



FAQ on Trademark License Agreement – Certification Bodies

1. We have received a question concerning the License Agreement and cannot answer it. Who should we contact?
 - a. www.info.fsc.org contains a list of FAQs which address key questions that Certificate Holders may have. Please direct all other enquiries to the Trademark Unit at trademark@fsc.org.

2. What are the timelines to phase-in existing Certificate Holders and applicants into the new Licensing System?
 - a. FSC Certificate Holders (certified **until** 31 December 2009) will need to be moved to the new system in the course of 2010. The migration schedule is at the discretion of the certification body (CB).
 - b. Old applicants for FSC certification (accepted by the CB **before** 31 December 2009) must be migrated to the new system in the course of 2010. The migration schedule is at the discretion of the CB – unless the FSC certificate is to be granted in the course of 2010, in which case, the respective license agreement must be signed before certification is granted.
 - c. New applicants filing an application for FSC certification **after** 31 December 2009 must sign the FSC License Agreement for the FSC Certification Scheme **before** they are accepted as applicant for FSC certification.
 - d. Existing Certificate Holders (certified **until** 31 December 2009) of Forest Management Groups, Chain of Custody Groups and Multi-site Members (i.e. FSC-STD-30-005, FSC-POL-40-002, FSC-STD-40-003) must sign a separate license agreement for Groups called "Group License Agreement for the FSC Certification Scheme" in the course of 2010. The migration schedule is at the discretion of the CB.
 - e. All FSC Certificate Holders and all applicants must have signed a license agreement **by** 31 December 2010. The absence of a valid License Agreement **after** 31 December 2010 is a Major Non Conformity.

3. Where can I get the license agreement?
 - a. Available in several languages, the license agreements will be submitted to you by email.



- b. License agreements are also available from the documents tab in certificate holder database. The license agreements can be found under the 'License Agreements' folder.
4. Who must sign the License Agreement?
 - a. Any applicant for FSC Certification and FSC Certificate Holder (e.g. FM; FM/CoC; CoC; Controlled Wood) has to sign the "FSC License Agreement for the FSC Certification Scheme". The Agreement does not have to be countersigned by FSC, but must be scanned and uploaded to the FSC Certificate Database. The agreement becomes valid once it has been uploaded to the FSC Certificate Database. The certification body must keep the signed copy in its client records.
 - b. Forest Management Groups, Chain of Custody Groups and Multi-site Certificate Holders have to sign the "Group License Agreement for the FSC Certification Scheme" which will authorize the group to sublicense the use of the trademarks to an individual or entity representing a participating site according to FSC-STD-40-003 or an entity or individual representing a group member according to FSC-STD-30-005 or FSC-POL-40-002.
5. What should I do when a Certificate Holder or applicant insists on changes on the respective license agreement or refuses to sign it?
 - a. The terms and condition of the agreement are fixed and not negotiable.
 - b. Certification Bodies (CBs) are not authorized to accept an applicant for FSC certification without having signed the appropriate license agreement.
 - c. If a current Certificate Holder refuses to sign the appropriate license agreement, a major Corrective Action Request (CAR) must be issued in accordance with the FSC-STD-20-001 standard.
 - d. Certificates owned by companies with public ownership might not be able to sign the license agreement because of the local law requirements. In such case, FSC provides a special license agreement for publically owned operations (see question 3).
6. How do we submit signed license agreements to FSC?
 - a. The signed license agreement must be scanned and uploaded to the FSC Certificate Database. License agreements will not become valid until they are uploaded. Your database administrators have access to do this.



- b. License agreements are immediately valid once they are uploaded and are available for the applicant to confirm on <http://www.info.fsc.org>.
- 7. The migration ends on 31 December 2010. Does it mean that all signed agreements will have to be uploaded by that time as well?
 - a. An agreement only becomes valid once it is uploaded to the FSC Certificate Database. Therefore, to be in compliance with the requirements of the FSC-STD-20-001 standard, agreements must be uploaded by this date.
- 8. Do we need to collect the signed hard copy of the license agreement?
 - a. Yes, the certifier has to keep the hard copy in their records. FSC needs to be prepared to present the original signed hard copy of the license agreement in a potential lawsuit. In a case of the transfer of the certification to another certifier, the hard copy of the signed license agreement should be handed over.
- 9. Do certificate holders in possession of several certificates have to sign several license agreements?
 - a. Yes. Each certificate requires a separate license agreement for a case of change of certifiers, sell of certified operations or any other arrangements.
- 10. Is the use of the new trademark standard FSC-STD-50-001 linked to the signing of the new license agreement?
 - a. No, they are not. All certificate holders, regardless of whether they have yet signed the license agreement or not, may start to use the new standard during the transition period 2010.
- 11. What happens if an operation is fully or partly certified by two different certification bodies?
 - a. Each certificate needs a separate license agreement.