

ST. MARY THE VIRGIN

Sovereign Military Order of the Temple of Jerusalem

Read More About It:
Trademarks

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INTRODUCTION



Trademarks

The Order has filed and obtained US Federal Trademark registrations for its important symbols / trademarks or “marks” as used in the law. The reason for this is to be able to protect the well-earned reputation of the Order from other parties that would seek to leverage our good name and reputation for their own purposes. Our “marks” are our “brand” and distinguish SMOTJ from other organizations. Registering our marks allows the Order to stop others from using those marks or similar marks that may confuse people.

This publication outlines the use, approval, and protection of the Order’s trademarks.

History of Trademarks

In trademark treatises it is usually reported that blacksmiths who made swords in the Roman Empire are thought of as being the first users of trademarks. Other notable trademarks that have been used for a long time include Stella Artois, which claims use of its mark since 1366, and Löwenbräu, which claims use of its lion mark since 1383. The first trademark legislation was passed by the Parliament of England under the reign of King Henry III in 1266, which required all bakers to use a distinctive mark for the bread they sold. The first modern trademark laws emerged in the late 19th century. In France, the first comprehensive trademark system in the world was passed into law in 1857 with the "Manufacture and Goods Mark Act". In Britain, the Merchandise Marks Act 1862 made it a criminal offense to imitate another's trade mark 'with intent to defraud or to enable another to defraud'. In the United States, Congress first attempted to establish a federal trademark regime in 1870. This statute purported to be an exercise of Congress' Copyright Clause powers. However, the Supreme Court struck down the 1870 statute in the *Trade-Mark Cases* later on in the decade. In 1881, Congress passed a new trademark act, this time according to its Commerce Clause powers. Congress revised the Trademark Act in 1905.

Background

The Order has filed and obtained US Federal Trademark registrations for its important symbols / trademarks or "marks" as used in the law. The reason for this is to be able to protect the well-earned reputation of the Order from other parties that would seek to leverage our good name and reputation for their own purposes. Our "marks" are our "brand" and distinguish SMOTJ from other organizations. Registering our marks allows the Order to stop others from using those marks or similar marks that may confuse people.

The marks of the U.S. Order (SMOTJ, Inc.) have been and future marks must be registered with the U. S. Patent and Trademark Office to be protected against use and infringement by others. A practical effect of registering trademarks is that it authorizes and defines our own use of the marks. The basic legal framework for registering trademarks is the Lanham Act, 15 U.S.C. section 1051 et seq. As of April 2017, SMOTJ, Inc. has nine federally registered trademarks, which are depicted at the end of this section. The marks that we have registered or that are in process belong to the Grand Priory (SMOTJ, Inc.) and can be used only by authority of the Grand Council and in accordance with direction and guidance issued by it.

WHAT'S THE DIFFERENCE?

™ (the "trademark symbol", which is the letters "TM" in superscript, for an unregistered trademark, a mark used to promote or brand goods)

SM (which is the letters "SM" in superscript, for an unregistered service mark, a mark used to promote or brand services)

® (the letter "R" surrounded by a circle, for a registered trademark)

Initial Use of Marks

Before any new or different mark is used (whether or not it is registered) it must first be presented to the Grand Council and approved. This is important because use of new or different marks that are too close to our other marks could result in confusion and dilution of our marks. Any plans to use marks that are different from those registered should first be presented to the Grand Herald and the Grand Avocat for review, and then to the Grand Council for final approval. This prohibition on the use of new or different marks without review by the Grand Herald and Grand Avocat applies to any local priory deviations of the use of our marks.

Approval of New Trademarks

Before any new mark can be registered, its design and intended uses must first be approved by the Grand Council. Marks that are approved for registration should be distinct and regularly used or intended to be used in commerce. The requirement that the marks be distinct has kept us from registering some terms, such as the name "Knights Templar" since that name is regularly used by other organizations in other contexts and is viewed as "generic" and unable to be registered by any party. Some insignia, such as the unadorned cross patteé, are also in use by many organizations

and cannot be claimed by the SMOTJ as a unique mark. The requirement that a mark be used in commerce means we must intend to make use of it or have already used it before we register. Using the marks on items of jewelry, stationery, etc. for sale or communication with members will satisfy the requirement for use in commerce.

