

TRADEMARK & BRAND USAGE POLICY, GUIDELINES & LEGAL INFORMATION



DITEK's Trademark & Brand Usage Policy & Guidelines ("Policy") applies to any distributor, licensee, employee, retailer, or other re-seller (hereafter, collectively referred to as "Reseller(s)") authorized by DITEK to sell or distribute "DITEK" brand products.

Explanation of DITEK'S Trademark & Brand Usage Policy & Guidelines

DITEK's DITEK brand is an extremely important and valuable asset of DITEK which signifies to the public the high quality of DITEK and its DITEK brand products. Accordingly, proper use of DITEK's trademarks is very important to make sure that the DITEK brand remains strong and protected.

DITEK's Policy reflects the overarching requirement that a Reseller's use of DITEK's trademarks must include proper trademark use, proper trademark notice symbols, and must also be non-confusing and non-disparaging.

Resellers should refer to DITEK brand products by their associated DITEK trademarks provided that such references are fair, truthful and not misleading.

DITEK Trademarks & Reservation of Rights

Trademarks are words, symbols or logos that identify the products and services of a business and distinguish them from the products and services of other companies, competitors, or businesses.

DITEK is the owner of all rights, title and interest in DITEK's trademarks and service marks, as listed in the attached "DITEK Trademark List" and all corresponding logos, images, designs, artwork and marketing materials (collectively, hereafter, the "DITEK Trademarks").

DITEK may modify the DITEK Trademarks and the DITEK Trademark List at any time in its sole discretion. All goodwill resulting from any Reseller's use of the DITEK Trademarks shall inure solely to DITEK's benefit.

Trademark Usage Guidelines

Resellers must strictly comply with this Policy and follow these specific rules for proper trademark usage of the DITEK Trademarks in all marketing materials, advertising, promotional materials, correspondence, communications, websites, electronic communications, online materials, documents, and product packaging, tags and labels, in both internal and external materials.

To maintain and protect DITEK's valuable intellectual property rights in the DITEK Trademarks, it is important that Resellers:

- Use the DITEK Trademarks properly;
- Use appropriate trademark notice symbols and acknowledgement (see below) when using the DITEK Trademarks;
- Do not allow others to use the DITEK Trademarks unless specific written permission and authorization has been received from DITEK;
- Do not adopt names, company names, trademarks, service marks, logos, designs, domain name registrations, URL addresses, or social media designations that are confusingly similar to the DITEK Trademarks;
- Do not use the DITEK Trademarks with other names, company names, trademarks, service marks, logos, designs, domain name registrations, URL addresses, or social media designations, unless specifically authorized to do so;
- Monitor the marketplace for infringement of the DITEK Trademarks by other companies;
- Monitor the marketplace for misuse of the DITEK Trademarks by third parties;
- Take immediate action whenever possible infringement or misuse of the DITEK Trademarks is identified;

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- Adequately police the DITEK Trademarks;
- Receive specific DITEK authorization and implement appropriate requirements and quality control when permitting others to use the DITEK Trademarks; and
- Maintain records demonstrating the use, strength and recognition of the DITEK Trademarks.

These Trademark Usage Guidelines are more fully discussed below.

Trademark Notice Symbols & Acknowledgement

The attached DITEK Trademark List and Country Trademark Marking Guide reflect the registration status of the DITEK Trademarks in the United States and around the world.

Use of proper trademark notice and marking symbols is very important to notify consumers and others that DITEK claims ownership rights in its DITEK Trademarks. Failure to use such trademark notice symbols may limit DITEK's ability to obtain certain remedies, profits or damages, in an infringement suit.

As this DITEK Trademark List and Country Trademark Marking Guide will be updated regularly, Resellers should refer back periodically to ensure global compliance with the Policy.

When using a DITEK Trademark in text form, always use the correct trademark marking and notice symbol [®], [™], or otherwise, as specifically indicated in the DITEK Trademark List and Country Trademark Marking Guide, on the most prominent occurrence of the DITEK Trademark. If no DITEK Trademark is prominent, use the correct [®] or [™] symbol on the first occurrence of the DITEK Trademark.

Proper placement of the trademark notice symbol is on the right hand shoulder of the trademark or logo, immediately following the mark in superscript or subscript.

