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ISSUANCE OF PEFC LOGO USAGE LICENSES BY MTCC



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Glossary

Claim	Any form of representation to the market and or stakeholders relating to the company or the company's products carrying PEFC certification. Claims can be made on-product or off-product, as defined in the PEFC ST 2001:2008 v2
COC	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
FM	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
IAF member	An accreditation body from a country that is a member of the International Accreditation Forum Inc. For further information, refer: www.iaf.nu
Logo	A logo that constitutes a trade mark, which distinguishes goods or services provided in the course of trade
Logo User Group	Categories of Logo Users, as defined in the PEFC ST 2001:2008 v2
MC&I	<i>Malaysian Criteria and Indicators for Forest Management Certification</i> [MC&I(Natural Forest) and/or MC&I(Forest Plantations)] or subsequent versions of these standards. For further information, refer: www.mtcc.com.my/certification-standards .
MTCC	Malaysian Timber Certification Council
MTCS	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 For further information, refer: www.mtcc.com.my
PEFC	The Programme for the Endorsement of Forest Certification schemes For further information, refer: www.pefc.org
PEFC ST 2001:2008 v2	PEFC Logo Usage Rules – Requirements (Second Edition)
PEFC ST 2002:2013	The PEFC Chain of Custody Standard “ <i>Chain of Custody for Forest Based Products - Requirements</i> ” or subsequent versions of PEFC ST 2002:2013 For further information, refer: www.pefc.org

STANDARDS MALAYSIA Department of Standards Malaysia, the national accreditation body in Malaysia. For further information, refer:
www.dsm.gov.my

1. Introduction

The *Malaysian Criteria and Indicators for Forest Management Certification* [MC&I(Natural Forest) and MC&I(Forest Plantations)]¹ comprise 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 and forest plantations 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. The MTCC Logo is a Trade Mark no. 00011481, which is registered by the Malaysian Timber Certification Council (MTCC), the organisation formed to manage the implementation of the MTCS.

The MTCS has been endorsed by the *Programme for the Endorsement of Forest Certification Schemes*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 document.

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

2. Objectives

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

The MTCC 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 certification under the MTCS as a mutually recognised forest certification scheme under the PEFC system. It is also tasked with ensuring transparent and credible communication of claims connected with PEFC certification to avoid any misunderstanding or miscommunication.

¹ The MC&I(Natural Forest) and MC&I(Forest Plantations), can be accessed at: www.mtcc.com.my/technical-documents.

² The MTCS comprises the MC&I(Natural Forest) and MC&I(Forest Plantations) and PEFC ST 2002:2013 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 three standards.

³ For further information on the PEFC, refer to: www.pefc.org

3. Scope of Document

This document establishes the rules and guidelines for the use of the PEFC Logo and its related claims, and is developed based on the PEFC ST 2001:2008 v2 as well as the PEFC GD 1005:2010 entitled *Issuance of PEFC Logo Use Licenses by the PEFC Council*.

The scope is to specify the:

- Parties that can use the logo (Section 4)
- Process for issuance of logo usage license and logo use rules (Section 5)

4. Logo Usage

4.1 User Groups

Three groups of Logo Users are identified. These user groups comprise both certificate holders and also non-certificate holders. MTCC issues PEFC Logo usage licenses in Malaysia on behalf of the PEFC Council to the following user groups:

- Group B: **Forest owners and managers** with PEFC recognised forest management (FM) certificates and all eligible entities participating in a region or group with PEFC recognised certificate.

The following entities are covered by group B:

- holders of a regional certificate;
 - holders of a group certificate (group of forest owners);
 - individual forest owners (as holders of individual certificate or members in regional or group certification);
 - other entities participating in the regional or group forest certification (e.g. contractors)
- Group C: **Forest related industries** (e.g. wood procurement organisations, wood manufacturers and wood processing industries, wood traders, distributors, retailers, etc.) with PEFC recognised chain of custody (CoC) certificate, including sites covered by PEFC recognised CoC certificates.
 - Group D: **Other Users**
Organisations and other entities other than those classified under PEFC Logo user groups B and C which are using the PEFC Logo off-product for promotional and education purposes.

