

Policy

MFCS P 3 TU

2023-01-11

v02.00

Trademark Usage Requirement

MYANMAR FOREST CERTIFICATION COMMITTEE



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1 Policy Background

1.1 Introduction

Myanmar Forest Certification Committee (MFCC) is the National Governing Body (NGB) of forest/timber certification schemes in Myanmar. Currently there are two schemes operating in Myanmar which MFCC oversees and manages. These are:

1. The Myanmar Timber Legality Assurance System (MTLAS);
2. The Myanmar Forest Certification Scheme (MFCS).

There is a second policy (MTLAS P 1 MTU) that covers trademark usage in relation to MTLAS.

The objective of this policy is to set the rules for the use of the MFCC logo and related claims under MFCS.

1.2 Scope

This document provides the authoritative basis for MFCC in managing the use of the MFCC trademark and guide users on the use of the MFCC logo.

This policy is designed for use by MFCC staff and Certification Bodies monitoring MFCC trademark use and clients intending to use MFCC trademark/logo.

1.3 Normative References

MFCC P 1 Implementation Arrangements
 MTLAS P 1 MFCC Trademark Usage
 MFCS P 1 Accreditation and Certification Bodies Requirements
 MFCS P 2 Issuance of PEFC Trademark Usage Licenses by MFCC
 PEFC ST 2000:2021 PEFC Trademark Rules- Requirements

1.4 Definitions

<i>Claim</i>	Claims appear on a product, its packaging, or in related literature or advertising and convey explicitly or implicitly product characteristics or functions and can also be taken as saying something about origin, method of production, legal or environmental aspects etc. It can take the form of text, symbols, or graphics.
<i>On-product use</i>	Use of trademark and/or associated claims on product labels or packaging or consumer invoices.
<i>Off-product use</i>	Use of trademark and/or associated claims in brochures, leaflets, advertising, promotions, websites, company stationery, prospectuses and reports for the promotion of products.
<i>MFCC</i>	Myanmar Forest Certification Committee
<i>MFCS</i>	Myanmar Forest Certification Scheme. MFCS is contained in a range of documents including MFCC policies, Standard Operating Procedures, other supporting system documentation, and the MFCS Forest Certification Standard.

<i>MFCC Employees</i>	In this policy an MFCC employee can refer to full and part time employees, consultants and sub-contractors and volunteers.
<i>PEFC</i>	The Programme for the Endorsement of Forest Certification
<i>Trademark</i>	All trademarks registered by MFCC, including company name and the MFCC logo.
<i>Trademark Manual</i>	Design guidelines for trademark use covering any restrictions on colour use, font, logo dimensions, placement etc, as well as guidance on developing associated claims or text.
<i>Trademark Approver</i>	The designated MFCC employees that approves (or not) trademark usage applications.
<i>Trademark Usage Manual</i>	Design guidelines for trademark use covering any restrictions on colour use, font, logo dimensions and placement as well as guidance on developing associated claims or text.
<i>Trademark User</i>	An individual that wishes to use the MFCC trademark and/or make associated claims.

2 Policy Standards

2.1 Introduction

MFCC implemented the criteria and indicators (C&I) of Sustainable Forest Management which are considered into environmental, social and economic views by forest owners and managers in managing the forest. It assists in facilitating access to both domestic and international markets in which there is a demand for timber from certified forest. MFCC trademark provides information relating to the origin of forest based product in sustainably managed forest certified according to the MFCS.

MFCC trademarks include the name of Myanmar Forest Certification Committee and its abbreviation and the MFCC logo. The MFCC trademark is registered by the Myanmar Forest Certification Committee (MFCC) and it formed to manage the implementation of MFCS. It is important for the trademark usage correctly in order to safeguard the integrity of the MFCS.

