

OVERVIEW

NGN Enabled[®]

Trademark and Logo Usage Requirements

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1 Introduction

NGN Enabled trademark is intellectual property, with value both to us at Nexus Telecom and to our community of customers, developers, partners, and supporters. When our trademarks maintain their strong association with quality and compatibility, the entire community benefits.



Figure1: NGN Enabled Logo

Trademarks are words or symbols (and less commonly colors, sounds or scents) used to identify the source of products, technologies, programs and services, enabling customers to distinguish one provider's offerings from another's. When we say "products" in these guidelines, we mean all types of offerings, ranging from commercial products and services to open source and free software and informational web sites. Trademark law protects the public's ability to rely on trademarks for information about product source and quality, requiring trademark owners to take steps to police proper use of their marks. We provide these NGN Enabled® Trademark and Logo Usage Requirements ("guidelines") as part of a comprehensive program to satisfy this obligation and to help you and all of our community members make proper use of our marks consistent with these guidelines and the law.

These guidelines are for anyone using or referencing NGN Enabled® trademark, particularly users outside of Nexus Telecom. For additional resources, please contact the marketing department at Nexus Telecom (marketing@nexustelecom.com).

2 Overview of Trademark Law

We are providing a general overview of trademark law to help you understand the guiding principles and goals of these guidelines. This summary and the guidelines are not legal advice.

What does trademark law protect? Trademark law protects the public's ability to rely on trademarks for information about the source and quality of products, services, programs and technologies. To protect the public from misleading or confusing information, the law requires trademark owners to monitor proper use of their marks and to "police" against use of identical or closely similar marks for similar goods, services, programs or technologies. Trademarks are compared based on similarities or differences in sight (visual appearance), sound, and meaning, as well as other factors such as whether the products are related. 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.

Not all uses of a trademark result in potential confusion. Nexus Telecom allows and even encourages many "fair uses" of NGN Enabled.

What is trade dress? "Trade dress" describes a collection of attributes or features of a product or service (often its overall presentation) and/or its packaging. Trade dress can include color palettes, patterns and textures of material or packaging, or other thematic elements that collectively indicate the source of the product or service to the public.

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. To make a "fair use," you must accurately identify the original product or service without misleading the public about its source or its affiliation with your own products or services. Using someone else's trademark as the name of your own product or service (including freeware or free information services) is never fair use. If you want to use one of our logos, you will need a permission or license.

How do owners establish trademark rights? In Switzerland, and most countries require a user to register trademarks with the national trademark office (a government agency), before rights are recognized. In the U.S. and some other countries that recognize "common law" rights, an owner can establish trademark rights simply by using a mark in connection with products or services. (No rights will be established if the mark infringes an existing, existing registered, or senior, mark.)

What is an infringement? Infringement occurs when someone (the "junior user") uses a trademark that is identical or confusingly similar to an existing trademark (the "senior trademark") owned by a senior user, on similar goods, services, products or technologies without permission or a license from the senior user. Courts use many factors to evaluate the likelihood that the public would be confused about the source of either trademark user's products or the relationship between the two trademark owners. The infringement can be intentional, e.g., when the junior user is counterfeiting goods, or inadvertent, e.g., when the junior user is trying to make fair use, but doesn't satisfy all the legal requirements.

What is required for a trademark license? A trademark owner may license the use of a trademark to other companies or individuals for use on their own products. The license agreement must allow the trademark owner the right to control the quality of the licensee's products by setting and enforcing quality standards.

How can you trademark words in the dictionary? It all depends on how close the trademark owner's products are to the dictionary definition. For example, apples (the fruit) do not have anything to do with computers, so Apple is a distinctive, strong mark for computer products and services, identifying one unique source of those products and services. The mark Apple would be a little less strong, but still protectable for the hypothetical company, Apple Healthcare because there is a logical association between apples and health (the saying "an apple a day keeps the doctor away"). Since the word "apple" does not directly describe health care services, it can still identify one unique source of those services. No fruit grower, however, could claim exclusive trademark rights in the name "apple" for its fruit. "Apple" is a generic term in that industry and is not protectable as a trademark. It does not identify any unique source of the fruit. For this reason, no one apple grower can trademark the word "apple" and prevent competitors and other members of the industry from using it in their company and product names.

3 Overview of NGN Enabled® Trademark Guidelines

Please follow these guidelines in making use of our marks.

Trademarks are adjectives. Use them, at least in your initial and most prominent references and otherwise as needed for clarity, with generic nouns that identify a product, technology, program, or service. For example, use "NGN Enabled technology" instead of using "NGN Enabled" on its own.

Mark and attribute NGN Enabled® trademarks. When making fair use of NGN Enabled® trademark, mark and attribute them as outlined in these Guidelines.

