

## **POLICIES**

### **INTELLECTUAL PROPERTY**

To provide policy guidance relative to the use of the NCMA intellectual property, including copyrighted names, logos, publications, and trademarks.

#### **Scope**

These policies apply to all NCMA members, volunteers, officers, and staff who use or disseminate NCMA intellectual property.

Intellectual property includes “National Contract Management Association”; “NCMA”; “Certified Professional Contracts Manager”; “CPCM”; “Contract Management Institute”; “CMI”; the NCMA logo; the CMI logo; the CPCM, CFCM, and CCCM logos; and published materials of all types including print (e.g., *Contract Management* magazine) and electronic (e.g., Web sites).

#### **Responsibility**

The Executive Director is responsible for identifying, labeling, tracking, and protecting all intellectual property, and for filing trademark registrations.

All NCMA officers, directors, staff, volunteers, and members are responsible for ensuring that NCMA intellectual property is used only for approved NCMA purposes.

### **TRADEMARKS**

A “trademark” is a word, phrase, symbol, or design, (or a combination of words, phrases, symbols, or designs) that identifies and distinguishes the source of the goods of one party from those of others. You can establish rights in a mark based on legitimate use of the mark. However, owning a federal trademark registration on the Principal Register provides several advantages, including constructive notice to the public of the registrant’s claim of ownership of the mark, a legal presumption of the registrant’s ownership of the mark, and the registrant’s exclusive right to use the mark nationwide on or in connection with the goods and/or services listed in the registration; the ability to bring an action concerning the mark in federal court; the use of the U.S. registration as a basis to obtain registration in foreign countries; and the ability to file the U.S. registration with the U.S. Customs Service to prevent importation of infringing foreign goods.

#### **Policy**

NCMA will register its trademarks with the U.S. Patent and Trademark Office. The following trademarks are registered:

(insert)  
NCMA

(insert)  
NCMA Logo

Apply the federal registration symbol “®” when using NCMA’s registered trademarks.

For trademarks not registered, NCMA will claim rights to the mark by using the “TM” designation to alert the public to its claim.

NCMA trademarks shall only be used to identify, publicize, and promote NCMA and NCMA interests.

“National Contract Management Association” is a registered business name and is copyrighted.

The NCMA office will use the NCMA name and logo for all Association business purposes. NCMA officers, directors, committees, and members conducting authorized business of the Association may use the NCMA name and logo for these purposes. Officers, Board members, and members are not authorized to use the logo on personal business cards but are authorized to use the statement: “Member of the National Contract Management Association (NCMA).”

Chapter officers and any NCMA member of the same chapter conducting authorized chapter business may use the NCMA name and logo for these purposes provided that these trademarks are preceded or followed by the chapter’s name.

Chapters should obtain stationery for their own use that designates the chapter name and address. When NCMA national stationery must be used, pending the printing of local stationery, it will be over stamped with the local chapter name and address.

National officers, Directors, committees, and members will use NCMA national stationery only in the execution of the duties to which they are assigned. Such correspondence must be pertinent to the position to which the individual has been elected or appointed. NCMA stationery may not be used for personal correspondence or other unrelated business correspondence.

Individual members may not use the NCMA name and logo for personal business. However, individual members may use the NCMA name and logo on personal business cards, and may also include their company name on the card, if the purpose of the card is to identify the member as an individual acting in the best interest of NCMA.

## **COPYRIGHTS**

“Copyright” is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical,

artistic, and certain other intellectual works. This protection is available to both published and unpublished works. The 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to reproduce the work in copies or recordings; to prepare derivative works based upon the work; to distribute copies or recordings of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending; to display the copyrighted work publicly; and in the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship immediately becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright. In the case of works made for hire, the employer and not the employee is considered to be the author. "Work made for hire" is defined as "a work prepared by an employee within the scope of his or her employment, or a work specially ordered or commissioned for use as a contribution to a collective work, an audiovisual work, a supplementary work or compilation, an instructional text, a test, answer material for a test, and the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire."

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

## **Policy**

Each publication to which NCMA owns copyright should include the following notice:

© (year) by the National Contract Management Association. All rights reserved. Printed in the United States of America.

NCMA owns the copyrights for all works authored by NCMA employees.

NCMA will seek to include in contracts for the production of authored works terms stipulating the work is considered a work made for hire, enabling NCMA to own the copyright. If this is not possible, NCMA should seek from the author rights for use and reproduction, either at no cost or in exchange for specific royalties.

NCMA will not register its copyrights with the U.S. Library of Congress Copyright Office. However, the law requires the "owner of copyright or of the exclusive right of publication" in a work published in the United States to deposit two (2) copies in the Copyright Office within three (3) months of the date of such publication to:

Library of Congress  
Register of Copyrights  
Attn: 407 Deposits  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

Similar deposit requirements exist for audio and video recordings, and machine readable formats (such as diskettes and CD-ROMs). NCMA will refer to the Copyright Office specific guidance for deposit of these publications at [www.copyright.gov/circs/circ07d.pdf](http://www.copyright.gov/circs/circ07d.pdf).

## **NCMA MEMBER AND CUSTOMER LISTS**

NCMA's list of members, customers (formerly referred to as "mail list"), and prospective customers (referred to as "prospects") is the most valuable and important intellectual property it possesses. In order to achieve its purpose, mission, and objectives, NCMA must be able to effectively communicate with its members, customers, and prospects. Organizations seeking to sell products or services within the contract management profession also want to reach NCMA's members.

### **Responsibilities**

The Executive Director is responsible for the maintenance of NCMA's member, customer, and prospect information; distributing this information to appropriate entities; ensuring this information is protected; and ensuring only appropriate information is transmitted to individuals.

### **Policy**

NCMA will maintain a database of members, customers, and prospects for the effective management, administration, and marketing of Association business consistent with the stated principles and objectives of the Association.

Members, customers, and prospects may request not to be contacted for various reasons and through various media. For example, members may ask NCMA not to release their address information outside of NCMA. A second example is members may ask NCMA not to send them faxes. NCMA will annotate individuals' records with such requests, and ensure that information is only released or communicated appropriately.

All NCMA member and customer information will be treated as "NCMA Proprietary" and will only be used for official correspondence and announcements, brochures, etc., of NCMA and approved NCMA sponsored activities.

A list of member mailing addresses may be provided to outside organizations for mailings as required by contractual obligations that are of value to the membership. Mailing lists will not include e-mail addresses or telephone numbers, and it will not include information for individuals who have specifically requested removal from such lists. Individual mailings must be approved before releasing the mail list to ensure only appropriate mail pieces are sent to members, customers, and prospects.

Appropriate mail pieces include brochures for educational programs, publications, sponsors, or other services related to the contract management profession or business in general that are of interest to our members.

NCMA will not print mail labels for chapters or other entities. NCMA will provide, if appropriate, an electronic file containing the mail list information.

NCMA will not release the e-mail addresses of its members, customers, and prospects to entities outside of NCMA for any purpose.

Chapters are cautioned that listing member information on their Web sites, whether in a newsletter, member directory, or Web page, will result in their members receiving unsolicited e-mail advertisements (spam). Great care should be exercised when listing member information publicly.