5. Licenses for Logo Usage Rights

5.1 License Arrangements

5.1.1 General conditions

Organisations or companies applying for use of the PEFC Logo must:

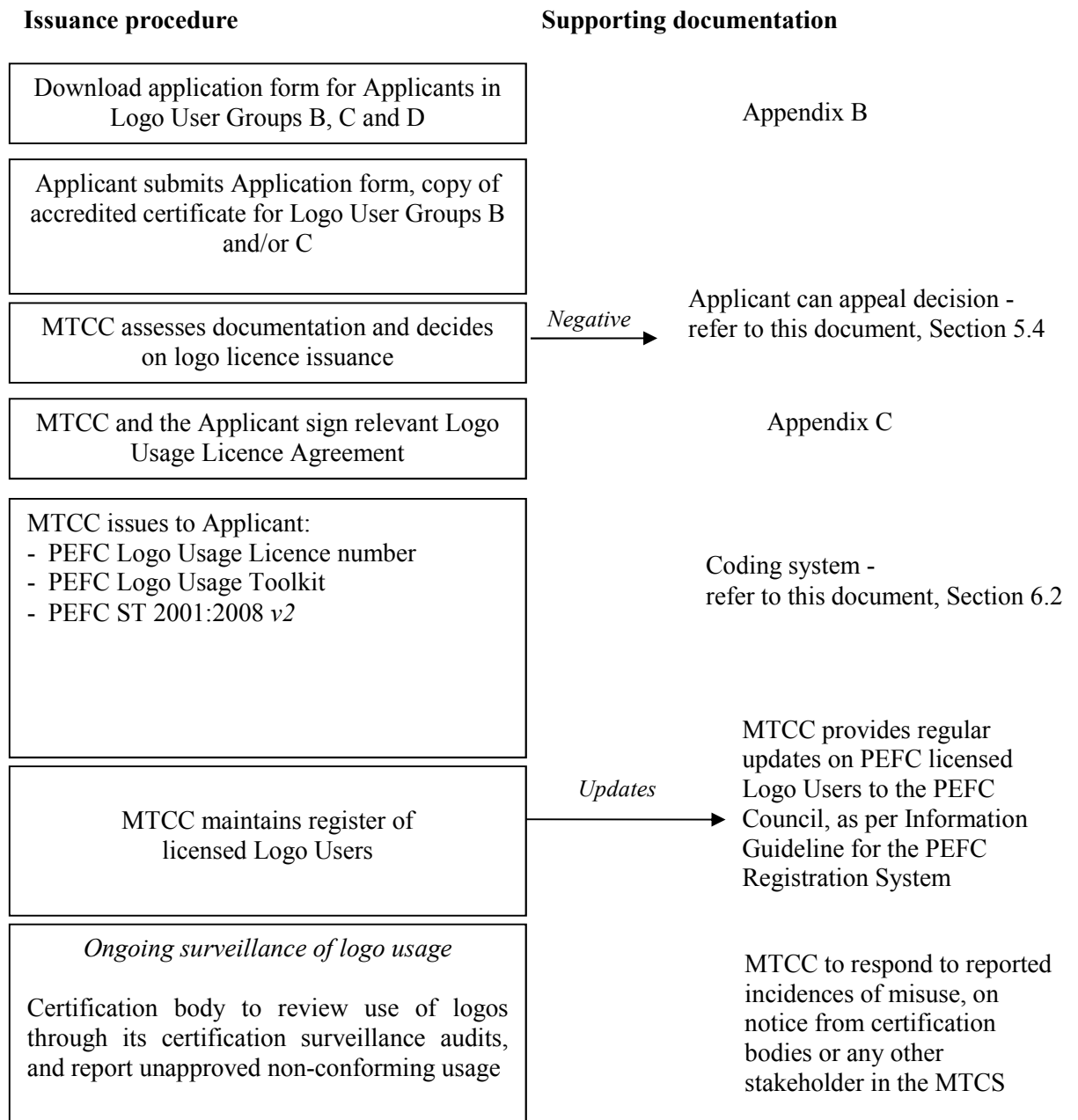
1. be a legal entity, such as a company, business or society; and,
2. be prepared to sign an agreement i.e. Logo Usage License Agreement that allows the public presentation, on an Internet-based database, of the organisation's, company's or other legal entity's identification data. This data includes:⁴
 - organisation's contact and location details;
 - organisation's certificate number and expiry date (if applicable);
 - certification body's contact details (if applicable); and
 - size of forest management unit and/or the facilities covered by the certificate (if applicable).
3. Holder of multi-site chain of custody certification which central office is located in Malaysia can apply for multi-license covering the whole or part of the scope of the multi-site certification 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.

