

# Nationwide House Energy Rating Scheme®

## Trade Mark Guidelines – Version 2.1

<b>Version</b>	<b>Date</b>	<b>Amendment</b>	<b>Supersedes</b>
1.0	June 2017	'Guidelines for using the NatHERS logo' revised	Previous version
2.0	May 2022	Revised and updated Trade Mark Guidelines	Version 1.0
2.1	July 2022	Department name amended	Version 2.0

## Introduction

- 1.1 The **Nationwide House Energy Rating Scheme** (Scheme) has four trade marks registered under the *Trade Marks Act 1995*. These trade marks are owned by the Department of Climate Change, Energy, the Environment and Water (Department) on behalf of the Australian Government.
  - (a) trade mark 1486221: Logo image (see Appendix)
  - (b) trade mark 1646672: Scheme name “Nationwide House Energy Rating Scheme”
  - (c) trade mark 1646673: Scheme acronym “NatHERS”
  - (d) trade mark 1646674: Rating image (see Appendix).
- 1.2 The purpose of these trade marks is to protect the credibility of the Scheme. The NatHERS Trade Mark Guidelines (Guidelines) outline the permitted uses of the trade marks.
- 1.3 The Guidelines support the Scheme’s governance. Related documents include, the Software Accreditation Protocol and its Terms and Conditions, the Protocol for Assessor Accrediting Organisation and the NatHERS Technical Note.
- 1.4 The Australian Trade Mark Register provides detail on the conditions and specificity of the trade marks registered to the Scheme at [www.ipaustralia.gov.au/trade-marks](http://www.ipaustralia.gov.au/trade-marks).

## Eligibility to use trade marks

- 2.1 **Assessor Accrediting Organisations** accredited with the NatHERS Administrator under the Assessor Accrediting Organisation Protocol are permitted to use NatHERS trade marks. Use of the trade marks is limited to inclusion in promotional materials and websites, in accordance with the conditions set out in these Guidelines.
- 2.2 **Software tool providers** accredited with the NatHERS Administrator under the Software Accreditation Protocol, are permitted to use NatHERS trade marks in accordance with the conditions set out in these Guidelines. This extends to the following use of trade marks on NatHERS Certificates:
  - 2.2.1 NatHERS Certificates produced by accredited assessors may include all NatHERS trade marks.
  - 2.2.2 Certificates produced by non-accredited assessors may include only the Scheme name (TM 1646672) and acronym (TM 1646673).
- 2.3 **Registered training organisations** that deliver qualifications directly relevant to the Scheme are permitted to use NatHERS trade marks. Use of the trade marks is limited to inclusion in promotional materials and websites, in accordance with the conditions set out in these Guidelines.
  - 2.3.1 The NatHERS logo must not be used on student or trainer qualification documents
  - 2.3.2 All trade marks must be immediately removed from all materials if the organisation ceases to deliver qualifications directly relevant to NatHERS.
- 2.4 **Accredited assessors** can use the NatHERS trade marks in accordance with these Guidelines if:

- 2.4.1 They hold current accreditation with an Assessor Accrediting Organisation.
  - 2.4.2 Permission has been granted from an **approving body** (Clause 3.1).
  - 2.4.3 NatHERS trade marks are only included in promotional materials, including website, advertisements, business cards or letterhead.
  - 2.4.4 If the assessor's accreditation ceases, trade marks must be immediately removed from all occurrences (including all promotional material i.e. website, advertisements, business cards).
- 2.5 **Non-accredited assessors** are:
- 2.5.1 permitted to use the name (TM 1646672) and acronym (TM 1646673) trade marks if permission is granted by the NatHERS Administrator (Clause 3.2).
  - 2.5.2 not permitted to use the logo (TM 1486221) or rating image (1646674) for any purpose.
- 2.6 Use of the trade mark/s by any other group or entity not outlined in these Guidelines must be approved by the NatHERS Administrator (Clause 3.2).

### Seeking approval for trade mark use

- 3.1 **Accredited assessors** must obtain prior approval for use of the logo (TM 1486221) and the rating image (TM 1646674) from an approving body or the NatHERS Administrator.
- 3.1.1 An **approving body** is an organisation given authority by the NatHERS Administrator to approve the use of the trade mark/s.
  - 3.1.2 The following organisations have been granted authority by the NatHERS Administrator as **approving bodies**:
    - (a) Association of Building Sustainability Assessors, [www.absa.net.au](http://www.absa.net.au)
    - (b) Design Matters National, [www.designmatters.org.au](http://www.designmatters.org.au)
    - (c) House Energy Raters Association, [hera.asn.au](http://hera.asn.au)
  - 3.1.3 The records obtained by an **approving body** from individuals or organisations seeking approval to use of the trade marks may be provided to the NatHERS Administrator.
- 3.2 All other persons or entities must obtain approval from the NatHERS Administrator for trade mark use. This excludes Assessor Accrediting Organisations, software tool providers and registered training organisations who meet the requirements of Clauses 2.1-2.3.
- 3.2.1 Those seeking permission from the NatHERS Administrator must:
    - (a) Email [admin@nathers.gov.au](mailto:admin@nathers.gov.au) with details on how, where and why they wish to use the trade mark/s.
    - (b) State they will comply with the Conditions of trade mark use and the Representation of trade marks outlined in these Guidelines.

