Mark Surveillance

Legal Scope:

Global

Business Scope:

Cross Business

Process Scope:

6.3 Service Delivery

1. Process Overview

2. Process Objectives

- Defining the handling of inquiries or complaints arising from any internal or external party, related to a conformity assessment document or object or appeals against a conformity assessment decision
- Defining the follow up on possible test and trade mark misuse inquiries raised by end users, external customers, TÜV Rheinland personnel, authorities or others, or discovered through proactive monitoring measures against compliance to the rules and regulations of using TÜV Rheinland's brand name, logo and mark of conformity.
- Harmonizing Mark Surveillance approaches globally for handling possible mark misuse or incidents related to products, services, management system or persons assessed by TÜV Rheinland or other referencing to TÜV Rheinland in a non-authorized way, as well as handling of appeals
- Ensure the systematic categorizing and investigation of any form of mark misuses to strengthen the protection of our marks of conformity and the TÜV Rheinland brand overall
- Ensuring compliance/conformity to requirements, e.g. accreditation standards by release of a global process to manage Mark Surveillance cases

3. Principles, Terms and Abbreviations

Terms/Abbreviations	Description
Inquiry	Question approaching TÜV Rheinland regarding a conformity assessment document or object
Complaint	Expression of dissatisfaction other than appeal, by any person or organization to a conformity assessment body or accreditation body, relating to the activities of that body, where a response is expected
Appeal	Request to reconsider a conformity assessment decision

Mark Surveillance

Active Mark Surveillance	Actively spot-checking objects advertised/labelled in reference to TÜV Rheinland, including online research for mark misuse, trade fair surveillance, and mystery shopping incl. retest to control the use of TÜV Rheinland marks.
Service Delivery Complaint	A Service Delivery complaint is the claim from an internal or external customer about a contractually agreed part of a contracted service which was not fulfilled
Conformity Assessment	Demonstration that specified requirements relating to a product, process, system, person or body are fulfilled
Certification	Third-party attestation related to products, processes, systems or persons
Object of Conformity Assessment	Any particular material, product, services, installation, process, system, person or body to which conformity assessment is applied to
Accreditation	Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks
Conformity Assessment Body	Body that performs conformity assessment services
Third-Party Mark of Conformity	Protected mark issued by a body performing third-party conformity assessment, indicating that an object of conformity assessment is in conformity with specified requirements
Mark Misuse	Unauthorized use of TÜV Rheinland marks of conformity / logos, or other referencing to TÜV Rheinland e.g. falsification of documents, certified object changed in a non-authorized way
Black List	List of misuses of the TÜV Rheinland marks made public online (External References)
A&C	Service Function Accreditation and Certification
BS	Business Stream
B-EVP	Business Executive Vice President
BF	Business Field
RFM/C	Regional Field Manager/Coordinator
GFM/C	Global Field Manager/Coordinator
FLE	First Level Employee
KA	Key Account
KAM	Key Account Manager
KPI	Key Performance Indicator
MS	Mark Surveillance
PPI	Process Performance Indicator
TR	TÜV Rheinland
QM	Quality Management
WD	Working Day

In Scope:
This process describes the handling of conformity assessment related inquiries, complaints, appeals, follow up on possible mark misuse inquiries raised by end users, internal or external customers, TÜV Rheinland personnel, authorities or others, as well as Active Mark Surveillance, the proactive monitoring measures against compliance to the rules and regulations of using TÜV Rheinland's brand name, logo and marks of conformity.

Out of Scope:
Service Delivery Complaints are out of scope of this SOP (for Service Delivery Complaints see chapter "12 Related Documents")

Principles:
As conformity assessment related inquiries may turn into complaints regarding the outcome of the investigation, below workflows term "inquiries" shall include complaints, so to not judge the intention of an inquirer (complainant) in regards to their question/approach towards TÜV Rheinland.

Process owner of the Global Process Mark Surveillance process is Service Function Accreditation and Certification.

