

# Rules on the use of the Woodland Carbon Code Trademark

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## Introduction

- The **Forestry Commission** owns the registered trademark: The 'Woodland Carbon Code' logo, which is licenced to the Scottish Ministers, acting by Scottish Forestry.
- The 'Woodland Carbon Code' trademark may be used to indicate that a specific **Project or Group Scheme** has been certified by a UKAS accredited validation/verification body<sup>1</sup> as meeting the standards of the Woodland Carbon Code. Unless express permission from the Scottish Forestry is given for usage, It may only be used by the parties specified in these Terms and Conditions on materials which relate to a specific certified **Project or Group Scheme**. The standards are available from <https://www.woodlandcarboncode.org.uk/> and may be amended by Scottish Forestry from time to time.
- The 'Woodland Carbon Code' trademark relates to the goods and services being validated/verified under the Woodland Carbon Code. Woodland ecosystem carbon sequestration in sustainably managed woodland is the service being verified, and a mass of sequestered carbon (measured in tonnes of carbon dioxide equivalent) is the good produced by this service.
- It is important that the Forestry Commission/Scottish Forestry can protect its trademark in relation to the Woodland Carbon Code and can ensure that the logo is used correctly and is not used in any manner which could be misleading or which could be open to misinterpretation.

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<sup>1</sup> Organic Farmers & Growers and Soil Association at the time of writing.

- These Terms and Conditions are correct as of 27 November 2020 and may be amended by the Scottish Forestry from time to time. The most up-to-date version will be available at <https://www.woodlandcarboncode.org.uk/about/woodland-carbon-code-logo-rules-of-use>
- For the avoidance of doubt, the Forestry Commission is the owner of the Woodland Carbon Code Trademark, used under licence by Scottish Forestry and the **Organisation** will have no right, title or interest in or to such trademarks other than the rights of use which are specifically set out herein.
- Nothing in these Terms and Conditions is intended to create any partnership or agency relationship between Scottish Forestry and the user(s) of the Woodland Carbon Code Trademark.
- These Terms and Conditions shall be governed by and construed in accordance with English law and the English courts shall have exclusive jurisdiction in respect of any dispute or difference arising therefrom.

### **Ground Rules**

- To use the **Forestry Commission's** 'Woodland Carbon Code' trademark the **Organisation** shall have agreed to abide by these Terms and Conditions, as further detailed below.
- The Woodland Carbon Code Trademark shall not be used in any way that could cause confusion, misinterpretation or loss of credibility to the Woodland Carbon Code or **Projects** or **Group Schemes** certified as meeting its standards or which could bring the Forestry Commission/Scottish Forestry or the Woodland Carbon Code into disrepute or which could damage the name, reputation or image of the Forestry Commission/Scottish Forestry or the Woodland Carbon Code.
- The Woodland Carbon Code Trademark shall not be used in any way that implies that the Forestry Commission/Scottish Forestry or the Woodland Carbon Code endorses, takes part in or is responsible for the activities of the **Organisation**, outside of the scope of certification; or to imply that the

Forestry Commission or Scottish Forestry is responsible for the production of any documents, products or promotional materials.

