

Prerequisites and procedure in awarding license rights to national associations of Rudolf Steiner and Waldorf Schools ("Associations")

Preamble

Free Waldorf and Rudolf Steiner schools and kindergartens are as a rule independent institutions which promote a feeling of unity with reference to the same spiritual principles. These spiritual principles were described by Rudolf Steiner in general with anthroposophy and have been worked out in about 24 educational lecture cycles. Since the establishment of the first Waldorf school, extensive research has been added thus creating the overall reference for the educational Waldorf work.

These independent facilities in general cooperate to focus on the development of common interests, such as teacher training, research or political representation. These common interests also include the description of mutual recognition as Waldorf schools. The Waldorf movement understands itself as a free educational movement in the realm of civil society which requires a free spiritual life and at the same time binding agreements in order to be able to exist.

The Bund der Freien Waldorfschulen as owner of the trademark rights in the definitions of "Waldorf" and "Rudolf Steiner" bears the legal and financial responsibility for their use in the sector of educational services in a variety of different countries. For the sector of kindergartens and day-care facilities for children the Vereinigung der Waldorfkindergärten [Association of Waldorf Kindergartens] is exclusively the licensee and is therefore responsible for granting licenses. In the event of appropriate existing structures this responsibility can and shall be assigned to facilities which take over the responsibility for common interests of schools and/or kindergartens in the appropriate country and are thus regarded as national associations.

In the following the procedure shall be described as to how and to what extent national associations are able to acquire rights in the terms "Waldorf" and "Rudolf Steiner".

1. Regional, material and institutional scope of application

The principles listed in the following shall be applied in the purview of the registered trademarks.

They exclusively cover the educational and scientific services registered in classes 41 and 42 of the respective Trade Mark register.

Licensees can be national associations of schools and kindergartens. Supranational associations which are active beyond national borders for institutions operated in several countries are also regarded as national associations, however, not purely regional associations.

2. Scope and cost of acquiring a license

National associations may be granted a simple (self-) utilisation right or an exceeding sublicensing right in the trademarks "Waldorf" and/or "Rudolf Steiner".

Licenses are granted free of charge by the Bund der Freien Waldorfschulen and the Vereinigung der Waldorfkindergärten e.V.

In so far as associations, by means of sublicensing rights, are authorised to grant licenses to schools and/or kindergartens, this licensing procedure shall also be principally free of charge.

License fees may only be charged (proportionately) by the national associations in so far as they cover costs which are directly associated with licensing (e.g. quality controls, travel expenses, engagement of experts, litigation costs or similar) and which are deemed mandatory for granting or maintaining licenses.

3. Prerequisites for the recognition as a national association

The granting of license rights is assigned to the recognition of the applying institution as a national association.

Prerequisites for the recognition of national associations are as follows:

- a) The national association has to be created by the vast majority of the schools and and/or kindergartens operating on the Waldorf educational basis in its regional scope and accepted as representative of common interests.
- b) The national association has to dispose of its own legal entity, hold a membership meeting at least once per year and nominate its legal representatives. The articles of association and registration of the national or regional association serve as documented evidence thereof.
- c) The national association has to have jointly confirmed and laid down the procedure concerning the incorporation of new schools and/or kindergartens. The descriptions made therein as to what a Waldorf /Rudolf Steiner school and/or kindergarten is, must not contradict the "Key characteristics of Waldorf education" passed by the International Conference and/or the "Key characteristics of Steiner/Waldorf Education for the first seven years of a child's life" adopted by the "International Association of Steiner/Waldorf Early Childhood Education" (IASWECE) in the respectively valid version.
- d) Membership in an association shall not restrict the independent Waldorf education profile of a school and aims at promoting the Waldorf education diversity.
- e) The national association must be acknowledged as a charitable organisation.

4. Application procedure

(1) Recipient of application

The application for recognition and licensing, in so far as it concerns an association for schools, can be filed with the Bund der Freien Waldorfschulen (by sending an email to: lizenz@waldorfschule.de) and with the International Conference (by sending an email to: info@waldorf-international.org) or, in so far as it concerns an association for kindergartens, with the Vereinigung der Waldorfkinderergärten [Association of Kindergartens] (by sending an email to: info@waldorfkinderergarten.de) and with IASWECE (by sending an email to: info@iaswece.org).

