



NETWORK FOR CERTIFICATION AND CONSERVATION OF FORESTS (NCCF)

ISSUANCE OF PEFC LOGO USE LICENSES BY THE NCCF

LG: 01/2016

Network for Certification and Conservation of Forests (NCCF)

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Document Name: Issuance of PEFC Logo use licenses by the NCCF

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Foreword

The Network for Certification and Conservation of Forests (NCCF) is a not for profit organization registered under Societies Registration Act, 1860. NCCF is involved in developing Forest Certification Scheme in the country. It is an institutional mechanism to ensure collaborative and streamlined efforts for development of National Forest Certification System and Standards. It aims to promote the implementation of improved Forest practices in the country and further the development of healthier, sustainable: economically beneficial, environmentally responsible and socially appropriate in accordance with national policies, institutional frameworks and sustainability usage norms.

CONTENTS

1. SCOPE.....	6
2. OBJECTIVE	6
3. NORMATIVE REFERENCES	6
4. TERMS AND DEFINITIONS.....	6
PEFC ST 2001:2008 v2.....	7
PEFC Logo Usage Rules – Requirements (Second Edition)	7
5. CONDITIONS FOR ISSUANCE OF LICENSE.....	8
5.1. General conditions	8
5.2. Special Conditions	8
6. PROCESS FOR ISSUING LICENSES	9
Figure #1: License Issuance Procedure	10
7. License Agreement	11
8. Suspension of Logo Usage License.....	11
9. Validity of Licenses	12
10. PEFC Logo Usage without License Number.....	12
11. Dispute Settlement	12
12. Registration and Coding System	13
Coding System	13
Monitoring and Reporting.....	13
Appendix A – PEFC Logo Usage Toolkit	14
Appendix B – Application for PEFC Logo Usage License.....	15
Appendix C - Logo Usage License Agreement.....	17
Recitals:.....	17
Terms of the Agreement:	17
1 Definitions.....	17
2 Intellectual Property Rights in the PEFC Logo	18
3 Responsibilities of the Logo User	18
4 Responsibilities of NCCF	19
5 Misuse of Logo and Penalties	19
6 Suspension and Termination.....	20
7 Reporting and Presentation	20
8 Validity of the Agreement.....	21

9	Other terms of the contract.....	21
10	Governing Law.....	21
Appendix		
Appendix A - PEFC Logo Usage Toolkit		
Appendix B - Application form to NCCF		
Appendix C - Logo Usage License Agreement		
Appendix D - PEFC Coding System		

1. SCOPE

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 entitled PEFC Logo Usage Rules-Requirements as well as the PEFC GD 1005:2012 entitled *Issuance of PEFC Logo Use Licenses by the PEFC Council*.

The scope is to specify the:

- ❖ Parties that can use the logo (Section 5)
- ❖ Process for issuance of logo usage license and logo use rules (Section 6)

2. OBJECTIVE

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

The NCCF is the PEFC National Governing Body of PEFC Council in India, and is authorized to administer and to assure the protection of ownership rights for the usage of the PEFC Logo in India on the basis of certification (except logo user group D) under the NCCF as a mutually recognized forest Management and Chain of Custody 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.

3. NORMATIVE REFERENCES

The procedures for the issuance of PEFC Logo use licenses must comply with the PEFC Council requirements as follows:

- 1.1. PEFC ST 2001-2008 v2 PEFC Logo Usage Rules- Requirements
- 1.2. PEFC GD 1005:2012 Issuance of PEFC Logo use licenses by the PEFC Council

References from other PEFC endorsed nations taken into account while framing this document are as follow:

- 1.3. LG-7-2015 Issuance of PEFC Logo Usage Licenses by MTCC

4. TERMS AND DEFINITIONS

A. Accredited certificate

A certificate issued by a certification body within the scope of its accreditation that bears the accreditation body's symbol.

B. PEFC recognised certificate is:

- a) a valid **accredited** forest management certificate issued by a PEFC notified certification body against a PEFC Council endorsed forest management scheme/standard,

b) a valid **accredited** chain of custody certificate issued by a PEFC notified certification body against the PEFC Council international chain of custody standard or

c) a valid **accredited** chain of custody certificate issued by PEFC notified certification body against a scheme specific chain of custody standard that is endorsed by the PEFC Council.

