OFFICIAL GUIDE

ON THE USE OF THE

TRADEMARK

PREPARED BY INTERTRIBAL AGRICULTURE COUNCIL

CERTIFIED AUTHENTIC
MADE/PRODUCED BY AMERICAN INDIANS®

HELLO!

Thank you for your interest in the MADE/PRODUCED BY AMERICAN INDIANS trademark and design. The Intertribal Agriculture Council ("IAC") has prepared this booklet to serve as a guide for Indian Tribes and Tribal members on the use and administration of this trademark. We've also included a trademark application form for your convenience.

The MADE/PRODUCED BY AMERICAN INDIANS trademark and design has been approved for use on Indian-made products by the United States Patent and Trademark Office ("USPTO"). This trademark certifies that the goods provided have been produced by members of federally recognized Native American Tribes. The MADE/PRODUCED BY AMERICAN INDIANS trademark and design is a unique symbol of the culture, tradition, and pride that American Indian products represent. We hope you'll take advantage of this valuable opportunity to put the trademark to work for you on your products or services. The trademark will benefit you, your Tribe, and all of Indian Country!

Because this is a new trademark and a new experience for us, we want you to know there will undoubtedly be changes along the way. We hope you'll be patient as well as supportive of any changes that occur in the future. As an example, currently there is not a licensing fee associated with the use of the trademark, and this may change at some point in the future as costs increase.

Initially, the trademark is registered in three categories. As use increases into other areas, and market testing is completed, other categories will be added as needed.

Thank you again, and we look forward to seeing your products displaying the MADE/PRODUCED BY AMERICAN INDIANS trademark and design.

INTERTRIBAL AGRICULTURE COUNCIL

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INTRODUCTION

TRADEMARK PURPOSE

According to the United States Department of Commerce, perhaps as much as 20% of the estimated $1 billion spent annually on Indian cultural goods is spent on fake Indian products. The "Made/ Produced by American Indians" trademark is specifically registered to protect Indian producers and the consumer from these imitation products. This trademark denoting American Indian products will assist American Indian producers to improve their market share, thereby increasing the economic base of the Indian producer and their community. Through this universal emblem, consumers will finally be able to easily identify authentic American Indian produced goods.

This trademark is for all federally recognized American Indian people or Native Alaskan Villages to use on their products, whatever they might be, as a certification of the authenticity of the "Native" or "Indian" made products they sell.

The MADE/PRODUCED BY AMERICAN INDIANS trademark and design should also serve as an expression of the tradition, culture, and pride found in Indian Country for the Native American products that proudly display this emblem to improve product recognition.

Through the increased use by Indian producers and a heightened awareness of the meaning of this trademark by the consumer, Native American people will begin to realize a larger market share and value of the limited Native American products.

BACKGROUND

In 1991, the Intertribal Agriculture Council, on direction from member Tribes, undertook the research, development, and registration of this trademark, funded in part through an Administration for Native Americans ("ANA") grant. The IAC conducted a national contest for design of the mark, and in August 1991, the design – created by Virgil Marchand, an enrolled member of the Colville Confederated Tribes – was chosen. Following the selection of the design, the IAC worked through the law firm of Peacock Law P.C. in Albuquerque, New Mexico, to register the trademark for exclusive Indian use with the U.S. Patent and Trademark Office.

In order to get the trademark design registered, the IAC had to follow required "test marketing" procedures. Fortunately, the IAC had significant help from the Indian Country. The trademark was first used on January 19, 1993, when the White Earth Reservation's Tribal enterprise, Manitok Wild Rice test marketed the trademark. They continue to use it today on their wild rice products, wild berry jellies and syrups, and their birch bark arts and crafts.

After this early test by Manitok, Peacock Law P.C., on behalf of IAC, filed two trademark applications. A few months later, both applications were formally approved, and by the end of 2014, the U.S. Patent and Trademark Office issued two certificates of registration stating that the IAC's trademarks were granted.

Since the initial use of the trademark by Manitok, several other Tribes, Tribal enterprises, and individual Indian producers have applied to use the trademark. These applications have been reviewed and accepted, and now, the IAC is going through the administrative process to add these products to the registered category list.

