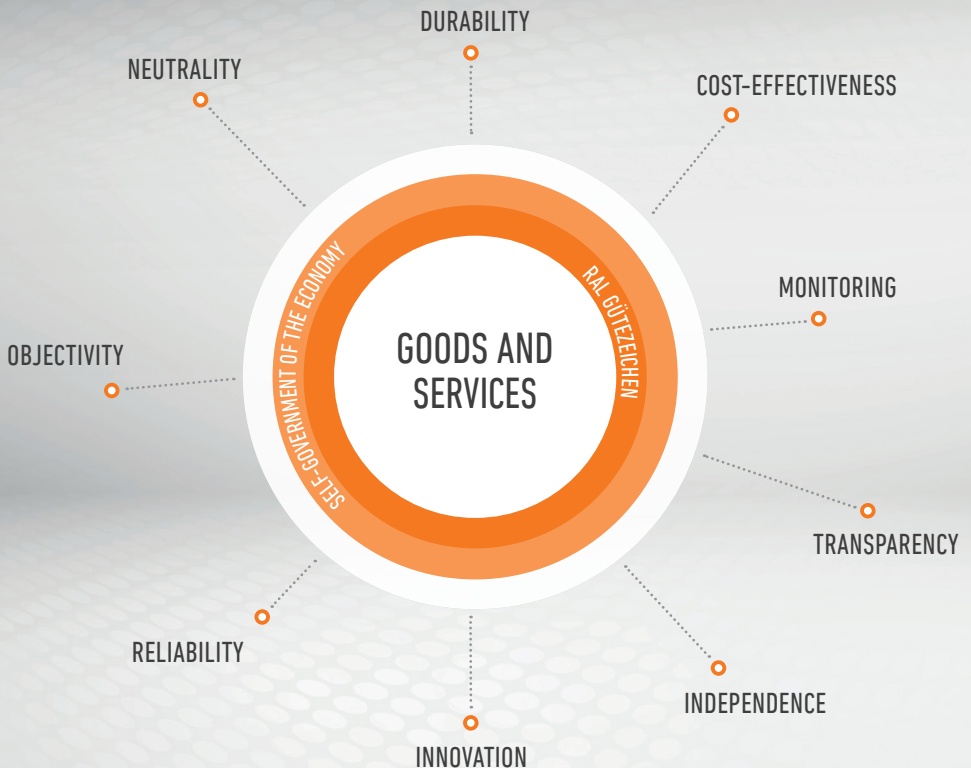


# GUIDELINES FOR QUALITY MARKS





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## EXPLANATIONS OF THE MAIN TERMS

### QUALITY ASSURANCE (GÜTESICHERUNG)

The goal and effect of monitoring quality requirements for goods and services. It includes defining the Quality Assurance and Test Specifications, organising monitoring activities (self-monitoring and third party monitoring) and punishing infringements through to labelling quality and establishing and regulating the use of Quality Marks. The quality assurance system consists of the Quality Assurance and Test Specifications and the Implementation Provisions.

### QUALITY MARKS (GÜTEZEICHEN)

These labels are proof of quality assurance. After a Quality Mark has been approved by RAL, it is announced in the German Federal Gazette (Bundesanzeiger) and registered as an EU certification mark\* at the European Union Intellectual Property Office (EUIPO). The image used for the Quality Mark must contain the word "GÜTEZEICHEN" and the word/logo.  The design of the Quality Mark must comply with the uniform rules specified by RAL in the RAL Corporate Design.

### QUALITY ASSURANCE ASSOCIATION (GÜTEGEMEINSCHAFT)

An organisation recognised by RAL that is responsible for the quality assurance process for a particular type of goods or category of service. It is a legally registered association and holder of the rights to the Quality Mark. It awards the right to carry the Quality Mark in accordance with the statutes to those companies who voluntarily obligate themselves to comply with the Quality Assurance and Test Specifications and agree to quality monitoring by independent testers. The association itself is obligated to monitor compliance with the Quality Assurance and Test specifications, supervise the controlled use of the Quality Mark, penalise any infringements of the provisions defined in the statutes and take action against misuse of the Quality Mark by unauthorised companies.

