



ExMC/1521/CD  
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**INTERNATIONAL ELECTROTECHNICAL COMMISSION  
IEC SCHEME FOR CERTIFICATION TO STANDARDS RELATING TO  
EQUIPMENT FOR USE IN EXPLOSIVE ATMOSPHERES (IECEX SCHEME)**

**Title:** Discussion Paper - Concepts of New Approach for the IECEx Logo/ Trademark and IECEx Conformity Mark plus better integration with the IECEx Certified Equipment Scheme.

**Circulation to: Members of the IECEx Management Committee, ExMC**

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This discussion document has been prepared following:

1. Discussions and agreements from the May 2019 Singapore meeting of the IECEx Marks Committee, ExMarkCo (ExMC/1508/R) ; and
2. Receipt of legal advice from IEC Legal during May – July 2019

This document provides background on the IECEx Conformity Mark Scheme and summarises current practise and considers new concepts to address both the recommendations of the ExMarkCo 2019 meeting (refer to ExMC/1508/R) as well as follow up legal advice concerning International Trademark Registration and legal matters.

While not covered during the ExMarkCo discussions, this discussion document also includes advice from IEC Legal on the need to consider a slight change to the current IECEx logo (dual IEC and IECEx boxes) to a single IECEx box logo, re Section 3 of this document.

This document is issued for discussion during the September 2019 ExMC Dubai meeting where members will be asked to consider the concepts contained within this document.

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## IECEX Conformity Mark License System

### Introduction

This document reports on work conducted by the IECEx Marks Committee, ExMarkCo since the 2018 ExMC meeting and includes:

- A detailed review of the IECEx Mark License System, during its May 2019 Singapore meeting
- Consideration of Product Marking requirements according to IEC 60079-0
- Obtaining IEC legal advice concerning the current situation and proposed New Approach
- A further review of proposals based on the Legal advice

This document is a result of the above work and is intended to provide an overview of the changes now proposed by ExMarkCo to better serve the needs of the IECEx Market and its Stakeholders

This document provides information concerning:

1. Background of the IECEx System
2. Proposals for a new Approach, regarding the IECEx Mark
3. Proposals for changes to the IECEx Mark itself

The main purpose of this document is to facilitate a discussion during the 2019 ExMC Dubai meeting, on matters of principles and concepts. Once ExMC finalises these principles and concepts, ExMarkCo would then undertake further work to prepare revisions to the necessary rules and procedures and Operational Documents, for submission to ExMC for approval.

### 1. Background of the IECEx System

The IECEx System incorporates both a TradeMark that identifies the IECEx as an Organisation and an IECEx Conformity Mark that maybe licensed to manufacturers to use on or associated with Ex Equipment covered by an IECEx Certificate of Conformity.



IECEX Trademark



IECEX Conformity Mark

### IECEX Certified Equipment Scheme Background

During the development of the IECEx Certified Equipment Scheme some, a dedicated IECEx Conformity Mark was always envisaged as an essential element of any global scheme. National Conformity Marks, also referred to as certification Marks or approval Marks, have been used for decades and continue to be in use today, with each national Mark governed by rules developed by the owner of the national Mark.

One key benefit of a single global Mark is the harmonisation of certification practises across different countries and economies.



Another significant benefit of a single global mark, such as the IECEx Conformity Mark is its role in preventing the need for new Marks and certification systems being introduced by different economies and countries. Such new Marks and certification systems have the potential to act as non-tariff barriers to trade and this is contrary to the WTO principles to which IEC adhere.

It is also well know that the IECEx System and its schemes have been identified as “World’s best practise” by the United Nation’s UNECE via its UN publication “*Common Regulatory Objective*” in which the UN recommend use of the IECEx Schemes when countries are regulating the use of Ex equipment and services in their countries.

Use of a single International Conformity Mark instead of a growing number of National Marks has been one of the key value propositions of IECEx, identified by industry.

### IECEX Conformity Mark License System – Current situation

The IECEx Conformity Mark, introduced in 2007, is a registered “Conformity Mark” with the International Electrotechnical Commission, IEC as the registered owner of the asset. Registration of such Marks require the use of certain rules to ensure its protection.

The rules and procedures of the IECEx Mark scheme, developed some 12 years ago were done so at a time with the knowledge of operating National Marks but limited experience in operating a single Global Mark scheme. Having said that, the IECEx Conformity Mark License System was developed using the following principles.

