



GUIDELINES FOR THE ALLOCATION OF RIGHTS OF USE FOR THE EU COMMUNITY TRADEMARK NO. 013479837 (ALLOCATION GUIDELINES)

INTRODUCTION

The quality standards for the civil safety protection sector in Germany are among the highest in the world. For this reason, Germany has earned an excellent reputation internationally in this area. The same applies to quality standards for work safety, as well as German civil protection and disaster relief.

In an increasingly interconnected world, these high German standards, in combination with excellent engineering work, technical innovation and scientifically precise benchmarks, are highly regarded in other countries. In Germany, products that have been successfully implemented and proven in the area of civil safety protection can carry a symbol that attests to this success. This trademark is recognition that the product has been used successfully in the civil protection safety sector in Germany.

The German Fire Protection Association (vfdb) has registered the above-mentioned trademark 'Safety Made in Germany (SMG)' as a word mark and figurative mark with precedence on 11.21.2014. Because it is registered as a EU Community trademark, SMG enjoys trademark protection throughout all member states of the European Union (EU) and the European Economic Area (EEA).

The Rights of Use for SMG are granted to products and services that have met the high requirements and standards of the users in the civil safety protection sector. Through SMG, the vfdb actively promotes a high quality of standards in the areas of fire protection, work safety, civil safety and accident protection both nationally and internationally.

The Rights of Use are granted by the vfdb according to the following guidelines and are allotted through a trademark license agreement and licensing fee. The decision is made within the vfdb by an allocation committee.

Support for the contract award process will be provided by the SafeInno Foundation. They review the applications submitted to the vfdb, clarify any open questions with the applicants, and then direct applications that are ready for approval to the vfdb.



Vereinigung zur Förderung des deutschen Brandschutzes e.V. (vfdb)

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I. PROCEDURES; CONTRACTING PARTIES

1. Manufacturers and suppliers of goods and services who wish to use the trademark on their product/service will be granted rights by the vfdb after approval by the vfdb allocation committee in accordance with these guidelines
2. The Rights of Use will only be awarded upon request. Applications should be sent in writing to the vfdb administrative offices at the following address:
Postfach 1231
48338 Altenberge
Germany

The application form is to be used when submitting a request. If there is not enough space provided in the fields of the form, additional pages can be attached.

3. All information pertinent to assessing and making a decision about the application, including documents about the relevant product/service, as well as proof of implementation in the civil safety sector in Germany and/or recognition by an accredited organization or institution, should be submitted with this application.
4. In general, a separate application should be submitted for each product and every service (hereafter referred to as 'product') on the market that will carry the trademark in the market after permission has been granted. As an exception, the applicant can submit a single application for products that have diverse models or designs. The applicant is however obliged to describe these products and the variants as subsumed in the contract in precise detail (e. g. with the internal product number or applicant's designation). With such, each product can easily be identified by the licensor or a third-party commissioned to examine the product on the market, and a clear correlation between the designated product on the market and a specific individual licensing contract can easily and explicitly be made at any time.

The granting of Rights of Use must always clearly refer to a particular product. It is not up to the applicant to decide whether the product falls under the jurisdiction of the licensing agreement. If applicable, the applicant must submit an itemized list of product variations with the application. The specifications made in the application by the manufacturer regarding the products are relevant for the later Rights of Use license and are therefore explicitly declared and considered contractually binding.





5. The vfdb will forward all submitted applications for granting Rights of Use for the trademark to the SafelInno Foundation. The foundation will:
 - conduct a thorough preliminary review of all applications submitted after the application fee has been paid to the vfdb. More information about the application fee can be found in the Scale of Charges and Fees;
 - inform the applicant about any problems that may possibly arise from the applied for Rights of Use;
 - recommend, if applicable, that the application be amended, added to, or in cases where the application appears to have no chance of success, rescinded;
 - return applications that have successfully undergone the preliminary review with all documents to the vfdb allocation committee along with a recommendation to accept or reject the request.
6. Once an application for the Rights of Use has been rejected, it is not allowed to be resubmitted the application in its original form, i. e. without changing the content.
7. The vfdb allocation committee will make the final decision about the acceptance or rejection of applications that have been preliminarily reviewed and have received a recommendation by the SafelInno Foundation. The vfdb administration will inform the applicant as well as the SafelInno Foundation about the decision made by the allocation committee. In the case of a favorable resolution, the vfdb will proceed with issuing a licensing contract.
8. The Rights of Use for the trademark 'SMG' will be granted for a period of four years. An extension of the trademark license is possible. To obtain a longer period of use, an application for an extension must be submitted.

