Trademark Policies and Procedures of The Order of the Daughters of the King®

Outline

I. Preamble
II. Overview
III. United States Registered Trademarks of The Order
IV. Purpose
  a. Designation and Responsibility of the Individual Authorized to Approve the Use of the Order's Trademarks
  b. Licensing Procedures
V. Use of The Order's Name and Trademarks Among Members
  a. Permissible Use
  b. Non-Permissible Use
VI. Use of The Order's Name and Trademark's Among Non-Members
VII. Crosses for Sale on the Web
VIII. Use of the Trademarks Internationally
IX. No Alterations
X. Appropriate Use of the Trademarks

I. Preamble

This document, The Order of the Daughters of the King® Trademark Policies and Procedures, is designed to establish policies and procedures that govern the use of The Order of the Daughters of the King® (hereinafter referred to as "The Order") registered name and trademarks. This policy applies to all of The Order's members and staff at all of its organizational levels.

II. Overview

The cross of the Order was officially adopted in its first Constitution on November 5, 1891. See below.

First Constitution of the Order of the Daughters of the King® Article IV.
BADGES AND COLORS. The badge of The Order shall be a Greek cross, Fleury, of silver, one inch square, charged on the horizontal with the words "Magnanimiter Crucem Sustine," and at the base of the perpendicular, with the initials of the motto of The Order – FHS – "For His Sake."

The Order of the Daughters of the King® trademarked its name and cross in 1997. The Junior cross was trademarked in 2009. The Order began a licensing program in 2009 in order to establish a foundation for promoting and protecting the use of its registered trademarks. A trademark (or mark) is any logo, symbol, emblem or derivative that identifies the goods or services of an organization, company, manufacturer or institution and distinguishes such entity's goods or services from those of other entities or competitors. The Order owns and controls its name and other marks, logos, and symbols (hereafter, "trademarks") that are associated with The Order (See III. United States Registered Trademarks of The Order).

In order to comply with and assure protection under federal, state and international trademark laws, The Order is required to monitor and control all uses of its registered trademarks. Unauthorized use of The Order's trademarks is subject to civil and criminal penalties. The Order reserves the right to take appropriate action when confronted with unauthorized use of its trademarks. Such actions may include confiscation of the goods, financial penalties, cease and desist orders and other legal action.

The Order must control and monitor the use of its trademarks or risk losing its rights to them as unique Order identifiers. The Order has a compelling interest in controlling the use of its trademarks for other reasons as well. These include, but are not limited to the following:

- Protecting the name of The Order and ensuring that its use is compatible with its historic mission;
- Ensuring that any products or services that bear The Order's name and trademarks are of high quality and are used only in connection with products and services with which The Order has chosen to be identified with;
- Preventing misleading or inaccurate representations of The Order's relationship to other entities or activities;
- Ensuring that the products and services bearing The Order's trademarks protect the integrity and reputation of The Order, maintain and build upon the goodwill of The Order, and promote support for and increase awareness of The Order's mission and goals.

III. United States Registered Trademarks of The Order

Our Name

The Order of the Daughters of the King®

Senior Cross **Junior Cross**

IV. Purpose

The purpose of this policy is to:

- Designate a Trademark Chair and describe its responsibilities.
- Define the procedure by which licenses are obtained.
- Provide information and guidelines regarding the use of The Order's trademarks by members and non-members.
- Provide information and guidelines regarding the use of the trademarks within the United States and in other countries.

IV a. Designation and Responsibility of the Trademark Chair

At the beginning of each new term of the National Council, the President of the Order shall designate one of the two Vice Presidents of the Order to be the Trademark Chair. This appointment will last for the entire three-year term.

The Trademark Chair shall have the authority to sign the Special Purpose Trademark License Agreements; an agreement signed by anyone else will be deemed invalid.

The duties of the Trademark Chair include but are not limited to:

- Ensure The Order is in compliance with trademark law concerning its trademarks.
- Ensure that the trademarks are renewed every ten years from the date of the original registration.

- Review and sign (if approved) the Special Purpose Trademark License Agreements submitted by members and non-members.
- Review and renew (if appropriate) any and all contracts between The Order and its vendors.
- Pursue, to the fullest extent of the law if necessary, any violation of use of the Order's trademarks or challenge to the validity of its name or trademarks.
- Consult with the Order's Trademark Attorney when necessary.

IV b. Licensing Procedures

Process

Permission to use The Order's name or trademarks includes the requirement for execution of a Special Purpose Trademark License Agreement (SPTLA) and potentially the payment of royalties. Typically, any commercial use of the name or trademark will result in the payment of royalties and any noncommercial use will not include royalties, but each case will be determined on its own merits.

Members or vendors wishing to obtain permission to use The Order's registered name or trademarks must complete and submit a Special Purpose Trademark License Agreement to the National Office. The National Office will forward the SPTLA to the Trademark Chair for review.

The Trademark Chair shall respond to the requesting person in writing either granting or denying permission to use The Order's trademarks.

Costs

No cost shall be incurred for obtaining permission to use The Order's name and trademarks.

Application

The Special Purpose Trademark License Agreement shall be available upon written request from the National Office.

The Agreement will set forth the specific trademark(s) to be used, the specific purpose of use, and the duration of intended use. The Agreement must be signed by the Trademark Chair in order for it to be valid.

V. Use of The Order's Name and Trademarks Among Members

Upon admission into the Order, members acknowledge that the cross, worn as a mark of their membership, belongs to The Order and as such agree to abide by this policy established for its use.

