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Revised	November 19, 2019

Marine Eco-Label Japan

Regulations for the Use and Management of Logo



Marine Eco-Label Japan Council

Introduction

Marine Eco-Label Japan Council (hereinafter referred to as MEL Council) is the Scheme Owner of Marine Eco-Label Japan (hereinafter referred to as MEL). This document defines the conditions and procedures that the users of MEL's logo (illustrated below, hereinafter referred to as the logo) shall comply.



The logos above are the property of MEL Council registered under the Trademark Act. The property rights of logo are protected under the Trademark Act and the logo is not allowed to use without the permission of MEL council. The MEL Council permits a non-exclusive right to use to the logo to which the applicants concluded the Contract on the Use of Logo (see Appendix 2). As a general rule, certified entities need to conclude the Contract on the Use of Logo in Appendix 2 with MEL Council.

The details of registered trademark are shown as below.

Registered trademark No. 5140153 (Registered June 13, 2008.)

[List of classes, explanation and examples]

Classes	Explanation	Examples
[Class 14]	Class 14 includes mainly precious metals and certain goods made of, precious metals or coated therewith, as well as jewellery, clocks and watches, and component parts therefor..	Pearls, precious coral
[Class 20]	Class 20 includes mainly furniture and parts therefor, as well as certain goods made of wood, cork, reed, cane, wicker, horn, bone,	Coral, mother-of-pearl (unprocessed and semi-processed)

	ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastic.	
[Class 29]	Class 29 includes mainly foodstuffs of animal origin as well as vegetables and other horticultural comestible products which are prepared for consumption or conservation.	Seafood (excluding living animals), processed marine products, curry/stew/soup bases, ochazuke seaweed, namemono side dishes, edible protein, etc.
[Class 30]	Class 30 includes mainly foodstuffs of plant origin prepared for consumption or conservation as well as auxiliaries intended for the improvement of the flavour of food.	Tea, confectionery, bread, seasonings, spices, ice cream, sherbet, cereals prepared for human consumption, pot stickers, sandwiches, shumai meat dumplings, sushi, takoyaki, meat buns, hamburgers, pizza, bento lunches, hot dogs, meat pies, and ravioli
[Class 31]	Class 31 includes mainly land and sea products not having been subjected to any form of preparation for consumption, live animals and plants, as well as foodstuffs for animals.	Bait for fishing, seafood (only living animals), seaweed, protein for livestock feed, livestock feed

Note: the classes are based on Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

(Definitions)

- Production stage certification: Certification under the Fisheries Management Standard (FMS) /Aquaculture Management Standard (AMS) of MEL.
- Distribution and processing stage certification: Certification under the Chain of Custody Standard (CoCS) of MEL. It can be called CoC certification.
- Certified entity: A business operator which is certified under the Fisheries Management Standard (FMS) /Aquaculture Management Standard (AMS) or Chain of Custody Standard (CoCS) of MEL.
- Uncertified organization: A business operator which is not certified under the FMS/AMS or CoCS of

MEL but wishes to use the logo. Example are as follows:

- ✓ Charity organizations, educational organizations, non-profit organizations or non-governmental organizations
 - ✓ Government agencies
 - ✓ Mass media
 - ✓ Representative and marketing organisation which wish to promote certified seafood
 - ✓ Publisher or author of publication
 - ✓ Accreditation Body (AB) and Certification Body (CB)
- Logo user: Those who use the logo with the permission from the MEL Council
 - Certified marine products: Marine products that is harvested/produced by fisheries certified by FMS/AMS of MEL or manufactured goods made of those products
 - Uncertified products: Products except for the certified marine products (regardless of marine or non-marine products)

1. (Scope of application)

The scope is applicable around the world.

MEL Council set the conditions for the logo use in order that distributors and consumers can correctly recognise certified marine products. Also, misleading representation of marine products shall be avoided.

2. (Conditions for the logo use)

2.1. In case that certified entities use the logo for the certified marine products:

- 2.1.1.** The certified entity shall ensure that the product with the log is certified marine product. In case that the product is made of multiple raw materials, the certified entity shall ensure that the product is in accordance with the internal guideline (see Appendix 1).
- 2.1.2.** The certified entity shall ensure that the product is processed and distributed by companies certified by CoCS of MEL. In case that the processing and distribution are conducted by foreign companies, the use of logo is permitted if all the companies are certified by CoCS of MEL.
- 2.1.3.** The certified entity shall ensure that all the certification for FMS and CoCS of MEL is within the validity period.
- 2.1.4.** The certified entity shall use and manage the logo in accordance with the procedures listed in Section 4.1.

2.2. In case that the certified entity uses the logo on uncertified products*:

***Examples of uncertified products: banners, posters, or letterhead, etc.**

- 2.2.1.** The certified entity shall use the logo to show that they are certified by FMS/AMS or CoCS of MEL due to their positive efforts on the preservation of marine resources and ecosystems for the sustainable use of marine products.
- 2.2.2.** The certified entity shall use and manage the logo in accordance with the procedures listed in

Section 4.1.