5.1.2 Process for Issuing Licenses

The following process for obtaining logo usage rights approval applies to the use of the PEFC Logo in Malaysia. **Figure 1** provides an overview of this process.

⁴MTCC is required by the PEFC Council to provide data in accordance with its *GLI 4/2007, Internal Rules for the PEFC Registration System* or subsequent versions of GLI 4/2007.

Figure 1: Logo License Issuance Procedure



A company, organisation or individual has to obtain an official license from MTCC before printing, publishing or otherwise using the PEFC Logo and its 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 to MTCC, as presented in **Appendix B**.

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

- **Group B applicants** 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.
- **Group C applicants** 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 Logo user license, evidence that the forest manager has made a summary of the independent certification and surveillance audit results publicly available to stakeholders.
- Where a company or organisation is both a forest owner and manager under Group B and a forest related industry under Group C, only one license shall be issued to the company or the organisation. The license shall be based on its Group C status. The requirements of 5.1.2 relating to Group B and Group C shall also be fulfilled in terms of the license agreement between the company or organisation and MTCC.

5.1.3 License Agreement

If logo usage is approved, MTCC prepares a Logo Usage License Agreement (**Appendix C**) for the applicant. The License Agreement enters into force when both parties sign the agreement.

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 5.4 describes the procedures to be followed in dealing with the appeal.

Upon the signing of the License Agreement, MTCC issues to the applicant the Logo license registration number and provides the Logo User with a CD containing the following:

- The PEFC Logo Usage Toolkit (**Appendix A**); and
- The current version of the PEFC ST 2001:2008 v2. (Any revision of this document 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 principles and guidelines contained in the PEFC Logo Usage Toolkit.

5.1.4 Suspension of Logo Usage License

MTCC reserves the right to suspend the logo usage license if the Logo User is suspected of misusing the logo 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 license will be cancelled.

5.2 Validity of Licenses

MTCC issues the license for the following time periods according to the user groups:

User group B: for the period of PEFC forest management certificate validity

User group C: for the period of PEFC chain of custody certificate validity

User group D: for the period of validity of the agreement

5.3 PEFC Logo Usage without Licence Number

The usage of the PEFC Logo without licence number is not allowed in principle. However, MTCC can allow the usage of the PEFC Logo without the licence number in exceptional cases based on a written application for off-product usage only where the placement of the licence number is not possible (e.g. small promotional materials).

The applicant shall be a holder of a license issued by MTCC and the free form application shall include:

- applicant identification data, PEFC Logo license number
- reason for the usage without the licence number
- description of the usage including design layout

The decision of MTCC shall be made by the Chief Executive Officer on behalf of MTCC and is valid only for the applied exemption and the applicant shall send the MTCC an example of the promotional material covered by the exemption.

