

Logos and Endorsement

Use of the Department Seal and Other Existing Emblems, Logos and Insignia

The Department of Commerce (DOC) has a number of policies governing the use of its Seal, logos, emblems, and insignia (including those of DOC bureaus and operating units) and the use of an outside entity's logo or emblem on Department publications, websites, and other materials. The following will help answer some general questions on whether you can use these items and if so, help guide you through the process to enable you to make proper use of the Department's Seal, logos, emblems, and/or insignia (collectively referred to as "logos").

Generally, DOC bureaus and operating units are free to use their own logos in manners which are in furtherance of their respective missions. However, permission to authorize the use of a logo is required when an outside organization seeks to use a DOC logo and when a DOC bureau seeks to make use of an outside organization's logo.

Logo Use by DOC

Q: Does DOC at least need a working relationship with an outside organization in order to use the outside logo?

A: Yes. The Department (including operating units or bureaus) must have a relationship with an outside organization **before** it can properly use any non-DOC logos on DOC publications and/or websites. Examples of proper relationships include co-hosting a conference or seminar with an outside organization, speaking at a DOC event, or engaging in activities with an outside organization that further DOC activities and programs. A relationship may require a Memorandum of Understanding (MOU) to define it and cover any logo use. Feel free to contact this office to determine if an MOU is required in your case. If an MOU is needed, you should include it as part of your logo use request.

Q: Can an outside organization's logo be placed on Department publications?

A: Generally, no. However, this Government-wide prohibition can be waived by the Office of Commerce Services (OAS), pursuant to Section 8.201 of the [Department's Publishing and Printing Management Manual](#). In your request for a waiver, you will need to explain how the use of an outside logo on a Department publication: (1) promotes a mission of the Department; (2) will not result in endorsement of the organization or products of the organization; (3) will not embarrass the Department; and (4) is authorized to use the logo by the outside organization.

Q: Can an outside organization's logo be placed on the Department websites?

A: Generally, no. However, an outside organization's logo may be placed on a Department website if your office obtains approval by the Office of the Chief Information Officer (OCIO) and executes a trademark license agreement. In order for OCIO to approve such a request, such logo use must not result in an endorsement of any specific commercial product, commodity, or service; the logo may not be displayed in exchange for money, services, or other special considerations, including reduced cost for

a product or service; and your office must not favor the use of one for-profit organization's logo over another. Once you have approval from OCIO to place an outside organization's logo on a DOC website, you must contact our office to execute a trademark license agreement that establishes the legal framework to enable your agency to use an outside organization's logo.

Logo Use by an Outside Party

Q: Does an outside organization need a working relationship with DOC in order to use a DOC logo?

A: Yes. An outside organization must have a relationship with DOC **before** the organization can properly use any DOC logos on non-DOC publications and/or websites. Examples of proper relationships include co-hosting a conference or seminar and speaking at a non-DOC event, and engaging in activities that mutually-further the missions of DOC and the non-DOC entity. A relationship may require a Memorandum of Understanding (MOU) to define it and cover any logo use. Feel free to contact this office to determine if an MOU is required in your case. If an MOU is needed, you should include it as part of your logo use request. In such instances when an MOU is required, the MOU must be properly executed **before** the logo can be used by a third party.

Q: Can the DOC Seal be used by an outside organization?

A: Yes. However, the use of the Department Seal is governed by [Department Administrative Order \(DAO\) 201-17](#). Before the Seal can be used by an outside organization, the DOC operating unit seeking to authorize such use must obtain permission to do so from the Deputy Director, Office of Administrative Services, Office of the Secretary, along with concurrence of the Assistant General Counsel for Administration. A request for the outside use of a Department Seal must meet the following criteria: (1) use of a Seal must satisfy some interest of the Department; (2) the use may not result in embarrassment to the Department; (3) the use must not conflict with the Department's trademark rights in the Seal; and (4) there can be no endorsement, favoritism, or other appearance of impropriety toward the outside entity using the Seal. To assist you in obtaining permission to authorize the use of the DOC Seal by an outside organization, our office has developed a [permission form](#) that should be used when seeking such permission.

Q: Can a DOC operating unit's logo be used by an outside organization?

A: Yes. However, the use of an existing logo of the Department is governed by [DAO 201-1](#). Before an operating unit's logo can be used by an outside organization, the DOC operating unit seeking to authorize such use must obtain permission to do so from the head of the operating unit that originated the logo along with concurrence of the Assistant General Counsel for Administration. A request for the outside use of a Department logo must meet the following criteria: (1) use of a logo must satisfy some interest of the Department; (2) the use may not result in embarrassment to the Department; (3) the use must not conflict with the Department's trademark rights in the emblem, logo or insignia; and (4) there can be no endorsement, favoritism, or other appearance of impropriety toward the outside entity using the logo. To assist you in obtaining permission to authorize the use of a DOC logo by an outside

organization, our office has developed a [permission form](#) that should be used when seeking such permission.

