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Issuance of PEFC trademarks usage licenses in Finland



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Foreword

PEFC, the Programme for the Endorsement of Forest Certification, is an international organisation promoting sustainable forest management through forest certification, chain of custody certification and labelling of forest and tree-based products. Products with a PEFC claim and/or label deliver confidence that the raw material originates in a sustainably managed forest.

The PEFC Council provides endorsement of national forest certification systems, which are required to comply with the PEFC Council requirements, subject to regular evaluations.

This document provides guidance on the issuance of the PEFC trademarks usage licenses in Finland in compliance with PEFC ST 2001, PEFC Trademarks Rules - Requirements.

Introduction

The PEFC trademarks provide information relating to the origin of forest and tree-based products in sustainably managed forests, recycled and other non-controversial sources. Trademarks information drives purchasers and potential purchasers to choose products based on environmental, as well as other considerations.

The PEFC trademarks can only be used based on a PEFC trademarks usage license issued by the PEFC Council or a PEFC authorised body.

1. Scope

This document sets out the rules for the issuance of PEFC trademarks usage licenses, by PEFC Finland to ensure legally compliant use of the PEFC trademarks in accordance with the PEFC ST 2001, PEFC Trademarks Rules - Requirements.

This document is based on PEFC ST 2001 and PEFC GD 1004.

PEFC Finland only issues licenses to entities registered in Finland.

Note: Entities that are not registered in Finland shall apply for the PEFC trademarks license to the PEFC authorised body of the respective country or to the PEFC Council.

2. Normative references

The following referenced documents are indispensable for the issuance of PEFC trademarks usage license. For both dated and undated references, the latest edition of the referenced document (including any amendment) or the document which replaced the referred document applies.

PEFC ST 2001, PEFC Trademarks Rules – Requirements

PEFC GD 1004, Administration of PEFC Scheme

3. Terms and definitions

Accredited certificate

A certificate issued by a certification body within the scope of its accreditation that bears the accreditation body's symbol.

Off-product usage

The use of the PEFC trademarks, other than on-product usage, that is not referring to a specific product or the origin of raw material in a PEFC certified forest.

On-product usage

The use of the PEFC trademarks in reference to the PEFC certified material of a product or that can be perceived or understood by buyers or the public as referring to PEFC certified material. On-product usage can be direct (when the PEFC trademarks are placed on tangible products) or indirect (the trademarks refer to tangible products although they are not placed directly on the product).

PEFC authorised body

An entity that has permission from the PEFC Council to issue PEFC trademarks usage licenses and to notify certification bodies on behalf of the PEFC Council.

Note: The authorised body is either the PEFC National Governing Body operating within its country or another entity which has been authorised by the PEFC Council to administer the PEFC scheme.

PEFC National Governing Bodies

The PEFC National Governing Bodies (PEFC NGBs) are independent, national organisations established to develop and implement a PEFC forest certification system within their country. A list of the PEFC NGBs and their contact details can be found at the PEFC website. PEFC NGBs are often also the "PEFC authorised body".

PEFC recognised certificate

- a) A valid accredited forest management certificate issued by a PEFC notified certification body against a forest management system/standard that is endorsed by the PEFC Council.
- b) A valid accredited chain of custody certificate issued by a PEFC notified certification body against the PEFC International Chain of Custody standard or another chain of custody standard that is endorsed by the PEFC Council.

Note 1: PEFC endorsed forest certification systems and chain of custody standards are found at the PEFC website www.treee.es/pefcnationalmembers.

Note 2: In case of a group or multi-site certificate where it is confirmed in a separate document, such as an appendix to the certificate or a sub-certificate, that a site or a group participant is covered by the certificate, the separate document and the certificate together are considered the site's/participant's PEFC recognised certificate.

PEFC trademarks usage contract

The PEFC trademarks usage contract is the agreement between the organisation applying for trademarks usage and the PEFC Council or a PEFC authorised body issuing the PEFC trademarks usage license.

