 70% for all wood products, including solid wood and chips.

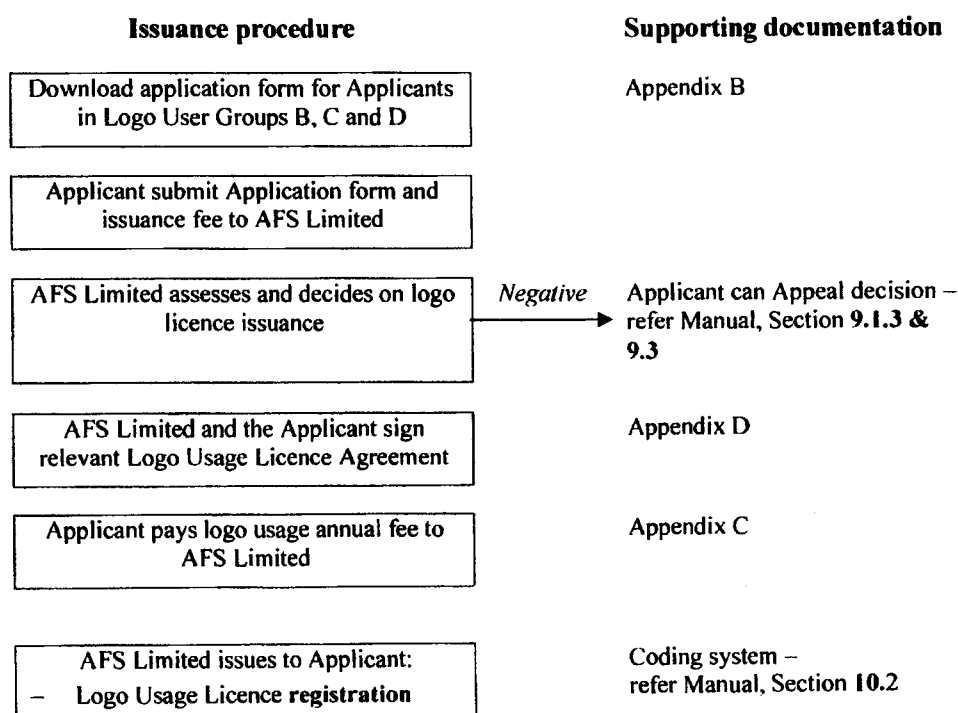
⁹ AFS Limited is required by the PEFC Council to provide data in accordance with its *Internal Rules for the PEFC Registration System*.

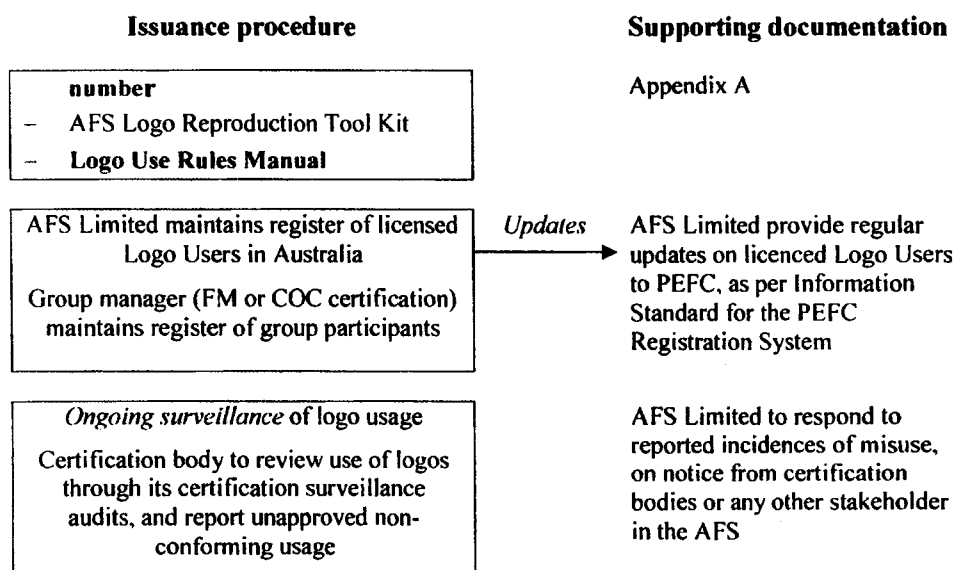
A company, organisation or individual has to obtain an official licence from AFS Limited before printing, publishing or otherwise using the logo **and claims** regardless of the logo usage group or logo usage alternative (off- or on-product usage). Applicants need to submit a completed application form with the issuance fee to AFS Limited, as presented in Appendices B and C respectively.

