



## Guidelines for Using the North American Electric Reliability Corporation's ("NERC") Trademarks and Copyrights

NERC is the sole and exclusive owner of its trademarks, "NERC Logo" and "NERC" in standard character ("Word Mark") (collectively, the "NERC Marks"), related to reliability of the Bulk Electric System.

By using a NERC Mark, in whole or in part, a User agrees to be bound by the terms herein and acknowledges that NERC is the sole owner of the trademark and promises that such User will not interfere with NERC's rights in the trademark, including challenging NERC's use, registration of, or application to register such trademark, alone or in combination with other words, anywhere in the world, and that such User will not harm, misuse, or bring into disrepute any NERC trademark. The goodwill derived from using any part of an NERC trademark exclusively inures to the benefit of and belongs to NERC. Except for the limited right to use as expressly permitted under these Guidelines, no other rights of any kind are granted hereunder, by implication or otherwise. Nothing contained in these Guidelines limits NERC's ability to pursue any available remedy by law or in equity, and NERC shall not hesitate to take any necessary action to protect its intellectual property.

If a User has any questions regarding these Guidelines, please contact NERC's General Counsel.

### Authorized Use of NERC Trademarks

All trademarks are subject to "nominative use rules" that allow the use of the trademark to name the trademarked entity in a way that is minimal and does not imply a sponsorship relationship with the trademark owner.

1. **Advertising, Promotional, and Sales Materials:** Only NERC and its Regional Entities may use the NERC Logo in advertising, promotional, and any other materials.
2. **Compatibility:** Third parties may only use the NERC Word Mark (but not the NERC Logo or other NERC-owned graphic symbol/logo) in a **referential phrase** on packaging or promotional/advertising materials to describe that the third party product/service is designed to bring such third party's customers into compliance with a NERC Reliability Standard. Third parties may also use the NERC Word Mark to (1) reference a NERC Reliability Standard and (2) reference NERC as the Electric Reliability Organization (the "ERO"). All such uses shall comply with the following requirements:
  - a. The NERC Word Mark is not part of the product/service name.

- b. The NERC Word Mark is used in a referential phrase such as “designed to” or “compatible with.”
  - c. The NERC Word Mark appears less prominent than the product/service name.
  - d. The product/service is, in fact, compatible with, or otherwise complies with, the referenced NERC Reliability Standard.
  - e. The reference to NERC does not create a sense of endorsement, sponsorship, or false association with NERC
  - f. The use does not show NERC in a false or derogatory light.
3. **Publications, Seminars, and Conferences:** A User may use the NERC Word Mark in connection with book titles, magazines, periodicals, seminars, or conferences provided such User complies with the following requirements:
  - a. The use is referential and less prominent than the rest of the title.
    - i. Acceptable: XYZ CONFERENCE for NERC CIP V5
    - ii. Unacceptable: NERC CIP V5 ESSENTIALS CONFERENCE
  - b. The User’s name and logo appear more prominent than the NERC Word Mark on all printed, electronic, or any other materials related to the publication, seminar, or conference.
  - c. The NERC Logo or any other NERC-owned graphic symbol, logo, icon, or image does not appear on or in the publication, or on any materials related to the publication, seminar, or conference without NERC’s express written consent.
  - d. There should be nothing else in such use of the NERC Word Mark or in any circumstances that would lead the public to believe there is an association with, or an endorsement by, NERC that does not exist, and the NERC Word Mark should only be used to refer to NERC as the ERO or NERC Reliability Standards that are the subject of the publication, seminar, or conference.
4. **Web Sites:** Websites that serve only as noncommercial electronic informational forums concerning NERC, a NERC Reliability Standard, or any other NERC initiative may use the appropriate NERC Word Mark, provided such use complies with the guidelines set forth in Section 3 above.

### **Unauthorized Use of NERC Trademarks**

1. **Company, Product, or Service Name:** A User may not use or register, in whole or in part, any of the NERC Marks, including NERC-owned graphic symbols, logos, icons, or an alteration thereof, as or as part of a company name, trade name, product name, or

service name except as specifically provided in these Guidelines.

2. **NERC Logo and NERC-owned Graphic Symbols:** A User may not use the NERC Logo or any other NERC-owned graphic symbol, logo, or icon on or in connection with a website, products, packaging, manuals, promotional/advertising materials, or for any other purpose except pursuant to an express written trademark license from NERC.
3. **Disparaging Manner:** A User may not use a NERC Mark or any other NERC-owned graphic symbol, logo, or icon in a disparaging manner.
4. **Endorsement or Sponsorship:** A User may not use any of the NERC Marks, including NERC-owned graphic symbols/logos, or icons, in a manner that implies NERC's affiliation with or endorsement, sponsorship, or support of such User or a third party product or service.
5. **Domain Names:** A User may not use an identical or virtually identical trademark to the NERC Marks as a second level domain name.
  - a. Not Acceptable: "nercompliance.com" "complynerc.com" "nercreliability.com"

#### **Rules for Proper Use of NERC Trademarks**

1. Trademarks are adjectives used to modify nouns; the noun is the generic name of a product or service
2. As adjectives, trademarks may not be used in the plural or possessive form.
  - a. Correct: XYZ complies with NERC CIP V5 and PRC-01.
  - b. Incorrect: NERC CIP V5 Compliance Software

#### **Depictions of NERC and the NERC Reliability Standards**

1. **Endorsement or Sponsorship:** NERC does not support the use of its logos, company name, or NERC Marks by third parties in marketing, promotional, or advertising materials, as their use may create the perception that NERC endorses or sponsors the product, service, or promotion.
2. **Compatibility/Compliance With:** A compliance software developer or provider of compliance services (for NERC Reliability Standards), may use the NERC Word Mark to depict that its product or service is compatible/compliant with, or otherwise properly assists its customers in complying with the identified NERC Reliability Standard(s), provided such User complies with the following requirements:
  - a. Such User's product or service if used, in fact, causes the User's customer(s) to comply with the identified NERC Reliability Standard.

- b. The reference to NERC does not create a sense of endorsement or sponsorship by, or other false association with NERC.

**Governing Law**

Any dispute arising out of a violation of these Guidelines shall be governed by and construed, interpreted, and enforced in accordance with the laws of the District of Columbia, without giving effect to any choice of law principles or provisions relating to conflict of law that would require the laws of another jurisdiction to apply.