PEFC trademarks

The PEFC trademarks are symbols that represent the visual identity of PEFC. They are registered and belong to the PEFC Council. There are two PEFC trademarks:

- a) The initials “PEFC”; and
- b) The PEFC logo. It consists of two trees surrounded by an arrow. The “PEFC” initials stand underneath it. The PEFC logo shall always be used within PEFC labels.



PEFC trademarks usage license

The PEFC trademarks usage license gives right to the license holder to use the PEFC trademarks in accordance with PEFC ST 2001, Trademarks Rules – Requirements and to the PEFC trademarks usage contract.

Retailers and brand owners

Entity procuring PEFC certified finished products from PEFC certified companies and selling them to consumers.

4. Conditions for issuance of licenses

4.1 General conditions

An entity applying for the license shall:

- be a legal entity;
- agree that PEFC Finland collects and makes publicly available the entity’s identification and other information as specified by PEFC Finland; and
- commit to the terms of the “Issuance of PEFC trademarks licenses in Finland” document (PEFC FI 2001) by signature of applicant’s representative in PEFC Trademarks license application form.

4.2 Special conditions

User Group B: Entities applying for license shall hold, or be covered by, a valid PEFC recognised forest management certificate.

User Group C: Entities applying for license shall hold, or be covered by, a valid PEFC recognised chain of custody certificate.

Note 1: The holder of multi-site chain of custody certificate operating with franchises or companies where the sites are linked through a common ownership, management or other organisational link, can apply for a PEFC trademarks usage covering the whole or a part of the scope of the multi-site certificate provided that the central office and the sites are a part of a single legal entity, or the central office and the sites are a part of a single company with a single management and organisational structure.

Note 2: The independent legal entities forming part of a multi-site producer group chain of custody certificate can apply for individual trademarks usage licenses or be covered by the chain of custody certificate holder's license.

User Group D: Other users (excluding retailers), shall:

- be organisations and other entities not classified under PEFC trademarks groups B and C; and
- be organisations such as trade and industry associations, research and educational institutions, certification bodies, accreditation bodies, governmental organisations, NGOs, etc. Group D also covers organisations within the forest and tree-based products chain, where the chain of custody certification does not apply as they are end users of forest and tree-based products or are selling the products with claims and/or labels placed on the product by their suppliers.

User Group D: Other users (retailers and brand owners), shall:

- identify the purpose of the PEFC trademarks usage that does not conflict with the objectives and good name of the PEFC Council

5. Geographical scope

PEFC Finland is acting on the PEFC Council's behalf as PEFC authorised body in Finland, based on an administration contract signed with the PEFC Council in accordance with Guide PEFC GD 1004. It is responsible for the issuance of the PEFC trademarks usage licenses in Finland.

6. Data management procedure

In order to issue a PEFC trademarks usage license, PEFC Finland collects some personal data on the trademarks users as specified in PEFC trademarks usage license application form (Appendix 1). The personal data collected includes: full name of the contact person, email address and telephone number. This data is necessary for the practical operations of the PEFC certification system and may be made publicly available on the PEFC websites (PEFC Council website and PEFC Finland's website), and PEFC Finland may share them with third parties limited to and

exclusively for certification purposes. These data are indispensable to ensure the PEFC certification system operations, such as to trace validity of trademarks usage licenses and certified products, by consumers and third parties.

