

New Business

Proposed Policy: Trademark Violator Compliance

The following policy shall apply to companies who have used the NCSG Member Trademark without authorization (“trademark violator”). Specifically, this policy will address the requirements for a trademark violator to come into compliance with NCSG’s trademark use policy.

If the violator has been a member of NCSG at anytime within the 12 month period immediately preceding notification of the violation: If the violator has not had a prior NCSG trademark violation within the preceding 3 years, the violator will be given the opportunity to renew membership at the current rate, and the violation will be recorded in the member’s record. The next renewal date for the member will be based on their previous expiration date. *Example: Membership expires in October 2007. In May 2008 the office is notified that the expired member is still using the NCSG trademark. The expired member is notified and renews their membership in May 2008. Their membership will be due for renewal again in October 2008.*

If the violator has never been a member of NCSG, or if their last membership expired more than 12 months prior to notification of the violation, or if they have had a prior violation within the preceding 3 year period: The violator will be required to immediately cease and desist from the use of the member trademark, and provide the office with written verification of such. The violator will be required to pay a licensing fee (equivalent to the current membership fee) for the year(s) proven to be in violation. In addition, the violator will be required to demonstrate that they have complied with the cease and desist request for a minimum period of 12 months prior to being eligible to apply for membership. *Example: A company is found to be using the NCSG trademark in violation in October 2007. In addition to signing a cease and desist order, the company will be required to pay a licensing fee for their use of the trademark over the preceding 12 months (or longer if the use can be proven). The company will not be considered eligible to apply for membership in NCSG until October 2008, which subsequently means they will not be authorized to use the trademark until at least October 2008.*