5.4 Dispute Settlement

MTCC provides an arrangement for an independent Dispute Resolution Committee 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 *Dispute Resolution Procedures* (document DRP 2/2013) which is available on the MTCC web site. Disputes related to matters covered in this document will be dealt with in accordance with the procedure in document DRP 2/2013.

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.

6. Registration and Coding System

6.1 Register of Logo Users

6.1.1 Responsibility of MTCC

A register of licensed PEFC Logo Users has to be kept in electronic format.

MTCC, in issuing licenses on behalf of 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.

6.2 Coding System

A logo usage registration coding system has been developed to support a register of logo usage licenses consistent with the PEFC Logo usage coding system. The PEFC coding system is specified in **Appendix D**. PEFC Logo usage license numbers shall be issued by MTCC as per the coding system set out in Appendix D.

6.3 Monitoring and Reporting

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 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 – PEFC Logo Usage Toolkit

PEFC Logo Usage Toolkit

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

Appendix B – Application for PEFC Logo Usage License

Application for PEFC Logo Usage License

I Certification Logo

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	
Telephone / Fax	
E-mail / Website	

III Applicant's Logo User Group

(Only one category can be marked in a single application)

B. Forest Owner and Manager	<input type="checkbox"/> FM Certificate holder
C. Forest related industries	<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	
Accreditation Body Name	
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 PEFC ST 2001:2008 v2 *PEFC Logo Use Rules- Requirements* (Second Edition) concerning the PEFC Logo usage and accept them; and
- the data included in this application are complete and truthful.

Signature and name of applicant's representative

Date

Appendix C - Logo Usage License Agreement

Logo Usage License Agreement

between

- (1) **Malaysian Timber Certification Council**, (Company No: 471002M), having its registered office at: C-08-05, Block C, Megan Avenue II, No. 12, Jalan Yap Kwan Seng, 50450 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 national 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 the 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 [B, C or D as per section 4 of LG 6/2014] and wishes to have the right to use the PEFC Logo in the course of its business.
5. MTCC has been granted, under license 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 license to the Logo User to use the PEFC Logo with registration number [PEFC/.....] in accordance with the LG 6/2014 and on the terms and conditions of this License Agreement.

Terms of the Agreement:

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

1 Definitions

Term	Definition
Certificate	Certificate issued by accredited certification body to entities for Forest Management or Chain of Custody certification under the MTCS
IAF member	An accreditation body from a country that is a member of the International Accreditation Forum Inc.

Logo User Group	There are three groups of Logo Users, as defined in the LG 6/2014. These are: <ul style="list-style-type: none"> • B - Forest owners and managers • C - Forest related industries • D - Other users
MTCC	Malaysian Timber Certification Council, the company established to manage the implementation of the MTCS, and the national governing body of the PEFC scheme in Malaysia
MC&I	Malaysian Criteria and Indicators for Forest Management Certification [MC&I(Natural Forest) and/or MC&I(Forest Plantations)] or subsequent versions of MC&I
MTCS	Malaysian Timber Certification Scheme operated by the MTCC
PEFC	The Programme for the Endorsement of Forest Certification schemes - a global umbrella initiative for forest certification schemes
<i>PEFC Logo Usage Rules –Requirements (Second Edition)</i>	A document which outlines the rules for use of the PEFC Logo and which forms part of this Agreement. Hereinafter referred to as the "PEFC ST 2001:2008 v2".
STANDARDS MALAYSIA	Department of Standards Malaysia
Trade mark	The PEFC Logo is a registered trade mark, which indicates that the timber products or the organisation that carry these marks hold PEFC certification

2 Intellectual Property Rights in the PEFC Logo

The Parties agree that the PEFC Council owns the Intellectual Property Rights including the copyright in the PEFC Logo that is a registered trade mark. For the avoidance of doubt this License 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 PEFC Logo in accordance with the PEFC ST 2001:2008 v2, and with the licence number issued by MTCC to ensure that the Logo User is readily identifiable on that basis. The graphical guidelines for the use of the PEFC Logo are specified in the PEFC Logo Usage Toolkit.
- ii. The Logo User, in case of Logo User Groups B and C (Forest Management and Chain of Custody certificate holders) as defined in the LG 6/2014, 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 agreement, the accredited certification body will examine the system by means of which the Logo User keeps records on how the PEFC Logo is used and, in the case of products, the production volumes of products marked with the PEFC Logo. The accredited certification body shall have a right to inform MTCC of changes of which it is aware, without consulting the Logo User.

