



INTERNATIONAL ELECTROTECHNICAL COMMISSION

CONFORMITY ASSESSMENT BOARD (CAB)

SUBJECT
 Report of the voting on CAB/684/DV, *Approval of the IECEx Mark System and document IECEx 04, IECEx Conformity Mark Licensing System Regulations*

BACKGROUND
 CAB members were requested to vote on the introduction of and regulations for the IECEx Mark of Conformity, by 2007-08-10. By this deadline 10 of 12 CAB members had voted.

VOTING RESULTS

<i>Member</i>	<i>Item 1: IECEx Mark</i>		<i>Item 2: Regulations</i>	
	Yes	No	Yes	No
Mr. Michel BRENON	Yes		Yes	
Mr. Ron COLLIS	Yes		Yes	
Mr. Ingvar ERIKSSON				
Mr. Joe GRYN	Yes		Yes	
Mr. Dorival HEEREN	Yes		Yes	
Mr. Mike J. LAWSON	Yes		Yes	
Ms. LU Mei	Yes		Yes	
Mr. Fumio ONIMARU	Yes		Yes	
Mr. Soo-Hyun PAIK	Yes		Yes	
Mr. Richard L. PESCATORE	Yes		Yes	
Mr. Sergey PUGACHEV				
Dr. Ulrich SPINDLER	Yes		Yes	
Results	10 Yes	0 No	10 Yes	0 No

CONCLUSION
 The introduction of the IECEx Conformity Mark System, and IECEx 04, the *IECEx Conformity Mark Licensing System Regulations*, have both been approved unanimously by the CAB.

ACTION

IECEEx is requested:

- to consider the comments submitted by CAB members and make any necessary editorial and clarifying changes to IECEEx 04; and
- to develop and submit for CAB approval the changes required to IECEEx 01.

A request will be made to the Council Board to approve the introduction of the IECEEx Mark in accordance with the Regulations IECEEx 04.

COMMENTS SUBMITTED BY CAB MEMBERS

Mr. R. Pescatore:

Page 4, Sub-clause 5.2 => In the second to last line, “200” should be “2000” based on the end of the last line (“replace those of 2000.”).

Page 5, Sub-clause 7.1 => It reads “The IEC is the owner of the IECEEx Conformity Mark, and may license ExCBs who shall have the responsibility for the registration and legal protection of the Mark in all countries where such registration is necessary.” The way this is written, it would seem to require each ExCB to register the Mark and protect the Mark in all countries where such registration is necessary. This is not only impractical but also would seem to go against the general principle in most countries that the first body to register a mark in a country is considered to be the owner of the mark. The USNC believes that this sub-clause needs some clarification as to exactly what is intended.

Mr. F. Onimaru:

1) Marking on a product (Clause 10.2, 1st line)

Manufacturers have a keen interest in the method of using Marks on products. We wonder if the text “be placed on the product itself” excludes a label directly fixed to products. If excluded, the possible use of Marks will be restricted only to casting, etching or direct painting. If not excluded, then there will be no difference between this sentence and the next sentence that says “a label attached to the product”.

For clarity, we propose to change the sentence as follows:

“The Mark ----- be put on the product itself or on a label directly FIXED TO to the product. If this is ----- product packaging, a SEPARATE LABEL ATTACHED to the product, -----.”

2) Fees for license (Clause 12.2, 4th dash)

Fee related to obtaining Marks is described only in the 4th dash of Clause 12.2 in this draft. We propose to include other basic information related to fees on Mark such as:

- whether the price setting is based on free competition,
- standard price,
- whether the amount of fee differs depending on the number of products.

3) Meaning of the Mark (Clause 9.1)

Clause 9.1 can be understood that products with the Conformity Mark have no difference national differences. However, according to the Clause 10 of IECEX 02, an accepted ExCB in the country who has national differences from the relevant IEC Standards can issue IECEX CoCs. The product holding such CoC will also be licensed to use the Mark; therefore, it results in “the marked product with national differences”.

If the IECEX does not intend to issue Mark licences to any products with national differences, it should be more strictly identified in this IECEX 04.

4) Correction of editorial errors

- Clause 5.2: “in 200” should be corrected.
 - As Clause 1 shows, the “Mark Licensing System” and “The Mark” should be used throughout the document.
 - Use the same expression throughout for the following items:
“IECEX Management Committee” *versus* “Management Committee”,
“IECEX Management Committee” *versus* “ExMC”,
“the IEC” *versus* “IEC”.
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Mr. R. Collis:

The Australian National Committee expresses its full support for this Marking system.
Well done to the IEC EX Committee on their work.