\* The protection provided by the collective marks registered before the introduction of the EU certification mark is still valid for the time being.

### MONITORING OF QUALITY

Monitoring compliance with the Quality Assurance and Test Specifications and the correct use of the Quality Mark. This covers both the self-monitoring carried out by the users of the Quality Mark (e.g. monitoring the materials, production process, finished product or service) as well as the continuous monitoring carried out by independent testing bodies, institutions or publicly certified and qualified experts (third party monitoring) that is controlled by the Quality Assurance Association.

### LIST OF QUALITY MARKS

A list of the Quality Marks approved by RAL. It is maintained by RAL and published in the German Federal Gazette..

### STATUTES

The statutes of the Quality Assurance Association consist of the dedicated statutes and Quality Mark documentation required for establishing and using the Quality Mark.

### THIS INCLUDES:

- 1) The statutes of the Quality Assurance Association holding the rights to the Quality Mark in the form of a legally registered association.
- 2) The Quality Mark Statutes according to Article 83 (1) of the European Union Trade Mark Regulation with which the Quality Mark is legally established as an EU certification mark.
- 3) Implementation Provisions for the award and use of the Quality Mark, as well as for the monitoring process and penalising infringements. They define how the quality assurance process is implemented in practice.
- 4) The Quality Assurance and Test Specifications that define the quality level for the quality assurance process and the rules for the monitoring process.

# 1 GUIDELINES FOR QUALITY MARKS

The purpose of a Quality Mark is to indicate the quality of the labelled goods or services and also to improve the quality of these goods and services in line with advances in technology and increased market expectations. They also act as an independent, reliable source of information for consumers so that they can select from the products and services available on the market.

## 1.1

The Quality Marks are integrated into the RAL Quality Mark System. They correspond to these "Guidelines for Quality Marks".

## 1.2

**The following definition applies to Quality Marks (Gütezeichen):**

Quality marks are words, images or both that

- are used to certify the quality of labelled goods or services<sup>1)</sup>,
- indicate compliance with certain important characteristics with respect to the quality of goods and services that are based on generally accepted standards and measured against objective benchmarks,
- are held by the Quality Assurance Associations, who make them generally accessible as part of their collaboration with RAL, prepare the Quality Assurance and Test Specifications that are approved and published by RAL and monitor compliance with them, or
- are based on legislative measures. Insofar as the Quality Assurance Association documents proof of compliance with the required certification and independent monitoring for building products as part of a building inspection – in line with the building laws in each German state (certificate of compliance) according to Article § 24b of the currently valid version of the Model Building Regulations – a compliance mark (Ü-Zeichen) is issued. This indicates that the labelled building products correspond to the technical regulations in Building Regulation List A Part I, the general building permit, the general building inspection test certificate and building approval in each individual case.

<sup>1)</sup> A particular type of activity is neither meant nor excluded here – instead it covers the general definition of the term found in competition law (UWG).

### 1.3

RAL is responsible for organising the Quality Mark System. RAL advises those parties in the economy who are interested in quality assurance and establishing Quality Marks, processes applications, heads the cooperative work for the development of Quality Mark principles suitable for approval, approves the Quality Marks and recognizes the Quality Assurance Associations, maintains a list of approved Quality Marks and ensures that it is published in the German Federal Gazette.

### 1.4

Quality Marks are independent, objective proof of quality assurance, i.e. continuously monitored quality that complies with the conditions defined in the cooperative work headed by RAL, which are freely accessible and approved and published by RAL. The Quality Assurance Associations and those companies awarded the right to carry the Quality Marks are thus obligated to ensure that RAL is able to meet its responsibilities according to the statutes and check compliance with these guidelines at all times. It is only possible to award the right to carry a Quality Mark, which has been established in the general interest of the general public and is based on their trust, when it can be guaranteed that any misuse of the Quality Mark is excluded.

