

Trademark Usage Manual for Appraisal Institute

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Introduction

The international expansion of the Appraisal Institute into a wide variety of business environments brings a significant challenge to protecting its ever-increasing number of trademarks.¹ Trademarks and other intellectual property are valuable business assets, which symbolize quality based on the reputation of the Appraisal Institute in the industry.

The Appraisal Institute trademarks distinguish its products and services, and the products and services of its members, from those of competitors. To protect the valuable Appraisal Institute trademarks and business reputation, it is important to properly use and reference the trademarks and vigilantly guard against misuses and infringing uses. By doing so, the Appraisal Institute image will be reinforced in the minds of the relevant consumers and consistent, proper use of its trademarks will enhance its legal ability to take action against infringers. Therefore, the cooperation of the Appraisal Institute Designated members, Candidates for Designation, Practicing Affiliates and Affiliates in this endeavor is of paramount importance and all those who are permitted to use the Appraisal Institute trademarks must understand the legal methods of protecting them.

This manual is a guide to Members, Candidates, Practicing Affiliates, Affiliates, employees, agents, distributors, licensees, and others authorized to use Appraisal Institute trademarks, as an important step in successful trademark portfolio management. Each person who uses one or more of the Appraisal Institute trademarks is responsible for proper trademark use in all internal and external communications. All trademark-related questions should be referred to the Legal Department at the Appraisal Institute national office for further information and guidance.

Trademarks, Service Marks, Collective Service Marks and Collective Membership Marks

The Appraisal Institute trademarks are indispensable marketing tools that symbolize the quality, value and reputation of the Appraisal Institute.

A **trademark** is any word, name, symbol, logo or device or any combination thereof adopted and used to identify products and to distinguish them from those manufactured and/or sold by others. Trademarks also serve to represent the quality of goods and, through advertising and promotion, serve to create and maintain demand for Appraisal Institute products. For example, APPRAISAL INSTITUTE is a registered trademark for, among other products, educational books and journals. Examples of other well-known trademarks include COKE for soft drinks and MCDONALD'S for hamburgers.

A **service mark** is a trademark that applies to services rendered under the mark. A service mark can also be any word, name, symbol, logo or device or any combination thereof adopted and used by the Appraisal Institute to identify its services and to distinguish those services from those provided by others. Service mark rights in the United States are established by use of the service mark in

¹ Trademarks, service marks, collective service marks and collective membership marks are herein referred to as "trademarks."

association or connection with the services in commerce. For example, APPRAISAL INSTITUTE is a registered service mark for, among other services, educational services. Examples of other well-known service marks are AMERICAN EXPRESS for financial services and MCDONALD'S for restaurant services.

A **collective service mark** is a service mark that members of a cooperative, an association or other collective group or organization (“collective”) use to identify their services and distinguish their services from those of non-members of the collective. This type of mark is owned by the collective, which does not offer any services under the mark but can otherwise advertise or promote the services offered and rendered by its members under the mark. Examples of collective service marks are the designations MAI, SRPA, SRA, AI-GRS, and AI-RRS, that are used by Members of the Appraisal Institute (“collective”) to denote real estate appraisal services offered by such Members. An example of another well-known collective service mark is REALTOR for real estate brokerage services.

A **collective membership mark** is a mark, owned by the collective that members use to indicate membership therein. Neither the collective nor its members use the mark to identify or distinguish goods or services; rather, the sole purpose of the collective membership mark is to indicate membership. Examples of collective membership marks are the Appraisal Institute designations, MAI, SRPA, SRA, AI-GRS, and AI-RRS, used to indicate membership in the Appraisal Institute. Examples of other well-known collective membership marks are REALTOR ASSOCIATE, ROTARY CLUB and AAA, used to indicate membership in organizations for real estate professionals, professional and business leaders, and an automobile association, respectively.

Collective trademarks and service marks are used by Members of the Appraisal Institute to distinguish the Member's services from those of non-Appraisal Institute members. On the other hand, collective membership marks are used by Members of the Appraisal Institute to signify membership in the Appraisal Institute. For example, the Appraisal Institute designations such as MAI, SRPA, SRA, AI-GRS, or AI-RRS are collective service marks when used to denote real estate appraisal services. However, the same designations MAI, SRPA, SRA, AI-GRS, or AI-RRS are considered collective membership marks when used to indicate membership in the Appraisal Institute. Ownership of such marks properly lies with the Appraisal Institute as the parent organization and, as such, it must exercise legitimate control over use of the marks by its Members.

