

POLICY ON USE OF THE VIETNAM VETERANS OF AMERICA® AND ASSOCIATES OF VIETNAM VETERANS OF AMERICA® TRADEMARKS, SERVICE MARKS, AND LOGOS BY VVA STATE COUNCILS, VVA CHAPTERS, OR VVA REGIONS

Approved and Adopted By VVA National Board of Directors, 04-11-2008

Amended, 01-11-2014

Amended, 04-14-2014

Amended 01-08-2016

This Policy on Use of the Vietnam Veterans of America® (VVA) and Associates of Vietnam Veterans of America® (AVVA) Trademarks, Service Marks, and Logos by VVA State Councils, VVA Chapters, VVA Regions (referred to hereafter as the "Policy") aims to ensure consistency and cohesiveness in all uses of all trademarks, service marks, and design marks of VVA and/or AVVA (collectively referred to hereafter as the Marks, as listed in Attachment A, and to be updated from time to time). The purposes of this Policy are: to provide a current comprehensive policy about use of any of the Marks; to describe approved authorized uses and prohibited uses; and to clarify the procedure for requesting approval of other uses of the Marks.

Introduction

Trademarks and service marks are one of the most valuable assets of a company or organization. They identify a written, visual or verbal communication that is uniquely associated with a particular company, product or service. In particular, a trademark or service mark can consist of any word, name, symbol, or device, or any combination thereof used to identify and distinguish goods or services from those manufactured or sold or provided by others, and to indicate the source of the goods or services. Properly used, a trademark can be legally protected indefinitely. Improperly used, trademark protection can be weakened or even lost entirely. Correct and consistent use of the Marks, e.g., in accordance with the Conditions Governing Use of the Marks by VVA State Councils, Chapters, or Regions, the Technical Notes accompanying Attachment A, and, as regards the authorized modifications described in Conditions 6 to 9 below, with the Specifications Governing Authorized State Council and Chapter Uses of the Marks (see Attachment B), is essential to maintaining the Marks' viability and value.

The Congressional Charter for Vietnam Veterans of America (VVA) gave VVA "the exclusive right to use the names 'The Vietnam Veterans of America, Inc.', 'Vietnam Veterans of America, Inc.', and 'Vietnam Veterans of America', and seals, emblems, and badges the corporation adopts." 36 U.S.C. § 230507. To protect many of the Marks, VVA and AVVA have obtained U.S. trademark or service mark registrations at the United States Patent and Trademark Office (USPTO). This Policy, the Conditions Governing Use of the Marks by VVA State Councils, Chapters, or Regions, the Technical Notes accompanying Attachment A, and Specifications Governing Authorized State Council and Chapter Uses of the Marks (see Attachment B) refer to the Marks of VVA and AVVA, whether registered or not.

Conditions Governing Use of the Marks by VVA State Councils, Chapters, or Regions

1. All Uses of the Marks Shall Inure to the Benefit of VVA and/or AVVA.

All of the Marks used by VVA State Councils, Chapters, or Regions, including any modified marks, are owned by VVA and/or AVVA, and all uses of such Marks shall inure to the benefit of (i.e., be to the advantage of) VVA and/or AVVA. All previous approved uses of the Marks are deemed licensed uses and any modified Marks are deemed assigned, implicitly and/or explicitly, to VVA and/or AVVA. No Mark shall be used with advertising or with written or oral statements that might

mislead the public or be detrimental to the goodwill of VVA or AVVA. If VVA finds that any use of any of the Marks by VVA State Councils, Chapters, or Regions does not inure to the benefit of VVA and/or AVVA or otherwise does not comply with these Conditions, or with the Technical Notes accompanying Attachment A, or as applicable, with the Specifications Governing Authorized State Council and Chapter Uses of the Marks, then the Board of Directors may in its discretion prohibit such uses. If any other unauthorized uses of any of the Marks occurs, VVA and/or AVVA reserve all legal rights to seek redress against such uses.

