

MEMORANDUM

To: Mayor and Board of Aldermen

From: William C. Morgan, Jr., and Michael B. Brough

Re: Trademark Protection for Official Town Seal

Date: October 4, 2010

Recently it came to our attention that an internet "Facebook" page under the title "Town of Carrboro" contains an image of the official town seal. The page is neither produced nor authorized by the Town. The site appears to be an informal community bulletin board. The manager requested that we research what options the Town may have for protecting the seal and controlling its use by others. In reviewing the issue, we learned that a number of towns, cities and counties in North Carolina have registered their seals, and other official logos, with the Trademark Division of the North Carolina Secretary of State's office. There are also several flags, police and fire department emblems, festival logos and other marks which have been registered by North Carolina municipalities.

The registration process involves filing an application containing a written description of the mark, three specimens depicting the mark (for a "service" mark, such as the town seal, the specimens may include letterhead, business cards and other official printed material) along with a \$75 application fee. A separate application and fee is required for each mark registered. Once approved, the mark is protected and any use of the mark in North Carolina by others without written consent from the town is prohibited. In addition, several towns have resolutions and/or written policies outlining under what circumstances (if any) permission may be granted for use of the mark, and designating an official charged with the duty of issuing written permission.

The recent discovery of an unauthorized use of the Town of Carrboro's official seal highlights the need for controlling the use of the seal, and perhaps other official marks developed and used by the town to identify town services. We suggest that the Town authorize the manager to apply for trademark protection for the official seal, and any other marks which in the board's discretion should be protected. In addition, we recommend that town designate the manager as the official responsible for responding to requests to use the official seal (and any other protected marks). Absent a written policy regarding the private use of town-owned marks, the manager would normally bring the request to the Board for approval. Since such requests are expected to be infrequent, a written policy is probably unnecessary at this time. A resolution is attached for your consideration.

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPLY FOR TRADEMARK PROTECTION FOR THE TOWN OF CARRBORO OFFICIAL TOWN SEAL, FIRE-RESCUE DEPARTMENT LOGO AND POLICE DEPARTMENT LOGO**

**Resolution No. 38/2010-11**

WHEREAS, the Town of Carrboro has adopted a graphic design (attached hereto) that was created to be the Official Seal of the Town of Carrboro; and

WHEREAS, the Town of Carrboro has adopted a graphic design (attached hereto) that was created to be the Official Carrboro Fire-Rescue Department Logo; and

WHEREAS, the Town of Carrboro has adopted a graphic design (attached hereto) that was created to be the Official Carrboro Police Department Logo; and

WHEREAS, it is the desire of the Board of Aldermen that the use of said seal and logos, the official graphic emblems of the Town and applicable departments, be regulated so as to define appropriate use and control and ensure the consistency, quality, and application of their likeness, and to protect its character, dignity, and stature as emblems representing the Town of Carrboro and its citizens; and

WHEREAS, the Town of Carrboro owns the rights to the Town Seal and department logos and has the right to prohibit unauthorized use of the Seal and logos; and WHEREAS, the Board of Aldermen finds it is in the best interest of the Town of Carrboro to pursue trademark protection for the Official Seal of the Town of Carrboro, Fire-Rescue Department Logo and Police Department Logo, by filing applications with the Trademarks Division of the North Carolina Secretary of State's Office; and

WHEREAS, the Board of Aldermen finds that the Official Seal and department logos are intended for use on official Town of Carrboro documents, letterhead, forms, and official materials of the Town and its subsidiary departments as may be appropriate and necessary in the conduct of official business; and

**NOW THEREFORE, THE BOARD OF ALDERMEN FOR THE TOWN OF CARRBORO HEREBY RESOLVES:**

1. The Town Manager is authorized to file applications with the Trademarks Division of the North Carolina Office of the Secretary of State for trademark protection for the Official Seal of the Town of Carrboro, Fire-Rescue department logo and Police Department logo;
2. Use of the Official Seal of the Town of Carrboro, Fire-Rescue department logo and Police Department logo by private persons or entities without express written permission from the Town Manager is prohibited;

**ATTACHMENT B-2**

3. Any provision of any town ordinance or resolution in conflict with this Resolution is hereby repealed.
4. This Resolution shall become effective upon adoption.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2010

TOWN OF CARRBORO

\_\_\_\_\_(Mayor)

ATTEST: \_\_\_\_\_(Town Clerk)