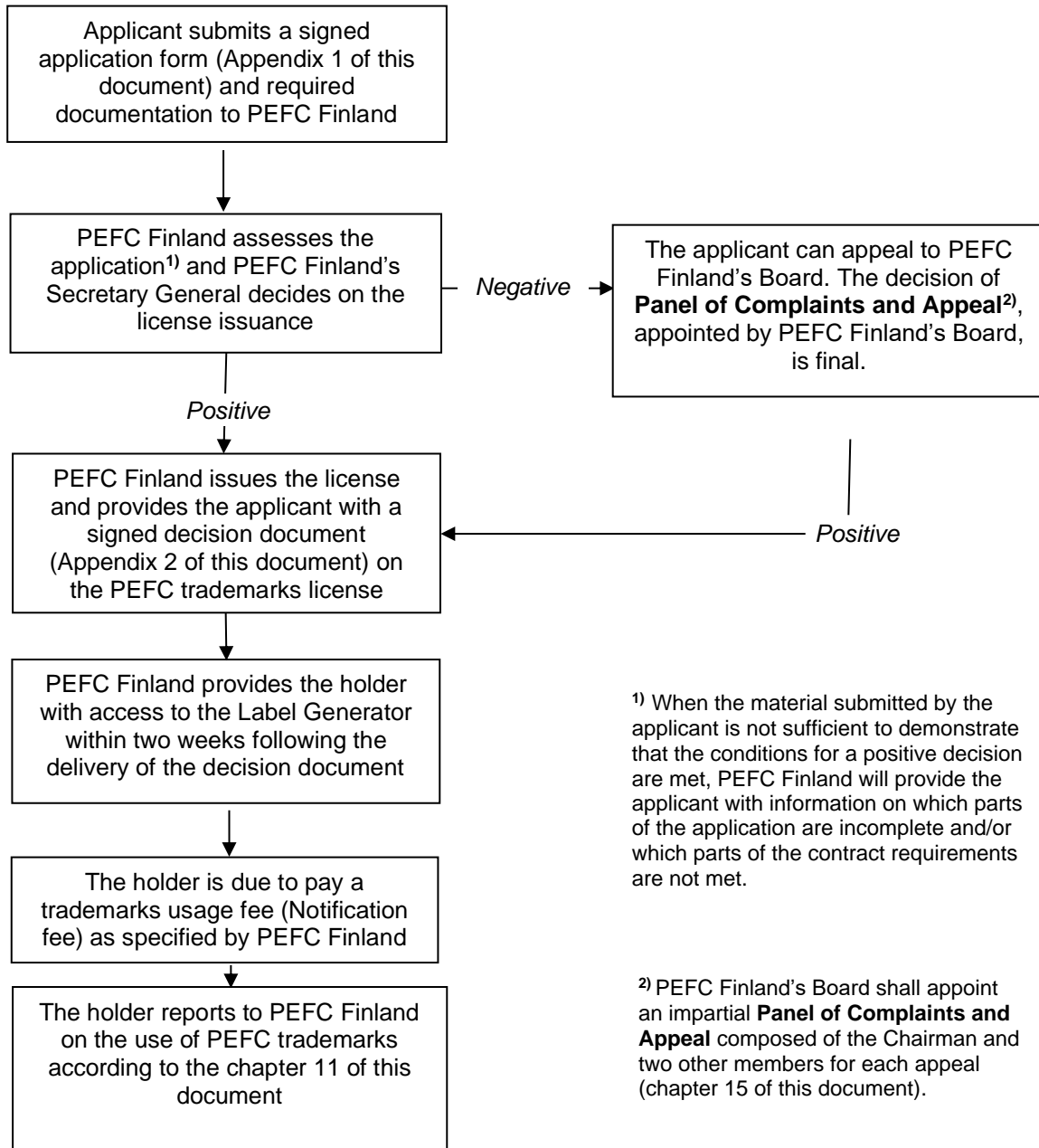
Personal data on trademarks users are kept for a duration of five years after the end of the trademarks' usage license validity. Data will then be stored in an in-house database in order to keep track of the licenses. Upon request, PEFC Finland may provide trademarks' users with information about the personal data it holds. Trademarks' users have the right to access or verify their personal data and to have them modified, corrected or deleted at any time. If the trademarks' users would like to exercise one of these data protection rights, they can contact PEFC Finland, whose contact details are on PEFC Finland's website.

By signing the PEFC trademarks usage application form, the trademarks applicant/holder commits to comply with the rules of this document including this data management procedure. In case the trademarks users do not want this information to be publicly available, the PEFC trademarks usage license shall not be issued / shall be cancelled.