SAKARI
FARMS
FIRE ROASTED
HOT SAUCE
Nt. Weight 6oz/170g
65060 Hwy 20 Bend, OR 97703
PRODUCT IS NOT PREPARED IN AN
INSPECTED FOOD ESTABLISHMENT
REFRIGERATE AFTER OPENING
NOT FOR RESALE
SAKARI
FARMS
BELIZE ME
Nt. Weight 6oz/170g
65060 Hwy 20 Bend, OR 97703
PRODUCT IS NOT PREPARED IN AN
INSPECTED FOOD ESTABLISHMENT
REFRIGERATE AFTER OPENING
NOT FOR RESALE

LICENSING INFORMATION

ELIGIBLE PRODUCTS

At the time of this publication, the MADE/PRODUCED BY AMERICAN INDIANS trademark and design is approved for use for the following goods:

"Lotions; shampoos; conditioners; body washes; soaps; facial serums; potpourri; salves; lip balms; detergents; herbal teas for non-medicinal and medicinal purposes; botanical teas for non-medicinal and medicinal purposes; candles; dried native roots; knives; jewelry; key chains; beaded products; beaded bouquets; buckskins; tote bags; construction aggregate of crushed rock and sand; rock; lumber; antler work; animal horn art; salt/pepper shakers; bowls; birch bark products; baskets; containers for household or kitchen use; bird houses, not being structures; wool products; blankets; t-shirts; shawls; belts; ponchos; barrettes; dolls; masks; jerky; dried meats, fruits and vegetables; pemmican; dried beans; bean soup mix; olive oils; nuts; berries; pickled asparagus; fresh meat; processed meat products, namely, hot dogs, summer sausage; beef, buffalo, bison, pork, lamb and poultry meat products; fruit preserves, jellies and jams; wild rice; maple syrup; pancake mix; chocolate; muffin mix; dried and dehydrated corn; hominy; salsa; vinaigrette; cocktail sauce; fry bread mix; chili powder; spices; corn meal; breads; flour; fresh vegetables; fresh fruit; frozen fruit; top soil; fresh fish and seafood; frozen fish and frozen seafood; canned fish and canned seafood; smoked fish and smoked seafood; hay; alfalfa hay; corn; wheat; raw wheat; parched wheat; fresh mushrooms; dried mushrooms; wine"; and

"Birch bark baskets, birch bark containers for household or kitchen use, birch bark bird houses, not being structures; fruit preserves, jellies, jams, jerky, dried meats and fruit, pemmican, dried beans, canned and frozen fish; wild rice, maple syrup, pancake mix, chocolate"

ADDITIONAL CATEGORIES

As the use of the MADE/PRODUCED BY AMERICAN INDIANS trademark and design increases, and the IAC obtains test marketing results, the necessary additional categories will be added to fully cover all products produced by individuals or Tribes who wish to use the trademark.

In order to include additional categories, the IAC must prove to the U.S. Patent and Trademark Office that the trademark has been in use or displayed on the specific product by presenting photographic documentation and paying an additional filing fee. Again, the trademark is not limited to use on agricultural products. All Indian producers and artisans are encouraged to take advantage of this opportunity to clearly certify their goods as being MADE/PRODUCED BY AMERICAN INDIANS trademark and design.

REQUIREMENTS

GENERAL

The IAC has established the following requirements for use of this trademark within the approved categories and on future categories for which application is made. The requirements defined here are subject to change if problems arise, resulting from these limitations, which hurt Indian people. Also, please note that compliance with the MADE/PRODUCED BY AMERICAN INDIANS trademark and design rules and use criteria does not exempt a producer, processor, retailer, or wholesaler from complying with other laws and rules relating to labeling, interstate transport, and international trade agreements. You should contact your state or federal Department of Commerce to determine if any shipping or labeling restrictions apply to your product.

AGRICULTURE

1. The "Produced in Indian Country" version of the trademark may be used on livestock products (meat, dairy products, poultry, hides, etc.) that were fed in Indian Country for at least 60 daysprior to milking, processing, or slaughtering; and on crop production (fruits, vegetables, grains, nuts, berries, floral and nursery crops, etc.) that have been grown in Indian Country for the same period.

