



Rev. No.	05	Operational Manual	Prepared by	QM
Rev. Date	01.11.19	Procedure for Grant & Use of Certification Mark	Approved by	CEO
Doc. No.	OM-20		No. of pages	01/08

Use of Organic Certification Mark

1. Use of Organic Logo:

GREENCERT shall make sure that the use of India Organic logo is granted to all organic exporters, manufacturers and processors whose products are duly certified by GREENCERT as per NSOP. To ensure this GREENCERT shall establish licensing procedure.

2. Procedure for obtaining License for use of India Organic logo:

The operator is required to submit application in the prescribed form 1 prescribed in NPOP. On receipt of the application, GREENCERT shall examine the request and shall issue the license in the prescribed form 2. Along with the license, GREENCERT shall also give the format of the logo. On receipt of the license and logo, the operator shall sign a declaration in the prescribed form 3.

3. The criteria for issue of license are as under:

- The operator shall be certified by GREENCERT for conformance with NSOP Standards
- The license of logo shall be valid for a period of one year from the date of issue.
- The license could be suspended or cancelled under any one / or all the following situations:
 - Products marked with products are found to be non-confirming to the NSOP standards
 - Logo used for the products not covered under the scope of certification
 - Failure on the part of the operators to provide reasonable facilities to GREENCERT inspector to discharge duties imposed within the purview of the contract.
- Failure of the operator to comply with any of the terms and conditions of the license.
- Before GREENCERT decides to cancel or suspend the license, it shall give the operator a minimum 14 days notice indicating its intention.
- On receipt of the response of the operator, GREENCERT shall give hearing to consider the explanation within 14 days and shall decide on the appropriate action need to be taken.
- In case of non-receipt of explanation within the stipulated period, GREENCERT shall suspend or cancel the license and advise the same through a written communication.
- It shall be binding on the operator to immediately stop the use of the organic logo.
- In case of stocks improperly marked with the logo, mark on such articles shall be removed, cancelled, defaced, and erased even if there is an appeal pending with GREENCERT.
- Licensee shall be advised by GREENCERT in writing not to use the mark after suspension or cancellation of the license and also GREENCERT shall publish the suspension or cancellation as it deems appropriate.



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In case of any conflict or ambiguity the class 6.4 of NPOP under regulations for grant of license to use certification mark of organic product shall be binding.

4. Grant of License Number

Certifier should grant the LICENSE NO on following basis

CMLNOIDMMYYYYCC

CMLN: Certification Mark License Number

OI: Operator Initial

DDMMYYYY: Date of granting

CC: Certification Category

The India Organic and GreenCert– Certification mark (logo)

An organic seal/mark may only be used by GreenCert certified operations holding a valid certificate. Use of the seal/mark must be in compliance with the NPOP.

GreenCert does not require use of the seal/mark on any product sold, labeled, or represented as organically produced as a condition of certification. Operations that voluntarily use the India Organic/GreenCert seal/logo must submit samples or copies of labels that are in use or are intended for use for approval by GreenCert. Approval must be obtained before the label is applied to product entering the stream of commerce.

Use of the India Organic/GreenCert seal/mark is subject to the following conditions:

1. The certified operation must be in good standing, including payment of all applicable fees.
2. The certified operation must have a valid current certificate. The certificate is reissued annually.
3. The certified operation must have signed and returned the GreenCert Licensing Agreement.
4. Operations who surrender certification or whose certification is suspended or revoked must immediately discontinue identifying GreenCert as the certifying agent and seal/mark of the applicable certification or compliance program.
5. Certified operations found to be using the India Organic/GreenCert name, seal, or derivative thereof, in an inappropriate, illegal, or fraudulent manner, or in any way that is inconsistent with GreenCert Labeling procedures and/or the requirements of the applicable certification/compliance program and the alleged violation is found to be true, the following penalties apply:



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1.1 Certification will be suspended or revoked for a period determined by GreenCert. This includes an individual or operation that reapplies for GreenCert certification under a new company name or name change.

