

## **SCHEDULE 5: TRADEMARK USAGE GUIDE**

### **1. Using X/Open Company Trademarks**

#### **1.1 Introduction**

X/Open Company owns a number of Trademarks and these are amongst the most valuable assets of the Company.

Trademarks are important because they:

- Identify and distinguish a product or service
- Serve as an assurance of consistency of the quality of a product
- Assist in advertising and promoting a service or product

Unlike rights derived from patents and copyrights, which provide protection for only a limited number of years, trademark rights can last forever. Trademark rights can also be lost forever. The exclusive right granted in a trademark is usually lost as a result of careless or improper use, usually by allowing the mark to be used as generic or descriptive words for products. All of the following were once valuable trademarks in the U.S.A.: aspirin, escalator, cellophane, zipper, shredded wheat, corn flakes, and kerosene. All became common or generic words because their owners did not use them carefully and correctly and did not prevent the improper use of them by others.

This Guide describes the rules for the use of X/Open Company Trademarks. It is designed to be a practical guide to practitioners.

#### **1.2 Legal Status**

This Guide forms Schedule 5 of the Open Brand Trademark License Agreement (January 1998). It forms an integral part of the Agreement and should be read in conjunction with it.

The Agreement defines the conditions and technical criteria that must be fulfilled before the Licensee may make use of the Trademarks. This Guide defines the permitted visual presentation, form, and manner in which the Trademarks can be used by a Licensee who complies with those conditions and technical criteria. Failure to comply with the mandatory provisions of the Guide constitutes a breach of the Agreement, but the Licensee shall use its most reasonable efforts to comply with all the provisions herein.

There are three distinct circumstances in which the Trademarks may be used. These are:

- Use of the X Device as a Brand Logo on or in relation to Registered Products
- Use of the UNIX, CORBA, or Motif Trademarks on or in relation to Registered Products
- Use of the Trademarks only in the course of a reference to X/Open Company Limited or The Open Group, their objectives, products, or activities

These uses must never be confused; it is a breach of the Agreement to do so.

Of itself, this Guide does not grant permission to use any Trademark.

#### **1.3 Use of Trademarks by Third Parties**

There are circumstances where, for example, in referring to a Trademark in editorial or articles, the use of a Trademark is either desirable or unavoidable. Such use of Trademarks is permitted, without the requirement for the user to be licensed, provided that the rules in this Guide are followed.

There are instances where a third party may wish to promote the sale of its products in relation to a Trademark or to promote a Registered Product that they distribute. Such uses are permitted under the same principles as are required of licensed users, provided the third party maintains the distinctiveness of the Trademark and that there is no likelihood of confusion between Registered Products and non-Registered Products or compromise of any Trademark.

Examples of proper (✓) and improper (✗) use are:

- ✗ MyProduct UNIX word processor
- ✗ MyProduct UNIX<sup>®</sup> word processor
- ✗ The Motif specification .....
- ✓ MyProduct word processor for the UNIX<sup>®</sup> operating system
- ✓ MyProduct word processor for the BrandName UNIX<sup>®</sup> operating system
- ✓ The Motif<sup>®</sup> graphical user interface specification .....

## 2. Trademark Rules for Proper Usage

### 2.1 Use in Text and Descriptive Materials

A Trademark whenever and wherever it appears in print must be distinguished from the surrounding text. This applies to all forms of printed media, including advertising copy, product packaging, brochures, manuals, internal memoranda, editorial, articles, correspondence, overhead projector slides, and presentation materials, and to computer video screens.

Methods of distinguishing the Trademark include printing it in *CAPITALS*, *italicized text*, **bold faced text**, Initial Capital Letters, or placing the Trademark in “quotation marks”.

- Always try to follow the Trademark with the common generic (the dictionary name) of the product:
  - ✗ UNIX is a .....
  - ✓ A UNIX system is a .....
- Trademarks should be used as adjectives, not as nouns:
  - ✗ ABC Company's UNIX
  - ✓ ABC Company's UNIX system
- Never use a Trademark as a verb.
  - ✗ Can we Motif this application
  - ✓ Can we add a Motif GUI to this application
- Never use a Trademark in the plural form:
  - ✗ ABC company and EFG company use the same UNIXs
  - ✓ ABC company and EFG company use the same UNIX systems
- Never use a Trademark in the possessive form:
  - ✗ UNIX's programming interfaces
  - ✓ The UNIX system's programming interface specifications
- Refrain from hyphenating a Trademark:
  - ✗ UNIX-based
  - ✗ PC-to-UNIX
  - ✗ UNIX-like
  - ✓ UNIX system-based
  - ✓ ABC's UNIX implementation-based
  - ✓ connecting PCs to UNIX systems