AFS Limited reviews the application form to determine whether the applicant has delivered all the required documents for scrutiny and that all the predetermined AFS requirements on the logo usage and reproduction are fulfilled:

- **FM Group applicants (Group B)** shall submit a copy of the valid forest management certificate, **and evidence that summary reports of independent certification and surveillance audit results have been made publicly available to stakeholders.** For *group forest management certification*: When a logo usage licence is granted to a participant in a FM group, it has to be clearly demonstrated in the application that the applicant is participating within a defined group with a valid forest management certificate. If any verification is needed, the group list of participants must be made available by the certification body that certified the certificate holder.
- **COC group applicants (Group C)** shall submit a copy of the valid chain of custody certificate, **and, where wood or wood based raw materials are sourced other than from entities that hold a valid PEFC or AFS logo user licence, evidence that the forest manager has made summary reports of independent certification and surveillance audit results publicly available to stakeholders.** For *group chain of custody certification*: When a logo usage licence is granted to a participant in a COC group, it has to be clearly demonstrated in the application, that the applicant is participating within the defined group with a valid chain of custody certificate. If any verification is needed, the group list of participants must be made available by the certification body that certified the certificate holder.

Figure 1. Logo Licence Issuance Procedure





9.1.3 Licence Agreement

If logo usage is approved, AFS Limited prepares a licence agreement (contract) for the applicant. This agreement enters into force when:

- Both parties sign the agreement; and
- When the applicant has paid the applicable issuance fee (refer Section 9.2).

If the application for logo usage is declined, AFS Limited must provide reasons for the negative decision to allow the applicant the opportunity to provide further information in support of the application or to appeal the decision. In the case of an appeal, Section 9.3 describes the procedures to be followed to resolve the dispute.

When the Licence Agreement is signed and annual fee paid, AFS Limited provides the Logo User **under a covering letter with a CD containing the following:**

- An AFS Logo licence registration number;
- The AFS Logo Reproduction Tool Kit; and
- **The current version of the Logo Use Rules Manual. (Any revision of the Manual is to be provided to the Logo User's designated contact by electronic mail).**

AFS Limited will maintain contact with the Logo User's designated contact to ensure logo usage is carried out according to the set principles and guidelines contained in the AFS Logo Reproduction Tool Kit.

9.1.4 Suspension of Logo Usage Licence

AFS Limited reserves the right to suspend the logo usage licence if the user is suspected of misusing the logo or not complying with all the principles, rules and requirements of the AFCS. If, after investigation, the suspicion is proven to be founded, the logo usage licence will be cancelled.

9.2 Logo Usage Fee

Logo usage fees have been established for two purposes. These are to:

1. Contribute to the cost of logo usage administration and control; and
2. Support activities associated with promoting the value of AFS (and PEFC) certification.

Two types of fees will be imposed. These are an up-front issuance fee and an annual fee.

- The **Issuance fee** is charged for administration of the application for the licence and the AFS Logo Usage Reproduction Tool Kit. This non-refundable fee is to be paid at the time of application for logo usage.
- The **Annual fee** is to be paid annually based on an invoice issued by AFS Limited and is due following the signing of the Logo Usage Licence Agreement. If the licence is terminated by AFS Limited due to violation by the Logo User of the Logo Use Rules Manual, the fee for the current year will not be refunded.

Current logo usage fees are set out in Appendix C. Fees are set, and can be changed, by a decision of the AFS Limited Board.

In the case of Logo Users that can be classified under more than one Logo User Group, the Logo User is required to pay one issuance fee and one annual fee under only one category, which will be the category carrying the larger of the applicable fees. For example, an integrated forestry company that manages forest and manufactures wood products could be classified under Logo User Group B or C. If the applicable annual fee for COC certificate holders is larger than the applicable fee for FM certification holders, the annual fee for COC certificate holders will apply – and vice versa.

In the case of Logo Users that choose to become a member of AFS Limited, the annual fee can be reduced by the sum of the applicable membership fee. For further information on AFS Limited membership fees and benefits, Logo Users should contact AFS Limited directly.