Members also understand that:

- The cross is to be worn as a pendant on a necklace, or as a pin on the left side of her chest.
- The cross may not be altered in any way.
- Upon her death, the cross may either be buried with her or placed in the urn, returned to the National Office, or securely attached to a suitable marker.

V a. Permissible Use

Printed Material

Members in good standing may use The Order's name and trademarks on specific printed materials (see below for a list of approved printed material) without first obtaining special permission, but with the condition that they must, and are legally obligated to, ensure the ® is present and visible at the end of The Order's name and present and visible on the lower right side of the cross chosen for use. All of the specific printed material shall be for use in the context of chapters, diocesan assemblies, provinces, and the National Council only. Failure to display the ® constitutes a violation of this policy and use of the Order's registered trademarks.

The approved printed material is strictly limited to the items listed below and is further limited to chapter, diocesan, provincial and National Council use and is the following:

- Fliers
- Service bulletins
- Bookmarks
- Prayer cards
- Invitations
- Stationery and cards
- Programs, forms and directories
- Business cards for officers in The Order
- Name tags

Cakes and Other Baked Goods

Members in good standing may use The Order's name and trademarks on cakes and other baked goods without first obtaining special permission, but with the condition that, when practicable, they must ensure the ® is present and visible at the end of The Order's name and present and visible on the lower right side of the cross chosen for use.

Further, the cakes and baked goods may only be served at Daughters of the King events and gatherings.

Websites

Members in good standing may use The Order's name and trademarks on the website of the church to which her chapter is chartered, or on a Diocesan Assembly or Provincial website, without first obtaining special permission, but with the condition that they must, and are legally obligated to, ensure the ® is present and visible at the end of The Order's name and present and visible on the lower right side of the cross chosen for use. Failure to display the ® constitutes a violation of this policy and use of the Order's registered trademarks.

Banners, Vestments and Stoles

Members in good standing may use The Order's name and trademark to make banners, vestments and stoles, without first obtaining permission, with the condition that a specific patch is attached to the back of the banner, vestment or stole. Patches can be obtained free of charge from the National Office.

Suitable Markers

According to her wishes made known on the Disposition of Cross Card, a member may have her cross securely affixed to a suitable marker upon her death. The member must make arrangements before hand to ensure that the cross cannot be detached or stolen from the marker.

If the member wishes to have The Order's cross engraved or etched onto her gravestone or urn she must obtain a signed Special Purpose Trademark License Agreement ahead of time. It is recommended that the Agreement be kept with the member's personal effects.

Fabrics

Members in good standing may use The Order's name and trademarks on specific fabrics (see below for a list of approved fabrics) without first obtaining special permission, but with the condition that they must, and are legally obligated to, ensure the ® is present and visible at the end of The Order's name and present and visible on the lower right side of the cross chosen for use.

All of the specific fabric items shall be for use in the context of chapters, diocesan assemblies, provinces, and the National Council only. Failure to display the ® constitutes a violation of this policy and use of the Order's registered trademarks.

The approved fabrics are strictly limited to the items listed below and may only be sold to members of The Order and never for profit. Further the items are limited to chapter, diocesan, provincial and National Council use and are as follows:

- T-shirts
- Jackets
- Aprons
- Tote bags
- Prayer blankets and shawls

V b. Non-permissible Use

Endorsements
The Order's name and trademarks may not be used in any manner that suggests or implies the Order's endorsement of other organizations, companies, products, services, political parties or views.

Jewelry
The cross of The Order may not be worn as ornamentation or jewelry, other than as a pendant on a necklace or as a pin on the left side of the member's chest. Wearing the cross in an ornamental context, such as a bracelet or earrings, dilutes the value of the trademark and thus puts its trademark status in jeopardy. Further, members are not allowed to permanently attach The Order's cross to anything that could be perceived as jewelry, such as charms or pins.

Blogs/Facebook
Members are not permitted to use the Order's name or trademark for personal use such as on a blog, Facebook page or other electronic media.

VI. Use of The Order's Name and Trademarks Among Non-Members
Any person, business or organization desiring to use The Order's name and trademark in any manner and for any purpose must obtain a signed Special Purpose Trademark License Agreement. Royalties will be determined on a case-by-case basis.

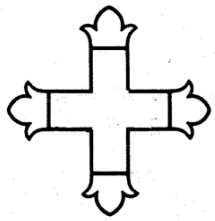
VII. Crosses for Sale on the Web
It is the policy of The Order of the Daughters of the King® not to bid on The Order's cross if found on Ebay or elsewhere. The National Office cannot reimburse any purchase of The Order's cross. However if members come across the Order's cross on Ebay, a yard sale, flea market, or elsewhere, they are strongly encouraged to convey to the seller that this cross is a United States registered trademark and as such it would be appropriate to return it to the National Office in Woodstock, Georgia immediately.

VIII. Use of the Trademarks Internationally
If The Order's name and trademark are to be used outside of the United States the symbol "TM" must appear next to its name and trademarks.

IX. No Alterations

The Order's trademarks may not be altered in any way. Members are not permitted to adopt or use the trademark in a manner that is confusingly similar to, or could cause deception with, respect to the trademarks. This includes but is not limited to using the Greek fluery cross without the inscription "Magnanimiter Crucem Sustine," but with the bars at all four corners of the cross. See the picture below.

Example of an altered cross of The Order



X. Appropriate Use of Trademarks

The Order reserves the right to disapprove any use of its trademark, even if such use is not explicitly prohibited by this policy.

This Policy is effective as of:
November 7, 2014

This Policy was approved by:
The National Council of The Order of the Daughters of the King®

This Policy was amended and approved on:
February 6, 2015