

Member Update

No. 04 of 2024 • 1st May 2024

TOPIC: Registration of GTA Trading Standards as Certification Trade Marks

DISTRIBUTION: GTA Members – primary contact list. Please circulate to all appropriate internal parties.

1. Purpose

- To advise Grain Trade Australia Ltd (**GTA**) members of the formal registration of certain grain grade classifications under the GTA Trading Standards as ‘**Certification Trade Marks**’ in Australia.

2. Background

- To protect its valuable intellectual property (**IP**) in the GTA Trading Standards that have been developed by GTA members over time, GTA has registered certain grain grade classifications under the GTA Trading Standards as “**Certification Trade Marks**” with IP Australia (**GTA Certification Trade Marks**).
- This will ensure the continued use of the GTA Certification Trade Marks across the Australian grain industry, thus benefiting all Australian grain industry participants including GTA members and growers.
- A “*Certification Trade Mark*” is a trade mark that is unique to a standard trade mark as it indicates that goods or services have certain qualities or characteristics. It can be used by third parties subject to their compliance with certain accompanying rules that are designated by the owner of the trade mark. The “Woolmark” logo is an example of a “*Certification Trade Mark*”.
- The reasons for registering the GTA Certification Trade Marks include:
 - to allow GTA to take appropriate action against anyone misusing the GTA Certification Trade Marks ;
 - to protect the reputation of the Australian grain industry and the GTA Trading Standards themselves;
 - to protect the investment made by GTA members in the development of the GTA Trading Standards;
 - to provide additional value to growers and GTA members by improving the facilitation of trade;
 - to create a “level playing field” with regard to the quality of grain being traded which facilitates transparency in pricing and the quality of the Australian crop, benefitting producers and traders alike;
 - to ensure consistency in the quality of the grain being traded and the confidence of buyers of Australian grain;

3. Operational Application

- As the GTA Certification Trade Marks are registered as “*Certification Trade Marks*”, it means third parties can use them, provided they adhere to the accompanying [Trade Mark Rules \(Rules\)](#), which govern the use of the GTA Certification Trade Marks. The Rules are approved by the ACCC.
- The Rules are publicly available on the GTA website (www.graintrade.org.au) and will be incorporated into GTA’s annual process for review and publication of the GTA Trading Standards.
- At least one party to a grain contract that references registered grain grades in the GTA Trading Standards, should have a licence granted by GTA, to use the GTA Certification Trade Marks as an “**Approved User**”.
- GTA will grant an “Approved User” licence to use the GTA Certification Trade Marks to GTA members as a component of the annual GTA membership process. This licence will be provided to a GTA member when they are issued with their GTA Member Certificate.
- The “Approved User” licence granted to GTA members covers the overwhelming majority of grain contracts written in Australia which means that **growers selling their grain to a GTA member do not need an “Approved User” licence.**
- GTA members are encouraged to familiarise themselves with the Rules.
- The proper application of the written Certified Trade Mark is to use the ® symbol after each GTA Certification Trade Mark, eg:

APW1®

- It is preferable this practice be followed by GTA members where possible and practicable.
- The GTA Certification Trade Marks take effect with the publication of the 2024/25 GTA Trading Standards.

4. Trade Marked Trading Standards.

- The GTA Certification Trade Marks are held in the name of Grain Trade Australia Ltd in classes 31, 35, 41 and 42 as follows:

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|---------------------------|---------------------------|
| • No. 2114508 SFW1 | • No. 2114530 H2 |
| • No. 2114509 AGP1 | • No. 2114531 AUW1 |
| • No. 2114513 APH1 | • No. 2114532 FED1 |
| • No. 2114516 APH2 | • No. 2114533 HPS1 |
| • No. 2114518 ASW1 | • No. 2124661 ANW1 |
| • No. 2114520 APW1 | • No. 2124662 SFT1 |
| • No. 2114523 AUH2 | • No. 2124663 APWN |
| • No. 2114528 H1 | • No. 2124664 DR1 |

- A description of the Trade Mark classes is Annexed in the [Rules](#).

5. Implications for Non-GTA Members

- GTA and its members have made considerable investments in developing the GTA Trading Standards, thus providing broad benefits across the Australian grain industry. This means those industry participants who choose not to become GTA members, are benefiting from the investment and costs incurred by others.
- However, GTA’s mission is to facilitate trade. Its primary focus and intention is to protect the reputation of the GTA Trading Standards, the Australian grain industry, GTA members and growers.
- GTA would encourage parties to a contract referring to the registered grain grades in the GTA Trading Standards, where both parties are not GTA members, to contact GTA to discuss their options.

6. Further Information

- Links to key documents and information
 - [GTA Certification Trade Mark Fact Sheet](#)
 - [Trade Mark Rules for GTA Certification Trade Marks](#)
 - [GTA Dispute Resolution Rules](#)
 - [GTA Trade Rules](#)
 - [GTA Trading Standards](#)
- For further information please contact GTA at admin@graintrade.org.au