

## Trademark Guidelines For Use by Reseller Partners of Authorized VYKON Resellers

**Marks Available For Use And Form of Marks.** The Tridium trademarks available for Authorized Vykon Reseller partners' use under the agreement between the Authorized Vykon Reseller ("Reseller") and the partner ("Reseller Partner"), and under these guidelines, are:

**A. Tridium Niagara Framework (Interconnecting Architecture and related Software)**



**B. Powered By Niagara**



**C. JACE®**

**D. The following Vykon logos:**



Tridium (“**Marks**”).

A copy of such Marks in appropriate digital or camera-ready format is available to Reseller Partner from its Reseller. Reseller Partner may use the Marks only in the exact form of approved camera-ready artwork or electronic artwork received by it from the Reseller. Tridium may alter, modify, or change its Marks at its sole discretion at any time, and if it does so it will provide notice to Reseller Partner’s Reseller. At no time may Reseller or Reseller Partner change or modify any Tridium Mark.

### **MARKS License.**

Use of the Tridium Marks by Reseller Partner is subject to the following terms and conditions:

Reseller Partner may use the Tridium Marks only during the term of its agreement with Reseller for resale of Niagara<sup>AX</sup> Framework® products. During that term, Reseller Partner may use the Tridium Marks in its Promotional Materials (as defined below) indicating that it is authorized to resell Niagara<sup>AX</sup> Framework products or describing a product that includes all or any component of the Niagara Framework, subject to these trademark usage guidelines as they may be updated by Tridium from time to time. Any such update shall apply to all materials produced, or other uses made, of the Tridium Marks from and after the date of receipt of such update by Reseller Partner’s Reseller.

Reseller Partner must, at the request of the Reseller or Tridium, submit each use of the Tridium Marks in Promotional Materials for prior written approval. Once approved, Reseller Partner may use the Promotional Materials until the approval is withdrawn. Tridium may withdraw the approval at any time. In the event such approval is withdrawn, existing inventories of Promotional Materials must be destroyed promptly

Tridium is the owner of all right, title and interest in the Tridium Marks. The appearance of such Marks in any materials as permitted or required by the terms of these guidelines shall inure to the benefit of Tridium as the owner thereof.

Reseller Partner may not remove, delete, cover or alter, and will maintain, Tridium’s Marks, logos, proprietary rights notices and restrictive rights legends included in and on the Niagara<sup>AX</sup> Framework products that it distributes. It shall not combine any Tridium Mark with any other name or make use of any of the Tridium Marks in its own trademarks, service marks, logos, or trade names; or make any use or presentation of the Tridium Marks that would infringe, dilute, weaken, or otherwise damage or impair any of Tridium’s rights in its Marks. Reseller Partner shall not: (i) challenge Tridium’s ownership or use of any of Tridium’s Marks; (ii) register any of Tridium’s Mark; or (iii) incorporate any Tridium Mark into any Reseller Partner trademark, company name, internet address, domain name, or any other similar designations. If Reseller Partner acquires any rights in Tridium’s Marks by operation of law or otherwise, it will immediately at no expense to Tridium, assign those rights to Tridium with any associated goodwill, applications and registrations. Reseller Partner may not use any Tridium Mark in connection with any Reseller Partner Product.

### **Guidelines for Trademark and Logo Placement Within Printed or Electronic Materials Related to product containing all or any part of the Niagara Framework® or Niagara AX Framework®.**

The following guidelines must be followed on all (i) external product packaging and on any media containing the product (such as, by way of example, disk, CD-ROM, tape); (ii) the accompanying documentation and information of any type intended to provide the user with information about the design, installation or use of the product (“**Technical Materials**”), (iii) web pages featuring information about the product, and in GIF images or other images that point to any page of any

Tridium web site via hypertext link; and (iv) on electronic or tangible marketing collateral featuring the product, including, without limitation, advertisements, direct mail, retail store displays, brochures and datasheets, and on all other written materials, building or truck signage, or trade show displays used by Reseller Partner that use any of the Tridium Marks (items identified in clauses (i) through (iv) above being referred to individually or collective as ("**Promotional Materials**"). In no event shall Reseller and/or its Reseller Partner Partners distribute any such materials without adhering to the guidelines below.

### **Logo Usage**

**Printed Promotional Materials** for products or systems enabled by the Niagara Framework or Niagara<sup>AX</sup> Framework must feature the applicable Powered by Niagara logo on the same page in which the first reference to Niagara Framework, or Niagara<sup>AX</sup> Framework, technology appears and on the front page or cover of such materials, except in the case of press releases or any other printed materials in which no other logo is used, and in which use of the logo is not practical. In addition, all Promotional Materials, including, without limitation press releases, must also mention, in the body of the text, that the product or system is based upon, or includes components of, the Niagara Framework, or the Niagara<sup>AX</sup> Framework, as the case may be.

In Promotional Materials that acknowledge **BACnet®**, **LonWorks®**, and/or **Modbus®** names or marks, the applicable Powered by Niagara Mark must receive equal treatment in a similar manner.

