



WaterMark Certification Scheme

Notice of Direction 2022/2.0

Marking requirements for Lead Free plumbing products

Intent

This notice is to provide direction on the mandatory marking requirements of certain plumbing products which have been manufactured to meet the Lead Free requirements outlined in clause A5G4(2) of the National Construction Code (NCC) 2022 Volume Three (the Plumbing Code of Australia). This notice is to be read in conjunction with **Notice of Direction 2021/4.2 Certification transition arrangements for Lead Free plumbing products**, published by the ABCB in May 2023.

Background

This Notice of Direction is provided in accordance with clause 5(c) of the Rules for the WaterMark Certification Scheme.

The Australian Building Codes Board (ABCB) decided to limit the allowable lead content in plumbing products, which contain copper alloys and are intended for use in contact with drinking water, to a weighted average lead content of not more than 0.25%.

A5G4(2) of NCC 2022 outlines new requirements for any plumbing product containing copper alloy and intended for use in contact with drinking water, as well as the means for demonstrating evidence of suitability to those requirements.

The term 'Lead Free' is defined in NCC 2022 Volume Three as:

Lead Free – where a plumbing product or material in contact with drinking water has a weighted average lead content of not more than 0.25%, as determined in accordance with A5G4(2).

A 3 year transition period was provided in NCC 2022, and from 1 September 2025 A5G4(2) of NCC Volume Three was to take effect. However, due to delays in the registration of the Lead Free WaterMark trademark and ongoing supply chain constraints, the ABCB subsequently redetermined the transition period to commence on 1 May 2023 and cease by 30 April 2026.

From 1 May 2026 only products WaterMark certified as conforming to the Lead Free requirements of NCC Volume Three, where required, will be authorised for use in plumbing installations. Products that do not conform to the Lead Free requirements will no longer have valid certification and will not be authorised for use in contact with drinking water.

From commencement of the transition period, Lead Free marking requirements will be particularly important for all stakeholders in the supply chain to:

- indicate compliance with the Lead Free requirements
- easily differentiate existing certified products and Lead Free certified products, and
- assist regulation at the point of installation.

Lead is currently permitted in small proportions in the raw materials used to manufacture some plumbing products. Whilst the allowable lead levels permitted in these products ensures compliance with the Australian Drinking Water Guidelines, the use of products compliant with the Lead Free requirements will contribute to improved public safety.

Reference Documents

- National Construction Code Volume Three 2022 (NCC 2022), and any subsequent editions
- [Manual for the WaterMark Certification Scheme](#)
- ABCB Notice of Direction 2021/4.2 Certification transition arrangements for Lead Free plumbing products
- ABCB Notice of Direction 2022/1.1 Acceptable copper alloys for Lead Free plumbing products

Direction

The directions are as follows:

- 1.0 The Lead Free requirements are outlined at clause A5G4(2) of the National Construction Code 2022 Volume Three (refer **Notice of Direction 2021/4.2 Certification transition arrangements for Lead Free plumbing products**). Transition arrangements to comply with these requirements by 1 May 2026 commenced on 1 May 2023.
- 2.0 The meaning of words used in this notice are as per the [Manual for the WaterMark Certification Scheme](#) clause 1.3 Definitions.
- 3.0 The meaning of the term 'Lead Free' is defined in NCC 2022 Volume Three. This term, or the abbreviation 'LF', shall be used to describe a product that has been certified to meet the Lead Free requirements.
- 4.0 The marking requirements for WaterMark certified plumbing products are outlined at **Attachment 1** of this Notice - Amended Manual for the WaterMark Certification Scheme – Section 9 | Scope of Use and Marks of Conformity.

Note: for reference **Attachment 1 (A)** of this Notice shows the amendments made (in tracked changes) to Manual for the WaterMark Certification Scheme – Section 9 | Scope of Use and Marks of Conformity. These changes will be incorporated into an updated version of the Manual for the WaterMark Certification Scheme.

- 5.0 From the date of this Notice, any plumbing product WaterMark certified to the Lead Free requirements shall be marked in accordance with the requirements of **Attachment 1**. This is to differentiate the product from versions of the product that have not been certified to the Lead Free requirements.
- 6.0 From the date of this Notice, any packaging, marketing or promotional material associated with a product WaterMark certified to the Lead Free requirements may be marked in accordance with the requirements of **Attachment 1**.
- 7.0 From the date of this Notice, any plumbing product WaterMark certified to the Lead Free requirements shall indicate such compliance on the WaterMark Certificate of Conformity, the product listing on the WaterMark Product Database, the Scope of Use Statement supplied with the product and the Scope of Use information included in the product details on the WaterMark Product Database.

