



ACG WEBSITE THE BRIBERY ACT 2010

The Bribery Act 2010 contains two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery).

It also creates an offence relating to bribery of a foreign public official in order to obtain or retain business or an advantage in the conduct of business.

Further it creates a new form of corporate liability for failing to prevent bribery on behalf of a commercial organisation.

On behalf of the membership, ACG Council HEREBY ENDORSES:-

- (a) its commitment to bribery prevention;
- (b) its general approach to mitigation of specific bribery risks, such as those arising from the conduct of intermediaries and agents, or those associated with hospitality and promotional expenditure;
- (c) a commitment to carry out business fairly, honestly and openly; and
- (d) a commitment to zero tolerance towards bribery.

The procedures specified below have been put in place and will remain in place for the purposes of bribery prevention.

1. Proportionality

ACG operates as a company limited by guarantee with no share capital. It is a membership organisation representing trade mark owners and their specialist advisers (lawyers, trade mark agents, product protection and investigation companies) in the continuing campaign against the global trade in fake goods.

2. ACG Staff and Communication

The employees of ACG are engaged under contracts of employment which include Grievance and Disciplinary Procedures approved by ACG Council.

Examples of gross misconduct by a member of ACG staff include (non-exhaustively) fraud, theft, gross negligence and failure to carry out a reasonable instruction. Any activity that might be construed as bribery will be an act of gross misconduct for these purposes and ACG Council needs to instruct that each member of ACG staff is made aware of this, relevant to their contract of employment with ACG.

All new members of staff will be informed of the procedures required by ACG to prevent bribery.

3. Risk Assessment

The potential areas of risk for the company are:-

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(a) the procurement of goods and services for the operation of the company. For this, internal procedures exist for the identification of the third parties involved and for the proper accounting of payments to such third parties as audited annually by the auditors of ACG.

(b) the engagement of authorised third parties to enter into consultancy agreements with ACG, for example for the purpose of enforcement liaison, and provision and receipt of information to and from law enforcement and government agencies. This procedure will be confirmed by written agreement establishing appropriate contractual obligations to ACG for compliance by the third parties.

4. Director's responsibilities

The Memorandum and Articles of Association of ACG set out the powers and duties of the Directors of ACG. They also set out the basis upon which a Director will vacate office including if a Director becomes prohibited by law from being a Director or ceases to be a Director by reason of any provision of the Companies Act. In addition, provision is made for a Director to declare if they are in any way directly or indirectly interested in a contract or proposed contract with ACG (in accordance with sections 177 and 182 Companies Act 2006).

5. Hospitality

ACG Council recognise and agree that within the duties of members of ACG staff it is appropriate for them to continue to provide bona fide hospitality, promotional and other expenditure in line with budget provisions approved by the Board.

Expected expenditure will be anticipated in the annual budget submitted to ACG Council for approval. Details of expenditure incurred will be recorded and kept within the company accounts.

ACG Council also recognise that Directors and members of staff may receive bona fide and proportionate hospitality when the purpose is to establish cordial relations as between ACG members and colleagues in other rights organisations, and/or to better promote ACG's services and objectives (lobbying, awareness, networking and enforcement liaison) amongst its various audiences.

Any gifts or hospitality offered to staff must be cleared with the Director-General who in turn must clear such offers with ACG Council. Individual Directors should consult Council about any such offers made in their capacity as a Director of ACG.

6. Communication with ACG Members

ACG Council has agreed that these procedures should be published on ACG's website (www.a-cg.org) and copies provided the third parties who request confirmation of the procedures in place to prevent infringement of the provisions of the Bribery Act 2010.

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