Note: A complete list of PEFC endorsed forest certification schemes and chain of custody standards is available on the PEFC Council website, www.pefc.org.

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

NCCF

Network for Certification and Conservation of Forests

PEFC

The Programme for the Endorsement of Forest Certification schemes.

For further information, refer: www.pefc.org

PEFC ST 2001:2008 v2 (UNDER REVISION)

PEFC Logo Usage Rules – Requirements (Second Edition)

PEFC ST 2002:2013

The PEFC Chain of Custody Standard “Chain of Custody for Forest Based Products - Requirements” or subsequent versions of PEFC ST 2002:2013.

For further information, refer: www.pefc.org

C. CONDITIONS FOR ISSUANCE OF LICENSE

5.1. General conditions

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

1. be a legal entity, such as a company, business or society; and,
2. sign an agreement i.e. PEFC Logo Use Agreement (Appendix I)
3. agree to the public presentation, on an Internet-based database, of the organization's/company's/other legal entity's identification data and other information as specified by the PEFC Council. This data includes:
 - organization's contact and location details;
 - organization'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).

5.2. Special Conditions

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

i. Group B: Forest owners and managers

Forest owners and managers with PEFC recognized Forest Management (FM) certificates and all eligible entities participating in a region or group with PEFC recognized certificate.

The following entities are covered by group B:

- a) holders of a regional certificate;
- b) holders of a group certificate (group of forest owners);
- c) individual forest owners (as holders of individual certificate or members in regional or group certification);
- d) other entities participating in the regional or group forest certification (e.g. contractors)

ii. Group C: Forest related industries

Forest related industries (e.g. wood procurement organizations, wood manufacturers and wood processing industries, wood traders, distributors, retailers, etc.) with PEFC recognized chain of custody (CoC) certificate, including sites covered by PEFC recognized CoC certificates.

The holder of multi-site chain of custody certification which central office is located in India 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 organizational structure.

iii. **Group D: Other Users**

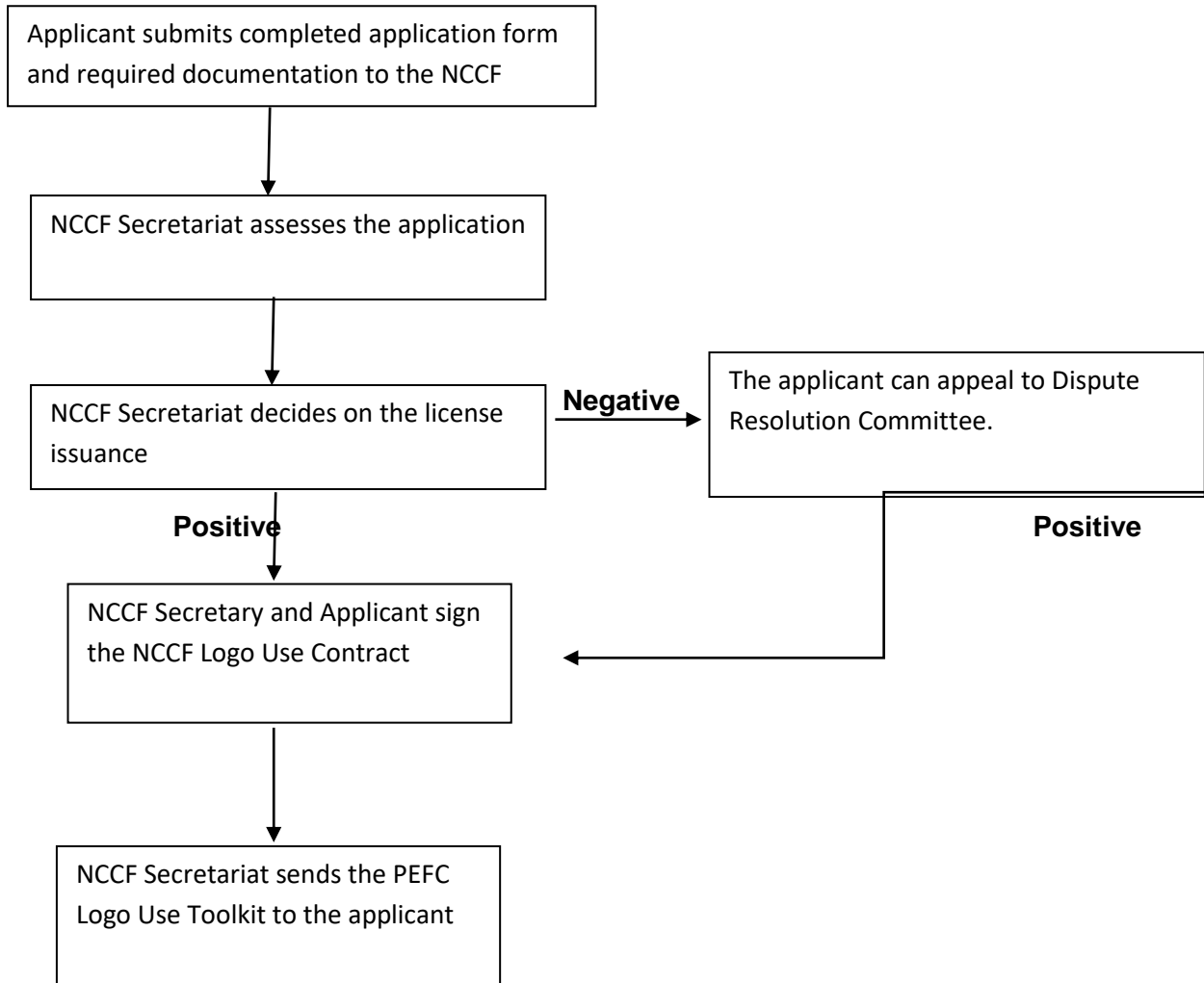
Organizations and other entities other than those classified under PEFC Logo user groups B and C which are using the PEFC Logo off-product for promotional and education purposes.