Further Information

Should any WaterMark Certification Scheme stakeholder require further clarification, they should contact the ABCB office directly for further advice on 1300 134 631 or email

watermark@abcb.gov.au.

Date of publication: June 2023

ATTACHMENT 1

Amended Manual for the WaterMark Certification Scheme

Section 9 | WaterMark Scope of Use and Marks of Conformity

9.1 Introduction

9.1.1 Products complying fully with the applicable requirements of the Scheme are identifiable by the relevant Mark of Conformity, which shall be displayed on the product upon the granting of a WaterMark Licence. The Marks of Conformity include the WaterMark and the Lead Free WaterMark.

A product that is listed on the WMPD and is marked in accordance with the Scheme is recognised by authorities having jurisdiction as being certified and authorised for use in a plumbing or drainage installation.

Products used in Australia and supplied under the Scheme shall bear the Mark of Conformity once they have been certified and granted a WaterMark Licence by the Approved Certifier. Applying the WaterMark or the Lead Free WaterMark to the product provides evidence that the product is:

- a) manufactured under a nationally recognised certification scheme and certified by an Approved Certifier;
- b) supplied and warranted by the Approved User as complying with the appropriate applicable specification; and
- c) easily recognised by regulators, tradespeople, distributors and retailers as being WaterMark certified or Lead Free WaterMark certified and authorised for use in a plumbing or drainage installation.

9.2 Ownership of the Marks of Conformity

The Scheme Owner is the registered owner of the WaterMark and the Lead Free WaterMark.

9.3 WaterMark Scope of Use

9.3.1 In addition to the Mark of Conformity, a product shall be provided with a WaterMark Scope of Use. A product displaying a Mark of Conformity but without the required Scope of Use is not an authorised product.

The Scope of Use shall be a statement by the Approved User specifying the intended use of the product (refer example at Figure A). The Scope of Use may include any limitations to the application of the product such water pressure, water temperature or any other operating circumstances. Where applicable, the Scope of Use shall indicate compliance to the Lead Free requirements of the National Construction Code Volume Three.

The statement shall be included with the product when sold and shall be clearly visible and comprehensible to the intending purchaser and user.

The statement may be stamped onto the product, printed on the packaging or included as part of the installation instructions.

Where it is not possible to include this statement as outlined it may be permissible to include advice that the statement is available from a website.

In all cases, Approved Users shall submit a Scope of Use proposal to the Approved Certifier showing the form and manner in which the statement shall be applied to the product. The product licensing is not to conclude until the Scope of Use proposal has been documented and accepted.

Installation is subject to the requirements of the applicable regulatory authority, the National Construction Code Volume Three – Plumbing Code of Australia, associated reference standards as applicable at the time and AS/NZS #####.		
For water supply, drain, waste and vent use only.		
Suitable for indoor and outdoor use.		
To install, tighten each metal band to 5.6Nm torque.		
Test before concealing.		
Elastomeric material:		ePVC.
Max Temp:	Continuous:	30°C
	Intermediate:	60°C < 100 hours within 49 years
Operating Pressure:		10 bar
Max Velocity:		0.7 m/s
All heating installation shall only use demineralised or treated water as the transfer fluid.		
High toxicity or abrasive cleaners are not to be used.		

Figure A – Example of Scope of Use

9.4 Issue of Mark of Conformity

9.4.1 The Approved User is responsible for the correct use of the Mark of Conformity and WMCC reference number on products listed in the WMCC.

Any alleged misuse or misrepresentation of the Mark of Conformity and WMCC reference number should be immediately reported to the Administering Body.

9.5 Use of Marks of Conformity

- 9.5.1 The Approved Certifier shall ensure that a product that has been accorded a Mark of Conformity is appropriately marked.

Products that have been issued certification, but have not been certified to the Lead Free requirements outlined in the National Construction Code Volume Three, shall be marked with the WaterMark (refer Figure B at clause 9.6.1).

Products that have been issued certification to the Lead Free requirements outlined in the National Construction Code Volume Three shall be marked with the Lead Free WaterMark (refer Figure B1 at clause 9.6.1).

The Mark of Conformity shall be applied to the product prior to despatch from the manufacturing site or on arrival at the manufacturer's agent or distributor's Australian warehouse.