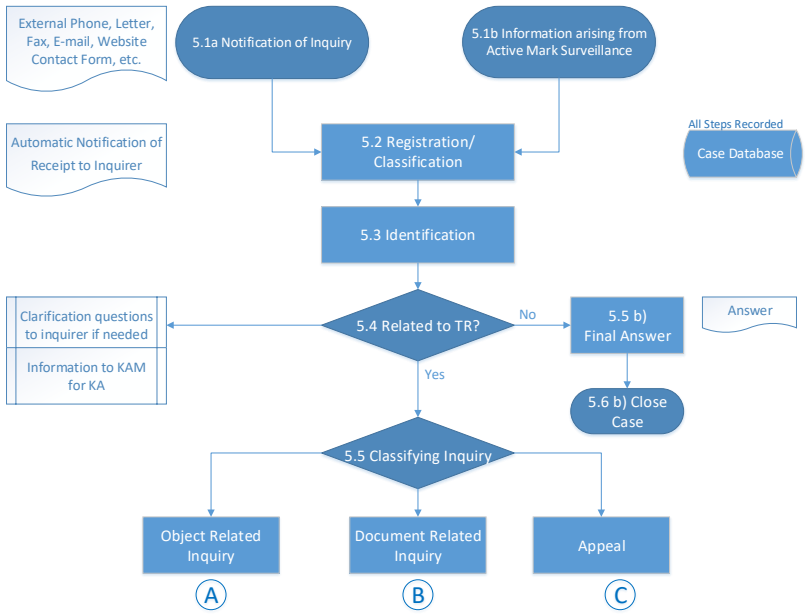
Each Conformity Assessment Body is responsible to work off Mark Surveillance cases, which have been addressed to it.

To avoid conflicts of interest appeals/complaints must be analyzed and processed by qualified and independent personnel.

4. Scope of Application

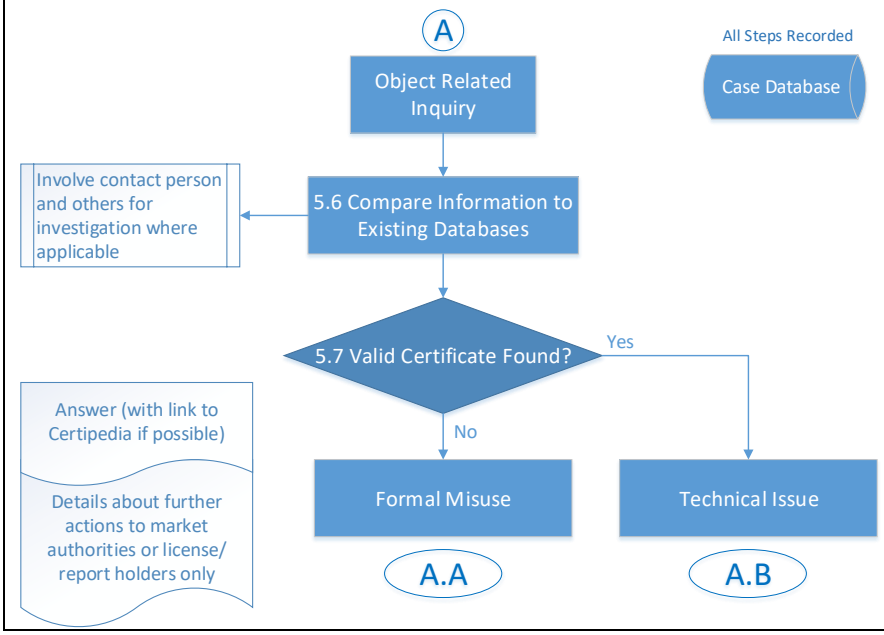
No specification of the legal scope.