1.2 Clients convicted of seal/mark fraud or abuse while certified by GreenCert will have their certification revoked and notice made to APEDA.

A. Organic Logo

The India Organic logo will be granted on the basis of compliance with the National Standards for Organic Production (NSOP). Communicating the genuineness as well as the origin of the product. NAB is the sole, absolute and exclusive owner of the India organic trade mark. The GreenCert is agent of NAB. The relationship between NAB and GreenCert is governed by the terms of an Agency Agreement entered into between two parties.

A **GreenCert** certification mark – will be granted on the basis of compliance with the National Standards for Organic Production (NSOP). Communicating the genuineness as well as the origin of the product, this mark will be owned by the GreenCert. Only such manufacturers, exporters and processors whose products are duly approved/certified by GreenCert, will be granted the license to use of the logo, which would be governed by a set of regulations.

Proprietorship of the India Organic Logo; Authorized Users

1. A product will be allowed to be exported as “Organic Product” only if it is produced, processed and packed under the Certification Trade Mark issued by GreenCert, constituted under the provisions of the NPOP.

2. NAB is the sole, absolute, and exclusive owner of the Certification Trade Mark. GreenCert is an agent of the NAB. The relationship between NAB and GreenCert is governed by the terms of an Agency Agreement entered into between the Parties. Nothing in these Regulations modifies the terms of the Agency Agreement.

3. GreenCert, while granting certification to an Applicant is merely acting as an agent of the NAB and any certification conferred on such Applicant is deemed to have been ultimately conferred and authorized by NAB.

4. A license to use the Certification Trade Mark may be revoked if the licensee

4.1 challenges the validity of the Certification Trade Mark; or

4.2 challenges NAB as the sole, absolute, and exclusive owner of all right, title, and interest in the Certification Trade Mark, and the goodwill associated therewith; or

4.3 takes any action, which would impair the rights of NAB in and to the Certification Trade Mark or the goodwill associated therewith.

4.4 A license granted to an Applicant to use the Certification Trade Mark in India is a privilege bestowed at will and does not constitute a legally enforceable right, title or interest. At all times this permission is subject to the rights, duties, and restrictions contained in the Regulations. By accepting Certification, the Licensee acknowledges and accepts that:

- Grant of a license to use the Certification Trade Mark is not an assignment or grant of any right, title or interest in or to the Certification Trade Mark.
- No right, title or interest in or to the Certification Trade Mark can be acquired or claimed by virtue of the permission granted herein or through any use of the Certification Trade Mark;



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- All goodwill deriving from use of the Certification Trade Mark inures to and for the benefit of NAB; and
- NAB is the sole, absolute, and exclusive owner of the Certification Trade Mark.
- NAB through GreenCert will maintain a register of the licensees who are authorized to use the Certification Trade Mark

B. Manner of Applying for License –

- Every application for the grant of a license will be made to GreenCert in Form-1 (NPOP).
- Every application for a license will be accompanied by a statement furnishing in detail any scheme of inspection and testing, which the applicant maintains or has been in use or proposes to maintain or to put into use and which is designed to regulate, during the course of manufacture or production, the quality of the product or process for which the license is applied for.
- Every application will be signed in the case of an individual, by the applicant or, in the case of a firm, by the proprietor, partner or the managing director of the firm or by any other person authorized to sign any declaration on behalf of the firm. The name and designation of the person signing the application will be recorded legibly in the space set apart for the purpose in the application form.
- Every application for a license will, on receipt by GreenCert, be numbered in order of priority of the receipt and be acknowledged.
- GreenCert may call for any supplementary information or documentary evidence from any applicant in support of or to substantiate any statement made by him in his application, within such time as may be directed by GreenCert, and noncompliance with such direction may have the effect of the application being summarily rejected by the Inspection and Certification Agency.
- At all times complies with these regulations as amended from time to time, Uses GreenCert Approval/Certification logo in accordance with the conditions defined in the procedure, only in respect of the production and supply of products that are subject to the Approval/Certification of Registration at/or from the address stated on the Certificate.
- It maintains and documents operating procedures in accordance with the requirements of the Scheme and makes available copies of all or any part of the documented system should **GreenCert** require it for reference purposes.
- It does not change the system of production, processing or manufacture under which the Certificate of Registration is issued during the period of its validity unless the holder gives **GreenCert** a notice in writing of the intention to do so and receives confirmation in writing from **GreenCert**, that such variations do not render the Certificate invalid.

