

## **Trademark Usage Requirements**

### **Introduction**

“OMA” logo, “Open Mobile Alliance™”, “WAP Forum™”, W@P Certified™, “W@P™”, “SyncML™”, “SyncML” logo, “Wireless Village™”, “Wireless Village” logo and all trademarks, service marks, and logos based on these designations (“Trademarks”) are marks of Open Mobile Alliance Ltd. (the Open Mobile Alliance™) and are the subject of registrations and pending applications throughout the world. The Trademarks may be used by other organizations or individuals only as set forth under these Trademark Usage Requirements.

### **Allowed Usage of “OMA™” Logo**

Non-members of OMA may not use the OMA logo Trademark without the explicit prior written permission of the Open Mobile Alliance.

Members are encouraged to use the OMA logo, provided usage is in strict accordance with these Trademark Usage Requirements and only when OMA members are referring to their commitment to the Open Mobile Alliance or their implementation of Open Mobile Alliance specifications. In addition, the OMA logo may be used by member companies in their internal and external communications and marketing presentations and materials only to illustrate the company’s membership in the Open Mobile Alliance, such as specific involvement in working groups, committees and on the Board of Directors, and when expressing the member company’s perspective of the Open Mobile Alliance, provided this is done pursuant to the PR Guidelines.

Written permission must be obtained from the Open Mobile Alliance for use of the OMA logo outside of the parameters listed above.

The OMA logo may NOT be used to represent a member company’s product or be attached to a product package or brand. The OMA logo may not be used with phrases such as: “OMA compliant” or “OMA certified” and such phrases are not allowed to be used without the explicit prior written permission of the Open Mobile Alliance. In addition, the OMA logo may not be associated with a member company’s proprietary solutions or extensions.

### **Allowed Usage of the “Open Mobile Alliance™” Trademark**

Members of the Open Mobile Alliance™ may use the “Open Mobile Alliance™” Trademark, provided usage is in strict accordance with these Trademark Usage Requirements. No other usage of the “Open Mobile Alliance™” Trademark is permitted without the prior written consent of the Open Mobile Alliance™. Specifically, the usage referenced hereunder is for the mark “Open Mobile Alliance” and not for “Open Mobile Alliance Ltd.”. The Open Mobile Alliance™ Trademark may not be used as product names, brands or any certification marks. This prohibition does not restrict the rights of the media to use references to “Open Mobile Alliance™” Trademark, provided usage is in strict accordance with these Trademark Usage Requirements.

### **Allowed Usage of “W@P Certified™” Trademark**

Members and non-members of the Open Mobile Alliance™ may use the W@P Certified™ Trademark on products or for services and collateral material associated with such products or services, which have passed the appropriate verification or certification tests and only after first entering into the license agreement governing use of the “W@P Certified™” Trademark (the “License Agreement”). No other usage of the “W@P Certified™” Trademark is permitted without the prior written consent of the Open Mobile Alliance™. Irrespective of whether such product or services have passed the certification tests, the term WAP Certified” may never be used. Allowed Usage of “W@P™” Trademark

The “W@P™” Trademark may only be used in combination with approved secondary words, as detailed below, and may never be used alone.

Only members, affiliates of members of the Open Mobile Alliance™ and resellers of the Open Mobile Alliance™ members’ products (collectively “Open Mobile Alliance™ Licensees”) may use the “W@P™” Trademark in conjunction with approved secondary words, such as “Exhibit”, “Developer”, Forum Member”, “Enabled”, Enhanced”, “Handy” and “Device” in accordance with the Guide to W@P™ Logo Usage (accessible at this Web site). The preceding list of secondary words is not all-inclusive. Users of the “W@P™” Trademark are encouraged to review other secondary words with the Open Mobile Alliance™ (trademarks@mail.openmobilealliance.org) prior to commencing such usage. The Open Mobile Alliance™ may, at any time, deny or withdraw permission to usage of secondary words, including approved secondary words if used in a misleading manner, as determined in the Open Mobile Alliance’s™ sole discretion. An example of a secondary word which may never be used with the “W@P™” Trademark is “compliant”.