2.2 Ownership and Usage of the MFCC Trademark

MFCC trademark will become a copyright material. The use of MFCC trademark and related claims is governed by MFCC. Unauthorized use of the MFCC trademark(s) will be prohibited and will be treated as a copyright infringement. MFCC reserves the right to take legal action against any party that reproduces or copies the MFCC trademark(s) in any form whatsoever without prior authorization from an MFCC trademark approver.

2.3 MFCS recognised certificate

- a) a valid accredited forest management certificate issued by MFCC notified certification body against a forest management system/standard that is endorsed by PEFC;
- b) a valid accredited chain of custody certificate issued by MFCC notified certification body against MFCC chain of custody standard that is endorsed by PEFC.

Notes: MFCC adopted the PEFC International chain of custody standard and developed MFCC specific requirements for the purposes of the MFCC claims.

2.4 Condition of MFCC Trademark Use

MFCC will not permit any on-product use of MFCC trademark(s) or associated claims. This includes (but not as necessarily confined to) packaging, product labels or hang tags, stamps and consumer invoices. Under MFCS, MFCC trademark use and associated claims are permitted "off-product"- marketing collateral such as leaflets, banners, websites, as well as press releases, company reports, business to business letters and presentations, invoices and bills of lading. The MFCC trademark shall not be reproduced according to the measurements, colours, trademark claims and other specification.

MFCS certified product can carry the MFCC trademark without a claim but it is recommended to have a claim which relates to the MFCS. The trademark can be used with or without claims in 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. company or product brochure)
- Claim in signage (e.g. at an organisation's premises or at a forest boundary)

2.5 MFCS trademark users classification

There are four groups of trademark Users. These user groups comprise both certificate holders and non-certificate holders, which are as follows:

Group A: National Governing Body, i.e. MFCC;

- Group B: Forest Management Certificate Holders who have been certified to MFCS;
Group C: Chain of Custody Certificate Holders who have been certified to PEFC ST 2002:2020 and or subsequent versions of this document;
Group D: Promotional Groups.

2.5.1 Group A

MFCC, as the governing body for the MFCS, is permitted to use the MFCC trademark for educational and other communication purposes. It is the only authority responsible for the issuance of licences for the use of the MFCC trademark.

2.5.2 Group B

Forest owners and managers covered by the MFCS recognised forest management certificate. The FM certificate shall be issued by an independent third-party certification body meeting the accreditation requirements of SFM standards and shall state in the certificate, the compliance with the requirements of the C&I or subsequent versions of these standards.

The following entities are covered by group B:

- holders of valid accredited forest management certificate against MFCS;
- holders of a regional certificate;
- holders of a group certificate (eg. group of CF forest owners);
- individual forest owners (as holders of individual certificate or members in regional or group certification);
- entities participating in the regional or group forest certification (e.g. contractors);

2.5.3 Group C

Forest related industries (e.g. wood procurement organisations, wood manufacturers and wood processing industries, wood traders, distributors, retailers, etc.) and MFCS recognised chain of custody certificate, including sites covered by MFCS recognised chain of custody certificates.

2.5.4 Group D

Other users, organisations and other entities other than those classified under trademark user groups A, B and C which are using the MFCC logo off product for promotional and education purposes.

2.6 *Procedures for MFCC Trademark Use*

Applications for trademark use will be made and carried out directly to/through MFCC. Contact details can be found on the MFCC website: www.mfcc.org.mm.

Any organisation/person that wishes to make use of MFCC trademark and/or associated claims will be invited to sign a separate licensing agreement/service agreement with MFCC. On receipt of a signed licensing agreement, the MFCC trademark approver will issue a Trademark Manual to the customer.

For each agreement a trademark user must be identified in advance (for inclusion on MFCC's Trademark Users Register). A customer may request the removal or addition of names from the Trademark Users Register on application in writing to the MFCC trademark approver.

The customer will apply in writing to the MFCC trademark approver for provisional approval of any proposed trademark use and/or associated claims (before extensive production is started).

MFCC's trademark approver will issue the trademark user with a Trademark Use and Claim Approval Form and assign a unique number for every separate application. This form will be used for provisional and final approval.

