AKTION ZAHNFREUNDLICH

Trademark Regulations V03.03.21

For the International trade mark 1598557 (Certification mark)

Preamble

- The association Aktion Zahnfreundlich Schweiz (hereafter AZS) is the holder of the Certification Mark, IR-598557 (hereinafter Certification Mark). The purpose of the association is to promote dental health. It has designed the Certification mark to identify products which are beneficial to dental health.
- The Certification mark shall be usable for products, which comply with the requirements of these Regulations and their technical annexes.
- These trademark Regulations contain the framework conditions for the use of the Certification trademark.
- AZS may delegate the implementation to an Authorised Representative (hereafter, the Authorised Representative is always included when AZS is mentioned).

1. Authorised Users

1.1 The Certification mark may be used on or in connection with products that meet the requirements set out in section 3 and if they have been registered with AZS and the contribution to the administration costs of the Certification mark has been made in accordance with section 4.

1.2 With the necessary registration for the use of the Certification mark according to section 2, the user declares his agreement with the terms of these Regulations.

1.3 In the case of first-time use for a product, the user shall submit a report from a renowned laboratory/institute at his own expense,

which proves compliance with the Requirements. AZS can help arrange for such laboratories/institutes on request.

2. Registration with the Trademark Proprietor

2.1 In order to be able to settle the administrative costs and in order to contact the users, e.g. with regard to changes for the quality and properties requirements, the users who wish to use the Certification mark shall register with AZS.

2.2 Registration shall also include identifying all products bearing the Certification mark (Products) and the submission of a report in accordance with section 1.3. as well as an obligation to notify AZS immediately of any changes to the recipe of Products together with the submission of a new report in accordance with section 1.2.

3. Requirements for the Products

3.1 The requirements for the quality and properties of the products that can be marked with the Certification mark are defined for the various product groups. The requirements may be adapted from time to time to new technical possibilities and new findings in dental care/hygiene. The users of the Certification mark will be granted an appropriate transitional period for any adaptation of the recipe of the products.

3.2 **Food and beverages:** Food and beverages as well as food additives must not be cariogenic or erosive. These product properties are tested on humans in certified laboratories by means of intraoral pH telemetry. The exact test methodology is part of the execution Regulations.

3.3 **Dental cleaning products/dental cosmetics products:**
Dental cleaning products include electric or manual toothbrushes, toothpastes, dental gels and other products which, when used correctly, provide mechanical cleaning of tooth surfaces without (i) causing lasting damage to tooth structure or soft tissue or (ii) leading to non-physiological loss of substance. Dental cosmetic products are mouth rinses, mouth ointments and pastes as well as intraoral applications that serve a medical or cosmetic purpose. These must not affect the hard tooth substance, the soft tissue or the physiological functions of the

the oral cavity but, in the best case, prevent maldevelopment. The exact test methodologies are part of the execution Regulations.

3.4 **Dental care aids:** Dental care aids are products that serve a special purpose that goes beyond the capabilities of toothpaste and toothbrushes. These are all interdental care products as well as special brushes for gap dentures, patients with fixed orthodontic appliances or patients with restricted mouth opening capability or other dental problems. These aids have proven efficacy through at least one clinical study, with no lasting damage to tooth structure or soft tissue when used correctly. The exact test methodologies are part of the execution Regulations.

3.5 The details of the requirements for the individual product groups are set out in the form of execution Regulations and are published on the AZS website in the form applicable at the time.

3.6 The products must bear the Certification mark as shown in the contract header.

3.7 The products must also comply with the relevant market Regulations with regard to labelling and advertising. For use within the EU, these are in particular the provisions of the so-called Health Claim Regulation (EU No. 1924/2006).

4. Contribution to Administrative Costs

4.1 For each Product that is placed on the market bearing the Certification mark, the user (manufacturer of the product) shall owe a contribution to the administration Costs as determined by AZS per calendar year. The contribution shall be owed in advance in each case; in the case of entry during the year, it shall be owed pro rata temporis.

4.2 The administrative contribution consists of a basic contribution and a variable portion based on the quantity of Products designated with the Certification mark.

4.3 The amount is payable annually in advance. For new users, the variable share is calculated based on the user's forecasts. For other users, the variable portion is calculated on the basis of the sales of the previous year for a full year. Any subsequent payments or refunds due to deviations from the forecasts or

the previous year's sales used for settlement must/can be offset or balanced with the next invoice due.