2.3. In case that uncertified organization uses the logo:

2.3.1. The uncertified organization shall ensure that the purpose of logo use is in alignment with the objectives and operations of MEL Council stipulated in the Statutes of the MEL Council.

2.3.2. The uncertified party shall use and manage the logo in accordance with the procedures listed in Section 4.2.

3. (Logo licence fee)

3.1. For certified entity:

All certified entity shall pay the logo licence fee (hereinafter referred to as the licence fee) to the MEL Council as licence to use the MEL logo. Certified entities of FMS version 1.0 and COCS 1.0, already contracted the logo use and management fee with certification body, can pay the fee to MEL Council through the certification body during transition period until January 31, 2021.

The entity certified by FMS of MEL:

Total tonnage of power-driven vessels in use	Logo licence fee (Annual, Tax excluded)
Less than 10 tonnes (including non-powered and unused vessels)	JPY 30,000
10 or more and less than 1,000 tonnes	JPY 50,000
1000 tonnes or more	JPY 100,000

Note 1: In case that the entity certified for both FMS/AMS and CoCS of MEL, the licence fee of FMS/AMS shall be applied (it is not required to pay the logo license fee of both FMS/AMS and COCS).

Note 2: In case that one entity obtained multiple certification of FMS/AMS and CoCS, the licence fee shall be applied to each certification up to JPY 100,000.

The entity certified by AMS / CoCS of MEL:

AMS	CoCS	Logo licence fee
Number of employees	Handling (Sales)	Annual, Tax excluded
Less than 10	Single: less than 10 billion yen or (*) Consolidated: less than 20 billion yen	JPY 30,000

10 or more and less than 100	Single: 10 billion yen or more and less than 30 billion yen or Consolidated: 20 billion yen or more and less than 50 billion yen	JPY 50,000
100 or more	Single: more than 30 billion yen or Consolidated: more than 50 billion yen	JPY 100,000

* The higher license fee is applied based on either the single or consolidated sales.

It should be noted that the application can be adjusted in accordance with the business conditions of certified entities and the actual amount of certified products handled.

3.2. In case that the uncertified organization uses the logo:

The uncertified organization is not required to pay the licence fee unless MEL Council provide notification.

4. (Procedures for the use and management of logo)

4.1. In case that the certified entity uses the logo:

- 4.1.1.** The certified entity is allowed to start using the logo once the certificate became effective, and the MEL Council signed the Contract on the Use of Logo in Appendix 2. In case that logo is used for products, the certified entity shall submit the notification form of logo use (see appendix 3) to the MEL Council.
- 4.1.2.** The certified entity shall pay the logo usage fee as set forth in this document and in the contract on the use of Logo to the MEL Council through the CB.
- 4.1.3.** The certified entity ensure the use and manage of the logo in accordance with regulations in this document and the contract on the use of Logo through the annual audit conduct by CB.
- 4.1.4.** The certified entities shall report the contents and weight of certified products shipped or sold with the logo and certified entities of FMS/AMS shall report the weight of certified marine products by using the report form during the annual audit by CB (see Appendix 4).

4.2. In case that uncertified organization uses the logo:

- 4.2.1.** In case that the uncertified organization uses the logo, “Application for the Permission to Use the MEL Logo with the Plan of Logo Use” (see Appendix 5) shall be submitted to the MEL Council.
- 4.2.2.** The MEL Council gives the permission for the noncertified organization to use the logo once the purpose of logo use is satisfied with the objective of MEL Council. The MEL Council shall process the application within five working days. In case, the process takes more than five

working days, MEL Council shall inform accordingly.

4.2.3. The uncertified organization is allowed to start using the logo upon receiving the permission.

4.2.4. A company, other than a certified entity, shall show the sample product that uses the logo to the MEL Council, if the council requests for them to do so.

5. (Specification of logo)

5.1. In case that the logo is used in colour:



*XXXXXXXX shall be certification number

5.1.1. The logo user shall display the certification number under the logo.

5.1.2. The logo user shall use the DIC2601, the standard colour of Dai Nihon Ink Co., or a similar colour for the blue portion of the logo.

5.1.3. The logo user shall use the DIC167, the standard colour of Dai Nihon Ink Co., or a similar colour for the yellow portion of the logo.

5.1.4. The logo user shall ensure the clear contrast between the logo and the ground colour.

5.1.5. In case that the logo user enlarges or shrinks the logo, the aspect ratio must remain the same after the size change.