5. Process Flow

Process Flow Chart	Description of Process Steps	Responsible*
	5.1a Notification of the inquiry 5.1b Active Mark Surveillance finding	5.1 Internal or External Notifier
	5.2 Registration and classification of the case in Case Database	5.2 FLE
	5.3 Identification of information of the case	5.3 Case Supervisor
	5.4 The inquiry is evaluated whether it is related to TÜV Rheinland	5.4 Case Supervisor
	5.5 b) If inquiry is not related to TR this shall be answered	5.5 b) Case Supervisor
	5.6 b) and case shall be closed	5.6 b) Case Supervisor
	5.5 If information relates to TR, case shall be identified as conformity assessment object or document related or appeal (see below flow charts)	5.5 Case Supervisor

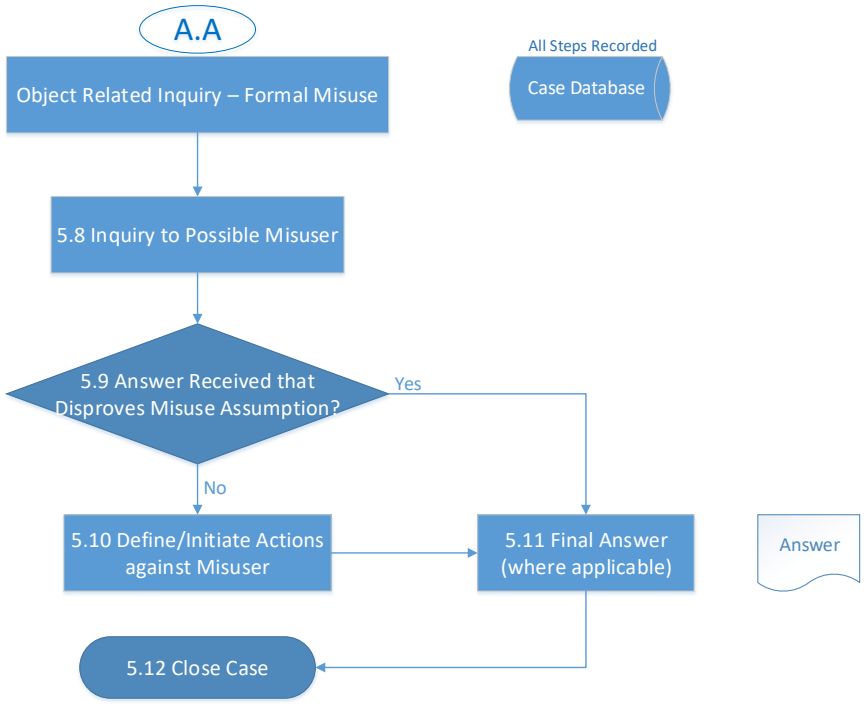
***Responsible for the process step**

Mark Surveillance

Process Flow Chart	Description of Process Steps	Responsible*
	5.6 Comparing inquired object to TR Databases (SAP Core, Certipedia, IPMS etc.) 5.7 If no valid conformity assessment can be identified (incl. valid while placed on market or time of occurrence) a Formal Misuse is assumed, otherwise a technical issue (see below flowcharts)	5.6 Case Supervisor 5.7 Case Supervisor

