



## **Association for the Control of Emissions in Products for Flooring Installation, Adhesives and Building Materials (GEV)**

### **Trademark Rules and Licensing Procedure**

Edition: January 18, 2016

#### **§ 1 Name and Registered Office**

- (1) The association – hereafter referred to as „GEV“ – bears the name „Gemeinschaft Emissionskontrollierte Verlegewerkstoffe, Klebstoffe und Bauprodukte e.V.“ (Association for the Control of Emissions in Products for Flooring Installation, Adhesives and Building Materials).
- (2) GEV has its residence in Düsseldorf and is a registered association.
- (3) The postal address of the GEV is: Völklinger Str. 4, D-40219, Germany

#### **§ 2 Purpose of the association**

- (1) As a non-profit-making association, GEV safeguards and promotes the general economic and idealistic interests of all producers of chemical flooring installation products and building materials and of all kinds of adhesives in the field of occupational-, environmental-, and consumer protection.
- (2) For this purpose, GEV carries out suitable measures to control, classify and label chemical flooring installation products, building materials and adhesives in respects of their emission behaviour.
- (3) For this purpose, GEV issues licenses for the use of the registered names, trademarks and symbols
- (4) GEV does not pursue any profitable interests.

#### **§ 3 Membership**

- (1) Ordinary membership in the GEV is restricted to producers of flooring installation products, adhesives or building materials.
- (2) Supporting membership is possible for producers of raw materials for the manufacturing of flooring installation products, building materials or adhesives as well as for appropriate institutes and associations.
- (3) Application for membership shall be submitted in writing to the GEV office. The GEV Board decides about acceptance of new members, in case of rejection appeal can be submitted to the GEV General Assembly for final decision.

#### **§ 4 Licence Symbol**

- (1) The licence symbol bears the name EMICODE in isolation or in combination with the acronym EC 2, EC 1 or EC 1<sup>PLUS</sup>, where appropriate affixed with an “R” as well as EC 2, EC 1 or 1<sup>PLUS</sup> in isolation. The licence symbols are registered trademarks. In general texts, the symbol may be freely designed. On labels and product sheets, it must be designed as described in the Annex to this Trademark Constitution.
- (2) Any change of composition of the licensed product resulting in changed emission classification, will automatically revoke the licence. If the changed product shall become labelled again, a new licence must be applied for.
- (3) Translations into other languages of the GEV terms (e.g. „very low emission“) are allowed and, for the sake of a conform appearance, are defined by the Secretary and the Chairperson of the Technical Council, if not already defined within the Annex.

#### **§ 5 Representation**

- (1) The Board heads the GEV. The Chairperson and the Vice Chairperson are the legal heads in the sense of § 26 BGB; each of these Board members may separately represent the association.
- (2) The Board appoints and releases one or more Managing Directors. When appointing several Managing Directors, the Board may appoint a General Managing Director. The Managing Directors are obliged to follow the directions of the Board and to execute the decisions of the General Assembly.
- (3) The Managing Directors are representatives according to § 30 BGB concerning their tasks according to the Constitution and all managing matters of the Secretary.

#### **§ 6 General Rights and Duties**

- (1) All members are duty bound to promote the objectives of the association and to support GEV in its execution of legal and Constitutional duties.
- (2) A membership to GEV authorises the member to use the name „GEV“ in the general corporate identity.
- (3) If an EMICODE labelling (licence symbol) is possible to be applied on a product or product line, all members are strongly requested to do so.
- (4) GEV-members are duty bound to only use the regulations as defined by the Technical Council according to § 10 sec. 3 of the Constitution. When presenting or describing EMICODE licensed products the assigned emission class must be indicated.
- (5) No other emission or environmental designations shall be used beside the GEV EMICODE designation (licence symbol) for the same product or product line.

Any exceptions have to be decided by the Board.

*(Remark: a list of accepted labels is available at the GEV-office)*

- (6) For products or product lines which do not carry a GEV EMICODE designation (licence symbol) the description of emission or environmental characteristics may be done only with other generally acknowledged and constitutionally defined labels.

Any exceptions have to be decided by the Board.

- (7) Any individual free description of emission or environmental characteristics (f.e. company designed logos) as well as any reference to non-contained ingredients, f.e. "free of high boiling solvents", "free of formaldehyde" or "does not contain plasticizers" and the like are not allowed to GEV members. Permitted exceptions are the use of the term "solvent free" in accordance with legal regulations.

Any further exceptions have to be decided by the Board.

- (8) Unless legally requested ordinary GEV members do not forward or publish individual emission related test reports or results for economic, advertising or sales purposes.