9.3 Dispute Settlement

AFS Limited will make suitable arrangement for an independent dispute settlement body that meets on an ad hoc basis and takes care of those complaints arising from scheme implementation or certification procedure that cannot be addressed in the dispute settlement procedures of the relevant accredited certification body.

Appeals, disputes and complaints concerning the certification process or its results are dealt with by the certification body according to the requirements covered by an accreditation. The relevant accreditation body, whose accreditation covers the certification, deals with disputes and complaints concerning observance of the accreditation requirements.

10 REGISTRATION AND CODING SYSTEM

10.1 Register of Logo Users

10.1.1 Responsibility of National Governing Body

Registers of AFS Logo Users have to be kept in electronic format.

AFS Limited, issuing licences on behalf of the AFS Limited Board, is responsible for keeping an up-to-date register of:

- Forest management certificate holders;
- Chain of custody certificate holders; and
- All the on- and off-product Logo Users.

The range of minimum data elements to be kept by AFS Limited is set by the PEFC Internal Rules for the PEFC Registration System. The registration of certificate holders and Logo Users can only be done in agreement with the forest owner, organisation or company being recorded, and has to be in compliance with effective regulations regarding security of individual data in information systems.

10.1.2 Responsibility of Group organisations

In the case of group certification, the holder of the group forest management certificate **or the holder of a group chain of custody certificate** has to keep an up-to-date register of all participants in the group certification. The minimum data elements are not prescribed at this stage, and should be determined by liaison between the group manager and AFS Limited. If any verification is required, the register of individual participants **held by the group certification manager** must be made available by the certification body that certified the certificate holder.

10.2 Coding System

A logo usage registration coding system has been developed to support a register of logo usage licences consistent with the PEFC Logo usage coding system. The AFS coding system is specified in Appendix E. AFS Logo usage licence registration numbers shall be issued by AFS Limited as per the coding system set out in this Appendix.

10.3 Monitoring and Reporting

AFS Logo usage is subject to monitoring carried out by accredited certification bodies, AFS Limited and its appointed agents.

AFS Limited will provide periodic report summaries on its web site of the number of AFS forest management and chain of custody certificate holders and Logo Users by user group and type of logo usage (on- or off-product).

[MANUAL ENDS]

Appendix A – Logo Reproduction Tool Kit

Logo Reproduction Tool Kit

[AFS Limited to provide Logo and specifications for use on CD]

Appendix B – Application for Logo Usage Licence

Application for Logo Usage Licence

I Certification Logo

<input type="checkbox"/> AFS	<input type="checkbox"/> PEFC
------------------------------	-------------------------------

II Applicant's Identification Data

Organisation name	
Registration number (Office use)	
Organisation's representative	
Address - Street, No. or PO Box	
City, State, Post code	
Country	Australia
Telephone / Fax	
E-mail / Http	

III Applicant's Logo User Group

(Only one category can be marked in single application)

A. National Governing Body	<i>In Australia, AFS Limited</i>
B. Forest owner or manager	<input type="checkbox"/> FM Certification holder <input type="checkbox"/> Participant in group FM certification
C. Forest Industry, Trade, Distributors	<input type="checkbox"/> COC Certification holder <input type="checkbox"/> Participant in group COC certification
D. Other users	<input type="checkbox"/>

IV Information and Documents for Application Processing

For certificate holders only

Certificate number / Expiry date	
Participation in Group Certification Number / Expiry date	<input type="checkbox"/>
Certification Body Name	<input type="checkbox"/>
Accreditation Body Name	<input type="checkbox"/>
Accreditation Number	
Turnover for the last year in AUD	
Documents provided for the Application Processing: <input type="checkbox"/> Copy of the certificate <input type="checkbox"/> Copy of the Confirmation of participation in group certification <input type="checkbox"/> Document confirming the turnover for the last year <input type="checkbox"/> Free-form explanation of the intended use of the logo	

V Self-Declaration

I hereby confirm that:

- I have read AFS Limited's Logo Use Rules Manual concerning the AFS/PEFC Logo usage and accept them, and
- the data included in this application are complete and truthful.

Signature of applicant's representative

Date

Appendix C – Logo Usage Fee Schedule

Logo Usage Fee Schedule

By means of an Application for Logo Usage Licence (Appendix B), Logo Users nominate the logo they wish to use and in what way they wish to use it. Logo usage fees for the AFS Logo and the PEFC Logo are set out below.

