

# TRADEMARK POLICY & GUIDELINES OF



®

The trademarks of the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Inc. ("NOBCCChE") (pronounced no-be-shay) serve as a source identifier in connection with our services as a professional organization, and help to distinguish said professional services from other organizations. The value, goodwill and commercial magnetism of NOBCCChE and its trademarks are critical assets that support and sustain the organization's national success. If used properly, NOBCCChE's valuable and distinctive trademarks can be kept forever. However, with improper use, we will lose the impact and distinctiveness of our trademarks as advertising tools, and we could also run the risk of losing one or more of our trademarks altogether.

Because of the importance of the NOBCCChE 's trademarks, it is the policy of NOBCCChE that all employees, personnel, Chapter members, individual members, affiliates, directors, officers and other persons under the direction or control of NOBCCChE to help safeguard and protect our trademarks, and be aware of and follow the rules and guidelines for proper use of NOBCCChE's trademarks. These policies, guidelines and procedures (hereinafter "Trademark Policy") use should be followed to ensure consistent use and continued protection of our trademarks. The Trademark Policy applies regardless of whether a proposed use of NOBCCChE's trademarks is internal or external.

Because the implications of such uses and their possible legal consequences could vary from use to use, all such exceptions, any proposed variations of any trademarks and all other proposed uses of trademarks that are inconsistent with the policies contained in this Trademark Policy must be approved by the Executive Board of NOBCCChE or legal counsel.

## **A. What Are NOBCCChE's Trademarks?**

In order to understand the Company's trademark policies, it is important to first understand the different types of trademarks that are owned by NOBCCChE. The trademarks of NOBCCChE are as follows:

- National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Inc.®
- NOBCCChE®



## B. What is a Trademark?

A *trademark* is any word, name, design, symbol, device or feature of a product or advertising for a product that identifies the product and distinguishes it from products made or sold by others. A trademark differs from a generic or common term, which identifies a type of product and does not identify a product from any particular company or business. A *service mark* is a trademark that relates only to services (although the term "trademark" is commonly used to also include "service mark"). A trademark can take many different forms. A trademark can be a *word* or a *combination of words, letters or numbers* that comprise the name of a product. Some trademarks are used for only one product or type of product, while other trademarks are used on a number of different products, to show that they all come from the same source. A trademark can be displayed in a distinctive typeface, stylized font, size, design, logo or format, such as

 (the "LOGO")

## C. What Is Not A Trademark?

A trademark is different from a *copyright*, a *patent*, a *registered or industrial design*, or a *trade secret*. *Copyright* protects an original form of expression (such as artwork, books, graphic designs, computer software and music) from copying by others. A *patent* is a grant by a government agency of the exclusive right to prevent others from using a useful invention or novel design. A *registered or industrial design* (called a *design patent* in the United States) is a grant by a government agency of the exclusive right to prevent others from using a novel industrial or ornamental design. A *trade secret* is a process, formula or other collection of information that is kept confidential and gives its owner a commercial advantage. All these rights collectively are often referred to as *intellectual property*. *Domain names* (such as [www.nobccche.org](http://www.nobccche.org)) may include our trademarks, and a domain name separately is considered by law as a quasi-trademark in some regions throughout the U.S.

## D. General Policies of Use of NOBCCChE's Trademarks

The following general policies relate to the adoption and use of trademarks generally by NOBCCChE, and should be used as general principles to guide your actions in any particular situation that could have legal consequences:

1. NOBCCChE respects the intellectual property rights of others. If we do not respect the intellectual property rights of others, then we cannot expect others to respect NOBCCChE's intellectual property rights. NOBCCChE does not knowingly infringe the trademark or other intellectual property rights of third parties. We do not engage in

trademark piracy, which is the practice of knowingly registering a trademark in which a competitor has claimed rights, for the sole purpose of blocking the competitor from registering its trademark.

2. No trademarks, including product names, slogans or advertising or promotional phrases, of others in connection with any sponsorships, joint ventures, co-sponsored events or other events should be adopted or used without prior review and clearance by the Executive Board or legal counsel.
3. Only NOBCCChE's legal counsel may authorize the filing of trademark applications on behalf of NOBCCChE.
4. The Company can benefit from the use of its trademarks by other parties in connection with sponsorships and overall advertising of ongoing NOBCCChE events, but only after such use receives prior approval and consent by the Executive Board. Trademark license agreements are used to protect the rights of NOBCCChE in its trademarks and LOGO and to give NOBCCChE control over how its trademarks are used. A written trademark license agreement should be prepared whenever NOBCCChE authorizes another party to use one of our trademarks for any commercial purpose. Trademark license agreements are also used when NOBCCChE obtains permission to use another party's trademarks in connection with goods or services relating to a particular joint activity. Always consult the Executive Board or legal counsel before granting any other person or company permission to use any of NOBCCChE's trademarks or before using a trademark of another party.
5. Any use or misuse of any of NOBCCChE's trademarks that may be unauthorized or an infringement of the Company's rights should be brought to the attention of NOBCCChE as soon as possible after it is discovered. Samples of the use and other pertinent information, including where the use appears, should be forwarded promptly to the Executive Board or legal counsel.
6. On occasion, another party may claim that NOBCCChE has infringed or is infringing that party's trademark rights. It is important that any such claim be brought promptly to the attention of the Executive Board or legal counsel, together with examples of the materials giving rise to the claim.
7. A trademark notice should be used the first time that a trademark appears in the headlines or copy of any advertising or text. Examples of registration notices:

NOBCCChE®

 NOBCCChE®

8. Note, however, that when "NOBCCChE" is used as a service name of the organization, i.e., as a short version of the full name of the organization, it should NOT be accompanied by a registration notice.

