

**EXHIBIT 3  
TO DECLARATION  
OF THOMAS LA PERLE**

# Guidelines for Using Apple Trademarks and Copyrights

(Formerly entitled Guidelines for Third Parties Using Apple Trademarks and Copyrights)

These guidelines are for Apple licensees, authorized resellers, developers, customers, and other parties wishing to use Apple's trademarks, service marks or images in promotional, advertising, instructional, or reference materials, or on their web sites, products, labels, or packaging. Use of the "keyboard" Apple Logo (Option-Shift-K) for commercial purposes without the prior written consent of Apple may constitute trademark infringement and unfair competition in violation of federal and state laws. Use of Apple trademarks may be prohibited, unless expressly authorized.

If you are a licensee of an Apple trademark or logo and have been provided with special trademark usage guidelines with your license agreement, please follow those guidelines. If your license agreement does not provide usage guidelines, then follow these guidelines. If you are an Apple Authorized Reseller or member of an Apple program, you may be subject to additional restrictions.

Apple's trademarks, service marks, trade names, and trade dress are valuable assets. In following these guidelines, you help us protect our valuable trademark rights and strengthen our corporate and brand identities. By using an Apple trademark, in whole or in part, you are acknowledging that Apple is the sole owner of the trademark and promising that you will not interfere with Apple's rights in the trademark, including challenging Apple's use, registration of, or application to register such trademark, alone or in combination with other words, anywhere in the world, and that you will not harm, misuse, or bring into disrepute any Apple trademark. The goodwill derived from using any part of an Apple trademark exclusively inures to the benefit of and belongs to Apple. Except for the limited right to use as expressly permitted under these Guidelines, no other rights of any kind are granted hereunder, by implication or otherwise. If you have any questions regarding these guidelines, please talk to your Apple representative or send an e-mail to Apple's Trademark Department at [appletm@apple.com](mailto:appletm@apple.com).

## Authorized Use of Apple Trademarks

**1. Advertising, Promotional, and Sales Materials:** Only Apple and its authorized resellers and licensees may use the Apple Logo in advertising, promotional, and sales materials. Apple Authorized Resellers may use the Apple Logo only as specified in their reseller agreement and the [Apple Corporate Identity Guidelines for Resellers](#) and such use must always be in conjunction with the appropriate terms that define the relationship authorized by their contract with Apple. For example:

Authorized Reseller

Authorized Value Added Reseller

Authorized Service Provider

Authorized Wholesaler

**2. Compatibility:** Developers may use Apple, Macintosh, iMac, or any other Apple word mark (but not the Apple Logo or other Apple-owned graphic symbol/logo) in a **referential phrase** on packaging or promotional/advertising materials to describe that the third party product is compatible with the referenced Apple product or technology, provided they comply with the following requirements.

- The Apple word mark is not part of the product name.
- The Apple word mark is used in a referential phrase such as "runs on," "for use with," "for," or "compatible with."
- The Apple word mark appears less prominent than the product name.
- The product is in fact compatible with, or otherwise works with, the referenced Apple product.
- The reference to Apple does not create a sense of endorsement, sponsorship, or false association with Apple or Apple products or services.
- The use does not show Apple or its products in a false or derogatory light.

**3. Publications, Seminars, and Conferences:** You may use an Apple word mark in connection with book titles, magazines, periodicals, seminars, or conferences provided you comply with the following requirements:

- The use is referential and less prominent than the rest of the title. Acceptable: XYZ CONFERENCE for

## Legal Information

End User Software License Agreements

Hardware Warranties

iPhone Warranty

Original iPhone

iPhone 3G

Privacy Policy

iTunes Store Terms

Sales Policies

Apple Global Online Support site (AGOS)

English

Français (French)

Deutsch (German)

日本語 (Japanese)

Apple Online Store

Apple Online Store for K12 Schools

Apple Online Store for Higher Education

Retail Store

Apple Online Store for Education Individuals

Apple Authorized U.S. Reseller

Service Products

AppleCare Protection Plan for 1:1 Learning Solutions (PDF)

AppleCare Service Plan

AppleCare Protection Plan

AppleCare Protection Plan for iPhone

AppleCare Protection Plan for iPad

AppleCare Repair Agreement

AppleCare Parts Agreement

Bomgar Remote Support Software

AppleCare Premium Service and Support Plan Terms and Conditions

AppleCare Technical Support Services Terms and Conditions

Remote Support Terms and Conditions

(Bomgar Software) (PDF)

