

GAS SAFE REGISTER

Brand Enforcement Policy

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Contents

- 1. Scope 3
- 2. Background 4
- 3. Brand use 5
 - 3.1 Registered businesses..... 5
 - 3.2 Legacy businesses 5
 - 3.3 New applicant businesses 5
 - 3.4 Unregistered businesses..... 5
 - 3.5 Unregistered businesses known to be using ‘Gas Safe’ in their trading name 6
- 4. Brand misuse and enforcement..... 6

1. Scope

This document outlines the general approach taken by Capita Business Services Ltd (CBSL) to ensure that all Gas Safe Register trademarks are used correctly to protect consumers and the reputation of the gas registration scheme. This document is not intended to be exhaustive regarding the gas registration scheme and if you have any queries relating to the gas registration scheme or branding then please contact us via email at enquiries@gassaferegister.co.uk or by contacting our Contact Centre on 0800 408 5500.

CBSL operates and maintains the gas registration scheme for and on behalf of the Health and Safety Executive (HSE) which includes the operation of the Register, and the activities associated with it. The Register means all and/or any part of the record and the details (whether in electronic form or otherwise) of:

- (1) gas businesses (including self-employed gas engineers) on a register maintained pursuant to regulation three of the Gas Safety (Installation and Use) Regulations 1998 (as revised or modified from time to time); and
- (2) individual gas operatives, not falling within point (1) of this paragraph, who are included on that register.

In the context of this Policy, the 'Brands' are considered to include any trademark and/or logo relating to or connected with the gas registration scheme including the trademark terms 'Gas Safe Register,' 'Gas Safe' or 'GSR' (whether used by registered or unregistered businesses or organisations) used either together or separately.

The brand may be used in several ways by third parties providing such use has been expressly authorised by CBSL and HSE. Two examples (which are non-exhaustive) of appropriate brand use by authorised third parties are as follows.

Corporate Version - to be used by Gas Safe Register and organisations with a Brand licence agreement with Gas Safe Register



Registered Business Version - to be used by Gas Safe registered businesses only (identifiable by the black square background)



Additional guidance for registered businesses regarding the use of the Brand can be found on our website within the engineer's area. To access this, engineers will need to log into their online account and click on the Resource's Hub

<https://www.gassaferegister.co.uk/engineer/resource-hub/> then select marketing toolkit and logos and brand guidelines. For the use of the Brand by non-registered organisations please refer to section 3. of this document.

CBSL is committed to delivering an open and transparent service whenever possible and it is our intention to publish information that the public have an interest in viewing. Promotion of the Gas Safe trademarks is vital in educating the public to use registered businesses to protect them from unsafe gas work. We are therefore committed to protecting the trademarks to ensure that they are correctly and legally used. It needs to be recognised that some information should not be disclosed and should remain properly confidential such as information concerning investigations and proceedings in relation to the trademarks. In this respect the exemptions provided under the Freedom of Information Act, particularly Section 30 Investigation and Proceedings will apply to CBSL investigations and proceedings wherever relevant and appropriate.

This policy may be updated by CBSL and HSE from time to time and copies of any updated policy will be displayed on the Gas Safe Register website at: <https://www.gassaferegister.co.uk/who-we-are/our-policies/>. Nothing in this document is intended to be or will be legally binding upon CBSL and/or HSE and this policy document is provided for information purposes only.

2. Background

The Gas Safe Register name and brands are registered as trademarks on behalf of the HSE by CBSL with the UK Intellectual Property Office and the European Office for Harmonisation in the Internal Market.

The trademarks, Gas Safe Register, 'Gas Safe' or 'GSR' can only be used by other parties under the agreement subject to the prior written consent of HSE and CBSL.

Examples of the Gas Safe Register trademarks and guidance with respect to appropriate usage can be found by logging in to the engineer's area of our website. <https://www.gassaferegister.co.uk/engineer/resource-hub/>. Trademarks must be used in accordance with these guidelines including any written and agreed updates or modifications to the "Brand Guidelines".

3. Brand use

3.1 Registered businesses

Businesses who are registered with Gas Safe Register have, through the act of registering and being accepted onto the Register, been granted a non-exclusive licence to use the appropriate brand in accordance with the published Brand Guidelines.

Only registered gas businesses are permitted to display the appropriate Gas Safe Register brand and/or a Gas Safe registration number, and these can only be used in association with the registered trading name.