- International ISO/IEC Standards shall be followed
- The IECEx Mark Scheme shall be voluntary
- Advice from IEC Legal and IEC insurers concerning Rules and Procedures for issuing the IECEx Conformity Mark licenses was obtained prior to its implementation
- The IECEx Mark be made available as an extension or add-on to the IECEx 02 Certified Equipment Scheme

However some stakeholders have suggested that the Current rules governing the IECEx Conformity Mark License System present obstacles to its use, which is reflected in the growth of the number of issued IECEx Conformity Mark Licenses.

## **2. Proposed New Approach**

During the May 2019 meeting of the IECEx Marks Committee, ExMarkCo, the committee undertook a very detailed review and consideration of both the market demand/need and the current rules and procedures and concluded that the core value proposition of a global IECEx Conformity Mark (being to prevent immersing new Marks and Scheme being introduced) remains valid today along with promotional aspects that a dedicated Mark brings.



The IECEx Marks Committee, further identified an issue relating to Product Marking requirements of Standards and felt that an alternative approach for using the IECEx Conformity Mark could address both:

- a) Streamlining access to the IECEx Conformity Mark by manufacturers; and
- b) Provide a practical option to the issue of Product marking requirements of IEC 60079-0

a) Streamlining of the processes

The Table below provides a summary of key aspects of the IECEx Mark Licensing system under both the Current Approach and Proposed New Approach that is proposed (noting that any changes will require the relevant IECEx Scheme rules and Operational Documents to be revised and updated with the agreement of the IECEx Management Committee).

Process Aspect	Current Approach	Proposed New Approach
IECEX Mark License Certificate	Separate IECEx Mark License Certificate is issued with an accompanying schedule to list/link IECEx CoCs covered by the License	Separate IECEx Mark License Certificate is issued.  While IEC legal advise that a formal structure is required when granting a license to use the Mark, there are aspects of the current system that can be greatly streamlined, eg only need 1 License to cover all IECEx CoCs regardless of the ExCB issuing the CoCs.
Licensing Arrangements between IEC and ExCBs	IECEX Certification Bodies (ExCBs) enter into a Mark License Agreement with IEC  -----  Only ExCBs, with a Mark license agreement are able to Issue a license to manufacturers – ie to on-license use of the IECEx Conformity Mark (ExCBs develop their own License agreement with manufacturer that complies with IECEx OD 023, provided)	IEC legal advice suggests No change as a formal agreement between IEC and ExCBs is necessary  OD 023 and OD 422 require revision to provide for a more streamlined approach, eg only 1 IECEx License required by a manufacturer  This is a major change in order that a manufacturer need only hold 1 Mark License for all IECEx CoCs.
Which ExCBs may issue an IECEx Conformity Mark License	The same ExCB that has issued the IECEx Certificate of Conformity for the Ex Equipment, is the only ExCB that can	The ExCB that conducts the Manufacturer’s Factory inspections/audits (QARs) can issue the IECEx Conformity Mark



Process Aspect	Current Approach	Proposed New Approach
	<p>issue the IECEX Conformity Mark License covering the IECEX CoC.</p> <p>Meaning, that if a manufacturer produces two products, each covered by a separate IECEX CoC that has been issued by two different ExCBs, then the manufacturer needs to apply to each ExCB for a separate IECEX Conformity Mark License</p> <p>{Note: This aspect has been seen as a major obstacle to accessing the IECEX Conformity Mark by manufacturers}</p>	<p>License, regardless of who issues the IECEX Certificate of Conformity for the products.</p> <p>This is by far the most significant change being proposed and means that a manufacturer only needs <b>one</b> IECEX Mark License Certificate to cover all IECEX Certificates of Conformity that he may hold.</p> <p>This proposed changed has also been reviewed by IEC Legal.</p>
<p>Should all ExCBs operating in the IECEX 02 Equipment Scheme be in a position to issue an IECEX Mark License to manufacturers?</p>	<p>No. This is voluntary and up to each ExCB to determine if they wish to provide this service to the market</p>	<p>This is a matter for ExMC to consider, but the consensus of ExMarkCo is that each ExCB should be in a position to offer this service. Proposal from ExMarkCo that all ExCBs be in a position to issue an IECEX Mark License</p>

**Major Change:**

The key and most significant change now proposed is that the ExCB that performs the IECEX Factory Audit and Issues the QAR is the ExCB that is responsible for issue of a license to the manufacturer.

b) Practical options for product marking

During its May 2019 Singapore meeting, ExMarkCo also considered input from the AU IECEX Member Body that was presented by Dr Munro which led to a discussion on the overall requirement of Product Marking of IEC 60079-0 and the requirement that when a product is covered by a certificate, that the certificate reference number shall be displayed.

