

**Certified Professional Home Builders**

**Advertising Rules**

These rules are promulgated by the Certified Professional Home Builder program. Those home builders who have been so certified by the program are required to adhere to these rules regarding any advertising and promotional material which uses any designation such as a “Certified Professional Home Builder” and the use of the program’s name and any of its trade names and logos.

1. Definitions. As used herein the terms set forth below shall be defined as follows:
	1. “Designation” shall mean any description of a home builder as a “Certified Professional Home Builder”, a “Professional Home Builder” or any similar phrase suggesting or referring to the certification of a home builder as a Professional Home Builder.
	2. “HBA” shall mean a local Home Builders Association affiliated with the Home Builders Association of Georgia and the National Association of Home Builders.
	3. “Program” shall mean the Certified Professional Home Builders Program.
	4. “Logo(s)” shall mean those logos contained in Exhibit “A” attached hereto and as Exhibit “A” may be amended by the program from time to time.
	5. “Name” shall mean the name, “Certified Professional Home Builder program” or “CPHB program” or any similar name referring to the program.
	6. “Policies and procedures” shall mean those certain Policies and Procedures as promulgated by the Board of Directors of the CPHB program, as the same may be amended from time to time, governing the application process and setting forth the criteria for certification as a Professional Home Builder.
	7. Capitalized terms not defined herein shall have the meaning set forth in the Policies and Procedures.
2. Grant of License. The Program hereby grants to each Professional Home Builder certified by the Program pursuant to the Policies and Procedures, a non-exclusive license to use the Name, any Designation and the Logo(s) only for so long as such Professional Home Builder remains so certified by the Program, and solely in connection with advertising the Professional Home Builder’s services in building Residences and/or in utilizing the Names, any Designation and/or Logo(s) on the Professional Home Builder’s letterhead and business cards. The License is granted within the State of Georgia and is subject to the terms and conditions set forth in these rules.
3. General Conditions of Use.
	1. The Professional Home Builder shall not use any Name, Designation, or Logo(s) in any manner which is deceptive, or misleading, or that reflects unfavorably upon the good name, good will, reputation or image of the Program.
	2. The Professional Home Builder may use any Name, Designation, or Logo(s) on its letterhead, business cards, advertisements, and within correspondence. The Professional Home Builder shall not use any Name, Designation, or Logo(s) in any manner which suggests that the Program or the HBA has inspected any specific Residence constructed, or that the HBA or the Program certifies or warrants the construction quality of any Residence. In general, the Program of builder certification, together with the use of the Designations and any Logo are intended to recognize certain home builders as having in general the experience and qualifications as are expected among professionals in the home building industry, and to describe the manner in which a builder conducts its business.
	3. The Professional Home Builder acknowledges that its certification by the Program as a Professional Home Builder is not based upon the results of any quality comparison between the built by such Professional Home Builder and the Residences of any other builder or Professional Home Builder. The Professional Home Builder agrees that it shall not represent otherwise to any third party or to the general public nor use for any purpose the expressions, “selected”, “approved”, “warranted”, or “preferred” by the Program or the HBA, or any similar endorsement. The Professional Home Builder shall not make any form of comparative claims, vis-à-vis any competitors’ products or services in its promotional and advertising activities or material which uses the Name, any Designation or any Logo.
	4. No Professional Home Builder shall adopt or use any name, trade name, logo, mark, graphic, slogan, or designation that includes or is confusingly similar to, or is a simulation of colorable imitation of, any Name, Designation, or Logo. Whenever a Professional Home Builder’s name is used in close connection with a Name, Designation, or Logo, the Professional Home Builder shall ensure that there is a clear, visual separation of its name, trademark, logo or trade name from the Name, Designation, or Logo, so as to avoid any appearance of a single name, graphical device or logo.
	5. In general, all uses by a Professional Home Builder of the Logo shall faithfully and accurately reproduce the color, design and appearance without embellishment of such Logo as shown on Exhibit “A” attached hereto. No partial version of any Logo or component thereof may be used at any time for any purpose without the prior written consent of the Program.
	6. All uses of the Logo shall comply with applicable laws and regulations and shall indicate appropriate intellectual property notices as set forth in Exhibit “A” attached hereto.
	7. The Professional Home Builder may not use the Name, Designation, or Logo in conjunction with the advertising or promotion of any products or services other than new Residences and the construction of new Residences. The Professional Home Builder shall discontinue such advertising and promotion immediately upon receipt of written notice from the Program that any such advertising and promotion includes products or services not included within the license and authorization herein. The Professional Home Builder can use the HBA and the Program’s Logo(s) together.
	8. Upon request of the Program, the Professional Home Builder shall provide representative sample of all advertising material and copy used or to be used by the Professional Home Builder containing or referring to the Name, Designation or Logo.
	9. The company, at the time of executing a contract relating to the sale or construction of a Residence, will have the homeowner execute the Program’s current addendum.
4. Assistance. If a Professional Home Builder has any question or concern about its proposed use of a Name, Designation, or Logo for which it desires a definitive determination, it should write the Program describing such proposed use, setting forth its question or concern, and requesting a definitive written response. Only a written response by the Board President of the Program will be binding on the Program. While the staff of the Program will attempt to be helpful to telephone inquiries or informal written inquiries, such responses, even if in writing, will not be binding upon the Program.
5. Termination.
	1. Violation of these rules may constitute grounds for termination of the certification of, or the imposition of other sanctions upon, the Professional Home Builder.
	2. Upon termination of the certification of any Professional Home Builder, such Professional Home Builder shall not thereafter use the Name, Designation, Logo, any such name, phrase, or logo which is confusingly similar thereto.

Certified Professional Home Builder

The Greater Atlanta Home Builders Association

Advertising Rules

Exhibit “A”



