

**UNITED FARM WORKERS OF AMERICA TRADEMARK LICENSING
FREQUENTLY ASKED QUESTIONS (FAQ)
Version 5-18-2016**

What are the UFW's trademarks?

A trademark right is a commercial right to market and/or sell goods or services bearing a word or symbol. UFW's trademark registrations include SI SE PUEDE and the Eagle Mark. The UFW's exclusive rights to use the SI SE PUEDE mark in commerce are protected by Federal Trademark Registration No. 2,212,951 and No. 4,781,659. The UFW's exclusive rights to use the Eagle Mark in commerce are protected by Federal Trademark Registration No.090466. The "®" symbol appears on products bearing UFW's registered marks.



Sí Se Puede®

What is the history of the UFW trademarks?

EAGLE

The UFW's Eagle Mark is symbolic of the extensive goodwill and recognition built up by the UFW in the broader Latino and Hispanic communities. In 1962, Cesar Chavez, Dolores Huerta and others founded the National Farm Workers Association, later to become the United Farm Workers. That same year, Richard Chavez designed the UFW Eagle. Cesar told the story of the birth of the eagle. He asked Richard to design the flag, but Richard had problems making an eagle that he liked. Finally, he sketched one on a piece of brown wrapping paper. He then squared off the wing edges so that the eagle would be easier for union members to draw on the handmade red flags that would give courage to the farm workers with their own powerful symbol. Cesar made reference to the flag by stating, "A symbol is an important thing. That is why we chose an Aztec eagle. It gives pride...When people see it they know it means dignity." Since that time, the UFW Eagle Mark has become a highly recognizable icon in the union's boycott efforts, legislative, proposition campaigns, and a victorious symbol of its successful contract negotiations.

SI SE PUEDE

In May of 1972, the UFW was fighting for the basic rights of farm workers. That year Cesar E. Chavez undertook a fast to draw attention to the farm workers' plight. Many farm workers were skeptical about whether a union could succeed, saying "No se puede, no se puede," ("It can't be done"), despite Cesar's fast. Dolores Huerta responded emphatically with "Si Se Puede," ("Yes, it can be done!"). In fact, farm workers were successfully organized by and for the UFW in many agricultural areas across the United States. The inspirational message of the SI SE PUEDE mark has been a dramatic symbol of success for the UFW and the Latino and Hispanic communities, and is the source of much pride as a result. The UFW actively uses the SI SE PUEDE Mark to identify the UFW and to garner support -- votes, funding, volunteers, supplies, and materials and the Mark has become strongly identified with the UFW's determination,

integrity, and powerfully positive spirit. Thus, the SI SE PUEDE Mark has become unmistakably associated with and used to identify the UFW and services sponsored, approved by, or affiliated with the UFW.

The saying *Sí Se Puede* has long been a UFW guiding principle that has served to inspire us to accomplish our goals even in what at times may seem insurmountable situations. *Sí Se Puede* is a federally Registered Trademark of the UFW so the UFW can maintain the original meaning of this special saying.

Why is it important to protect the UFW trademarks?

The main purpose of the UFW trademark protection program is to ensure that the UFW's trademarks are used only in connection with goods and services that support the UFW's political and social values.

How does the UFW protect its trademarks?

The UFW protects its trademarks by issuing licenses for use of its trademarks and Cease & Desist letters to those who use the trademark without permission to immediately stopping the sales of the offending products. When a business has made a profit from the unlicensed use of the trademark, the profits should be turned over to the UFW and a settlement agreement reached that includes insurance against such violations in the future.

What are some examples of trademark infringements?

The UFW does not allow its trademarks to be used for commercial sales or promotional advertising purposes without a license. Violators have included using Si Se Puede in the name of a business or organization; using the slogan Si Se Puede in advertising to sell cars or other products/services; selling unauthorized clothing or goods with the UFW trademarks; using the trademark on political campaigns of candidates the UFW has not endorsed.

What should I do if I see an item or business that appears to use the UFW trademarks without permission?

Prompt reporting of unauthorized use of the slogan/Eagle can help ensure that *Sí Se Puede* and *UFW Eagle* remain identifiable marks associated with the United Farm Workers and that they do not turn into commercial slogans unassociated with their original meaning and intent.

Please talk with the person in charge and ask how their use of the UFW trademark is promoting the UFW and the meaning of the trademark. If goods are being sold with the trademark, ask for proof that profits are going to support UFW campaigns to organize farm workers.

If it is obvious the business or organization does not have permission to use the UFW trademark(s):

- a. Suggest they immediately contact the UFW to get this trademark infringement issue resolved.

