



ENERGY STAR Certified Homes Program: Policies for Responding to Misuse of the ENERGY STAR Brand

As the trademark owner of the ENERGY STAR name and Marks, the EPA must maintain their integrity and take all possible steps to deter their misuse. Consistent with the Terms and Commitments of the ENERGY STAR Partnership Agreement, partners are expected to act in good faith to resolve conflicts that may arise in relation to their program partnership and seek to resolve all matters to preserve maximum public confidence in ENERGY STAR.

Typical instances of misuse of the ENERGY STAR name and Marks in relation to the ENERGY STAR Certified Homes program include:

- Affixing the ENERGY STAR certification label to a home that has not been properly built or certified to meet the program requirements in-force at the time of construction;
- Using the ENERGY STAR name or Marks in sales or marketing materials (brochures, websites, promotional emails) associated with a home that is not, or will not be, certified as ENERGY STAR;
- Including the ENERGY STAR name or Marks in sales contracts to promise or imply that a home will be ENERGY STAR certified, but not delivering ENERGY STAR certification upon completion (this includes, but is not limited to, including phrases like “ENERGY STAR [rated]/[certified]/[verified]/[inspected] in sales contracts].”

Per the Terms and Commitments of the ENERGY STAR Partnership Agreement, upon request, partners must provide EPA with relevant documentation regarding any home or homes certified as ENERGY STAR (or potentially represented to homebuyers as such), including, but not limited to, Home Energy Rating (HERS) reports, ENERGY STAR inspection checklists, sales contracts, and promotional materials. If EPA determines that a home has been improperly certified as ENERGY STAR, partner will take necessary actions to resolve the deficiencies documented by EPA in a timely manner. Further, if the partner is



unable to document that a home has been properly built and certified to meet program requirements, the ENERGY STAR certification label must be removed from the home and from any other promotional materials that imply that the home is certified.

When issues arise regarding partners' misuse of the ENERGY STAR name or Marks EPA will use the following protocols to address infractions:

First Infraction/Probation:

- Partner is placed on “probationary” status for a period of one year, but maintains access to program benefits and is allowed continued proper use of the ENERGY STAR name and Marks.
- Partner must submit a letter to EPA explaining its misuse of the ENERGY STAR name or Marks, steps taken to resolve the issue with the homeowner, and a plan to ensure similar issues do not occur in the future.
 - If the partner does not submit this letter within 30 days of being notified by EPA that they have misused the ENERGY STAR name or Marks, they will be placed on “suspended” status (see below).
- The partner will be removed from probationary status after one year unless EPA receives additional complaints against the partner. This will occur automatically and the partner will be notified via email correspondence from EPA.
- EPA reserves the right to immediately suspend or terminate a partner’s ENERGY STAR Partnership Agreement when warranted (see below).
 - In these cases, the partner will no longer have access to program benefits and must promptly cease its use of the ENERGY STAR name and Marks.

Second Infraction/Suspension:

- If a second infraction occurs within one year, partner is placed on “suspended” status for a period of one year, will no longer have access to program benefits, and must promptly cease its use of the ENERGY STAR name and Marks.



- After one year of suspension, partner may petition EPA to re-partner with the ENERGY STAR program by submitting a letter explaining its previous misuse of the ENERGY STAR name and Marks and a plan to ensure similar issues do not occur in the future.
 - EPA reserves the right to re-instate partnership for partners placed on suspended status in less than one year when warranted.
 - If/when an organization is reinstated from suspended status, the partner will be required to re-sign the ENERGY STAR Partnership Agreement for Home Builders.

Termination:

- In extreme cases of misuse of the ENERGY STAR name and Marks (e.g., where a partner repeatedly misuses the ENERGY STAR name or Marks or falsely implies in its advertising that all of its homes are built to ENERGY STAR specifications) EPA may permanently terminate an organization's ENERGY STAR partnership.