

Trademark Usage Guidelines

Using Zipit Registered Trademarks

Our company brands, including the Zipit trademark, the Zipit logo (animated and non-animated) and our other trademarks, are extremely valuable assets. To preserve and protect these brands – and to prevent their loss to the public domain – it is essential that they are used correctly. It also means we have to turn down many requests to use our trademarks because sites imply that Zipit is endorsing them or is otherwise affiliated with them. As a result, we require that you have Zipit's explicit written permission before using any Zipit Features. If you have a written agreement with Zipit that specifically addresses how you may use our brand or trademarks, you don't need to get additional permission unless you want to do something other than what has been authorized in your existing agreement. The same applies if Zipit's trademarks, logos, web pages, screen shots, or other distinctive features ("Zipit Features") are associated with objectionable material, as determined by Zipit Wireless, Inc.

A trademark is lost when it becomes generic, i.e. when it has come to mean the product as distinguished from a certain brand of the product. If our trademarks become generic, they could be used by competitors to describe their goods or services. *Consider the following now-generic nouns that were once trademarks: Escalator, Linoleum, Kerosene, Cellophane, Thermos, Aspirin, Yo Yo and Bikini. The importance of correct trademark use cannot be emphasized enough.*

What is a trademark? A trademark is used to identify the source of goods and services. A trademark can be word (or several words), a name, a symbol (such as one or more letters, or numbers, or a design), a sound or a particular color, or any combination of these. A trademark assures consumers of consistent quality with respect to those goods or services and aids in their promotion. (See lists of Zipit trademarks below.)

Copy Trademark Guidelines

1. Distinguish the trademark with ® or ™ notice.

The ® and ™ designations provide notice to others that a particular word or logo is a trademark. The ® designation means that the trademark has been granted federal registration by the Patent and Trademark Office. The ™ designation means that the trademark registration process has not been completed with the Patent and Trademark Office; nonetheless the owner is giving notice of a proprietary stake in the mark. The ® and ™ designations indicate that you are referencing a particular brand. Use the ® or ™ designation to set the trademark apart from the text. The lists below indicate whether the ® or ™ symbol is appropriate for each Zipit trademark. The notice should appear at least once in each piece of printed matter—preferably the first time the trademark appears.

Example: A Zipit ® Wireless Messenger device enables you to chat with your friends.

In the example above, the audience immediately recognizes that we are referring to a genuine Zipit® brand instant messaging device (i.e., a portable IM device from Zipit Wireless, Inc.) rather than a generic IM device.

2. Use the generic name after the trademark.

Because a trademark identifies the source of a good, a trademark is a proper adjective which modifies a noun – the generic term. A generic term should be used immediately after the first or most prominent use of the trademark. Thereafter, the generic term should be used with the trademark often enough to make it obvious that the trademark is not a generic name for the product or service. A list of recommended generic terms for each of our company trademarks are listed below in these guidelines. Other generic terms may be used instead. Limited exceptions are noted below.

Example:

Trademark	Generic Name*
Zipit®	server
MyTunez™	music feature

*Do not capitalize the generic name.

3. Trademarks are singular.

Because a trademark is an adjective, it should never be used in the plural form. Instead, when necessary, the generic noun can be used as a plural.

Example: Correct: I want a Zipit® Wireless Messenger.
Incorrect: I bought two Zipits.

It is never permissible to use any of our trademarks as verbs.

Example: Correct: I will chat with you on my Zipit® device.
Incorrect: Go ahead and Zipit me

5. **Trademarks are never possessive.**

Example: Correct: The Zipit® keyboard
Incorrect: Zipit's keyboard

6. **"Zipit" may be used to refer to the company, Zipit Wireless, Inc., rather than a brand of product or service.**

If "Zipit" is being used to refer to our company, rather than the brand of a product or service, then the rules for proper use of trademarks do not apply. Unlike trademarks, company names are proper nouns; they can be used in the possessive form and should not be followed by a generic term. Neither the ™ nor the ® symbol should accompany references to Zipit as a company.

Example: Correct: Zipit is now offering its customers more choices than ever.
Incorrect: Zipit® is now offering its customers more choices than ever.

7. **Apply the banner/ headline exception correctly.**

When our Zipit mark is used in small spaces that constrain text size (such as a banner or headline) a "shorthand" reference to "Zipit®" alone – which does not include a generic term immediately after the trademark – may be used, if a more expanded version is set forth in nearby text (including by hyperlink).

