



## OMS Trademark – The Legally Compliant Use

The OMS mark is protected for the OMS-Group by numerous trademark registrations (“OMS trademark”). In Germany, these are the **OMS** wordmark and the  mark, as well as the  mark in Europe and many other countries. In addition, the following EU certification marks are registered as OMS certification marks for the OMS-Group in Europe:



The use of an OMS certification mark for measuring devices and accessories requires a certificate of compliance with the OMS Specification and a trademark licence.

The use of OMS certification marks – or any other OMS trademarks – in commercial transactions for non-certified products may constitute a trademark violation. At the same time, this may also constitute misleading the public unfairly. Both can lead to claims for injunctive relief and damages.

For a legally compliant use of the OMS trademarks, the following paragraphs must be observed.

### OMS Certificates and Trademark Licence



With the certification of certain products, the manufacturer can acquire a trademark licence<sup>1</sup>. This gives it the right to use the respective OMS certification mark on certified products for the duration of the certificate and to advertise these products with the OMS certification mark.



Without a certificate and without a trademark licence, the use of any OMS trademark for products may constitute a trademark violation. This applies for the use on the products themselves, in product descriptions or in advertising for these products.

Certificate and trademark licences are only valid for individual products. If a manufacturer has only OMS-certified certain products, the use of the OMS certification marks or other OMS trademarks must not create the incorrect impression that its other products are also OMS-certified.

This applies regardless of membership in the OMS-Group.

### OMS Membership

Members of the OMS-Group may use the  mark, or the  mark as a reference to their membership in the OMS-Group for the external presentation of their company, e.g. in company brochures or on the company website and in advertising.

However, members of the OMS-Group are also not allowed to create the impression that all their products are OMS-certified when using the  mark, or  mark, if this is not actually the case.

When members use an OMS trademark for individual products, the above-mentioned requirements for the respective product also apply, namely the requirements for an OMS certificate and a trademark licence.

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<sup>1</sup> The acquisition of a trademark licence for products certified by DVGW CERT has been possible since the second quarter of 2024.



## **OMS Trademark – The Legally Compliant Use**

### **Use of "OMS" without Certificate, Licence, Membership**

The use of an OMS trademark in commercial transactions is only permitted under the above-mentioned conditions.

Any other commercial use of OMS trademarks in connection with measurement technology devices may constitute a trademark violation and lead to claims for injunctive relief and damages by the OMS Group. Any use may then also violate competition law and competitors and competition associations may be entitled to claims for injunctive relief and damages.

This also applies to assertions of compliance with the OMS specification, as long as the products have not yet been certified for the OMS specification in question. E.g. references to products such as “OMS compatible”, “according to OMS” or “OMS capable” without the presence of an OMS certificate for these products may also constitute trademark violations and violations of competition law.