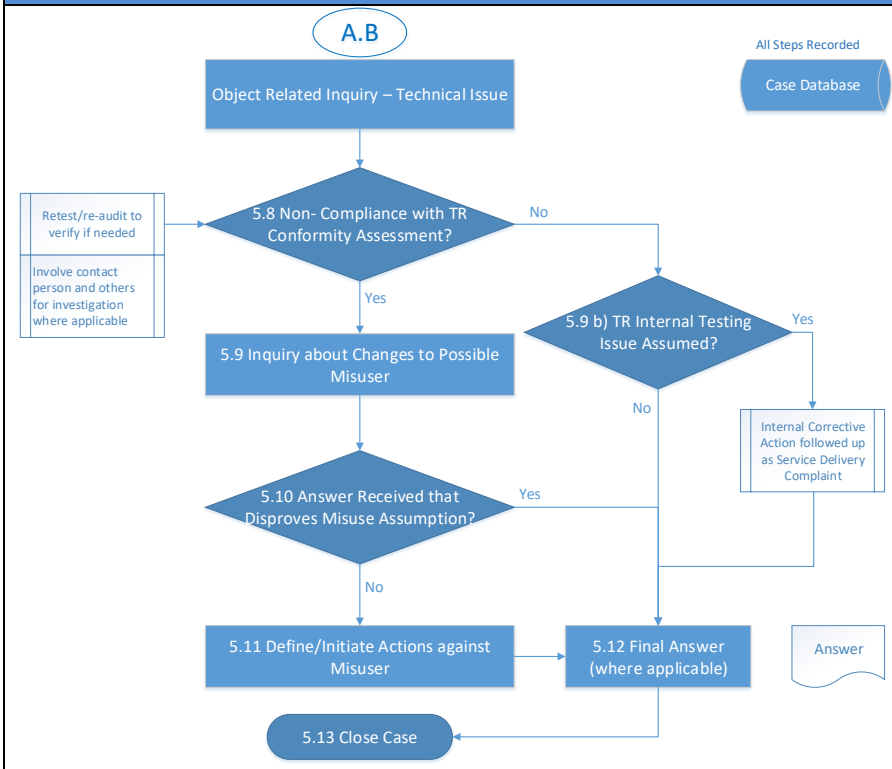
*Responsible for the process step

Mark Surveillance

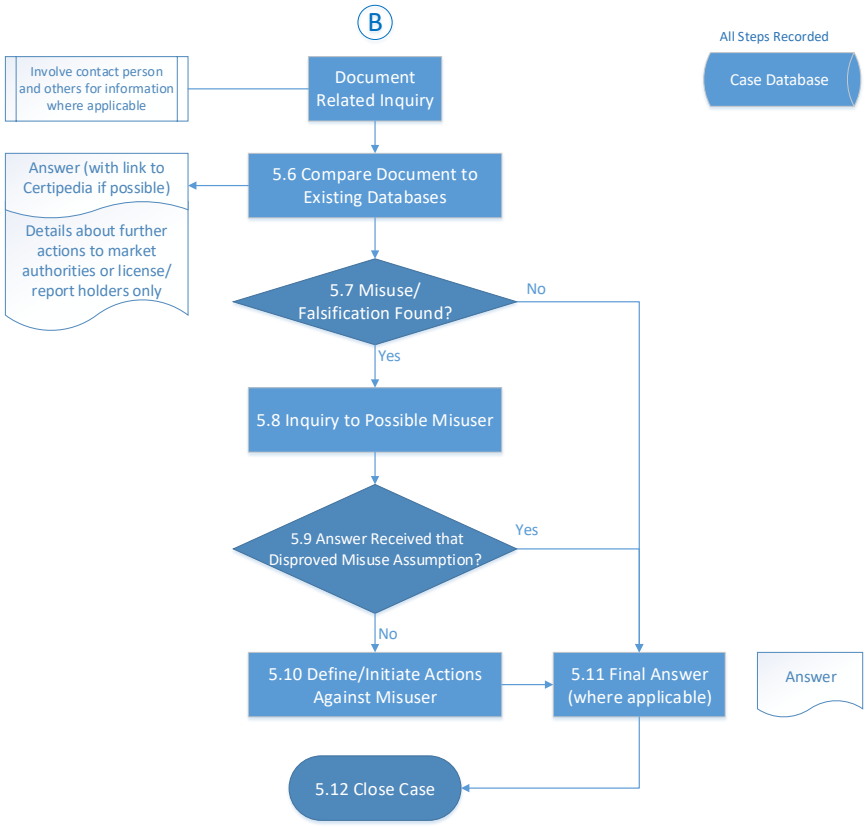
Process Flow Chart	Description of Process Steps	Responsible*
	5.8 Inquiry to possible misuser via letter, fax or email 5.9 Evaluate received answer (if any) 5.10 If answer does not disprove misuse (or no answer given) actions against the misusers shall be defined and initiated 5.11 Final reply about the outcome shall be given to inquirer where applicable 5.12 After checking that all information is recorded, case shall be closed	5.8 Case Supervisor 5.9 Case Supervisor 5.10 Case Supervisor 5.11 Case Supervisor 5.12 Case Supervisor

