



**Rules for granting and use of the trademark
„Šumava – originální produkt“
"Šumava – the original product"**

Created within the project „Natura 2000 – People to nature, nature to people“ funded by European committee, DG Environment

Used and further promoted within the project "Conservation and Sustainable Use of Biodiversity through Sound Tourism Development in Biosphere Reserves in Central and Eastern Europe"



**REGIONAL ENVIRONMENTAL CENTER
Czech Republic**

Rules for granting and use of the trademark

„Šumava – originální produkt“

“Šumava – the original product”



1. The trade mark „Šumava – originální produkt“

1.1. *The aim of the trade mark*

The trade mark „Šumava – originální produkt („the trademark“ further in the text) was created within „Natura 2000 – “People to nature, nature to people” project, which is funded by European committee, DG Environment. The trademark is granted to the consumer goods, nature products and produce that fit the trademark rules.

The aim of the trademark is to make the area of Natura 2000 more visible and to use its socio-economic merits. The trademark is to support local producers (farmers, traders, small and medium-sized businesses) that run their business economically, traditionally an in accord with environment conservation, in the area.

Another aim of the trademark is to encourage tourism – the trademark guarantees the origin of the product and its relation to the area as well as environment friendliness of it. Purchasing of the trademark product, made of local sources, also minimize a hauling distance.

1.2. *Product design*

The visual part of the trademark is given by a graphic manual book, which was adopted by RRA Šumava.

Logo consists of a text „Šumava – originální produkt“/ “Šumava – the original product” and a graphic part. The graphic part represents the mountains and water both drawn in green-blue colour (as you can see in the picture).

2. Authority/arrangement

2.1. *Regionální Development Agency Šumava*

Regional Development Agency Šumava („RDAS“ further in the text) is in charge of the trademark in Šumava region. RDAS is also in power to grant the trademark to producers as well as to take it from them. Another responsibility of RDAS is to keep records of granted and taken certificates and to check whether the rules for granting and use of the trademark are being kept. The last duty of RDAS is to promote the trademark, which means to promote its products and points of sale.

2.2. *The Certificate committee*

The Certificate committee („the committee“ further in the text) is the authority, which decides whether the trademark is to be granted or not. The committee consists of at least 10 members who are either representatives of producers or representatives of followed organizations: RDAS, REC ČR, Administration of the NP and PLA Šumava, Chamber of commerce, county council of Plzeň and South Bohemia regions. There can be guests in the committee who have right to give advice and who represent Department of the Environment, Department of regional development and Czech Tourism

The committee meets at least once in 3 months. Dates of these meetings are to be published on www.domaci-vyrobky.cz 1 month beforehand.

2.3. *Regional environmental centre of Czech republic*

Regional Enviromental Centre of the Czech Republic (REC ČR) is in charge of the trad mark at national level (for various countries). REC ČR is responsible in cooperation with RDAS for fundraising, marketing and the trademark promotion.

RDAS alongside with the committee and REC ČR cultivate the certificate rules and standards for granting and use of the trademark „Šumava – originální produkt“ („standards“ further in the text)

3. The procedure of granting and use of the trademark

3.1. *The procedure of granting the trademark*

Holder of the trademark can be both a natural person and a body corporate. The certificate is to be granted to those products and producers that fit certificate criteria (vide the appendix n.1). The committee is in power not to grant the trade mark to a product which dos not fit an aim of a trade mark and is also in contrast to ethical principles, common taste or can even cause harm to a good name of a trade mark or RDAS.

To be granted the trade mark an applicant (a producer) will be given a form (vide the appendix 2) which is to be filled in and handed in along with a sample of a product either straight to RDAS or to the committee before a date of its meeting. The sample of the product will be given back to an applicant if he/she will ask for to do so.

In case that there are any doubts about quality of a product or is not possible to present a product to the committee, a product is to be assessed in place of its production by an authorized member of the committee.

The form is to be checked by RDAS and in case of any factual or formal failing is to be send back to an applicant to be corrected. An applicant is due to respond to this by 15 days at the latest.

An application is meant for a particular product or for a group of products but each product within this group fits the same criteria.

If the producer has already obtained any certificate for any of his/her products there is no need to prove that the product, which is the new application meant for, fits these criteria.

RDAS is to give all the applications to the committee at least 7 days before a meeting. The committee decides whether to grant or not to grant a certificate. The decision is announced to RDAS.

In case of a positive decision RDAS will grant a certificate for the particular product to its producer and an agreement to use the trademark will be concluded.

In case of a negative decision RDAS will announce this to the producer along with reasons that led to the decision.

There is no a legal claim to use the trademark.

All the information mentioned in the application is considered to be confidential and will be used only for purpose of granting the trademark. Both RDAS and the committee will act in concord with the law n. 101/2000 statute book, Data Protection Act and the law n. 148/1998 statute book, Official Secret Protection Act.

3.2. *The use of the trade mark*

Right to use the trademark (the certificate) cannot be bought or transferred to any other product. Certificate is valid for 2 years since issued. Extension of the certificate should be asked for one month before the agreement is expired at the latest. If this is done, the validity of the certificate is automatically renewed until the next committee meeting.