Open Mobile Alliance™ Licensees’ products which use secondary words such as “Enabled”, “Enhanced”, Handy” and “Device” with the “W@P™” Trademark must contain the Open Mobile Alliance™ protocols, as determined in the sole discretion of the Open Mobile Alliance™. For information about protocol compliance, Open Mobile Alliance™ Licensees are referred to the technical specifications which are accessible on this Web site. Questions concerning incorporation of the Open Mobile Alliance™ protocols within a specific product should be directed to the relevant manufacturer. Should a product labeled with a secondary word, as described above, be determined to be non-complying, the manufacturing or distributing Open Mobile Alliance™ Licensee will be considered to be in breach of the Trademark Usage Requirements and subject to penalties provided by the trademark and related laws of the relevant jurisdiction.

All such use permitted under this paragraph must comply with all other terms stated in these Trademark Usage Requirements. No other usage of the “W@P™” Trademark is permitted without the prior written consent of the Open Mobile Alliance™.

#### **Allowed Usage of the “WAP Forum™” Trademark**

There is no allowed usage of the “WAP Forum™” Trademark.

#### **Allowed Usage of the SyncML and SyncML logo Trademarks**

There is no allowed usage of SyncML and SyncML logo Trademarks.

#### **Allowed Usage of Wireless Village and Wireless Village logo Trademarks**

There is no allowed usage of Wireless Village and Wireless Village logo Trademarks.

#### **Trademark Usage Requirements**

Use of the Trademarks in any manner, including but not limited to, use in or on product, product packaging, product labels, documentation, advertisements, press releases, signage, trade show materials, marketing materials, collateral, Web pages, letterhead, business cards, or any other materials, must be in strict adherence to these Trademark Usage Requirements.

The Trademarks may not be used in any manner that would diminish or otherwise damage the goodwill associated with the Open Mobile Alliance, including but not limited to use in connection of unlawful, obscene, pornographic, excessively violent or excessively hazardous activities.

The Open Mobile Alliance™ reserves the right, at any time and without cause, to modify or suspend these Trademark Usage Requirements and withdraw any permission granted hereunder to use any

Trademarks. The Open Mobile Alliance™ reserves the right to take action against any misuse or unfair, misleading, diluting, or infringing use of the Trademarks.

## 1. Use of the Trademark Symbol

When you refer to the Trademarks, you should use the TM symbol, unless you receive notice from the Open Mobile Alliance™ to use the ® symbol.

The TM (trademark) symbol is placed immediately after the Trademark, either in superscript or subscript. If you do not have the appropriate symbol key in your word processing software, you may use the symbol in parenthetical form, (tm).

**Certified Product.** Once your product has passed the appropriate verification or certification tests and after you have agreed to the License Agreement, you will be able to download the W@P Certified™ Trademark, which will have the trademark symbol next to it (either “tm” or “®”). You may not remove this trademark symbol from the “W@P Certified™” Trademark.

**Non-Certified Product Complying with Open Mobile Alliance™ Protocols.** The trademark symbol must appear next to the “W@P™” Trademark each time it is used with secondary words as permitted under these Trademark Usage Requirements.

Example: W@P(tm) Handy or W@P™ Handy

Specific requirements concerning use of the Trademark Symbol and Legend:

a. Use the trademark symbol after the “Open Mobile Alliance™” Trademark at the first prominent use of the mark in, for example, promotional brochures, labels, press releases and advertisements, headlines, taglines, and paragraph headings. A trademark symbol is also required upon the first use of the “Open Mobile Alliance™” Trademark in any text or body copy, even though the symbol may have already been used in the headline or other prominent use.

Example: Open Mobile Alliance(tm) or Open Mobile Alliance™

b. The trademark symbol for the OMA logo Trademark, the “W@P Certified™” Trademark and for the “W@P™” Trademark must be used each time these Trademarks are used.

c. All Trademarks that are used must be attributed in an appropriate trademark legend. The legend may be presented in small print but must be large enough to be legible. The legend generally appears at the end of a document or on the back of a package, but it may be placed elsewhere, for example, the front inside cover of documentation provided that it is obvious and easy to distinguish from the rest of the text. Unless required to use a more specific legend by any license you may have from the Open Mobile Alliance™, use the following legend on all materials in or on which the Trademarks appear:

TM: OMA logo, Open Mobile Alliance, W@P Certified and W@P are worldwide trademarks or registered trademarks of Open Mobile Alliance Ltd.