- The Trademarks should never be combined to form a new word, combined with other words, be hyphenated, or abbreviated:
  - ✗ TOG
  - ✗ UN-IX
  - ✗ UN\*X
  - ✗ MotiForum
- The graphical design of the Trademarks must be strictly adhered to. The Trademarks must always be used with white space (see Paragraph 4.3) around them and must never be superimposed on or used in association with other graphics or Trademarks.
- You should always mark the first or most significant occurrence of the Trademark as appropriate and must place the required attribution as a footnote. Use the ® symbol for a registered Trademark and the ™ symbol for an unregistered Trademark. It is acceptable to use an asterisk in place of the trademark symbol where the medium used (for example, electronic mail) cannot reproduce the ™ or ® symbols. However, this is not intended to authorize use of the asterisk as the norm.

You may translate the trademark attribution to national language(s).

The trademark attribution is important as it reminds competitors, licensees, customers, and others that X/Open Company claims exclusive rights in the trademarks.

Blanket or generic attributions are not acceptable, such as:

- ✗ “All Trademarks are the property of their respective owners.”

The correct attributions are:

- ✓ Motif, OSF/1, UNIX, and the “X Device” are registered trademarks and IT DialTone and The Open Group are trademarks of The Open Group in the U.S. and other countries.
- ✓ CORBA is a trademark of the Object Management Group.

In order to clearly identify to purchasers the exact specification to which a Registered Product is compliant, the following *additional* attribution (see below) is required when reference is made to a Registered Product or a Trademark is used on and in relation to a Registered Product.

- ✓ “ProductName Version X.X is an Open Brand <Attribution> Registered Product.”

The first occurrence of the product name linked with a Trademark should be asterisked and the attribution above used *after* the Trademark attribution.

For Licensees with multiple environments (for example, hardware platforms), the attribution must identify any differences in specification on different platforms.

- ✓ “ProductName Version X.X on Intel is an Open Brand <Attribution> Registered Product, ProductName Version X.X on ZZRisc is an Open Brand <Attribution> Registered Product.”

An Attribution is required so that a reader may always easily identify the specification(s) to which a Registered Product is guaranteed to comply.

**The <Attribution> is always the name of the Product Standard.**

### 3. Graphical Representation of the Trademarks

#### 3.1 The Open Group Corporate Logo

The Open Group Corporate Logo is shown below:

THE *Open* GROUP

Many companies have expressed an interest in using The Open Group Corporate Logo in advertising (for example, in corporate, product, and recruitment advertising), in trade shows, company presentations, house magazines, video materials, as well as print and promotional materials.

The Open Group encourages member companies to make use of the logo to demonstrate their commitment to The Open Group and to the cause of open systems. **Non-member companies may only use The Open Group name with the express permission of The Open Group.**

The Open Group Corporate Logo may never be used on and in connection with Licensee's products or services.

The Open Group Corporate Logo may only be used in the course of a reference to The Open Group, its objectives, or activities.

The Open Group Corporate Logo should be used preferably in full color with the "O" in Standard Green, and the remaining text in Standard Blue; see Sub-clause 4.2. Reproduction, scaling, positioning, and so on, should follow the guidelines below.

**To indicate membership of The Open Group, use the appropriate Member Logo detailed below.**

#### 3.2 The X Device

The "X Device" is the letter "X" written in the stylized script and enclosed in a circle of a different color as shown below:



The X Device may be used in the combined formats specified below, **but not in any other way.**

In abbreviated format: in circumstances where the Licensee is licensed to use the Brand Logo and wishes to use an abbreviated format. For example, where the Licensee wishes to reduce the amount of lettering displayed, the Licensee may use the X Device on its own, but only:

- In circumstances, and in locations, where the Licensee is already authorized to use a Brand Logo, and
- In conjunction with, and in close physical proximity to, an attribution (the Attribution) that identifies the Product Standard to which the Registered Product in question is registered.

The Attribution must be reasonably visible.

If the X Device is applied on its own:

- On software media, the relevant Attribution must be applied somewhere on the same media (for example, application of the Attribution to the packaging of the software would not be sufficient for this purpose)
- In a written document, the relevant Attribution must be used in the same part of the document, and it must be clear to the reader to which Registered Product the Attribution relates
- In an advertisement or display board, it must be clear to the reader to which Registered Product the Attribution relates.

### 3.3 The Open Group Member Logo

**The Open Group members are authorized to use the appropriate Open Group Member logo in accordance with the rules in this Guide.**

The logo **must not** be used in any way that might be construed as an endorsement of a product or service or an indication that it is a Registered Product. The logo must not be used in any way that may cause confusion or be misinterpreted by a reader.



