

Title: Rules for the WaterMark Certification Trade Marks

1. INTRODUCTION

- (a) The WaterMark is a certification trade mark owned by Standards Australia Limited (ABN 85 087 326 690) ("**Standards Australia**"). Standards Australia is an Australian public company limited by guarantee.
- (b) The WaterMark is used in relation to water supply, sewerage, plumbing and drainage goods ("**Plumbing Products**" or "**Products**"). The plumbing industry in Australia supports the use of the WaterMark which, when used properly, is an excellent way of helping Australian consumers be confident about the quality of the Plumbing Products to which the WaterMark is applied.
- (c) Use of the WaterMark 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) Standards Australia does not grant licenses for the use of the WaterMark directly to users (including manufacturers) of the WaterMark (each an "**Approved User**"). Instead, it enters into an agreement ("**Approved Certifier Agreement**") with certifiers who have been approved by Standards Australia (each an "**Approved Certifier**") and grants them the right to enter into licence agreements directly with Approved Users for the use of the WaterMark in accordance with the terms of the Approved Certifier Agreement (which also sets out minimum terms that must be included in the agreement between Approved Certifiers and Approved Users ("**Approved User Agreement**") and these Rules.

2. APPLICABLE SPECIFICATIONS

- (a) "**Applicable Specifications**" means those documents (like standards, industry schemes and codes) that contain specifications and requirements for Plumbing Products that Standards Australia allows certified compliance with which to be signified by use of the WaterMark and includes the Manual of Authorisation Procedures for Plumbing and Drainage Products (MP52), AS 5200 - (Technical specification for plumbing and drainage products) and the Plumbing Code of Australia.
- (b) Applicable Specifications will be made available for public inspection during business hours at the head office of Standards Australia and by each of the Approved Certifiers of the WaterMark, on request.

3. APPROVED CERTIFIERS

- (a) Standards Australia will approve certifiers and grant Approved Certifiers the right to grant licences for the use of the WaterMark if it is satisfied that the certifier:
 - i. is capable of granting licences for the use of the WaterMark and ensuring that the WaterMark is used by Approved Users in accordance with these Rules, the terms of the Approved User Agreement and any reasonable directions that may be given by Standards Australia in relation to the WaterMark from time to time;
 - ii. is able to pay all fees and royalties to Standards Australia by the due dates;
 - iii. has, and will maintain, accreditation for the certification of Plumbing 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
 - iv. will enter into and comply with the terms of the Approved Certifier Agreement and these Rules.
- (b) All Approved Certifiers must enter into and comply with an Approved Certifier Agreement with Standards Australia.
- (c) Standards Australia will keep and maintain a list of all Approved Certifiers of the WaterMark. Standards Australia will provide details of Approved Certifiers of the WaterMark or make a list of all Approved Certifiers of the WaterMark available for public inspection during business hours at the head office of Standards Australia, on request.

4. APPROVED USERS

- (a) Any person who wishes to be an Approved User of the WaterMark may apply to an Approved Certifier of the WaterMark, in accordance with the procedures of the Approved Certifier.
- (b) An Approved Certifier will grant an applicant the right to use the WaterMark if it is satisfied that the applicant:
 - i. is capable, in relation to Plumbing Products in connection with which use of the WaterMark is sought, of providing such Products certified as complying with Applicable Specifications;
 - ii. is able to pay all fees and royalties to the Approved Certifier 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) Each Approved Certifier must keep and maintain a list of all current users approved by the Approved Certifier, any identification number of the Approved User and details of licensed Plumbing 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 WaterMark must be displayed together with information (for example a licence or reference number) that will enable Standards Australia to determine the identity of the Approved User who applied the WaterMark.

5. CONDITIONS OF USE

- (a) As noted above, the WaterMark is important and Standards Australia is committed to safeguarding the integrity, validity and its ownership of the WaterMark. Standards Australia is not a user of the WaterMark and does not intend to use the WaterMark.
- (b) It would be contrary to the public interest and to the interests of Standards Australia, Approved Certifiers and Approved Users if licensing of the WaterMark by Approved Certifiers and use by Approved Users put at risk the integrity, validity and Standards Australia's ownership of the WaterMark.
- (c) From time to time, therefore, Standards Australia may, for the purpose only of maintaining the integrity, validity or its ownership of the WaterMark, 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 licensing or use of the WaterMark, and Approved Certifiers and Approved Users to which the directions apply must comply with them.

6. DISPUTE SETTLEMENT

- (a) If an applicant or Approved User is dissatisfied with a decision of an Approved Certifier to refuse to certify Products or to refuse to allow the use of the WaterMark and wants the Approved Certifier to reconsider its decision, it must do so in accordance with the review procedures of the Approved Certifier.
- (b) If an applicant or Approved User is still dissatisfied with such a decision of the Approved Certifier, it may, after it has exhausted all rights of review under the Approved Certifier's or the applicable JAS-ANZ's review procedures, have the decision of the Approved Certifier reconsidered by Standards Australia.
- (c) Standards Australia will publish the procedure for such appeals from time to time on its website. The procedure will allow a reasonable time for parties to provide relevant information and documents and to respond to material Standards Australia may take into account, for Standards Australia to inform itself about the issues by any means including commissioning tests or reports and for Standards Australia to notify the parties of its decision in writing. The parties must comply with Standards Australia's decision.

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 Standards Australia or in The Australian or any other national newspaper.

8. MISCELLANEOUS

- (a) All information provided by any applicants, Approved Users or Approved Certifiers of the WaterMark may be disclosed to Standards Australia, whether they are of a confidential nature or otherwise, and such information may be used or disclosed by Standards Australia if the use or disclosure is necessary to comply with the law or to maintain the integrity, validity or Standards Australia's ownership of the WaterMark.
- (b) All rights granted to Approved Certifiers or Approved Users in relation to the WaterMark are non-exclusive and non-transferable.
- (c) Standards Australia may amend these Rules from time to time provided the amended Rules are not materially inconsistent with these Rules.