

**SQF 1000 CERTIFICATION
TRADE MARK
RULES FOR USE**



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4TH EDITION - NOVEMBER 2005**

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1 DEFINITIONS

For the purpose of this document the relevant definitions given in the "SQF Program - Vocabulary" document together with the following definitions apply:

- (a) **Certificate of Registration** means a certificate in a format provided by SQFI and issued to a Producer by a Licensed Certification Body following the successful completion of a Certification Audit and thereafter on the anniversary date of the Certification Audit.
- (b) **Certification** means Certification by a Certification Body of a Producer's SQF 1000 System as complying with the SQF Code, as appropriate, following a Certification Audit, and **Certify**, **Certifies** and **Certified** shall have a corresponding meaning.
- (c) **FMI** means the Food Marketing Institute, a District of Columbia not-for-profit corporation, having its principal offices at 655 15th Street, N.W., Suite 700, Washington, DC, 20005, United States of America.
- (d) **Licensed Certification Body** or **LCB** means an entity which has entered into a license agreement with FMI authorizing it to manage the auditing and certification of SQF 1000 Systems.
- (e) **Producer** means a sole entity involved in the pre-farm gate production, preparation, packing, storage and supply of food produced and/or harvested under their exclusive control and not classified as High Risk Food.
- (f) **Registration Schedule** means the portion of the Certificate of Registration setting out the scope of certification (food industry category(s), the product(s) covered by the scope of certification) and among other things, the nature and extent of the rights of use of the Certification Trade Marks granted to the Producer.
- (g) **Rules** mean the rules and procedures contained in this document and include the Schedule and any modification, variation or replacement of this document.
- (h) **SQF 1000 Certification Trade Mark** means the letters and numerals "SQF 1000" and the logos depicted in Schedule 1.
- (i) **SQF** means Safe Quality Food.
- (j) **SQF 1000 System** means a risk management and preventive system that includes a Food Safety Plan and Food Quality Plan implemented and operated by a Primary Producer to assure food safety and quality. It is designed by a SQF Expert, audited by a SQF Auditor and certified by a licensed Certification Body as meeting the requirements of the SQF 1000 Code.
- (k) **SQFI** means the SQF Institute, a Division of the Food Marketing Institute.

2 INTRODUCTION

- 2.1 The SQF 1000 Certification Trade Mark is owned by FMI.
- 2.2 Producers will have the right to use the SQF 1000 Certification Trade Mark upon and for the duration of certification. There will be no fee payable by Producers for the right to use the SQF 1000 Certification Trade Mark, other than fees payable to obtain certification.

- 2.3 Producers obtain no property in the SQF 1000 Certification Trade Mark.
- 2.4 Producers may only use the SQF 1000 Certification Trade Mark in accordance with these Rules, which are designed to protect the integrity and enhance the value of the SQF 1000 Certification Trade Mark.
- 2.5 To protect the SQF 1000 Certification Trade Mark, applications have been filed with intellectual property organisations around the world.
- 2.6 SQFI may delegate any or all of its functions described herein to a Licensed Certification Body (hereinafter referred to as an "LCB").
- 2.7 These Rules regulate the use of the SQF 1000 Certification Trade Mark by Producers only. These Rules do not regulate the use of the SQF 1000 Certification Trade Mark by SQFI, LCBs or other entities licensed by SQFI to use them, unless otherwise provided for in this or another instrument.

3 CONDITIONS FOR USING THE SQF 1000 CERTIFICATION TRADE MARK

- 3.1 A Producer shall, for the duration of its certification, prove to the satisfaction of SQFI or the LCB that its quality system satisfies the requirements set forth in the current edition of the SQF 1000 Code; and
- 3.2 A Producer must only use the SQF 1000 Certification Trade Mark in accordance with its Certificate of Registration and these Rules.

4 REPRODUCTION OF THE SQF 1000 CERTIFICATION TRADE MARK

- 4.1 If a Producer wishes to reproduce the SQF 1000 Certification Trade Mark it must do so strictly in accordance with the requirements and specifications set out in Schedule 1.

5 OBLIGATIONS OF A PRODUCER

- 5.1 A Producer must –
 - a) comply fully with these Rules;
 - b) where it deals with both certified and uncertified goods, ensure that the SQF 1000 Certification Trade Mark are only used in respect of certified goods and that uncertified goods are clearly identified as such. For example, if a certified market agent or retailer receives uncertified packaged apples from Producer A and certified packaged apples from Producer B, these must be clearly distinguished at the point of sale;
 - c) direct any queries regarding their intended use of the SQF 1000 Certification Trade Mark to an LCB;
 - d) discontinue any use of the SQF 1000 Certification Trade Mark to which FMI reasonably objects;
 - e) operate entirely within the scope of its Certificate of Registration, including the Registration Schedule. Subsidiary companies and site addresses not included on the Certificate of Registration are not certified to use the SQF 1000 Certification Trade Mark;
 - f) give SQFI, an LCB and/or their agents reasonable access to examine the goods, products, wraps, packaging, containers, stationery, publicity material and all other such items bearing or indicating the SQF 1000 Certification Trade Mark for the purpose of confirming compliance with these Rules and the Certificate of Registration; and

- g) pay within the specified time any fees set by SQFI and/or an LCB or as otherwise agreed to by the parties.