***Responsible for the process step**

Mark Surveillance

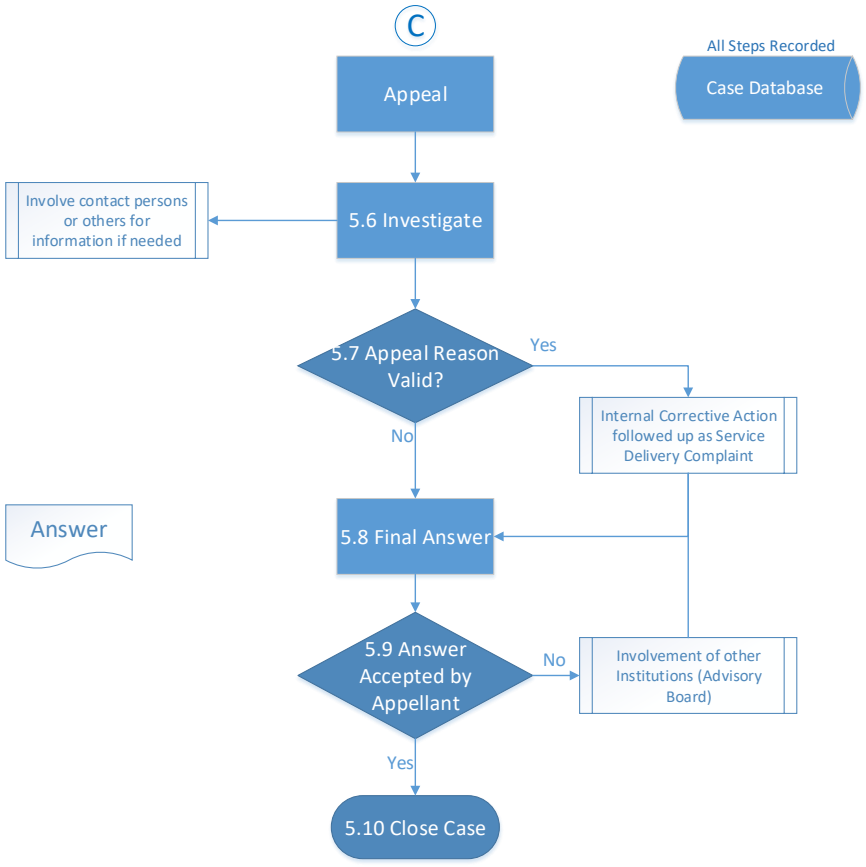
Process Flow Chart	Description of Process Steps	Responsible*
	5.8 Performing of technical evaluation whether inquired object complies with a conformity assessment or not acc. to the presented facts. Retest on drawn sample might be needed	5.8 Dedicated Contact Person (technical expert)
	5.9 b) If no, non-compliance of the inquired object to the conformity assessment is assumed (assumption: same as certified) it shall be evaluated whether an internal testing issue happened, if so, Case Supervisor shall open a Service Delivery Case in CRM to be handled by QM CMR. Outcome of internal investigation shall be taken into account prior to final answer given by Case Supervisor	5.9 b) Dedicated Contact Person + Case Supervisor
	5.9 If a non-compliance with the conformity assessment, is assumed (object is different than certified) the case supervisor inquires with the alleged misuser about the changes via letter, fax or email	5.9 Case Supervisor
	5.10 Evaluate received answer (if any)	5.10 Case Supervisor
	5.11 If answer does not disprove misuse (or no answer given) actions against the misusers shall be defined and initiated	5.11 Case Supervisor
	5.12 Final reply about the outcome shall be transferred to inquirer where applicable	5.12 Case Supervisor
	5.13 After checking that information is recorded, case shall be closed	5.13 Case Supervisor