2. Raw agricultural produce may be identified with the labeling statement if no less than 80% of the product was produced by American Indians.

3. Processed agricultural products may be identified with the labeling statements if no less than 80% of the featured product component or at least 60% of the total product by weight was produced by American Indians.

4. A producer may use the MADE/PRODUCED BY AMERICAN INDIANS trademark and design on an eligible product if the product was processed in a plant at least 51% owned by American Indians.

ARTS AND CRAFTS

1. Arts and crafts may be identified with the mark if the artisan is a member of a federally recognized Indian Tribe or Alaskan Village regardless of the origin of the components used in the art piece.

MANUFACTURING

1. Manufactured goods may be identified with the labeling statement if no less than 80% of the featured product component or at least 60% of the total product by weight was produced by American Indians.

2. Manufactured goods may use the MADE/PRODUCED BY AMERICAN INDIANS trademark and design on an eligible product if the product was processed in a plant at least 51% owned by American Indians.

USE BY RETAILERS AND WHOLESALERS

Retailers and wholesalers are welcome to use the MADE/PRODUCED BY AMERICAN INDIANS trademark and design for the purposes of advertising and displaying those products which have obtained the necessary approval to use the trademark. No license is needed in order

to display and advertise licensed eligible products, but authority to include the trademark and labeling statement will be revoked if other than true American Indian products are advertised in such a manner, or if the display or advertisement is deemed to be misleading in identifying the products to which it applies, or in any other way is unacceptable to the IAC.

DISPLAY REQUIREMENTS

The trademark and labeling statement may be added to a licensed eligible product or display in any color or color combination. The trademark and design MADE/PRODUCED BY AMERICAN INDIANS may be obtained from the IAC in the form of stickers. The stickers are currently clear vinyl with black ink printed on the permanent adhesive sticker, but this form of labeling can change to meet individual needs and be incorporated directly into packaging, etc., by the producer if desired and approved.

BREWED LOCALLY IN
HOYT, KS
NET WT 64 OZ.
BREWED LOCALLY IN
HOYT, KS

HOW TO APPLY

Application is simple. Just fill out the application form located at the back of this booklet and return it to the IAC or visit www.indianag.org to access a digital application. Application must be submitted with proof of federal Tribal enrollment or proof of ownership by a federally recognized Tribe.

EXAMPLES OF ACCEPTABLE DOCUMENTS TO PROVE OWNERSHIP ARE:

TRIBAL ENTERPRISES/ENTITIES: Proof of Tribal Ownership includes Tribal Council Resolutions or Authorized Statement from the current Tribal Executive Leader.

INDIVIDUAL INDIAN PRODUCERS: Proof of Tribal Enrollment includes Tribal Identification or Enrollment Card.

APPLICATION

An application to use the trademark must be submitted to IAC and must provide all the requested information to ensure its proper use. Incomplete or vague applications will be returned for more information or disapproved. The IAC is not currently requiring an application or licensing fee, but as demand increases in the future, this may change.

APPROVAL PROCESS

Authorization to use the trademark is based on approval of an application, and all applicants will be notified of the results of their application within 30 days of receipt. The IAC, or its subsequent designee, retains the sole authority to approve or disapprove use of the trademark.

LICENSE TERM

A successful applicant will receive a license valid for one calendar year, beginning January 1st. Licensees must apply for renewal of each license before the expiration date of the current license (yearly renewals).

ENFORCEMENT

The Intertribal Agriculture Council or its designee may conduct random or regular investigations or inspections to ensure the proper use of the trademark. The IAC may investigate any use of the trademark, especially if there is reason to believe improper use exists. The person, Tribe, Tribal organization, firm, partnership, corporation, or association applying the trademark to a commodity must be able to prove that the product being labeled meets all eligibility requirements of the MADE/PRODUCED BY AMERICAN INDIANS trademark and design marketing program. Misuse of the trademark, or any unauthorized or misleading use which tends to suggest products other than those produced by enrolled members of a federally recognized American Indian Tribe as defined by law, will result in immediate legal and punitive action.