This provisional stage requires a description of the intended use at a minimum¹. Provisional approval is also required for all reprints of previously approved trademark use and/or associated claims. If in a language other than English or Myanmar, submissions will be in the original language with an English or Myanmar translation².

The MFCC trademark approver will reply in writing within five days either to give provisional approval or to specify the changes that need to be made.

Following provisional approval applicants will send a draft of the proposed usage containing all artwork and text.

If final approval is granted the MFCC trademark approver will issue the trademark user with the final signed Trademark Use and Claim Approval Form (the same form as submitted for provisional approval). Approval is required even if the artwork and text has already been previously approved for another use.

Every single sheet of artwork and text attached to the Trademark Use and/or Claim Approval Form must be stamped, dated and signed by the MFCC trademark approver to be considered valid.

2.7 Off-product usage

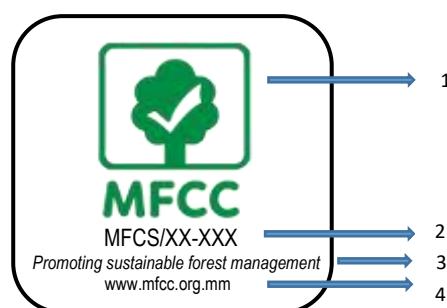
2.7.1 Coverage of the off-product usage

The off-product MFCC trademark usage covers

- (a) communication on certified status (PEFC/MFCC Logo users under group B and C);
- (b) communication on MFCC recognition of certificates (certification bodies);
- (c) communication on procurement of MFCS certified products or commitment to procurement of MFCS certified products (consumers of MFCS certified products);
- (d) communication on membership in or partnership with MFCC (members and partners of the MFCC);
- (e) communication on projects and initiatives associated with the MFCC; and
- (f) other educational and promotional usage of MFCC logo (MFCC, certified entities, certification bodies, sellers of MFCC certified products not covered by chain of custody, etc.)

2.7.2 Specific requirements for MFCC label off-product

In off-product use, trademark users may provide additional voluntary information. This information may include the following element



¹ Provisional approval is also required for all reprints of previously approved trademark use and/or associated claims.

² It will be at MFCC's discretion to request an authorised translation or not. Related costs will be paid by the applicant.

Element (1) - MFCC Logo

Element (2) - MFCS trademark licence number

The MFCS trademark licence number issued to the user by MFCC shall be used together with the PEFC trademark. Refer to Appendix 1: Issuing trademark licence number.

Element (3) -.The MFCC claim is included underneath the logo. The official MFCC claim for off-product usage is *"Promoting sustainable forest management"*

Element (4) - MFCC website

2.7.3 Exceptional usage

MFCC logo without the trademark license number can be used in exceptional circumstances, subject to the approval by the MFCC which has issued the license, where the size of the MFCC logo / label would result in the license not being readable or placing the license number on the product would not be feasible.

