



Contact officer: Sam O'Connor  
Contact phone: 03 9910 9522

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Land of the Ngunnawal people  
23 Marcus Clarke Street  
Canberra ACT 2601  
GPO Box 3131  
Canberra ACT 2601  
Tel 02 6243 1111  
Fax 02 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

## By email

Dear Interested Party

### **Certification Trade Mark Application No. 2243358 lodged by Circular Energy Holdings Pty Ltd**

The Australian Competition and Consumer Commission (**ACCC**) has received an application from Circular Energy Holdings Pty Ltd to register Certification Trade Mark No. 2243358 (**the CTM**). The current proposed Rules were provided on 29 March 2023, replacing the previous set of Rules received on 24 June 2022.

I am writing to you as a party who may be interested in commenting on the application.

The proposed rules provide that the CTM may be used by an organisation that acceptably meets the requirements of the Sustainable Energy Commitment criteria. The criteria represent an organisational commitment to 9 ESG categories and 20 sub-categories of criteria and have been designed to support the planning, implementation and stewardship of the optimal path to 24/7 Sustainable Energy including verification of progress at any point of time.

We invite your views on any aspect of the application, including whether Circular Energy Holdings' Sustainable Energy Commitment CTM and its associated rules are likely to raise any competition concerns or may result in consumers being misled. In particular, the ACCC is interested in your views on whether the standards contained in the rules would ensure that an organisation has engaged in a "sustainable energy commitment" in a way that is consistent with what Australian competitors and consumers may reasonably expect.

### **Certification trade marks**

A certification trade mark (**CTM**) is an image or series of words which identifies that a good or service is of a particular standard – for example, with regard to quality, origin, material or mode of manufacture. Each CTM has rules that govern the use of the CTM and include the requirements that goods or services must meet to in order to display the CTM and the processes the CTM owner will use to decide whether these requirements have been met.

Registering a CTM under the *Trade Marks Act 1995* (Cth) (**TMA**) gives its owner the exclusive right to use the CTM and to allow other people to use it according to the rules.

The ACCC has a role to assess CTMs particularly whether they raise consumer protection, competition or associated concerns. In addition, the ACCC will assess the requirements in the rules that goods or services must meet in order to have a CTM applied to them.

More information about the process and the ACCC's role in assessing CTMs can be found in the ACCC's publication [Certification Trade Marks - the role of the ACCC](#).

### The CTM application

Circular Energy Holdings Pty Ltd has applied to register the Sustainable Energy Commitment CTM, illustrated below. The CTM intends to certify that an organisation has made a commitment to acceptably meet the Sustainable Energy Commitment Criteria as set out in the CTM Rules.



CTM 2243358

The proposed CTM Rules are available on the [ACCC's CTM register](#).

### Invitation to comment

The ACCC invites you to comment on the applications before it issues an initial assessment. If you wish to comment please do so by **22 November 2023**.

Submissions should be emailed to [CTMs@acc.gov.au](mailto:CTMs@acc.gov.au) with the subject "CTM 2243358 – Circular Energy Holdings Pty Ltd - Submission".

Submissions will be placed on the ACCC's public CTM Register, subject to any request for exclusion. **Please indicate clearly in your submission whether you are willing for the ACCC to make it publicly available by placing it on our CTM Register, or are requesting that part or all of it be excluded (with brief reasons for exclusion).**

You can also forward this letter to any others who may wish to make a comment to the ACCC regarding the CTM applications.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Sam O'Connor on 03 9910 9522 or by email to [CTMs@acc.gov.au](mailto:CTMs@acc.gov.au).

Yours sincerely

A handwritten signature in cursive script, appearing to read "Naomi Menon", written in a dark ink.

Naomi Menon  
Director  
Competition Exemptions