Trade Names are Different from Trademarks

Trademarks are different from business names or trade names. Often the term “trademark” is confused with the name of a company, which is otherwise known as a “trade name.” A trade name refers to an individual name, surname or firm name adopted and used by a party engaged in trade or commerce to identify the company itself. A trademark symbol (i.e., TM, ®) is not used with a trade name. A trade name cannot be federally registered unless it also functions as a trademark or service mark.

On the other hand, a trademark identifies a company's products or services. Many companies use their trade name as a trademark. The differences between trade names and trademarks lie in how they are used. If a trade name is used as more than just the company name and informs consumers

where a product or service is coming from, then it is being used as a trademark or service mark. For example, if the name is being used as a noun (“You can obtain real estate appraisal bulletins from the Appraisal Institute.”), it is a trade name under which the company transacts its business, and, if the name is being used as an adjective (“You can obtain APPRAISAL INSTITUTE real estate appraisal bulletins here.”), it is a trademark.

Proper Trademark Usage

Use of a trademark must be ongoing and continuous if the rights acquired and the goodwill associated therewith are to be preserved. The primary function of a trademark is to identify the source or origin of goods in one party. Use of a trademark on the product or in association with the sale or advertisement of a product establishes rights in the United States.

Trademark value can be enhanced and protected by applying for federal trademark registration either prior to or following commencement of use. Accordingly, it is important that employees and those authorized to use Appraisal Institute trademarks contact the Legal Department once a new trademark has been conceived so that an availability search may be conducted and an application may be prepared.

Once trademark rights are established, certain precautions must be taken to protect trademarks and to enhance their source-identifying function. Indeed, even strong trademarks can lose their value through misuse. Examples of former trademarks that have suffered the misfortune of becoming “generic” included SHREDDERED WHEAT, CELLOPHANE and ASPIRIN. Through extensive misuse, these terms stopped indicating a single source and became the name *per se* for the respective products, i.e. the generic word only defines the product or service, but not its source. Thus, the following are some useful guidelines for preserving the Appraisal Institute trademark rights.

Always Use Trademarks as Proper Adjectives

When using any company trademark or service mark, whether in advertising, descriptive literature, brochures, catalogs, educational materials, web pages, product sales documents, invoices, product labeling, or package stenciling, the trademark must be used as a **proper adjective** and **not as a noun** (e.g., APPRAISAL INSTITUTE real estate services, KLEENEX tissues). Proper trademark usage also dictates that a noun be used as the descriptive term for the product that the trademark (adjective) modifies. For example, APPRAISAL INSTITUTE educational books, KODAK film and KELLOGG’s corn flakes. A trademark should likewise never be used as a verb, broken-up with hyphens that are not included in the trademark (APPRAISAL-INSTITUTE, MAI-SRA), used in a plural form or possessive form by use of an apostrophe (APPRAISAL INSTITUTE’S), or abbreviated (APPR. INST.).

Make the Trademark Stand Out

Trademarks should always be used in a manner which will distinguish them from other common words and which will clearly indicate the source and the quality of the goods. The following are some suggested ways to distinguish trademarks: place the entire trademark in capital letters (APPRAISAL INSTITUTE), underline the mark (APPRAISAL INSTITUTE), use quotation marks around the mark

("Appraisal Institute"), use boldface type, or use different font styles for the trademark to distinguish it from other text (**APPRAISAL INSTITUTE** seminars).

If the trademark is used in a stylized form of print, the same stylized form of print should consistently be used. If the trademark is comprised of a word and a design or a design alone, the trademark should consistently be used in that manner.

Only One Trademark Should Appear on the Same Label or Name Plate

Use of several trademarks together can dilute the goodwill and value of each of the individual trademarks. When two or more company trademarks appear in the same advertisement, or on the same label, packaging or carton, caution should be taken to ensure that the trademarks do not appear side-by-side. Doing so could mislead the public into believing, for example, that the second trademark is the generic name of the product.