- iii. 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 Logo Usage Toolkit within two weeks following the signing the License Agreement.
- ii. MTCC is obliged to inform the Logo User of any changes to the MTCS/PEFC regulations and documentation that concern the PEFC Logo usage.

5 Misuse of Logo and Penalties

- i. The Logo User acknowledges and agrees the use of the 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 Forest Management and CoC certification under the MTCS. The Logo User agrees that unauthorised use of the PEFC Logo 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 License Agreement is being contravened. The Logo User shall bear responsibility for the costs of such inspection and any other detrimental effects, if the License Agreement has been contravened.
- iii. MTCC may impose a contractual penalty for unauthorised on- or off-product use of the PEFC 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 LG 6/2014, 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 shall not be more than RM 15,000 (Ringgit Malaysia fifteen thousand).
 - b) In the case of Group C (chain of custody group) as defined in the LG 6/2014, 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 shall not be more than RM 15,000 (Ringgit Malaysia fifteen thousand).
- iv. MTCC has the discretion to alter the amount of the penalty for misuse of the PEFC Logo. 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 license for the usage of PEFC Logo in Malaysia. PEFC reserves the right to withdraw the license with immediate effect (suspension) if there are reasons to believe that any of the terms of license contract, rules for use of the PEFC Logo, or PEFC scheme are not being adhered to. Withdrawal of the license granted by PEFC to MTCC will result in automatic withdrawal of the license(s) issued by MTCC for use of the PEFC Logo. This would take effect on the same date as the withdrawal of the license granted to MTCC by PEFC.

- ii. Either party may terminate the License Agreement with three-month prior written notice by registered letter.
- iii. MTCC may suspend the License Agreement temporarily with immediate effect while a suspicion of contravention of the terms of the License Agreement or of the PEFC ST 2001:2008 v2 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 License 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 License Agreement.
- v. MTCC may terminate the License Agreement with immediate effect if there are reasonable grounds to believe that any of the terms of the License Agreement or the PEFC ST 2001:2008 v2 have been breached.
- vi. Withdrawal, suspension or the end of the validity of the certificate (for Forest Management and/or Chain of Custody) recognised by MTCC will result in automatic termination of the License Agreement with effect on the same date as the withdrawal, suspension or the end of the validity of the certificate.
- vii. 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 user group as defined in the LG 6/2014, 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 PEFC Logo, 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 PEFC Logo.
- iii. The Logo User, in the case of Group C user group as defined in the LG 6/2014, shall undertake to provide, immediately after each chain of custody audit, MTCC with a notification, verified by the accredited certification body, of the on-product use of the PEFC Logo 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 PEFC Logo.
- iv. The Logo User, in the case of Group D as defined in the LG 6/2014, shall give MTCC an annual report containing an itemised, free form account of the off-product usage of the PEFC Logo.

8 Validity of the Agreement

The terms of the License Agreement come into effect when it has been signed by both parties.

9 Governing Law

This License 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
For and on behalf of MTCC

Inon DD.MM.YYYY
For and on behalf of the Logo User

[Name]
Chief Executive Officer

[Name]
Designation

Appendix D – 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 license registration number, in the format set out in Figure E below.

Under the PEFC Coding System, MTCC has been allocated the country code of **34** for use in allocating logo usage registration numbers in Malaysia.

Figure E: PEFC Logo Usage Registration Coding System