- 9.5.2 In exceptional cases where the product is too small to receive a Mark of Conformity, Approved Users may make application for an exemption to display the Mark of Conformity. The Approved Certifier shall make application for exemption to the Administering Body.
- 9.5.3 Use of the Marks of Conformity is not limited to goods manufactured in Australia and, subject to the Scheme Rules, they may be used on goods that are manufactured outside Australia.
- 9.5.4 Approved Certifiers may use the Marks of Conformity on the WMCC, and in promotional material referencing participation in the Scheme and scope of accreditation.
- 9.5.5 The Accreditation Body may use the Marks of Conformity in promotional material referencing participation in the Scheme and on Approved User accreditation documentation.
- 9.5.6 The Scheme Owner and the Administering Body may use the Marks of Conformity in Scheme documentation, promotional material referencing the Scheme and on applicable specifications.

9.6 Acceptable Format

- 9.6.1 The application of a Mark of Conformity on a plumbing and drainage product is a requirement under the PCA. For most applications, the shape and styles of the WaterMark are shown in Figure B below.

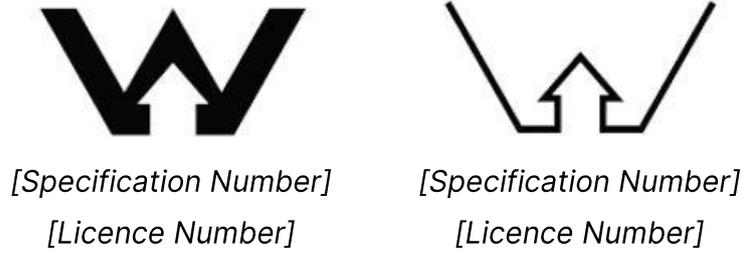


Figure B – WaterMark normal and special presentations

The shape and styles of the *Lead Free WaterMark* are show in Figure B1 Below.

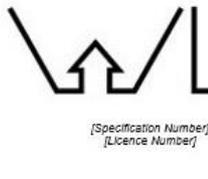
Version 1	Version 2	Version 3	Version 4
			
Option for marking of larger products and on packaging	Option for marking of larger products	Option for marking of smaller products	Option for marking of etched products

Figure B1 – *Lead Free WaterMark* normal and special presentations

9.6.2 When applying for product certification, it is important to resolve the issue of product marking at an early stage. To change marking requirements at a late stage in product development could entail additional cost. Planning allows for time to evaluate the best method of incorporating the Mark of Conformity on the product.

Techniques such as moulding, casting, etching, ink printing, embossing, labelling, painting, stamping, or laser printing, should be considered to produce the desired effect.

Marks of Conformity shall be durable, or incorporated in such a way as to reveal clear evidence of tampering.

When applied, the Mark of Conformity shall be clearly visible and legible. In addition to the Mark of Conformity, any other marking called up by the applicable specification must be included.

If a product manufactured outside Australia is marked with that jurisdiction’s lead free certification mark(s), and subsequently attains *Lead Free WaterMark* certification, including being marked with the *Lead Free WaterMark*, the existing lead free certification mark(s) may be retained.

9.6.3 In addition to paragraphs 9.6.1 and 9.6.2 above, products shall have appropriate marking applied for traceability, identification of a licensed product by installers and other markings relevant to the correct installation and operation of the product.

Markings to be placed on products or packaging shall, as a minimum, include the following:

- a) Approved User's name, brand or trademark;
- b) WaterMark or Lead Free WaterMark;
- c) Licence number;
- d) Batch identification (as required by the applicable specification);
- e) Number of the applicable specification, e.g. WMTS XXX or AS XXXX; and
- f) Other markings relevant to the correct installation and safe operation of the product, e.g. witness marks, use-by dates, direction of flow, and direction of opening/closing.

9.6.4 In certain cases with plumbing and drainage products, space is at a premium and a modified version of the Mark of Conformity may need to be considered, as shown on the right in Figure B for the WaterMark or as shown in Version 3 of Figure B1 for the Lead Free WaterMark.

In a limited number of cases, it is impossible to apply the Mark of Conformity directly to the product (for example solder and fluxes). In these instances, product packaging shall bear the appropriate Mark of Conformity.

9.6.5 Due to the complexity of products, there are many different ways of positioning the Mark of Conformity on products (see Figure C below). Wherever possible, the Approved Certifier shall provide guidance and consider any proposals put forward.

Some of the main criteria in positioning the Mark of Conformity are as follows:

- a) The Mark of Conformity shall be clearly visible on the finished product to indicate the product is certified.
- b) The position of the Mark of Conformity shall clearly indicate the applicable specification to which the product is certified.
- c) Where components are combined, the Mark of Conformity shall be positioned to clearly indicate that the complete assembly is certified.

a) Marked components must not be incorporated or combined in such a manner as to misrepresent certification of another product.