6 GROUNDS FOR SUSPENDING OR WITHDRAWING THE USE OF THE SQF 1000 CERTIFICATION TRADE MARK

- 6.1 The permission for a Producer to use the SQF 1000 Certification Trade Mark will be:
 - (a) suspended if the Producer's certification is suspended; and/or
 - (b) withdrawn if the Producer's certification is withdrawn, relinquished or not renewed.
- 6.2 Conditions for suspending or withdrawing a Producer's permission to use the SQF 1000 Certification Trade Mark, to be notified by the certifying LCB, include (but are not necessarily limited to):
 - (a) Suspended if the Producer breaches or fails to comply with these Rules;
 - (b) Suspended if the Producer fails to use the SQF 1000 Certification Trade Mark in accordance with its Certificate of Registration, including the Registration Schedule;
 - (c) Withdrawn if the Producer uses the SQF 1000 Certification Trade Mark in a way that, in the opinion of SQFI or the LCB, is detrimental to the SQF 1000 Certification Trade Mark or the SQF Program as a whole, is misleading to the public or otherwise contrary to law; or
 - (d) Withdrawn if the Producer has an administrator, receiver, receiver and manager, official manager or provisional liquidator appointed over its assets or where an order is made or a resolution passed for the winding up of the Producer (except for the purpose of amalgamation or reconstruction) or the Producer ceases to carry on business or becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors.
- 6.3 Upon suspension of a Producer's certification the Producer must stop using the SQF 1000 Certification Trade Mark for the duration of the suspension and must at its own expense isolate all goods, products, wraps, packaging, containers, stationery, publicity material and all other such items bearing or indicating the SQF 1000 Certification Trade Mark during such period of suspension.
- 6.4 Upon withdrawal of a Producer's certification all goods, products, wraps, packaging, containers, stationery, publicity material and all other such items bearing or indicating the SQF 1000 Certification Trade Mark shall, at the Producer's expense, be destroyed or disposed of, or be treated to have the SQF 1000 Certification Trade Mark obliterated. The Producer must also return to SQFI or its certifying LCB its certificate of registration and computer disk or bromide containing the SQF 1000 Certification Trade Mark.
- 6.5 Upon withdrawal or during any period of suspension of a Producer's certification the Producer shall not, without the consent of SQFI, sell, or expose for sale, any goods or services bearing the SQF 1000 Certification Trade Mark.

7 RIGHT OF APPEAL

- 7.1 SQFI or the LCB shall give a Producer written notice of its decision to suspend or withdraw the Producer's certification and shall provide together with such notice a copy of its appeal procedures. SQFIs and the LCBs appeal procedures must meet the requirements set out in ISO/IEC Guide 62: 1996, General Requirements for Bodies Operating Assessment and Certification/Registration of Quality Systems, and ISO/IEC Guide 65: 1996, General Requirements for Bodies Operating Product Certification Systems, and/or such other guides of a similar nature as directed by SQFI from time to time.
- 7.2 A Producer may appeal against a decision to suspend or withdraw its certification. Written notice of an appeal must be received by SQFI or the LCB within 14 days of the date of the written notice of suspension or withdrawal (or such longer period as SQFI sees fit) and must set out the grounds upon which the appeal is based.
- 7.3 After receiving the Producer's notice of appeal, SQFI or the LCB must either:
- (a) give notice to the Producer that it has reversed its decision to suspend or withdraw the Producer's certification; or
 - (b) refer the appeal to independent adjudication or arbitration in accordance with its appeal procedures.

8 NOTICES

- 8.1 Any notice or other communication to be given or sent to SQFI or the Producer shall be deemed to be duly given or sent if sent by pre-paid post, e-mail or facsimile transmission to the last known address of the party concerned.

9 MISCELLANEOUS

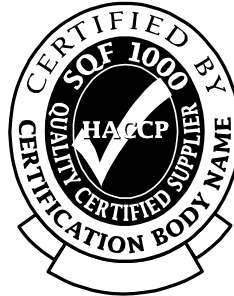
- 9.1 SQFI will keep a register, which is available for public inspection during normal business hours, at its offices containing (in addition to any other particulars that may from time to time be deemed necessary by SQFI) the names, addresses and main business activity of Producers and a description of goods and services in relation to which the Producers are authorised to use the SQF 1000 Certification Trade Mark, together with the date of registration of the Producers and particulars of any withdrawals or suspensions of the Producers' rights.
- 9.2 SQFI may from time to time alter these Rules or make new rules but no such alteration or new rule shall affect the use of the SQF 1000 Certification Trade Mark by a Producer until 3 months have expired from the date the alteration or new rules are first published by SQFI in the publication entitled "SQF News" or a similar publication or on an internet website maintained by SQFI.