The Open Group Member Logo should be reproduced preferably in full color using Standard Green and Standard Blue; see Sub-clause 4.2. The first element (The Open Group Corporate Logo) should be as described in Sub-clause 3.1 above, and the second element (Member Platinum, Member Gold, Member Silver) should be in Standard Green.

The original artwork should always be used unaltered. The Member Logo must appear horizontally, never angled. The Member Logo's minimum allowable size is 1.2 inches or 30 millimeters total width. The Member Logo may be used reversed out of another color, although care should be taken only to reverse it out of sympathetic colors, such as black or Standard Green.

### 3.4 The UNIX Trademark

There is no logo for the UNIX Trademark and, other than the need for the mark to always be reproduced in capitals, no specific form is prescribed.

### 3.5 The Open Brand Logo

The Open Brand Logo (“Brand Logo”) is the X Device and associated lines and text (the <Label>) reproduced in size and position relative to each other exactly as shown.

Use of the Brand Logo on and in connection with Registered Products is encouraged.

When the Open Brand Logo is used, the following requirements must be met:

- The <Label> must be in Helvetica Bold type face or its equivalent, in Standard Blue.
- A solid horizontal bar shall be above and below the <Label> with a thickness equivalent to 1/50th of the diameter of the circle. The bars are to be in solid color in Standard Green.
- The bars shall be the same width as the circle.
- The gap between the circle and the first bar shall be 1/7th of the diameter of the circle.
- The gap between the bars shall be 1/4th of the diameter of the circle.
- The height of the letters shall be in proportion (as shown).
- The “®” mark shall be positioned as shown.



The <Label> and bars may be repeated for each Product Standard to which the Product is registered in order to produce a composite. The labels should be used in the following order (from the top down): UNIX, BASE, CDE, SECURITY, followed by others as desired.



Color printing is the preferred form and is covered in Paragraph 4.2. It is acceptable to present the whole logo in black print.

Only a Licensee (or an authorized distributor of a Licensee) may use the Open Brand Logo and then only on or in relation to Registered Product.

The Open Brand Logo must always be accompanied by a Trademark attribution.

Set out below is a description of where and how the Open Brand Logo may appear on such items in accordance with the Agreement and this Guide.

### **3.6 Transition from a Previous Brand Logo**

Where a Licensee is already using a previous version of the Brand Logo in respect of any Registered Product, the Licensee may continue such use in the short term. However, the Licensee should transition to use of the Brand Logo set out in Paragraph 3.5 above (in lieu of the previous Brand Logo) within a reasonable period of time.

### **3.7 Use of the Brand Logo on Hardware**

The Licensee is permitted to use the Brand Logo displayed on the processor of a computer system when loaded with and executing a Registered Product solely for the purpose of display at trade shows and demonstrations. The Brand Logo must be removed from the processor if and when it passes out of the custody and control of the Licensee.

However, the Trademarks need not be removed from the processor when a Registered Product is embedded in a medium which cannot be removed from the processor, such as in the case of a computer in which the Registered Product is embedded in ROM which is part of the computer memory system.

### **3.8 Use of the Brand Logo with Combined Product**

Use of the Trademarks on and in connection with Registered Products is encouraged.

Where a supplier bundles a Registered Product as part of a package, such as shipping of hardware with the Registered Product pre-loaded or when shipping a Registered Product bundled within or alongside another (software) product which is not registered the Licensee must:

- Use the Brand Logo only in direct association with the Registered Product
- Ensure that the use of the Brand Logo could not mislead a customer to believe that the mark applied to any non-registered products.

### **3.9 Use of the Brand Logo in Advertisements**

All use of the Brand Logo in advertisements, display boards, promotional material, and product catalogues must be in relation to Registered Products. If an advertisement, document, or other material refers both to Registered Products and to non-Registered Products, the Brand Logo must not be used in such a way as to suggest that all the products being advertised are Registered Products.

### **3.10 Use of the Brand Logo on Software Products**

The Licensee is permitted (and encouraged) to use the Brand Logo with Registered Product:

- On the packaging of the software and its media
- In manuals for the software
- On the log-in screen of a terminal with a graphics screen provided that if the system can display color on a graphics screen they must be rendered accurately in color. In the case of an alphanumeric screen, the Licensee is permitted to use the alternative forms of display on the log-in screen as follows: "The <product/range identifier> is an Open Brand Registered Product and complies with <the name of the Product Standard>".

The Licensee may use a translation of this statement where to do so would be compatible with the language used for the Registered Product.