Mark Surveillance

Process Flow Chart	Description of Process Steps	Responsible*
	5.6 Comparing inquired document to TR databases (SAP Core, Certipedia, IPMS etc.) and check whether document is altered or not, consult others if needed	5.6 Case Supervisor
	5.7 Evaluating if document had been altered or misused	5.7 Case Supervisor (or Consulted Expert)
	5.8 If misuse is established: Inquiry to possible misuser via letter, fax or email	5.8 Case Supervisor
	5.9 Evaluate received answer (if any)	5.9 Case Supervisor
	5.10 If answer does not disprove misuse (or no answer given) actions against the misusers shall be defined and initiated	5.10 Case Supervisor
	5.11 Final reply about the outcome shall be given to inquirer where applicable	5.11 Case Supervisor
	5.12 After checking that all information is recorded, case shall be closed	5.12 Case Supervisor

***Responsible for the process step**

Mark Surveillance

Process Flow Chart	Description of Process Steps	Responsible*
	5.6 Investigation of the appeal background, (parties to be involved might include Accreditation Body**)	5.6 Case Supervisor (and Accreditation Body**)
	5.7 Evaluation whether the reason for rejecting the conformity assessment decision is valid. If so, Case Supervisor shall open a Service Delivery Case in CRM to be handled by QM CMR. Outcome of internal investigation shall be taken into account prior to final answer given by Case Supervisor	5.7 Case Supervisor (or Accreditation Body**)
	5.8 Final reply about the outcome shall be given to appellant	5.8 Case Supervisor
	5.9 After checking that all information is recorded, case shall be closed	5.9 Case Supervisor

*Responsible for the process step

**Depending on accreditation requirements, appeals will have to be filed with Accreditation Body, who act as final level of an appeal and the CB shall abide by their decision, accreditation requirements and accreditation body´s decision must be followed.

Communication:

- A notification of receipt of an inquiry (complaint/appeal) shall be given to the inquirer
- A (preliminary) answer shall be given to inquirer as soon as sufficient information is available, not later than one month after inquiry is received
- In case of conformity assessment related complaint, the Case Supervisor shall give a written notice in name
  of the Conformity Assessment Body containing the outcome of the investigation and the end of the complaint process to the complainant where possible
- In case of an appeal, the Case Supervisor shall give a written notice in name of the Conformity Assessment Body containing the outcome and the end of the appeal to the appellant

Criticality:

Evaluation of Criticality Level 1 (lowest) to 3 (highest) shall be based on key factors (See Attachments):

- Intention of Inquiry
- Type of Inquirer
- Risk

Mark Surveillance

Internal Parties to be involved:

- All Criticality Level 2 Cases: Information to related Regional Field Manager / Coordinator
- All Criticality Level 3 Cases: Information to related Global Field Manager / Coordinator
- Respective legal department as well as management of legal entity shall be involved in case of possible claim (threat of legal proceedings or actions possibly resulting in damage claims) or if legal steps are to be
  taken against misusers
- VTÜ Versicherungsvermittlung GmbH (Insurance Agency Ltd.) shall be involved in case of damage claims against TÜV Rheinland
- Public Relations department shall be involved to handle communication for all media inquiries

Reference Value for Case Lead Time:

20 Working Days

Reference Values for Escalation due to Delay:

- Recording of Case after Incoming: 1 WD
- Clarification with Contact Person: 4 WD
- 1. Escalation (if no answer) RFM/C: +5 WD
- 2. Escalation (if no answer) GFM/C: +3 WD
- 3. Escalation (if no answer) B-EVP

Actions Against External Misuser:

