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Certification mark

**Regulations governing the use and control of the ATG figurative mark**

Date of approval : 25 February 2019

Date of entry into force: 1 March 2019

(Translation of the Dutch version accepted by the Board of directors)

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## I. Subject, acceptance and amendments

**Article 1:** These regulations concern the use and control of the ATG figurative mark registered by the non-profit organisation UBAtc asbl.

The terms and conditions for the use of the ATG figurative mark are laid down in the following articles.

**Article 2:** This document was submitted to and accepted by the UBAtc Board of Directors on 28 October 2009 and entered into force on 1 November 2009. It has been amended, submitted to and accepted by the Board of Directors on 25 February 2019. The amendment entered into force on 1 March 2019 and is necessary to be in accordance with Regulation (EU) 2017/1001 and Implementation Regulation (EU) 2018/626.

**Article 3:** The UBAtc Board of Directors is competent to amend these regulations.

**Article 4:** Amendments become binding on users after a period of 20 working days after UBAtc has duly notified the users of the amendment.

Amendments shall also be published on the website [www.ubatc.be](http://www.ubatc.be).

## II. Use of the ATG figurative mark

### II.1 General

**Article 5:** In accordance with the General Approval and Certification regulations of the UBAtc, marking with the ATG figurative mark indicates that:

- a) the material, the product or the kit, the essential component of the system or the implementing equipment marked with the mark is in conformity with the relevant approval text, published by UBAtc, that the certification requirements have been met and that the holder has done everything necessary to ensure compliance with the approval text.

If it is impossible or not practicable to mark the object of approval with the mark, the mark may, to the extent permitted by the relevant approval text, be marked in the following alternative ways:

- On a label attached to the object of approval
  - On the packaging of the object of approval
  - On a commercial document accompanying the object of approval on delivery
- b) the company which uses the mark in its commercial documents works in accordance with the provisions of the relevant certification requirements and the company does everything necessary to ensure that its activities comply with the requirements laid down.

The ATG figurative mark has been registered as a certification mark in the Benelux.

**Article 6:** Holders of technical approvals and ATG certificates are obliged to mark the ATG figurative mark in accordance with the present regulations.

**Article 7:** Users cannot derive any entitlement from the use of the ATG figurative mark.

**Article 8:** The marking or use of the ATG figurative mark in no way excludes that one or more other individual, collective or certification marks are indicated, provided that there is no risk of confusion, misunderstanding or ambiguity.

**Article 9:** Any confusion with non-approved (raw) materials, products or kits, systems and equipment which may not be marked with the ATG figurative mark and any confusion with activities not covered by ATG certification are prohibited.

**Article 10:** The ATG figurative mark may be used, subject to the terms and conditions laid down in these regulations, exclusively by holders of valid approvals and by ATG certificate licence holders.

## II.2 Use of the ATG figurative mark by approval holders and ATG certificate licence holders

**Article 11:** The terms and conditions for obtaining a technical approval and/or an ATG certificate are laid down in the UBAtc General Regulations on Approval and Certification.

**Article 12:** When using the ATG figurative mark, holders of valid approvals shall in all cases indicate the relevant approval number.

Leaving out the year of approval is permitted only if expressly provided for in the relevant approval guidelines or with the written confirmation of the approval operator concerned.

**Article 13:** The ATG figurative mark may be used only in connection with the approved (raw) material, product or kit, system or equipment and/or the activities to which the ATG certificate relates. If the use of the ATG figurative mark concerns several (raw) materials, products or kits, systems or equipment and/or activities, one or more of which are not covered by the approval or certification, this shall be explained in accompanying texts so as to exclude any misunderstanding.

**Article 14:** UBAtc approval guidelines, approval texts, certification regulations and/or agreements may further explain the use of the ATG figurative mark.

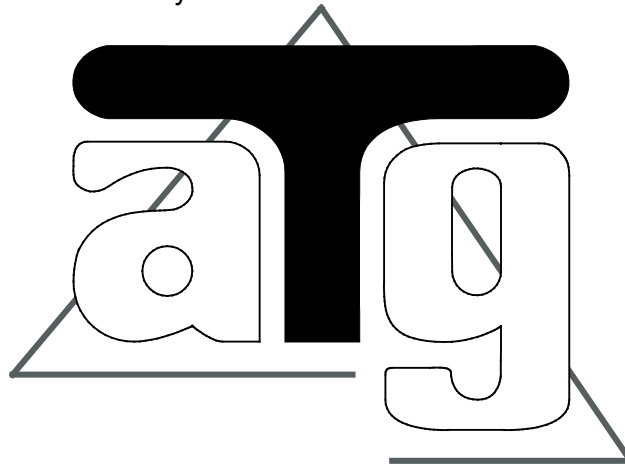
**Article 15:** The right to use the ATG figurative mark lapses automatically when the technical approval or the ATG certificate expires or is suspended or withdrawn.

**Article 16:** The expressions "holders of valid approval" and "licence holders" do not include companies which have only submitted an application or products for which only an application has been submitted.

**Article 17:** The expression "holders of valid approval" does not refer to holders of limited technical approval, holders of an innovation assessment or holders of European technical assessment (ETA).

## III. Description of the mark

**Article 18:** The ATG figurative mark is described below. Any derogation is permitted only if expressly authorised by UBAtc. Such derogations are also recorded in the approval text issued by UBAtc.



## IV. Control of the use of the ATG figurative mark

**Article 19:** The UBAtc Board of Directors, acting on the advice of the UBAtc coordinating commission, shall control compliance with these regulations and consequently with the use of the ATG figurative mark.

**Article 20:** Every lawful user of the ATG figurative mark is encouraged to report any presumed infringement of its use to the UBAtc Administrative Secretariat.

## V. Penalties

**Article 21:** Any infringement of these regulations may lead to the immediate suspension and withdrawal of a technical approval and/or the ATG certificate.

**Article 22:** UBAtc may, by registered letter, serve notice on the fraudulent user to stop unlawful use of the ATG figurative mark. Any further unlawful use of the ATG figurative mark may be punished by a fine of € 1 000.00 a day, starting from the day after the day on which the registered letter was sent.

**Article 23:** Where appropriate, further to the preceding article, UBAtc has the right, in the event of unauthorised use, to institute claims or demand compensation for any damage suffered by it and/or third parties.

## **VI. Disputes**

**Article 24:** Disputes with third parties shall be dealt with in accordance with Belgian law. The Commercial Court of Brussels is solely competent.

**Article 25:** The applicant for approval, the approval holder, the applicant for certification or the licence holder, on the one hand, and UBAtc, the approval operator and/or the certification operator, on the other hand, undertake that any dispute arising from or in respect of the implementation or interpretation of the provisions laid down in these regulations shall be definitively settled in accordance with the Rules of the Belgian Centre for Mediation and Arbitration (CEPINA) by one arbiter appointed in accordance with the said rules.

The seat of the proceedings shall be Brussels.

The language of the arbitration shall be the language in which the licence was applied for.

The parties expressly exclude any action for an arbitral decision to be set aside.

**Article 26:** If one or more provisions of the present regulations are void or voidable, the validity of the other provisions remains unaffected.