In the case of Logo Users that wish to use both Logos, ie, the AFS and the PEFC Logos, the applicable fees are the full fees specified for the first logo, plus 10% for the second logo.

AFS Logo

<i>Logo User Category</i>	<i>Subsets</i>	<i>Issuance fee (AUD)</i>	<i>Annual fee (AUD)</i>
A. AFS Limited		-	-
B. FM Certificates	Small, < 1000 ha	45	500
	Medium, 1000 – 10,000 ha	45	2000
	Large, > 10,000 ha	45	7500
C. COC Certificates	<AUD10M turnover	45	2000
	AUD10-50M turnover	45	5000
	AUD50M turnover	45	10,000
D. Other users		100	Nil

PEFC Logo

<i>Logo User Category</i>	<i>Subsets</i>	<i>Issuance fee (AUD)</i>	<i>Annual fee (AUD)</i>
A. AFS Limited		-	-
B. FM Certificates	Small, < 1000 ha	45	500
	Medium, 1000 – 10,000 ha	45	2000
	Large, > 10,000 ha	45	7500
C. COC Certificates	<AUD10M turnover	45	2000
	AUD10-50M turnover	45	5000
	AUD50M turnover	45	10,000
D. Other users		100	Nil

Notes:

1. All fees are inclusive of GST.
2. The issuance fee is due with the application form and is non-refundable.
3. The annual fee is an annual fee invoiced within the given financial year. There is no pro-rata for part of the year on the fee.
4. In the case of Logo Users that choose to become or are members of AFS Limited, the annual fee can be reduced by the sum of the applicable membership fee.

Logo Usage Licence Agreement

Between

(1) **Australian Forestry Standard Limited**, hereafter "*AFS Limited*",
having its registered office at: Building 6, CSIRO Complex,
Banks Street, Yarralumla ACT 2600 Australia

And

(2) [*Name and address of the logo user*] (hereinafter the "*Logo User*")

Recitals:

1. [*The name of the Logo User*] is a Logo User under the Logo User Group [*Name of Logo User Group*] as defined in the *Logo Use Rules Manual* and wishes to have the right to use the AFS Logo/PEFC Logo¹⁰ in the course of its business.
2. AFS Limited owns the intellectual property rights in the AFS Logo, which is a registered certification trademark. AFS Limited has been granted, under licence from the PEFC Council, the right to licence the use of the PEFC Logo which is a registered trademark.
3. AFS agrees to grant a licence to the Logo User to use the AFS Logo/PEFC Logo¹¹ with registration number [AFS/..... or PEFC/.....] in accordance with the *Logo Use Rules Manual* and on the terms of this Licence Agreement.

Terms of the Agreement:

The Parties agree the following terms and conditions shall apply to the use of the AFS Logo/PEFC Logo:

1 Definitions

Term	Definition
AFS	The Australian Forestry Standard (AS 4708(Int)-2003)
AFS Certificate	Certificate issued by accredited certification body to entities for Forest Management or Chain-of-Custody certification under the AFS
AFS Limited	The company established to manage the implementation of the AFS, and the national governing body of the PEFC Council in Australia
AFS Logo	The logo of the AFS, which is copyright material owned and managed by AFS Limited
AFS Logo Use Rules Manual	A document which outlines the rules for use of the AFS Logo and which forms part of this Agreement. Hereinafter referred to as the " <i>Logo Use Manual</i> "
Logo Annual Fee	A periodic fee charged payable by Logo Users to AFS

¹⁰ Delete as applicable

¹¹ Delete as applicable

Appendix E – AFS Logo Usage Registration Coding System

Term	Definition
Logo Issuance Fee	Limited. The amount of the fee is specified in the <i>Logo Use Manual</i> . An initial one off fee payable by the Logo User to AFS Limited. The amount of this fee is specified in the <i>Logo Use Manual</i> (refer 'Logo Usage Fees').
Logo User Group	There are four groups of Logo Users, as defined in the <i>Logo Use Manual</i> . These are: <ul style="list-style-type: none">• A - National Governing Body;• B - Forest owners and managers;• C - Processors and manufacturers of wood products;• D - Other users promoting the AFS/PEFC
Certification Trademark	The AFS Logo is a registered certification trade mark, which indicates that the goods or the organisation that carry this mark hold AFS certification
PEFC	The <i>Programme for Endorsement of Forest Certification schemes</i> – a global umbrella initiative for forest certification schemes
PEFC Logo	The logo of the PEFC Council, which is copyright material owned by the PEFC Council and managed in Australia by AFS Limited

2 Intellectual Property Rights in the AFS Logo

The Parties agree that AFS Limited owns the intellectual Property rights including the copyright in the AFS Logo that is a registered certification trademark. For the avoidance of doubt this Agreement does not confer on the Logo User any rights of ownership in the licensed material, and intellectual property rights including copyright are unaffected by this Agreement.