## 2 CONDITIONS FOR APPROVAL BY RAL

### 2.1 AREA OF USE FOR THE QUALITY MARKS

Quality marks may not be used to label individual products but are instead established for certain types of goods and categories of services. Only one Quality Mark may be created for a type of goods or category of service.

### 2.2 HOLDERS OF THE QUALITY MARKS

Every legally registered group, e.g. a registered association, with the aim of quality assurance can become the legal holder of a Quality Mark as long as they provide evidence of its general economic usefulness and, as a member of RAL, the statutes guarantee the correct handling of the Quality Mark.

### 2.3 LEGAL PROTECTION

Above and beyond legal protection against unfair competition, the Quality Mark must be protected by registering it as an EU certification mark\* at the European Union Intellectual Property Office (EUIPO).

### 2.4 DESIGN OF THE QUALITY MARKS

- Quality Marks must contain the word "Gütezeichen" (Quality Mark) and the trademark and logo **RAL** in a highlighted form. The design must be created in agreement with RAL according to the uniform rules in the RAL Corporate Design.
- It must be clear which type of goods or category of service are covered by the Quality Mark.

\* The protection provided by the collective marks registered before the introduction of the EU certification mark is still valid for the time being.



## 2.5 **QUALITY ASSURANCE AND TEST SPECIFICATIONS**

- The **quality criteria** that are used to award Quality Marks to goods or services, which have been deemed to be important for evaluating quality by the relevant professional and trade groups involved in the process, must be defined in the Quality Assurance and Test Specifications.

Only objectively measurable characteristics can be assessed.

The requirements and testing specifications to be defined for these characteristics in the Quality Assurance and Test Specifications are developed during the RAL approval process as part of the cooperation with business and consumer groups as well as the relevant public authorities.

- The **Quality Assurance and Test Specifications** can be quality and testing regulations originating from the association or those resulting from the limited cooperation between the holder of the Quality Mark and business sectors interested in the relevant product or service or a more comprehensive cooperation with a recognised non-profit organisation (e.g. DIN).

The professional and trade groups affected by the Quality Mark will participate in the establishment of the Quality Assurance and Test Specifications (this includes, as a general rule, supplier associations for the products or services affected by the quality assurance process and consumer/user associations, as well as testing institutions, relevant public authorities and, if necessary, other specialist institutions).

- The Quality Assurance and Test Specifications are part of the statutes.
- The Quality Assurance and Test Specifications must be approved by RAL and published so that they are accessible to the general public.

## 2.6 **QUALITY MARK STATUTES**

- Quality Mark Statutes must be established for every Quality Mark that are freely accessible to the general public.
- The **Quality Mark Statutes** must comply with the regulations in Article 83 (1) of the European Union Trade Mark Regulation. In particular, they must include the following information:
  - Name, headquarters, purpose and representative of the association holding the legal rights to the Quality Mark
  - The group of companies authorised to use the Quality Mark
  - The regulations for the use of the Quality Mark
  - The rights and duties of those involved in the case of a violation of the Quality Mark

**In addition, the Quality Mark Statutes must ensure the following:**

- Every company that complies with the statutes of a Quality Assurance Association and is willing to accept the responsibilities associated with the relevant Quality Mark is entitled to apply for the right to carry the Quality Mark.
- The Quality Mark Statutes, Association Statutes, Implementation Provisions and Quality Assurance and Test Specifications must not restrict any competition in the sense of the German Act against Restraints on Competition (GWB). They must not hinder technical progress and must not act as a hindrance to improvements in the level of quality in the future.