Note: The PEFC Logo usage group D also covers a broad range of entities which intend to use the PEFC Logo for promotional or educational purposes and ranges from trade and industry associations, research and educational institutions, governmental organizations, NGOs, etc. Group D also covers organizations within the forest products chain, where the chain of custody certification does not apply as they are consumers of forest based products (e.g. governments, banks) or are selling the products with claims and/or labels which are placed on the product by their suppliers.

D. PROCESS FOR ISSUING LICENSES

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

Figure #1: License Issuance Procedure



A company, organisation or individual has to obtain an official license from NCCF 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 NCCF, as presented in **Appendix B**.

NCCF 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 relating to Group B and Group C shall also be fulfilled in terms of the license agreement between the company or organisation and NCCF.

E. License Agreement

If logo usage is approved, NCCF prepares a Logo Use 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, NCCF 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 11 describes the procedures to be followed in dealing with the appeal.

Upon the signing of the License Agreement, NCCF issues to the applicant the Logo license registration number and provides the Logo User documents/ details via email 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).

NCCF 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.

F. Suspension of Logo Usage License

NCCF 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 NCCF. If, after investigation, the suspicion is proven to be founded, the logo usage license will be cancelled.

G. Validity of Licenses

NCCF 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

10. PEFC Logo Usage without License Number

The usage of the PEFC Logo without license number is not allowed in principle. However, NCCF can allow the usage of the PEFC Logo without the license number in exceptional cases based on a written application for off-product and on product usage where the size of the PEFC Logo / label would result in the licence not being readable or placing the licence number on the product would not be feasible or the applied technology would not allow the licence number to be used together with the PEFC Logo and

- a) the PEFC Logo with the licence number is used on other parts of the product (e.g. packaging, larger boxes, a leaflet or manual to the product) or
- b) the user of the PEFC Logo can be clearly and unambiguously identified from other on product information.

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

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

The usage of the PEFC Logo without the licence number shall be approved in advance by the NCCF . The decision of NCCF shall be made by the Executive Director on behalf of NCCF and is valid only for the applied exemption and the applicant shall send the NCCF an example of the promotional material covered by the exemption.

11. Dispute Settlement

NCCF 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. NCCF provides guidance on such complaints and appeals in its *Dispute Resolution Procedures* (document DRP: 1/2016) which is available on the NCCF web site. Disputes related to matters covered in this document will be dealt with in accordance with the procedure in document DRP: 1/2016.

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.