C. Grant of License

- If GreenCert, after preliminary inquiry, is satisfied that the applicant or Licensee having regard to requisite skill, resources, production, processing previous performance and antecedents relevant to the issuance of the license is fit to use the Certification Mark, the **GreenCert** will grant a license in Form 2 (NPOP 2014) authorizing the use of the Certification Mark in respect of the product or class of products manufactured by the



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- b. Applicant or Licensee in respect of the process employed in any production, manufacture or work, subject to such terms and conditions as specified in these regulations. **GreenCert** intimates the applicant about grant of license.
- c. The Applicant will be entitled to use the Certification Mark and restrict his use thereof to goods or services, which will meet the norms and standard specification of the products.
- d. The Certification Mark may be affixed to the products and/or used on packaging or promotional material or in the context of advertising activities
- e. In the event of a withdrawal of the right touse theaforesaid Mark the certificate or the License will be returned to **GreenCert**. The right to use the Certification Mark expires at the same time without giving rise to any indemnification claim against **GreenCert**.
- f. The Applicant is entitled to the aforesaid Mark but will be answerable for the safety of their products themselves. They will furnish proof of holding sufficient product liability insurance in respect thereof, if required by **GreenCert**. No liability whatsoever will be accepted by **GreenCert**.

D. Suspension of Use of Logo

Any license granted by GreenCert may be suspended or cancelled by it, if it is satisfied:-

- a. That the products marked with the Certification Mark under a license do not comply with the related norms and procedures of GreenCert; or
- b. That the licensee or applicant had used the Mark in respect of a process which does not come up to the related directions and specification of GreenCert; or
- c. That the licensee or applicant failed to provide reasonable facilities GreenCert enable them to discharge the duties imposed on them; or
- d. That the licensee or applicant has failed to comply with any of the terms and conditions of the license
 - Before **GreenCert**suspends or cancels any license, it will give thelicensee not less than fourteen days' notice of its intention to suspend or cancel the license.
 - On the receipt of such notice, the licensee may submit an explanation on his behalf to **GreenCert**within fourteen days from the receipt of the notice. If an explanation is submitted, **GreenCert**may consider the explanation and give a hearing to the licensee within fourteen days from the date of receipt of such explanation or before the expiry of the notice whichever is longer.
 - If no explanation is submitted, **GreenCert** may, on the expiry of period of the notice, suspend or cancel the license by addressing a written note.
 - Where a license has been suspended or cancelled, the licensee will discontinue forthwith the use of the Certification Mark notwithstanding the pendency, of any appeal before **GreenCert** and if there be, with the licensee or his agents, any articles in stock which have been improperly marked, the licensee or his agents, as the case may be,
 - Will take necessary steps to get the Certification Mark on such articles removed, cancelled, defaced or erased.



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- When a license has been suspended or cancelled, **GreenCert** will so advise the licensee in writing and publish such a suspension or cancellation in a manner as found appropriate by **GreenCert**.

E. Surveillance and regular review-

- a. The grant of license will be followed by surveillance visits. The frequency and extent of visits will be determined by GreenCert.
- b. The surveillance visits may be without notice to the licensee to ensure that the systems and procedures already assessed are being maintained.
- c. The special reassessment visit will be necessary where a licensee fails to observe the conditions of the license or where there have been significant changes in the organization of the licensee. The licensee will be liable for the costs of such special visits.