3 Responsibilities of the Logo User

- 1) The Logo User must use the AFS Logo/PEFC Logo in accordance with the *Logo Use Rules Manual*, graphical guidelines specified in the AFS appropriate Logo Reproduction Tool Kit (an annex to the *Logo Use Manual*), and with the registration number issued by AFS Limited to ensure that the Logo User is readily identifiable on that basis.
- 2) The Logo User must pay to AFS Limited for use of the AFS Logo/PEFC Logo the *current amount of the issuance fee* and an *annual fee* on receipt of the AFS Invoice. The amount of the fees is specified in the *Logo Use Manual* (refer 'Logo Usage Fees'). AFS Limited reserves the right on written notice to increase or decrease the amount of the fees charged during the life of the Agreement. The change in the Fees payable will take effect the year after AFS Limited informed the Logo User, in writing, of the change.
- 3) The Logo User, in case of Logo User Groups B and C (Forest Management and Chain of Custody certificate holders) as defined in the *Logo Use Manual*, undertakes to enter an agreement with the certification body within three months of signing this contract (a copy to be sent to AFS Limited) to that effect that, in

Appendix E – AFS Logo Usage Registration Coding System

conjunction with the audits conducted subsequent to signing this contract, the certification body will examine the system by means of which the Logo User keeps records on how the AFS Logo/PEFC Logo is used and, in the case of products, the production volumes of products marked with the AFS Logo/PEFC Logo. The certification body shall have a right to inform AFS Limited of changes of which it is aware, without consulting the Logo User.

- 4) The Logo User must inform AFS Limited immediately and truthfully on any changes concerning the Logo User's identification data and certified status.

4 Responsibilities of AFS Limited

- 1) AFS Limited shall use every reasonable endeavour to provide the Logo user with the appropriate *Logo Reproduction Tool Kit* within two weeks following the signing the Licence Agreement and the receipt by AFS Limited of payment for the logo issuance fee and logo annual fee.
- 2) AFS Limited is obliged to inform the Logo user of any changes to AFS Limited regulations and documentation that concern the AFS Logo/PEFC Logo usage.

5 Misuse of Logo and Penalties

- 1) The Logo User acknowledges and agrees the use of the AFS Logo/PEFC Logo is regulated and governed by AFS Limited and is controlled and monitored by certification bodies accredited by JAS-ANZ to undertake AFS Forest Management and CoC certification. The Logo user agrees that unauthorised use of the AFS Logo/PEFC Logo is prohibited and may lead to legal action being taken against it.
- 2) AFS Limited reserves the right to carry out an inspection (by itself or to commission a third party) to act on a complaint by a third party or if AFS Limited has reasons to believe that the Licence Agreement is being contravened. The Logo User shall bear responsibility for the costs of said inspection and any other detrimental effects.
- 3) AFS Limited may impose a contractual penalty for unauthorised on- or off-product use of the PEFC or AFS Logo. The amount of the penalty will be set by AFS Limited, subject to the following considerations:
 - a) In the case of Group B (forest management group) as defined in the *Logo Use Manual*, the contractual penalty that may apply is *five times the annual fee applicable to the Logo User*, unless the Logo User proves that such unauthorised use was unintentional. In the latter case the penalty will be limited to AU\$10,000;
 - b) In the case of Group C (chain-of-custody group) as defined in the *Logo Use Manual*, the contractual penalty that may apply is *one-fifth of the market value of the products to which the unauthorised use relates*, unless the Logo User proves that such unauthorised use was unintentional. In the latter case the penalty will be limited to AU\$10,000.

Appendix E – AFS Logo Usage Registration Coding System

- 4) AFS Limited has discretion to alter the amount of penalty for misuse of the AFS Logo/PEFC Logo. Any change to the amount of a penalty shall come into effect three months and five days after notification in writing by AFS Limited.

