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## Press release

**eurobinia**

sales management Europe

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## Legal dispute: FOREST STEWARDSHIP COUNCIL A.C. (FSC)

vs.

eurobinia | Gerriet Harms e.K.

### *Invitation to the hearing*

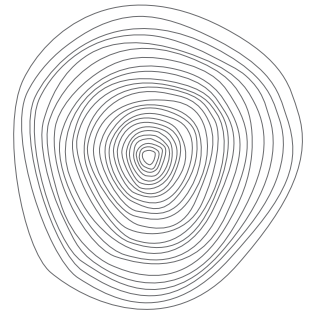
We want to invite the press and interested organizations to the first hearing in the legal dispute FSC vs. Gerriet Harms on 1st September 2010 at 14:00 in Braunschweig. It is the matter of an explosive and possibly momentous trial which may have essential effects on the role and the image of the FSC as well as of the certification practice of tropical and boreal forests and which is therefore a matter of public concern.

The accused wood merchant and critic of the FSC, Gerriet Harms from Oldenburg, has for a long time been of the opinion **that the FSC label is a gigantic mislead of the consumers**. While the FSC label shall guarantee that the wood for various products (e.g. furniture, parquet floors, paper, printed papers) originate from a sustainable and legal forestry, in a multitude of cases the contrary is true: e.g. when the wood comes from plantations which found their place due to rain forest clearance, from illegal clear cuttings or from century-old Canadian prime forest, which forest clearance has nothing ecologically sustainable. These and other cases (also including the eviction and murder of indigenous people in the context of certificated forest areas) are documented on [www.fsc-watch.org](http://www.fsc-watch.org) or [www.fragen-an-den-fsc.de](http://www.fragen-an-den-fsc.de).

In 2007, eurobinia, the wood distribution enterprise of Gerriet Harms, was accused publicly by the WWF in the context of black locust wood deliveries for the construction of the Letzigrund-stadium in Zurich in 2007, that the delivered wood might possibly come from destructive exploitation because it was not FSC-labelled.

Thereupon Gerriet Harms declared in a handout, why the FSC certification neither guarantees legality nor the origin from an environmentally and socially responsible

forestry, and why he always refused a FSC certification as well as the use of the FSC label strictly. For a clear dissociation to the FSC he used a logo which depicts the FSC label crossed out in a red prohibition sign. This flyer was published by Gerriet Harms on his website [www.fragen-an-den-fsc.de](http://www.fragen-an-den-fsc.de).



The use of the crossed out FSC logo now triggered a trademark law action of the FSC against eurobinia, owner Gerriet Harms e.K.. Whether Gerriet Harms may use the satirized FSC logo in the context of criticism and the freedom of expression or he – according to the FSC's argumentation – with it suggests to the consumer that he distributed FSC-certificated products and therefore obtained advantages in competition, will be tried in a first conciliation hearing of the district court in Braunschweig on 1 September.

If the court does not limit itself to the accused violation of a trademark only, but considers, according to our wish, the background described in the statement of defence during the trial, the hearing may have far-reaching consequences for the acceptance of the FSC label. In our opinion, a public interest is also given because several institutions, among them also the Federal Ministries in their procurement directives trust the guarantees of the FSC and therefore unfortunately even increase its reliability. The governments of other countries (Norway) and some organizations for environmental protection, among them also founder members of the FSC (e.g. Swedish Society for Nature Conservation), have distanced themselves from the FSC or have respectively left it.

As an alternative draft to the FSC, Gerriet Harms demands a full declaration of wood, which establishes transparency and allows a complete proof of origin and therefore provides producers and costumers with the ability to get an own idea.

### **Place and Time**

1 September at 14:00

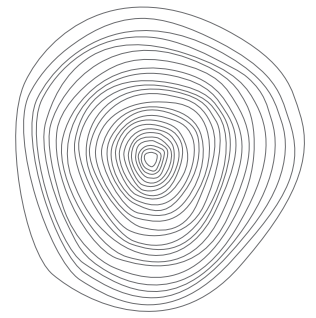
at Langericht Braunschweig

9. Zivilkammer

Münzstraße 17

38100 Braunschweig

Room 119



## Documents for further information

To the legal dispute:

Statement of case:

<http://www.fragen-an-den-fsc.de/wp-content/uploads/2010/05/klageanlagen.pdf>

Statement of defence:

<http://www.fragen-an-den-fsc.de/wp-content/uploads/2010/05/klageerwiderung.pdf>

Response of the FSC to the statement of defence:

<http://www.fragen-an-den-fsc.de/wp-content/uploads/2010/07/erwiderung-der-klageerwiderung-fsc.pdf>

The flyers which led to the legal action:

Flyer 1:

[http://www.fragen-an-den-fsc.de/wp-content/uploads/2008/11/fsc\\_flyer\\_eurobinia.pdf](http://www.fragen-an-den-fsc.de/wp-content/uploads/2008/11/fsc_flyer_eurobinia.pdf)

Flyer 2:

[http://fsc.eurobinia.de/download/FSC\\_Flyer\\_02\\_DE\\_LoRes.pdf](http://fsc.eurobinia.de/download/FSC_Flyer_02_DE_LoRes.pdf)

## Contact

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