

SAFE-BIOPHARMA ASSOCIATION BRAND USAGE GUIDELINES 2010

The trademarks of SAFE-BioPharma Association (the “Association”) are valuable corporate assets. Presently, the Association owns the following marks: the SAFE-BioPharma Word Mark and the SAFE-BioPharma Plus Triangle Design Logo (as depicted in Appendix A). To preserve their value, the Association’s trademarks must be used correctly and consistently. Otherwise, the Association runs the risk of losing exclusive rights in its trademarks.

The following Brand Usage Guidelines (the “Guidelines”) explain the nature of trademarks generally, list all trademarks presently owned or used by the Association, and set forth the requirements for the proper use and display of the Association’s trademarks on product packaging and in marketing, advertising, and other promotional materials concerning the host of products and services offered by Members and Vendor Partners of the Association (“Licensees”), as well as the Association itself.

I. WHAT IS A TRADEMARK?

A trademark is a word, slogan, symbol, or other device used to identify the source of products and distinguish them from competing products. Trademarks are generally affixed to labels or packaging for products. In the case of software, trademarks are typically displayed on screens viewed by the user or in user’s manuals provided with the software. Service marks function similarly to trademarks, but are used to identify the source of services as opposed to products. Service marks appear in promotional and advertising materials, along with a description of the services provided. Because a service mark is a type of trademark, the terms “trademarks” or “marks”, as used in these Guidelines, should be assumed to encompass service marks.

The Association primarily uses and licenses its trademarks in connection with products and services that incorporate a digital identification standard designed to facilitate the use of secure digital signatures.

II. SAFE-BIOPHARMA ASSOCIATION’S MARKS

Appendix A to the Guidelines lists all trademarks actively being used and licensed by the Association at the present time. This list may be updated from time to time, and you should check with Jon Weisberg (jon.weisberg@safe-biopharma.org) in the SAFE-BioPharma Communications Department if you have any questions concerning the status of a particular mark. The Association is currently pursuing registration of the SAFE-BioPharma Plus Triangle Design Logo in the United States, Canada, Japan, Switzerland, and the European Union.

III. PROPER USE OF TRADEMARKS

- *Always use the trademark as an adjective and not as a noun.*

A word mark should always be used as an adjective followed by a common or generic noun for the products or services. To preserve trademark rights, it is critical that the mark never be used as a noun for the products or services.

Correct: “We only will purchase products that are certified under the **SAFE-BioPharma®** digital identification standard.”

Wrong: “SAFE-BioPharma® will improve the interoperability of health information technology.”

Correct: “Save millions by reducing paper dependency when using a **SAFE-BioPharma®** product.”

Wrong: “Revolutionize your business with SAFE- BioPharma®.”

- *The trademark should never be pluralized, used in the possessive form, or otherwise modified.*

Correct: “**SAFE-BioPharma®** products allow for regulatory compliant and legally enforceable signatures.”

Wrong: “SAFE-BioPharma’s® are being used throughout the healthcare and pharmaceutical industries.”

Correct: “**SAFE-BioPharma®** products ease the burden of regulatory compliance.”

Wrong: “SAFE-BioPharma’s products create a secure environment for conducting business transactions.”

Correct: “The **SAFE-BioPharma®** standard allows for a secure, reliable means of communicating and executing transactions over public and private networks between mission-critical applications.”

Wrong: “The S-A-F-E-BioPharma standard will ensure unique electronic identity credentials for legally enforceable and regulatory compliant digital signatures.”

- *Always distinguish the trademark in relation to the other words in a sentence.*

A trademark should stand out in advertising and promotional materials, and in all product packaging. The use of capitalization, bold or stylized fonts and color are often useful to distinguish a trademark from surrounding text.

IV. TRADEMARK NOTICES

A trademark symbol (®, SM or TM) should appear with all prominent uses of an Association trademark, such as in press releases, advertisements, headlines, promotional materials, and product packaging. In addition, the ®, SM or TM symbol should appear with the first use of a trademark in text, even if the ®, SM or TM was used in the headline. The SM or TM symbol should be placed after marks that have not been registered with the United States Patent and Trademark Office. The SM symbol indicates that a mark is being used in connection with services. The TM symbol indicates that a mark is being used on a product. If an unregistered mark (e.g., the

SAFE-BioPharma Word Mark) is used to identify both products and services, the TM symbol is preferred.

The ® symbol indicates that the mark has been registered with the United States Patent and Trademark Office. The ® symbol can ONLY be used for federally registered marks.