9.6.6 In all cases, Approved Users shall submit a marking proposal to the Approved Certifier showing the form and manner in which the Mark of Conformity is to be used. Licensing / certification cannot take place until the marking proposal has been accepted.

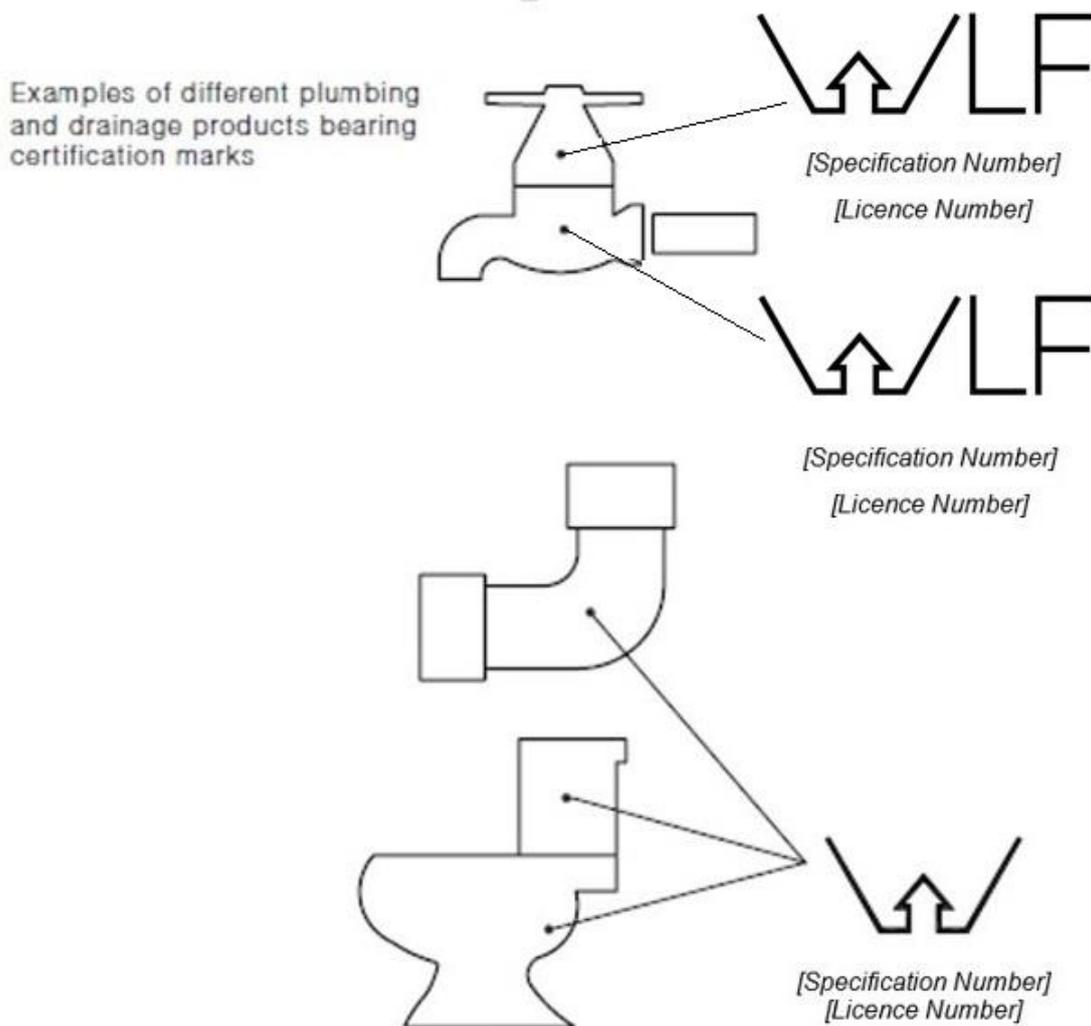


Figure C – Illustrations of WaterMark positions

9.7 Limitations for Use

9.7.1 The Mark of Conformity shall only be shown on or be associated with a product that has been duly certified and where the Approved User has been appropriately licensed.

9.7.2 The Mark of Conformity shall only be used in communication media, such as documents, brochures and advertising that is specific to the certified product. When more than one

product is featured, the Mark of Conformity shall only be used in association with the certified product.

