

# EarthLinked® Trademarks and Logo Usage Requirements

## Introduction

The trademarks of EarthLinked Technologies, Inc. (ETI) are intellectual property, with value both to us at ETI and to our community of customers, developers, partners, and other stakeholders. The entire stakeholder community benefits when our trademarks maintain their strong association with technology and quality.

**Trademarks are words or symbols** used to identify the source of products, technologies and services that enable customers to distinguish the offerings of one supplier from another. They are adjectives that are used to modify generic nouns that identify a category of product or service, such as, "EarthLinked® Heat Pumps," "EarthLinked® Systems" or "EarthLinked Products." An appropriate generic term must appear after the trademark the first time it appears in a printed piece, and as often thereafter as reasonable, so as to prevent the trademark from becoming a generic noun itself (aspirin and escalator used to be trademarks).

Trademark law protects the public's ability to rely on trademarks for information about product source and quality, and requires trademark owners to take steps to monitor and police the proper use of their marks. We provide these Trademark and Logo Usage Requirements ("guidelines") as part of a program to satisfy our obligation as a trademark owner, and to help you make proper use of our marks consistent with these guidelines and the law.

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## Overview of Trademark Law

**What does trademark law protect?** Trademark law generally protects the public's ability to rely on trademarks for information about the source and quality of products, services, programs and technologies. To protect from misleading or confusing information, the law requires trademark owners to monitor the proper use of their marks and to protect against use of identical or similar marks for similar goods, services, programs or technologies. A mark that looks similar, sounds similar, or has a similar meaning to an established mark and that is used on similar products might be an infringement and constitute unfair competition.

**What is a "fair use?"** Referring to someone else's trademark in a way that does not confuse the public or tarnish the mark may qualify as "fair use." Examples include discussions of a product by name in a news article, product review, or comparative advertising. "Fair use" must accurately identify the original product or service without misleading the public about its source or its affiliation with the products or services of another entity. Using someone else's trademark as the name of your own product or service is never fair use.

**How do owners establish trademark rights?** In the U.S. and some foreign countries that recognize "common law" rights, an owner establishes trademark rights by being the first to **use** a mark in connection with a particular product or service. In the U.S., a federal trademark registration provides additional benefits to the trademark owner, including the right to use the symbol ®. Common law (unregistered) trademarks can use the ™ symbol. In many foreign countries, an owner establishes trademark rights by being the first to **register** a mark. "EarthLinked®" is registered in the U.S. and other countries. "Direct Axxess®" is registered in the U.S.

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## Overview of EarthLinked Trademark Guidelines

ETI is pleased to hereby grant permission to its dealers, sales representatives and partnered organizations to use EarthLinked trademarks in materials prepared and distributed in hard copy or electronic form as part of activities directly related to the promotion, sale or use of EarthLinked products.

The trademarks that may be used by ETI dealers, sales representatives and partnered organizations are:

- EarthLinked®
- Direct Axxess®
- Adaptiv™ Flow Controls



Electronic versions of the trademarks may be requested by emailing [logorequest@earthlinked.com](mailto:logorequest@earthlinked.com). These images must not be altered, distorted, stretched or otherwise modified.

The marks should be used with consistent capitalization, spelling and stylization. The letter "L" should be capitalized in all uses of "EarthLinked", with no space between the words "Earth" and "Linked."

Whenever the EarthLinked or Direct Axxess trademarks are used, they should be marked with the ® symbol, as shown above, except when redundant or repetitive uses of the symbol in a single document or usage might appear awkward or cumbersome. In such repetitive use, the symbol should be applied the first time the trademark is used. Whenever the Adaptiv trademark is used, it should be marked with the ™ symbol, at least in the first use.

Please follow these guidelines in making use of our marks. Use them, at least in your initial and most prominent references and otherwise as needed for clarity, with generic nouns that identify an EarthLinked product, technology, program, or service. For example, use "EarthLinked® heat pump" or "the EarthLinked® system" instead of using "EarthLinked" or "Direct Axxess" on their own when referring to the product rather than to the company.

1. **EarthLinked trademarks cannot be included in the name of any third-party product, technology, program or service.** This includes educational and promotional materials. Be creative and come up with an innovative new name for your product or service!
2. **Mark and attribute EarthLinked trademarks.** When making fair use of EarthLinked trademarks please mark and attribute them as outlined in these Guidelines.

3. Please email [logorequest@earthlinked.com](mailto:logorequest@earthlinked.com) if you have any questions about how to properly use the trademarks. Let us know if you see our trademarks used in a way that does not conform to these Guidelines

**Attribution Notice/Legal Notice:** Attribute our trademarks using the following notice: "EarthLinked" and the EarthLinked logo [or insert any other EarthLinked trademarks referenced in the document] are trademarks or registered trademarks of EarthLinked Technologies, Inc. in the U.S. and other countries."