For example, the banner or headline may say "Now Available: Texting on Zipit®" so long as nearby text includes the appropriate generic term next to our trademark, such as: "text with your cell phone friends directly from your Zipit® Wireless Messenger."

Similarly, a banner or headline may say:

"Get a Zipit®",

"Buy a Zipit®", etc.

as long as that the proximate text includes the same trademark followed by a generic term, such as "Get your own Zipit® Wireless Messenger portable IM device."

In the "shorthand" usage, use the "®" notice; then again use the ® notice after the first appearance of Zipit in the nearby text that provides the fuller context. Whenever possible, use the Zipit logo with the ® notice when using "Zipit" in a "shorthand" manner for banners and headlines. In television advertising, a shorthand reference to "Zipit" alone can be used if: (a) the images on the screen make it obvious that the trademark is being used in reference to Zipit products, services or features, and (b) the appropriate generic name is used with the trademark in the advertisement.

For example, "Zipit allows you to chat with your friends" is permissible if the image of the screen shows the Zipit software interface and elsewhere in the advertisement reference is made to the Zipit Wireless Messenger or the Zipit service.

8. **Give trademark attributions where appropriate.**

When needed to clarify who owns the trademarks, a notice of ownership should also be given, such as the following.

Example: Zipit and the Zipit logo [or other company trademarks mentioned] are trademarks or registered trademarks of Zipit Wireless, Inc.

Note: Additional copyright language should be added after the trademark attribution language, if the material created has been created by Zipit:

Example: © 2007 Zipit Wireless, Inc. All rights reserved.

9. **Additional Do's and Don'ts.**

- Use only Zipit-approved artwork when using Zipit logos.

each side of the logo and other graphic or textual elements on your web page.

- Normally, an unregistered Zipit Feature should be followed by the superscripted letters TM or SM to give notice that the company claims trademark rights in the term. A registered Zipit Feature should be followed by the symbol ® to identify the term as a registered trademark. In advertising copy, notice of trademark rights may be provided in a footnote format – e.g., by placing an asterisk adjacent to the Zipit Feature and placing an appropriate notice at the bottom of the page on which the asterisk appears. Example: *MyTunez is a trademark of Zipit Wireless, Inc.
- Don't remove, distort or alter any element of a Zipit Feature. That includes modifying a Zipit trademark, for example, through hyphenation, combination or abbreviation, such as: OpenZipit, OpenZipit2. Do not shorten, abbreviate, or create acronyms out of Zipit trademarks.
- Don't display a Zipit Feature as the most prominent element on your web page.
- Don't display a Zipit Feature, unless specifically approved by Zipit Wireless, Inc., in any manner that implies a relationship or affiliation with, sponsorship, or endorsement by Zipit, or that can be reasonably interpreted to suggest editorial content has been authored by, or represents the views or opinions of Zipit or Zipit personnel.
- Don't display a Zipit Feature on any web site that contains or displays adult content, promotes gambling, involves the sale of tobacco or alcohol to persons under twenty-one years of age, or otherwise violates applicable law.
- Don't display a Zipit Feature in a manner that is in Zipit's sole opinion misleading, unfair, defamatory, infringing, libelous, disparaging, obscene or otherwise objectionable to Zipit.
- Don't display a Zipit Feature on a site that violates any law or regulation.
- Don't incorporate Zipit Features into your own product name, service names, trademarks, logos, or company names.
- Don't copy or imitate Zipit's trade dress, including the look and feel of Zipit web design properties or Zipit brand packaging, distinctive color combinations, typography, graphic designs, product icons, or imagery associated with Zipit
- Don't adopt marks, logos, slogans, or designs that are confusingly similar to our brand
- Don't register Zipit trademarks as second-level domain names.
- Don't use Zipit trademarks in a way that suggests a common, descriptive, or generic meaning.
- Trademark rights vary from country to country. Some countries have severe criminal and civil penalties for improper use of the registration symbol. Therefore, don't use the registration symbol (®) in countries where the mark has not been registered.

Required Legal Text

This language should be used on all documents that describe the Zipit service:

- Zipit® service is required for the Zipit Wireless Messenger to function. Zipit service is subject to the terms and conditions available at www.zipitwireless.com.
- Zipit service is accessed through a wireless broadband connection.

Registered Trademarks