(2) Necessary documents

The application must be furnished with the following documents:

- a) Articles of association, register extract, proof of non-profit status (in so far as not provided by law, description and/or documentation of activities which the non-profit status results from),
- b) Written declaration documenting which institutions and persons the association is composed of,
- c) Written declaration as to which institutions see themselves as Waldorf or Rudolf Steiner schools or kindergartens and (currently) refrain from taking part in the applicant association, stating the reasons for the decision.

(3) Verification of the application

If these documents have been submitted to the International Conference and/or IASWECE, these shall nominate two suitable experts who shall be appointed to verify the criteria stated in No. 3 irrespective of each other.

(4) Procedure in the case of a positive assessment

If the experts consistently arrive at the conclusion that the afore-mentioned criteria have been fulfilled in full scope, the International Conference of Waldorf Schools and/or IASWECE will recommend the recognition and award license rights which also include sublicensing rights.

The Bund der Freien Waldorfschulen and/or the Association of Waldorf Kindergartens will then proclaim the recognition of the association in a written form and sign a license agreement with it. Time limits may be agreed upon in order to get to know each other by handling each other in a trustworthy relationship.

The details of awarding a license will be laid down in a separate license agreement.

(5) Procedure in the case of a primarily positive assessment

If the experts consistently arrive at the result that the afore-mentioned criteria have not been fulfilled completely or if they adopt different opinions in this context, then the International Conference and the Bund der Freien Waldorfschulen and/or the Association of Waldorf Kindergartens and IASWECE will decide whether the Association can nevertheless be granted a limited recognition and a simple license to use the trademark without sublicensing right which is bound to special obligations. The key results of counselling are laid down in writing.

If this is unanimously approved the Bund der Freien Waldorfschulen and/or the Association of Waldorf Kindergartens informs the association thereof and concludes an appropriately limited license agreement.

Otherwise the Bund der Freien Waldorfschulen and/or the Association of Waldorf Kindergartens informs the association that its application has been rejected, submitting the key results of consultation which have been documented in text form.

(6) Procedure in the case of rejection of the application

If the International Conference and/or IASWECE rejects the application on the grounds of a unanimous negative assessment, the Bund der Freien Waldorfschulen and/or the Association of Waldorf Kindergartens will inform the association that their application has been rejected.

(7) Arbitration proceedings

If the application filed by an application is rejected, the association is entitled to have recourse to arbitration by addressing the common arbitration board (by email to: mediation@waldorf-international.org). For further details, see the internal rules of procedure of the arbitration board.

(8) New application

If an application for recognition has been rejected, the applicant institution is permitted to file a new application for recognition at the earliest after 1 year.

5. Obligations of acknowledged associations with sublicensing rights

Acknowledged national associations which have been granted a sublicensing right, commit themselves to

- a) elaborate their license agreements with the member schools on the basis of sample agreements made available to them – unless these contradict to national law – and to apply these in the licensing procedure. The Bund der Freien Waldorfschulen as trademark owners shall be informed of any material deviations, as any such require their approval;
- b) automatically – and without special request – to submit once per year a list of all license agreements and their terms to the Bund der Freien Waldorfschulen e.V.;
- c) upon request within two weeks vis-à-vis the Bund der Freien Waldorfschulen or the International Conference of Waldorf Kindergartens or IASWECE to provide information on individual membership institutions;
- d) to notify the Bund der Freien Waldorfschulen or the International Conference and/or the Association of Waldorf Kindergartens or IASWECE if one of the institutions licensed by the Association has undertaken any actions to damage the overall movement, as are described in the license agreement. It is also necessary to state which suitable measures have been undertaken by it in order to restore a contractual condition and whether this condition has meanwhile already been restored.

6. Withdrawal of recognition and the rights associated therewith

The recognition and the rights associated therewith in this context can be withdrawn if a national association no longer represents the majority of Waldorf schools in any one country, or if it no longer fulfils the prerequisites for recognition of national associations stated in No. 3, or if it has violated the obligations stated in No. 5.

Against the withdrawal of recognition, the association is entitled to have recourse to arbitration by addressing the common arbitration board (by email to: mediation@waldorf-international.org). For further details, see the internal rules of procedure of the arbitration board.