



Procedure

PILOT PROCEDURE FOR FSC PROMOTIONAL CLAIMS BY TWO CONSECUTIVE PROMOTIONAL LICENCE HOLDERS

DRAFT 1.0



Title: Pilot Procedure for FSC promotional claims by two Consecutive Promotional Licence Holders

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INTRODUCTION

Under current FSC requirements each link in the supply chain of products needs to be covered by FSC certification in order for the end company to be eligible to sign a promotional licence agreement and promote those products via this licence. There are some exemptions to this, e.g. if the product is finished, FSC labelled and branded for the final retailer.

However, in some sectors, e.g. the fashion sector there are often brands selling to retailers. The brands may hold a promotional licence but are unlikely to gain certification to enable resellers to promote the FSC status of the products as is currently required.

The data collected from this pilot project will contribute to the revision process of the FSC-STD-40-004 *Chain of Custody Certification* and the *FSC Trademark Use Guide for Promotional Licence Holders*.

OBJECTIVE

The objective of this pilot is to establish the circumstances in which it may be acceptable for an organization purchasing directly from a promotional licence holder to promote these products via their own promotional licence agreement and the safeguards that would need to be in place for this to be permitted to mitigate identified risks.

SCOPE

This document details the procedure to be followed by organizations and network partners/trademark service providers with respect to the promotion of FSC-certified products by two consecutive promotional licence holders.

This procedure is to be used alongside the *FSC Trademark Use Guide for Promotional Licence Holders*.

REFERENCES

The following referenced documents are relevant for the application of this document.

For references without a version number, the latest version of the referenced document (including any amendments) applies:

| | |
|--|---|
| FSC Trademark Use Guide for Promotional Licence Holders | This guidance document specifies the requirements which apply to all promotional licence holders. |
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TERMS AND DEFINITIONS

For the purposes of this document, the following terms and definitions apply:

Branded product: A product, which carry the logo, name and/or artwork of the company, it is produced for. In the context of this pilot, the product must be branded to the intermediary promotional license holder.

FSC-certified product: A product that conforms to all applicable certification requirements and is eligible to be sold with FSC claims and to be promoted with the FSC trademarks based on TLA. FSC-certified products to be promoted by the Pilot Participants shall carry the FSC on-product label.

Intermediary Promotional Licence Holder: The Promotional Licence Holder that purchases finished, labelled FSC-certified products from an FSC Certificate Holder and sells this to another Promotional Licence Holder.

Pilot Participants: The Promotional Licence Holders participating in this pilot.

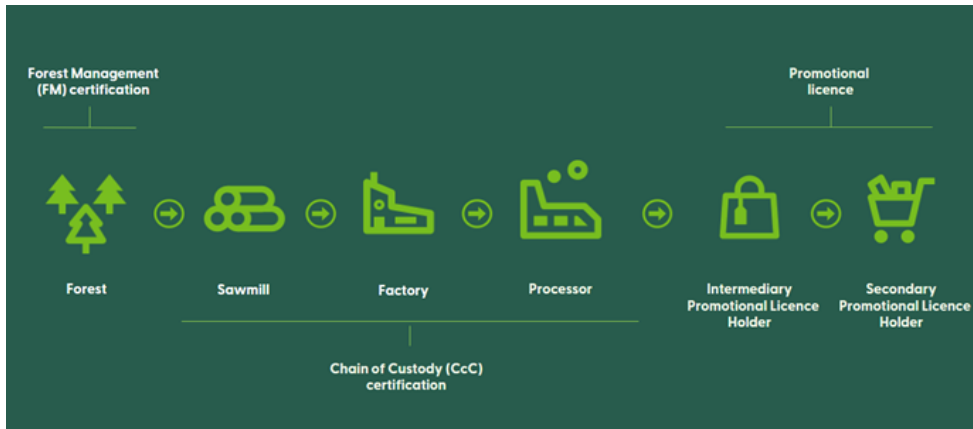
Promotional claim: A claim that is used to promote the FSC system or FSC-certified product. For example: 'This table is made from FSC-certified wood'.

Promotional materials: Are designed to advertise, or raise awareness about, FSC and finished, labelled FSC-certified products to audiences who do not require an FSC claim to be made on sales and delivery documents.

Secondary Promotional Licence Holder: The Promotional Licence Holder that purchases finished, labelled FSC-certified products via an uncertified Promotional Licence Holder (the **Intermediary Promotional Licence Holder**) and promotes these via their own FSC Promotional Licence Agreement.

Trademark Service Provider (TSP): Organization (such as an FSC national or regional office or FSC International, as applicable) appointed by FSC to sublicense the use of the FSC trademarks in a certain territory and to provide services such as approving the use of FSC trademarks for promotional licence holders and monitoring of potential infringements.

Fig. 1: From of FSC certified products in the pilot.