## **§ 7 Particular Rights and Duties of Licensees**

- (1) The licence authorizes the ordinary member to use the name, terms and symbols of the GEV, especially to use the GEV-terms „**EMICODE**“ and „**EC**“ in combination with the assigned emission class in isolation or in combination when describing and presenting products or product lines.
- (2) A product can be classified into the correct EMICODE emission class by each ordinary member on its own. Such a classification has to be based on the GEV classification criteria and test methods as decided by the Technical Council according to § 12 sec. 3 of the Constitution.
- (3) The application to being awarded with a licence to label a product shall be done by sending a form to the GEV Secretary Office. On request the declared classification must be proofed, e.g. by a test result.
- (4) After positive examination of the license application from a GEV-member, the GEV Secretary formally confirms:
- the ordinary membership in GEV,
  - the classification of the applied product into the indicated emission class.
- (5) The Licensees are self responsible for the conformity of the license and the test results. Any liability by GEV, its bodies or any authorised third person is excluded.
- (6) The Licensees are duty bound to,
- use the licence terms and symbols in such a way that the reputation of GEV or its members is not damaged.
  - refrain from using other terms or symbols, who in their appearance are so similar to the licensed terms or symbol that confusion is to be feared.
  - issue a Safety Data Sheet in conformity with the EU legislation, irrespective of the legal requirements on the licensed product.

## **§ 8 Trademark infringements**

- (1) The GEV will maintain and defend the licence terms and symbols against infringements by advisable and effective measures.
- (2) The Licensees will reasonably support GEV in this purpose and inform GEV of any violations of the GEV licence terms and symbols they become aware of.

## **§ 9 Loss of right to use the license**

- (1) The right to use the licensed terms and symbols is only given for the period of membership in GEV.
- (2) If a Board decision results in a termination of the membership, the member must be heard in accordance to the Constitution.

- (3) With the cessation of the right to use the licence all further use of material in stock bearing GEV terms or symbols is prohibited. No compensation in any terms can be claimed for such a case.

#### **§ 10 Transferability**

A transfer of the authorised right to use the licensed terms and symbols to a non-member is only possible with the confirmed compliance of the regulations in the GEV Constitution. In this case the GEV-member must apply in his name and responsibility for each licensed product of the non-member

#### **§ 11 Board**

- (1) The Board constitutionally supervises the compliance of the decisions and regulations of the authorized bodies.
- (2) The Board makes decisions on exceptions according to § 6 sec. 5,6, and 7.
- (3) In the case of an infringement related to the testing and classification of licensed products, the Board can decide to re-examine the classification. The re-examination can be performed within a two-year period by an institute selected by the Board and the costs shall be born by the member, in case the infringement can be proved.

#### **§12 Technical Council**

The Technical Council is permitted to make proposals on all relevant matters to the Board and decides about all technical issues, in particular:

- Definitions of Criteria for classification into emission classes
- Definitions of test methods
- Definitions of the contents of the forms for licence application and licence awarding as of § 6 sec. 3 and 4.

#### **§ 13 General Assembly**

- (1) If not otherwise provided the General Assembly decides on all further matters.
- (2) If not otherwise determined the constitution of the GEV as well as its defined procedures are applied accordingly.

Done at Frankfurt/Main, February 24, 1997,  
 Weimar, May 22, 1997,  
 Düsseldorf, 26 March, 1999,  
 Frankfurt/Main, May 17, 2000,  
 Frankfurt/Main, December 5, 2006,  
 Düsseldorf, June 11, 2007,  
 Hanover, January 18, 2010,  
 Hanover, January 16, 2012 and  
 Hanover, January 18, 2016

## Annex to trademark Constitution

### Association for the Control of Emissions in Products for Flooring Installation, Adhesives and Building Materials (GEV)

The GEV trademarks must appear – having regard of the conditions as set out in § 4 sec. 1 - according to § 4 sec. 1 sentence 4 as per the following description:

#### Word marks:

“EMICODE”, “EC 2”, “EC 1”, “EC 1<sup>PLUS</sup>”

#### Word/ figurative marks:



Description:	diameter 50 mm (%). The size of all specifications below is based on a 100 % transfer.
Outer circle:	50 mm in diameter
Inner circle:	34 mm in diameter
Bottom line:	scale: 17 mm from bottom edge of the outer circle
Top line:	scale: 17 mm from top edge of the outer circle
Line thickness:	0.3 mm
Type:	Avant Garde
Lettering size:	lettering in circle = 20 pt Inner label = 43 pt
Performance:	up to 50 mm in size free choice of diameter  free choice of position, print colour, rotation / angle

Translation of emission classes according to § 4 sec. 3 (examples):

English	German	French	<u>Italian</u>
very low emission	sehr emissionsarm	à très faible émission	<u>A bassissime emissioni</u>
low emission	emissionsarm	à faible émission	<u>Ad emissioni bassi</u>