Further information on PEFC Finland's data management is available from PEFC Finland.

In addition to this procedure, the general Finnish legislation is complied with, including the general EU data protection regulation.

7. License issuance process



8. Application for a PEFC trademarks usage license

Organisations shall apply for PEFC trademarks usage licenses by using a form for “PEFC trademarks usage license application”, which is available at PEFC Finland’s website and as an appendix of this document (Appendix 1).

In **user group B**, the license covers off-product use but does not cover on-product use of the PEFC trademarks. In order to use PEFC trademarks, a participant belonging to a forest certification group (regional or other group certification) must apply for a license individually.

In **user group C**, the license covers both on-product use and off-product use. Members to a chain of custody certification group (i.e. member of a producer group) are either covered by the license holder’s license or the members apply for the license individually.

In **user group D**, the license covers off-product use but does not cover on-product use of the PEFC trademarks.

9. Validity of licenses

Licenses are valid for the following time periods:

User Group B: The license will be issued to the applicant for the time being. The validity of the license is conditional on the validity forest certificate in accordance with the requirements of PEFC and as long as the trademarks’ user uses the PEFC trademarks in accordance with PEFC ST 2001, *PEFC Trademarks Rules – Requirements*, as stated now and as may be amended by the PEFC Council.

User Group C: The license will be issued to the applicant for the time being. The validity of the license is conditional on the validity chain of custody certificate in accordance with the requirements of PEFC and as long as the trademarks’ user uses the PEFC trademarks in accordance with PEFC ST 2001, *PEFC Trademarks Rules – Requirements*, as stated now and as may be amended by the PEFC Council.

User Group D: The license will be issued for a period of 1 to 5 years or for some other period on a case-by-case basis. It is automatically renewed whilst the trademarks’ user fulfils its responsibilities and uses the PEFC trademarks in accordance with PEFC ST 2001, *PEFC Trademarks Rules – Requirements*, as stated now and as may be amended by the PEFC Council.

For all user groups, the validity of the license requires that the holder of the license complies with the PEFC trademarks rules and other obligations imposed by PEFC Finland, including trademarks usage fee policy.

PEFC Finland decides annually on the fees for the license. If the usage fee policy changes during the course of a calendar year, the corresponding change in the agreement between PEFC Finland and the license holder will enter into force two months after PEFC Finland has notified the license holder in writing.

10. One-off use of the PEFC trademarks

When using the PEFC trademarks in press articles or for scientific research articles, it is not necessary to use and/or hold a PEFC license number. For other purposes, PEFC Finland may allow a one-off usage of the PEFC trademarks for off-product purposes to users without an individual license number (e.g. for events) under the following conditions:

- a) this license shall be limited to the one specified use;
- b) the use shall not conflict the objectives and good name of the PEFC Council;
- c) the PEFC trademarks shall be used with PEFC Finland's license number (PEFC/02-1-01);
- d) the disclaimer "Reproduced with the permission of PEFC Finland" shall be placed visibly together with the PEFC trademarks.

Organisations shall apply for PEFC trademarks usage licenses by using a form for PEFC trademarks usage license application, which is available at PEFC Finland's website and as an appendix of this document (Appendix 1).

11. Reporting of the use of PEFC trademarks

Holders of PEFC trademarks licenses are obliged to report to PEFC Finland at least once a year as follows:

User group B

PEFC forest certificate holder with trademarks license shall provide PEFC Finland with a monitoring report confirmed by the certification body immediately after the initial certification and recertification of the forest certificate and the surveillance audits. At the same time, the license holder provides PEFC Finland with a free-form report on the off-product use of the trademarks.

The forest owner, as a member of certification group and with trademarks license shall provide PEFC Finland with a free-form report on the off-product use of PEFC trademarks.

User group C

The license holder shall provide PEFC Finland with a monitoring report on the on-product use of the trademarks confirmed by a certification body immediately after the surveillance audit and recertification of the chain of custody system. At the same time, the license holder provides PEFC Finland with a free-form report on the off-product use of the trademarks.