Actions Against a Misuser Shall Include (where possible acc. to contractual agreement and local law):

- Prohibition of misuse
- Black List (except misuse related to person as object of conformity assessment)

Further Action As Applicable (acc. to scheme requirements, contractual agreement and local law):

- Blocking of client for further services, e.g. block in SAP/Salesforce
- Informing external parties e.g. committees, market authorities etc.
- Suspension of certificates
- Cancellation of certificates
- Cancellation of General Agreement
- Shorter surveillance cycles, e.g. 4 x factory inspections within next 12 months
- Special inspection
- Sample drawing at point of sale & retest
- Legal actions
- Increased surveillance
- Specific actions as given by accreditation requirements
- Or others

Reporting:
Overview of cases shall be reported by BS once per month including no. of cases per to Corporate Mark Surveillance (See Attachments):

- Lead Time (see PPI On-time delivery)
- Information Accuracy/ Error Rate (see PPI Quality)
- Business Field
- Conformity Assessment Body
- Testing Location
- Type of Case
- Criticality Level

6. Process Performance Indicators (Definition & Calculation of KPIs or PPIs)

6.1 Definition of indicators

PPI On-time delivery: Cases closed within defined lead time (20 WD)

PPI Quality: Cases closed with accurate and complete information:
Answer to external party is given and recorded
Applicable external corrective actions are initiated and recorded
Information on related BS / BF / Test Location / Certificate etc. is recorded

6.2 Calculation of indicators

PPI Lead time: Cases older than 20 WD / All cases
PPI Quality: Cases missing information / All cases

7. Process Risks & Opportunities

7.1 Risks

Loss of accreditation if accreditation requirements are not met
Danger to end consumers caused by non-compliant objects
Loss of profit if our marks of conformity are used illegally without certification fees
Loss of reputation – misuse can damage our brand

7.2 Opportunities

Protection of end consumers
Protection of our brand reputation – also for our compliant clients
Possible business leads – former misusers becoming later compliant clients

8. Process Roles & Responsibilities

Process Roles	Responsibilities
Service Function Accreditation and Certification	Accountable for the Process Mark Surveillance
Conformity Assessment Body	Responsible for the conformity assessment related complaint/appeal process
Mark Surveillance Stream Coordinator	Coordinating case handling within the Business Stream, analysis and reporting of cases
Case Supervisor	Acting in the name of the Conformity Assessment Body/Bodies. Responsible for overall case handling, involving related parties into the process, decision-making, external communication, evaluation and closing of the case. The Case Supervisor must not have been involved in testing or certification process of the referred object of a case.
Dedicated Contact Person	To be consulted and involved for cases relating to their expertise, supporting with technical statement in regards to presented issues e.g. Business Field Contact Person
First Level Employee (FLE)	Registration of case in case database

9. Interested Parties

Interested Parties	Expectations
TÜV Rheinland Group	Protection of the TÜV Rheinland brand
Accreditation Body	Fulfilment of accreditation standards
Authority	Fulfilment of accreditation standards
External Customer	Fulfilment of contract
End Consumer	TÜV Rheinland brand stands for quality and safety
BS/BF	Support on Mark Surveillance issues through A&C
Service Function A&C	Fulfilment of accreditation standards
Service Function QM	Fulfilment of quality standards
Sales/KAM	All information regarding clients
Legal	Fulfilment of laws and regulations
Public Relations	Information in case of media inquiry
Insurance	Information in case of damage claims

10. Specifications

N/A

11. Attachments

Criticality Rating Matrix.xlsx
MS Monthly Report Template.xlsx

12. Related Documents

MS-0000372 - Main Process Complaint Management

13. External Reference Documents

ISO Guide 27
ISO/IEC 17000
ISO/IEC 17021
ISO/IEC 17024
ISO/IEC 17030
ISO/IEC 17065

Black List
https://www.tuv.com/world/en/black-list/index.jsp