**The right to carry a Quality Mark will be awarded to a company when the following conditions have been met:**

- Submission of an application to the Quality Assurance Association
- Proof that the applicant ensures with its facilities and specialist personnel that a constant level of quality for the goods or services labelled with the Quality Mark is guaranteed in accordance with the Quality Assurance and Test Specifications and the Implementation Provisions, as well as proof that the initial test has been passed
- Legally binding acceptance of the statutes by the applicant

## **2.7 SECURITY AND MONITORING MEASURES IN THE STATUTES**

- The statutes issued by the Quality Assurance Association must include regulations for the ongoing testing of the relevant products or services to ensure full and complete compliance with the Quality Assurance and Test Specifications and regulations to ensure that proof of the continuity of the monitoring can be submitted to RAL e.g. through the provision of testing documentation. RAL is for its part entitled and obligated to verify this monitoring process. RAL must be reimbursed for any costs incurred in this process.
- In the event of any infringements against the statutes, punishments should be included in the statutes in the form of warnings, fines, temporary or permanent withdrawal of the Quality Mark and exclusion from the Quality Assurance Association.
- To enable the quick resolution of disputes in the event of any appeals against the decisions taken by the holder of the Quality Mark (Quality Assurance Association), an arbitration procedure can be agreed in individual cases excluding the due legal process (arbitration procedure according to the regulations of the ZPO).
- The duties of the Quality Assurance Association and the individual companies using the Quality Mark must include the care and protection of the Quality Mark so that it does not become a “poor” mark of quality. Every user of a Quality Mark is obligated to notify the Quality Assurance Association about any infringements that they become aware of, the Quality Assurance Association is obligated to investigate these infringements and both of these obligations must be included in the statutes.

## **2.8 CHANGES TO THE STATUTES**

- Changes – including editorial changes – to the statutes approved by RAL require the prior written approval of RAL before they become valid.

## 3 APPROVAL PROCESS

The RAL approval process for creating a Quality Mark includes the following steps:

### 3.1

Preliminary discussion with RAL about the intention to create a Quality Mark including:

- The purpose of the Quality Mark, also taking into account macroeconomic aspects.
- The technically defined and intended scope of validity
- The form and use of the Quality Mark
- The statutes (Association Statutes, Quality Mark Statutes, Implementation Provisions and Quality Assurance and Test Specifications)

RAL will then send a Quality Mark application form to the party interested in creating a Quality Mark based on the following conditions:

- Application for approval of a Quality Mark based on the "Guidelines for Quality Marks" which are accepted as binding.
- A flat-rate application fee is charged for the RAL approval process. In addition, costs will also be incurred for the statutes and publication of the quality assurance system.
- Application for general membership of RAL from the time at which the Quality Mark is approved, as well as a commitment to pay the relevant fees according to the RAL statutes and membership fee regulations.

### 3.2

The applicant must accept the terms and conditions in the Quality Mark application.

### 3.3

The applicant will develop draft statutes in cooperation with RAL.

### 3.4

RAL will distribute the draft Quality Assurance and Test Specifications to the relevant professional and trade groups (this includes, as a general rule, supplier associations for the products or services affected by the quality assurance process and consumer/user associations, as well as testing institutions, relevant public authorities and, if necessary, other specialist institutions) and the remaining parts of the statutes to the relevant bodies for their comments.

### 3.5

In consultation with these groups and after checking any aspects relevant to association, antitrust and competition law, RAL will establish the preconditions for entry into the RAL Quality Mark list, approve the Quality Mark and certify it for the Quality Assurance Association. At the same time, RAL will add the Quality Mark to the list of Quality Marks. Finally, the approved Quality Mark will be published by RAL in the German Federal Gazette.

## 4 RESPONSIBILITIES OF RAL

The responsibilities of RAL with respect to its Quality Mark System and the individual Quality Assurance Associations holding the legal rights to the Quality Mark include, in particular:

- Employing all options at its disposal to protect the Quality Mark
- Promoting the duties laid out in its statutes
- Monitoring its activities
- Supporting to the best of its abilities the Quality Assurance Association in the representation of its interests, especially protecting the Quality Mark against misuse, as well as defending against all measures that are detrimental to quality assurance.