SCHEDULE 1 REPRODUCTION REQUIREMENTS

1 Introduction

Producers who achieve and maintain Level 3 Certification, other than those granted Certification under a Multi-site Organization arrangement, are granted permission by SQFI to use the SQF 1000 Certification Trade Mark, subject to the Rules and the conditions set out hereunder. Clause 6 of this Schedule outlines the additional requirements for those Producers Certified under a Multi-site Organization arrangement.

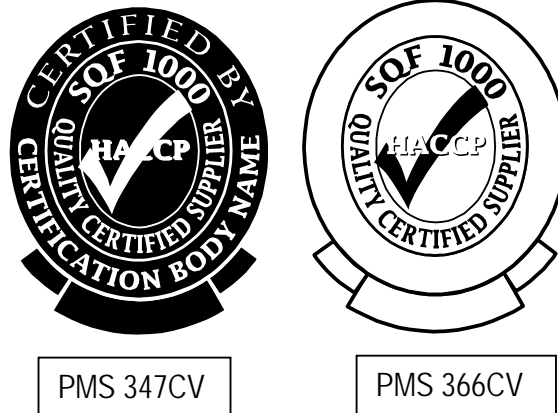
The Certification Body must be identified in conjunction with the logo in the following form



Colour Format	For use on
<p>Full Colour Reproduction: see PMS colour format set out at Schedule 1 clause 2 hereunder.</p>	<ul style="list-style-type: none"> • publicity material including brochures, advertisements and the like; or • stationery including business cards and letterheads, signage, flags and vehicles associated with certified services such as transport and delivery. • goods or products for public display, such as when product is presented for promotional or retail purposes e.g. <ul style="list-style-type: none"> i.) as a sticker or other label affixed to the goods or product; or ii.) a product wrap. • non-recyclable packaging or containers for goods or products intended for retail display e.g. boxes, crates or the like.
<p>Single Colour Reproduction: black or in a contrasting colour on the documentation or packaging/labels.</p>	<ul style="list-style-type: none"> • stationery including cheques, facsimile cover sheets, delivery dockets, invoices, telephone listings and the like. • bulk pack goods or products, transported to the market or intended for further processing and not intended for retail display.

2 Colour Reproduction of the SQF 1000 Certification Trade Mark

Reproduction of the SQF 1000 Certification Trade Mark is to be clear, precise and of the highest standard. The following guidelines govern full colour reproduction. The acronym "HACCP" can be in black or white.



3 Wording In Lieu Of the Logo

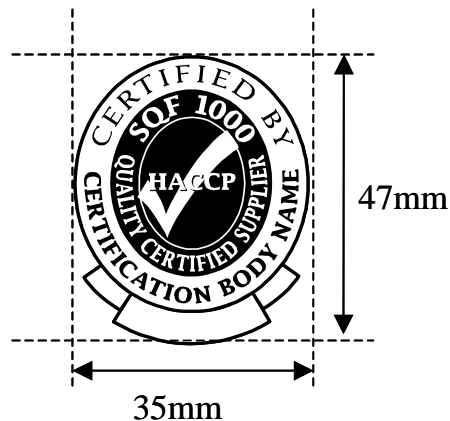
A Producer may use the following wording in lieu of the Certification Trade Mark

"(insert name of Producer)" – an SQF 1000^{CM} Quality Certified Producer No. (insert number issued by the LCB) and Certified by (insert name of Certification Body)."

The words must appear in the dominant colour of the packaging.

4 Dimensions

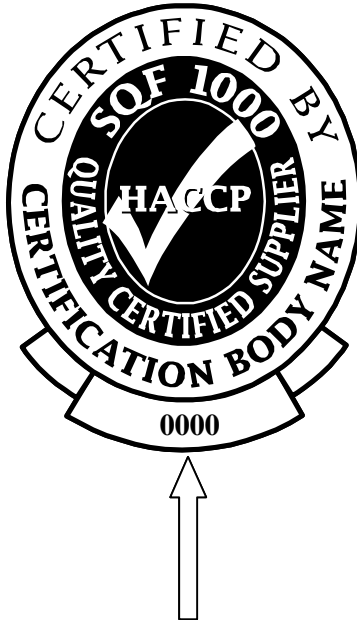
The dimensions of the SQF 1000 Certification Trade Mark are 47mm high by 35mm wide, as shown.



Variation to these dimensions is permitted provided that any such variation is proportional to the above dimensions and the letters and numerals on the logo remain clear and legible.

5 Certification Numbers

The individual Certification Number issued to Producers must always be included as part of the SQF 1000 Certification Trade Mark as follows:



6 Multi-site Certification

Producers Certified under Multi-site Organization arrangements are permitted to use the SQF 1000 Certification Trade Mark subject to the Rules and the conditions set out in this document and as outlined below.

Colour Format	For use on
Full Colour Reproduction: see PMS colour format set out at Schedule 1 clause 2 hereunder.	<ul style="list-style-type: none"> • publicity material including brochures, advertisements and the like; or • stationery including business cards and letterheads, signage, flags and vehicles.
Single Colour Reproduction: black or in a contrasting colour on the documentation or packaging/labels.	<ul style="list-style-type: none"> • stationery including cheques, facsimile cover sheets, delivery dockets, invoices and telephone listings.