CORRECT	AVOID
MAI® MAI®, SRA®	MAI SRA MAI-SRA

Further, because one of the basic functions of a trademark is to indicate a single source of the product sold under the mark, trademarks of different owners should not be used together, unless they are clearly separated and a statement that "X is a registered trademark of the Appraisal Institute" is included.

Use of Appraisal Institute Trademarks

Signature Requirements and Restrictions

Under the Appraisal Institute Regulation No. 5, the Appraisal Institute signature shall only be used by the Appraisal Institute, its regions, its chapters, its Designated members, and organizations holding specific license for such use under the conditions described below. The signature may be used by the Appraisal Institute, its regions, and its chapters on official stationery, Web sites, publications, directories, booklets, texts and other material in accordance with these Guidelines. The signature may be used by Designated members on letterhead, business cards, Web sites, and other specifically permitted material in accordance with these Guidelines, provided that all individuals in the Designated member's firm (sole proprietorship, partnership, corporation, or similar business entity) who engage in Valuation Practice as defined by the Appraisal Institute Code of Professional Ethics are Members, Candidates or Practicing Affiliates of the Appraisal Institute. Designated members may not use or display the signature in any manner that might suggest that the firm is affiliated with the Appraisal Institute.

The Appraisal Institute Board of Directors shall determine the official colors of the Appraisal Institute signature. Printed copies of the signature must be exact reproductions and shall not contain, be surrounded by or be a part of any extraneous decoration or embellishment and shall be in the official colors or black and white unless in the opinion of the Appraisal Institute it is economically or aesthetically undesirable to do so. The use of the signature shall conform to the same standards of dignity and professionalism as are required in connection with other permitted uses.

Reproductions of the Appraisal Institute signature shall be only from camera ready proofs obtained from the Appraisal Institute Graphics Department.

Membership Designation Requirements and Restrictions

Membership designations shall be used only by Designated members in connection with their names and in a dignified manner in accordance with Regulation No. 5 and these Guidelines, except as explained below.

Designated members may identify themselves by their respective membership designation(s): “MAI,” “SRPA,” “SREA,” “SRA,” “RM,” “AI-GRS,” and “AI-RRS.”

Non-Practicing Designated Members must state after any use of a membership designation(s) that they are non-practicing.

Designated members may use appropriate Appraisal Institute membership designations on their letterhead, business cards, appraisal reports, seals, advertising, Web site, and professional forms.

Membership designations must appear in capital letters and shall not be in type or lettering larger than that of the Designated member’s name. The letters in each membership designation shall be used without a period or space after each letter. Appraisal Institute membership designations shall not be hyphenated, and should never be spelled out, as they do not stand for independent words.

Membership designations are conferred only upon individuals and not on firms. Therefore, membership designations and/or references to the designation shall not be used or displayed in connection with the name, logo, or signature of any firm or in any manner that might be interpreted as referring to any entity other than the Designated member and shall not be used in any manner which would imply that a Candidate, Practicing Affiliate, Affiliate or nonmember is designated.

Provided that a firm has at least one owner, partner, or employee who is a Designated member of the Appraisal Institute and who engages in Valuation Practice as defined by the Appraisal Institute Code of Professional Ethics for that firm, such firm may include in its promotional materials a statement similar in content to the following: (Name of firm) has as owners, partners, or employees (number) individuals who hold the Appraisal Institute MAI designation, (number) individuals who hold the Appraisal Institute SRPA designation, (number) individuals who hold the Appraisal Institute SRA designation, (number) individuals who hold the Appraisal Institute AI-GRS designation, and (number) individuals who hold the Appraisal Institute AI-RRS designation (as appropriate). Some individuals may hold more than one Appraisal Institute designation.

Proper Use of Letter Designations

Practicing Designated Members must use the letter designations without adding any descriptive words or “spell-outs” after the designations. Non-Practicing Designated Members must state after any use of a membership designation(s) that they are non-practicing but must not add any additional

descriptive words or “spell-outs” after the designations. The Appraisal Institute must monitor and control proper use of the designations.