Additionally, the following principles should be kept in mind when using trademark symbols.

- *Trademark symbols are placed immediately after the mark identified.*

Correct: “SAFE-BioPharma® products”

Wrong: “SAFE-BioPharma products®”

- *If it is not practical to place a symbol after the mark, the mark should be followed by an asterisk (*) with a reference to a footnote that claims status or ownership, such as:*
 - a. “This is a trademark of the SAFE- BioPharma Association in the United States.”
(Note: For use with marks which have not yet been registered.)
 - b. “Registered in U.S. Patent and Trademark Office.”
 - c. “Reg. U.S. Pat. & Tm Off.”
 - d. “Registered in U.S. Patent and Trademark Office.”
 - e. “Reg. U.S. Pat. & Tm Off.”

Although it is not necessary to use a trademark symbol every time a trademark is printed in materials or on product packaging or labels, the initial and most prominent use of an Association trademark should be identified as set forth above.

The instructions above concern the use of trademark symbols and notices with the Association’s trademarks in the United States. If a trademark is going to be used outside of the United States, please contact Jon Weisberg (jon.weisberg@safe-biopharma.org) in the SAFE-BioPharma Communications Department for guidance on the proper use of trademark symbols and notices in such jurisdictions.

V. TRADEMARK LEGENDS

A trademark legend should appear on items where the Association’s trademarks are used, e.g., it should appear at the end of documents, on the front inside cover of brochures, or on a web site. For example, the following legend would be appropriate on the Association’s web page discussing the SAFE-BioPharma Standard:

**SAFE-BioPharma® and SAFE-BioPharma Plus Triangle
Design Logo™** are trademarks of SAFE-BioPharma Association.

VI. TRADE NAME USE

Do not confuse the **SAFE-BioPharma®** trademark with use of the company name, SAFE-BioPharma Association. A trade name is the name used to identify a business, partnership or enterprise. It refers to all aspects of a business, including the quality of its products or services and its reputation in the business or financial community.

Unlike trademarks, trade names are proper nouns and can be used in the possessive form and do not require use of a generic term. Trademark symbols such as “®” or “™” should not be used in connection with “SAFE-BioPharma Association” when it is used purely as trade *name*.

Correct: “SAFE-BioPharma Association is headquartered in Fort Lee, NJ.”

Incorrect: “SAFE-BioPharma™- Association Appoints FDA Regulatory Veteran as CEO.”

Correct: “SAFE-BioPharma’s CEO and CFO Address Employees.”

Incorrect: “SAFE-BioPharma™ Reports Strong Sales as Membership and Vendor Partner Contracts Soar.”

VII. USE OF ASSOCIATION’S TRADEMARKS ON LICENSEE’S PRODUCTS AND MATERIALS

The Association’s trademarks are to be applied on Licensee products and product packaging, as well as Licensee marketing, advertising, and other promotional materials, in such a manner as to ensure that the Association’s trademarks are not perceived to be the product or service brand. Thus, the Licensee must not use the Association’s trademarks without the Licensee’s trademarks or trade name being easily recognizable. Further, the Association’s marks may not dominate a Licensee’s trademarks or trade name.

Licensees may use the SAFE-BioPharma word mark in conjunction with their marks as long as the word mark is used in a referential phrase, such as “for use with SAFE- BioPharma products,” “certified by the SAFE-BioPharma standard,” or “compatible with SAFE-BioPharma products,” and that phrase is accurate.

With respect to using the SAFE-BioPharma Plus Triangle Design Logo, the Licensee must be sure that the integrity of the mark is preserved by making use of a “free zone” around the mark in which no text, picture, illustration, or other element shall be present. Further, the Licensee should never alter the mark by adding shadows, color, or any other design features.

Finally, if the SAFE-BioPharma Plus Triangle Design Logo is used on a website owned by a Licensee, it must contain an active hypertext link to **<http://www.SAFE-BioPharma.org>**.

Exhibit A
SAFE-BioPharma Trademarks

(1) SAFE-BioPharma Word Mark

SAFE-BioPharma®

SAFE-BioPharma®

(2) SAFE-BioPharma Plus Triangle Design Logo with SAFE-BioPharma Tagline Below



(3) SAFE-BioPharma Plus Triangle Design Logo



Exhibit A - SAFE Trademarks (con't)

(4) SAFE-BioPharma Plus Triangle Design Logo with “Vendor Partner”



(5) SAFE-BioPharma Plus Triangle Design Logo with “Certified”

