

<i>Normative Document</i>	15 September 2008	LG 1/2008
Logo Use Rules Manual		

LOGO USE RULES MANUAL

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Glossary

Annex 4	<p>The PEFC Chain of Custody Standard “<i>Chain of Custody for Forest Based Products - Requirements</i>” or subsequent versions of Annex 4</p> <p>For further information, refer: www.pefc.org</p>
Claim	<p>Any form of representation to the market and or stakeholders relating to the company or the company’s products carrying MTCS or PEFC certification. Claims can be made on-product or off-product, as defined in the Manual</p>
COC	<p>Chain of custody, 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</p>
FM	<p>Forest management, 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</p>
IAF member	<p>An accreditation body from a country that is a member of the International Accreditation Forum Inc.</p> <p>For further information, refer: www.iaf.nu</p>
Logo	<p>A logo that constitutes a trade mark, which distinguishes goods or services provided in the course of trade</p>
Logo User Group	<p>Categories of Logo Users, as defined in the Manual</p>
MC&I(2002)	<p><i>Malaysian Criteria and Indicators for Forest Management Certification MC&I(2002)</i> or subsequent versions of <i>MC&I(2002)</i></p> <p>For further information, refer: www.mtcc.com.my/documents.</p>
MTCC	<p>Malaysian Timber Certification Council</p>
MTCS	<p>Malaysian Timber Certification Scheme, which is based on the forest management and chain-of-custody standards used by MTCC in conjunction with accreditation programmes and independent third-party certification</p> <p>For further information, refer: www.mtcc.com.my</p>
PEFC	<p>The Programme for the Endorsement of Forest Certification schemes</p> <p>For further information, refer: www.pefc.org</p>
Standards Malaysia	<p>Department of Standards Malaysia, the national accreditation body in Malaysia</p>

For further information, refer: www.dsm.gov.my

1. Introduction

The *Malaysian Criteria and Indicators for Forest Management Certification [MC&I(2002)]*¹ comprises a set of requirements which represent the environmental, social and economic dimensions to be taken into account by forest owners and managers in managing the natural forests in Malaysia. It is intended for voluntary application and to assist in promoting access to both domestic and international markets in which there is a demand for timber from certified forests.

Certification marks related to the Malaysian Timber Certification Scheme (MTCS)² can be fixed to a product to indicate that the product originates from a forest certified to the *MC&I(2002)*. The MTCC Logo is a Trade Mark no. 00011481, which is registered by MTCC, the organisation formed to manage the implementation of the MTCS. It is vital that the logo is used correctly in order to safeguard the integrity and credibility of the MTCS.

The MTCS has been endorsed by the *Programme for the Endorsement of Forest Certification Scheme*³ (PEFC) as conforming to its certification standards for forest management and chain of custody for timber products. This endorsement confers mutual recognition with other endorsed PEFC national schemes and provides the mutual recognition framework that establishes MTCC recognition of those endorsed schemes as substantively equivalent to the MTCS. The PEFC's mutual recognition framework enables companies with MTCS certification for their forest management and timber 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 this Logo Use Rules Manual.

This Manual is designed to provide the authoritative basis for MTCC in managing the use of the MTCC Logo, and the PEFC Logo, which is a registered Trade Mark nos. 03000463-469 in Malaysia, and to guide MTCS certified organisations and individuals seeking to use the MTCC and PEFC Logos.

2. Objectives

The objective of this document is to set the rules for the use by Malaysian-based operations of the MTCC and PEFC logos and their related claims, based on certifications under the MTCS.

The Malaysian Timber Certification Council (MTCC), the not-for-profit company established to manage the implementation of the MTCS, is the National Governing Body of the PEFC Council in Malaysia, and is authorised to administer and to assure the protection of ownership rights for the usage of the PEFC Logo in Malaysia on the basis of MTCS certification as a mutually recognised forest certification scheme under the PEFC system. It is also tasked with ensuring

¹ The *MC&I(2002)*, can be accessed at: www.mtcc.com.my/documents.

² The MTCS comprises the *MC&I(2002)* and PEFC Annex 4 as the forest management and chain of custody standards respectively; accreditation programmes offered by Standards Malaysia for forest management system and product (chain of custody) certification to certification bodies and the independent, third-party 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

transparent and credible communication of claims connected with MTCS and PEFC certification to avoid any misunderstanding or miscommunication.

3. Scope of Manual

This Manual establishes the rules and guidelines for the use of the MTCC and PEFC Logos and their related claims by companies operating in Malaysia. This Manual is developed based on the PEFC Technical Document Annex 5 entitled *PEFC Logo Use Rules* as well as the Guideline GL1/2006 entitled *Issuance of PEFC Logo Usage Licences by the PEFC Council*.