Professional, technical, educational and similar organizations often adopt letters or similar designations to be used by persons to indicate that the persons have passed certain tests or completed certain courses of instruction as specified by the organization, or have demonstrated a degree of proficiency to the satisfaction of the organization. When such a symbol is used solely as a personal title or degree conferred on an individual, then it is not serving to indicate membership in an organization, i.e., not functioning as a collective membership mark. A collective membership designation/mark, on the other hand, has as its sole purpose to indicate membership in the collective to which the individual displaying the mark belongs.

An individual letter or a group of letters, not forming a recognizable word, can function as a collective mark. Arbitrary arrangements of letters have generally been given a wide scope of protection. Whether a single letter or group of letters functions as a mark depends upon the probable impact upon the consumer, i.e., whether the letters, as used by Appraisal Institute Members, have separate trademark significance because they alone serve to identify membership in the Appraisal Institute and distinguish the membership services from others.

The Appraisal Institute letter designations are symbols of classifications of membership in the Appraisal Institute and of services emanating from Appraisal Institute Members. The Appraisal Institute must maintain control over the consistent use of its collective membership designations and collective marks. The letter combinations that comprise the designations are not acronyms for descriptive wording or titles. The designations are specific source identifiers that signify to the public that an appraiser is a Member of the Appraisal Institute collective and the Member’s services are distinguished from those of non-Appraisal Institute members. Inconsistent use of the designations by the Members results in weakening the source-identifying function of the designations and, thus, the rights of the Appraisal Institute therein.

The descriptive use of Appraisal Institute designations/marks will have the effect of rendering the designations incapable of denoting membership in and services originating from Members of the Appraisal Institute. Even strong trademarks can lose their value through misuse. As mentioned above, examples of former trademarks include SHREDDERED WHEAT and ASPIRIN. Through extensive misuse, these terms stopped indicating a single source and became the name for the respective products, i.e. the word only defines and describes the product, but not its source.

For example, the Appraisal Institute membership designation SRA is used to denote a specific Appraisal Institute membership status that is held by an appraiser. If the members use the words “Senior Residential Appraiser” after or near the designation SRA, such use over time will result in the designation becoming the descriptive term for any senior residential appraiser not necessarily associated with the Appraisal Institute. This is analogous to the designation of CPA (Certified Public Accountant), which does not denote any one particular source, but rather a respective product, e.g., a person with a certain proficiency in accounting.

Precautions must be taken to protect the Appraisal Institute collective membership designations and marks and to ensure their source-identifying function as indicating membership in the Appraisal Institute. The Appraisal Institute designations should always be used in a manner that will distinguish them from other common words and indicate membership in the Appraisal Institute and services provided by Members of the Appraisal Institute, as distinguished from non-Appraisal Institute members.

Appraisal Institute Members must understand that (1) the letters comprising the membership designations may not be used by Members to stand for (spell out as) specific words, i.e., SRA is not an acronym for Senior Residential Appraiser, (2) SRA and the other collective designations do not denote that the Member has been conferred with a specific degree or title, and (3) SRA and the other collective designations are multi-letter designations used by the Members to signify membership in the Appraisal Institute (collective membership mark) and to distinguish the Member's services from those of non-Appraisal Institute members (collective service mark).

Emblem Requirements and Restrictions

Appraisal Institute emblems (i.e., pictorial representations of the designations) shall be used only by the Appraisal Institute, its regions, chapters and Designated members and by entities holding specific license for such use and only in a dignified manner in accordance with Regulation No. 5 and these Guidelines.

Emblems shall not be used or displayed in connection with the name, logo, or signature of any firm or in any manner that might be interpreted as referring to any entity other than the Designated Member and shall not be used in any manner which would imply that a Candidate, Practicing Affiliate, Affiliate or Nonmember is designated.

Reproductions of the Appraisal Institute signature shall be acquired only from the My AI section of the national Web site. Appraisal Institute emblems may be used on Designated members' letterhead, business cards, appraisal reports, seals, advertising, Web site, and professional forms. Each Appraisal Institute emblem may appear only once on each letterhead, correspondence, appraisal report cover, business card or advertising material used by a Designated member.