- 9.7.3 WMCC holders shall not use the product's certification in such a manner as to bring the Scheme Owner, the Administering Body, the Accreditation Body, or an Approved Certifier into disrepute or make any statements regarding product certification which may be considered misleading or unauthorised.
- 9.7.4 Upon suspension or withdrawal of a WMCC, the use of advertising material that contains any reference to WaterMark certification shall discontinue immediately.
- 9.7.5 In making reference to a WMCC in communication media, such as documents, brochures and advertising, it is the WMCC holder's responsibility to ensure compliance with the requirements of the Approved Certifier and the Scheme Rules.

9.8 Misuse of Mark of Conformity

- 9.8.1 An Approved User shall not apply the Mark of Conformity on products, and/or related communication media, that do not comply with applicable specifications and shall not apply the Mark of Conformity in a way that might be misleading or deceptive.
- 9.8.2 An Approved User shall not at any time during or after the term of an Approved User Agreement:
 - a) register or attempt to register or use as a trade mark any of the Marks of Conformity or any device or word substantially identical with or deceptively or confusingly similar to any of the Marks of Conformity; or
 - b) oppose or contest the validity of any application for registration or registration of the Marks of Conformity by the Scheme Owner or any of its Related Bodies Corporate.
- 9.8.3 An Approved Certifier shall not, and shall ensure that each of its Approved Users do not, at any time during or after the term of an Approved User Agreement:
 - a) register or attempt to register or use as a trade mark any of the Marks of Conformity or any device or word substantially identical with or deceptively or confusingly similar to any of the Marks of Conformity; or
 - b) oppose or contest the validity of any application for registration or registration of the Marks of Conformity by the Scheme Owner or any of its Related Bodies Corporate.

9.8.4 Misuse of the Marks of Conformity and WMCC reference number under the Scheme, including but not limited to misleading use of certificates or the Marks of Conformity in documents, brochures and advertising, may result in suspension or termination of certification.

9.9 Dispensation

9.9.1 Upon the granting of a WMCC no dispensation shall be offered to Approved Users from identifying the Mark of Conformity with products complying fully with the applicable requirements of the Scheme.

ATTACHMENT 1 (A) showing amendments in tracked changes

Amended Manual for the WaterMark Certification Scheme

Section 9 | WaterMark Scope of Use and Marks of Conformity

9.1 Introduction

9.1.1 Products complying fully with the applicable requirements of the Scheme are identifiable by the relevant ~~WaterMark~~ Mark of Conformity, which shall be displayed on the product upon the granting of a WaterMark Licence. The ~~WaterMark~~ Marks of Conformity include the WaterMark and the Lead Free WaterMark.

A product that is listed on the WMPD and is marked in accordance with the Scheme is recognised by authorities having jurisdiction as being certified and authorised for use in a plumbing or drainage installation.

Products used in Australia and supplied under the Scheme shall bear the WaterMark Mark of Conformity once they have been certified and granted a WaterMark Licence by the Approved Certifier. Applying the WaterMark or the Lead Free WaterMark to the product provides evidence that the product is:

- a) manufactured under a nationally recognised certification scheme and certified by an Approved Certifier;
- b) supplied and warranted by the Approved User as complying with the appropriate applicable specification; and
- c) easily recognised by regulators, tradespeople, distributors and retailers as being WaterMark certified or Lead Free WaterMark certified and authorised for use in a plumbing or drainage installation.

9.2 Ownership of the ~~WaterMark~~ (Marks of Conformity)

The Scheme Owner is the registered owner of the WaterMark and the Lead Free WaterMark.

9.3 WaterMark Scope of Use

9.3.1 In addition to the ~~WaterMark~~ Mark of Conformity, a product shall be provided with a WaterMark Scope of Use. A product displaying a Mark of Conformity but without the required Scope of Use is not an authorised product.

The Scope of Use shall be a statement by the Approved User specifying the intended use of the product (refer example at Figure A). The Scope of Use may include any limitations to the application of the product such water pressure, water temperature or any other operating circumstances. [Where applicable, the Scope of Use shall indicate compliance to the Lead Free requirements of the National Construction Code Volume Three.](#)

The statement shall be included with the product when sold and shall be clearly visible and comprehensible to the intending purchaser and user. The statement may be stamped onto the product, printed on the packaging or included as part of the installation instructions.

Where it is not possible to include this statement as outlined it may be permissible to include advice that the statement is available from a website.

In all cases, Approved Users shall submit a Scope of Use proposal to the Approved Certifier showing the form and manner in which the statement shall be applied to the product. The product licensing is not to conclude until the Scope of Use proposal has been documented and accepted.

