

DATAMED TRADEMARK USE GUIDELINES

Trademarks are words, symbols, designs, and logos that inform consumers they are purchasing a product or service originating from a particular company or source. Correct use of a trademark is essential to maintaining the mark and maximizing its value to Datamed LLC (referred to hereinafter as “DLLC,” or the “Company”). Because of their basic importance in many marketing programs, and their potentially infinite life, trademarks can be among the most valuable assets possessed by any business.

Incorrect use of a trademark, even in Company correspondence, unwittingly contributes to its vulnerability and may result in the trademark becoming generic. A generic name is the common descriptive name of the product or service the trademark identifies. When a trademark becomes generic, it can be used by anyone, and it no longer distinguishes the trademark owner's products from the products of other companies. Examples of terms that were, at one point, strong trademarks but subsequently became generic are aspirin, cellophane, kerosene, elevator, and escalator – all of which are now public property. These once-powerful trademarks no longer serve the commercial needs of their original owners. Improper use of these trademarks by their owners and the public contributed to those marks becoming generic.

The Company's trademarks and service marks represent the quality and excellence of the Company, its licensors, and their products and services. The following guidelines apply to all materials (including publications, white papers, work plans, advertising, literature, websites, electronic communications, promotional items, and correspondence) which include or display any trademark or service mark of the Company and its strategic partners. The guidelines discuss the most common questions and provide guidance for the use of trademarks.

- ❑ All trademarks should be marked with the symbols ® or TM as appropriate. If the mark is federally registered, use the registration symbol ® following the mark. If the trademark or service mark is not registered, use the symbols TM or SM following the mark. The registration symbol ® should not be used on a trademark that is not registered. Even if an application is pending, the registration symbol may not be used before the mark has actually become registered. In addition, wherever possible, use of trademarks should be accompanied by a statement attributing ownership of the mark to the appropriate entity. For example, a statement could read as follows:

Datamed®, **DatamedFT™**, **DatamedRcv™**, and **DatamedWL™** are trademarks of Datamed LLC, and Datamed® is registered in the United States Patent and Trademark Office and in other countries.

DLLC retains all intellectual property rights in such trademarks and service marks, and reserves the right to revoke all licenses or permissions to use such trademarks and service marks. All use of such trademarks and service marks and goodwill associated with them inure to the benefit of DLLC.

- ❑ A trademark is not a noun or a verb. Trademarks are proper adjectives. Use the mark as an adjective followed by the generic name of the product. For example, write Datamed® product or **DatamedFT™ Format Translator**.
- ❑ All Company trademarks should always be displayed accurately and in their full form.

- ❑ All trademarks should be used consistently, as each deviation creates a new- and different-trademark. **Do not change or stylize the trademark, use hyphenated variations, or combine the trademark with other words.** Further, do not use the Company trademarks in a manner that links the services provided to a descriptive use of the trademark wording.
- ❑ Never alter the Company logos without authorization. Each representation of the Company marks should be consistent, undistorted, and clear.
- ❑ Never use the Company trademarks in jokes, puns, or in a derogatory fashion.
- ❑ Use the trademark distinctively. Trademarks should always be written in a manner that distinguishes them from the text surrounding them. The use of trademark notices, generic terms, and “brand” in connection with marks helps differentiate marks from generic terms. All terms of the mark should be uniform. The marks should be uniformly capitalized, underlined, italicized, placed in “quotation marks,” or depicted in boldface type, whenever they appear in printed or electronic media. The goal is to create a distinct commercial impression in the minds of consumers regarding the mark, and the products, services, and business it represents.
- ❑ Always use the Company marks in the non-possessory form. For example, refrain from using any version of the term “Datamed” as a mark.
- ❑ Do not use singular marks in the plural form.
- ❑ Do not use the marks as verbs or nouns.