Emblems shall be reproduced only in the official colors of the Appraisal Institute as determined from time to time by the Board of Directors. Printed emblems must be exact reproductions and shall not contain, be surrounded by or be part of any extraneous decoration or embellishment and shall be in the official colors or black and white unless in the opinion of the Appraisal Institute it is economically or aesthetically undesirable to do so.

Use of Trademarks in Internet Domain Names, URLs, E-mail Addresses

Designated members of the Appraisal Institute may use the membership designations in their e-mail addresses provided that the designation(s) appear directly after the Designated member's name, as it would appear on letterhead or business cards. In accordance with Regulation No. 5 and these Guidelines, the use of multiple designations must not be hyphenated, and no additional words, symbols, letters or numbers should be placed after the designation.

CORRECT	INCORRECT
johndoesra@gmail.com janedoeai-grs@gmail.com	johndoesra-mai@gmail.com sra@gmail.com srajohndoe@gmail.com johnsrparemax@gmail.com

Designated members are specifically prohibited from using the membership designations as part of their Internet domain names or as URL addresses. For example, “*www.johndoesrpa.com*,” “*www.johndoemai.com*” and “*www.johndoe.com/sra...*”

Effect of Termination/Suspension

If a Designated member is terminated or suspended for any reason, such Member shall immediately cease the use or display of all Appraisal Institute trademarks, designations and emblems in every manner whatsoever, including all use on correspondence, business cards, qualification pages, resumes, appraisal report covers, advertisements, Web sites, e-mail addresses, and in the course of court testimony.

Proper Notice/Symbols for Unregistered and Registered Trademarks

Although it is not necessary to provide notice of rights in unregistered trademarks, such notice can serve as a warning to the public of what a party considers to be its trademarks. Thus, upon adoption of a trademark but prior to registration with the U.S. Patent and Trademark Office, the superscript abbreviation, TM, should be used adjacent to the unregistered trademark. For example, AMERICAN PROPERTY INSTITUTE™ newsletter. For a service mark, the superscript abbreviation SM should be used. In lieu of the TM and SM symbols, an asterisk can be used after the trademark, with an appropriate footnote, such as: “Trademark of the Appraisal Institute.”

Once a trademark has been registered in the U.S. Patent and Trademark Office, one of the following statutory notices should be used with the trademark:

- a. Registered in the U.S. Patent and Trademark Office;
- b. Reg U.S. Pat & TM Off.; or
- c. The letter “R” enclosed in a circle, i.e. ®.

Statutory notice indicates to others that trademark rights have been acquired throughout the United States.

The ® should appear in the upper right-hand corner of the trademark (APPRAISAL INSTITUTE®, MAI®). If the ® is not used, an asterisk (*) after the trademark should be added, along with one of the following notations:

- a. Registered in the U.S. Patent and Trademark Office;
- b. Reg. U.S. Pat. & TM Off.; or
- c. Registered Trademark of APPRAISAL INSTITUTE

The statutory notices indicate that the mark is registered in the U.S. Patent and Trademark Office and may only be used with respect to the goods and/or services and/or membership designations specifically listed in the registration for that particular trademark.

Once a trademark is registered, the notice should appear at least once in every advertisement for the **product** sold under the trademark and should be used on sales/invoice documents, labels, packaging and the like, as appropriate, or at least once in every brochure, advertisement, promotional literature, Web site and the like for **services** offered and rendered under the mark. The idea is to be as consistent as possible in presenting Appraisal Institute registered trademarks to the public.

Moreover, never use any of the above statutory notices of registration, as discussed above, with (1) a trademark that is in use, but for which a U.S. registration has not been sought; and (2) a trademark prior to issuance of a certificate of registration from the U.S. Patent and Trademark Office. Improper use of a statutory notice may be the basis for an objection or a refusal of registration and also constitutes evidence of trademark "misuse," which potentially limits the ability of the Appraisal Institute to assert its trademark against others. Any questions as to the proper designations for registered and unregistered trademarks should be directed to the Legal Department.

The policy of Appraisal Institute is to use the registration mark ® immediately above and to the right of the signature or emblem to signify that it is registered with the U.S. Patent and Trademark Office.