You may only use NGN Enabled® logos by permission. To find out more about NGN Enabled® logo programs and to apply for a license, visit www.ngn-enabled.com/terms_of_use.html

Keeping NGN Enabled® trademarks strong helps our entire community. Please [let us know](#) if you see our trademarks used in a way that does not conform to these guidelines.

4 Naming and Presentation of Products, Services and Websites

Trademark law applies equally to commercial products and services and to offerings that are free, not for profit, educational, or purely informational. Including a NGN Enabled trademark in the name of a product or service not compatible with from Nexus Telecom NGN Enabled guidelines can confuse consumers and violate the law. The following guidelines explain in greater detail when and how you can use NGN Enabled trademark in relation to your products.

Sight, Sound, and Meaning: Trademark protection extends to its sight, sound and meaning. Do not adopt a trademark that has a similar look, sound, or meaning to NGN Enabled trademark.

- ⋮ **DO** come up with a unique and compelling name for your product, or simply choose a purely descriptive name. It's always a good idea to get an independent legal opinion about the availability of the name you choose.

- ⋮ **DO NOT** adopt similar looking, sounding, or meaning trademarks, such as a) a logo of a blue cross because it looks similar to the Nexus Telecom logo or b) "Mexus Telecom" because it sounds like Nexus Telecom.

Marking: When you use one of our trademarks, properly mark and attribute it to help minimize the risk of user confusion. On each document incorporating one of our marks, place the ® symbol directly following our mark the first time the mark is used prominently (as in a headline, title, or graphic), and the first time it is used in plain text.

- ⋮ **DO** properly mark NGN Enabled trademarks, as in "NexusNETVIEW Surveillance Software, NGN Enabled® edition."
- ⋮ **DO NOT** claim rights in the whole phrase that includes a NGN Enabled trademark, as in "Nortel Network Management platform, NGN Enabled edition ®."

Attribution Notice/Legal Notice: Unless you have an agreement with Nexus Telecom that says something else, attribute our trademarks using the following notice: "NGN Enabled, the NGN Enabled Logo [insert all other Nexus Telecom trademarks referenced in the document] are trademark or registered trademark in Switzerland and other countries."

- ⋮ **DO** include a notice on a single page, linked from all pages that contain NGN Enabled 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., on the title page of a book, 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.

Trade Dress: NGN Enabled trade dress may not be used by third parties for their own products or web sites. Take care to ensure that your product line, packaging, advertising or web site does not adopt a look that is confusingly similar to any of NGN Enabled®.

Code Names: Code names are popular in the software industry, to allow development teams to refer to their project before an official name is selected. Public use of code names can infringe the rights of a trademark owner if the code name includes another's trademarks. Increasingly, code names are used publicly on community software development efforts or in early access versions for testing. To be safe, avoid inclusion of other company's trademarks in your code names.

5 Use of NGN Enabled Logos

Third parties may not use any NGN Enabled logo for any purpose without a license to do so.

Nexus Telecom offers programs that allow you to apply for a permission or license to use certain logos. For example, we have logos that indicate technological compatibility, conformance to specific requirements with NGN Enabled standards, and so on. Each is available for your use upon acceptance of your application.

If you are granted a license to use a NGN Enabled logo, you are provided with artwork, which you may not modify 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 a NGN Enabled logo with other logos or artwork, or replace or remove a NGN Enabled logo from a product for resale.

To find out more about logo programs and to apply for a license, please contact Nexus Telecom marketing department.

6 Special Issues On The Web

Web Sites Are Services: Trademark law considers all web sites to be services from e-commerce, to community sites, to blogs and personal home pages. The name you adopt for your NGN Enabled site is a trademark, regardless of whether the site is educational, free, non-commercial, or purely informational. Do not incorporate a NGN Enabled® trademark into the name of your site.

Trademark Symbols on the Web: When using NGN Enabled trademark 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 NGN Enabled®. To generate the NGN Enabled character in HTML code, use ASCII character code 153 (™).

Domain Names, Registration and Use: So long as the web site adheres to the rest of these guidelines, use of a NGN Enabled® trademark in a domain name is permitted with the following restrictions:

- ⋮ **DO** use a NGN Enabled trademark by itself as a file, folder, or path name, as in `www.xyz.com/ngnenabled..`
- ⋮ **DO NOT** use a NGN Enabled trademark by itself in either the domain or host name, as in `ngn.enabled.xyz.com`.