Terms of Service

Web Site Terms and Conditions of Use

Apple Print Services Terms of Use

Apple Print Services Sales Policies & Ordering Information

MobileMe Terms of Service

iWork.com Public Beta Terms of Service

One to One Terms and Conditions

ProCare Terms and Conditions

iChat Account Terms of Service

iTunes Store Terms of Service

iTunes Store Gift Certificates and Allowances Terms and Conditions

iTunes Store Terms of Sale

Discussions Terms and Conditions

Repair Terms and Conditions

iPhone Service

Retail Store Service

General Service (English)

General Service (Dutch)

General Service (Spanish)

General Service (Italian)

General Service (Japanese)

General Service (German)

General Service (Swedish)

General Service (French)

Express Replacement Service for iPhone

In Warranty Terms and Conditions

Out of Warranty Terms and Conditions

Training Service Terms and Conditions

Policies

Unsolicited Idea Submission Policy

Privacy Policy

Trademark, Copyright and Intellectual Property

Trademark List

Copyright

Apple Web Badges

Piracy Prevention

**Guidelines for Trademarks and Copyrights**

## Macintosh Computer Users

- b. The use reflects favorably on both Apple and Apple products or technology.
- c. Your name and logo appear more prominent than the Apple word mark on all printed materials related to the publication, seminar or conference.
- d. The Apple logo or any other Apple-owned graphic symbol, logo, icon or image does not appear on or in the publication or on any materials related to the publication, seminar, or conference without express written permission from Apple.
- e. A disclaimer of sponsorship, affiliation, or endorsement by Apple, similar to the following, is included on the publication and on all related printed materials: "(Title) is an independent (publication) and has not been authorized, sponsored, or otherwise approved by Apple Inc."
- f. A trademark attribution notice is included in the credit section giving notice of Apple's ownership of its trademark(s). Please refer to the section below titled "Proper Trademark Notice and Attribution."

**4. Web Sites:** Web sites that serve only as noncommercial electronic informational forums concerning an Apple product or technology may use the appropriate Apple word mark, provided such use complies with the guidelines set forth in Section 3 above.

**5. Apple Web Badge Licensing Program:** Web sites may use one of the Apple Web Badges if the site uses or was created using Apple-branded hardware or software and you comply with the terms of the Apple Web Badges License Agreement and Guidelines. For licensing information on the Apple Web Badges Licensing Program refer to Apple's web site at [www.apple.com/about/webbadges](http://www.apple.com/about/webbadges).

#### Unauthorized Use of Apple Trademarks

**1. Company, Product, or Service Name:** You may not use or register, in whole or in part, Apple, iPod, iTunes, Macintosh, iMac, or any other Apple trademark, including Apple-owned graphic symbols, logos, icons, or an alteration thereof, as or as part of a company name, trade name, product name, or service name except as specifically noted in these guidelines.

**2. Apple Logo and Apple-owned Graphic Symbols:** You may not use the Apple Logo or any other Apple-owned graphic symbol, logo, or icon on or in connection with web sites, products, packaging, manuals, promotional/advertising materials, or for any other purpose except pursuant to an express written trademark license from Apple, such as a reseller agreement.

**3. Variations, Takeoffs or Abbreviations:** You may not use an image of a real apple or other variation of the Apple logo for any purpose. Third parties cannot use a variation, phonetic equivalent, foreign language equivalent, takeoff, or abbreviation of an Apple trademark for any purpose. For example:

Not acceptable: Appletree Jackintosh Apple Cart PodMart

**4. Disparaging Manner:** You may not use an Apple trademark or any other Apple-owned graphic symbol, logo, or icon in a disparaging manner.

**5. Endorsement or Sponsorship:** You may not use Apple, Macintosh, iMac, or any other Apple trademark, including Apple-owned graphic symbols/logos, or icons, in a manner that would imply Apple's affiliation with or endorsement, sponsorship, or support of a third party product or service.

**6. Merchandise Items:** You may not manufacture, sell or give-away merchandise items, such as T-shirts and mugs, bearing Apple, Macintosh, iMac or any other Apple trademark, including symbols, logos, or icons, except pursuant to an express written trademark license from Apple.

**7. Apple's Trade Dress:** You may not imitate the distinctive Apple packaging, web site design, logos, or typefaces.

**8. Slogans and Taglines:** You may not use or imitate an Apple slogan or tagline.

For example: "Think different."