The scope is to specify the:

- Owner and governing body of the logos of the MTCC and PEFC (Sections 5, 6 and 7);
- Parties that can use the logos (Section 8);
- Type of claims that are to be, and can additionally be, included with the logos (Section 8);
- Type of on- and off-product communication that can be associated with the logos (Section 8);
- Specifications for reproduction of the logos 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 MTCS is a single-issue labelling scheme, the claims (see 8.3) of which only concern sustainable forest management. As defined by the International Tropical Timber Organisation (ITTO), sustainable forest management “*is the process of managing forest to achieve one or more clearly specified objectives of management with regard to the production of a continuous flow of desired forest products and services without undue reduction of its inherent values and future productivity and without undue undesirable effects on the physical and social environment.*” Apart from wood and wood based raw material, the MTCS currently does not make any claims on other raw materials.

Similarly, the PEFC is also a single-issue labelling scheme, the claims of which only concern sustainable forest management, as defined and endorsed by the Intergovernmental processes promoting sustainable forest management e.g. the Ministerial Conferences on the Protection of Forests in Europe or ITTO.

5. Ownership and Usage of the Logo

The MTCC Logo is copyrighted and is a registered trademark owned by MTCC.

The PEFC Logo is copyright material and is a registered Trade Mark owned by the PEFC Council. The initials “PEFC” are also covered by copyright and are registered.

Unauthorised use of this copyright material is prohibited and may lead to legal action. The use of the MTCC and PEFC Logos and their related claims in Malaysia is regulated and governed by MTCC.

6. Role of National Governing Body

MTCC is the company formed to manage the implementation of the MTCS. This includes providing a contact point for queries and comments on the certification standards and promoting mutual recognition for the MTCS with compatible forest certification schemes.

Within its mandate to manage the implementation of the MTCS, MTCC is the national governing body for usage of the MTCC Logo and will use that logo for educational and other communication purposes, and is responsible for issuing and controlling logo usage licences to other parties.

MTCC is also the national governing body for the PEFC Council in Malaysia. By means of a contract with the PEFC Council, MTCC has the authority to use the PEFC Logo and related PEFC claims for educational purposes, and has been delegated the tasks of:

- Issuing logo licences on the PEFC Council's behalf, if deemed necessary, in accordance with this Logo Usage Rules Manual; and
- Maintaining an up-to-date register of all the on- and off- product Logo Users provided with licences by the national governing body and of the certificate holders (forest management and chain of custody) within the country. It is also required to transfer the data to the PEFC Council⁴.

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 MTCC and PEFC logos and their related claims by the relevant Logo User as a part of a MTCS forest management or chain of custody certification audit.

Certification bodies and nominated agents are required to report unapproved non-conforming uses of the MTCC and PEFC logos and trade marks to MTCC. MTCC 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 certificate holders and also non-certificate holders. The user groups are:

- Group A: National governing body, i.e. MTCC

⁴ MTCC is to provide data in accordance with the specifications of content and format outlined in the PEFC Council's *Internal Rules for the PEFC Registration System [GLI4-2003]*.

⁵ Certification body - an independent, third-party organisation accredited by Standards Malaysia or an IAF member to provide certifications to the requirements of MC&I(2002) and/or PEFC Annex 4 - details of accredited certification bodies can be found on the Standards Malaysia website at www.dsm.gov.my

- Group B: Forest management (FM) certification certificate holders who have been certified to *MC&I(2002)*
- Group C: Chain of custody (COC) certification certificate holders who have been certified to PEFC Annex 4
- Group D: Promotional groups

8.1.1 Group A - National Governing Body

MTCC, as the governing body for the MTCS and the Malaysian national governing body for the PEFC Council, is permitted to use the MTCC and PEFC Logos for educational purposes. It is also able to issue licences for use of the MTCC and the PEFC Logos within Malaysia. MTCC's authority to issue PEFC Logo licences on behalf of the PEFC Council is subject to a written contract with the PEFC Council.

8.1.2 Group B - Forest Management Group

Group B comprises forest owners and managers who have a valid MTCS forest management (FM) certificate. The forest management certificate shall be issued by an independent third-party certification body meeting the accreditation requirements of Standards Malaysia⁶ and shall state in the certificate, the compliance with the requirements of the *MC&I(2002)* or subsequent versions of *MC&I(2002)*. The forest owners and managers, as holders of individual certificates, can be Logo Users.

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

- A summary of the results of the independent certification or surveillance audit reports shall be made publicly available to stakeholders

8.1.3 Group C - Chain of Custody Group

Group C comprises forest related industries (eg wood or wood-based procurement organisations, wood processing companies, manufacturing companies, timber traders, importers, distributors and retailers) as holders of the chain of custody (COC) certificates. The chain of custody certificate shall be issued by an independent third-party certification body meeting the accreditation requirements of Standards Malaysia or the appropriate accreditation programme for product certification, incorporating chain of custody, of an IAF member. The certificate shall state, in the certification status, the compliance with PEFC Annex 4 '*Chain of Custody for Forest Based Products – Requirements*' and SO 1/2008 or subsequent versions of Annex 4 and SO 1/2008.