2.8 Trademark Abuse

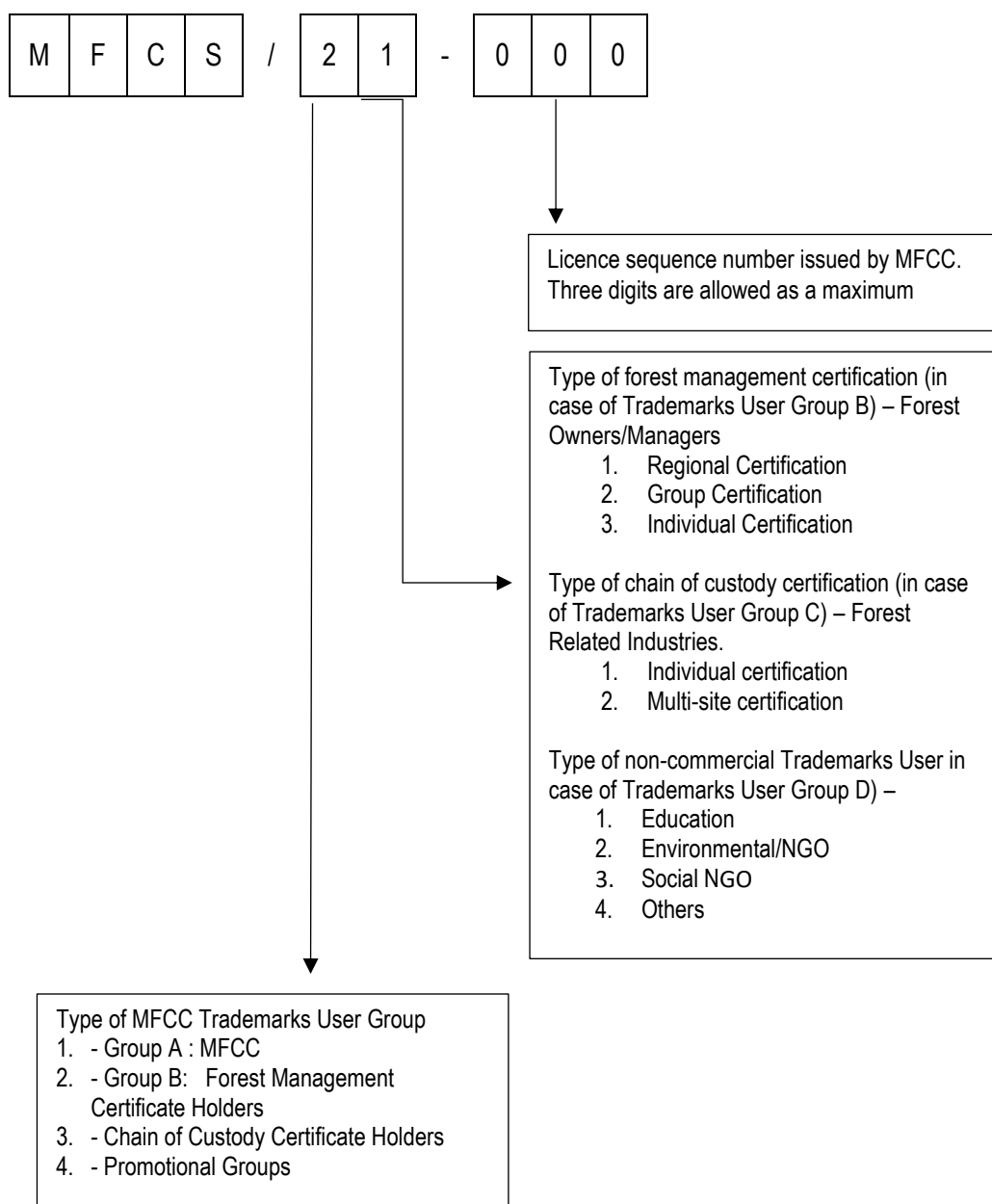
Certification Bodies are responsible for controlling and monitoring all use of the trademark(s) under a licensing agreement.

All affected uses of the trademark(s) must be removed within 24 hours of notification if:

- there is a breach of trademark approval conditions;
- the certified status of material is withdrawn;
- certification is suspended.

Removal must be verified by the Certification Body to MFCC CEO as soon as possible.

Appendix 1. Issuing MFCS Licence Number



3 Document History

Date of Amendment:	Version	Approval date:	Requested by:	Nature of Change	Approved by:
2021.06.03	v02.00	2023.01.11	MFCC Project Management Team	1. Change Email address and website. 2. Deleted section 1.4 : Coverage of MFCC Logo 3. Section 2.5.2 : Group B, Added the entities are covered by Group B; 4. Section (2.7), Added section (2.7.2; Specific requirements for PEFC labels off-product). 5. Section (2.7),Added section: 2.7.3 Exceptional Usage 6. Added Appendix 1: Issuing MFCS Licence Number	MFCC