

TRADEMARK MAINTENANCE

1.0 PURPOSE

The purpose of this document is to outline the management and maintenance of trademark assets. _____ (“Company”) recognizes that trademarks are valuable assets that require management and maintenance. Company undertakes to manage and maintain trademark assets in accordance with applicable U.S and foreign local laws and regulations.

2.0 SCOPE

This procedure applies to both domestic and foreign trademark assets, which are managed by Company legal.

3.0 DEFINITIONS

Company Legal

Company’s Intellectual Property Group responsible for trademarks

Company Marketing

Corporate Branding Group

Local Counsel

Non-Company attorneys outside the U.S. used for trademark matters

Outside Legal

Non-Company attorneys in the U.S. used for trademark matters

Trademark

A word, name, symbol, tagline, logo, design, sound, image, or a combination thereof, which identifies the goods or services of a manufacturer and distinguishes those goods from those of another

4.0 RESPONSIBILITIES

Company Legal

Manages the maintenance of trademark assets

Outside Legal

Provides legal services in connection with the maintenance of trademark assets

Company Marketing

Provides input as to prosecution, maintenance and disposition of trademark assets

Foreign Associates

Provide legal services in connection with the maintenance of non-U.S. trademark assets

5.0 PROCEDURES

5.1 Trademark Clearance (U.S.)

- 5.1.1 Business units engage Company Marketing for naming/trademark requests.
- 5.1.2 Company Marketing assists business units with developing proposed Trademarks.
- 5.1.3 Company Marketing engages Company Legal for legal clearance of proposed Trademarks.
- 5.1.4 Company Legal engages Outside Legal for searching and legal advice.
- 5.1.5 After consultation with Outside Legal, Company Legal and Company Marketing along with the business units make decisions regarding proposed Trademarks.

5.2 Trademark Prosecution (U.S.)

- 5.2.1 Company Legal provides instructions to Outside Legal for filing of all U.S. trademark applications.
- 5.2.2 Company Legal monitors execution of trademark applications.
- 5.2.3 Outside Legal files trademark applications with U.S. Patent and Trademark Office
- 5.2.4 Outside Legal maintains records of U.S. trademark portfolio.
- 5.2.5 Outside Legal in consultation with Company Legal responds to all prosecution and maintenance actions required to maintain trademark applications.
- 5.2.6 Company Marketing provides Outside Legal with data and information necessary for trademark applications and registrations
- 5.2.7 Company Legal monitors and executes all supporting documentation to prosecute trademark applications and maintain trademark registrations.

5.3 Trademark Clearance (Foreign)

- 5.3.1 Company Marketing confers with Company Legal as to clearance of proposed trademarks outside of the U.S.
- 5.3.2 Company Legal initiates clearance of proposed Trademarks with Local Counsel.
- 5.3.3 Company Legal and Company Marketing along with the business units make decisions regarding clearance of proposed Trademarks in foreign jurisdictions.

5.4 Trademark Prosecution (Foreign)

- 5.4.1 Company Legal reviews search reports for foreign prosecution. If results indicate availability of a proposed Trademark, Company Legal instructs filing of trademark application with Local Counsel for each relevant jurisdiction
- 5.4.2 Upon receipt of filing particulars provided by Local Counsel, Company Legal updates Trademark Database with trademark particulars. Trademark Database data requirements are self-explanatory and is located on its own server.
- 5.4.3 Company Legal obtains all supporting documentation for prosecution of trademark applications in foreign jurisdictions.

5.4.4 Company Legal confers with Company Marketing regarding use and prosecution of Trademarks in all relevant jurisdictions.

5.5 Trademark Policing/Conflicts/Disputes (U.S.)

5.5.1 Outside legal provides Company Legal with notification of potential conflicts and legal advice regarding the potential conflict.

5.5.2 Company Legal confers with Company Marketing regarding action as to potential conflicts

5.5.3 Company Legal instructs Outside Legal to initiate any required action in regards to a specific conflict

5.5.4 Outside Legal maintains records of conflict/dispute actions.

5.6 Trademark Policing/Conflicts (Foreign)

5.6.1 Local Counsel provides Company Legal with notices of potential conflicts and legal advice regarding the potential conflict.

5.6.2 Company Legal confers with Company Marketing regarding action as to potential conflicts.

5.6.3 Company Legal instructs Local Counsel as to actions regarding potential conflicts.

5.6.4 Company Legal updates the Trademark Database regarding conflict action particulars. Trademark Database data requirements are self-explanatory and the database is located on its own server.

6.0 RECORDS AND RETENTION

In accordance with Legal Service Department Quality Record Management Procedure.