Installation is subject to the requirements of the applicable regulatory authority, the National Construction Code Volume Three – Plumbing Code of Australia, associated reference standards as applicable at the time and AS/NZS #####.		
For water supply, drain, waste and vent use only.		
Suitable for indoor and outdoor use.		
To install, tighten each metal band to 5.6Nm torque.		
Test before concealing.		
Elastomeric material:	ePVC.	
Max Temp:	Continuous:	30°C
	Intermediate:	60°C < 100 hours within 49 years
Operating Pressure:	10 bar	
Max Velocity:	0.7 m/s	
All heating installation shall only use demineralised or treated water as the transfer fluid.		
High toxicity or abrasive cleaners are not to be used.		

Figure D – Example of Scope of Use

9.4 Issue of Mark of Conformity

9.4.1 The Approved User is responsible for the correct use of the [WaterMark_Mark of Conformity](#) and WMCC reference number on products listed in the WMCC.

Any alleged misuse or misrepresentation of the [WaterMark_Mark of Conformity](#) and WMCC reference number should be immediately reported to the Administering Body.

9.5 Use of ~~WaterMark~~ Marks of Conformity

9.5.1 The Approved Certifier shall ensure that a product that has been accorded a ~~WaterMark~~ Mark of Conformity is appropriately marked.

Products that have been issued certification, but have not been certified to the Lead Free requirements outlined in the National Construction Code Volume Three, shall be marked with the ~~WaterMark~~ (refer Figure B at clause 9.6.1).

Products that have been issued certification to the Lead Free requirements outlined in the National Construction Code Volume Three shall be marked with the ~~Lead Free WaterMark~~ (refer Figure B1 at clause 9.6.1).

The ~~WaterMark~~ Mark of Conformity shall be applied to the product prior to despatch from the manufacturing site or on arrival at the manufacturer's agent or distributor's Australian warehouse.

9.5.2 In exceptional cases where the product is too small to receive a ~~WaterMark~~ Mark of Conformity, Approved Users may make application for an exemption to display the ~~WaterMark~~ Mark of Conformity.

The Approved Certifier shall make application for exemption to the Administering Body.

9.5.3 Use of the ~~WaterMark~~ Marks of Conformity is not limited to goods manufactured in Australia and, subject to the Scheme Rules, ~~it~~ they may be used on goods that are manufactured outside Australia.

9.5.4 Approved Certifiers may use the ~~WaterMark~~ Marks of Conformity on the WMCC, and in promotional material referencing participation in the Scheme and scope of accreditation.

9.5.5 The Accreditation Body may use the ~~WaterMark~~ Marks of Conformity in promotional material referencing participation in the Scheme and on Approved User accreditation documentation.

9.5.6 The Scheme Owner and the Administering Body may use the ~~WaterMark~~ Marks of Conformity in Scheme documentation, promotional material referencing the Scheme and on applicable specifications.

9.6 Acceptable Format

9.6.1 The application of a ~~WaterMark~~ Mark of Conformity on a plumbing and drainage product is a requirement under the PCA. For most applications, the shape and styles of the ~~WaterMark~~ are shown in Figure B below.

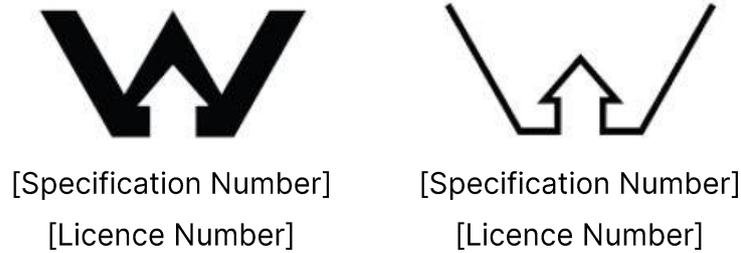


Figure E – [WaterMark](#) normal and special presentations

[The shape and styles of the Lead Free WaterMark are show in Figure B1 Below.](#)

Version 1	Version 2	Version 3	Version 4
Option for marking of larger products and on packaging	Option for marking of larger products	Option for marking of smaller products	Option for marking of etched products

Figure B1 – [Lead Free WaterMark](#) normal and special presentations

9.6.2 When applying for product certification, it is important to resolve the issue of product marking at an early stage. To change marking requirements at a late stage in product development could entail additional cost. Planning allows for time to evaluate the best method of incorporating the [WaterMark-Mark of Conformity](#) on the product.

Techniques such as moulding, casting, etching, ink printing, embossing, labelling, painting, stamping, or laser printing, should be considered to produce the desired effect.

Marks of Conformity shall be durable, or incorporated in such a way as to reveal clear evidence of tampering.