This led to a discussion over the exact elements of an IECEX Certificate Number with a suggestion that the IECEX Mark could be incorporated into the Certificate reference number as is the case in some other Ex Schemes and regimes. With this in mind ExMarkCo during its May 2019 meeting considered that the following 2 examples should be acceptable forms of displaying the IECEX Certificate number and is hereby proposed for consideration by ExMC:

IECEX PTB 19.0001


**Example 1:** Current form of showing Certificate Number on the product label



**Example 2:** Alternative form of showing Certificate Number on the product label – ie replace letters “IECEX” with Mark

*{Secretariat Note: the above Example 2 is now superseded following IEC Legal advice obtained following the ExMarkCo May 2019 Singapore meeting, see Section 3 below}*

### 3 Changes to current IECEx Conformity Mark – Following Legal advice obtained May – July 2019

While obtaining legal advice from the IEC Lawyers, the lawyers did raise that the general IEC Trademark, ie the single box with IEC letters, , is normally associated with activities within the Electrotechnical sector whereas with IECEx the scope of its activities have now been extended beyond this scope, notably with introduction of the non-electrical standards from the ISO 80079 series and others.

With this in mind, legal advice suggests that IECEx needs to establish its own brand and scope of activity separate to that of the IEC, even though IECEx is part of the IEC.

With this in mind, the IECEx Secretariat, ExMarkCo and IEC legal have considered an alternative to the current IECEx Conformity Mark, as well as the traditional “dual logo” for the IECEx trademark.

One option, being considered is to separate the dual logo of IEC and IECEx so that the official Trademark of the IECEx is simply a single IECEx logo as shown below.



In addition, it is also thought that this design/logo be registered both as the IECEx Trademark and an IECEx Conformity Mark thereby replacing the current IECEx Mark design. This would mean that the above logo/symbol can be displayed on products, for which at the moment this is not the case.

Thereby the following TradeMark and Conformity Mark be replaced by a single identifier that serves as both the IECEx TradeMark and IECEx Conformity Mark




Replaces



IEC Legal advice has been obtained with an extract from the advice obtained

Extract of Legal advice obtained June/July 2019:




"On a legal standpoint, you should be able to safely use the "single IECEx Box"  for 1) its current purpose plus 2) as the new IECEx Conformity Mark on the manufacturer's products, labelling and advertising."

On the basis of the legal advice received, product Marking could see the IECEx Certificate number being shown as either examples 1 or 2 below

IECEX PTB 19.0001

**Example 1:** Current form of showing Certificate Number on the product label

 PTB 19.0001

**Example 2:** Alternative form of showing Certificate Number on the product label – ie replace letters "IECEX" with the new IECEx

#### 4 Proposals for ExMC to Consider in Dubai 2019

On this basis, the following proposals are presented:

1. That ExMarkCo continues its work to prepare revised Draft Rules and ODs (eg IECEx 04, IECEx 02, OD 422 etc) which will be issued for ExMC consideration/approval to enable the following items 2 – 5 to take effect;
2. The IECEx TradeMark and IECEx Conformity Mark be replaced by the single IECEx logo box as indicated above, with an appropriate transition arrangement;
3. Integrate Use of the IECEx Conformity Mark (new) within the IECEx 02 Certified Scheme by enabling the IECEx Conformity Mark to be integrated into the IECEx Certificate reference number for those manufacturers with a License and whom wish to do so;
4. ExCBs that issue the QAR be permitted to issue an IECEx Conformity License to manufacturers covered by the QAR issued by the ExCB and that the one License may cover all products that are covered by an IECEx Certificate of Conformity (CoC), regardless of the ExCB that issued the CoC; and
5. That all ExCBs involved in the IECEx 02 Certified Equipment Scheme should be able to issue an IECEx Conformity Mark License.

#### DOCUMENTS REQUIRING REVIEW

IECEX 04	IECEX Mark Regulations
IECEX 04A	Guidance for making applications for and use of the IECEx Conformity Mark, IECEx 04
IECEX 01B	Guidance for the use of the IECEx Logo
IECEX OD 422	Rules and procedures for the granting of Licenses to issue and use the IECEx Conformity Mark
IECEX OD 023	Terms and Conditions for use of the IECEx Conformity Mark



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Lic Certificate  
IECEX CoC

IECEX License Certificate Template  
IECEX Certificate of Conformity all schemes

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