AUTHORITY

The authority for licensing and use of the MADE/PRODUCED BY AMERICAN INDIANS trademark and design is vested in the IAC and is governed by the rules adopted by the IAC Board of Directors, December 8-9, 1992. Two final registrations were issued by the USPTO on December 9, 2014 (U.S. TM Registration No. 4,653,014) and September 30, 2014 (U.S. TM Registration No. 4,612,811).

APPENDIX I

DEFINITIONS

The definitions in this appendix apply to the rules for use of the MADE/PRODUCED BY AMERICAN INDIANS trademark and design.

AMERICAN INDIAN

Anyone enrolled in a federally recognized Tribe or Native Alaskan Village as defined by law.

INDIAN COUNTRY

Includes reservations, former reservations in Oklahoma, identified communities, Alaska Native Villages and Corporation lands, all Trust lands and other areas where Tribes or Native Alaskan Villages reside, work, farm, or produce their goods.

AGRICULTURAL PRODUCTS

Animal or plant products including, but not limited to, livestock or livestock products, dairy products, poultry or poultry products, fish, fruit, vegetables, grains, including natural and cultivated wild rice, berries, fiber, bees, apiary products, cultural and medicinal plants, and floral and nursery crops.

ARTS AND CRAFTS

Items created or produced by artisans, including, but not limited to, pottery, weaving, masonry, casting, beading, quilling, quilting, sewing, leather work, tanning, silver or goldsmithing, and production of traditional or cultural items.

MADE/PRODUCED BY AMERICAN INDIANS

The trademark and design MADE/PRODUCED BY AMERICAN INDIANS certifies that the product sold or advertised is at least 80% made/produced by American Indians.

PRODUCED IN INDIAN COUNTRY

Dairy animals, poultry, beef or other livestock that were fed in Indian Country for at least 60 days prior to milking, processing, or slaughter; or fruits, vegetables, nuts, grains, fiber, or floral and nursery crops that have been grown in Indian Country for the same period.

PROCESSOR

An individual, Tribe, Tribal enterprise, partnership, cooperative, association, or corporation that processes raw products and other ingredients into salable products or commercially slaughters or processes animals or poultry.

PRODUCER

An individual, Tribe, Tribal enterprise, partnership, authorized corporation, association, or cooperative engaged in the production for sale or harvest for sale of agricultural products, arts or crafts items, manufacturing parts or elements.

RE TAILER

An individual, Tribe, Tribal enterprise, partnership, cooperative, association, or corporation that purchases an agricultural product from a producer or wholesaler to sell the agricultural product to a consumer rather than to a person who will resell the product in any form.

WHOLESALER

An individual, Tribe, Tribal enterprise, partnership, cooperative, association, corporation, business trust, or unincorporated organization that purchases an agricultural product from a producer or another wholesaler to sell or supply the agricultural product to a retailer, industrial buyer, restaurant, or institution, or to sell it on behalf of one wholesaler to another wholesaler.

APPENDIX II

REGISTRATION CATEGORIES

The categories listed below are the specific goods registered by the USPTO under the trademark and design MADE/PRODUCED BY AMERICAN INDIANS. Already registered categories are listed in **bold type.** Additional categories in which the trademark may be registered in the future are listed in italic type.

U.S. Trademark Registration No. 4,653,014, registered on December 09, 2014 for MADE/PRODUCED BY AMERICAN INDIANS trademark and design for:

"lotions; shampoos; conditioners; body washes; soaps; facial serums; potpourri; salves; lip balms; detergents; herbal teas for non-medicinal and medicinal purposes; botanical teas for non-medicinal and medicinal purposes; candles; dried native roots; knives; jewelry; key chains; beaded products; beaded bouquets; buckskins; tote bags; construction aggregate of crushed rock and sand; rock; lumber; antler work; animal horn art; salt/pepper shakers; bowls; birch bark products; baskets; containers for household or kitchen use; bird houses, not being structures; wool products; blankets; t-shirts; shawls; belts; ponchos; barrettes; dolls; masks; jerky; dried meats, fruits and vegetables; pemmican; dried beans; bean soup mix; olive oils; nuts; berries; pickled asparagus; fresh meat; processed meat products, namely, hot dogs, summer sausage; beef, buffalo, bison, pork, lamb and poultry meat products; fruit preserves, jellies and jams; wild rice; maple syrup; pancake mix; chocolate; muffin mix; dried and dehydrated corn; hominy; salsa; vinaigrette; cocktail sauce; fry bread mix; chili powder; spices; corn meal; breads; flour; fresh vegetables; fresh fruit; frozen fruit; top soil; fresh fish and seafood; frozen fish and frozen seafood; canned fish and canned seafood; smoked fish and smoked seafood; hay; alfalfa hay; corn; wheat; raw wheat; parched wheat; fresh mushrooms; dried mushrooms; wine"