5.1.6. The logo user is allowed to obtain the repro of logo from the MEL Council.

5.1.7. The logo user is allowed to use the logo with other different logos.

5.1.8. The logo user is allowed to attach messages which will not mislead the customers anyway.

Example of a message "This product was harvested/produced by certified fisheries/aquaculture that promote the conservation of ocean and natural resources"

The MEL Council may instruct the users on the position of messages.

5.2. In case that the logo is used in monochrome:

Version 1:



*XXXXXXXX shall be certification number

XXXXXXXX

XXXXXXXX

Version 2:



*XXXXXXXX shall be certification number

XXXXXXXX

XXXXXXXX

- 5.2.1. The logo user shall display the certification number under the logo.
- 5.2.2. The logo user shall ensure the clear contrast between the logo and the ground colour but MEL Council does not specify its colour coordination.
- 5.2.3. In case that the logo user enlarges or shrinks the logo, the aspect ratio must remain the same after the size change.
- 5.2.4. The logo user is allowed to obtain the repro of logo from the MEL Council.
- 5.2.5. The logo user is allowed to use the MEL logo with other logos.
- 5.2.6. The logo user is allowed to attach messages which will not mislead the customers anyway.

Example of a message "This product was harvested/produced by certified fisheries/ aquaculture that promote the conservation of ocean and natural resources"

The MEL Council may instruct the users on the position of messages.

Supplemental Provision

This regulation shall come into effect as of October 2, 2017

Supplemental Provision

This regulation shall come into effect as of March 9, 2018

Supplemental Provision

This regulation shall come into effect as of June 22, 2018

Supplemental Provision

This regulation shall come into effect as of August 1, 2018

Supplemental Provision

This regulation shall come into effect as of September 26, 2018

Supplemental Provision

This regulation shall come into effect as of June 21, 2019

Supplemental Provision

This regulation shall come into effect as of November 19, 2019

Detailed Rules for the Mixtures of Certified Marine Products and Uncertified Ingredients

Introduction

In case that the certified marine products of Marine Eco-Label Japan (hereinafter referred to as MEL), the ingredients of certified marine product shall be displayed for the consumers to accurately understand and to avoid misleading the customers anyway. This section defines the general rules that the certified organization of the Chain of Custody standard of MEL use the logo to the mixed product of certified marine products and uncertified marine products and/or uncertified products. This detailed regulations are applied for food and drink as well as for products attached to the human body such as poultice.

Definitions:

- Certified marine product: Marine products that is harvested by fisheries certified by Fisheries Management Standard (FMS)/Aquaculture Management Standard (AMS) of MEL or manufactured goods made of those products
- Certified organization: A business operator which is certified under the FMS/AMS or Chain of Custody Standard (CoCS) of MEL.
- Uncertified marine product: Marine products which are produced by uncertified organization or processed by those marine products.
- Uncertified product: All the products which are not contain either the certified marine products or the mixture of certified and uncertified products at the processing process.
- Logo user: A organization which sell or use logo on the certified products that are mixed uncertified marine product or and/or uncertified product.

1. [Regulations for the mixture of certified and uncertified marine product (the same fish species)]

The logo user shall not mix the certified and the uncertified marine product of the same fish species.

2. [Regulations for the mixture of certified and uncertified marine product (different fish species)]

In case that the certified and uncertified marine product of different fish species are mixed, the logo user shall use at least 95% of the total seafood ingredient within the products. Where there is less than 95%, the logo user must state the name and percentage of certified product in the mixed product.



[___ (species name), ___%]

The font shall be 8 point or larger MeiryoUI, and the certified fish species shall clearly indicated.

3. [Regulations for the mixture of certified marine product and uncertified product (other than a marine product)]

In case that the certified marine product and uncertified product (other than a marine product) are mixed, the logo can be used without provisions. However, it is ideal to add an explanation to avoid misleading the customers anyway.

Contract on the Use of Logo

This contract is made and entered into on this date of **year month date** by and between Marine Eco-Label Japan Council (hereinafter referred to as MEL Council) and the applicant “ZZZZ”(applicant’s name) on the use of MEL logo, under the management and operation of the MEL Council.

Article 1 (Approval and consent to the right of regular use of logo)

MEL Council grants the applicant the right to regular use of the logo based on the MEL “Regulations for the Use and Management of Logo”(hereinafter referred to as “R-Logo”).

Article 2 (Scope of the right of regular use)

The scope of right for the regular use of logo shall be as follows:

The period for logo use:

Within effective period of certification (until year month date)

The names of certified marine products designated for logo use:

Name of certified entity of fisheries certification/aquaculture certification and name of fish species

Types of distribution and processing under chain of custody (CoC) certification

Article 3 (Logo licence fee)

The applicant shall pay the logo licence fee to MEL Council in accordance with the “R-Logo” provided by the MEL Council. The money once paid will not be refunded under any circumstances.

