

## **Use of certificates or Certification mark (logo) or ZENITH Name.**

All operations certified by ZENITH may use the ZENITH name and logo in advertising/marketing information and on packaging, with prior approval from the ZENITH office. Copies of labels must be included with the application and must be approved by ZENITH prior to use. Operations must discontinue the use of the ZENITH name and logo upon withdrawal, suspension, revocation or surrendering of certification.

### **Conditions for use of ZENITH Logo (Procedure for control of ZENITH certification mark)**

As for the use of the ZENITH Certification mark/ Logo, following rules and conditions to be followed by a certified client (Licensed operator) willing to advertise the certification and use the available logos. This regulation applies to all forms of communication (labels, press, Social media platforms etc.). ZENITH ensures protection of its certification mark/ Logo through registration under the Trademark Registration Marks Act, 1999, and poses a serious challenge for infringers (against infringement under Section 29 of the Act.) seeking to misuse, unauthorized use or counterfeiting, misrepresentation and plagiarise ZENITH certification mark for serving their self-interests. ZENITH Trademark registration exclusivity ensures that no other entity can use an identical or confusingly similar mark for similar products or services in the marketplace. It empowers ZENITH to take legal action against any unauthorised use, thereby safeguarding its brand reputation and market position. India's membership in the Paris Convention for Protection of Industrial Property (Sections 154 & 155) enables Indian applicants (ZENITH) to secure priority and privileges for trademark registration in other member countries and ensures that its protection globally and safeguarding its intellectual property rights in international markets.

The Zenith Certifications Pvt Ltd may at its discretion:

- Refuse to grant a licence or extend its scope or cancel or alter so as to reduce the scope of the licence provided that the refusal, cancellation or alteration is a recommendation of the Certification.
- The refusal to renew or cancel a licence for failure to discharge its obligations shall be based on on assessment of audit report during surveillance and regular review. Such decisions shall be communicated to the licensee in writing.
- Entitled to suspend a licence if there are sufficient grounds of non-compliance of the following:
  1. If surveillance audit and certification dereview proves non- conformity to the relevant requirements, but immediate termination is not considered necessary;
  2. If improper use of the license, related documents, is not remedied to the satisfaction
  3. If there has been any contravention of the procedures set out by the Zenith Certifications Pvt Ltd;
  4. If the licensee fails to meet financial obligations
  5. Any other grounds specifically provided for under the procedures, rules or formally agreed between the licensee and the Zenith Certifications Pvt Ltd.
- Where a licence has been suspended or cancelled on the expiry of the period of its validity, the licensee shall forthwith discontinue the use of the licence notwithstanding the pendency of any Appeal shall return the licence and related documents to the Zenith Certifications Pvt Ltd.

## **[Extracted Copy of ZENITH Procedure Manual]**

- Where the licensee is unable, in a reasonable period of time, to rectify any deficiencies, which makes the licensee unable to comply with the requirements of this scheme, the licence may be cancelled. Cancellation of the licence in such case shall require the licensee to lodge a fresh application followed by the procedure prescribed in these regulations for the grant of a new licence.

### **Misuse of license & Certification Mark**

The licensee shall be deemed to have misused the license, if it does not cease to display or otherwise use the license for use of the Certification Trade Mark immediately after following events:

- Surrender of licence, suspension or cancellation
- The licensee has failed to implement changes as advised by the Zenith Certifications Pvt Ltd.
- The operators claiming certification status in any sense shall fully conform to the applicable standard and certification requirements, shall not make misleading statements about the scope of its certification, shall discontinue any reference to certification upon suspension or withdrawal of its certification, shall not refer to its certification in an improper way and in case of withdrawal discontinue its use of all materials bearing the certification or programme (Standard) name or logo and inform affected clients of any change on its certification status without undue delay (i.e. within 3 days of ZENITH notification).

ZENITH will monitor the holders of certificates using its certification mark and its name and marketing organic products to detect any improper reference to the Canada Organic Regime, NOP, EU regulation or fraudulent use of the CB (ZENITH) name and certificates.