- ⋮ **DO** register the domain under your own name, or the name of a business entity that conforms to these guidelines.
- ⋮ **DO NOT** register the domain name using the domain name itself as the registrant name (see the following example).
- ⋮ **DO** refer to the domain name in your materials as an address or location on the web, as in plain text reading "Learn more about XYZ Inc. by visiting www.xyz.ngn.enabled.com."
- ⋮ **DO** include a legal notice containing the following text: "[Insert NGN Enabled trademark] is a trademark or registered trademark of Nexus Telecom AG in the Switzerland and other countries. [Insert web site owner name] is independent of Nexus Telecom AG."
- ⋮ **DO NOT** register the domain name as a trademark with the Swiss Trademark Office or otherwise attempt to claim rights in the name, by presenting it with a NGN Enabled symbol.

Blogs and other Informal Content: We understand and embrace the fact that a variety of content on the Internet is informal, and that strict adherence to all of these guidelines may be inappropriate. If you operate an informal web site service such as a blog, you can use a conversational tone, in which you may not always use nouns or trademark symbols with NGN Enabled® marks, and so on. To take advantage of this exception, please make sure that your site adheres to the rest of these guidelines.

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, make sure that your use of NGN Enabled trademark is consistent with these guidelines. Administrators of such sites are responsible for removing infringing content once it is identified. Making certain your content only makes appropriate use of NGN Enabled trademarks can help prevent it from being removed.

- ⋮ **DO** include truthful and accurate representations of NGN Enabled trademark (such as a video clip that shows a NGN Enabled logo on a genuine NGN Enabled workstation).
- ⋮ **DO NOT** include mock or parody products in your content with names based on NGN Enabled trademark.

7 Special Rules for Publications, User Groups, and Conferences

As a technological innovator, NGN Enabled encourages and expects the community of developers, businesses, and other innovators to seek out and share information about NGN Enabled technologies. NGN Enabled trademark will often be a natural part of these discussions. To facilitate this dialog, under the following circumstances, NGN Enabled word marks may be used in the titles of publications, user groups, and conferences. Please use word marks, e.g., NGN Enabled, only. Please do not use our font, stylization or logos.

Follow All Other Rules: The exceptions for naming publications, user groups and conferences is only available if the rest of these guidelines are followed, including marking with symbols, attribution and use of nouns.

Publications: When using NGN Enabled word marks in naming publications, such as books or magazines, it is important that you do not create confusion as to source of your publication or any affiliation with NGN Enabled. The publisher's name should appear prominently in a location that is customary in the publishing industry. Magazines including NGN Enabled trademark in the title should also include an extra noun that identifies the NGN Enabled product (e.g., "NGN Enabled Platform Magazine" is acceptable; it is not allowed to say "NGN Enabled Magazine").

- ⋮ **DO** include a customary identification of the non- Nexus Telecom source of your materials. For example, books typically include publisher information and logos on the spine and title page, which may be less physically prominent than the title.
- ⋮ **DO NOT** attempt to claim trademark rights in the whole name of your publication by marking it with a trademark symbol or applying for registration with a trademark office.
- ⋮ **DO** include the customary attribution of NGN Enabled trademark rights in an appropriate location.

User Groups. Using a term in the name such as "user group," "special interest group," "lobby," etc., makes clear the relationship between NGN Enabled technology and the group, and does not create confusion about the source of products. It is a fair use. In user group names, it is necessary to include an extra noun that identifies the NGN Enabled product (e.g., "NGN Enabled Technology User Group" is acceptable; it is not allowed to say "NGN Enabled User Group"). These exceptions apply only to user groups that are not formally doing business as commercial entities. If you are administering a user group that includes a NGN Enabled® trademark in its name:

- ⋮ **DO NOT** claim any trademark rights in the name or attempt to register the name or your logo with a trademark office;
- ⋮ **DO NOT** register the name as a trade name or business name, or conduct any business under the name (e.g., do not register domain names under your user name).

Conferences: When using NGN Enabled word marks in naming conferences, it is important to make sure not to create confusion as to source or affiliation. The NGN Enabled mark must not appear more prominently than the name of the conference producer, promoter or sponsor, and must refer to a NGN Enabled product.

- ⋮ **DO** use the NGN Enabled mark to identify a NGN Enabled product, as in "XYZ Expo on NGN Enabled® Technology."
- ⋮ **DO NOT** use the NGN Enabled mark to identify your product or service, as in "XYZ NGN Enabled Expo."
- ⋮ **DO** include a customary identification of the non- NGN Enabled source of your materials. Identify the publisher, promoter or sponsor prominently in appropriate locations.

Merchandise: NGN Enabled does not object to parties whose names include a NGN Enabled trademark as authorized by these guidelines producing limited runs of merchandise bearing their

names under some circumstances. You may include your name on T-shirts, coffee mugs, mouse pads or other promotional items, so long as you do not make more than 200 units, or offer products for commercial sale.

8 Contacting Nexus Telecom's Trademark and Marketing Legal Department

Trademark and Marketing Legal Department
Nexus Telecom
Muertschenstrasse 27
P.O. Box 1413
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Switzerland

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We work to improve your network

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