

TrustCB Explains 1: Use of certification marks (and other claims of certification)

Version 1.0

Contents

1	Introduction.....	3
1.1	Intended audience.....	3
1.2	Terminology.....	3
1.3	Contact details.....	3
2	Correct use of the certification mark (and other claims of certification).....	4
3	Incorrect use of the certification mark (or other claims of certification).....	5
4	Background: the legal structures controlling use of certification marks.....	6
5	Reference Materials.....	7

1 Introduction

TrustCB owns and operates various schemes, with some having certification marks. This document explains what is the correct use of the certification marks (and other claims of certification), the incorrect use, and the legal structures controlling the use of these marks.

The various contracts, licenses, laws and other legal requirements are of course normative by law, this document only seeks to explain, not to replace or modify, these requirements. As such this document is explicitly informative, not normative.

1.1 Intended audience

This document is publicly available and is informative for the following involved parties:

1. Scheme owner
2. Developer (Sponsor)
3. Evaluator (Lab)
4. Certifier ([TrustCB](#))
5. Users and other external parties

1.2 Terminology

Standard legal terminology is used to refer to the various documents and procedures.

1.3 Contact details

All requests or enquiries related to the security evaluation should be addressed by email to: trustcb@trustcb.com.

2 Correct use of the certification mark (and other claims of certification)

All schemes require that claims of certification are only made if that exact product still has a valid certificate with the appropriate scope, and that the claim is clear and not misleading to the consumer. The application form contains the practical requirements and forms the legal basis of allowing the use of the certification claim.

Schemes may also have a certification mark to visually communicate this claim of certification. See the application form (section “Certification Marks and Logos”) and TrustCB scheme specific process document (section “Explanation of graphics, logos and marks used on Certificates) of the applicable scheme for the information on whether that specific scheme has a certification mark.

If a certification mark is identified, it is protected by copyright and trademark laws. Use is subject to the copyright and trademark license agreement of said certification mark.

Note that it is common that certification marks, like logos and other items under trademarks, the owners of the trademarks also specific constraints on the layout and other representation requirements around the trademarks (usually aimed at making sure the mark is well represented and visible). This document will not repeat or extend them: see the license agreement for the trademark or associated documents for the details.

3 Incorrect use of the certification mark (or other claims of certification)

All parties are encouraged to inform TrustCB of (seemingly) incorrect use of any mark or incorrect or misleading claims of certification. Please contact TrustCB via the scheme specific email address <scheme>@trustcb.com or the general one quality@trustcb.com.

Be warned that TrustCB, the scheme owner and the trademark owner will react unusually confrontational in their actions against false claims of certification (including the misuse of the certification mark), even if this was done without malicious intent (such as a marketing department using a certification mark before the certification is complete or the continued use of the certification mark after the certificate has expired).

This may include a requirement for immediate correction, revocation of certificates, barring of the offending party access to the scheme due to scheme misuse, violation of the Certification Agreement and of trademark laws. Legal action may be sought where appropriate, including non-compliances with the legal agreements in place.

4 Background: the legal structures controlling use of certification marks

All trademarks, including the certification marks, are ultimately controlled by the copyright and trademark owner via the copyright and trademark laws: use of a copyrighted and trademarked mark without license is *forbidden* and illegal.

The copyright and trademark owner ultimately uses licenses to *allow* use of the mark and the courts to counter misuse. This control works for all parties, regardless whether the (mis)user is or is not an active party within the scheme: legal action based on copyright and trademark rights can be taken against all misusers by the copyright and trademark right owners (who commit to enforcing these rights).

In the case the (mis)user is an active part within the scheme, *additionally* that party has signed a certification agreement (especially the sections “Rights and Obligations” and “Certification Marks and Logos”) and the referred TrustCB scheme specific and TrustCB shared procedures (especially the section “Roles”). Thus legal action based on contract law against these misusers can be taken by TrustCB (who commits to do so).

5 Reference Materials

The documents listed in Table 1 may have been cited in this document or used to obtain background information.

Table 5-1: Reference documents

Title	Source	Reference
ISO/IEC 17030	2	[17030]
ISO/IEC 17065	2	[17065]
TrustCB <scheme> Application Form	1	[TrustCB_AF]
TrustCB <scheme> Specific Procedures	1	[TrustCB_Scheme]
TrustCB Shared Scheme Procedures	1	[TrustCB_Procs]

Key:

1 = Available online from TrustCB SESIP scheme website ([TrustCB SESIP](#))

2 = Available online from ISO standards website (www.iso.org)