

BUILDCERT CERTIFICATION SCHEME
PROCEDURES FOLLOWING MISUSE OF BUILDCERT REGISTERED MARKS

The “BuildCert” name and logo, “TMV2 Scheme” logo, and “TMV3 Scheme” logo are registered marks of BuildCert Limited.

The following procedures, in addition to those provided by law for registered marks, have been agreed by the BuildCert Approvals Scheme and are reiterated for the existing membership.

- A 3rd party can claim TMV2 or TMV3 approval if the valve’s unique reference number and licence holder’s name, as stated on the approval certificate, are used adjacent to any and all logos and be referred to in all product literature that claims TMV2 or TMV3 approval. The identification found on the valve must be exactly the same as that found on the original approval with no additions.
- The TMV2 or TMV3 logo must be positioned adjacent to the exact approved valve and not used to imply that all valves have TMV approval. If the logo is used remotely then a caveat is required under the logo that states the unique model number of the approved valve.
- The use of the words TMV2 or TMV3 approval ‘pending’ or ‘applied for’ is not acceptable.
- The following words are acceptable ‘TMV2 or TMV3 approval will be available from launch’.
- The use of “TMV2” or “TMV3” as a model number is not acceptable.

The following Procedures must be undertaken following the misuse of BuildCert’s, TMV2 or TMV3 logo and name or any false claim that a product is approved by the Scheme

1. The Secretary of the Scheme will be notified of the misuse or false claim.
2. The Secretary will contact the company making the false claims to ascertain whether it manufactures the valve or purchases the valve from a manufacturer. If it purchases the valve from a manufacturer, the Secretary will ascertain whether the manufacturer has TMV2/3 approval.
3. If the manufacturer has approval see step 4. If the valve has no TMV2/3 approval via either the manufacturer or the company then the Secretary will explain the requirements of the TMV2/3 Scheme and indicate how the company is misusing the logo or name of the Scheme. If the company is willing to submit an application for approval, then go to steps 5 and 7. If the company is not willing to submit an application then go to steps 5 and 6.
4. If the valve has TMV2 or TMV3 approval via the manufacturer but if the company is making false claims then the Secretary will explain the requirements as step 3 and will contact the TMV2 or TMV3 licence holder and notify it of the false claims. See step 8.
5. Any manufacturer or company that makes any false claims in relation to the BuildCert logos, name or Scheme is required to make a retraction in the publication where the false claims have been made.
6. Depending upon the response to initial enquiries, the Scheme solicitor may be called to formally notify the manufacturer or company of the misuse of the TMV logo or name and will take any such steps as may be deemed necessary by the Scheme.
7. In a case of misuse, if the company has included within an advert the name of the product then the Scheme requires that the product(s) name be changed prior to any future approval by the Scheme. This will usually involve literature changes and change to the identification on the valve.
8. If the company making the false claims will not make an application for approval then the manufacturer that has TMV2 or TMV3 approval will be contacted and will be asked to exert pressure upon the company to submit an application and to comply with stages 5 and 7. If the company will not comply then the licence from the manufacturing company might be withdrawn after consultation with the Scheme solicitor. See step 6.

The members of the Schemes Technical Assessment Panel (TAP) will be kept informed of any misuse issues. After each verified misuse of the Schemes Registered Mark(s) the TAP will issue 1 penalty point to any existing scheme member, this penalty point will remain valid for 5 years, after which time it will be deleted. Any penalty points issued will be notified to the BuildCert Advisory Committee.

Any Scheme member that has three penalty points will have all their current incidents of misuse reviewed by the TAP who will advise the BuildCert Advisory Committee upon whether further action against the Scheme member is required. The Advisory Committee would then review the misuse incidents that make up the three or more penalty points and if necessary suspend approval of one or more products for a period of not more than 12 months.