- The Woodland Carbon Code Trademark shall not be used to promote or imply standards or quality aspects which are beyond the scope of that covered by the Woodland Carbon Code validation/verification.
- If the **Organisation** wishes to include more information about the Woodland Carbon Code, Scottish Forestry or the Forestry Commission in any materials or literature then this must first be approved by Scottish Forestry.
- The Woodland Carbon Code Trademark shall either be directly accompanied by the trademark symbol ® at all times or be accompanied by the statement: “The Woodland Carbon Code logo is a registered trademark of the Forestry Commission, ”.
- Use of the trademark is not linked to the reporting of carbon to be or already sequestered. Reporting of carbon sequestration can only be undertaken by the relevant carbon owner as set out in the standards of the Woodland Carbon Code (<https://www.woodlandcarboncode.org.uk/>).
- Use of the trademark is only permitted as long as a particular **Project or Group Scheme** remains validated/verified and/or whilst any express permission granted by Scottish Forestry remains in force. If at any point a **Project or Group Scheme** fails verification by the independent certification body and/or is no longer validated/verified as meeting the standards of Woodland Carbon Code, then the **Organisation** shall have no further right or licence to use the Woodland Carbon Code Trademark; and the relevant logos (and any other reference to validation/verification under the Woodland Carbon Code) must be removed from all products, literature, signage, vehicles and/or promotional materials within such reasonable period as may be specified by Scottish Forestry.
- The right to use the trademark may be terminated by Scottish Forestry in the event of a breach by the user thereof of these Terms and Conditions, in which case the provisions set out in the preceding paragraph shall equally apply. Failure to comply with these Terms and Conditions may lead to the loss of validation/verification.

- Parties who have been authorised to use the Woodland Carbon Code Trademark in accordance with these Terms and Conditions shall make such information available to Scottish Forestry (as Scottish Forestry may reasonably request from time to time) as may be necessary to enable Scottish Forestry to verify compliance by such user(s) with the provisions of these Terms and Conditions.
- The Woodland Carbon Code Trademark shall not be used in any brand names, company or corporate names, trading name or style or domain names of the user(s) thereof.
- The Woodland Carbon Code Trademark shall not be used together with the marks of any similar certification scheme in a way which implies equivalence or in a way which is disadvantageous to the Woodland Carbon Code Trademark in terms of size or placement.
- Users of the Woodland Carbon Code Trademark hereunder must not adopt or use any trade mark, symbol or device which incorporates or is confusingly similar to, or is a simulation or colourable imitation of such trademarks, or unfairly competes with such trademarks. Users must not apply anywhere in the world to register any trade marks identical to or so nearly resembling the Woodland Carbon Code Trademark as to be likely to deceive or cause confusion.
- If any user of the Woodland Carbon Code Trademark learns of any infringement or threatened infringement of such trademark or of any action detrimental to such trademark or any third party allegation that such trademark is liable to cause deception or confusion to the public, the user must without delay notify Scottish Forestry giving full particulars of such circumstances.

### **Approval Mechanism**

- **Landowners, Investors and Carbon Companies** who are participating in a validated/verified **Project or Group Scheme** can download the 'Woodland Carbon Code' logo from acknowledging and agreeing that they accept the Terms and Conditions set out in this document.

- As detailed below, any other individual or company who wishes to use the 'Woodland Carbon Code' trademark must contact Scottish Forestry for express permission.
- Any rights of use granted hereunder shall be personal to the authorised user(s) concerned and may not be assigned, transferred or sub-licensed to any other person or entity.

## **Use of the 'Woodland Carbon Code' trademark**

### **Who Can Use It?**

- The 'Woodland Carbon Code' logo may be used by **Landowners** in respect of a **Project or Group Scheme** on their land which is certified by a UKAS accredited validation/verification body under the Woodland Carbon Code. Each **Landowner** must sign up to the Terms and Conditions set out in this document.
- The 'Woodland Carbon Code' logo may be used by **Investors** in **Projects** or **Group Schemes** which are certified by a UKAS accredited validation/verification body under the Woodland Carbon Code. Each **Investor** must sign up to the Terms and Conditions set out in this document.
- The 'Woodland Carbon Code' logo may be used by **Carbon Companies** selling on a **Project or Group Scheme** which has been validated/verified by a UKAS accredited certification body under the Woodland Carbon Code. The Carbon Company must sign up to the Terms and Conditions set out in this document.
- Any other individuals or companies wishing to use the 'Woodland Carbon Code' logo must contact Scottish Forestry in writing for express permission (which permission may be granted or withheld in the absolute discretion of Scottish Forestry, and/or granted subject to such conditions as Scottish Forestry may specify). See <https://www.woodlandcarboncode.org.uk/> for further information.

