



Joint Market Programs and Ad-Hoc Appeals Committee - Meeting Agenda

Date: Thursday, April 10th, 2014

Time: 4:00 p.m. – 6:00 p.m

Location: The Classroom

Committee Members: Bruce Burger (Chair), Betty Halfon (Vice-Chair), Gloria Skouge, Ann Magnano, Patrice Barrentine, David Ghoddousi and Rico Quirindongo

4:00pm	I. Administrative:	Chair
	A. Approval of Agenda	
	B. Approval of the Market Programs March 13 th , 2014 Meeting Minutes	
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4:05pm	II. Announcements and/or Community Comments	
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4:10pm	III. Appeal to Committee of the Council	Chair
	A. Schaible Daystall Appeal - discussion of Ad-Hoc Committee to review findings and make recommendation to Council per the Daystall Rules and Regulations	
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4:30pm	IV. Programs and Marketing Directors Report	
	A. Programs & Promotions Update	Kelly Lindsay
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4:40pm	V. Presentations and Discussion	
	A. Farm Program Aggregation	Z. Cook / M. Balding
	B. Trademark Guidelines	Kelly Lindsay
	Action Item: Proposed Resolution 14 -29: Update to Trademark Usage Guidelines	
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5:20pm	VI. Action Items	
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5:25pm	VII. Resolution(s) to be Added to Consent Agenda	Chair
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5:30pm	VIII. Concerns of Committee Members	
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5:35pm	IX. Public Comment	
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5:40pm	X. Adjournment	Chair
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PIKE PLACE MARKET TRADEMARK USAGE GUIDELINES

Updated April 2014

The Pike Place Market is a nine-acre Historic District in the heart of downtown Seattle, Washington. The Market's landlord and management agency, the Pike Place Market Preservation & Development Authority ("PDA"), was established by the City of Seattle pursuant to State law and the City's public corporation enabling ordinance. The PDA is a non-profit corporation chartered to protect and preserve the structures, traditional uses, and character of the Market Historical District.

Through years of use and through federal registration, the PDA owns trademark rights to the Pike Place Market name (and associated names) and the Market's clock and sign image. The PDA is committed to enforcing its right to exclusive use of Pike Place Market trademarks. We have an active licensing program and license some uses when approved by the PDA Council and when a Trademark Licensing Agreement is in place.

PIKE PLACE MARKET TRADEMARKS INCLUDE:

Word Marks:

THE PIKE PLACE MARKET
PIKE PLACE
PIKE PLACE PUBLIC MARKET
PIKE PLACE FARMERS MARKET

Design Marks:

The graphic representation of the rooftop sign located at the junction of Pike Place and Pike Street. The image includes the sign's structural framework, the words PUBLIC MARKET CENTER and the clock face; as viewed from all perspectives or as depicted by other letter forms and graphic treatments:



In addition, the above PDA logos are reserved for PDA identification and Market-wide advertising. No businesses inside or outside the Market are permitted to use the PDA logo on any product or for any promotional purpose.

For more than 100 years of continuous operation, the words “Pike Place Market” have taken on meaning in the mind of the public beyond their descriptive, geographical origin. The words signify a traditional style of retail activity distinctly associated with the Pike Place Market as characterized by the Market’s high level of personal contact between individual buyers and sellers. The name carries with it an unusually high expectation of seller accountability, expressed for many years in the Market’s well-known slogan “Meet the Producer.”

The Pike Place Market was one of the first historic districts in the nation where the traditional uses and cultural environment of the area were mandated for preservation along with its architecture. In this spirit, the PDA endeavors to preserve and protect the Market’s trademarks so that merchants of the Market and the public can continue to enjoy the benefits of the Market’s longstanding reputation.

The goal of trademark law is to eliminate consumer confusion. Trademark law could not achieve this goal simply by prohibiting marks that are identical; thus, use of similar names and marks in connection with similar goods and services is prohibited because, though not identical, similar marks are likely to deceive consumers. In order to protect our trademarks, we prohibit direct use and copying of the specific trademarks listed above, as well as the use of a number of other similar names and marks—such as any reference to “Pike Place” or “Pike Market.”

WHO MAY USE PIKE PLACE MARKET TRADEMARK?

Through many years of use, the name “Pike Place Market” and associated trademarks have acquired special meaning for consumers as a form of identification for the Market’s unique atmosphere, which imparts real commercial value to the name. Merchants in the Market benefit from the equity built up in the name and trademarks, an equity that will be drastically diminished by the inappropriate or unauthorized use of the name and marks.

Pike Place Market merchants authorized to conduct business within the Market are entitled to use the name “Pike Place Market” and the PDA’s trademarks in accordance with either their rental agreement or lease with the PDA, for the limited purpose of identification and promotion of the location of their business. Leases and rental agreements do not entitle tenants to unrestricted use of PDA trademarks. Market merchants must obtain a license for any uses other than the limited use expressly permitted under their lease or rental agreement.

PDA daystall tenants are permitted to use the name Pike Place Market and the clock/sign image on products they hand make and sell in the Pike Place Market, according to their annual rental agreement. Sales of such products at any location outside of the Pike Place Market must be requested in writing in advance; any approval is granted on a yearly basis corresponding with the term of the annual rental agreement.

Businesses outside of the Market’s boundaries cannot use Pike Place Market as an identifier, unless correctly stating they are “near” or “next to” the Pike Place Market.