## **4. Other Conditions for Use of Trademarks**

### **4.1 Combination of Trademarks in Product Names**

Despite the need to protect and preserve the rights associated with its Trademarks, X/Open Company recognizes the value to Licensees of associating the UNIX Trademark with their own marks in product names.

Licensees may combine the UNIX Trademark with their own trademarks as a product name, provided they seek prior approval by submitting the proposed combination including a sketch of the proposed use, if appropriate, to X/Open Company. X/Open Company may ask to review a proof of the final artwork.

Licensees may use the UNIX Trademark as part of the proper name of a product.

In making its decision, X/Open Company will take into account the following factors:

- The relative positioning of each trademark or name; having particular regard to their being no real or implied adverse connotations for either X/Open Company or UNIX and what X/Open Company, The Open Group, and the UNIX system stand for in the marketplace.
- The graphic including typographic design should ensure that the UNIX Trademark has at least equal prominence in any name combination and that there is no likelihood of confusion or compromise for the UNIX Trademark.
- ✓ ProductMark UNIX is ABC Company's UNIX system product.

The Trademarks "X/Open" or "The Open Group" may not be used in a product name.

The License specifically prohibits Licensees of any Trademarks from registering with the relevant trademark authorities specific forms of the Trademarks including Trademarks used in combination.

### **4.2 Colors for Trademarks**

The color references refer to the International Pantone Matching System for printing purposes. Whenever the colors blue or green are used in the Trademarks, they must be accurately matched to the standard.

Colors must never be applied to the Trademarks as a screen or a tint.

The standard colors are:

Standard Blue	PMS 3015
Standard Green	PMS 3435

The four-color process derivation of the Standard Blue is: cyan 100%; magenta 23%; yellow 0%; black 18%. The four-color process derivation of the Standard Green is: cyan 100%; magenta 0%; yellow 79%; black 60%.

Color reproduction is preferred and should be applied where practicable.

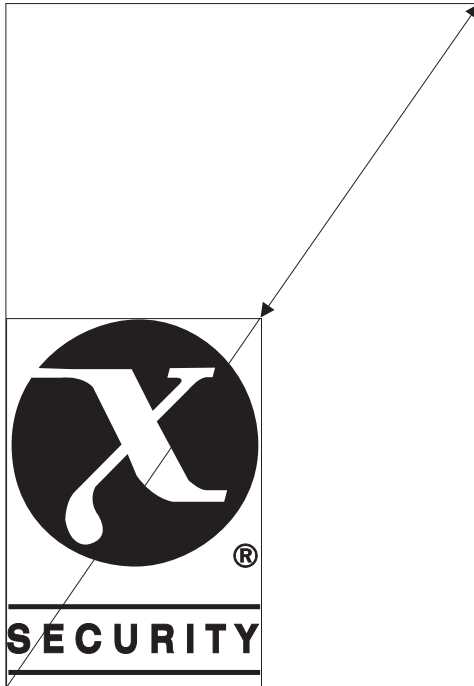
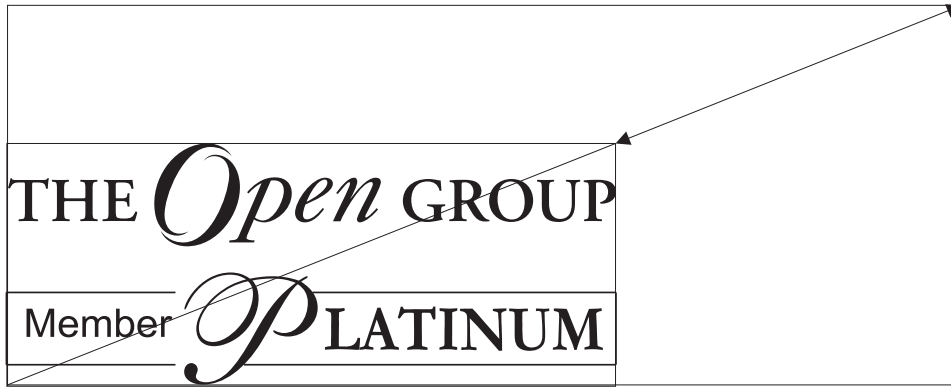
The X Device and, where applicable, the lines above and below the <Label>, together with the ® must appear in Standard Green. No other color combinations are permissible. The "X" within the X Device must appear in white.

The specified PMS colors must be used in logo reproductions as far as the printing or rendering process allows.