2. The Marks Shall be Used as Adjectives

Trademarks are adjectives that identify specific products or services in a way that distinguishes them from other products or services in the same field or business. When using any of the Marks, care should be taken to use them as adjectives, e.g., “VIETNAM VETERANS OF AMERICA[®] programs include....”

3. Word Marks Shall be Highlighted or Set Off From Adjoining Text, and Appropriate Symbols[®] or [™] Shall be Used

Word Marks should be highlighted or set off from the adjoining text by properly capitalizing the Marks and using the appropriate symbol, either [®] or [™] or SM, e.g., Vietnam Veterans of America[®]. The use of the symbols [™] or SM demonstrates that a party is claiming rights in those marks, and these symbols should be used before applying for registration, and while registration is pending. The federal trademark registration symbol [®] may not be used until a trademark is actually registered with the United States Patent and Trademark Office (PTO). This rule (don't use [®] until actually registered) applies even where an application is pending with the PTO, but no registration has issued. Word Marks may also be highlighted or set off from adjoining text by capitalizing, or by using underlining, italics or bold type, or a different font type, e.g., **Vietnam Veterans of America**. If a word Mark is to be used repeatedly in a piece of material, the appropriate symbol should be used with the Mark after the first, most prominent use, and if there are multiple pages, after the first use on each page.

4. The Marks Shall Not be Combined with a Trademark or Trade Name Belonging to Someone Else, or With Non-Trademark Matter

The Marks should never be combined with a trademark or trade name belonging to someone else, and except in the cases of authorized modifications described in Conditions 6 to 9 below, the Marks should never be combined with other matter that is not considered a trademark. The Marks should not be displayed on any media, packaging, documentation, collateral material, or advertising in any manner that in any way suggests that the Marks are owned or controlled by anyone other than VVA or AVVA, and except as described in Conditions 6 to 9 below, the Marks should not be used as part of any other corporate or business name.

5. There Shall be No Other Alteration or Modification of the Marks

Notwithstanding the excepted authorized modified Marks described in Conditions 6 to 9 below, the separate agreement governing AVVA's use of Mark 9 for the AVVA logo, which is governed by the licensing agreement between VVA and AVVA, and the authorized uses in Attachments B through E, the Marks may not be altered or modified in any manner without the express written consent of VVA and/or AVVA.

6. Conditions for Use of Certain Marks in Accordance with the VVA Constitution

The VVA Constitution provides limited guidance to VVA State Councils and Chapters about use of certain of the Marks (namely, marks 1, 2, and 3 in Attachment A). Article IV, Section 3 (Restricted Activities) B.2 provides that:

Chapters and State Councils may engage in fund-raising activities which do not conflict with the purposes of the Corporation, provided that they strictly adhere to the following guidelines: . . .

2. The sale of products by Chapters or State Councils which bear the logo or name of the Corporation shall not be permitted unless the products clearly identify the Chapter or State Council marketing the product.

Notes:

- a. "State Councils and Chapters" belong to VVA Regions, which also may engage in fund-raising activities which do not conflict with the purposes of the Corporation, provided that they strictly adhere to the above guidelines, including B.2.
- b. The "clearly identify" requirement is an exception to the rule on no alterations or modifications to the mark as provided in 5 above, and those adhering to Article IV, Section 3 (Restricted Activities) B.2 of the VVA Constitution must comply with the Specifications Governing Authorized State Council and Chapter Uses of the Marks (see Attachment B).
- c. Notwithstanding Article IV, Section 3 (Restricted Activities) B. 2 of the VVA Constitution, VVA's Veterans Collectibles items or other items already containing one of the Marks referred to above may be sold by a VVA Chapter, State Council, or Region without the need to clearly identify the Chapter, State Council, or Region.

