

Empa
Überlandstrasse 129
CH-8600 Dübendorf
T +41 58 765 11 11
F +41 58 765 11 22
www.empa.ch

Information Note

*concerning the use of Empa reports for advertising purposes
as well as the publication of their contents*

Under circumstances, Empa test reports may be employed as an effective advertising means. However, in view of the independence and neutrality of the Empa, it is required that certain rules be strictly adhered to. This lies in the interest of the client himself, since violations generally damage the image of the Empa and thus decrease the effectiveness of the advertising. If a client issues a contract with the intention of utilizing the test report for advertising purposes, he is therefore advised to inform the respective Empa department of this intention at the outset. In this way, he can also avoid unpleasant surprises (for example, the mentioning of fabrication secrets in the text of the report). The following rules must be adhered to:

1. Authorization Requirements

The use of Empa test reports for advertising purposes as well as the publication of their contents in written or other form, including the mere mention of an Empa test, is permitted only with the express written consent of the Empa (Article 12, Paragraph 2, lit. e of the ETH-Council Regulation concerning the Swiss Federal Research Institutes, November 13, 2003, SR 414.161). If the application is denied, the Empa is not required to give grounds for the denial. As a rule, consents are given only for reports which are not more than two or three years old.

2. Completeness of the Submitted Text

Advertising text is to be submitted to the Marketing Staff at Empa Dübendorf with its complete wording and with all illustrations. As a rule, this is accomplished through submission of the manuscripts and for printed texts, proof-sheets as well.

3. Reference to a Test Report

Every reference to an Empa report must include the number and date of the Empa report in question (for ex.: "see Empa Test Report Nr. 192'311 from February 15, 2005").

4. Reference to the Tested Properties

Every reference to an Empa test report for advertising purposes must mention expressly and completely the properties of the product which was tested.

5. Completeness of Quotations

Excerpts from an Empa test report must be given in their complete wording and must include accurate reproduction of any possible illustrations and explanations.

6. Truthfulness in Presentation

Comments, excerpts and conclusions may not be inserted into or added to the text in a misleading way. In particular, the reader may not be given the impression that:

- the Empa has tested a representative number of objects, whereas in reality only one or a small number of objects were tested,
- the Empa performs a running control of a product (whereas in reality, only a few samples were tested),
- further properties were tested (in reality, not tested), or
- advertising-oriented conclusions were formulated (in reality, formulated by the client).

7. Requirement of Openness

In referring to an Empa test report, the client accepts the responsibility of providing the complete results of the respective report to every interested party in its full wording including all illustrations and possible explanations. At the same time, he releases the Empa from its requirement of secrecy regarding these results, however not in regard to fabrication and business secrets (for ex. contents or methods of fabrication).

8. Time Limitation

The Empa retains the right to set a time limit (as a rule, two years) on permits for advertising purposes or publications referred to in this information note. Here, likewise, the Empa is not obliged to give grounds for setting the time limitation.

9. Fees

A fee will be set for the issuing of an advertising permit.

10. Consequences of Violations

In the case of violations of the regulations set forth in this information note, the Empa retains the right to taking all further measures including a corrected presentation (provided to the interested parties who were incorrectly informed) as well as legal measures.

Dübendorf, October 2006

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