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

⁶ Department of Standards Malaysia. Refer to www.dsm.gov.my

8.1.4 Group D - Promotional Groups

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

8.2 Usage Alternatives

The MTCC and PEFC Logos convey information to consumers that wood and wood-based raw material used in designated products comes from sustainably managed forests, as defined within the MTCS.

When the MTCC and PEFC Logos are used, the following essential elements must be fulfilled:

- The MTCC and PEFC Logos shall be reproduced according to the measurements, colours, trade mark claims and other specifications detailed in the respective *Logo Reproduction Toolkit*, which MTCC makes available to the licensed logo users.
- A logo licence registration number provided by MTCC shall be included (see **Appendix E**).

A MTCS certified product can carry the logos without a claim, but it is recommended to have a claim which relates to the scheme. The logos can be used with or without claims in two different ways: **on-product usage and off-product usage**.

On-product usage includes:

- Claim on the label (e.g. ready-to-fit flooring packs and panel packs)
- Claim on product itself (unpacked products), where logo is stamped onto the goods
- Claim (stamp) on the round wood

Off-product usage includes:

- Claim in the product documentation (e.g. invoice, packaging list and the bill of lading)
- Claim in general documentation (e.g. MTCS brochure, company or product brochure)
- Claim in signage (e.g. at an organisation's premises or at a forest boundary)

The Logos can also be used in off-product applications to promote the usage of MTCC/PEFC-labelled products, or to increase the general awareness about the PEFC Council's goals and purposes towards the achievement of sustainable forest management.

8.3 Minimum threshold for Logo usage

The MTCC and PEFC Logos can be used on-product if the sum of contents of MTCS/PEFC certified raw material, which are verified by the chain of custody, exceeds the minimum threshold of 70%.

8.4 Claims

8.4.1 Minimum requirements

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

Similarly, the MTCC Logo has to be reproduced according to the measurements, colours and other specifications detailed in the *MTCC Logo Reproduction Tool Kit (Appendix A)*. The MTCC Logo licence registration number and the MTCC trade mark claim shall also be included. The Logo licence registration process is set out under Section 9.1.

All logo users should make use of additional voluntary information as described in sections 8.4.2 and 8.4.3 below. 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.

8.4.2 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 claim is included underneath the respective logo and would read as follows:

- [www.pefc.org and www.mtcc.com.my]; or
- “*Promoting sustainable forest management - For more info: www.pefc.org and www.mtcc.com.my ”*

8.4.3 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 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 respective logo would read as follows:

⁷ For further information on COC, refer to PEFC Annex 4 ‘*Chain of Custody for Forest Based Products – Requirements*’ or subsequent versions of Annex 4.

“From sustainably managed forests - For more info: www.pefc.org and www.mtcc.com.my ”

- 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 raw material flows⁸ the claim underneath the respective logo would read as follows:

“Promoting sustainable forest management - For more info: www.pefc.org and www.mtcc.com.my ”

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 PEFC and MTCC Logos.

9. Licences for Logo Usage Rights

9.1 Licence Arrangements

9.1.1 General conditions

Organisations or companies applying for use of the MTCC and PEFC Logos must:

1. be a legal entity, such as a company, business or society; and,
2. be prepared to sign an agreement i.e. Logo Usage Licence 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
 - size of forest management unit and/or the 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 MTCC and the PEFC Logos in Malaysia. **Figure 1** provides an overview schematic of this process.

A company, organisation or individual has to obtain an official licence from MTCC before printing, publishing or otherwise using the MTCC and PEFC logos and their related 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 MTCC, as presented in **Appendices B and C** respectively.

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

⁹ MTCC is required by the PEFC Council to provide data in accordance with its *GLI 4/2003 Internal Rules for the PEFC Registration System* or subsequent versions of GLI 4/2003.

MTCC reviews the application form to determine whether the applicant has delivered all the required documents for scrutiny and that all the following predetermined MTCC and/or PEFC Council requirements on the logo usage and reproduction are fulfilled:

- **FM group applicants** (Group B) shall submit a copy of the valid and accredited forest management certificate i.e. bearing the accreditation symbol of the national accreditation body, and evidence that a summary of the independent certification and surveillance audit reports have been made publicly available to stakeholders.
- **COC group applicants** (Group C) shall submit a copy of the valid and accredited chain of custody certificate i.e. bearing the accreditation symbol of the national accreditation body, and, where wood or wood based raw materials are sourced other than from entities that hold a valid PEFC or MTCC logo user licence, evidence that the forest manager has made a summary of the independent certification and surveillance audit results publicly available to stakeholders.
- FM and COC group applicants - where a company or organisation is both a forest manager under Group B and a processor or manufacturer under Group C, only one licence shall be issued to the company or the organisation. The licence shall be based on its Group C status. The requirements of 9.1.2 relating to Group B and Group C shall also be fulfilled in terms of the licence agreement between the company or organisation and MTCC.