7. Conditions for Use of Certain of the Marks on Standard Non-Revenue Generating Materials to Conduct VVA Business

VVA State Councils and Chapters, which are separate corporations with their own corporate names (e.g., Vietnam Veterans of America Virginia State Council, Inc. or Vietnam Veterans of America Chapter 999, Inc.), may use the word mark VIETNAM VETERANS OF AMERICA[®], or VIETNAM VETERANS OF AMERICA[®] and design (namely, marks 1 and 2 in Attachment A) within their own corporate names on standard non-revenue generating material, such as letterhead, envelopes, mailing labels, checks, and business cards, when conducting VVA State Council or Chapter business, as long as such uses are in accordance with Specifications Governing Authorized State Council and Chapter Uses of the Marks (see Attachment B). Under no circumstances shall a VVA Chapter, State Council, or Region use any of the Marks alone (i.e., without their corporate names) on standard non-revenue generating material, such as letterhead, envelopes, mailing labels, checks, and business cards, without the express written consent of VVA and/or AVVA.

8. Use of Certain of the Marks on VVA State Council or VVA Chapter Websites to Identify VVA; "Buttons" or Links to VVA Website

VVA State Councils and Chapters creating websites or web pages may use their own corporate name as well as the word mark VIETNAM VETERANS OF AMERICA[®], or VIETNAM VETERANS OF AMERICA[®] and design (namely, marks 1 and 2 in Attachment A), as long as such uses are in

accordance with Specifications Governing Authorized State Council and Chapter Uses of the Marks (see Attachment B). A VVA State Council or Chapter website may display the Marks to identify VVA or AVVA as long as there is a disclaimer that indicates the website is not an official website of VVA or AVVA, and as long as the Marks are not used in any manner that in any way suggests that the Marks are owned or controlled by anyone other than VVA or AVVA. To the extent any of the Marks is used in a non-modified form, a link may be established enabling the user to click through the Marks to VVA's website.

9. Conditions Regarding Use of Certain of the Marks in VVA State Council or VVA Chapter Newspapers or Newsletters

VVA State Councils and Chapters may publish VVA State Council or Chapter newspapers or newsletters. A VVA State Council or Chapter newspaper or newsletter which is self-published shall include its own corporate name somewhere in the publication. A foundation publishing the official newspaper or newsletter for a State Council or Chapter (see "Notes" below for further specifications) shall include the name of the foundation and the corporate name of the State Council or Chapter somewhere in the publication. A VVA State Council or Chapter, or a foundation publishing the official newspaper or newsletter of a VVA State Council or Chapter, may use the word mark VIETNAM VETERANS OF AMERICA[®], or VIETNAM VETERANS OF AMERICA[®] and design (namely, marks 1 and 2 in Attachment A) in the VVA State Council or Chapter newspaper or newsletter as long as the publication clearly indicates that it is the official publication of the State Council or Chapter and that it is not an official publication of VVA or AVVA. In no case shall any State Council, Chapter, or foundation newspaper or newsletter be described as a VVA or AVVA publication. To the extent any VVA State Council or Chapter newspaper or newsletter, or a foundation-published official newspaper or newsletter of a VVA State Council or Chapter, is available online, a link from the word mark VIETNAM VETERANS OF AMERICA[®], or VIETNAM VETERANS OF AMERICA[®] and design (namely, marks 1 and 2 in Attachment A) may be used to the official VVA website (no other uses of the Marks on a foundation website or page are permitted without the express written consent of VVA and/or AVVA).

Notes:

- a. A foundation may publish the official newspaper or newsletter for a VVA State Council or Chapter, and thereby, use the Marks as specified above, on the following two conditions: (1) the VVA State Council or Chapter must officially decide (e.g., by a motion, resolution, or decision recorded in the minutes of a State Council or Chapter meeting) that the foundation for the State Council or Chapter is the official State Council or Chapter newspaper, and (2) each issue of the newspaper published by the foundation shall indicate that it is the official State Council or Chapter newspaper or newsletter, published by the foundation as a service to the State Council, e.g., " The [Name of Publication] is the official publication of the VVA [Name of State] State Council and is published by the [Name of Foundation] Foundation, Inc., a not-for-profit, tax-exempt publicly supported charitable foundation. [Name of Publication] is published as a service to the VVA [Name of State] State Council and other interested organizations."
- b. No foundation shall use any of the Marks other than in an official newspaper or newsletter published for a VVA State Council or Chapter without the express written consent of VVA.
- c. If a VVA State Council or Council decides at any time (e.g., by a motion, resolution, or decision recorded in the minutes of a VVA State Council or Chapter meeting) that the foundation is no longer authorized to publish the official newspaper of the VVA State Council or Chapter, and provides written notice of that decision to the publisher, the