User group D

The license holder shall provide PEFC Finland annually with a free-form report on the off-product use of the trademarks.

12. Additional inspections

If PEFC Finland has reason to suspect that PEFC trademarks are being misused, PEFC Finland shall ask the license holder for clarification after which the license holder shall submit a written report to PEFC Finland without delay.

In case of suspicion of non-compliance with the license, PEFC Finland has the right to arrange an inspection of the license holder's operations, the costs and possible other harm or damage of which are borne by the license holder.

13. Termination, suspension and withdrawal

The agreement between PEFC Finland and the license holder expires when the agreement expires, or the other party terminates the agreement, or PEFC Finland withdraws the license. The license may be suspended periodically. Upon withdrawal, the PEFC trademarks license ceases immediately.

If the PEFC Council withdraws the right of PEFC Finland to issue and administer the PEFC trademarks licenses in Finland, the licenses issued will expire without compensation at the end of the notice period announced by the PEFC Council. The license fee will not be refunded upon such termination of the agreement, and PEFC Finland is not obligated to compensate the license holder for any costs or other damage that may arise from the termination. The license holder may terminate the agreement by written notice. The notice period is one month.

PEFC Finland has the option to suspend the license for the period of resolving the suspicion of misuse of the trademarks. In case of doubt, PEFC Finland will provide the license holder with a written request for a report and information on the temporary suspension of the license. The suspension may last for a maximum of one month after the license holder has submitted a report of suspected misuse to PEFC Finland for processing. During this period, PEFC Finland is obliged to arrange for the suspect an opportunity to complete the investigation of any deficiencies at the hearing. PEFC Finland will provide the decision on the suspicion of misuse to the holder of the PEFC Trademarks license within two weeks of the hearing.

When, within the framework of the clearing on suspicion of misuse of PEFC trademarks, it is concluded that the breach is due to the license holder, or when the license holder PEFC trademarks license fails to provide sufficient clarification on the suspected matter PEFC Finland may, by written notice, extend the suspension for a temporary period of time, or permanently withdraw the license.

PEFC Finland may revoke the suspension after the license holder has taken the corrective measures approved by PEFC Finland and notified by PEFC Finland of their implementation. A temporary suspension may also be revoked by a permanent withdrawal. The withdrawal shall take effect as soon as the decision has been notified to the license holder.

14. Penalties

The license holder is obliged to pay compensation for the use in breach of the agreement, which is twenty (20) percent of the value of the products in which the trademarks have been used in breach of the agreement. However, if it turns out that the breach was not intentional but was due to negligence, for example, the compensation will not exceed 15,000 Swiss francs (CHF).

This policy applies both on-product use and off-product use of PEFC trademarks. The compensation obligation covers the activities of the license holder during the term of the agreement, including cases of suspicion brought to the attention of the license holder during the period of termination of the agreement.

The PEFC Council has the right to change the compensation for misuse of PEFC trademarks. The change enters into force in the agreement between PEFC Finland and the license holder two months after PEFC Finland has notified the license holder in writing.

15. Complaints and appeal resolution

A complaint/appeal may be lodged with PEFC Finland against a decision rejecting an application for PEFC trademarks license or against the termination or withdrawal of an agreement. The complaint/appeal must be in writing and must be filed no later than four weeks after receipt of the rejection decision. A complaint/appeal may be lodged only by the person concerned by the decision. The complaint/appeal shall state which decision is required to be reconsidered and the grounds relied on in the appeal.

In the event of suspension or withdrawal, the organization may submit a written complaint to PEFC Finland within four weeks of receiving the decision.

PEFC Finland shall:

- acknowledge the received complaint/appeal to the complainant/appellant;
- gather and verify all necessary information, validate and impartially evaluate the complaint/appeal and make decision on the complaint/appeal;
- formally communicate the decision on the complaint/appeal and the complaint/appeal handling process to the complainant/appellant and concerned parties;
- ensure appropriate corrective and preventive action.