Filing with and Approval by the PTO

The Grand Avocat is responsible for filing of and maintenance of the registration of the marks with the U.S. Patent and Trademark Office (PTO). This should be done with the assistance of an experienced intellectual property rights lawyer specializing in trademark matters under the guidance of the Grand Avocat. The current filing fee for a trademark is \$325.00, which should be provided by the Priory or other SMOTJ organization requesting registration of the new mark. There will be additional legal fees for the preparation of the trademark registration application which will run between \$850 and up, depending upon the research that is needed to be done on the proposed mark. The SMOTJ organizations initiating such a new mark registration application will also be responsible for paying the annual search firm fees required to monitor those marks for possible confusion or infringement. Before approving the application, the Patent and Trademark Office will conduct a search of its records and perform other legal reviews to ascertain whether the mark may be lawfully registered. Once this is done, the Grand Avocat will be notified that the mark is registered. The significance of this is that the Order may then lawfully use the marks nationally to the exclusion of others (with some minor exceptions). We also have clear definition on our use of the marks.

Perfecting Marks with the PTO

After new marks are first registered, the Order must declare its continued use of the mark with PTO between the fifth and sixth year following initial issuance of the trademark to perfect our continued trademark rights in the marks. The initial set of five marks met this requirement in 2000, were renewed in 2005 and 2015, and will need to be monitored and renewed every ten years thereafter. The three newest marks were registered during 2007-2009 and renewed between 2014 and 2018 and must be renewed every ten years thereafter.

Protecting Marks from Infringement

Efforts must be taken to continue to protect our marks once they are registered. The Grand Priory of the U.S.A. has to be continuously vigilant about protecting the use of the Order's marks against unauthorized use, or else those rights may be lost through inaction. This means that the Grand Priory must quickly and vigorously pursue all unauthorized use, both within the Order and outside of it. All Knights and Dames should assist this requirement by readily reporting to the Grand Avocat any available information about those who might be using the Order's marks in unauthorized or inappropriate ways, and those who have produced new marks that may prove confusingly similar to the public.

Usually, all that is necessary in such cases to stop further misuse is a letter from the Grand Avocat to the offender. After receiving such a letter, most potential infringers will cease their illegal use of the marks. If this is not sufficient, more aggressive action needs to be taken, up to and including litigation.

Use of Marks, Logos, Symbols, etc.

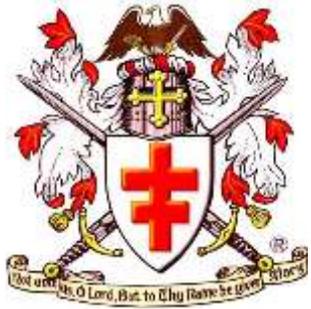
The use of marks, logos, symbols, etc. by Pories and Commanderies should be approved by the Grand Armorer. Pories and Commanderies are of course encouraged to use any of the registered marks for which use has been approved by the Grand Council. Any questions about which use has been approved should be referred to the Grand Armorer.

Any planned deviation from a specifically approved use should be forwarded to the Grand Armorer at least 30 days prior to the planned use. The Grand Armorer should be provided with pictures, drawings, or other descriptive explanation of the deviation. The Grand Armorer will then consult with the Grand Avocat and the Grand Herald before obtaining final approval for the new use of the mark from the Grand Prior or his designee.

Descriptive information about any other distinctive logo, symbol, emblem, figure, etc., that is other than a registered mark or approved use of a registered mark should be forwarded to the Grand Avocat for consideration at least 30 days before the planned use.

The nine SMOTJ items currently registered as trademarks with US Patent and Trademark Office are provided below. Each of these marks should be shown with the ® symbol in an appropriate location whenever they are displayed. Use of the "TM" symbol is no longer appropriate. Members of the SMOTJ are requested to follow the protocol for the use of these symbols in publications and to be alert to the use of any of these trademarks or similar symbols by other individuals or organizations. Any and all suspect unauthorized uses should be reported to the Grand Avocat immediately. It is essential to protect these marks through appropriate action whenever such misuse is identified.

THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM ®	Registration # 1902078
NON NOBIS DOMINE, SED NOMINE TUO DA GLORIAM ®	Registration # 1917066
NOT UNTO US, O LORD, BUT TO THY NAME BE GIVEN GLORY ®	Registration # 1901079
 <p>Registration # 1909058 Early Logo of SMOTJ</p>	 <p>Registration # 1910657 Red Patriarchal Cross</p>
 <p>Registration # 1904826 Red Patriarchal Cross With Gold Crown</p>	 <p>Registration # 3390594 Logo of the Order of Merit</p>



Registration # 3421129
Logo of the Order



Registration # 3700614
Grand Croix Design

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