II. PRODUCTS AND SERVICES THAT CAN BE APPLIED FOR; APPLICATION PRE-REQUISITES

1. What products and services can receive a licensing agreement for trademark use?

- 1.1 Rights of Uses can only be granted for such products and services that
 - 1.1.1 have been successfully implemented in Germany by organizations and institutions in the area of civil safety protection or have proven their performance in the field and
 - 1.1.2 for those products included in the list under which the trademark has been registered. The registry for the goods and services relevant for the trademark is as follows:



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Section I: Goods

Trademark Class 01: Fire extinguishing agents, fire protection agents

Trademark Class 07: Filling machines for water and/or sand; Driving devices for machines, Driving machines for rope winches; Compressed air machines; Dynamos, generators of electricity and current generators; Electric engines (other than for land vehicles); Pneumatic transporters; Blowing engines; Lifting apparatus, cranes; High pressure washers; Power saws; Compressors; Air pumps; Air cushion devices for moving loads; Hoists; Engines (except for land vehicles); Pumps (machines); Electric shears; Snowplows; Separators; Peeling machines; Jacks (machines); Water separators; Hydraulic turbines; Winches; Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Incubators for eggs; Automatic vending machines.

Trademark Class 09: Breathing equipment (except for artificial respiration); respirator masks (except for artificial respiration); respiratory protection devices with air filters; filters for respirator masks;

Asbestos suits for fire protection; asbestos shields for firefighters; accident, radiation and fire protection clothing; accident, radiation and fire protection shoes; mouth protection;

Protective gloves for X-rays for commercial purposes; protective helmets; special clothing for laborers; protective masks; protective devices for X-rays (for non-medicinal purposes); combination safety belts (except for devices used in automobiles or sports); hand protection; accident safety nets; accident protection devices for personal use; diving suits; ear plugs;

Fireboats; firefighting vehicles; firefighting aircraft.

Fire blankets; fire extinguishers; fire extinguishing devices; fire nozzles; firefighting hoses; firefighting standpipes;

Sprinkler systems (fire protection);

Fire alarms; smoke detection devices, fire alarm and fire protection systems; alarm bells (electric); alarm devices; alarm whistles; arched lamps, blinkers (light signals); bells (alarm systems); luminous signs, megaphones; fog signals (without flammable materials); optical



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lamps; smoke detectors; signal systems (lighted or mechanical); signal buoys; signal bells; signal lanterns; signal whistles; sirens; buzzers; signs; temperature displays; wind gauges;

Scientific, nautical, surveying, photographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatuses and instruments;

Analysis instruments; measurement instruments; gas analysis instruments; air monitoring instruments; detectors; diagnostic apparatuses for fireboats;

Personal pagers; radio communication sets (walkie-talkies); mobile phones; surveillance apparatuses; temperature control devices; apparatuses and instruments for conducting, switching, transforming, accumulating, regulating, or controlling electricity;

Apparatuses for recording, transmission or reproduction of sound and images; magnetic data carriers; recording discs; mechanisms for coin-operated apparatuses; cash registers, calculating machines, data processing equipment and computers;

Rescue nets; emergency blankets; life preservers; rescue equipment; safety vests; life buoys; life rafts; rescue ladders;

Acidimeters;

Warning triangles for vehicles

Trademark Class 12: Vehicles; Apparatus for locomotion by land, air or water, Buses; Balloons air; Launches; Side cars; Boats; Electric vehicles; Parachutes, Remote-control operated vehicles (except toys); Air vehicles; Fork lift trucks; Ambulances; Trucks; Mopeds; Motorbikes; Pontoons; emergency services vehicles; Rescue vessels; Ships (river boats and seagoing vessels); Sleighs [vehicles]; Anti-skid chains; Snowmobiles; Wafer vehicles; Seaplanes.