**Color Promotional Materials** must feature a full color version of the applicable Powered by Niagara logo. **Black-and-white Promotional Materials** may use the black-and-white version of the logo.

The applicable Powered by Niagara logo must appear within all Promotional Materials for **products or systems that incorporate all or any part of the Niagara Framework** as the control system operating infrastructure.

Logo placement on Promotional Materials other than web pages and other forms of **electronic promotions** must be at least 32mm (width).

In the case of **oversized advertisements**, the Powered by Niagara logo must be one column wide based on a five column layout.

**Color Promotional Materials** must feature a full color version of the applicable Powered by Niagara logo. Black-and-white ads may use the black-and-white version of the logo. All reproduction guidelines provided by Tridium from time to time must be met.

Logo placement on **web pages and other forms of electronic promotions** must be at least one-fifth the screen width, or one-inch in size (width), whichever is smaller. There must be a minimum of ¼ inch clear space surrounding the border of the logo, or 30 percent of the height of the "N" in Niagara, whichever is greater, unencumbered by other graphics or copy. The logo may be shown within the lower border area of the page. The lower or outer edge of the logo must always maintain at least ½ inch clear space from the edge of the page.

The Powered by Niagara logo must be positioned over a contrasting background.

All logos and text required under the above guidelines must appear as stand-alone items within the Promotional Materials. Photographs, diagrams or other depictions of any Tridium product(s) bearing the Powered by Niagara logo, or any other text required by the above guidelines, will not satisfy any of such requirements.

### **Content of Text**

In all **Technical Materials** for products that include both the Niagara Framework, or Niagara<sup>AX</sup>

Framework and a component developed by Reseller, Reseller Partner or a third party that do *not* bear the Reseller, Reseller Partner or the third party logo, the Reseller Partner that distributes the product, must clearly indicate that such products include a component that is made by a party other than Tridium.

In all **text** about products that include the Niagara Framework or Niagara<sup>AX</sup> Framework, such as, by way of example and not limitation, press releases, data sheets, and web site pages, the text must include a separate paragraph indicating that the product uses the Niagara Framework or the Niagara<sup>AX</sup> Framework, as the case may be. For example, either of the following one-sentence paragraphs would be appropriate: “The *[insert name of product]* is powered by the Niagara Framework,” or “The *[insert name of product]* was built using the Niagara<sup>AX</sup> Framework.”

### **Trademark and Service Mark Information**

Information indicating that the Tridium Marks are trademarks of Tridium must be displayed within all Promotional Materials in any form for products or systems that include the Niagara Framework or Niagara<sup>AX</sup> Framework as follows: *[insert name(s) of mark(s)]* is (are) (a) trademark(s) of Tridium, Inc.] For example:

“Niagara<sup>AX</sup> Framework, JACE and the logos used herein including such marks are trademarks of Tridium.”]

Trademark information must be displayed in a bold typeface of 10-point size or larger, but not larger than any Reseller Partner trademark if the Reseller Partner trademark information is smaller than 10 font. In no cases, however, shall the or Reseller Partner trademark information be of a smaller font than generally customary in the industry for printed material of similar nature, text font size, and style. Further, this information must be displayed in the same area that the Reseller Partner trademark or trademark descriptive references appear.

### **Guidelines for Logo Placement on Products.**

The following guidelines must be followed on all products or systems implemented or installed by Reseller Partner using all or any part of the Niagara Framework or Niagara<sup>AX</sup> Framework. In no event shall Reseller Partner distribute any of such products or systems without adhering to the guidelines below:

**Hardware Products.** If the Niagara Framework is embedded into hardware components within a system installation, those hardware components must contain the applicable Powered by Niagara logo. In the case of products or systems bearing the a Reseller Partner logo, the Niagara logo must have at least ¼-inch of clear space maintained, or 30 percent of the height of the “N” in Niagara, whichever is greater, between the outer edge borders of two logos.

A 1.5 inch logo size (width) is preferred; however, if space is limited, logo placement on product must be at least one inch in size (width) or 30 percent of the size of the OEM logo, whichever is greater. There must be a minimum of ¼-inch clear space surrounding the border of the logo, or 30 percent of the height of the “N” in Niagara, whichever is greater, unencumbered by other graphics or copy.

**Software Products.** The applicable Powered by Niagara logo must appear on the home page display for any system comprised of components enabled by Niagara Framework.

Logo placement on software products must be at least one-fifth the screen width, or one-inch in size (width), whichever is smaller. There must be a minimum of ¼ inch clear space surrounding the border of the logo, or 30 percent of the height of the “N” in Niagara, whichever is greater, unencumbered by other graphics or copy.

**JACE 8000 Hardware.** If Reseller Partner purchases JACE 8000 Hardware without a branding clip, Reseller Partner must procure a branding clip bearing the appropriate brand for each unit of such Hardware. Reseller Partner may not redistribute JACE 8000 Hardware without such a branding clip.

If you have specific questions pertaining to any Tridium Mark, please contact the Tridium marketing department at: (804) 747-4771.

BACnet, ASHRAE, LonWorks and Modbus are the trademarks of their respective owners.