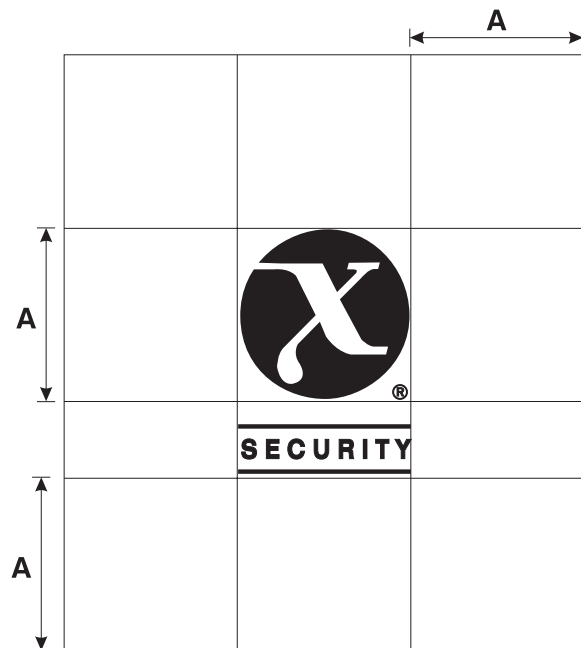
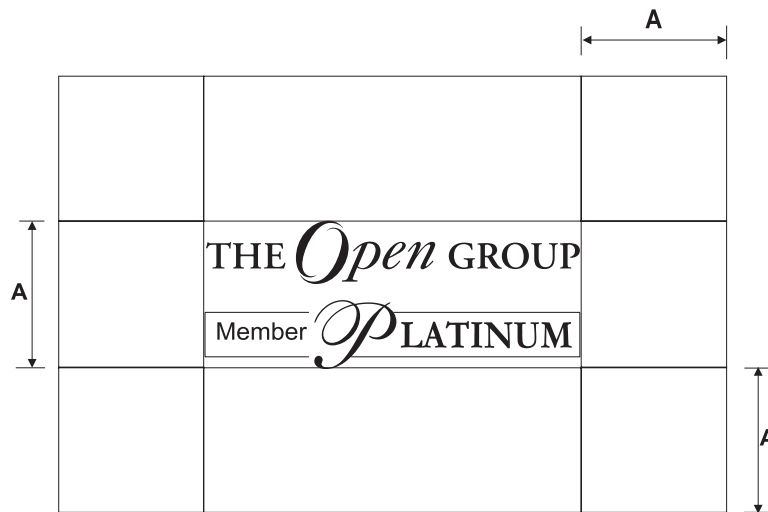
### **4.3 General Conditions**

The Brand Logos can be enlarged or reduced to any size you require, but the relative size and position of the elements must remain the same.





The Trademarks reproduced from the Artwork Reference Sheet (Paragraph 5) should stand alone and must always be surrounded by a generous amount of space. They must not be enclosed within a contrived shape or used as part of another symbol or name (except as prescribed in Paragraph 4.1 above). The diagrams below define the minimum amount of clear space to be left around the Brand Logo. A margin on all four sides of the logotype equal to dimension A on the diagrams must remain clear without interference from other written or graphic material.



The logos must not be juxtaposed to other symbols or text in such a way as to show a connection with them. Where the labels and bars are repeated, extra room should be allowed and the space below the logo shall always be equivalent to “A” in the diagram above.

For purposes of protecting the Trademarks and their registration, X/Open Company requests from Licensee a copy of the final published form of materials on which the Trademarks are used.

To change a logo beyond the provided dimensions, or for additional information contact X/Open Company by phone or electronic mail at [trademarks@opengroup.org](mailto:trademarks@opengroup.org).

#### 4.4 Positioning of Trademark Symbols

The Trademark symbols (® and ™) should be positioned to the right of the Trademark name as a superscript. Refer to the Artwork Reference Sheet for examples.

#### 5. Artwork Reference Sheet

Below is the artwork for Brand Logos, The Open Group Corporate Logo, and The Open Group Member Logo. These can be used as camera-ready artwork. Alternatively, you may obtain the logos on disks for either Apple Macintosh computers, or PCs in various graphic formats.

There is no logo for the UNIX Trademark and, other than the need for the mark to always be reproduced in capitals, no specific form is prescribed.

**Note:** The use of the Open Brand Logo is strictly controlled and it may only be used on and in connection with Registered Products registered under the terms and conditions of the Trademark License Agreement.

### Corporate and Member Logos

THE *Open* GROUP

THE *Open* GROUP

Member *P*LATINUM

THE *Open* GROUP

Member *G*OLD

THE *Open* GROUP

Member *S*ILVER

### Brand Logos (Examples)



UNIX



BASE



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**CDE**

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**SECURITY**

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**UNIX**

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**CDE**

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**UNIX**

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**CDE**

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**SECURITY**

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