Q: Can we authorize the use of a DOC logo to indicate our support of an outside organization or its event?

A: No. A DOC logo generally will not be authorized for use to indicate the support for an outside organization or an event hosted by an outside organization. There may be instances in which approval of this type of use may be authorized, but those authorizations generally will be limited to instances in which the Department, or one of its operating units, is co-sponsoring an event with an outside organization, or is substantially involved in such an event. Here, the working relationship that exists between the Department and the outside organization, which gives rise to the event and the proposed use of the logo, is the key factor to consider.

Guarding Against Endorsement

Q: Does the use of non-DOC logos on DOC materials constitute endorsement?

A: Not always. As seen above, avoiding the appearance of endorsement is one consideration in determining if using outside party logos on DOC media (whether printed or electronic) is proper. While each situation is different, you generally should think about why you wish to use non-DOC logos and how you will use them. You also should consider if the use furthers your office's mission. If you are satisfied with your determinations, then the use may be proper. Feel free to consult our office if you are unsure about whether a proposed logo use is appropriate.

Q: Does the use of DOC logos on non-DOC materials constitute endorsement?

A: Not necessarily. In addition to taking the considerations above into account, you should think about why you would like a particular non-DOC entity to use a DOC logo to the exclusion of all other organizations. You also should be willing to enter into similar logo use arrangements with other non-DOC groups if asked. Answering these questions will help you avoid the possibility of improper endorsement when others would like to use a DOC logo.

Q: Can DOC websites link to websites of outside organizations on DOC websites?

A: Yes. However, you should first determine if linking to particular non-DOC websites furthers your office's mission. Your programmatic counsel can help you with that initial determination.

However, once you have determined that linking to non-DOC websites furthers your mission, you should follow the Department's [Endorsement Disclaimer Policy](#) and the [Offsite Notification Policy](#). In general, the Endorsement Disclaimer Policy asks that you place a statement on your website that makes clear to DOC website visitors that links to non-DOC websites do not constitute DOC's endorsement of any product, service, or organization. In addition, the Offsite Notification Policy requires you to include a statement informing visitors that clicking on non-DOC hyperlinks will direct them to non-DOC websites that are not under the Government's control.

Q: Should I worry about endorsement issues when dealing with other Federal agencies?

A: No. Endorsement issues only arise when you would like to use non-DOC/non-Federal logos on DOC materials, link to non-Federal websites, or would like non-Federal entities to use DOC logos.

For general questions about endorsement not pertaining to logos, please contact the Ethics Law and Programs Division at (202) 482-5384.

Creation of New Logos

Q: What are the necessary steps for an office and/or operating unit to follow when creating a new logo?

A: You should first discuss the idea of creating a new logo internally within your operating unit and obtain any internal approval needed to create a new logo for your program office or activity. Whether to brand a good or service is a program and business decision. As a good rule of thumb, if you want the market to associate the good or service with your operating unit or if you want to continue offering the good or service over an extended period of time and to build value into that offering, then pursuing a brand strategy may be a good idea. A logo (or design mark), a catch phrase, or a word mark are all devices you can use to establish and then build upon a brand.

Once you have the necessary internal approval, you must contact our office (OGC/Administration/GLD) so that a trademark search can be performed to ensure that the desired logo does not infringe upon another party's trademark rights. Once our office has completed a trademark search and determined that the desired logo does not infringe upon another's trademark right, pursuant to section 6 of DAO 201-1, your office must complete a [Form CD-506](#) to request approval of a new Commerce logo. [Section 6 of DAO 201-1](#) sets forth the processing requirements for obtaining such approval. Once your office has received the necessary approvals and clearances set forth in the CD-506, you are free to begin using the new logo.

Q: Should I seek trademark registration for a newly-created logo?

A: Generally, yes. Once you begin using the new logo in commerce, the Department may gain what is referred to as "common law" trademark rights in the logo. The creation of trademark rights under common law occurs through use and does not require registration. This may provides a limited amount of protection for the logo. You should document the date that the logo was first used in interstate commerce and preserve an example of that use for subsequent trademark registration or in defense against infringement claims.

However, greater protection/rights can be obtained by registering the logo with the U.S. Patent and Trademark Office (USPTO). As trademark counsel for the Department, our office will work with you in preparing the trademark application and file it on your behalf. Please contact our office if you are interested in registering any logos with the USPTO.

If you have additional questions on these subject matters, please contact the General Law Division attorney of the day at (202) 482-5391.