When applied, the [WaterMark-Mark of Conformity](#) shall be clearly visible and legible. In addition to the Mark of Conformity, any other marking called up by the applicable specification must be included.

[If a product manufactured outside Australia is marked with that jurisdiction’s lead free certification mark\(s\), and subsequently attains Lead Free WaterMark certification, including being marked with the Lead Free WaterMark, the existing lead free certification mark\(s\) may be retained.](#)

9.6.3 In addition to paragraphs 9.6.1 and 9.6.2 above, products shall have appropriate marking applied for traceability, identification of a licensed product by installers and other markings relevant to the correct installation and operation of the product.

Markings to be placed on products or packaging shall, as a minimum, include the following:

- a) Approved User's name, brand or trademark;
- b) WaterMark or Lead Free WaterMark;
- c) Licence number;
- d) Batch identification (as required by the applicable specification);
- e) Number of the applicable specification, e.g. WMTS XXX or AS XXXX; and
- f) Other markings relevant to the correct installation and safe operation of the product, e.g. witness marks, use-by dates, direction of flow, and direction of opening/closing.

9.6.4 In certain cases with plumbing and drainage products, space is at a premium and a modified version of the WaterMark-Mark of Conformity may need to be considered, as shown on the right in Figure B for the WaterMark or as shown in Version 3 of Figure B1 for the Lead Free WaterMark.

In a limited number of cases, it is impossible to apply the WaterMark-Mark of Conformity directly to the product (for example solder and fluxes). In these instances, product packaging shall bear the appropriate WaterMark-Mark of Conformity.

9.6.5 Due to the complexity of products, there are many different ways of positioning the WaterMark-Mark of Conformity on products (see Figure C below). Wherever possible, the Approved Certifier shall provide guidance and consider any proposals put forward.

Some of the main criteria in positioning the WaterMarks-Mark of Conformity are as follows:

- a) The WaterMark-Mark of Conformity shall be clearly visible on the finished product to indicate the product is certified.
- b) The position of the WaterMark-Mark of Conformity shall clearly indicate the applicable specification to which the product is certified.

- c) Where components are combined, the [WaterMark-Mark of Conformity](#) shall be positioned to clearly indicate that the complete assembly is certified.
- d) Marked components must not be incorporated or combined in such a manner as to misrepresent certification of another product.

9.6.6 In all cases, Approved Users shall submit a marking proposal to the Approved Certifier showing the form and manner in which the [WaterMark-Mark of Conformity](#) is to be used. Licensing / certification cannot take place until the marking proposal has been accepted.

