

## **PtHA Trademarks Usage Policy**

Version 1.2

### **Introduction**

This document outlines the policy of the Pinto Horse Association of America, Inc. ("PtHA") regarding the use of its trademarks. Any use of any PtHA trademark must be in accordance with this policy.

The Pinto 4 Horse head logo graphic (without respect to color) is a registered trademark of the Pinto Horse Association of America, Inc.

"PtHA" is a registered trademark of the Pinto Horse Association of America, Inc.

"Pinto Horse" is a registered trademark of the Pinto Horse Association of America, Inc.

"Pinto Horse Association" is a registered trademark of the Pinto Horse Association of America, Inc.

"Pinto Horse Association of America" is a registered trademark of the Pinto Horse Association of America, Inc.

"ePinto" is a registered trademark of the Pinto Horse Association of America, Inc.

"Color Breed Congress" is a registered trademark of the Pinto Horse Association of America, Inc.

"Pinto World Championship" is a registered trademark of the Pinto Horse Association of America, Inc.

Collectively, the preceding trademarks may subsequently be referenced as "word marks" within this document.

All trademarks must be used according to certain legal requirements. If these requirements are not met, the trademark may be endangered or lost. One of these requirements is for the trademark owner (in this case, the PtHA) to maintain standards for using its trademarks, and to enforce acceptable use of the trademarks by taking action against parties that violate those standards.

Trademark law is mainly a way to protect the public, rather than the trademark holder. This means that uses of trademarks that confuse consumers are not permitted under law. As the owner of the trademark, we must be sure the mark is used properly, so the community is not confused. That is what we mean when we say that an unpoliced trademark may be endangered or lost. When the trademark no longer represents a certain level of quality to the community, or no longer indicates that we are the source of the products that bear the trademark, the trademark loses its value.

Underlying PtHA's trademark policy is a set of guidelines for what is -- and is not -- acceptable use of PtHA's trademarks, specifically the word marks and logo identified above, and variations of those marks. This policy describes the uses generally approved by PtHA for its trademarks. However, if you violate this policy, or otherwise take actions that may compromise the goodwill or trademarks of PtHA, or expose PtHA to liability, PtHA may require you to cease all use of any PtHA trademark, regardless of the uses allowed in this policy.

## **General Goals**

In general, we want the word marks and logos to be used with minimal restriction to refer to the PtHA and its related business and show activities.

Uses that Never Require Approval - All trademarks are subject to "nominative use rules" that allow use of the trademark to name the trademarked entity in a way that is minimal and does not imply a sponsorship relationship with the trademark holder.

As such, stating accurately that membership is offered by the Pinto Horse Association is always allowed. In those cases, you may use the words "Pinto Horse Association" or the unaltered logos to indicate this, without our prior approval. This is true both for non-commercial and commercial uses.

This clause overrides other clauses of this policy. However, if you have any doubts about your intended use of the trademarks, please contact the PtHA Trademarks Committee (<mailto:khall@pinto.org>).

Uses that Always Require Approval - Any commercial use of the PtHA trademarks in product or company names must be approved first by the PtHA. Some uses, like calling a company "The Pinto Horse Company," or a product "Pinto Horse Products" or "Pinto Horse Services" will be refused. This is because they are overly broad, or confusing as to whether your product or organization is affiliated with or sponsored by PtHA.

Any use of a derived (modified) logo for any commercial purpose must also be approved first by the PtHA.

How to Use the Trademarks - Although many uses of PtHA's trademarks are governed by more specific rules, which appear in the examples below, the following basic guidelines apply to almost any use of PtHA's trademarks.

1. If the trademark is registered with the U.S. Patent and Trademark Office, it is referred to as a registered mark. The first or most prominent mention of a PtHA trademark should be immediately followed by a symbol for registered trademark: "®" or "(r)". For example "Pinto Horse® ..." This requirement is waived in all contexts where such marks are not normally included: email, online discussion, non-graphical

advertisements (when permitted), and academic papers. We encourage the use of the symbol whenever possible, but recognize that many non-commercial and informal uses will omit it.

2. The PtHA 4 horse head logo is registered. These logos (black and white, or color) should be used in the form provided by the PtHA, and should be accompanied by a symbol for registered trademarks: "®" or "(r)". This may not be removed or obscured and must always be included with the logo.

3. Try to give the word marks distinctive graphic treatment wherever possible. The trademarks should be set apart from surrounding text by using ALLCAPS, italics, emphasized or underlined fonts.

4. If the word mark or the PtHA logos are used in certain contexts, the following statement should accompany its use:

"PtHA" and the Pinto logos are trademarks or registered trademarks of the Pinto Horse Association of America, Inc., used by \_\_\_\_\_ with permission from the Association.

For websites and documentation this can be on a "legal statements" page. For brochures and published articles, this statement is optional. We encourage use of this statement, particularly for published materials, but recognize some non-commercial and informal uses will omit it.

5. Always use any trademark as an adjective only, followed by a generic noun. For instance, it is correct to refer to the ePinto internet services (adjective) but not simply to ePinto (noun). Don't use the trademark as a verb ("ePinto your membership today!").