9.1.3 Licence Agreement

If logo usage is approved, MTCC prepares a Logo Usage Licence Agreement (contract) for the applicant. The Licence Agreement enters into force when:

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

If the application for logo usage is declined, MTCC 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.

Upon the signing of the Licence Agreement and payment of the annual fee, MTCC issues to the applicant the Logo licence registration number and provides the Logo User with a CD containing the following:

- The MTCC and PEFC Logo Reproduction Tool Kits; 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).

MTCC 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 respective Logo Reproduction Tool Kit.

9.1.4 Suspension of Logo Usage Licence

MTCC reserves the right to suspend the logo usage licence if the Logo User is suspected of misusing the logos or not complying with all the rules and requirements of the MTCS. 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 MTCS 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 MTCC and PEFC Logo Reproduction Tool Kits. 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 MTCC and is due following the signing of the Logo Usage Licence Agreement. If the licence is terminated by MTCC 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 MTCC Board.

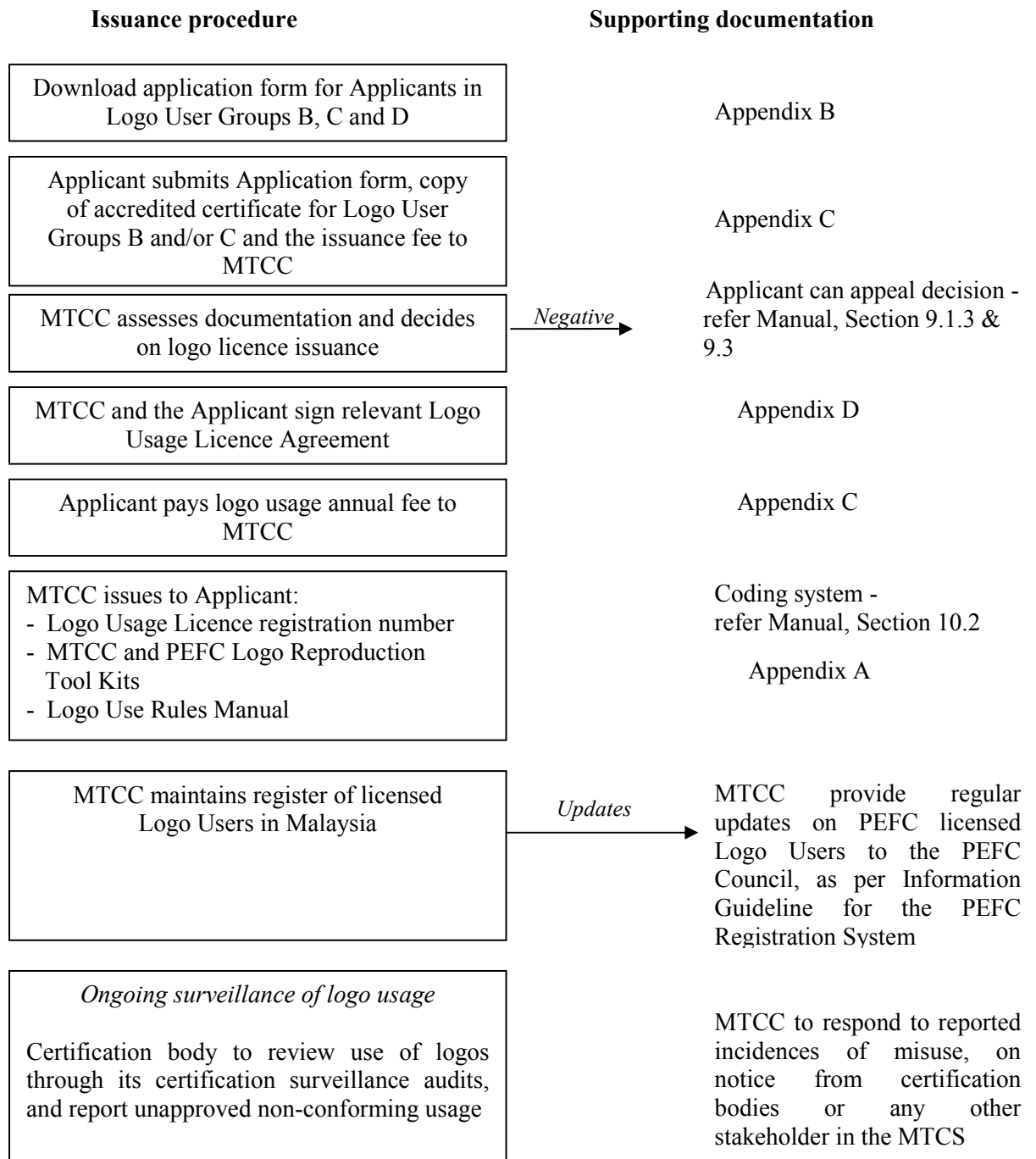
In the case of Logo Users that can be classified under more than one Logo User Group, the Logo User is required to pay one issuance fee and one annual fee under only one category, which will be the category for chain of custody status i.e. Group C. For example, an integrated forestry company that manages forests and manufactures timber products could be classified for the annual fee under Logo User Group C.