12. Registration and Coding System

Register of Logo Users

Responsibility of NCCF

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

NCCF, 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 NCCF 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.

NCCF 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, NCCF has to provide PEFC Council up to date information, and also when the PEFC Council requests specific data updates.

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 NCCF as per the coding system set out in Appendix D.

Monitoring and Reporting

PEFC Logo usage is subject to monitoring carried out by accredited certification bodies, NCCF and its appointed agents. NCCF 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

[NCCF to provide PEFC Logo and specifications via email for use by the
Logo User]

Appendix B – Application for PEFC Logo Usage License

APPLICATION FOR PEFC LOGO USE LICENSE

I. Applicant's Identification Data

Organisation name			
Address	Street, No.		
	City	Zip	
	Country		
Contact person			
Telephone		Fax	
E-mail		Http	

In case of application for multi-license covering several sites, the application shall include identification and contact details of all sites for which the application is made.

II. Applicant's Logo User Group

(only one category can be marked in single application)

B. Forest owners / managers	<input type="checkbox"/> Holder of an individual Forest Management certificate <input type="checkbox"/> Central office of a Group Forest Management certification <input type="checkbox"/> Participant in a Group Forest Management certification
C. Forest related industries	<input type="checkbox"/> Chain of Custody certificate holder <input type="checkbox"/> Participant in a multi-site Chain of Custody certification <input type="checkbox"/> Application for multi-license covering several sites
D. Other Users	<input type="checkbox"/>

III. Information and Documents for Application Processing:

Certificate number <i>(if group B or C)</i>	
Certificate expiry date <i>(if group B or C)</i>	
Certification body <i>(if group B or C)</i>	
Documents required for processing the application:	
<input type="checkbox"/> Copy of the PEFC certificate <i>(if group B or C)</i> <input type="checkbox"/> Copy of the confirmation of participation in Group Forest Management certification or multi-site Chain of Custody <i>(group B or C, if applicable)</i> <input type="checkbox"/> List of all sites covered by the application, including full contact details <i>(if application for multi-license, group C)</i> <input type="checkbox"/> Signed free form explanation of the intended logo use	

IV. Self-Declaration:

I hereby confirm that:

- I have read [PEFC authorised body]'s regulations concerning PEFC logo use and accept them,
- the data included in this application is complete and correct.

Signature of applicant's representative

Date

Appendix C - Logo Usage License Agreement

Logo Usage License Agreement

between

- (1) Network for Certification and Conservation of Forests(NCCF), having its registered office at: EPCH House, Sector 6&7, LSC, Vasant Kunj 110070 , new delhi, India (hereafter “NCCF”)

and

- (2) **[Name, address and Company No of the logo user]** (hereinafter the “Logo User”)

Recitals:

1. M/s Network For Certification and Conservation of Forests ; a society registered under the Societies Registration Act 1860 to establish country specific Forest Certification scheme.
2. Whereas PEFC Council is an independent, non-profit, non-governmental organisation which promotes sustainably managed forests worldwide through third party certification, and is the owner and has the copyright on the PEFC logo and the PEFC initials, which are registered trademarks
3. Whereas NCCF is a member of the PEFC Council and has been duly appointed by the PEFC Council as the National Governing Body and NCCF has an agreement with the PEFC Council to provide the PEFC Logo in India.
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: 1/2016] and wishes to have the right to use the PEFC Logo in the course of its business.
5. NCCF agrees to grant a license to the Logo User to use the PEFC Logo with registration number [PEFC/.....] in accordance with the LG: 1/2016 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 NCCF
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: 1/2016. These are: <ul style="list-style-type: none"> • B - Forest owners and managers • C - Forest related industries • D - Other users
NCCF	NCCF, the national governing body of the PEFC scheme in India
PEFC	The Programme for the Endorsement of Forest Certification schemes - a global umbrella initiative for forest certification schemes.

PEFC Logo Usage Rules –Requirements (Second Edition)

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".

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
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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 trademark. 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 license number issued by NCCF 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: 1/2016, undertakes to enter an agreement with the accredited certification body within three months of signing this agreement (a copy to be sent to NCCF) 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 NCCF of changes of which it is aware, without consulting the Logo User.
- iii. The Logo User must inform NCCF immediately and truthfully on any changes concerning the Logo User's identification data and certified status.

