

Minute 20 of the ARRL Board of Directors Meeting; ARES® Groups and Use of Registered Trademarks

I. The Board Motion

The following Motion was passed by the ARRL Board of Directors at its Second Annual Meeting in July of 2004. The motion has left some ARRL members with misconceptions about the intention of the Board of Directors concerning the ARES program. This paper will address those concerns.

After discussion about the Amateur Radio Emergency Service, led by Mr. Walstrom, the Board was in recess for luncheon from 11:56 AM until 1:20 PM with current meeting participants present except Mr. Day. On motion of Mr. Walstrom, seconded by Mr. Goddard, the following resolution was unanimously ADOPTED:

WHEREAS, for security reasons and for purposes of establishing formal relationships with served agencies, ARES® groups within an ARRL section are increasingly in need of affirmative recognition; and

WHEREAS, ARES® (Amateur Radio Emergency Service®) is a program of, and both logos are registered trademarks of the American Radio Relay League, Incorporated;

NOW THEREFORE, it is ARRL policy that ARES® groups, and any group using the ARES® logo, shall acknowledge the nature of the ARES® program as an ARRL program, and abide by the guidelines of the program established by ARRL as amended from time to time, according to the following principles:

1. Each ARES® group will, when using the term "ARES" or "Amateur Radio Emergency Service," utilize the ® symbol in any printed matter or in any electronic media, and will acknowledge that both logos are registered marks of the American Radio Relay League, Incorporated and are used by permission.
2. In bylaws or other organizational documents, or by amendment of any existing bylaws or organizational documents, ARES® groups will acknowledge that ARES® is a program of the American Radio Relay League, and that entity will abide by the Rules and Regulations of the ARRL's Field Organization, as they may be amended from time to time, and by ARRL policies, rules, and guidelines contained in ARRL publications.
3. All ARES® records, membership rosters, and other data pertaining to the ARES® program wherever located are the property of the American Radio Relay League, Incorporated.

II. What was the purpose of the Board motion?

There were several reasons why this motion was necessary. First of all, numerous ARES groups around the country, concerned about liability and wishing to operate in a manner that might encourage the donation of equipment for emergency communications purposes, expressed to ARRL the desire to incorporate. Two benefits of incorporation are the protection against individual liability of persons operating under the “umbrella” of a corporation, and the possibility of obtaining tax exemption as a Section 501(c) organization. Section 501(c)(3) charitable, educational or scientific organizations provide tax deductions for certain donors of equipment. It was felt by some that incorporation of ARES groups might better protect participants against liability and might encourage grants or donations to further the ARES purposes. While these are worthy and beneficial goals, they are somewhat at odds with the nature of ARES as part of the ARRL’s field organization. ARES is an ARRL program, and for ARRL to permit ARES groups to incorporate would, without some specific reservation of rights, allow the ARES group to operate independently of the ARRL, and perhaps at odds with the rules of the Field Organization. ARRL wishes for ARES to remain an ARRL program, and for ARES participants to be a part of the ARRL Field Organization. ARES is widely recognized by State and Federal emergency services agencies and other served agencies as a national program which is under the auspices of the ARRL. An ARES corporation, in order to be considered an ARES entity, should be considered a part of this nationwide program.

Some years ago, ARRL registered its servicemark rights in the marks “ARES” and “Amateur Radio Emergency Service.” ARRL has established the exclusive right to use those marks as representative of a nationwide emergency communications organization. ARRL has, and will continue to authorize ARES groups to use the mark. There are some clubs and groups which are already incorporated and which use the mark in the name of the club or group. This is acceptable, as long as the group or club which uses the logo operates in accordance with the rules and policies established by ARRL for the ARES program.

To those ARES groups which stated a desire to incorporate, the ARRL Board wished to allow them the greatest flexibility to do so, consistent with maintaining ARES as an ARRL program. However, permitting the formation of a separate corporation which is not a subsidiary of the ARRL and which operates as an independent entity, but which uses the name of the ARRL program creates the possibility of dividing the ARES program into small, separate groups without consistency. Enactment of the three requirements in the Board motion seemed to ARRL to be the minimum practical means of insuring that an incorporated ARES group remains a part of the ARRL field organization.