Verbal forms for the expression of provisions:

[Adapted from *ISO/IEC Directives Part 2: Rules for the structure and drafting of International Standards*]

- “shall”: indicates requirements strictly to be followed in order to conform with the standard.
- “should”: indicates that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required. A 'should requirement' can be met in an equivalent way provided this can be demonstrated and justified.
- “may”: indicates a course of action permissible within the limits of the document.
- “can”: is used for statements of possibility and capability, whether material, physical or causal.

ABBREVIATIONS

- FSC** Forest Stewardship Council¹
FSC AC Forest Stewardship Council A.C
FSC IC FSC International Center gGmbH
FSC GD
- PLA** Promotional Licence Agreement
- PLH** Promotional Licence Holder
- TSP** Trademark Service Provider
- ASI** Assurance Services International

¹ FSC here covers FSC AC, FSC IC, and FSC GD separately or collectively

1. GENERAL REQUIREMENTS FOR PILOT PARTICIPANTS

1.1 The Pilot Participants shall hold a valid PLA and comply with the requirements of the *FSC Trademark Use Guide for Promotional Licence Holders*.

1.2 The Pilot Participants shall implement and maintain a system adequate to ensure their continuous conformity to all applicable requirements of this procedure, including:

- a. appoint a representative who has overall responsibility and authority for the organization's conformity to all applicable requirements;
- b. maintain complete and up-to-date records of the documents that are relevant to demonstrate the organization's conformity with all applicable requirements which shall be retained for a minimum period of 2 (two) years.

1.4 The Pilot Participants shall support transaction verification conducted by FSC and ASI, by providing samples of FSC transaction data as requested.

1.5 Pilot participants shall express explicit consent on sharing the information with the extent required for this project among the other participants and shall keep confidential the information received by other participants. [The data processed includes](#)

- (A) [business data potentially also including personal data: company name, contact data \(such as name, email address and telephone number\)](#)
- (B) [data about the Promotional License of the PLH: FSC License code, \(contact\) data about the respective TSP of the PLH](#)
- (C) [data regarding the FSC certified supplier: name, certificate code, information on the validity of the certificate](#)
- (D) [data regarding the product group\(s\) in the Pilot: product name, product description and date of validation, SKU number, invoice/letter that confirms FSC-certified status \(sensitive information will be hidden making only name of the supplier, CoC license and product overview visible\), label type/claim, photo that confirms labelling and visibility](#)

2. REQUIREMENT FOR THE INTERMEDIARY PLH

2.1 The Intermediary PLH shall maintain up-to-date information about all FSC-certified suppliers who are supplying FSC-certified products, including names, certification code and products, FSC Claim supplied in line with the requirements defined in FSC® Trademark Use Guide for Non-certificate holders.

2.2 The Intermediary PLH shall provide details to their TSP of any Secondary PLH wishing to make a Promotional claim regarding the products they supply to them and shall advise the Secondary PLH to contact their TSP for approval of any Promotional claim.

2.3. The Intermediary PLH shall grant their TSP the right to store information regarding the FSC-certified products sold to the Secondary PLH including information on product SKU, supplier name and certificate code, documentation of labelling on product, documentation on FSC status of the product and contact information for the Intermediary PLH.

2.4 The Intermediary PLH shall grant their TSP the right to share information regarding the FSC-certified products sold to the Secondary PLH with FSC and other TSPs, including product SKU, product name, product description, status of verification of certification status and list of Secondary PLHs receiving the product as part of the pilot (company name, PLH license code and country.).

Kommenterede [MG1]: Check with PLA the compliance
@Marian.Gutierrez

2.4 The Intermediary PLH shall have procedures in place to ensure that non-conforming products are not promoted as FSC-certified and that their TSP and any Secondary PLHs are alerted to the non-confirming status of the products. This procedure should be in line with recommended outline in FSC® Trademark Use Guide for Non-certificate holders.

2.5 The Intermediary PLH shall inform their TSP if they become aware of the suspension or termination of their FSC-certified supplier(s) FSC-certificate. In case the Intermediary PLH does not inform the TSP, they and connected Secondary PLHs will be excluded from the Pilot.

3. REQUIREMENTS FOR THE SECONDARY PLH

3.1 The Secondary PLH shall contact their TSP to confirm that products sourced via the Intermediary PLH can be promoted as FSC-certified under their PLA, which includes also checking the eligible territory of the PLA.

4. REQUIREMENTS FOR TRADEMARK SERVICE PROVIDERS

4.1 The TSP of the Intermediary PLH shall record details of any FSC-certified products that are sold on to the Secondary PLH and provide this, as required to the TSP of the Secondary PLH.

4.2. The TSP of the Secondary PLH shall verify the eligibility of the FSC certified products for Promotion through validated information provided by the TSP of the Intermediary PLH.

5. REPORTING REQUIREMENTS

5.1 The Pilot Participants and associated TSPs commit to reporting on the outcomes of the pilot including:

- a. Additional product promotion as a result of the pilot;
- b. Challenges experienced through the participation in the pilot;
- c. Any unauthorized use of the FSC trademarks identified as being a result of, or linked to the pilot.