F. Obligations of the licensee-

A licensee on grant of a license to use of the Certification Mark will:

- a. at all times comply with the requirements of the license as set out therein and comply with these regulations or any amendments hereto:
- b. only claim that he is holding a license in respect of the capability which is the subject of the license and which relates to the products or processes in accordance with the license requirements
- c. not use the license in any manner to which GreenCert may object and will not make any statement concerning the authority of the Licensee's use of the license which in the opinion of the GreenCert may be misleading,
- d. submit to GreenCert for approval the form in which he proposes to use his license or proposes to make references to the license,
- e. Upon suspension or termination of the license, however determined, discontinue its use forthwith and withdraw all promotional and advertising matter which contains any reference thereto.
- f. Permit access to the Inspection Officer of GreenCert for purposes of assessment, audit or surveillance. The licensee will give full details of all actions taken in response to field problems arising from allegations of defects in products or processes covered in the license and allow the Inspection Officer of the GreenCert access to all relevant records and documents for the purpose of verifying such details,
- g. Be required to produce evidence of continuing operations for the products or processes covered by the license. Licensee will notify the GreenCert in writing of discontinuance in such operations exceeding three months. Discontinuance of a license in excess of six months or more
- h. May lead to cancellation of license. In such cases, application will be lodged with the accredited GreenCert and an assessment visit will be necessary prior to grant of a new license,
- i. Pay all financial dues to the GreenCert in the manner prescribed by it, even for the period of discontinuance or suspension of license.



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G. Misuse of license-

The licensee will be deemed to have misused the license, if he does not cease to display or otherwise use the license for use of the Certification Mark immediately after

- a. Surrender of license, suspension or cancellation,
- b. The licensee has failed to implement changes as advised by Inspection and Certification agency

A licensee on grant of a license to use of the Certification Mark has to follow:

- At all times comply with the requirements of the license as set out therein and comply with these regulations or any amendments hereto:
- Only claim that he is holding a license in respect of the capability which is the subject of the license and which relates to the products or processes in accordance with the license requirements,
- Not use the license in any manner to which **GreenCert** may object and will not make any statement concerning the authority of the Licensee's use of the license which in the opinion of **GreenCert** may be misleading,
- Submit to **GreenCert** for approval the form in which he proposes to use his license or proposes to make references to the license,
- Upon suspension or termination of the license, however determined, discontinue its use forthwith and withdraw all promotional and advertising matter which contains any reference thereto
- Permit access to the Inspection Officer of **GreenCert** for purposes of assessment, audit or surveillance. The licensee will give full details of all actions taken in response to field problems arising from allegations of defects in products or processes covered in the license and allow the Inspection Officer of **GreenCert** access to all relevant records and documents for the purpose of verifying such details,
- Be required to produce evidence of continuing operations for the products or processes covered by the license. Licensee will notify **GreenCert** in writing of discontinuance in such operations exceeding three months. Discontinuance of a license in excess of six months or more may lead to cancellation of license. In such cases, application will be lodged with **GreenCert** and an assessment visit will be necessary prior to grant of a new license,
- Pay all financial dues to **GreenCert** in the manner prescribed by it, even for the period of discontinuance or suspension of license.

A license may be surrendered by the licensee at any time in writing to **GreenCert**. In the case of surrender, the licensee will return the license with all the related documents to **GreenCert**.



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Thus GreenCert exercises proper control over ownership, use and display of licenses, certificates and marks of conformity.

GreenCert does not willfully make false claims of its accreditation status or make false claims of products of the nature or quantities of certified produce.

GreenCert always displays its accreditation status on its website and in its office.



Label & Label Approval

- Certified Operators can use India Organic/GreenCert Logo on their label/promotional material.
- A soft copy of the proposed label should be sent along with the label approval form (...) to GreenCert. All labels should have GreenCerts accreditation number printed them along with the labeling requirements specified in NPOP Appendix 5 point 6.