9.3 Dispute Settlement

MTCC provides an arrangement for an independent dispute settlement body that meets on an *ad hoc* basis and takes care of those complaints and appeals arising from scheme implementation or certification procedure that cannot be addressed in the dispute settlement procedures of the relevant accredited certification body or accreditation body. MTCC provides guidance on such complaints and appeals in its *Procedure for the Investigation and Resolution of Complaints and Appeals* (document GL 1/2008) which is available on the MTCC web site. Disputes related to matters covered in this Manual will be dealt with in accordance with the procedure in document GL 1/2008.

Appeals, disputes and complaints concerning the certification process or the certification 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.

Figure 1. Logo Licence Issuance Procedure



10 Registration and Coding System

10.1 Register of Logo Users

10.1.1 Responsibility of National Governing Body

Registers of MTCC and PEFC Logo Users have to be kept in electronic format.

MTCC, in issuing licences on behalf of the MTCC Board and the PEFC Council, 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 by user group.

The range of minimum data elements to be kept by MTCC 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.

MTCC is also responsible for transmission of data relating to PEFC certificate holders and Logo Users to the PEFC Council. Under the PEFC's current policy, MTCC has to provide an update to the PEFC Council at the end of every month, and also when the PEFC Council requests specific data updates.

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 MTCS and PEFC coding system is specified in **Appendix E**. MTCC and PEFC Logo usage licence registration numbers shall be issued by MTCC as per the coding system set out in Appendix E.

10.3 Monitoring and Reporting

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

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

Appendix A – Logo Reproduction Tool Kit

Logo Reproduction Tool Kit

[MTCC to provide MTCC and PEFC Logos and specifications on CD for use by the Logo User]

Appendix B – Application for Logo Usage Licence

Application for Logo Usage Licence

I Certification Logo

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

II Applicant's Identification Data

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

III Applicant's Logo User Group

(Only one category can be marked in single application)

A. National Governing Body	<input checked="" type="checkbox"/> MTCC
B. Forest Owner or Manager	<input type="checkbox"/> FM Certificate holder
C. Forest Industry, Trade, Distributors	<input type="checkbox"/> COC Certificate holder
D. Other users	<input type="checkbox"/>

IV Information and Documents for Application Processing

For certificate holders only

Certificate number / Expiry Date	
Certification Body Name	<input type="checkbox"/>
Accreditation Body Name	<input type="checkbox"/>
Accreditation Number	
Turnover for the last year in RM	
Documents provided for the Application Processing:	
<input type="checkbox"/> Copy of the certificate	
<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 the Logo Use Rules Manual concerning the MTCC and 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 the “Application for Logo Usage Licence” (Appendix B), Logo Users have requested that they are to be provided with both the MTCC and PEFC logos.

Logo usage fees for the MTCC Logo and the PEFC Logo are set out below:

MTCC and PEFC Logos

<i>Logo User Category</i>	<i>Subsets</i>	<i>Issuance fee (RM)</i>	<i>Annual fee (RM)</i>
A. MTCC		-	-
B. FM Certificates	To be determined at a later stage	To be determined at a later stage	To be determined at a later stage
C. COC Certificates	To be determined at a later stage	To be determined at a later stage	To be determined at a later stage
D. Other users	To be determined at a later stage	To be determined at a later stage	To be determined at a later stage

Appendix D - Logo Usage Licence Agreement

Logo Usage Licence Agreement

Between

(1) **Malaysian Timber Certification Council**, (Company No: 471002M) ,having its registered office at : 19F, Level 19, Tower 1, Menara PGRM, No. 8, Jalan Pudu Ulu, Cheras, 56100 Kuala Lumpur (hereafter “MTCC”)

and

(2) **[Name, address and Company No of the logo user]** (hereinafter the “Logo User”)

Recitals:

1. MTCC is a company limited by guarantee incorporated under the laws of Malaysia which is principally involved in establishing and operating a timber certification scheme in Malaysia. MTCC is the governing body of the Malaysian Timber Certification Scheme (MTCS) and is the owner of the MTCC logo and MTCS claims.
2. Whereas Programme for the Endorsement of Forest Certification schemes (hereafter the “PEFC”) is an independent, non-profit non-governmental organisation which promotes sustainably managed forests worldwide through third party certification, and is the owner of the PEFC logo and PEFC claims;
3. Whereas MTCC is a member of the PEFC Council and has been duly appointed by PEFC Council as the National Governing Body in Malaysia and the MTCS is a PEFC Council endorsed national scheme and further that MTCC has an agreement with the PEFC Council to provide the PEFC logo and PEFC claims in Malaysia.
4. [The name of the Logo User] is a Logo User under the Logo User Group [Description of Logo User Group as per section 8 of the Manual] as defined in the *Logo Use Rules Manual* described herein below and wishes to have the right to use the MTCC Logo/PEFC Logo in the course of its business.
5. MTCC owns the intellectual property right in the MTCC Logo, which is a registered Trade Mark under the Trade Marks Act 1976. MTCC has been granted, under licence from the PEFC Council, the right to license the use of the PEFC Logo which is registered Trade Mark nos. 03000463-469 in Malaysia.

6. MTCC agrees to grant a licence to the Logo User to use the MTCC Logo and PEFC Logo with registration number [MTCC/..... or PEFC/.....] in accordance with the *Logo Use Rules Manual* and on the terms and conditions of this Licence Agreement.

Terms of the Agreement:

The Parties agree that the following terms and conditions shall apply to the use of the MTCC and PEFC Logos:

1 Definitions

Term	Definition
IAF member	An accreditation body from a country that is a member of the International Accreditation Forum Inc.
Logo Annual Fee	A periodic fee charged payable by Logo Users to MTCC. The amount of the fee is specified in the Logo Use Manual.
Logo Issuance Fee	An initial one off fee payable by the Logo User to MTCC. The amount of this fee is specified in the Logo Use Manual (refer 'Logo Usage Fees')
Logo Use Rules Manual	A document which outlines the rules for use of the MTCC and PEFC Logos and which forms part of this Agreement. Hereinafter referred to as the " <i>Logo Use Manual</i> ".
Logo User Group	There are four groups of Logo Users, as defined in the Logo Use Manual. 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 MTCS/PEFC schemes
MTCC	Malaysian Timber Certification Council, the company established to manage the implementation of the MTCS, and the national governing body of the PEFC Council in Malaysia
MTCC Logo	The logo of the MTCC, which is copyright material owned and managed by MTCC

<i>MC&I(2002)</i>	Malaysian Criteria and Indicators for Forest Management Certification [<i>MC&I(2002)</i>] or subsequent versions of <i>MC&I(2002)</i>
MTCS	Malaysian Timber Certification Scheme operated by the MTCC
MTCS Certificate	Certificate issued by accredited certification body to entities for Forest Management or Chain-of-Custody certification under the MTCS
PEFC	The Programme for the Endorsement of Forest Certification schemes - 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 Malaysia by MTCC
Standards Malaysia	The Department of Standards Malaysia
Trade mark	The MTCC and PEFC Logos are registered trade marks, which indicate that the timber products or the organisation that carry these marks hold MTCS and PEFC certification respectively

2 Intellectual Property Rights in the MTCC Logo

The Parties agree that MTCC owns the Intellectual Property Rights including the copyright in the MTCC Logo that is a registered trade mark. For the avoidance of doubt this Licence 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

- i. The Logo User must use the MTCC and PEFC Logos in accordance with the *Logo Use Manual*, and with the registration number issued by MTCC to ensure that the Logo User is readily identifiable on that basis. The graphical guidelines for the use of the MTCC and PEFC logos are specified in the respective Logo Reproduction Tool Kit.
- ii. The Logo User must pay to MTCC for use of the MTCC and PEFC Logos *the current amount of the issuance fee and an annual fee* on receipt of the MTCC Invoice. The amount of the fees is specified in the Logo Use Manual (refer 'Logo Usage Fees'). MTCC reserves the right on written notice to increase or decrease the amount of the said fees charged during the currency of this Agreement. The change in the Fees payable will take effect one year after MTCC has informed the Logo User, in writing, of the change.
- iii. 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 accredited certification body within three months of signing this agreement (a copy to be sent to MTCC) to that effect that, in conjunction with the audits conducted subsequent to signing this contract,

the accredited certification body will examine the system by means of which the Logo User keeps records on how the MTCC and PEFC Logos are used and, in the case of products, the production volumes of products marked with the MTCC and PEFC Logos. The accredited certification body shall have a right to inform MTCC of changes of which it is aware, without consulting the Logo User.

- iv. The Logo User must inform MTCC immediately and truthfully on any changes concerning the Logo User's identification data and certified status.