Licenses

Authorized third-party uses of Appraisal Institute trademarks should be licensed and all licensing agreements should be carefully written, signed, monitored, and enforced. License agreements must set standards concerning the Appraisal Institute use of trademark and the quality of products/services with which licensed trademark will be used. Licensing arrangements that are unwritten or not properly monitored may contribute to consumer confusion as to the source of products/services and may lead to a finding that trademark use is uncontrolled and, therefore, that the licensed trademark has been abandoned. Accordingly, all licenses and related agreements pertaining to trademark should be reviewed and approved by the Legal Department.

Different countries have different trademark assignment and licensing laws, and it is therefore unwise to allow licensees to use trademarks without a specific, written registered user agreement or trademark license agreement in place. In some instances, for example, use by licensee without written agreements can result in the licensee owning rights in trademarks that a company may have merely intended to license. When considering accepting orders from foreign countries and/or sales which may result in foreign commerce, careful consideration of the relevant costs of filing and obtaining appropriate trademark protection in those countries should be paramount prior to the consummation of any such sales relationship.

Watch for Trademark Infringement

Imitation may be the sincerest form of flattery, but when another company tries to market products or services with similar or identical trademarks, the Legal Department must be contacted.

Trademarks can be among the most valuable of corporate assets, but they are also valuable to consumers because they help them judge the performance, quality and reliability that might be expected from the product or service. When customers relate product performance or quality to a trademark and the trademark to the seller, a seller's reputation and integrity are put on the line.

If a Designated member is terminated or suspended for any reason, such Member shall immediately cease the use or display of all Appraisal Institute trademarks, designations and emblems in every manner whatsoever, including all use on letterhead, correspondence, business cards, qualification pages, resumes, appraisal report covers, advertisements, Web sites, e-mail addresses, and in the course of court testimony.

Upon the suspension or revocation of the charter of any chapter such chapter shall immediately cease the use or display of the Appraisal Institute signature, membership designations or emblems in any manner.

Misuse or unauthorized use of trademarks, including use by terminated or suspended Members, Candidates, Practicing Affiliates and Affiliates, constitutes trademark infringement. Anyone discovering such misuse or possible infringement must notify the Appraisal Institute (professionpractice@appraisalinstitute.org) immediately so that remedial action may be taken in a timely manner.

Copyright Basics and Relationship to Trademarks

Copyrights, like trademarks, are another form of intellectual property. However, copyright protection is obtained and enforced under separate laws. Copyrights protect original forms of expression fixed in or on any tangible medium. These include literary works, pictorial art reproduction, graphic works, audio-visual reproductions, sound recordings, and computer software.

All original works at Appraisal Institute should contain a copyright notice, which serves as a warning against unauthorized copying. This claim of ownership shows the general public that Appraisal Institute owns the work and it is illegal for third parties to reproduce the material without express, written permission from Appraisal Institute. Appraisal Institute copyright notices should never be placed on the copyrighted material of third parties.

Every copyright notice must contain three elements:

- a. the word "copyright," its abbreviation or symbol²;

² Unlike trademark registrations, the © symbol can be used with registered and unregistered copyrights.

- b. the year the work was first published; and
- c. the name of the copyright owner

Examples:

- © 2018 Appraisal Institute
- Copyright 2018 Appraisal Institute
- Copr. 2018 Appraisal Institute

Any questions as to the proper designations for copyrights should be directed to the Legal Department. In addition, anyone discovering misuse or possible infringement of any Appraisal Institute copyrights should notify the Appraisal Institute (professionalpractice@appraisalinstitute.org) immediately so that remedial action may be taken in a timely manner.

Summary

A strong corporate identity increases a trademark's proprietary zone. Thus, proper attention to corporate trademarks can add significant value to the company. Although developing, maintaining and policing a strong U.S. and foreign trademark portfolio can be time-consuming and costly, those costs can be recovered many times over through the value of a well-maintained portfolio. The joint cooperation of all Members, Candidates, Practicing Affiliate, Affiliates, employees, agents, distributors, licensees, and others authorized to use Appraisal Institute trademarks is essential in preserving Appraisal Institute trademark rights.³

Contact Information regarding Trademarks and Copyrights:

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³ All trademarks referred to herein and not identified as Appraisal Institute trademarks are owned by their respective companies.