authorization to use any of the Marks in the newspaper terminates effective the date such written notice of the decision is sent to the foundation, and the foundation shall cease using any of the Marks in the newspaper. The VVA State Council or Chapter shall promptly provide the VVA Director of Communications with a copy of such decision.

- d. Within ninety (90) days of adoption of this policy by the VVA Board of Directors, each VVA State Council or Chapter publishing (or having published by a foundation) a State Council or Chapter newspaper or newsletter bearing any of the Marks shall notify the VVA Director of Communications of the name of the newspaper and the name of the publisher of the newspaper. A copy of each issue shall be sent by the State Council or Chapter (or foundation) to the VVA Department of Communications.

10. Conditions for Use of an Authorized Modification to the Mark by Associates of Vietnam Veterans of America (AVVA)

The design mark that the Associates of Vietnam Veterans of America, Inc. (AVVA) uses (in Attachment D) is an authorized modification under a non-exclusive license agreement between VVA and AVVA. AVVA's use of the authorized modified design mark must comply with the license agreement.

11. Conditions for Use of an Authorized Modification to the Mark by the Conference of State Council Presidents

The VVA Constitution provides for an authorized modification (see Attachment E) by the Conference of State Council Presidents. This modified mark, "THE CONFERENCE OF STATE COUNCIL PRESIDENTS VIETNAM VETERANS OF AMERICA" and design, is an authorized modification by VVA and shall be used by the Conference of State Council Presidents only in connection with their official business or other uses as approved by VVA.

12. Right to Use Artwork

Anyone authorized to use any of the artwork relating to the Marks as specified herein may duplicate the file(s) containing the artwork in accordance with this Policy, via printed or electronic means. Provided, any reproduction of any of the Marks must be unaltered from its original downloaded form. This includes, but is not limited to, colorization, cropping, or editing as set forth in this Policy. There is to be no charge, or request for donations for any authorized copy of the artwork. Other than as provided in this Policy, the distribution of the artwork with any other product(s), commercial or otherwise, without the express written consent of Vietnam Veterans of America, Inc. is strictly prohibited. Authorized use of the artwork relating to the Marks does not include permission to reprint or re-syndicate the artwork, in whole or in part, as a clip-art or design book or collection or as stock engravings, prints, negatives, positives, mats, stock printing, patterns, or the like. Unauthorized copying of the artwork, or failure to comply with any of the terms, restrictions, conditions, or limitations herein will result in automatic termination of the authorized use of the artwork relating to the Marks in accordance with this Policy and will make available to Vietnam Veterans of America, Inc. such legal remedies as may be appropriate and necessary.

13. Intellectual Property

Nothing in this Policy shall be construed to accord to the VVA State Councils, VVA Chapters or VVA Regions any rights in the Marks except as otherwise expressly provided in this Policy. Title, ownership rights, intellectual property rights, trademark rights and copyright to the Marks, modifications to the Marks, including the Authorized State Council and Chapter Uses of the Marks,

any artwork relating to the Marks, including online and any printed documentation, the original artwork, and any copies of any artwork, whether or not modified by anyone, remain with Vietnam Veterans of America, Inc. and/or Associates of Vietnam Veterans of America. VVA State Councils, VVA Chapters or VVA Regions shall not challenge VVA's or AVVA's rights, title or interest in the Marks or the validity of the Marks or any application or registration with respect to the Marks. VVA State Councils, VVA Chapters or VVA Regions shall not do or cause to be done or omit to do anything the doing, causing or omitting of which would contest or in any way impair or tend to impair the rights of VVA and/or AVVA in their Marks. Except as authorized by the Policy, VVA State Councils, VVA Chapters or VVA Regions shall not use any trademark, service mark, trade name, insignia or logo that is confusingly similar to, or a colorable imitation of the Marks. If any members of VVA or AVVA, or VVA State Councils, VVA Chapters or VVA Regions are ever (i) granted any of the Marks; or (ii) take action to acquire the Mark, the member, State Council, or Chapter will immediately take all actions necessary to either assign the Mark to VVA or AVVA or acquire the Mark and upon acquisition, assign the Mark to VVA or AVVA.