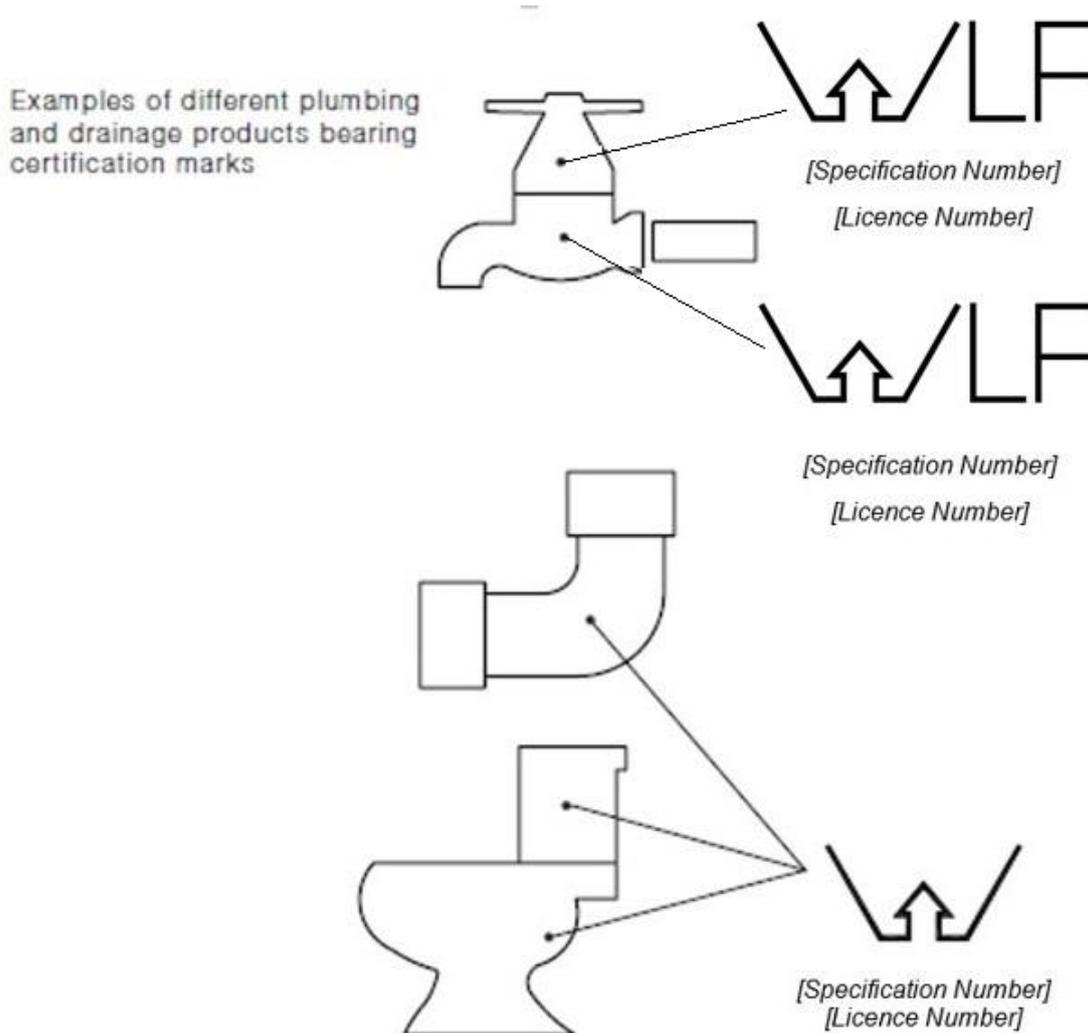


Figure F – Illustrations of WaterMark positions

9.7 Limitations for Use

9.7.1 The [WaterMark-Mark of Conformity](#) shall only be shown on or be associated with a product that has been duly certified and where the Approved User has been appropriately licensed.

- 9.7.2 The ~~WaterMark~~ [Mark of Conformity](#) shall only be used in communication media, such as documents, brochures and advertising that is specific to the certified product. When more than one product is featured, the ~~WaterMark~~ [Mark of Conformity](#) shall only be used in association with the certified product.
- 9.7.3 WMCC holders shall not use the product's certification in such a manner as to bring the Scheme Owner, the Administering Body, the Accreditation Body, or an Approved Certifier into disrepute or make any statements regarding product certification which may be considered misleading or unauthorised.
- 9.7.4 Upon suspension or withdrawal of a WMCC, the use of advertising material that contains any reference to ~~the WaterMark~~ [certification](#) shall discontinue immediately.
- 9.7.5 In making reference to a WMCC in communication media, such as documents, brochures and advertising, it is the WMCC holder's responsibility to ensure compliance with the requirements of the Approved Certifier and the Scheme Rules.

9.8 Misuse of Mark of Conformity

- 9.8.1 An Approved User shall not apply the ~~WaterMark~~ [Mark of Conformity](#) on products, and/or related communication media, that do not comply with applicable specifications and shall not apply the ~~WaterMark~~ [Mark of Conformity](#) in a way that might be misleading or deceptive.
- 9.8.2 An Approved User shall not at any time during or after the term of an Approved User Agreement:
- a) register or attempt to register or use as a trade mark any of the ~~WaterMarks~~ [Marks of Conformity](#) or any device or word substantially identical with or deceptively or confusingly similar to any of the ~~WaterMarks~~ [Marks of Conformity](#);
or
 - b) oppose or contest the validity of any application for registration or registration of the ~~WaterMarks~~ [Marks of Conformity](#) by the Scheme Owner or any of its Related Bodies Corporate.
- 9.8.3 An Approved Certifier shall not, and shall ensure that each of its Approved Users do not, at any time during or after the term of an Approved User Agreement:
- a) register or attempt to register or use as a trade mark any of the ~~WaterMarks~~ [Marks of Conformity](#) or any device or word substantially identical with or

deceptively or confusingly similar to any of the [WaterMark Marks of Conformity](#);
or

- b) oppose or contest the validity of any application for registration or registration of the [WaterMark Marks of Conformity](#) by the Scheme Owner or any of its Related Bodies Corporate.

9.8.4 Misuse of the [WaterMark Marks of Conformity](#) and WMCC reference number under the Scheme, including but not limited to misleading use of certificates or the [WaterMark Marks of Conformity](#) in documents, brochures and advertising, may result in suspension or termination of certification.

9.9 Dispensation

9.9.1 Upon the granting of a WMCC no dispensation shall be offered to Approved Users from identifying the [WaterMark](#) Mark of Conformity with products complying fully with the applicable requirements of the Scheme.