U.S. Trademark Registration No. 4,612,811, registered on September 30, 2014 for MADE/PRODUCED BY AMERICAN INDIANS trademark and design for:

"Birch bark baskets, birch bark containers for household or kitchen use, birch bark bird houses, not being structures; fruit preserves, jellies, jams, jerky, dried meats and fruit, pemmican, dried beans, canned and frozen fish; wild rice, maple syrup, pancake mix, chocolate."

CATEGORY 14: Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

CATEGORY 15: Musical instruments (other than talking machines and wireless apparatus).

CATEGORY 16: Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype).

CATEGORY 18: Leather and imitations of leather and articles made from these materials (not included in other classes); skins, hides; trunks and traveling bags; umbrellas, parasols, and walking sticks; whips, harness, and saddlery.

CATEGORY 20: Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or for plastics.

CATEGORY 22: Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

CATEGORY 23: Yarns, threads.

CATEGORY 24: Tissues (piece goods); bed and table covers; textile articles (not included in other classes).

CATEGORY 25: Clothing, including boots, shoes, and slippers.

CATEGORY 26: Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

CATEGORY 27: Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (non- textile).

CATEGORY 31: Agricultural, horticultural and forestry products and grains (not included in other classes); living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

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TRADEMARK APPLICATION

The individual, Tribe or Indian organization named below is applying for a license to use the MADE/PRODUCED BY AMERICAN INDIANS trademark and design for the promotion of agricultural or other Indian made products which have been produced and/or processed by enrolled members of a federally recognized Tribe. This will be an annual license which expires on December 31 of each year. No licensing fee is currently required. (Trademark registration pending in some categories.)

COMPANY NAME:_____

CONTACT PERSON: _____

TRIBAL AFFILIATION: _____

MAILING ADDRESS: _____

COMPANY PHONE:_____ FAX: _____

EMAIL ADDRESS: _____

WEBSITE ADDRESS: _____

1. **What specific product(s) will carry the Trademark?**

_____

_____

_____

_____

_____

2. **What type of operation do you have? (i.e. small business, entrepreneur, farmers market, farm or ranch operation, cooperative, manufacturing, wholesale)**

_____

_____

_____

_____

_____

3. **How do you plan to make use of the trademark?**
   - ❒ Incorporate trademark onto packaging?
   - ❒ Attach sticker to existing package?

4. **Please provide and attach documentation that verifies the user is a federally recognized Tribal member/entity or an Alaskan Village as defined by law; or at least a controlling share holder with 51% interest or more.**

   (Applies to Individuals, Tribes, Tribal Organizations, Firms, Partnerships, Corporations, or Associations applying)

   TRIBAL ENTERPRISES/ENTITIES: Proof of Tribal Ownership includes Tribal Council Resolutions or Authorized Statement from the Current Tribal Executive Leader.

   INDIVIDUAL INDIAN PRODUCERS: Proof of Tribal Enrollment includes Tribal Identification or Enrollment Card.

5. **Please provide pictures of the products or items you propose to put the trademark on.**

Please sign below. Return original to the IAC office and keep a copy for your records. You will be notified yearly for renewal.

Authorized Signature: _____

Date: _____

Print Name: _____

Title: _____

RETURN APPLICATION FORM TO: Intertribal Agriculture Council | 100 North 27th Street, Suite 500 | Billings, MT 59101

INTERTRIBAL AGRICULTURE COUNCIL

100 NORTH 27TH STREET SUITE 500
BILLINGS, MONTANA 59101

PHONE: 406.259.3525
FAX: 406.256.9980
EMAIL: INFO@INDIANAGLINK.COM

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