



Title: Rules for the GasMark Certification Trade Marks

1. INTRODUCTION

- (a) The GasMark is a certification trade mark owned by IAPMO Oceana Pty Ltd (ACN 121 986 169). Registration of the trade mark has been applied for and is pending under the Commonwealth *Trade Marks Act 1995*.
- (b) The GasMark is used in relation to new 'Type A' appliances (up to 500MJ/hr) and gas components as covered under the scope of the Standards listed in the IAPMO R&T Oceana GasMark 'Governance Rules', Appendix 1.
The Australian and New Zealand Gas Regulatory Authorities recognise and support the use of the GasMark to identify certified gas product and when used properly, is an excellent way of helping Australian consumers be confident about the quality of the Gas Products to which the GasMark is applied.
- (c) Use of the GasMark is not limited to goods manufactured in Australia and, subject to these rules, it may be used on goods that are manufactured outside Australia.
- (d) IAPMO Oceana Pty Ltd grants certification for the use of the GasMark to an Approved User in accordance with the terms of the "**Approved User Agreement**", these Rules and the GasMark 'Governance Rules'.

2. APPLICABLE STANDARDS

- (a) "**Applicable Standards**" means those documents utilised by the certification body and recognised by the Regulatory Authority that contain detailed safety and performance requirements for assessment of Gas Products. In addition to the routine Standards, the certification body may apply alternative Standard(s) or requirements, as agreed by the Regulatory Authority. Refer by IAPMO R&T Oceana 'Governance Rules' for further details.
- (b) Applicable Standards will be made available for public inspection during business hours at the head office of Standards Australia and by IAPMO R&T Oceana, on request.

3. APPROVED CERTIFIER

- (a) The Australian gas regulatory authorities have approved IAPMO R&T Oceana, affording IAPMO R&T Oceana the right to grant certificates for the use of the GasMark. This approval is conditional upon the regulatory authorities being satisfied that IAPMO R&T Oceana:
 - i. is capable of granting certificates for the use of the GasMark and ensuring that the GasMark is used by Approved Users in accordance with these Rules, the terms of the Approved User Agreement and the schemes 'Governance Rules';
 - ii. has, and will maintain, accreditation for the certification of Gas Products with the Joint Accreditation System for Australia and New Zealand ("**JAS-ANZ**") or an accreditation body that has either a bilateral or multilateral recognition arrangement or agreement with JAS-ANZ; and
 - iii. will enter into and comply with the terms of the Approved Certifier Agreement and these Rules.
- (b) IAPMO R&T Oceana approval is conditional upon continuous compliance with the requirements of Australian gas regulatory authorities and JAS-ANZ.

4. APPROVED USERS

- (a) Any person who wishes to be an Approved User of the GasMark may apply to IAPMO R&T Oceana for certification and use of the GasMark, in accordance with the schemes 'Governance Rules'.
- (b) IAPMO R&T Oceana will grant an applicant the right to use the GasMark if it is satisfied that the applicant:
 - i. is capable, in relation to Gas Products in connection with which use of the GasMark is sought, of providing such Products certified as complying with applicable Standards and local regulatory requirements;
 - ii. is able to pay all fees and royalties to IAPMO R&T Oceana by the due dates; and
 - iii. will enter into, and comply with the terms of, the Approved User Agreement and these Rules.
- (c) All Approved Users must enter into and comply with an Approved User Agreement with an Approved Certifier.
- (d) IAPMO R&T Oceana is required to keep and maintain a list of all current users it has approved, any identification number of the Approved User and details of certified Gas Products, and make this list available for public inspection during business hours at the office of the Approved Certifier, on request.
- (e) Where possible, the GasMark must be displayed together with information (for example a certificate number) that will enable the Regulatory Authorities, installers, retailers and the public to determine the identity of the Approved User who applied the GasMark.

5. CONDITIONS OF USE

- (a) As noted above, the GasMark is important and both IAPMO R&T Oceana and the gas Regulatory Authorities are committed to safeguarding the integrity and validity of the Mark.
- (b) It would be contrary to the public interest and to the interests of IAPMO R&T Oceana and the gas Regulatory Authorities and Approved Users if certification of the and use of the GasMark by Approved Users put at risk the integrity and validity the GasMark.
- (c) From time to time the gas Regulatory Authorities may, for the purpose of maintaining the integrity and validity of the GasMark, by written notification, public notice or otherwise, give reasonable notice of directions to any Approved Certifier or Approved User (or all or any group of them) as to the manner of certification or use of the GasMark, and Approved Certifiers and Approved Users to which the directions apply must comply with them.

6. DISPUTE SETTLEMENT

If an applicant or Approved User is dissatisfied with a decision of IAPMO R&T Oceana to refuse to certify Products or to refuse to allow the use of the GasMark and wants the Approved Certifier to reconsider its decision, it must do so in accordance with the IAPMO R&T Oceana "External Complaints" procedures.

7. CONDITIONS OF USE

- (a) Any notice or other communication to be given under these rules (other than a public notice) must be given in writing and delivered to the last known address of the recipient.
- (b) Any public notice must be given by publication on the website of IAPMO R&T Oceana or in 'The Australian' or any other national newspaper.

MISCELLANEOUS

- (a) IAPMO R&T Oceana undertakes to keep confidential all information provided by the client with exception to information which is already in the public domain, information requested by the Courts, Tribunals, Regulatory Authorities, Police or Government department concerned with public safety. All proprietary documents, including specifications, drawings and test reports shall remain confidential between IAPMO R&T Oceana and the certificate holder to the extent of the following:
- i. The certificate holder authorises (expressly or by implication) the release of such information to a third party, such as an agent, a test facility or a government authority;
 - ii. IAPMO R&T Oceana has been served with a subpoena, summons, notice or other legally enforceable order to disclose the information;
 - iii. An accreditation body or regulatory authority seeks access to the information as part of an accreditation audit.
 - iv. A Technical Regulator seeks access to the information as part of an enquiry.
- (b) All rights granted to Approved Users in relation to the GasMark are non-exclusive and non-transferable.
- (c) IAPMO R&T Oceana may amend these Rules from time to time provided the amended Rules are not materially inconsistent with these Rules.