4 Responsibilities of MTCC

- i. MTCC shall use every reasonable endeavour to provide the Logo User with the appropriate Logo Reproduction Tool Kits within two weeks following the signing the Licence Agreement and the receipt by MTCC of payment for the Logo Issuance Fee and Logo Annual Fee.
- ii. MTCC is obliged to inform the Logo User of any changes to the MTCS/PEFC regulations and documentation that concern the MTCC Logo/PEFC Logo usage.

5 Misuse of Logo and Penalties

- i. The Logo User acknowledges and agrees the use of the MTCC Logo/PEFC Logo is regulated and governed by MTCC and is controlled and monitored by certification bodies accredited by Standards Malaysia or an IAF member to undertake MTCS Forest Management and CoC certification. The Logo User agrees that unauthorised use of the MTCC and PEFC Logos is prohibited and may lead to legal action being taken against it.
- ii. MTCC 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 MTCC has reasons to believe that the Licence Agreement is being contravened. The Logo User shall bear responsibility for the costs of such inspection and any other detrimental effects, if the Licence Agreement has been contravened.
- iii. MTCC may impose a contractual penalty for unauthorised on- or off-product use of the PEFC or MTCC Logo. The amount of the penalty will be set by MTCC, 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 demonstrates that such unauthorised use was unintentional. In the latter case the penalty will be limited to *(amount to be determined at a later stage)*;

- 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 demonstrates that such unauthorised use was unintentional. In the latter case the penalty will be (*amount to be determined at a later stage*).
- iv. MTCC has the discretion to alter the amount of the penalty for misuse of the MTCC or PEFC Logos. Any change to the amount of a penalty shall come into effect three months after notification in writing by MTCC.

6 Suspension and Termination

- i. MTCC is granted a licence for the usage of PEFC Logo in Malaysia. PEFC reserves the right to withdraw the licence with immediate effect (suspension) if there are reasons to believe that any of the terms of licence contract, rules for use of the PEFC Logo, or PEFC scheme are not being adhered to. Withdrawal of the licence granted by PEFC to MTCC will result in automatic withdrawal of the licence(s) issued by MTCC for use of the PEFC Logo. This would take effect on the same date as the withdrawal of the licence granted to MTCC by PEFC.
- ii. Either party may terminate the Licence Agreement with three-month prior written notice by registered letter.
- iii. MTCC may suspend the Licence Agreement temporarily with immediate effect while a suspicion of contravention of the terms of the Licence Agreement or of *the Logo Use Manual* is being investigated by MTCC. In this case, MTCC shall send the Logo User a written request for an explanation and notification of the temporary revocation of the Licence Agreement. In the event of a suspension, the temporary revocation shall remain in effect for a maximum period of one month or longer if MTCC determines further investigations are required after the Logo User has provided an explanation concerning the suspected misuse to MTCC.
- iv. When the Logo User has implemented appropriate corrective measures approved by MTCC and given notification that this has been done, MTCC may agree to the Logo User resuming its rights under this Licence Agreement.
- v. MTCC 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.
- vi. Withdrawal, suspension or the end of the validity of the MTCS certificate (for Forest Management and/or Chain-of-Custody) recognised by MTCC 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 MTCS certificate.

- vii. The MTCC and 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.
- viii. MTCC is not obliged to pay compensation for any costs, expenses, losses or other damages which the temporary revocation or termination may cause to the Logo User.

7 Reporting and Presentation

- i. MTCC is permitted to present in a public forum (e.g. the MTCC web site, PEFC web site) the Logo User's identification data and information concerning the certification status provided by the Logo User or the relevant certification and/or accreditation body.
- ii. The Logo User, in the case of Group B (forest management) user group as defined in the *Logo Use Manual*, shall undertake to provide, immediately after each forest management verification audit, MTCC with a notification, verified by the accredited certification body, of the on-product use of the MTCC and PEFC Logos, e.g. 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 MTCC with a detailed, free form account of any off-product use of the MTCC and PEFC Logos.
- iii. 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, MTCC with a notification, verified by the accredited certification body, of the on-product use of the MTCC and PEFC Logos 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 MTCC with a detailed, free form account of any off-product use of the MTCC and PEFC Logos.
- iv. The Logo User, in the case of Group D (promotional groups) as defined in the *Logo Use Manual*, shall give MTCC an annual report containing an itemised, free form account of the off-product usage of the MTCC and PEFC Logos.

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 to MTCC the logo fees based on an invoice issued by MTCC.

9 Governing Law

This Licence Agreement shall be governed by the laws of Malaysia. The Parties submit to the exclusive jurisdiction of the courts in the Federal Territory of Kuala Lumpur.

Signed in duplicate.