6. Suspension and Termination

- 1) AFS Limited is granted a licence for the usage of PEFC Logo in Australia. PEFC reserves the right to withdraw the licence with immediate effect (suspension) if there are reasons to believe that any of the terms of license contract, rules for use of the PEFC Logo, or PEFC scheme are not being adhered to. Withdrawal of the license granted by PEFC to AFS Limited will result in automatic withdrawal of the license(s) issued by AFS Limited for use of the PEFC Logo. This would take effect on the same date as the withdrawal of the license granted to AFS Limited by PEFC.
- 2) Either party may terminate the Licence Agreement with three-month prior written notice by registered letter.
- 3) AFS Limited may suspend the Agreement temporarily with immediate effect while a suspicion of contravention of the terms of the Agreement or of the *Logo Use Manual* is being investigated by AFS Limited. In case of suspicion, AFS Limited shall send the Logo User a written request for an explanation and notification of the temporary revocation of the Agreement. The temporary revocation shall remain in effect for a maximum period of one month or longer if AFS Limited determines further investigations are required after the Logo User has provided an explanation concerning the suspected misuse to AFS Limited.
- 4) When the Logo User has implemented appropriate corrective measures approved by AFS Limited and given notification that this has been done, AFS Limited may agree to the Logo User resuming its rights under this Agreement.
- 5) AFS Limited may terminate the Licence Agreement with immediate effect if there are reasonable grounds to believe that any of the terms of the Licence Agreement or the *Logo Use Manual* have been breached.
- 6) Withdrawal, suspension or the end of the validity of the AFS certificate (for Forest Management and/or Chain of Custody) recognised by AFS Limited will result in automatic termination of the Licence Agreement with effect on the same date as the withdrawal, suspension or the end of the validity of the AFS certificate.
- 7) The AFS and/or PEFC Logo fees will not be refunded to the Logo User in case of temporary revocation or termination of the Licence Agreement according to Clause 6, (2-4).
- 8) AFS Limited is not obliged to pay compensation for any costs or other damages which the temporary revocation or termination may cause to the Logo User.

7 Reporting and Presentation

- 1) AFS Limited is permitted to present in a public forum (eg, the AFS Limited web site) the Logo User's identification data and information concerning the

Appendix E – AFS Logo Usage Registration Coding System

certification status provided by the Logo User or the relevant certification and/or accreditation body.

- 2) The Logo User, in the case of Group B (forest management) Logo User Group as defined in the *Logo Use Manual*, shall undertake to provide, immediately after each forest management verification audit, AFS Limited with a notification, verified by the certification body, of the on-product use of the AFS Logo/PEFC Logo, eg, broken down by product or product category or similar, to the degree of accuracy that the system used by the Logo User permits. In the same conjunction, the Logo User shall supply AFS Limited with a detailed, free form account of any off-product use of the AFS Logo/PEFC Logo.
- 3) The Logo User, in the case of Group C (chain-of-custody) user group as defined in the *Logo Use Manual*, shall undertake to provide, immediately after each chain-of-custody verification audit, AFS Limited with a notification, verified by the certification body, of the on-product use of the AFS Logo/PEFC Logo broken down by product, product category, production unit or similar, to the degree of accuracy that the chain-of-custody system used by the Logo User permits. In the same conjunction, the Logo User shall supply AFS Limited with a detailed, free form account of any off-product use of the AFS Logo/PEFC Logo.
- 4) The Logo User, in the case of Group D (promotional user group) as defined in the *Logo Use Manual*, shall give AFS Limited an annual report containing an itemised, free form account of the AFS Logo/PEFC Logo's off-product usage.

8 Validity of the Agreement

The terms of the Licence Agreement come into effect when it has been signed by both parties and the Logo User has paid the AFS Logo/PEFC Logo fees based on an invoice issued by AFS Limited.

10. Governing Law

This Agreement is governed by Australian Law. The Parties submit to the jurisdiction of the courts in the in the Australian Capital Territory.

Signed in duplicate.