Article 4 (Presentation of the use and appropriate use on products)

- (1) In using the logo, the applicant shall present to MEL Council a sample product with Notification Letter of Logo Use.
- (2) the applicant shall use and manage logo in accordance with the “R-Logo” provided by the MEL Council.
- (3) When any of the following conditions applies to the use of the logo by the applicant, the MEL Council or certification body shall request corrective actions to the applicant, and the applicant shall take corrective measures.
 - When the trustworthiness of the logo is harmed
 - Notification Letter of Logo Use in Article 4 (1) is not submitted.
 - In case it is found at the time of an annual audit, unscheduled audit, or emergency audit that the logo is not being used and managed in accordance with the “R-Logo”

Article 5 (Resolution of breach of logo)

- (1) MEL Council or the applicant, on becoming aware of a breach of logo by a third party, shall notify the other party and shall collaborate in dealing with the breach.
- (2) The costs and procedures for the above resolution shall be decided through consultation between both parties.

Article 6 (Cancellation of contract and restitution)

- (1) MEL Council or the applicant, when the other party violates or defaults on the provisions of this contract, shall be able to rescind the contract by making notification. Either party shall be able to rescind the contract without any notification in case there arise such credit concerns as petition for commencement of bankruptcy proceedings or petition for commencement of civil rehabilitation proceedings on the part of the other party.
- (2) MEL Council or the applicant, in case one party suffers losses due to breach of contract on the part of the other party, shall be able to file claim for compensation for damages by the other party.

Article 7 (Procedures after the expiration of contract)

In case the contract expires, the applicant shall be able to sell the products in stock up to three months after the expiration of contract.

Article 8 (Modification in writing)

Modifications of this contract shall be made in writing and verbal modification shall not be approved.

Article 9 (Term)

This contract shall be effective from year month date and remain in full force for the period of one (1) year from that date, unless sooner terminated pursuant to the terms hereof and thereafter shall automatically extend for one (1) year.

In witness whereof, both parties made two copies of this contract and each party shall hold one copy hereof.

Date: year month date

Signed by Marine Eco-Label Japan Council
The applicant ZZZZ

Notification Letter of Logo Use

This letter shall be submitted to MEL Council for each product using MEL logo mark.

Year, Month, Date

To Marine Eco-Label Japan Council

Name of company/organization

Name of representative

This letter notifies the use of logo mark in accordance with MEL “Regulations for the Use and Management of Logo”.

Name of product	
Delivery destination	
Fisheries certification Aquaculture certification or CoC certification	① Certified marine product (Name of fish species) ② Name of fisheries / aquaculture certified entity ③ Type of distribution and processing
Image of logo use	

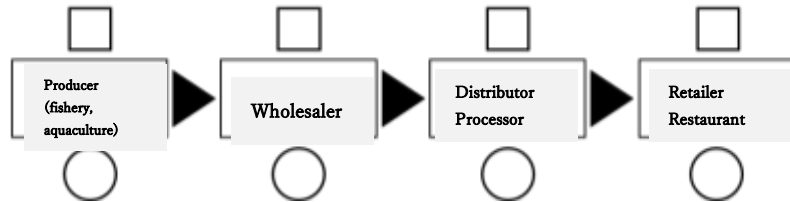
Self-check of logo use

To use logo mark, tradability to production stage shall be secured. Thus, please make self-check as follows;

Are you producer / retailer? Please check .

Was producer, distributor or processor before you certified by MEL?

Please check .



Report of the Logo Use

Marine Eco-Label Japan Council
President

[Month] [date], [Year]

Name of the Certified Entity

This is the report of the logo use in accordance with the provision stipulated in the 4.1.4 of MEL Regulations for the Use and Management of Logo.

- The weight and number of the certified products shipped/sold bearing the logo (from MM/YYYY to MM/YYYY)

Name of the Certified Seafood Products :

Weight : ○○kg(t)

Report of Status of Certified Products (Fishery and Aquaculture)

This is the report of the weight and number of fishery / aquaculture certified products.

- The weight and number of the certified products (from MM/YYYY to MM/YYYY)

Name of the Certified Seafood Products :

Weight : ○○kg(t)

(Number:)

Application for the Permission to Use the MEL Logo with the Plan of Logo Use

[Month] [date], [Year].

Marine Eco-label Japan Council
President

Address

Organization

Representative

Seal/Signature 印

This is the application form for the permission to use the Marine Eco-Label Japan (MEL) Logo in accordance with the Regulations for the Use and Management of Logo.

Name of contact person	
Contact details	Telephone E-mail
Date of application	(DD/MM/YYYY)
Product on which the logo will be used	
Purpose of use	
General overview of the product*	

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- In case that the logo will be used for the publication, please attach the full manuscript of publication to be affiliated with the logo.
In case that the logo will be used on the website, please attach all the webpages to be affiliated with the logo.
In case the logo will be used in a program on television, etc., please explain the type of program and its contents