**9. Domain Names:** You may not use an identical or virtually identical Apple trademark as a second level domain name.

Not acceptable: "imac.com" "imacapple.com" "imac-apple.com" "podmart.com"

#### The Mac Trademark

1. You may not use the Mac trademark standing alone except to denote or refer to the Apple Macintosh product line.

FileMaker Legal Information  
 NeXT Trademark List  
 Training and Certification Agreements and Policies  
 Legal Contacts  
 Export Compliance  
 Supplier Provisions

2. You may use "Mac" in your product name, company name, trade name, or service name provided your name satisfies the following criteria:

a. Your product is not a computer, computer system, or operating system software.

b. Your product is Mac compatible or the third party business is associated with Mac based computers.

c. "Mac" is used in combination with another non-generic word.

Acceptable: MacVenus MacCharlie

Not acceptable: MacCharleston MacSales

d. "Mac" does not appear more prominently than the rest of the name in size, color, or typeface.

e. Your name does not suggest a false association with Apple.

f. Your name is not confusingly similar to any trademark owned or used by Apple.

g. You acknowledge that Apple is the sole owner of the "Mac" trademark and that you will not interfere with Apple's use or registration of "Mac" alone or in combination with other words.

h. If you are an Apple Authorized Reseller or member of an Apple program, you may be subject to additional restrictions.

#### **Rules for Proper Use of Apple Trademarks**

1. Trademarks are adjectives used to modify nouns; the noun is the generic name of a product or service.

2. As adjectives, trademarks may not be used in the plural or possessive form.

Correct: I bought two Macintosh computers.

Not Correct: I bought two Macintoshes.

3. An appropriate generic term must appear after the trademark the first time it appears in a printed piece, and as often as is reasonable after that. Suggested generic terms are provided in the Apple Trademark List which is posted on the Apple web site at:  
[www.apple.com/legal/trademark/appendmlist.html](http://www.apple.com/legal/trademark/appendmlist.html).

4. Always spell and capitalize Apple's trademarks exactly as they are shown in the Apple Trademark List. Do not shorten or abbreviate Apple product names. Do not make up names that contain Apple trademarks.

#### **Proper Trademark Notice and Attribution**

##### **1. Distribution Within the United States Only**

a. On product, product documentation, or other product communications that will be distributed only in the United States, use the appropriate trademark symbol (TM, SM, ®) the first time the Apple trademark appears in the text of the advertisement, brochure, or other material.

b. Refer to the Apple Trademark List for the correct trademark symbol, spelling of the trademark, and generic term to use with the trademark. Generally, the symbol appears at the right shoulder of the trademark (except the Apple Logo, where the logo appears at the right foot).

c. Include an attribution of Apple's ownership of its trademarks within the credit notice section of your product, product documentation, or other product communication.

Following are the correct formats:

\_\_\_\_\_ and \_\_\_\_\_ are registered trademarks of Apple Inc.

\_\_\_\_\_ and \_\_\_\_\_ are trademarks of Apple Inc.

##### **2. Distribution Outside the United States:**

a. Do not use trademark symbols on products, product documentation, or other product communications that will be distributed outside the United States.

b. Use one of the following international credit notices:

\_\_\_\_\_ is a trademark of Apple Inc., registered in the U.S. and other countries.

\_\_\_\_\_ is a trademark of Apple Inc.

### **Depictions of Apple Products**

**1. Endorsement or Sponsorship:** Apple does not support the use of its logos, company names, product names, or images of Apple products by other parties in marketing, promotional or advertising materials as their use may create the perception that Apple endorses or sponsors the product, service or promotion.

**2. Compatibility:** If you are a developer, you may show an image of an Apple product in your promotional/advertising materials to depict that your product is compatible with, or otherwise works with, the Apple product or technology, provided you comply with the following requirements:

- a. Your product is in fact compatible with, or otherwise works with, the referenced Apple product.
- b. The image is an actual photograph of the genuine Apple product and not an artist's rendering (Note: You must obtain express written permission from Apple before using any photograph owned or licensed by Apple).
- c. The Apple product is shown only in the best light, in a manner or context that reflects favorably on the Apple products and on Apple Inc.
- d. The reference to Apple does not create a sense of endorsement or sponsorship by, or other false association with, Apple or Apple products.

For further information with respect to Apple's copyrights, send an email to [copyright@apple.com](mailto:copyright@apple.com) or fax to Apple Rights & Permissions 408-253-0186.

Updated January 11, 2007 by the Apple Legal Team – [appletm@apple.com](mailto:appletm@apple.com)