VVA and AVVA expressly reserve the right from time to time to modify, change or replace the Marks. The Marks, as modified, changed or replaced shall for all purposes be deemed to be the Marks referred to in this Policy. Any and all such modifications or changes in the Marks developed or adopted by VVA and/or AVVA shall be the sole and absolute property of VVA and/or AVVA, respectively, and VVA and/or AVVA may incorporate the same in the Marks and shall have the exclusive right to register such modified or changed marks as trademarks and/or service marks.

14. Marks Shall be Used Only in Connection With Official VVA or AVVA Business or in Conjunction with Approved VVA or AVVA Uses; Written Permission Shall be Obtained From the VVA Director of Communications for Any Other Use of Any of the Marks

The Marks may be used only in connection with official VVA or AVVA business or in conjunction with approved VVA or AVVA uses, as enumerated herein. The Marks shall not be used for personal matters or personal business unrelated to official VVA or AVVA business, whether at the National, State Council, or Chapter level. Personal matters or personal business includes advertising one's business, as well as running for public office (e.g., school board, city council, county board, state legislator, Congress, etc.), and as such, the Marks may be used on VVA campaign literature, campaign letterhead, campaign press releases, campaign websites, etc. The Marks shall not be used on foundation letterhead or envelopes, business cards, checks, etc. Express written permission from the VVA Director of Communications must be obtained before using any of the Marks for any purpose or in any manner other than those enumerated herein. Requests for use of any of the Marks should be sent to: Mokie Porter, Director of Communications, Vietnam Veterans of America, 8719 Colesville Road, Suite 100, Silver Spring, MD 20910. Phone: (301) 585-4000, Ext. 146. E-mail: mporter@vva.org. This Policy regards uses by VVA State Councils, Chapters, or Regions, and in limited circumstances, foundations established by State Councils or Chapters (in relation to the publication or a newspaper or newsletter). Only the Board of Directors in its discretion, or the Director of Communications, may authorize any other individual, organization, or corporation to use any of the Marks.

**Attachment A:
Trademarks, Service Marks, and Design Marks of Vietnam Veterans of America and/or
Associates of Vietnam Veterans of America (the Marks)**

#	Mark	U.S. Federal Registration	Technical Notes
1	VIETNAM VETERANS OF AMERICA®	U.S. Registration No. 1,425,312 (International Class 200)	The "®" symbol shall be used to the right of this word mark.
2	VVA	U.S. Registration No. 4,719,813	
3	VIETNAM VETERANS OF AMERICA and Design 	U.S. Registration No. 2,317,463 (Color logo) (International Class 42)	This is the standard version of VVA's design mark. It is intended for use in either black-and-white or color printing. The text inside the circle is a custom typeface and, although it resembles several copper-plate and nickel-plate typefaces, should not be recreated. The logo shall always bear the "®" symbol inside the circle. The actual colors of the VVA logo are PMS 109 (yellow), PMS 295 (blue), PMS 364 (green), PMS 485 (red). These colors refer to the Pantone Color-matching System and must be used in full-color printing. These colors may be converted to their Process equivalents for use in 4-color printing. Note that the center yellow circle does not touch the blue band that bears the text, nor do the three red stripes and green fields. If the white gutter between them is missing, it is a mistake.
4	VIETNAM VETERANS OF AMERICA and Design 	U.S. Registration No. 1,426,112 (Black & White logo) (International Class 200)	This is the standard version of VVA's design mark. It is intended for use in either black-and-white or color printing. The text inside the circle is a custom typeface and, although it resembles several copper-plate and nickel-plate typefaces, should not be recreated. The logo shall always bear the "®" symbol. This logo differs somewhat from the color version.
5	IN SERVICE TO AMERICA and Design 	U.S. Registration No. 1,831,719 (International Class 42)	This logo is intended for use in black-and-white and single-color printing. The typeface used inside the banner is Futura by Digital Typeface Corporation. This logo sometimes appears above or below marks 2 or 3 and should always bear the "®" symbol to the right of the banner.
6	IN SERVICE TO AMERICA and Design 	U.S. Registration No. 3,131,920 (International Class 35; International Class 44)	This logo is intended for use in black-and-white and single-color printing. The typeface used inside the banner is Futura by Digital Typeface Corporation. This logo sometimes appears above or below marks 2 or 3 and should always bear the "®" symbol to the right of the banner.
7	VETERANS INITIATIVE®	U.S. Registration No. 2,319,568	