## 2. Manner of Use of the Trademarks

The guidelines below apply to all uses of the Trademarks in internal communications, as well as external communications.

a. Keep the Trademarks distinct from your own marks and insignia. The Trademarks may not be used as a part of, or in combination with, any domain names, company names, product names, or service names.

b. Make sure that the Trademarks stand out from any surrounding text, for example by using quotation marks, italics or a different color or type face. Guidance on how the OMA logo Trademark may be

presented is set out below under the heading, “Design of the OMA logo Trademark”. Guidance on how the “W@P™” Trademark may be presented is set out below under the heading, “Design of the “W@P™” Trademark”.

c. Approved secondary words (as set forth above) may only be used in advertising, promotional material or other literature to indicate that a particular product contains the Open Mobile Alliance™ protocols. Approved secondary words must be reasonably prominent and legible. The secondary word must appear immediately adjacent to the “W@P™” Trademark.

d. Do not change the spelling of the Trademarks.

e. Use the Trademarks as an adjective, not a noun.

**For example:** use “a W@P Certified™ product”; not “a product like W@P Certified™”

f. Do not use the Trademarks in the plural:

**For example:** use “the W@P Certified™ products”; not “2 W@P Certified™”

g. Do not use the Trademarks as a verb:

**For example:** use “the [product] meets an Open Mobile Alliance™ specification” and not “the [product] has been Open Mobile Alliance™”

h. Do not use the Trademarks in the possessive:

**For example:** use “the W@P Certified™ product” and not “W@P Certified’s™ product”

i. Distinguish the Open Mobile Alliance™ company name from the “OMA” logo Trademark.

**For example:** use “Open Mobile Alliance(tm)”; not “Company X is a member of OMA logo”

j. Do not make puns out of the Trademarks or portray them in a negative manner.

k. Do not connect the Open Mobile Alliance™ to other words, symbols or numbers either as one word or with a hyphen.

Note: Successful completion of the verification or certification tests, as well as agreeing to the License Agreement, is necessary before using the “W@P Certified™” Trademark as referenced in the examples above. Use of the OMA logo Trademark must at all times comply with the design requirements, set out below under the heading, “Design of the OMA logo Trademark”. Use of the “W@P™” Trademark must at all times comply with the design requirements, set out below under the heading, “Design of the “W@P™” Trademark”.

### 3. Fair, Descriptive Use of the Trademarks in Publications, Seminars, Trade Shows, and Conferences

#### a. Publications and Seminars

If you want to refer to the “Open Mobile Alliance™” Trademark in the titles of books, magazines, other publications, or seminars, a prominent space should separate the “Open Mobile Alliance™” Trademark from the rest of the title and you should not claim rights in the “Open Mobile Alliance™” Trademark portion of the title. You must attribute the “Open Mobile Alliance™” Trademark to the Open Mobile Alliance™ by using the trademark legend set forth in 1.c. above and you must distinguish the “Open Mobile Alliance™” Trademark as discussed above. Your own company trade name, mark or logo should be displayed in a prominent location on all materials relating to the publication or seminar.

The “OMA” logo, “W@P Certified™” and the “W@P™” Trademarks may not be used in any publications or seminars without the prior written permission of the Open Mobile Alliance™.

## b. Trade Shows and Conferences

If you are a member of the Open Mobile Alliance, you may use the “Open Mobile Alliance™” and “OMA” logos Trademarks in trade shows and conferences, provided you begin with the sponsor’s brand or name, and then follow with the “Open Mobile Alliance™” Trademark or “OMA” logo, for example, My Company is a member of the Open Mobile Alliance™. Include the sponsor’s own company name and logo prominently on all materials associated with, or advertising or promoting, the conference. You must attribute the “Open Mobile Alliance™” and “OMA” logo Trademarks to the Open Mobile Alliance™ by using the trademark legend set forth in 1.c. above and you must distinguish the “Open Mobile Alliance™” and “OMA” logo Trademarks as discussed above.

The “W@P Certified™” Trademark and the “W@P™” Trademark may be used in trade shows and conferences only in strict accordance with the terms of these Trademark Usage Requirements and provided you use the trademark legend set forth in 1.c. above. For example, at a trade show, you may display your advertising, promotional material or other literature which has the “W@P Certified™” Trademark, provided your products or services have passed the appropriate verification or certification tests, you have agreed to the License Agreement and are in compliance with these Trademark Usage Requirements.

