

The Brickmakers Quality Charter

Brand Enforcement Policy

April 2023



Brickmakers Quality Charter - Brand Enforcement Policy

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1. Scope

This document outlines the general approach taken by the Brick Development Association (BDA) to ensure that all Brickmakers Quality Charter (BQC) branding and trademarks are used correctly to protect consumers and the reputation of the Brickmakers Quality Charter scheme. This document is not intended to be exhaustive and if you have any queries relating to the scheme or branding then please contact us via email at brick@brick.org.uk or by calling us on (0)207 323 7034.

The BDA operates and maintains the BQC Scheme for and on behalf of the wider (global) brickmaking community which includes the operation of the Register of Chartered Brickmakers and the activities associated with it. The Register means all and/or any part of the record and the details (whether in electronic form or otherwise) of:

- (1) Registered brickmaking companies (as revised or modified from time to time); and
- (2) Brickmaking companies who are certificated (through credentialing) under the scheme and who are included on that register.

In the context of this Policy, the 'Brands' are considered to include any trademark and/or logo(s) relating to or connected with the BQC scheme including the trademark terms 'Brickmakers Quality Charter', 'Brick Development Association' or any other mark introduced from time to time that may be associated with the use of the scheme (whether used by registered or unregistered businesses or organisations) used either together or separately.

The brand may not be used in several ways by any third parties unless providing such use by the third party has been expressly authorised by the BDA or the BQC Scheme Assessment and Audit Panel and such use shall be granted in writing. An example of appropriate brand use by authorised third parties is as follows.



a). Credentialed Brickmaker version

To be used by BQC Chartered firms at whatever level they are accredited.



b). Supporter's Version

To be used by approved and licensed supporters of the BQC scheme only.

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Additional advice for registered businesses regarding the use of the BQC branding can be found on our website at www.brick.org.uk. For the use of the BQC branding by non-certificated organisations, please refer to section 3.4 of this document.

The BDA is committed to delivering an open and transparent service whenever possible and it is our intention to publish information that the public have an interest in viewing including the current register of firms certified under the scheme.

Promotion of the BQC is vital in educating architects, specifiers contractors and end-users to support the de-carbonisation of clay brick manufacturing, uphold acceptable business practice norms and to avoid poor quality clay bricks help the fight against illegal deforestation, bonded labour and other poor business practices carried out in the making of clay brick commonly found outside of the UK, Europe and other advanced economies.

We are therefore committed to protecting the BQC branding and trademarks to ensure that they are correctly and legally used. It needs to be recognised that some information should not be disclosed and should remain properly confidential such as information concerning investigations and proceedings in relation to the trademarks. In this respect the exemptions provided under the Freedom of Information Act, particularly Section 30 Investigation and Proceedings will apply to the BDA's investigations and proceedings wherever relevant and appropriate.

We produce a guide to the BQC Scheme which can be found on the BDA's website under the BQC section at www.brick.org.uk

This policy may be updated by the BDA and/or the BQC Assessment & Audit Panel from time to time and copies of any updated policy will be displayed on the website. Nothing in this document is intended to be or will be legally binding upon the BDA and this policy document is provided for information purposes only.

2. Background

The BQC Scheme came about in 2021 because of the increased importation of clay bricks, mostly from a specified region of the world, called the 'Asian Brick Belt'. Research by UCL in London, showed that bricks made in this area often used illegal deforestation and high carbon fueling to fire kilns. The bricks were made using bonded labour and neither tested nor certified to EN or UK standards before being shipped across the world to end up in the European or UK markets. These bricks were mainly imported by brick factors and merchants using old English sounding brand names, designed to disguise the source of the bricks and to convince users of their quality, manufacture and historic credentials.

The BQC is therefore a 'credentialing' system, designed to assess the existing business credentials of the brickmaker and to certify that the brickmaker follows acceptable business norms in their day-to-day operations.

3. Brand use

3.1 Registered businesses

Businesses who are certified under the BQC scheme have, through the act of registering their credentials and being accepted onto the BQC Register, been granted a non-exclusive license to use the appropriate brand in accordance with the scheme.

Only registered and certified brickmakers are permitted to display the appropriate BQC logo at whichever star rating they hold and it can only be used with the brickmakers registered trading name.

3.2 Legacy & 'Grandfather' Rights

There is no such thing as a 'legacy businesses' or 'grandfather' right to credentialling. Each firm must apply every year (usually on or around March) so that their certification remains current.

3.3 New applicants

Under the BQC Scheme Rules applications will be refused from businesses who do not make bricks, do not fire a kiln for the purpose of making bricks or who do not make bricks using any firing process (such as the process used for making so-called concrete bricks). Firms such as 'Brick Factors' or Merchants cannot apply, since they are simply re-sellers of brickmaker products and services, but they may become 'supporters' of the scheme and if approved, display the BQC supporter's logo.

3.4 Non-certified businesses.

If a non-certified business is identified as using the BQC logo or branding without license or appropriate credentialling, they will be contacted by the BDA or its legal representatives to instruct them to cease and desist using or to amend their trading name so that the BDA is satisfied that there is no confusion between their business and the brand.

4. Brand misuse and enforcement

If the BDA receives information and/or evidence that the trademarks are not being used in accordance with the current Brand Guidelines, it will contact the business concerned and take appropriate action. Failure to comply with the Brand Guidelines, by a registered business, will be considered as a breach of the scheme Rules and appropriate action will be taken by the BDA accordingly. Enforcement of the Brand Guidelines is not limited to registered businesses and enforcement action will be taken by CBSL against any third parties using the trademarks in any marketing/advertising material without an appropriate license or using the brand/trademarks inappropriately.

Note: *Marketing/advertising material is a form of communication used to promote or sell a business' services or product e.g., websites, adverts, vehicle signage, business stationery, social media, online website directories, flyers, advertising hoards etc.*

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Legal action may be taken in the following instances:

- Where a business/organisation persists in using the incorrect mark or using the mark unlicensed.
- Where the business/organisation has not complied with requests regarding the correct or proper use of the trademarks.
- Where the BDA believe that a business/organisation is confusing the public or 'passing off' their business through use of the marks or branding.

In certain circumstances the business/organisation details will be forwarded to the appropriate enforcement authority for possible action under the Consumer Protection from Unfair Trading Regulations 2008. These can be found here:

https://www.legislation.gov.uk/ukxi/2008/1277/pdfs/ukxi_20081277_en.pdf

This legislation is designed to protect consumers by prohibiting the use of unfair commercial practices.

This legislation contains a list of practices which are considered unfair in all circumstances and are therefore prohibited, these include:

- Displaying a trust mark, quality mark, or equivalent without having obtained the necessary authorisation.
- Claiming that you have been approved, endorsed, or authorised by a public or private body when you have not.

Failure to comply with this legislation is a criminal offence and can result in an unlimited fine and/or two years imprisonment.

However, regardless of the approach taken by the enforcement authorities, the BDA will take legal action where necessary, to stop any such infringement and/or incorrect brand usage.