4 Responsibilities of NCCF

- i. NCCF shall use every reasonable endeavor to provide the Logo User with the Logo Usage Toolkit within two weeks following the signing the License Agreement.
- ii. NCCF is obliged to inform the Logo User of any changes to the NCCF/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 NCCF and is controlled and monitored by certification bodies notified by NCCF to undertake Forest Management and CoC certification. The Logo User agrees that unauthorized use of the PEFC Logo is prohibited and may lead to legal action being taken against it.
- ii. NCCF 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 NCCF 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. NCCF may impose a contractual penalty for unauthorized on or off-product use of the PEFC Logo. The amount of the penalty will be set by NCCF, subject to the following considerations:
 - a) In the case of Group B (forest management group) as defined in the LG: 1/2016, the contractual penalty that may apply is one-fifth of the market value of the products to which the unauthorized use relates, unless the Logo User demonstrates that such unauthorized use was unintentional. In the latter case the penalty shall not be more than INR 1023236.63 (conversion rate 1 CHF =68.22 INR as on 04.10.2016).
 - b) In the case of Group C (chain of custody group) as defined in the LG: 1/2015, the contractual penalty that may apply is one-fifth of the market value of the products to which

the unauthorized use relates, unless the Logo User demonstrates that such unauthorized use was unintentional. In the latter case the penalty shall not be more than INR 1023236.63 (conversion rate 1 CHF =68.22 INR as on 04.10.2016).

- iv. NCCF 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 NCCF.

6 Suspension and Termination

- i. NCCF is granted a license for the usage of PEFC Logo in India. 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 is not being adhered to. Withdrawal of the license granted by PEFC to NCCF will result in automatic withdrawal of the license(s) issued by NCCF for use of the PEFC Logo. This would take effect on the same date as the withdrawal of the license granted to NCCF by PEFC.
- ii. Either party may terminate the License Agreement with three-month prior written notice by registered letter.
- iii. NCCF 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 NCCF. In this case, NCCF 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 NCCF determines further investigations are required after the Logo User has provided an explanation concerning the suspected misuse to NCCF.
- iv. When the Logo User has implemented appropriate corrective measures approved by NCCF and given notification that this has been done, NCCF may agree to the Logo User resuming its rights under this License Agreement.
- v. NCCF 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) recognized by NCCF 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. NCCF 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. NCCF is permitted to present in a public forum (e.g. the NCCF 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: 1/2016, shall undertake to provide, immediately after each forest management verification audit, NCCF 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 NCCF 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: 1/2016, shall undertake to provide, immediately after each chain of custody audit, NCCF 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 NCCF 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: 1/2016, shall give NCCF an annual report containing an itemized, 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 Other terms of the contract

NCCF reserves the right to carry out (by itself or to commission a third party to act on its behalf) an on-site inspection of the logo user's operations, if it has received a complaint by third party, or if NCCF has reasons to believe that the contract is being contravened. The logo user shall bear responsibility for the costs of said inspection and any other detrimental effects.

10 Governing Law

All or any disputes arising out of or touching upon or in relation to the terms of this Agreement including the interpretation and validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion failing which the same shall be settled through arbitration. The arbitration proceedings shall be governed by the Indian Arbitration & Conciliation Act, 1996 or any statutory amendments/ notifications thereof for the time being in force. The arbitration proceedings shall be held in New Delhi by a Sole Arbitrator appointed by the NCCF and whose decision shall be final and binding. The Notified Certification Body hereby confirms that he shall have no objection to this appointment

Signed in duplicate.

In Delhi on
(DD.MM.YYYY)

For and on behalf of NCCF

In on
(DD.MM.YYYY)

For and on behalf of the Logo User

[Name]
Executive Director
NCCF

[Name]
Designation

Appendix D – PEFC Logo Usage Registration CodingSystem

PEFC Logo Usage Registration CodingSystem

NCCF, the National Governing Body (NGB) appointed and contracted by the PEFC Council for PEFC certification in India, will issue approved Logo Users with a Logo usage license registration number, in the format set out in Figure below.

Under the PEFC Coding System, NCCF has been allocated the country code of 42 for use in allocating logo usage registration numbers in India

Figure E: PEFC Logo Usage Registration CodingSystem