4.4 The user shall report to AZS by the end of March following the respective calendar year on the sales of Products marked with the Certification mark. AZS shall be entitled to have the accounts audited by a renowned auditor and the user shall make available on its premises the necessary supporting documents. AZS shall bear the costs of such an audit; the user shall reimburse AZS for these costs if the audit reveals that the report was incorrect.

5. Duration of the right of use

5.1 The right of use is valid for one calendar year.

5.2 The right of use shall be extended if the products continue to meet the requirements set out in section 3 and the contribution to the Administration Costs has been paid before the new year of use.

5.3 The right of use may be terminated by one party for good cause at any time and with immediate effect. Good cause shall be deemed to exist if the continuation of the usage relationship can no longer be expected of the such party in good faith due to a cause within the other party's sphere of influence. Important reasons are, among others, if:

5.3.1 the other party violates these Regulations and, despite a written warning and a deadline of 30 days, fails to remedy the violation within this period;

5.3.2 the user of the Certification mark uses it for products which do not meet the requirements of section 3 (cf. Clause 6);

5.3.3 the other party becomes bankrupt or for a similar reason can no longer freely dispose of its assets.

6. Monitoring of Products - Consequences of Non-Compliance

6.1 AZS shall periodically check the Products that use the Certification mark for compliance with the requirements in accordance with section 3. The check shall be carried out at least every 5 years on the basis of random samples per user or if the recipe for the product has been changed. The inspection must take place by a renowned laboratory/institute.

6.2 If the inspection reveals that a product does not meet the requirements, the user shall immediately discontinue using the Certification mark at AZS's request.

6.3 The User may request a review of the results. For the duration of the review, the prohibition of use remains in force to protect the credibility of the Certification mark.

6.4 The User shall owe a penalty of 1.5 % of the turnover with the product, but at least CHF 10,000, for the use of the Certification mark on products that do not meet the requirements. The User agrees to disclose the turnover with the corresponding product.

6.5 The user shall reimburse the costs of the test if it is found that the product does not meet the requirements.

7 Applicable law and arbitration clause

7.1 Swiss law is exclusively applicable to disputes between users and the trademark owner or the authorized representative.

7.2 Arbitration clause:

7.2.1 Any dispute, controversy or claim arising out of or in connection with this User Regulation, including the validity, invalidity, breach or termination thereof, shall be settled by arbitration in accordance with the International Arbitration Rules of the Swiss Chambers of Commerce (Swiss Rules). The version of the Rules in force at the time of service of the Notice of Arbitration shall apply.

7.2.2 The arbitration tribunal shall consist of one arbitrator up to an amount in dispute of € 1,000,000, and three arbitrator(s) if the amount in dispute is higher;

7.2.3 The seat of the arbitration shall be Schaffhausen.

7.2.4 The language of the arbitration proceedings shall be German.

AZS - enacted on 01 March 2021

links to the implementation Regulations

- https://zahnfreundlich.ch/zahnfreundlich/infos-fuer-sie/garantiemarke-markenreglement/

PDF Certification Marks - Marks Regulations:

- https://zahnfreundlich.ch/wp/wp-content/uploads/aktion-zahnfreundlich-garantiemarke-markenreglement.pdf
- https://zahnfreundlich.ch/aktion-zahnfreundlich-garantiemarke-markenreglement/

PDF Food, beverages and tobacco:

- https://zahnfreundlich.ch/wp/wp-content/uploads/aktion-zahnfreundlich-nahrungs-und-genussmittel.pdf
- https://zahnfreundlich.ch/aktion-zahnfreundlich-nahrungs-und-genussmittel/

PDF Dental Cleaning Products/Dental Cosmetics Products:

- https://zahnfreundlich.ch/wp/wp-content/uploads/aktion-zahnfreundlich-zahnreinigungsprodukte-zahnkosmetikprodukte.pdf
- https://zahnfreundlich.ch/aktion-zahnfreundlich-zahnreinigungsprodukte-zahnkosmetikprodukte/

PDF Aids for dental care:

- https://zahnfreundlich.ch/wp/wp-content/uploads/aktion-zahnfreundlich-hilfsmittel-fuer-die-zahnpflege.pdf
- https://zahnfreundlich.ch/aktion-zahnfreundlich-hilfsmittel-fuer-die-zahnpflege/