### Examples

We have specific rules for the following uses:

1. Use of the word marks in text, or as text in 3rd party logos and trademarks.
2. Use of one of the PtHA-provided logo variants in unaltered form.
3. Use of a logo derived from the PtHA logos. For example, use of the 4 horse head graphic combined with any text, or with no text, or in combination with other graphic elements.

The following rules apply to the use of trademarks in each of these three classes.

### **The word marks**

Use of the word marks in the names of freely distributed products such as promotional brochures, flyers, catalogs, premium books, etc. -- Allowed when referring to use with or suitability for the PtHA related services or products. For commercial products, contact the PtHA (<mailto:khall@pinto.org>) for permission.

Use of the word marks in company names -- Allowed only by prior written permission from the PtHA.

Use of the word marks when redistributing PtHA-supplied promotional products as part of a freely distributed promotion -- Allowed. For commercial distributions, contact the PtHA (mailto:khall@pinto.org) for permission if your use is not covered by the nominative use rules described in the section "Uses that Never Require Approval" above.

Use of the word marks in the names of user groups and conferences that are free to join or attend require permission. Other uses will be denied.

Use of the word marks in the name of books or publications like "Texas Pinto Horse Journal" require permission.

Use of the word marks on websites, brochures, documentation, and product packaging -- Allowed if referring to the Pinto Horse Association of America, Inc. or one of its sanctioned Charters. Please follow the rules above about the use of the circle-R ® symbol.

Use of the word marks in advertisements -- Allowed in most cases by the nominative use rules described in the section "Uses that Never Require Approval" above. Other uses in ads only with prior permission.

Use of the word marks in email and informally -- Allowed without the circle-R symbol.

Use of the word marks in academic papers, theses, and books -- Allowed without the circle-R symbol. Books should include the symbol.

Use of the word marks in another trademark -- Not allowed without prior written permission from the PtHA, except as described above.

### **Unaltered Logos**

Use of unaltered PtHA-provided logos on T-shirts, mugs, etc. -- Again, non-commercial uses to promote the Pinto Horse Association of America, Inc., or one of its sanctioned Charters, is allowed. Commercial uses (which includes any use where you sell these items for money) require permission from PtHA. Please reproduce our logos with the right colors and fonts; if you need help, let us know.

Use of unaltered PtHA-provided logos on websites, brochures, and product packaging. The four horse head graphic alone is an unaltered version, whether or not accompanied by any word marks in PtHA-provided logos. Non-commercial uses to promote the Pinto Horse Association of America, Inc. are allowed, as are all nominative uses as described in the section "Uses that Never Require Approval". Any other commercial uses require prior written permission from PtHA.

## Derived Logos

Derived logos must always be sufficiently different from the PtHA logos to allow the community to tell the difference. For example, if you want to create a derived logo for a state charter, you might be able to insert an unaltered four horse head logo graphic into the local group's name in a way that does not cause confusion. But confusingly similar derived logos are not allowed. This includes entwining PtHA logos with other logos, or connecting them together in a confusing manner. Logos that simply change the colors or fonts require permission from the PtHA Trademarks Committee.

Use of freely distributable derived logos as icons for files and executables -- Allowed if used to refer to the Pinto Horse Association of America, Inc.. Commercial users should obtain permission before using derived logos as icons for proprietary file formats.

Use of derived logos for user groups and conferences -- Allowed if used to refer to the Pinto Horse Association of America, Inc.. Commercial user groups and for-profit conferences require permission from the PtHA.

Use of derived logos for freely distributed 3rd-party printed materials -- Allowed if for the benefit of the Pinto Horse Association of America, Inc.. Use of derived logos for commercial purposes requires permission from the PtHA.

We recommend contacting the PtHA (mailto:khall@pinto.org) for permission for all derived logos to avoid placing a confusing logo into wide-spread use. Contacting us is not a requirement for the specific non-commercial uses listed above, or when using freely distributable derived logos that have already been approved by the PtHA. However, obtaining permission from the PtHA is required in all other uses of a derived logo.

Notes: The word marks registered trademarks in the United States of America. See <http://tarr.uspto.gov/servlet/tarr?>

PtHA sponsors and members do not receive any preferential treatment under this policy.

Commercial trademark uses that predate this policy (prior to August 2016) do not require permission from the PtHA if the use is consistent with this policy. However, if you think you may have used the PtHA trademarks in the past in ways that would violate this policy, we recommend seeking permission. Although we are not generally in the business of suing for past infringement of our trademarks, the PtHA does reserve the right to deny trademark use that violates this policy. Past use in violation of this policy does not confer a right to continue that use. (Please note: We are not currently aware of any prior commercial uses of the trademarks that do violate this policy.)

Note: The PtHA Trademark Usage Policy above was approved by the PtHA Executive Committee on August 23, 2016. See the PtHA Executive Committee Minutes for details.

The first publicly released version of the document was 1.1.

**Helping Out As a member of the Pinto Horse community**, please keep an eye out for questionable uses of the four horse head logo and "PtHA" word marks. You can report potential misuse to The PtHA Trademarks Committee (<mailto:khall@pinto.org>). We will evaluate each case and take appropriate action. Please do not approach users of the trademarks with a complaint. That should be left to the PtHA and its representatives.

Thanks!

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To the extent possible under law, the Pinto Horse Association of America, Inc. has waived all copyright and related or neighboring rights to the "PtHA Trademarks Usage Policy". This work is published from the United States.