## How should it be used?

- **Landowners, Investors or Carbon Companies** may use the 'Woodland Carbon Code' trademark to promote their validated/verified **Project or Group Scheme** in brochures, posters, websites, signs, banners and other promotional materials
- The following information shall be displayed on promotional material:
  - The Woodland Carbon Code logo
  - If referring to an individual **Project** or a **Project** within a **Group Scheme**, the Woodland Carbon Code **Unique Project ID** number should be shown prominently and occur on the same page as the logo, no smaller than any other text on the page.
  - If referring to all projects within a group scheme, the **Unique Group ID** should be shown prominently and occur on the same page as the logo, no smaller than any other text on the page.
  - If the logo is displayed on electronic material (documents and websites) then these should be formatted such that clicking on the logo would take the user to the Woodland Carbon Code website:
- Claims that can be made:
  - '**Project or Group Scheme** [*insert unique project or group ID*] is validated/verified\*as meeting the standards of the Woodland Carbon Code' [*\*as applicable*]
  - '**Project or Group Scheme** [*insert unique project or group ID*] meets the standards of the Woodland Carbon Code'
- The 'Woodland Carbon Code' logo can be used alongside other organisational logos and shall be the same size and prominence as any other logos
- The 'Woodland Carbon Code' logo can't be used at the top of letterheads, emails, business cards etc.

## **Graphic Style**

- Please refer to the logo 'style guide' available at <https://www.woodlandcarboncode.org.uk/about/woodland-carbon-code-logo-rules-of-use> for details of how the logo should be placed. This document shall, for the avoidance of doubt, form part of these Terms and Conditions.

## **Withdrawal of Permission**

- We reserve the right to withdraw permission to use the Woodland Carbon Code Trademark should we believe that its use does not comply with Terms and Conditions set out in this document.

## **Appeals or complaints**

- In the event that permission to use the Trademark is refused or withdrawn the organisation may appeal in writing to Scottish Forestry Chief Executive. If we fail to resolve the issue the organisation may then refer the matter to the Scottish Public Services Ombudsman. Contact details are available on the [Woodland Carbon Code Website](#).

## **Definitions of terms**

**Carbon Companies** The party or organisation which acts as a broker between one or more Landowners and Investors.

**Forestry Commission** The Forestry Commission, constituted under the Forestry Acts 1919 to 1967 (as amended) with offices at 620 Bristol Business Park, Coldharbour Lane, Bristol, BS16 1EJ.

**Investors** The party or organisation with an active interest/ financial investment in a Woodland Carbon Code Project, provided that if at any point an Investor sells their interest/ financial investment to another party, they shall no longer be deemed to be an "Investor".

**Landowner** The owner or legal occupier of land in respect of which a Project or Project within a Group Scheme is to be undertaken.

**Organisation** Parties with an interest in using the Woodland Carbon Code Trademarks, being Landowners, Carbon Companies and Investors

**Projects and group schemes** A woodland creation project or group of projects (group scheme) which complies with the standards set out in the Woodland Carbon Code.

**Scottish Forestry**, the Scottish Government agency established under the Forestry and Land Management (Scotland) Act 2018, with offices at Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT.

**The Scottish Ministers** in terms of the Scotland Act 1998 of St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

**Unique Group ID** The unique ID assigned to a group of Projects registered on the UK Land Carbon Registry.

**Unique Project ID** The unique code assigned to all projects on the UK Land Carbon Registry.

**UKAS** The UK Accreditation Service, being the national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services. UKAS is a non-profit-distributing private company, limited by guarantee. UKAS is independent of Government but is appointed as the national accreditation body by the Accreditation Regulations 2009 (SI No 3155/2009) and operates under a Memorandum of Understanding with the Government through the Secretary of State for Business, Innovation and Skills.

**Woodland Carbon Code** The code setting out the voluntary standards for woodland creation projects in the UK which make claims about the carbon they sequester, which standards are available from.

**Scottish Forestry 27 November 2020**