

# Request for Usage of Kirby Morgan Dive Systems, Inc. Artwork



This form must be completed and returned to KMDSI by any person requesting the use of KMDSI artwork in a publication or other application. The completion of this form does not guarantee permission to use KMDSI artwork. You must receive permission from KMDSI for your request prior to using any KMDSI materials

This Adobe Acrobat document can be completed on your computer by filling in the boxes and emailing it, or you may fax it to us, or send by regular mail.

Your Name:

Organization:

Street Address:

Street Address:

City:  State:  Country:

Postal Code:  Telephone Number:  Email:

What images/illustrations or photographs do you wish to use:

Where illustration or photograph will be used:

How will image be used:

Other comments/information:

I hereby request to use the above listed Kirby Morgan artwork in the document described above. I agree to adhere to the requirements stated by Kirby Morgan Dive Systems, Inc. in the attached pages. I understand that no other usage other than that specifically described in this document, is permitted. If I have a need for another application, I will submit another request.

Signature:  Date:

For KMDSI Use Only: Approved:  Disapproved:  By:  Date:

Upon completion of this form, please mail, FAX or email this form back to KMDSI.  
Kirby Morgan Dive Systems, Inc. 1430 Jason Way, Santa Maria, CA 93455. Tel (805) 928-7772, FAX (805) 928-0342. Email [kmdsi@KirbyMorgan.com](mailto:kmdsi@KirbyMorgan.com). - [www.KirbyMorgan.com](http://www.KirbyMorgan.com) Doc#060925001

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## **Kirby Morgan Dive Systems, Inc. Policy on KMDSI owned Copyrights, Trademarks, and Trade Dress Rights**

Kirby Morgan Dive Systems, Inc. has ownership of certain Copyrights, Trademarks, and Trade Dress Rights. These rights arise from original text, artwork, illustrations, and designs that are used in our Trade. Much of the material is registered with the Patent and Trademarks Offices of the governments of the appropriate countries and are protected by United States law, international laws and treaties, all rights are reserved. No one is to use our trademarks for any commercial purpose other than editorial use without our written permission.

Our images and images of our products that are protected by Copyrights, Trademarks and Trade Dress Rights cannot be used as company emblems, logos, or advertising material without written permission from Kirby Morgan Dive Systems, Inc.

On the Internet (World Wide Web) our electronic images and electronic images of our products cannot be used as logos or page headers, footers or as “go to” buttons without our written permission.

Assuming written permission to use a trademark for commercial purposes has been granted, to avoid confusion as to who owns and manufactures our products, each trademark (including design and word trademarks) used by others must contain the proper trademark registration symbol and somewhere on the same page the trademark (and therefore the source of the product denoted by the trademark) must be attributed to Kirby Morgan Dive Systems, Inc.. In other words, each registered trademark must include next to the mark the R within a circle (®), and, somewhere on the page (usually at the bottom), the trademark must be identified as the registered trademark of Kirby Morgan Dive Systems, Inc., e.g., “KIRBY MORGAN is the registered trademark of Kirby Morgan Dive Systems, Inc.. Used with permission.” If the matter is a copyrighted work of KMDSI, the work must contain the applicable notice of copyright, e.g., the date of publication (in some cases, the date may be omitted), the C within a circle (©), followed by “by Kirby Morgan Dive Systems, Inc.” or “by KMDSI”. When permission is granted for use of a trademark and/or a copyrighted material, specific directions will be given to the licensee concerning the proper trademark notice and attribution statement and/or copyright notice to use.

In particular, no image/s of any of our products may be used as “go to” buttons except as a link to “go to” the Kirby Morgan Dive Systems, Inc. web site or to another electronic page where our products are displayed, and only with our written permission. Images of our products may never be used as a “go to” button for anyone else’s web site or as a “home” button. Home for our products is our physical address or our web site only.

No one may use an image of our product/s as their “home” button.

Manufacturers and sellers of marine/diving equipment may not show our products in advertisements, press releases, catalogs, electronic media, or other promotional materials without KMDSI’s written permission. Manufacturers and sellers of marine/diving equipment may not use our Copyrights, Trademarks and Trade Dress Rights without KMDSI’s written permission.

Editorial use of photographs or illustrated likeness of our products in use is “fair use” and we make no attempt to control the positive use in this manner. Editorial use of photographs or illustrated likeness of our products must be presented in a truthful manner and not be used for misleading or false purposes.

Diving service companies may use depictions, illustrations, and photographs of our products when it is clear that they use the products and do not manufacture or own the rights to the products and representations of our products.

We recognize that many of our customers and providers of services to our customers use images of our products in their printed and electronic media and will support them in any way possible. We will grant a license for the

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use of our images or images of our products free of charge for legitimate use by our customers and providers of services and equipment to our customers. Please send us a request with a short description of how you are going to use the image in a positive way to obtain a license from us for that use.

In protecting our Copyright, Trademark, and Trade Dress rights, we have had a few problems with misuse of images of our products. One organization showed photographs of our products on individuals that advocated the killing of anyone of another race or color.

Another group freely lifted our images and images of our products to use throughout their web site to convey that they were a large group of commercial divers. Then they started a systematic attack on individual divers and the commercial diving industry as a whole.

Another individual published our entire catalog on his web site because, "It looked neat." Fortunately, we stopped these illegal uses without the necessity of litigation.

Other groups seem to have a fetish for helmeted women. Our hats of course. Although their fetish is not our concern, their use of images of our products on their web sites is very much a concern of ours. Yet another group is using our helmets and masks in unusual ways that do not deserve comment here other than to say they are publishing photographs of their activities on their web site.

We believe that our images as well as commercial diving should be presented in a positive way.

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