## c. Do Not Attempt To Claim or Establish Trademark Rights in Open Mobile Alliance™, OMA logo, W@P™ or W@P Certified™

Since the above-identified examples of uses of the “Open Mobile Alliance™” and OMA logo Trademarks are intended merely as a reference to your membership in the Open Mobile Alliance™ (and not as a trademark use or form of branding your own products and services with the “Open Mobile Alliance™” and OMA logo Trademarks), you should not attempt to claim or establish trademark rights in the Trademarks (as defined in the Introduction to these requirements) by incorporating them into the name or title of your publication, seminar, conference, or trade show, except as provided above. Do not register the Trademarks as a part of a trademark, service mark, trade name or doing-business-as name. For illustrative purposes, examples of impermissible uses include RED W@P, FON W@P, QUICK W@P, 3-D W@P and W@PHONES.

## 4. Fair, Descriptive Use of the “Open Mobile Alliance™” Trademark on Web Sites

The Web site and URL for the Open Mobile Alliance is [www.openmobilealliance.org](http://www.openmobilealliance.org). Any words or combinations similar to Open Mobile Alliance or OMA may not to be used as an URL or as domain name.

The correct form is to include Open Mobile Alliance as part of the URL, e.g. [www.companyname.com/openmobilealliance](http://www.companyname.com/openmobilealliance). URL’s such as [www.companynameopenmobilealliance.org](http://www.companynameopenmobilealliance.org) or [www.companyname.openmobilealliance.org](http://www.companyname.openmobilealliance.org) are not allowed.

If the descriptive use guidelines set forth above in Paragraph 3 are followed for Web sites, then use of the “Open Mobile Alliance™” Trademark within a Web site will also constitute a fair, descriptive use as long as the following conditions are met:

- a. The use of the “Open Mobile Alliance™” Trademark is not misleading or likely to cause confusion as to whether the Web site is sponsored by or affiliated with the Open Mobile Alliance™.
- b. The Web site owner does not use the “Open Mobile Alliance™” Trademark in any domain names, company names, product names, or service names.
- c. The Web site displays a legal notice that contains the following legend:

TM: OMA logo, Open Mobile Alliance, W@P Certified and W@P are worldwide trademarks or registered trademarks of Open Mobile Alliance Ltd.

[Insert Web site owner name] is independent of Open Mobile Alliance Ltd.

#### 5. Fair, Descriptive Use of the “W@P Certified”™ and “W@P™” Trademarks on Web Sites

If the descriptive use guidelines set forth above in Paragraph 3 are followed for Web sites, then use of the “W@P Certified™” Trademark within a Web site is allowed by anyone whose product has passed the appropriate verification or certification tests and only after first agreeing to the License Agreement governing use of the “W@P Certified™” Trademark; and use of and “W@P™” Trademark is allowed within a Web site by members, affiliates of members of the Open Mobile Alliance™ and resellers of the Open Mobile Alliance™ members’ products in conjunction with secondary words as, such as “Exhibit”, “Developer”, “Forum Member”, “Enabled”, “Enhanced”, “Handy” and “Device” in accordance with the Guide to W@P™ Logo Usage and as determined in the sole discretion of the Open Mobile Alliance™. Use of the OMA logo Trademark is allowed within a Web site by members and affiliates of members of the Open Mobile Alliance™ in accordance with the “Design of the OMA logo Trademark” as set forth below, and as determined in the sole discretion of the Open Mobile Alliance™. These uses will constitute fair, descriptive uses as long as the following conditions are met:

- a. The uses of the “W@P Certified™” Trademark and “W@P™” Trademark are not misleading or likely to cause confusion as to whether the Web site is sponsored by or affiliated with the Open Mobile Alliance™.
- b. The Web site owner does not use the OMA logo, the “W@P Certified™” Trademark (or the term “W@P Certified”) or “W@P™” Trademark in any domain names, company names, product names, or service names.
- c. The Web site displays a legal notice that contains the following legend:

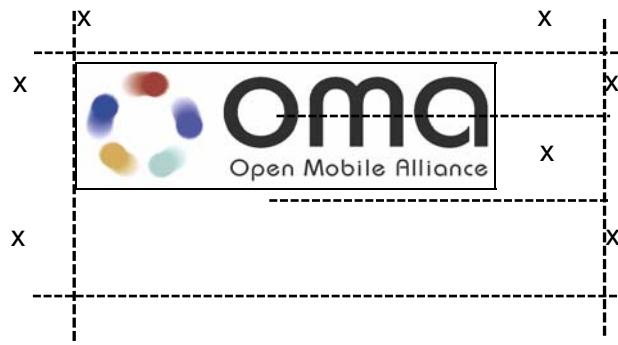
TM: OMA logo, Open Mobile Alliance, W@P Certified and W@P are worldwide trademarks or registered trademarks of Open Mobile Alliance Ltd.

