

Use of Trademarks and Service Marks

ICD-1

International Bylaws Article I:

"The titles 'Optimist,' 'Optimist International,' or 'Optimist Club,' and the slogans, 'Friend of the Boy' and 'Friend of Youth' and The Optimist Creed, and any emblem, seal, insignia, or other adopted or registered trademarks or slogans of Optimist International shall not be used for purposes other than those authorized by the Board of Directors."

Optimist International's name, emblem and slogans, and other insignia are registered with or have a registration pending with the patent office of the United States, Canada, Hungary, Japan, France, Germany, Jamaica, Mexico, Russia, Taiwan, and the United Kingdom. Their purpose is to identify with Optimist International, an individual, a club, a group of clubs, a piece of printed matter, an object, an article, an activity, a program, or a service. Under the law, the Optimist International Board of Directors must exercise complete authority over the use of the trademarks in order to protect the registered rights and to prevent the name and emblem from becoming public property.

Permission for use of the trademarks shall be granted only if the contemplated use is appropriate to the ideals, aims and purposes of Optimist International. Requests for the use of the Optimist name and/or logo other than as specifically designated in a club name are to be approved by the International President after adequate review and consultation with appropriate staff and/or the general counsel. Requests determined by the International President to be out of the ordinary shall be brought before the Board of Directors for approval. A written report, for information only, indicating requests that have been approved by the International President will be submitted by staff to the Board of Directors at the next regularly scheduled meeting.

Clubs and Districts need not seek permission to use the name emblem, or slogan on printed matter produced for their own use if such meets the standards and proper use, is not available from Optimist International and is individually identified. This shall cover such items as bulletins, letterheads, envelopes, announcements, checks, convention badges, advertisements, publications, programs, tickets, posters, publicity notices, other items of similar nature, and on athletic uniforms (O.I. logo only).

Clubs and Districts may not use the name, logo, emblem or slogan on any product or materials related to fund raising. In accordance with Board Policy I-65, only Optimist International may license fund raising products to carry the Optimist logo.

In passing upon applications for use of the name or emblem of Optimist International on an object or article, certain standards indicating propriety of the proposed use will be used as a guide by the International President. The name and emblem shall only be used on an article or object that is in good taste; that is used as part of a charitable program; that is artistically and accurately reproduced; is used in a credible and proper manner; and which in its normal use will not be mutilated or defaced.

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Club requests for use of Optimist International's registered insignia shall be sent to the Finance and Administration Department at the International Office for processing.

Requests shall include:

- nature of request
- a facsimile showing intended use of the name, emblem or slogan,
- method of distribution and whether or not the article is to be given away or sold.

Permission will not be granted if the article would be in competition with any item supplied by Optimist International's licensed United States supply vendor and our Canadian supply operation or listed in their official supply catalogs.

If approval is granted the article must not be changed or altered from the facsimile. If deemed necessary, the Optimist International Board of Directors may, at any time, request submission of the actual article. Permission shall not be deemed to be permanent and may be revoked by the Optimist International Board of Directors upon 60-days notice. Violation of this policy shall result in revocation without advance notice. Articles coming under the Food and Drug Act must bear the name of either the manufacturer or the distributor.

The manufacturer of the article must enter into a written agreement with Optimist International, and among other things, shall agree that notice will be given to the public that these trademarks are registered by affixing thereon one of the following:

- a. Registered in the U.S. (or Canada) Patent Office, or
- b. Reg. U.S. (or appropriate country) Pat. Off., or
- c. ®

The name, emblem, slogans, or other insignia of Optimist International, or of any of its clubs or districts, shall not be used by any club member as a trademark or for advertising merchandise or business, nor shall any corporation, foundation, group or organization organized by an Optimist club or clubs or the members or representatives thereof, use the name, emblem, slogans or other insignia of Optimist International in conjunction with or for the purpose of carrying on any activity or project of any nature without written consent and approval of the Optimist International President.

In passing upon outside group or organization applications for use of its registered marks, the Optimist International Board of Directors and/or President shall consider whether or not the Articles of Incorporation or Bylaws of such group or organization reflect the philosophy of Optimist International and meet the standards stated in Policy I-36 for Partners and Endorsed Programs.

The use of Optimist International logos and trademarks in Internet commerce for sales and marketing of products or services by members and/or clubs shall be prohibited.

Review of Use of Logos, Names, Etc.

Permission for use of the registered marks and emblems of Optimist International shall be reviewed annually. Grantees shall be required to submit an annual report affirming continuance of purpose and structure as stated when permission was first granted.

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Renewal of permission is to be granted by the International President after adequate review and consultation with appropriate staff. Requests determined by the International President to be out of the ordinary shall be brought before the Board of Directors for approval.

Clubs which do not respond to the initial inquiry concerning renewal of Board permission to use the registered trademarks of Optimist International will be sent a second letter via certified mail, return receipt requested. A notification of cancellation of such permission will be sent via certified mail, return receipt requested. All second notices and notices of cancellation shall include statements that the registered marks of Optimist International may no longer be used and that coverage provided by Optimist International Comprehensive Liability Insurance is terminated.

(Mar 1963; Jun 1966; Feb 1975; Dec 1979; Jun 1987; Mar 1993; Jun 1995; Mar 1999; Dec 2005; Mar 2012)