

HOW TO USE TRADEMARKS AND SERVICE MARKS

Summary: The symbols ®, TM and SM provide notice to the world that we are claiming trademark rights in any mark using these symbols. You may use the TM on marks identifying goods, and the SM on marks identifying services. You need not have a federal or state registration to use the TM or SM symbols. (For example, since we have filed an application but have not yet received registration of the service mark “La Viña” it should be written as: La Viña SM.) However, the ® symbol, which provides "statutory notice" can only be used when a mark is federally registered with the United States Patent and Trademark Office (USPTO). The term “Vineyard” is a federally registered service mark.

However, one does not have to use the ® symbol in order to provide notice of trademark rights. You may also use the phrase, "Reg. U.S. Pat. & Tm. Off." or "Registered in the U.S. Patent and Trademark Office." Or, you may place the phrase at the bottom of a page when using an asterisk next to the mark that refers the reader to the phrase at the bottom. (See further discussion below.)

If in doubt about what to do, simply put SM after the mark the first time you use it.

Advantages of providing notice: There is no requirement that you use any of the symbols; however there are two important advantages to using them. First, the symbols provide notice to the world that we are claiming the symbols as trademarks, and this will deter others from attempting to use the name for their own organization. Second, if it is ever necessary to bring a lawsuit for infringement of the mark, if the statutory notice (i.e. the ® symbol) has not been used, we will be prohibited from recovering damages unless we can prove that the infringer had actual notice of our trademark rights.

Guidelines: Use the proper trademark notice sufficiently to give actual notice, that is, *in at least one prominent place in every medium in which the trademark appears* (for example, in advertising and brochures), but not so frequently as to distract the reader.

For trademarks registered with the US Patent and Trademark Office, place the ® symbol in the upper right-hand corner of the mark, as in “Vineyard® Christian Fellowship”. As an alternative, or in addition to the use of the symbol, you can give public notice at or near the bottom of the medium where the marks are displayed. For marks registered in the USA use the phrase “Registered in the U.S. Patent and Trademark Office” or the abbreviated version “Reg. USPTO.”

However, it is not always possible or it does not always look appropriate to use the above notices. Instead, you may put a notice on the bottom of the page or at the back of a brochure, identifying each of the trademarks. If practical, place a small asterisk in the upper right-hand corner of the trademark, along with the applicable asterisked notices at the bottom of the page or end of the brochure: “*®the property of the Association of Vineyard Churches, USA. Reg. USPTO” or “*tm; the property of the Association of Vineyard Churches, USA” (for all *unregistered marks* used in any country).

If you do not want to differentiate the marks, you can always use an asterisk wherever the words appear and state at the end, “Vineyard” and “La Viña” are service marks of the Association of Vineyard Churches, USA”; or, “Vineyard” and “Vineyard Music” are service marks of the Association of Vineyard Churches, USA”

Other things to note: Your objective is to make the mark stand out from the rest of the text. In business letters, faxes, e-mail or memos, your trademarks may be identified by use of capital letters, bold face type, larger font size, different color, italics, or quotation marks.

Always use the trademarks as adjectives, not as nouns. For example, it is not correct to refer to “Vineyards.” It is correct to refer to “Vineyard” churches or a Vineyard church. Refer to Vineyard activities or ministries rather than using the term standing alone.

Use the trademark *exactly as designed*. Do not use the trademarks in plural form. It is correct to say there are three Vineyard churches, not, “there are three Vineyards.” The mark should always have a capitalized initial letter or be set out in all capitals.