- b. Please report to the UFW as much information as possible regarding the infringement. Photos, addresses, dates, names are all helpful leads. You can email the information to info@farmworkerlaw.com or mail it to UFW President's Office, P.O. Box 62, Keene, CA 93531.
- c. If the business or organization persists in using the trademark, take a delegation of UFW supporters to talk with the owner. If they are still unresponsive, UFW staff can work with supporters volunteering to take stronger action. Please email info@farmworkerlaw.com or Execoffice@ufw.org or call 661-823-6105 if you can help in this way.

Why don't the UFW attorneys just first sue in court?

In certain circumstances, the UFW will sue but in many cases we reasonably settle as the offender was unaware the mark was trademarked and immediately took steps to stop the infringement. The fee to file the first legal document in a federal court is now \$400 and in California state courts is \$435. The priority use for UFW funds is organizing farm workers and all other expenses are kept to a minimum.

What about the swap meets and gangs?

Unfortunately, some counterfeiters (i.e. "knock-offs") and other criminals have appropriated UFW trademarks. Obviously a Cease & Desist letter would get no response from criminals. However, the more legitimate organizations promote the UFW trademarks and their meanings, the stronger the marks will be in the public eye. It is also important to continue to work with law enforcement at all levels so they do not associate the UFW eagle with gang activity.

What are some examples of licensed use of the UFW trademarks?

Among others, the UFW store sells merchandise displaying the trademarks and all proceeds go to supporting the UFW's organizing campaigns; the UFW Foundation's Spanish language website <http://sisepuede.org/> is dedicated to immigrant rights; Si Se Puede is a rallying slogan used at numerous immigration reform events; the Cesar Chavez Foundation operates Si Se Puede Learning Centers throughout California, Arizona, New Mexico, and Texas which provide after-school educational programs to children; Radio Campesina, a network of nine radio stations in California, Arizona and Washington State regularly uses SI SE PUEDE in messages that inform listeners about services that benefit listeners; the 2008 Obama Presidential campaign and many other UFW endorsed candidates have used UFW trademarks to insure the community identifies with the UFW support; the Si Se Puede Scholarship Program was established for eligible UFW members and dependents; T shirts and posters for special events for organizations and programs the UFW supports.

What is the process for obtaining a licensing agreement with the UFW?

You can email a request for licensing questionnaire or download it from <http://ufw.org/pdf/UFWLicensingQuestionnaire.pdf>. Fill out the relevant sections of the questionnaire as completely as possible and email it with a cover letter to

info@farmworkerlaw.com or mail it to President's Office, PO Box 62, Keene, CA 93531. Please be sure to include in the completed questionnaire what you believe is a reasonable onetime processing fee to be charged, royalties based off of your profit, or an annual maintenance fee paid to the UFW in exchange for use of its mark(s). Once your form has been submitted, the UFW will review your information and the trademark committee will consider issuing a license if the project shows support promoting the UFW and the meaning of the trademark(s). For a one-time use the process to grant or deny a license will take approximately 3-5 days. More complicated uses will take longer to review. The UFW reserves the right to refuse a license to any person, business, or organization.

What is included in a trademark licensing agreement?

A trademark license is an agreement between the UFW and an individual or organization for a specific limited use of the trademark in exchange for promoting the UFW and the meaning of the trademark. The licensed user must make sure to use the “®” symbol. There is usually a processing fee to cover the time involved to draft the agreement and can also be a onetime fee, royalties based off of profit, or an annual maintenance fee paid to the UFW. Most UFW trademark licenses are simple, straightforward and less than a page long.

What if I see someone profiting from using the image of Cesar Chavez or Dolores Huerta?

The name and image of Cesar Chavez is licensed by the Cesar Chavez Foundation. For licensing requests or reports of infringements please contact Isabel Park, licensing@chavezfoundation.org or call 213-362-0260 ext. 233

What if I see someone profiting from using the image of Dolores Huerta?

The name and image of Dolores Huerta is licensed by Clara Productions, LLC. For licensing requests or reports of infringement please contact the Law Office of Emilio J. Huerta ejhuerta@huertalaw.org or call at (661) 326-8000.

What if I want to help raise funds for the UFW by selling UFW Trademarked products?

Individuals who want to sell UFW Trademarked products can get more information on the UFW Dealer Sign-Up page <http://ufwstore.com/x/Dealers/html>. Dealers order items directly from the UFW store and return a portion of the profits to the UFW.

If you did not find your answer in our FAQ, please contact the UFW's Legal Department at info@farmworkerlaw.com or write to: UFW President, P.O. Box 62, Keene, CA 93531.