## 5 WITHDRAWAL OF APPROVAL

### 5.1

RAL should withdraw approval for the Quality Mark and the relevant Quality Assurance Association when:

#### 5.1.1

The Quality Assurance Association ceases its activities or ceases to use the Quality Mark or

#### 5.1.2

The Quality Mark has been deleted from the register maintained by the European Union Intellectual Property Office (EUIPO) or

#### 5.1.3

The statutes approved by RAL have been amended without prior notification or

#### 5.1.4

A Quality Assurance Association proves itself to be incapable of fulfilling its responsibilities according to section 2.7 of these guidelines, or

#### 5.1.5

The necessary fees according to the membership fee regulations have not been paid to RAL.

### 5.2

Once a Quality Mark has been withdrawn, the Quality Assurance Association must guarantee and provide proof to RAL that:

#### 5.2.1

The Quality Mark deleted from the list of RAL Quality Marks has also been deleted from the register maintained by the European Union Intellectual Property Office (EUIPO) without delay.

#### **5.2.2**

The Quality Mark is no longer being used in any form.

#### **5.2.3**

Those companies who have up to now been authorised to use the Quality Mark are also no longer using the Quality Mark.

#### **5.2.4**

All labelling materials for the Quality Mark for all purposes and any advertising materials from all analogue and digital media have been removed.

#### **5.3**

In the case of an infringement against 5.2.3 and 5.2.4 and after an unsuccessful formal warning, the Quality Assurance Association is obligated to enforce companies to cease using the Quality Mark through the due process of law. If the Quality Assurance Association is not in a position to do so, it will refund RAL for the costs of substitute measures that RAL is required to carry out itself for the protection of the Quality Mark System.

## 6 APPEAL PROCEDURE

### 6.1

An appeal can be made against decisions made by RAL such as

- Refusal to approve a Quality Mark
- Rejection of an objection to the approval of a Quality Mark.
- Withdrawal of an approved Quality Mark

The appeal must be raised with the President of RAL within 4 weeks of a decision being issued..

### 6.2

In each individual case, the President will convene a review body consisting of two members of the RAL Board of Trustees and two further experts chosen in agreement with the members of the Board of Trustees. The president will then make a decision based on the test report submitted by this review body.



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Our mission is to gain your trust. RAL Simply Excellent.

Further information is available at: [www.ral.de](http://www.ral.de)



## **RAL QUALITY MARKS** A safe choice

**RALQUALITY MARKS** signal to consumers that the labelled products and services have a particularly high level of quality.

At the same time, they stand for clearly defined values. Companies that use **RALQUALITY MARKS** promise fair, honest and exemplary behaviour. They assume responsibility for their products and services and are thus reliable partners for consumers.



## **RAL COLOURS** The language of the world of colour since 1927

**RAL COLOURS** are the world's leading colour standard for all professional users of colour in industry, trade, architecture and design. Over 2,500 colour tones deliver the highest level of precision and a varied choice. The products from **RAL COLOURS** are marketed via our own sales partners in over 85 countries.



## **RAL ENVIRONMENT**

**The awarding body for the Blue Angel ecolabel for over 40 years**

Consumers require reliable information in order to act in an environmentally conscious manner. Environmental labels such as the "Blue Angel" or the "EU Ecolabel" provide support in this area. Both labels stand for particularly environmentally friendly products. They have to undergo a strict testing process before they are permitted to carry the ecolabels. **RAL ENVIRONMENT** has organised the testing process and awarded the environmental labels since 1978.



### **RAL LOGO LICENCE** Brand marketing and monitoring

The **RAL LOGO LICENCE** guarantees the worth of the tests carried out by Stiftung Warentest by monitoring and licensing advertising that uses the test results. Consumer deception and false advertising are prevented and the tests thus remain objective and independent. **RAL LOGO LICENCE** is also responsible for awarding and monitoring the first state-approved label for sustainable textiles – the "Green Button" (Grüner Knopf).



### **RAL AKADEMIE** High quality communication of knowledge

We pass on our specialist knowledge to interested parties and a variety of occupational groups at our seminars, workshops, presentations and talks. The provision of high quality further training to colour designers is a key focus of the **RAL AKADEMIE**.



*Simply Excellent.*

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