9. An appropriate legal line may be used in advertisements and promotional materials in which any of NOBCCChE's trademarks appear. A legal line is a statement appearing in footnote form that identifies the trademarks in the advertisement and indicates that they are owned by NOBCCChE. A legal line may indicate that the trademarks are registered or that they are simply trademarks of NOBCCChE. Use of a legal line is required in situations in which one or more of the trademarks of NOBCCChE appear together with one or more trademarks of another company and is recommended (but not required) for all other advertisements and promotional materials, particularly those that include one or more trademarks that are not registered. Examples of legal lines are:

 NOBCCChE<sup>®</sup> is a registered trademark of NOBCCChE.

10. Avoid incorrect grammatical use. A trademark modifies a generic noun. A trademark is a proper adjective—e.g., MAC<sup>®</sup> computer; XEROX<sup>®</sup> photocopier; GOOGLE<sup>®</sup> search engine; KLEENEX<sup>®</sup> tissue; BAND-AID<sup>®</sup> adhesive bandages; JELL-O<sup>®</sup> gelatin dessert; BLUE CROSS<sup>®</sup> and BLUE SHIELD<sup>®</sup> health insurance. It should never be used as a noun or a verb—e.g., I will “Xerox” or “Google” it.
11. A trademark should never be used as a generic term by its owner. Misuse of one's own trademark in a generic fashion can result in forfeiture of trademark rights. The clever word games that ad writers like to play can be highly destructive to trademarks. For example, the type of usage that destroyed the ASPIRIN mark included slogans like “Take an aspirin for your headache.”
12. Avoid “genericide.” In some cases, it may also be important to add the term “brand” preceding the generic name of the goods to help protect the mark against “genericide”—e.g. JELL-O<sup>®</sup> brand gelatin or BAND-AID<sup>®</sup> brand bandages. Often, it is also useful to extend the product lines on which famous dominant trademarks are used.
13. Use special typography. A trademark should always be capitalized or, even better, shown in all caps or other distinctive typeface (e.g., NOBCCChE<sup>®</sup>).
14. Use a trademark notice. The symbol “TM” or “SM” (for service mark) should be used with a mark that is not federally registered, and the “®” symbol or equivalent designation should be used for federally registered marks.
15. Avoid variations. A trademark should not change substantially in form throughout its use. For a word mark, do not change the spelling, insert or delete hyphens, or make one word into two. For a design mark, keep the design consistent. Changes in the form of a trademark tend to detract from its power as a source-identifier to consumers, and weakens the distinctiveness of the mark. There are circumstances which dictate modernizing a mark that has become dated because of the style or design of the mark itself. The multiple iterations of the Betty Crocker design mark

(with changing hairdos and appearances), the use of marks in distinctive script or block letters, and the shortening of marks, e.g., Pepsi and Coke, are examples of changes that developed over the years.

16. Particular typefaces, fonts, presentations and design elements are generally associated with only one brand. Do not use elements that have been approved for one brand with a different brand.

#### **E. Use of NOBCCChE® On Specimens (Printed Materials)**

A specimen is an actual example of how you would use a trademark in commerce in connection with the goods and/or services that your trademark represents. Here, the organization uses the NOBCCChE® LOGO as a service mark. In using the LOGO in connection with services, examples of acceptable specimens are signs, brochures about the services, advertisements for the services, business cards or stationery showing the mark in connection with the services, or photographs which show the mark either as it is used in the rendering or advertising of the services. In the case of a service mark, the specimens must either show the mark and include some clear reference to the type of services rendered under the mark in some form of advertising, or show the mark as it is used in the rendering of the service. So NOBCCChE must ensure that you comply with using the NOBCCChE® LOGO with the ® symbol on all printed materials, as well as the website.

#### **F. Use of NOBCCChE® With Other Parties**

There are occasions when one or more of NOBCCChE's trademarks are used together with trademarks or service marks owned by others. Such situations can arise in conjunction with sponsorship by NOBCCChE of events or organizations, as part of joint promotional activities, and/or in advertising or other uses by parties that have a right to use our trademarks. When these types of situations arise, please consult with the Executive Board or its legal counsel prior to using trademarks owned by others. As expressed set forth in Section D, paragraphs 2 and 4, all persons and chapter members of NOBCCChE shall obtain prior approval from the Executive Board or its legal counsel before using trademarks owned by others in connection with any sponsorships and overall advertisements.

#### **G. Enforcement of NOBCCChE® and its Trademarks**

If you become aware of any unauthorized use of NOBCCChE's trademarks, please immediately notify the Executive Board or its legal counsel.

**ACKNOWLEDGMENT FORM OF NOBCChE TRADEMARK POLICY**

**I have reviewed all aspects of NOBCChE's Trademark Policy, have carefully read and fully understand all provisions of NOBCChE's Trademark Policy, have understood I have the right to obtain at my expense independent and competent legal counsel prior to accepting this Agreement, and am knowingly and voluntarily upon my own volition and free will agreeing to abide by NOBCChE's Trademark Policy. I further hereby agree and understand that any failure to abide by NOBCChE's Trademark Policy may subject my membership and association thereof from being revoked or suspended.**

I have duly executed this Agreement effective as of the date set forth below.

\_\_\_\_\_  
Individual's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name