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By email

Dear Sir/Madam

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Certification Trade Mark Application Nos. 2079575 & 2097432 lodged by Gluten Intolerance Group of North America

The Australian Competition and Consumer Commission (**ACCC**) has received applications from Gluten Intolerance Group of North America to register Certification Trade Mark Nos. 2079575 and 2097432 (**the CTMs**).

I am writing to you as a party who may be interested in commenting on the applications. The proposed rules provide that the CTMs may be used on goods where “the presence of gluten of 10 ppm or less (or the regulatory threshold of the country of sale, whichever is lower) AND whole grains, beans, seeds, pulses or legumes that contain less than 0.25 gluten-containing grains per kilogram”.¹

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 applications

The Gluten Intolerance Group of North America has applied to register two CTMs, illustrated below. The CTMs intend to certify that a food, beverage, nutritional/supplement or personal care product is gluten-free.



CTM 2079575



CTM 2097432

¹ Page 6 of the GFCO Manual, see definition of “Gluten-Free”.

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. In particular, the ACCC is interested in your views about whether the CTMs are consistent with the Australian regulatory requirements for making gluten free claims and whether they are likely to mislead consumers. If you wish to comment please do so by **29 October 2021**.

Submissions should be emailed to CTMs@acc.gov.au with the subject "CTMs 2079575 and 2097432 - Gluten Intolerance Group of North America - 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.

After considering any submissions, the ACCC will release an initial assessment, which will be open to further public comment, before the ACCC issues a final assessment.

Please advise if you do not wish to make any comment at this time, but would like to be informed of the outcome of the ACCC's initial and/or final assessment. Please provide a nominated contact email address for future correspondence.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Tom Lyle on (03) 9290 1879 or by email to CTMs@acc.gov.au.

Yours sincerely



Joanne Palisi
Director
Policy, Coordination and Remedies