In Canberra on DD.MM.YYYY

In on DD.MM.YYYY

For and on behalf of AFS Limited

For and on behalf of the Logo User

[Name], Executive Officer

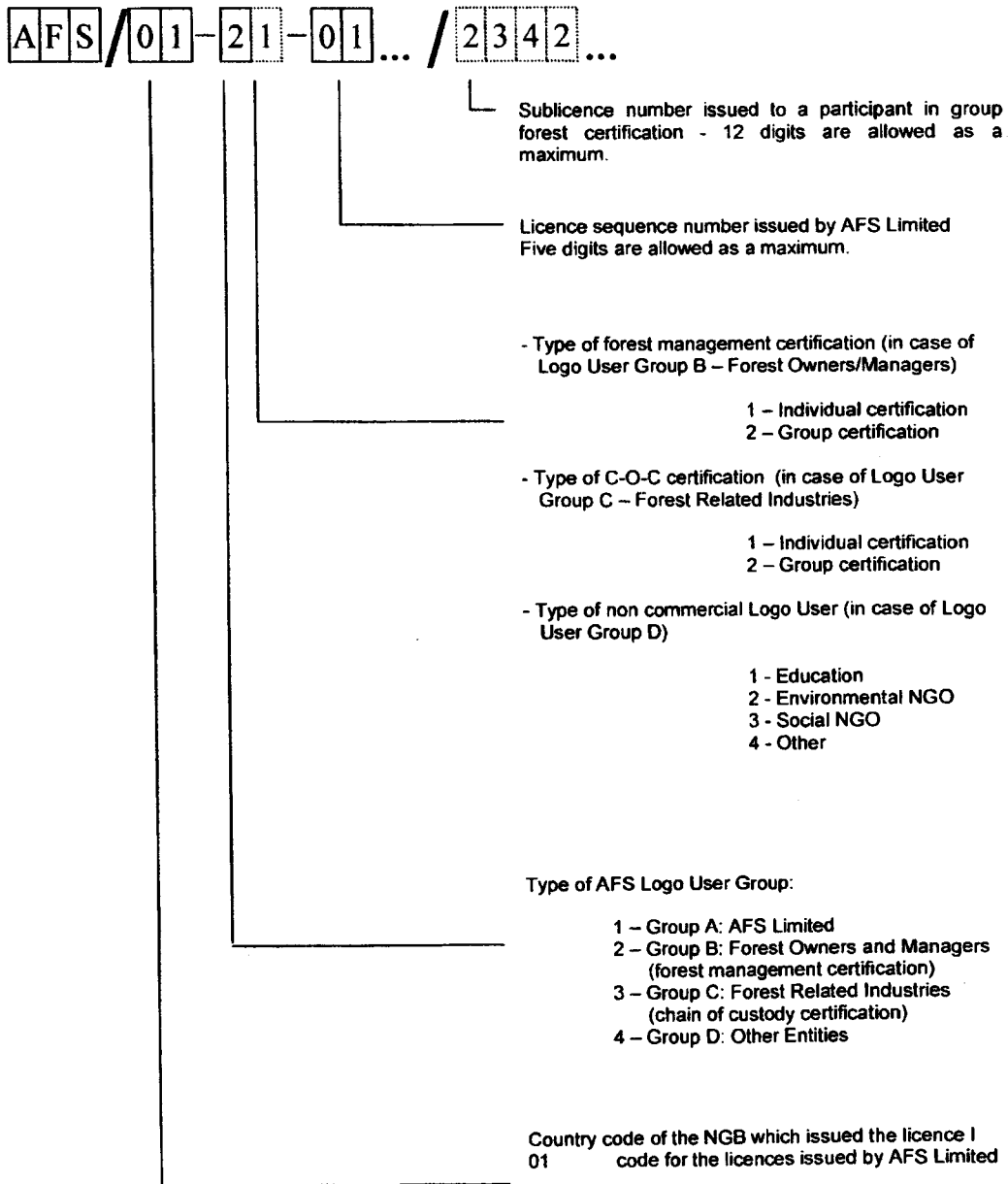
[Name]

AFS Logo Usage Registration Coding System

The AFS Logo Usage Registration Coding System is based on the coding system and format developed by the PEFC Council. Conformance with this system will support the broader AFS conformance with the PEFC requirements, and also support rapid interpretation of registration numbers by industry members and customers familiar with the PEFC system.

AFS Limited will issue approved Logo Users with a logo usage licence registration number, in the format set out in Figure E below.

Figure E. AFS Logo Usage Registration Coding System



NOTES