



**Policy & Rules
for Use of the Certification Mark**

Approved by the NABCEP board on February 25, 2003

This policy explains the importance of ensuring proper mark use, the corresponding rules for use of the mark by certificants, and the procedures and possible penalties for violation of the policy and rules.

Please note that, upon registration of the mark by the US Patent and Trademark Office (PTO), the policy should be revised to reflect the trademark registration symbol “®” with the use of the mark, rather than the symbol “™” that is to be used with the mark until it is registered.



TM

**North American Board of Certified Energy Practitioners, Inc. (NABCEP™)
Policy and Rules for Use of the
“North American Board of Certified Energy Practitioners Certified Solar PV Installer”
and Design™ Certification Mark**

1. Policy Purposes.

The “North American Board of Certified Energy Practitioners Certified Solar PV Installer” and Design trademark, certification mark and credential (the Mark) is owned and controlled by NABCEP and its Board of Directors. The Mark is granted by the NABCEP Board to qualified renewable energy practitioners, who satisfy all applicable certification requirements. Consistent with applicable law and corporate policies, NABCEP must ensure that the Mark is used properly and correctly, as it represents NABCEP certification to the public.

The NABCEP retains all trademark, certification mark, and other ownership rights concerning the Mark. The NABCEP therefore reserves, and may use, the full range of legal remedies and certification-related sanctions available under applicable laws and corporate policies to protect the Mark. Infringement of any NABCEP trademark or certification mark will be challenged. Inappropriate or incorrect uses of any NABCEP mark may, therefore, be subject to organizational or legal action for mark infringement and other claims if such uses are contrary to law or corporate policy, e.g., where a use creates a likelihood of confusion with the proper use of a NABCEP mark, without regard to the certification status of the individual involved. Questions concerning the proper use of the Mark should be submitted to the NABCEP in writing.

Each certified individual accepts and assumes all, and the sole, responsibility for understanding and satisfying any governmental and legal requirements, including those requirements which may apply to the use, display and/or advertising of the Mark. It is the responsibility of the certified individual to ensure that the use of the Mark on professional and business related materials (e.g., stationary, signs, cards or advertisements) is NOT in conflict with the laws of the State in which that individual practices. NABCEP assumes no responsibility concerning the application of such governmental and legal requirements pertaining to the use, display and/or advertising of the Mark.

In no event shall the NABCEP be liable for any damages whatsoever, including any special, indirect, or consequential damages relating to the use of the Mark, whether in an action in contract, negligence, or other law arising out of, or in connection with, the use of such Mark in any locality, State, or country in which the use of the Mark presents a conflict with any laws of that locality, State, or country.

Use of the Mark is subject to the following NABCEP certification mark use policies and rules.

2. Persons Authorized to Use the Mark.

Only persons certified by the NABCEP, who maintain active certification status and are in good standing, are authorized to use the Mark. The Mark must be used to identify only those persons who have demonstrated satisfactory technical knowledge to apply the appropriate professional skills necessary in the field of solar photovoltaic technology, in accordance with the certification standards established by the NABCEP Board of Directors.

3. Non-Assignability and Non-Transferability of the Mark.

The Mark is personal to the certified individual and may not be transferred or assigned to any other individual, organization, business, or entity.

4. Appearance and Proper Use of the Mark.

Policy & Rules for Use of the NABCEP Certification Mark

Each certified individual may use the Mark in professional advertising and informational materials, including telephone directory listings or advertisements, business cards, letterhead, brochures, signs, stationary, packages, and other similar marketing materials, consistent with the following rules:

- A. Proper Use. Each certified individual must use the Mark in conjunction with his/her name and the services related to the certification. The Mark may only be displayed in association with the certified individual. The Mark may not be positioned, displayed, or used in a manner which may lead the public to believe that a company (organization) itself is certified or otherwise endorsed by the NABCEP. For example, the Mark may appear immediately above, below, or otherwise adjacent to the name of the certified individual, but may not appear immediately above, below, or otherwise adjacent to the name of the certified individual's employer or company (organization).
- B. Proper Appearance. The Mark must be associated solely with the certified individual, who is authorized to use the Mark. The Mark should always be used in its entirety, and must always appear with the subscript "TM" trademark symbol. Alternate forms of the Mark include, but are not limited to, the words "North American Board of Certified Energy Practitioners Certified Solar PV Installer" without the design, or "NABCEP Certified Solar PV Installer" without the design. Such uses must always appear with the superscript "TM" symbol, and should NOT be used immediately following the name of the certified individual, or in any way that would create the appearance that the alternate mark form is being used as a title or degree.
- C. Examples of Proper Use and Appearance. Proper use and appearance of the Mark include, but are not limited to, the following examples.



John Doe



Jane Doe

John Doe

North American Board of Certified Energy Practitioners Certified Solar PV Installer™

Jane Doe

NABCEP Certified Solar PV Installer™

- D. Examples of Improper Use and Appearance. Improper use and appearance of the Mark include, but are not limited to, the following examples.

John Doe, North American Board of Certified Energy Practitioners
Certified Solar PV Installer

Jane Doe, NABCEP Certified Solar PV Installer

John Doe, Certified Solar PV Installer

- E. Other Requirements. Incorporation of the Mark with the marks, designations, or logos related to other credentials, groups, or organizations is prohibited. The Mark may be used on the same page as other affiliation marks or logos, but must remain separate and distinct.

5. Non-Interference with Use of the Mark by Other Certified Individuals.

A certified individual may not prohibit, restrict, or otherwise limit the authorized and appropriate use of the Mark by another certified individual.

6. Violation Reporting Responsibilities.

A certified individual has the responsibility to report the unauthorized use, misuse, or other violation of this policy to the NABCEP, including any circumstances where a certified individual becomes aware of the use of the Mark by an individual who is not certified, or of the improper use of the Mark by a certified individual.

7. Policy Violations and Related Actions.

Following receipt of information that an inappropriate or unauthorized use of the Mark may have occurred, the NABCEP, in consultation with legal counsel, will determine if appropriate response actions will be taken. The NABCEP may take any of the following actions, or other appropriate measures. A certified individual is required to cooperate fully in the review and resolution of such matters.

- A. A copy of the alleged inappropriate or unauthorized Mark or designation use will be obtained and reviewed to determine whether a violation of the policy has occurred;
- B. Upon determination of a policy violation, written correspondence will be issued by an authorized NABCEP representative to the individual(s) or organization(s) involved, explaining, among other items: the nature of the objectionable or unauthorized use; the relevant NABCEP policy and law; and, the requirement that the individual cease and desist from the objectionable or unauthorized use immediately and in the future;
- C. Upon determination of a policy violation, written correspondence will be sent by an authorized NABCEP representative to the individual(s) and organization(s) involved,

requesting that the individual accept and sign an agreement to, among other items: cease the existing objectionable or unauthorized use; abide by all terms of the NABCEP policy in the future; and, provide corrected copies of all offending materials; and,

- D. Where an individual using the Mark in an objectionable or unauthorized manner fails to respond to, or refuses to comply with, NABCEP requirements to cease and desist from such use, the Board may initiate appropriate legal actions and/or disciplinary proceedings, as set forth in the policy.

8. Certification Mark Related Disciplinary Measures.

Following notice and a fair opportunity to respond, a certified individual who acts contrary to the terms of this policy or applicable law may be sanctioned by the NABCEP. Such sanctions may include:

- A. Denial and rejection of the individual's recertification application;
- B. Private reprimand and censure, including appropriate conditions or directives;
- C. Public reprimand and censure, including appropriate conditions or directives;
- D. Certification probation for a given period of time, including appropriate conditions or directives;
- E. Suspension of certification for a given period of time, including appropriate conditions or directives;
- F. Revocation of certification, including appropriate directives; and,
- G. Other measures that the Board deems appropriate.

In addition, cases of Mark misuse, infringement, or other similar matters may be referred to the Ethics Committee for review under the NABCEP Ethics Case Procedures.