### Conditions of trade mark use

The following conditions must be applied to all uses of NatHERS trade marks.

- 4.1 Trade marks must only be used for the specified and approved purposes as detailed in the request and in compliance with these Guidelines.
- 4.2 The representation of all trade mark use must comply with the requirements outlined in Representation of trade marks (6.1-6.6).
- 4.3 Trade marks must not mislead members of the public into believing the product, service or entity involved has any special government sponsorship, affiliation or certification.
  - 4.3.1 A prominent disclaimer must be included when using the logo (TM 1486221) or rating image (TM 1646674). The disclaimer should;
    - (a) state the relationship to NatHERS (i.e. offering NatHERS assessments, offering training courses in NatHERS approved software tools)
    - (b) clarify the organisation, services and/or website does not have any special government sponsorship, affiliation or certification
    - (c) link to official information regarding NatHERS (e.g. [www.nathers.gov.au](http://www.nathers.gov.au)).
  - 4.3.2 For example: 'Permission to use the Nationwide House Energy Rating Scheme (NatHERS) <logo/rating image> has been granted to <organisation> for the purpose of <insert relationship to NatHERS>. <Organisation> and its services has no direct affiliation with NatHERS. More information on NatHERS at [www.nathers.gov.au](http://www.nathers.gov.au)'.
- 4.4 Trade marks must not be used in association with a product, service or entity that conflicts, or could potentially conflict, with the objective of NatHERS to promote energy efficient dwelling design, or with which it would be inappropriate for government agencies to be associated.
- 4.5 Trade mark use must not risk bringing the NatHERS logo, the Scheme, the Commonwealth, or another government body, into disrepute or reduce their credibility.
- 4.6 Use of the trade marks for inclusion in a report, publication or similar communications must be provided to and approved by the NatHERS Administrator prior to publication. The publication must include an acknowledgement of approval cleared by the NatHERS Administrator prior to release.
  - 4.6.1 For example: '<organisation> acknowledges the approval of the NatHERS Administrator to use the Nationwide House Energy Rating Scheme name and logo in the preparation of this <insert report, publication>.'
- 4.7 Use of the trade marks for inclusion in a presentation or similar communications must be approved by the NatHERS Administrator prior to use.
  - 4.7.1 This requirement is not required where the trade mark use aligns with the sole purposes outlined under Eligibility (2.1-2.7) and the Conditions of trade mark use and the Representation of trade marks have been met.

### Unauthorised trade mark use

- 5.1 Unapproved use of the NatHERS logo (TM 1486221) or rating image (TM 1646674) is not permitted. Appropriate action may be taken against unapproved users of the trade mark/s.
- 5.2 Prior approval may be withdrawn and/or appropriate legal action may be taken against approved users of the logo who, in the opinion of the NatHERS Administrator, have used the trade mark/s in a manner that has reduced its credibility or otherwise breached these Guidelines.
- 5.3 The NatHERS Administrator retains the right to deny or withdraw approval of trade mark use, including when approval has been granted by an approving body.

### Representation of trade marks

- 6.1 All uses of the NatHERS trade marks must follow the style guidelines below to ensure the integrity of their application.
- 6.2 Scheme name and acronym (TM 1646672, 1646672):
  - (a) Capitalise each word in the Scheme name.
  - (b) Capitalise only part of the acronym as “NatHERS”, with a lowercase ‘at’.
  - (c) The Scheme name “Nationwide House Energy Rating Scheme” should be defined in full at first mention, before using the acronym “NatHERS”.
- 6.3 Logo and rating image (TM 1486221, TM 1646674):
  - (a) The logo or image must be used ‘as provided’ and must not be altered or tampered with.
  - (b) Use the coloured logo or image on a white background only. Black and white designs may be available upon request.
  - (c) The digital file for use is to be obtained from the NatHERS Administrator or approving body, and is not to be copied from the NatHERS website or elsewhere.
  - (d) For printed material, there must be clear space of no less than 1cm set around the logo or image unless the logo is being used on a business card.
  - (e) For digital material, there must be clear space of no less than the width of the ‘H’ in ‘HOUSE’ set around the logo or image.

### Contact

If you have any questions regarding approval or use, contact the NatHERS Administrator via email [admin@nathers.gov.au](mailto:admin@nathers.gov.au).

Alternatively, post correspondence to:

Nationwide House Energy Rating Scheme  
Department of Climate Change, Energy, the Environment and Water  
GPO Box 858  
CANBERRA ACT 2601

## Appendix

NatHERS trade mark images, for reference only:

(a) Logo image



(b) Rating image