In Kuala Lumpur on DD.MM.YYYY
DD.MM.YYYY

Inon

For and on behalf of MTCC

For and on behalf of the Logo
User

[Name], Chief Executive Officer

[Name], Designation

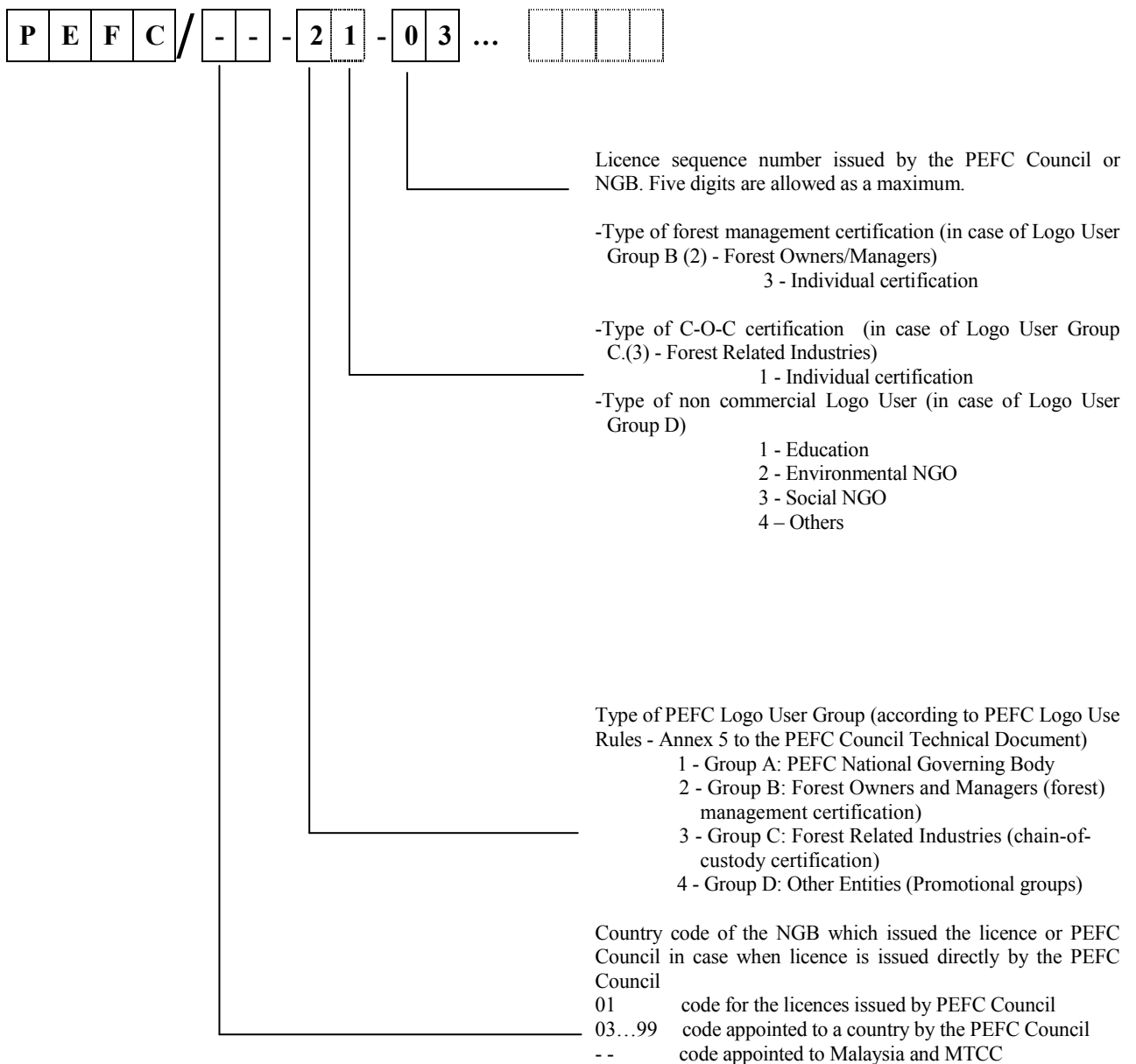
Appendix E1 – PEFC Logo Usage Registration Coding System

PEFC Logo Usage Registration Coding System

MTCC, the National Governing Body (NGB) appointed and contracted by the PEFC Council for PEFC certification in Malaysia, will issue approved Logo Users with a Logo usage licence registration number, in the format set out in Figure E1 below.

Under the PEFC Coding System, MTCC has been allocated the country code of ‘__’ for use in allocating logo usage registration numbers in Malaysia.

Figure E1. PEFC Logo Usage Registration Coding System



Appendix E2 – MTCC Logo Usage Registration Coding System

MTCC Logo Usage Registration Coding System

The MTCC 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 MTCS conformance with the PEFC requirements, and also support rapid interpretation of registration numbers by industry members and customers familiar with the PEFC system.

MTCC will issue approved Logo Users with a logo usage licence registration number, in the format set out in Figure E2 below.

Figure E2. MTCC Logo Usage Registration Coding System