3.2 Legacy businesses

Where an existing registered business (pre-April 2009) has been identified as using the trademark terms 'Gas Safe Register', 'Gas Safe' or 'GSR' within their trading name, they will have been contacted in writing requesting them to change their trading name so that HSE and CBSL are satisfied that there is no confusion between the registered business and the trademarks. Where this request has been declined by the business that was registered before April 2009, we will honor the continued use of the existing registered trading title.

3.3 New applicant businesses

Under the Rules of Registration applications will be refused from businesses registering with trading names such as 'Gas Safe' or similar words or logos that may cause confusion to consumers and other businesses or that are considered as 'passing off' the Gas Safe Register brand. Businesses will not be permitted to register with trading names that include the trademark terms.

3.4 Unregistered businesses

Any business that is not Gas Safe registered because they do not directly carry out gas work, but those who wish to use the brand are required to obtain a written and signed non-exclusive brand licence agreement setting out how the brand may be used between that business and CBSL.

An applicant will only be granted a brand licence agreement, providing the applicant meets the criteria that have been set by HSE and CBSL.

A brand licence will only be issued for the sole purpose of promoting the Register and gas safety and will not be issued to unregistered businesses subcontracting gas work, or for endorsement or approval of accreditation by HSE and/or CBSL of the goods and/or services provided by the licensee.

Once an application has been approved the applicant will be granted a non-exclusive right to use the brand under a brand licence agreement. An applicant will not be charged a fee by CBSL or HSE for a brand licence. HSE and/or CBSL shall be under no obligation (whether under statute, contract or otherwise) to grant an applicant any rights to use the brand under a brand licence agreement or otherwise if HSE and/or CBSL deem that an applicant does not meet the criteria or if the applicant is deemed to be otherwise unsuitable. An applicant may be unsuitable if, by way of example only, the applicant (or anyone that may be connected with the applicant) has, in the opinion of HSE and/or CBSL, used the brand or is likely to use the brand in a way or manner that may damage or adversely affect the brand in any way.

To apply for a licence to use the brand and view the Brand Guidelines businesses should contact brand@gassaferegister.co.uk.

3.5 Unregistered businesses known to be using 'Gas Safe' in their trading name

If an unregistered business is identified as using 'Gas Safe' or a similar mark or logo to the Gas Safe trademarks and/or logos within their trading name, they will be contacted by CBSL or its legal representatives to instruct them to cease and desist using it or to amend their trading name so that HSE and CBSL are satisfied that there is no confusion between their business and the brand.

4. Brand misuse and enforcement

If CBSL receives information and/or evidence that the trademarks are not being used in accordance with the current Brand Guidelines, CBSL will contact the business concerned and take appropriate action. Failure to comply with the Brand Guidelines, by a registered business, will be considered as a breach of the Rules of Registration and appropriate action will be taken by CBSL in accordance with GSR's Sanctions Policy, a copy of which can be viewed on our website <https://www.gassaferegister.co.uk/who-we-are/our-policies/>.

Enforcement of the Brand Guidelines is not limited to registered businesses and enforcement action will be taken by CBSL against any third parties using the trademarks in any marketing/advertising material without an appropriate licence or using the brand/trademarks inappropriately.

Note: Marketing/advertising material is a form of communication used to promote or sell a business' services or product e.g., websites, adverts, vehicle signage, business stationery, social media, online website directories, flyers, advertising hoards etc.

Legal action may be taken in the following instances:

- Where a business/organisation persists in using the incorrect trademark or using the trademark unlicensed.
- Where the business/organisation has not complied with CBSL requests regarding the correct or proper use of the trademarks.
- Where CBSL and or HSE believe that a business/organisation is confusing the public or 'passing off' their business through use of the trademarks or branding.

In certain circumstances the business/organisation details will be forwarded to the appropriate enforcement authority for possible action under the Consumer Protection from Unfair Trading Regulations 2008.

https://www.legislation.gov.uk/uksi/2008/1277/pdfs/ukxi_20081277_en.pdf

This legislation is designed to protect consumers by prohibiting the use of unfair commercial practices.

This legislation contains a list of practices which are considered unfair in all circumstances and are therefore prohibited, these include:

- Displaying a trust mark, quality mark, or equivalent without having obtained the necessary authorisation.
- Claiming that you have been approved, endorsed, or authorised by a public or private body when you have not.

Failure to comply with this legislation is a criminal offence and can result in an unlimited fine and/or two years imprisonment.

Regardless of the approach taken by the enforcement authorities, CBSL will take legal action where necessary, to stop any such infringement and/or incorrect brand usage.