All other uses of the name “Pike Place Market” or the PDA’s trademark on any products or to promote any products or businesses are expressly prohibited unless a licensing agreement has been approved by the PDA Council. Generally, licenses will not be granted to organizations or individuals outside the Market unless they demonstrate that their use of the name or trademarks will enhance the goals of the PDA. In addition, any licensee will need to verify that all licensed products are manufactured in compliance with the Prohibition of Sweatshop Conditions and free of hazardous materials, among other requirements. Royalty rates will be set depending on type of use and may be required in advance.

GENERAL TRADEMARK USE REQUIREMENTS

In all cases, the primary purpose of employing PDA trademarks is:

1. To enhance the image of the Pike Place Market as defined by the PDA Charter.
2. To cultivate shoppers and promote retail sales for Market merchants.
3. To further public appreciation of the traditional character, purposes, and products of the Market.

GENERAL CONDITIONS FOR LICENSED USE

Non-exclusive licensing agreements for use of Market trademarks may be granted by the PDA under certain conditions, including:

1. The proposed licensed use is consistent with the primary purposes listed above.
2. The licensed use does not infringe upon licenses already granted, nor does it create confusion in the mind of the consumer, based on interpretation by the PDA.
3. The licensed use materially benefits and improves the Market community by producing revenues not otherwise available through normal Market resources.
4. The licensed product is consistent with the use permits granted by the Pike Place Market Historical Commission for merchandise sold within the Market. Additional information is available upon request.
5. Production methods of all licensed products must be consistent with the high standards established for Permitted Arts and Crafts:
 - a. The licensee must be closely involved with the design of each article.
 - b. The licensee must be closely involved with the production of each article.
 - c. Design and production standards should relate to the specific materials and processes used to produce the specific item.

Food products, books, and print reproduction from original artwork and photography are exempt from this requirement.

6. The majority of the licensed product must be derived from original artwork, design or craftsmanship.
7. Food products considered for licensing will be those developed by Pike Place Market tenants who produce unique products with their own recipe (this condition is closely aligned with the trademark use requirement that calls for licensed items to further public appreciation of the traditional character, purpose and products of the Market). Creators of such food products could apply for a license to use the name Pike Place Market as part of their product name.
8. All products using Market trademarks are manufactured in compliance with the Prohibition of Sweatshop Conditions and free of hazardous materials. Upon request, applicant will disclose the names and locations of factories, and information about wages and working conditions, for all products using Market trademarks. See Exhibit A.
9. Items not in compliance with standards established in Conditions 4 through 7 above, but that demonstrate an extraordinary ability to meet the General Conditions for Licensed Use may, at the discretion of staff, be brought forward to the PDA Council for consideration.

TIMELINE

Trademark applications are reviewed by PDA staff to determine if they meet the required guidelines. If so, we will advise the applicant of the terms (such as length of license and royalty fees) that we are willing to support and present to the Market Programs committee of the PDA Council. If approved at this meeting, the application is forwarded to the PDA Council for consideration. This process can take two months or longer. Upon approval, a Trademark Licensing Agreement is prepared by PDA staff. This agreement specifies the terms and other requirements, including the notice of trademark ownership that is required to be printed on each product and an insurance requirement. This agreement will be given to the licensee for signature.

TRADEMARK LICENSE APPLICATION AND ROYALTY FEES

There is no fee to apply for trademark use. If an application is approved by the PDA Council, there is a non-refundable \$250 start-up fee due before an agreement is drafted. The PDA will pay up to one hour of our legal costs in setting up the agreement; any additional legal expenses the PDA incurs in its work toward developing a Trademark Licensing Agreement for an applicant must be paid by the applicant. Royalty fees are charged and vary depending on the use, but are typically a percentage of sales.

FOR MORE INFORMATION

We appreciate your interest in using the Pike Place Market's trademarks and in helping the Pike Place Market PDA protect our trademark rights. If you have further questions, please contact Sue Gilbert Mooers at the PDA at 206-774-5259 or sue@pikeplacemarket.org.

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6. Please describe your production methods, and affirm that, unless exempt, they are in compliance with the Production Methods outlined in section 5. a.-c. above. For exempt products, please provide the names and locations of any third-party processing or manufacturing facility.

7. If using a factory to manufacture these items, please provide the names and locations of factories.

8. Upon request, will you be able to provide information about wages and working conditions of these factories?

TRADEMARK OWNERSHIP AND FEE REQUIREMENTS

In applying for use of the Pike Place Market PDA's trademarks, I acknowledge the PDA ownership and authority over these Marks. I understand a \$250 Start-Up Fee will be due upon PDA Council approval, prior to drafting of a Licensing Agreement, which will specify the amount of royalty fees for the use. I further understand that the PDA will pay for up to one hour of legal fees they incur should I have requested changes to the Licensing Agreement; I agree to reimburse the PDA for any legal fees they are charged in excess of one hour for the negotiation, preparation and/or defense of any proposed or signed Licensing Agreement related to this application or my use of the Pike Place Market trademarks.

Applicant Name/Title: _____

Applicant Signature: _____

Date: _____

RETURN COMPLETED APPLICATION AND SAMPLES TO:

Sue Gilbert Mooers | Pike Place Market PDA | 85 Pike Street, Room 500 | Seattle, WA 98101 | 206-774-5259
sue@pikeplacemarket.org