Second, there have been rare, but occasional instances in the past in which ARES field appointees who are replaced by a new Section Manager or Section Emergency Coordinator are dissatisfied with the termination of their voluntary service, and have refused to assist in the transition. In several instances, the membership rosters of these groups were retained and the terminated appointees refused to provide them to the

incoming volunteers. This made it very difficult to continue or reconstitute the ARES groups and continue emergency communications planning and service. Whether or not an ARES group chooses to incorporate, the tools necessary for continuing ARES operation in a given community following changes in field appointments have to be protected. Hence, the affirmation that membership rosters and data are the property of the ARRL is a necessary component of any ARES group.

Finally, in a very few instances, the ARES logo has been misappropriated by certain individuals who have no association with any ARES group at all, or who refuse to abide by the rules of the ARRL Field Organization. This is a misappropriation of the mark and the program itself. Such misappropriation would be discouraged by compliance with the three obligations adopted in the Board motion.

III. Concerns and Questions from ARES Participants.

Since the Board Motion was adopted, some ARES participants asked reasonable questions about the policy. These are generally summarized and responded to as follows:

- 1. How does this apply to combined ARES/RACES organizations?* Separate membership rosters should be maintained, even if the same individuals are members of both ARES and RACES in a given area. A local Office of Emergency Management might consider RACES rosters to be its property, rather than that of ARRL. However, ARES membership rosters are in fact the property of ARRL and should be maintained independently. No one is suggesting taking anything away from an OEM staff person. However, ARES groups and their successors have to also have access to that information.
- 2. Does the registered trademark “®” symbol need to be used each and every time that a person types the letters ARES in an e-mail and other written correspondence, on web pages, etc.?* The requirement generally is to use the symbol in published documents and where printed for public display or distribution, and on web sites, for example. It is not necessary to use it each time in private written or e-mail correspondence.
- 3. Can the symbol be used once, at the beginning of a published document, and not thereafter?* Yes. Normally, a footnote is used stating, for example, that “ARES” and “Amateur Radio Emergency Service” are registered servicemarks of the American Radio Relay League, Incorporated and are used by permission.
- 4. Under what circumstances must ARRL be asked for permission to use the ARES and Amateur Radio Emergency Service logos?* ARRL offers ARES group participants the right to use the logo without specific written permission for all ARES functions and while engaged in ARES operations in accordance with the rules and regulations of the ARRL field organization. Any other use, or any use by a person who is not a member of an ARES group, requires written permission of ARRL. Where written permission is necessary, e-mail correspondence to permission@arrl.org or in writing to ARRL HQ is sufficient.

5. *Does the ARRL intend to claim ownership or rights to property donated to or held by an ARES group, such as titles to motor vehicles, communications equipment, antennas, or related hardware?* Absolutely not. Nothing in the Board motion states or implies such. ARRL neither has nor claims any property interest in anything except the ARES and Amateur Radio Emergency Service logos; membership rosters and data showing who the ARES participants are and how to communicate with them; and written information with emergency communications plans and protocols developed for ARES use and operation. Communications vans, equipment, hardware, or anything else that is owned or used by an ARES group remains the property of individuals or any association or entity that is formed. ARRL has no claim to those items of property. Likewise, ARRL has no responsibility or liability for maintenance or use of those vehicles or equipment.

6. *What should an appointee such as an EC, DEC, or SEC do with membership rosters, communications and operations plans after that person is replaced?* Quite simply, the information should be delivered to the person's successor, or as instructed by the SEC or SM if there is a vacancy in the appointment for any significant period. The successor will be under the same obligation as the predecessor to maintain confidentiality of the membership rosters, contact information, and the like. There will be no instances where the membership rosters, etc. will be made public or disclosed to third parties.

7. *If the membership rosters, etc. have been maintained for many years, how far back must they be maintained?* Principally, the only information that must be passed on to successors is that which is of current interest in maintaining and continuing the ARES program. A good faith effort to provide current information to successors is all that is called for.

It is hoped that this addresses the majority of questions and concerns about the ARRL policy. Please address any specific questions to sewald@arrl.org.