[Insert Web site owner name] is independent of Open Mobile Alliance Ltd.

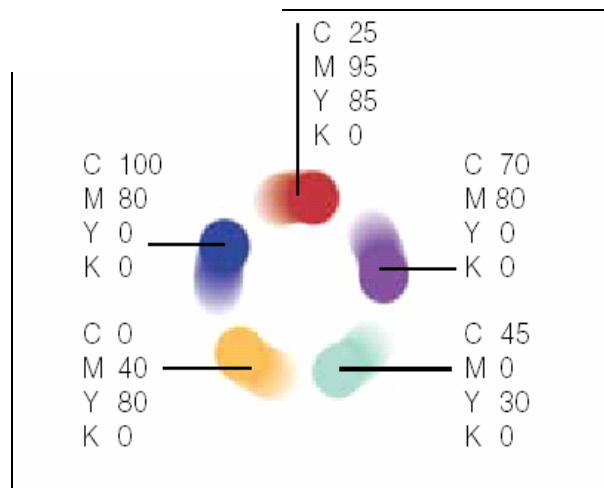
#### **Design of the OMA logo Trademark**

The graphical design of the “OMA” logo Trademark must never be modified. The logo must be reproduced without distortion and in the same proportion as set forth in the following guidelines. A summary of the usage requirements is noted below.

- The logo is one entity and cannot be separated into parts in any context unless approved by OMA Communications Committee
- The OMA logo should never be altered in any way and should always be reproduced from digital artwork (e.g. please do not duplicate, create or recreate the logotypes)
- Animated logo versions have not been created nor approved
- No text or graphics may appear too close to the Open Mobile Alliance logo
- Always make sure that using a “Free-Zone” around the logo preserves the integrity of the logo. Within this free zone no text, picture, illustration or other element shall be present



- The smallest size the logotype can be reproduced is 25% of original artwork
- Members own name, logo, or trademark must appear on any materials where the OMA logo is used. The OMA logo cannot be larger or more prominently displayed than the company trade name, trademark or logo.
- The logo should be used on a white or on a very light background
- When producing black and white material refer to black and white version of the logo
- If the logo is to appear on a black or a dark background the reverse version of the logo is to be used
- When the logo is used in printed materials, the following cmyk-values apply:



### Design of the “W@P™” Trademark

The graphical design of the W@P™ Trademark must never be modified. They must be reproduced without distortion and in the same proportion as set forth in the Guide to W@P™ Logo Usage. A summary of the usage requirements is noted below.

### 1. Color

If color is used, the “W@P™” Trademark may only be printed in the colors and on the backgrounds set out on the Open Mobile Alliance™ Web site:

([http://www.openmobilealliance.org/wap\\_logos/index.htm](http://www.openmobilealliance.org/wap_logos/index.htm)).

These usage requirements may be amended from time to time.

### 2. Type face

The “W@P™” Trademark may only be printed in the type face, proportions and size set out on the Open Mobile Alliance™ Web site:

([http://www.openmobilealliance.org/wap\\_logos/index.htm](http://www.openmobilealliance.org/wap_logos/index.htm)).

These usage requirements may be amended from time to time

### 3. Note

The design requirements stated above do not apply to use of the “W@P™” Trademark in connection with approved secondary words, as discussed above.

### **Violations of the Trademarks**

The Open Mobile Alliance™ encourages all users of the Trademarks to help the Open Mobile Alliance™ preserve the strength of the Trademarks by reporting any violations of trademark usage to the Open Mobile Alliance™ at the e-mail address of [trademarks@mail.openmobilealliance.org](mailto:trademarks@mail.openmobilealliance.org) or the U.S.A. facsimile number of +1 (858) 456-7224.