Use Footnotes for Correct Attribution

It is important to properly footnote and acknowledge trademark ownership, identifying the DITEK Trademarks as being owned by DITEK, as follows:

____ [Mark] _____ is a trademark of Diversified Technology Group, Inc. or its subsidiaries and affiliates in the U.S. and/or other countries. All other brands may be trademarks of their respective owners.

Note: The blank space should be a list of all DITEK Trademarks that appear in that particular piece.

Make DITEK Trademarks Stand Out

DITEK Trademarks should be separate from surrounding text to emphasize the brand.

In text, Resellers should use the DITEK Trademarks in all capital letters and/or in all bold typeface, and when possible, use the DITEK Trademarks in their logo form.

Always Use DITEK Trademarks As Proper Adjectives

DITEK Trademarks should be used as an adjective followed by a generic noun.

Example: DITEK[®] surge protection

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As a minimum requirement, use a generic noun after each DITEK Trademark at least once in each written, electronic, or online communication and, when appropriate, in broadcast matter the first time any DITEK Trademarks appear. DITEK Trademarks should never be used as a verb or noun, or in the possessive or plural forms.

Do Not Alter DITEK Trademarks

DITEK Trademarks should be used consistently and should not be altered. When using a DITEK Trademark:

- Never vary the spelling
- Never add or delete hyphens
- Never make one-word two
- Never use a possessive or plural form of the DITEK Trademarks
- Never abbreviate a DITEK Trademark to create an acronym
- Never add other words, names, company names, trademarks, service marks, domain name registrations, URL addresses, or social media designations to any DITEK Trademark
- Never add any other logo or design elements to the DITEK Trademarks
- Never change the design, color, font, or typeface of the DITEK Trademarks

Domain Names, Websites and other Internet Content

DITEK does not authorize the use of any DITEK Trademark in any domain name, top level domain name, or sub-domain, or any similar *Uniform Resource Locator (URL)*, for any reason. Registration and use of a domain name or sub-domain containing any DITEK Trademark is a violation of this Policy.

Resellers that utilize the Internet to sell DITEK brand products should ensure that each page of their website, and any emails sent to customers or prospective customers, comply with the terms and conditions of this Policy AND also comply with any and all federal, state or international laws as they pertain to conducting business on the Internet or through email.

For clarification, a "domain name" consists of any top level domain name. For example: www.diteksurgeprotection.com.

A "sub-domain name" is part of a top level domain name. For example: www.lightning.diteksurgeprotection.com. The word "lightning" would be considered the *sub-domain* name for the root domain name "diteksurgeprotection.com."

Promptly Report Suspected Infringement or Misuse by Third Parties

It is very important to take prompt legal action to preserve rights in the DITEK Trademarks. Accordingly, Resellers shall immediately notify DITEK's Technology Development Manager, at 1-800-753-2345, upon learning of any possible third-party infringement or threatened infringement of the DITEK Trademarks, including any use of (i) DITEK's Trademarks by a third party that is unauthorized, (ii) a trademark, service mark, or logo that is similar to any of the DITEK Trademarks, and (iii) a DITEK Trademark in a generic sense.

DITEK's exclusive trademark rights in the DITEK Trademarks could be lost by failing to police against misuse of the mark by others. DITEK shall control any enforcement against such infringement or threatened infringement in its sole discretion.

Third Party Use of DITEK Trademarks

Resellers shall not allow others to use the DITEK Trademarks without specific authorization by DITEK.

Allowing third parties to use the DITEK Trademarks without proper control over the nature and quality of the use can

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jeopardize the DITEK Trademarks and expose DITEK to potential liability.

If a third party requests a license or permission to use the DITEK Trademarks, please contact DITEK's Technology Development Manager, at 1-800-753-2345.

Third Party Trademarks & Websites

Some authorized DITEK Resellers also sell products manufactured by third parties that are not affiliated with DITEK. When doing so, Resellers must not use the DITEK Trademarks to market, promote or attract sales to other third party products or companies. On any Reseller website that sells products manufactured by both DITEK and third parties, Reseller must clearly identify the manufacturer of any such product.