#	Mark	U.S. Federal Registration	Technical Notes
		(International Class 42)	
8	Design (soldiers shaking hands) 	U.S. Registration No. 2,329,514 (International Class 42)	This Veteran Initiative design mark (soldiers shaking hands) is intended for use with materials that support or publicize the Veterans Initiative. This logo may be used with either black-and-white or single-color printing. The logo should always bear the "®" symbol.
9	Veterans Initiative Design Mark 	NA	The Veteran Initiative design mark (soldiers shaking hands) is intended for use with materials that support or publicize the Veterans Initiative. This logo may be used with either black-and-white or single-color printing. The center square without the text is also often used. The English typeface is Times Roman and the Vietnamese Typeface is Vina Roman available through Linguist's Software at (206) 775-1130. The logo should always bear the "®" symbol. When printing on uncoated stock, use Pantone 342U. When using coated stock, use Pantone 343C.
10	ASSOCIATES OF VIETNAM VETERANS OF AMERICA®	U.S. Registration No. 2,493,642	
11	VETERANS AGAINST DRUGS COMMIT TO LIFE and Design 	U.S. Registration No. 2,311,985 (International Class 42)	
12	AGENT ORANGE EDUCATION CAMPAIGN 	NA	The Agent Orange Education Campaign design mark intended for use on all Agent Orange-related publicity materials. This logo may be used with either black-and-white or single-color printing. The logo should always bear a "®" symbol, as the intellectual property in the mark is owned by Vietnam Veterans of America, Inc. When printing on uncoated stock, Pantone 116U should be used. When using coated stock, Pantone 1235C should be used. The typeface used in the text is Adobe's Kabel.

#	Mark	U.S. Federal Registration	Technical Notes
13	<p>VETSCONNECT VIETNAM VETERANS OF AMERICA IN SERVICE TO OUR VETERANS ... PAST, PRESENT AND FUTURE®</p> 	U.S. Registration No. 3,691,172 (International Class 35)	
14	VETERANS HEALTH COUNCIL®	U.S. Registration No. 4,438,594 (International Class 35)	
15	<p>Veterans  Health Council® improving veterans health through information and education</p> 	<p>U.S. Registration No. 4,438,596 (International Class 35)</p> <p>U.S. Registration No. 4,438,597 (International Class 35)</p>	
16	FACES OF AGENT ORANGE®	U.S. Registration No. 4,334,890 (International Class 35)	

**Attachment B:
Specifications Governing Authorized State Council and Chapter Uses of the Marks**



No additions, modifications or any other changes are permitted to the logo or within the logo without the express written consent of VVA. Text identifying a State Council or Chapter may be placed in any location in which it is separated from the mark or, if used in conjunction with the mark, adjacent to the mark, such as the surrounding text shown here.

**Attachment C:
Authorized Design Mark of Associates of Vietnam Veterans of America (AVVA)**



**Attachment D:
Authorized Design Mark (under VVA Constitution) of The Conference of State Council
Presidents Vietnam Veterans of America**