During the time in which the certificate is valid, the producer guarantees that the criteria he/she mentioned are being kept. Any change in contrast to what is mentioned in the application must be immediately reported to RDAS 3 days after it occurs at the latest. In case of important changes RDAS will move the application to the committee, which will assess the situation in the next meeting.

A duty of the producer is to label the trademark product in one of the following ways

- Product label/packaging contains the logo described in the graphic manual book
- Sticker/tie-on label is part of the product. A tie-on label is sold by RDAS for prime cost.
- In case that a product cannot be labeled (a roll for example) a producer and RDAS will discuss the way of presenting the logo (logo can be placed on a counter for example)

According to the graphic manual book the logo can be also used in some other ways: headed notepaper, points of sale, business cards, www pages, but always along with the text “Jsme držiteli certifikátu k užívání značky/”I am allowed to use the trade mark” (the logo)”.

3.3. Checks

A Check of keeping certificate rules and criteria is done by an authorized person (this authorization must be proved). Holder of the trademark is due to fully cooperate with such a person.

The report will be drawn up from each check.

All the facts found out during a check will be treated as confidential and will be used only for a purpose of certification. RDAS will act in concord with the law 101/2000 statute book, Data Protection Act and the law n. 148/1998 statute book, Official Secret Protection Act.

4. Charge

4.1. Handling charge and registration charge

To cover the costs caused by assessment and dealing with applications a producer will pay 400 crowns. If the application is also filled in its electronic version the charge is reduced to 200 crowns. There is no chance of getting back the charge that was paid even in case that the application is declined.

To cover the costs caused by obtaining the trademark a producer will pay 1300 crowns

Handling charge and registration charge is paid even in case of repeated application after the certificate validity expires.

In case that producer holds any other valid certificates either for quality or environment friendliness (Environment friendly product, BIO, KlasA) the registration charge differs:

- a) 750 crowns if the certificate is meant for the product which is the subject of the application
- b) 1000 crowns if the certificate is not meant for the product, which is the subject of the application.

If a producer already holds the valid certificate (the trade mark) for any other product the registration charge is reduced to 25% (the same applies for other registration charges and other certificated of quality and environment friendliness)

A handling charge and a registration charge are income of RDAS.

4.2. The trade mark usage fee

To cover the costs, fundraising, marketing and promotion of the trade mark a user is to pay usage fee. The usage fee is paid twice per year on the date 30. 4. and 31.10.

The usage fee is 0.3% of profit, which comes from selling the certificate product. Is calculated according to profit in past half-year (from Oct to March, from Apr to Sep). It

is at least 100 crowns but no more than 2,500 crowns. In case of the first payment the value to be paid is counted according to the date when the certificate became valid. Also the upper and lower limit of the money to be paid is adapted.

Producer is due to keep file of profit on sold products.

The trademark usage fee is income of REC ČR.

5. The trade mark promotion

There is a common way of marketing and promotion for the trademark

- to create a common marketing strategy
- to promote the trademark via media at international, national and regional level
- to create a catalogue of the products and to update it regularly
- to create an information brochure, banner and other printed materials
- www pages, internet shop

6. Points of sale (shops)

Points of sale where the trademark products are sold can use the logo of the trademark and text which means “Zde prodáváme originální šumavské výrobky/The original Šumava products are sold here”.

To use such attributes can those points of sale that fit following rules

- Small or medium-sized shops, inquiry office, museum, etc. If the point of sale is suitable, will be considered by RDAS.
- Certificate product guarantee: products by five producers at least, at least 50% of products are certificated products, sale in place of production
- Product information: Information about the trade mark and a product is available for customers
- To differentiate certificated and noncertificated products: certificated and noncertificated products are differentiated within limits (separate shelf, place on the counter, etc.)
- Local shops: a point of sale is in Šumava region (Český Krumlov, Prachatice, Klatovy, Domažlice district) and in region of Natura 2000. Outside these places only a shop that sells exclusively certificated products can obtain the right to use the trademark attributes.

7. Use of the trade mark in other ways

Other subjects based in the region (public administration institutions, home-rule institutions, non-governmental organization, etc) are also allowed to use the trademark in case that they conclude an agreement about this with RDAS. These subjects are hoped to support good name of the trademark.

In this case the trademark can be part of the information and promotion materials of the subject. It can also occur on the Internet (with a reference to official www pages of the Šumava product), on headed notepaper, etc., but along with a text: „ We support local products labelled with this trade mark“.

The possibility and rules of use of the trademark will be discussed individually with each subject.

8. Procedure in case of braking the rules

If any breach of the certificate rules or principal is found out, RDAS will ask the user to rectify the situation within reasonable time or will take the certificate away from the user. The decision to deprive the user of the certificate will be than confirmed by the committee as soon as the next meeting of the committee is held. Details will be resolved by an agreement.

After the user is deprived of the certificate there is no longer any right to use the trademark and also the paid charges are not to be given back.

In case of unauthorized use of the trademark further steps will be done by legal procedure.

9. Final statement

The rules became valid on 11. 10. 2005

Possible changes of certificate rules and criteria can be done after an agreement of RDAS and REC ČR.