PEFC Finland's Board will appoint an impartial Panel of Complaints and Appeal composed of the Chairman and two other members for each case of a complaint or an appeal. A meeting of the Panel shall be held within 21 days of the appeal on arrival. The appellant shall be informed at least seven days in advance of the time, place and composition of the Panel. A previous revocation decision shall remain in force until the meeting of the Panel. At the meeting, both the appellant and the representative of PEFC Finland have the right to be heard in confidence.

The Panel shall reach this decision on the basis of a majority of votes.

The decision of the Panel is final.

Disputes in which PEFC Finland is the other party are heard in the Helsinki District Court.

Appendix 1. Application of PEFC trademarks usage license

PEFC trademarks (i.e. PEFC initials and the PEFC logo) are registered and owned by the PEFC Council. PEFC Finland - Finnish Forest Certification Council is authorized by the PEFC Council to issue licenses of PEFC trademarks in Finland.

The application form is available at PEFC Finland's website (pefc.fi).

By signing the application form the applicant/holder of PEFC trademarks license commits itself to comply with the rules of PEFC ST 2001.

Signing of the application form will start the application process and a copy of the received application is sent simultaneously to the applicant by e-mail.

Applicant for the PEFC trademarks license

Name of the applicant entity/organization
Business ID

Applicant's/license holder's representative and contact person:

First name and last name
Email address
Phone number
Applicant's/license holder's contact person, if other than applicant's representative (above): First name and last name, email address and phone number.

The applicant/license holder will be invoiced by PEFC Finland:

- by e-invoicing
- by e-mail invoice
- by postal letter

E-invoicing information: e-invoice address, operator and its ID
E-mail invoice details: Email Address
Invoice by postal letter: postal address

The applicant is in

- User Group B – sustainable forest management entities (forest certificate holders / members of the certification groups) – PEFC trademarks off-product use
- User Group C – chain of custody certified entities (holders of the chain of custody certificate / members of the chain of custody certification groups, producer groups) – PEFC trademarks on-product and off-product use
- User Group D – other users (organisations not classified under groups B and C) including retailers and brand owners – PEFC trademarks off-product use
- One-off use of the PEFC trademarks – PEFC trademarks off-product use

Applicant in User Group B or User Group C

Attach the application with a copy of a valid forest certificate or chain of custody certificate

Applicant in User Group C

Estimated turnover of the applicant entity's/organisation 's activities under the chain of custody system, €/a

Turnover of the applicant entity/organisation of the previous year, €

Applicant in User Group D

Description of the intended use of the PEFC Trademarks

Applicant of one-off use of the PEFC trademarks

Description of the intended use of the PEFC trademarks

Applicant's/license holder's commitment and signature

By signing this application, the applicant / the representative of the applicant entity shall commit to comply with the requirements of PEFC ST 2001 standard.

I agree to the rules set out in the "Issuance of PEFC trademarks licenses in Finland" (PEFC FI 2001), which I have read.

(Signature of the applicant/representative of the applicant)

Appendix 2. Decision on PEFC trademarks usage license

PEFC trademarks license

PEFC Finland – The Finnish Forest Certification Council has granted
[name of the license holder entity/organisation]
[site/location identification]; Finland

the right to use the PEFC trademarks under **[group B, off-product use/ group C, on-product and off-product use/ group D, off-product use]** purposes in accordance with the PEFC FI 2001 (Issuance of PEFC trademarks licenses in Finland) document and the PEFC ST 2001 (PEFC Trademark rules) standard.

[group B: The forest management certificate no. XX granted by XX / **group C** The chain of custody certificate no. XX granted by XX is a precondition to PEFC trademarks usage license.]

The trademarks license number granted is

PEFC/02-XX-XXX

The right to use PEFC trademarks is valid until [further notice / until xxxx] [, but not longer than the period of the validity of the certificate].

Date: xxxxxxxxxxxx

PEFC Finland - Finnish Forest Certification Council

(Signature of PEFC Finland representative)

Secretary General