When using the DITEK Trademarks on a website that is not owned or operated by DITEK, the size and prominence of the DITEK Trademarks should not confuse consumers or mislead consumers into believing that the website is owned or operated by DITEK. In addition, websites that are not produced by DITEK should not imply, either directly or by omission, that they are owned or controlled by DITEK.

Restrictions

Unauthorized use of the DITEK Trademarks is strictly prohibited. No Reseller may reproduce or use (or authorize the reproduction or use of) the DITEK Trademarks in any manner other than as expressly authorized by DITEK.

Reseller will not acquire any interest in any DITEK Trademark and will use such DITEK Trademark only as specifically instructed by DITEK. Reseller is granted the right to use the DITEK Trademarks authorized by DITEK solely for advertising, promoting, packaging and selling DITEK brand products in accordance with the terms of this Policy.

Reseller shall not register or allow any other party to register any of the DITEK Trademarks or any mark or name closely resembling or confusingly similar to the DITEK Trademarks in any jurisdiction. Further, Reseller shall not challenge or assist others in challenging the DITEK Trademarks or the registration thereof.

Maintain Documents Showing Use & Advertising of the DITEK Trademarks

From time to time, DITEK may request, and Resellers shall provide, samples of any marketing, advertising, or other promotional materials, or tags, labels or product packaging, that include the DITEK Trademarks.

Resellers should retain as important records: (i) samples of advertisements, brochures, marketing and promotional materials, and tags, labels and product packaging, all displaying the DITEK Trademarks, (ii) invoices, purchase orders and other sales records documenting dates that the DITEK Trademarks were first used, (iii) documents demonstrating sales, including volume and dollar amounts, of the DITEK brand products and services; and (iv) market research showing consumer recognition of DITEK brand products and services.

Non-Compliance with Policy

Any failure by DITEK to require compliance with any provision of the Policy will not operate as a waiver to request strict compliance in the future.

If a Reseller does not fully comply with the Policy, DITEK may elect to: (a) terminate the Reseller's access to the DITEK Trademarks, (b) suspend or end the Reseller's participation in DITEK Reseller programs, (c) refuse to ship DITEK products to the Reseller, (d) refuse to do business with the Reseller, and/or (e) terminate or non-renew Reseller as an authorized DITEK Reseller.

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Modification & Enforcement of Policy

DITEK may modify the Policy from time to time and will enforce the Policy in its sole discretion. There are no third-party beneficiary rights to this Policy.

Questions or Comments

If Reseller has any questions or comments about the Policy, please contact DITEK's Technology Development Manager, at 1-800-753-2345.

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DITEK TRADEMARK LIST

The following is a list of the DITEK Trademarks and trademarks registrations in the United States and foreign countries. Please note, however, that this list is not all-inclusive and the absence of any trademark, service mark, or logo design from this list does not mean that it is not a DITEK Trademark.

DITEK®

SMART SURGE®

SNAP LITE®

DEFLECTOR®



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COUNTRY TRADEMARK MARKING GUIDE

United States –

- ™ (unregistered mark - for trademarks)
- ™ (unregistered mark - for services)
- ® (the registered mark symbol designates U.S. federal registration of the mark; prior to federal registration, it may not be used)

Canada -

- ™
- ® (use of ® is not legally recognized, but it is recognized in practice)
- MC (French for ™)
- MD (French for ®)

Mexico -

- ®
- Marca Registrada
- M.R.

Colombia –

- ® (use of ® is not legally recognized, but it is recognized in practice)
- Marca Registrada.

European Union –

- ™
- ® (use of ® may not be legally recognized; depends on the member state in which the mark is used)

Russia –

- ®

Belarus -

- ®
- R
- товарный знак ("trademark")
- зарегистрированный товарный знак ("registered trademark")

Vietnam –

- ™
- ®

South Korea –

- ™ ("trademark", regardless of any application or registration)
- ™ ("service mark", regardless of any application or registration)
- ® (not an officially recognized symbol under Korean law, but is generally recognized to indicate that the mark next to which it is placed has been registered in Korea)

Taiwan –

- ™
- SM
- ® (The use of ® is not legally recognized)

China –

- ™
- SM
- ®

India –

- ™
- ®