Trademark Class 16: Instructional and teaching material (except apparatus) (in particular for fire services, rescue services, technical and other assistance); Paper, cardboard; Printed matter; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paint brushes; Typewriters and office requisites (except furniture); Plastic materials for packaging (not included in other classes); Printers' type; Printing blocks.



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Trademark Class 22: Nets; Tents; Tarpaulins; Sails; Sacks, not included in other classes; Bands (not of metal) for wrapping or binding; Bags (envelopes, pouches) of textile, for packaging; Wadding for filtering; Non-metallic straps; Hammocks; Cables (not of metal); Tarpaulins; Bags (sacks) for the transport and storage of goods; Strings; Sails; Brattice cloth; Cordage (in particular car towing ropes); Wadding; Strings; Padding and stuffing materials (except of rubber or plastics); Raw fibrous textile materials.

Section II: Services

Trademark Class 38: Telecommunications (in particular communications by telephone, by computer terminals and by fibre optic networks); Telecommunications routing and junction services; Cellular telephone communication; Voice mail services; Paging services (by radio, telephone or other electronic communications systems); Facsimile transmission; Telephone services; Satellite transmission; Teleconference services; Message sending; Rental of message sending apparatus and telecommunications equipment.

Trademark Class 39: Transport, rescue and retrieval of persons who are sick, have been in an accident, have been poisoned, or contaminated.

Trademark Class 41: Education; training; entertainment; sporting and cultural activities, especially in the area of firefighting, fire protection, general aid, disaster relief, emergency response, rescue, civil safety, emergency care, civil protection and technical relief.

Trademark Class 42: Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software (in particular biological research); Chemical research; Consultancy in the field of computers; Advisory services relating to computer programming; performance of chemical analyses; Computer system design; Software design services; Engineering services; Research in the field of fire detection, fire extinguishing, rescue services and technical assistance; Physics [research]; Creating and maintaining websites for others; Preparation of technical, physical, chemical and biological reports; Conversion of data or documents from physical to electronic media; Technical project studies; Rental and maintenance of memory space for use as websites for others (hosting); Material testing; Cloud seeding.



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Trademark Class 45: Security services for the protection of property and individuals; firefighting; civil protection in the form of disaster relief; consultation for fire protection and disaster relief; safety monitoring in factories; intruder alarm surveillance; clothing rental; fire alarm rental; fire extinguisher rental; civil safety services

- 1.2 Both aforementioned conditions must be fulfilled concomitantly. The transfer of Rights of Use for products or services that are listed under Section II but are not implemented in Germany or recognized by accredited German organizations and institutions in the civil safety protection sector is not possible.
- 1.3 Purely scientific achievements, inventions, patents, standards, action plans or methods, etc. that do not (yet) have practical expression in the form of marketable products or services, cannot be used as a basis for a licensing agreement and therefore, cannot be included in an application.

2. Additional Requirements

2.1 Applicant as Legitimate Representative for the Product or Service

The applicant must prove to be legitimately entitled to offer the product or service in Germany. This can be generally proven by a statement declaring that the product or service originates directly from the applicant.

Applicants, who are not the original manufacturer of the product or service, but have submitted or intend to submit an application on the basis of an operator's license or other agreement, such as internal company agreements or instructions, must provide appropriate proof that they are a bona fide representative for the product or service, and as such, are legitimately allowed to offer the product/service in question in Germany.

2.2 References as Attest of the Practical Implementation of the Product/Service

The applicant must provide references from civil safety protection organizations and institutions that are active in Germany and/or accredited in Germany for the product for which the Rights of Use of the trademark has been applied for. The product should have been practically implemented repeatedly or over a longer period of time and has thus proven its performance through usage.