**DO** include a notice on a single page, linked from all pages that contain EarthLinked trademarks (such as with a "legal" or "trademarks" link in the footer) if you are working on the web. For printed materials, place the notice in an appropriate location with other legal notices (e.g., in the footnotes of a White Paper, on the last slide of a presentation, etc.).

**DO NOT** rely on a web footer link to provide attribution for downloadable documents and software downloads that are posted on that site. Because they will ultimately be viewed separately from that attribution, they must contain their own notice.

## Usage

The license for use of these trademarks includes use in promoting and selling EarthLinked products, such as clothing, literature, websites, business cards, product packaging, and trade show displays.

The trademarks should be used only under circumstances that represent good taste, and must not be used in any way that could be construed as endorsing any product, service, organization, or point of view not directly associated with ETI. The use of these trademarks may not be sublicensed to any other organization or individual, and the trademarks may be used only while the individual or organization is an authorized dealer or sales representative of products, or a partner organization. Use of the marks and the name EarthLinked Technologies, Inc must be discontinued immediately after termination of that relationship.

The EarthLinked trademarks and company name should not be incorporated in your trademarks, service marks, organization or company name, Internet addresses, domain names, or similar designations for use in promotion or sale of EarthLinked products or otherwise. This license is granted by ETI, which reserves the right to monitor the use of the trademarks and to withdraw its consent for use of the trademarks or change the guidance for their use at any time.

## Logo Reproduction

- Offset printing:  
Bright blue: Pantone process blue u; Bright Green: Pantone 362u; Yellow: Pantone 381u; Dark Green Pantone 357u.
- 4-color process (CMYK):  
Bright blue: 100c 10m 0y 10k; Light blue: 40c 4m 0y 4k; Yellow: 20c 0m 91y 0k; Light yellow: 10.2c 0m 46.41y 0k; Bright green: 70c 0m 100y 9k; Lighter bright green: 48.3c 0m 69y 6.21k; Dark Green: 80c 0m 100y 56k; Lighter Dark Green: 64c 0m 80y 44.8k.
- Websites:

Bright blue: 0R 147G 209B; Light blue: 138R 199G 232B; Yellow: 214R 224G 62B; Light yellow: 232R 237G 161B; Bright green: 74R 170G 66B; Lighter bright green: 131R 189G 116B; Dark Green: 0R 98G 37B; Lighter Dark Green: 53R 121G 64B.

## Use of EarthLinked Logos

**No one may use any EarthLinked logo for any purpose without a license to do so.** You may apply for a permission or license to use our logos by emailing ETI at [logorequest@earthlinked.com](mailto:logorequest@earthlinked.com). Each is available for your use upon acceptance of your application.

If you are granted a license to use an ETI logo, you will be provided with artwork, which may not be modified in any way, other than sizing it to fit appropriately in context. Unless your license specifically allows you to do so, you may not combine our logo with other logos or artwork, or replace or remove an EarthLinked logo from a product for resale.

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## Special Issues on the Web

**Trademark Symbols on the Web:** When using EarthLinked trademarks on the web, you should follow your standard practice with respect to marking and attribution. If you mark or attribute any other third party trademarks, please do the same for ETI's.

**Web Sites:** **DO NOT** incorporate an EarthLinked trademark into the name of your community website, blog, personal home page or the like.

**Domain Names, Registration and Use:** **DO NOT** use an EarthLinked trademark by itself in either the domain or host name, as in [www.earthlinked.acme.com](http://www.earthlinked.acme.com). This license permits you to use an EarthLinked trademark by itself as a file, folder, or path name, as in [ww.acme.com/EarthLinked](http://ww.acme.com/EarthLinked).

So long as the web site adheres to the rest of these guidelines, use of an EarthLinked trademark is permitted with the following restrictions:

**DO NOT** use the domain name as a name or title for the web site itself. For example, do not create headers or title graphics or include the domain name by itself, or text such as "Welcome to AcmeEarthLinked.com."

**DO** include a legal notice containing the following text: "[Insert EarthLinked trademark] is a trademark or registered trademark of EarthLinked Technologies, Inc. in the United States and other countries. [Insert web site owner name] is independent of EarthLinked Technologies, Inc."

**DO NOT** register the domain name as a trademark with any Trademark Office or otherwise attempt to claim rights in the name, by presenting it with a <sup>TM</sup> symbol.

**YouTube, MySpace, and other User-Contributed Content:** You are responsible for content you submit to YouTube, MySpace, SecondLife, wikis, forums, and other user-contribution sites. If you create content for any online source, please make sure that your use of EarthLinked trademarks is consistent with these guidelines. Administrators of such sites are responsible for removing infringing content once it is identified.