It is not required that the implementation or usage of the product or service by a particular organization or institution solely take place in Germany; in addition to use in Germany, proof of





performance can be given from use in any place worldwide as long as the organization or institution active in civil safety protection is mainly active in Germany or is accredited and can also document performance efficacy in Germany.

On the application form, the following information should be given:

- Evaluation of the usefulness of the product or service for which the trademark license has been applied for in the area of safety from the applicant's point of view;
- Additional information such as characteristic statistics or other indications of use (such as time savings, decrease in risk, conservation of resources, etc.);
- Publications, expert reports, recommendations, certificates from testing facilities or written confirmation from the organization or institution that has used the product or service, if available.

2.3 'Made in Germany' for Products

In order to obtain consent to use the trademark for products, an additional requirement is that the major part of the added value in the production or manufacturing process of the product must take place in Germany. In cases where only minor or individual parts, or production steps have been made or are being made in Germany, and almost all other parts or steps have been produced outside of Germany, this requirement is hence considered unfulfilled. It is likewise not enough to fulfill the requirement when only pre- or post-production steps such as individual development stages and design, as well as quality control, marketing and/or sales are done in Germany. Nevertheless, a fixed percentage ratio has not been determined.

The applicant must describe:

1. which of the value-added steps, starting from the product design to the market-ready product, have been carried out in Germany,
2. which of the value-added steps and parts are important for the quality and actual value of the product for the user/buyer in Germany from the applicant's point of view, and
3. provide a statement in accordance with Section II, detailing the important steps leading to the value of the product that have been carried out in Germany.

When applying the aforementioned requirements, the general principle is that the quantity or the percentage of value of the production steps that are carried out in Germany can be reduced in relation to the importance that these production steps have for the quality and value of the product for the market.



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2.4 **'Made in Germany' for Services**

For service providers, it is sufficient for the applicant to show and prove that the relevant services provided by the applicant have been performed in Germany, or used by a recognized organization or institution operating in the area of civil safety protection either repeatedly or over a long period of time.

2.5 **Compliance with Applicable Standards and Guidelines**

In order to obtain consent to use the trademark 'SMG,' the applicant must provide a statement in which the products or services relevant to the application are described as:

- adhering to all relevant legal regulations and
- in keeping with all relevant accepted standards and applicable technical norms (DIN), especially those standards that are generally recognized as German technical regulations in Germany; under these norms are also those technical regulations set by European and international standards organizations that have been or must be converted to German norms (DIN, VDE, etc.) or are generally recognized as technical guidelines for a particular field in Germany.

The applicant should describe the applicable standards as well as technical standards and guidelines in the application and confirm compliance in writing, as well as providing copies of the relevant certificates and proof of compliance insofar that the applicant is in possession of such documents at the time of the application.

The applicant must inform the licensor in a timely manner when these documents proving compliance or recognition have changed or are no longer valid.

A false or misleading statement/declaration will automatically lead to the Rights of Use for the trademark 'SMG' being rescinded.

2.6 **Further Quality Standards**

In addition to providing proof, a separate description of performance that fulfills further quality standards, regulations or requirements that are not generally customary can be submitted. This description can state that the product that will bear the trademark exceeds the general market level and/or recognized technical standards.





3. Licensing Fee, Licensing Fee, Economic Data, Scale of Fees and Charges

When the Rights of Use have been granted, a licensing fee will be levied. The amount of the licensing fee is based on the economic data of the product for which the application has been submitted. In addition, other criteria that will be taken under consideration are the product type, type of applicant (e.g. company, scientific institution, educational or training institution, special service provider, etc.).

The licensing fee amount is calculated on a case by case basis within the framework of the licensing contract.

To ensure confidentiality when citing economic data from the applicant/licensee (such as product sales volume) or other applicable information that may be required, this information will only be used within the framework of the licensing process and only disclosed to the General Secretary and the Chairman of the allocation committee. These persons will sign a non-disclosure agreement to this effect.

It is possible for the applicant to estimate the amount of the fees by using the Scale of Charges and Fees table. This table is provided solely as an orientation guide. The binding licensing fee will be set in the licensing contract.

