

USE OF “TM” SYMBOL WITH SAE’S STANDARDS IDENTIFIER TRADEMARKS

As you may have noticed, SAE International (SAE) has recently started to place the “TM” symbol in conjunction with its standards identifier trademarks (e.g., J1349™, AS9100™) on new SAE standards. As existing SAE standards are revised, the “TM” symbol will be added to the trademarks at that time. Over the course of 5-8 years, essentially all of SAE’s standards will have the “TM” symbol in place with its standards identifier trademarks (or the ® symbol for those trademarks that have been officially registered with the U.S. Trademark Office).

This action by SAE will NOT have any impact on users of SAE’s standards, whether they are OEMs, suppliers, government agencies or regulators, or individuals. There is absolutely no need for users to update their technical design or process documents, standards reference numbers, software, parts, etc. to reflect or add the “TM” symbol – SAE’s user groups are in no danger or threat of any trademark conflict with SAE.

This action is being taken by SAE to avoid the market confusion caused by other Standards Developing Organizations (SDOs) adopting the same SAE unique identifier for their standards or attempting to pass off authentic SAE standards as their own. SAE’s user groups and the public at large need to be able to rely on SAE’s unique identifiers to indicate the source, authenticity and quality of an SAE standard. Unless you or your company intends to market or sell its own standards and use SAE’s standard identifiers on those standards, then you will not be impacted by SAE actions and do not need to be concerned.

To add some further context, please understand that the existence of standards trademarks is not a new phenomenon. SAE’s and other SDOs’ unique identifiers have operated as trademarks -- to identify SAE and the other SDOs as the source and publisher of their respective standards -- since they were first developed and used (which, for many, were decades ago).

To further address any questions that you or your organization may have regarding SAE’s standards trademarks and its new practice of adding the “TM” symbol to its standards identifiers, the attached FAQs have been prepared. Thank you for your continuing support of SAE International and its standards program.

FAQs ON USE OF THE “TM” SYMBOL WITH SAE INTERNATIONAL’S STANDARDS TRADEMARKS

Q1: What concern is SAE trying to address by adding the “TM” symbol to its unique, alphanumeric identifiers (e.g., J1349, AS9100) for standards?

A1: SAE is trying to prevent other standards developing organizations (SDOs) from using SAE’s unique identifiers to identify their own standards, which will cause market/customer confusion regarding the source and quality of the standards.

Q2: Do SAE’s actions impact OEMs, suppliers or other users of SAE standards?

A2: No, SAE’s addition of the “TM” symbol does not in any way impact OEMs’, suppliers’ or other users’ use of SAE standards. The user groups of SAE standards do not have to change any current behavior or comply with any new SAE directive or policy. It is “business as usual” for SAE user groups. For example, no changes or revisions to drawing callouts or reference numbers on technical documents or internal standards, purchase requisitions, order and bill of materials, or internal labeling of parts bins, or parts stamped with the standard number, will have to be made to include the “TM” symbol. Not only are these customary uses already permitted under trademark law and therefore not impacted by SAE’s use of the “TM” symbol, but SAE expressly gives permission to all user groups to continue using SAE’s standards according to current customary and industry practice.

Q3: Why does SAE International (“SAE”) believe it has trademark rights in their standards identifying numerals?

A3: Like most (if not all) standards developing organizations (SDOs), SAE assigns a unique alphanumeric identifier (e.g., J1349, AS9100) for each standard that it publishes. SAE’s and other SDOs’ unique identifiers are trademarks that function to identify SAE International and the other SDOs as the source and publisher of their respective standards. Market confusion is also prevented by SDOs using their own unique standard identifiers.

Q4: I thought copyright protected SAE’s standards? What intellectual property does trademark rights protect?

A4: Yes, copyright does protect SAE’s standards, but only against the actual copying of the technical content (e.g., text, images, charts, diagrams) of the standard. Trademark does not protect the content of the standard; rather, it is very specific and prevents third-party SDOs from using the unique SAE standard identifier (e.g., J1349, AS9100) on its standards. Unless you or your company intends to market or

sell its own standards and use SAE's standard identifiers on those standards, then you will not be impacted by SAE actions and do not need to be concerned.

Q5: Why is the "TM" symbol now being placed after the unique identifier on SAE standards?

A5: The unique identifier has operated as a trademark of SAE (and other SDOs) since they were developed. However, to prevent the market confusion caused by third parties adopting the same SAE unique identifier for their standards or attempting to pass off authentic SAE standards as their own, SAE is now proactively taking steps to notify the public that it can rely on SAE's unique identifier to indicate the authenticity and quality of an SAE standard.

Q6: Will OEMs, suppliers, government agencies and other user groups need to revise their current and future technical documents that reference SAE standards to include the "TM" symbol.

A6: No, technical documents that reference SAE standards by their unique identifiers will not have to be revised to include the "TM" symbol. The customary use of SAE standards will not be affected or impacted by SAE's inclusion of the "TM" symbol with the unique identifier. You will not be subject to legal action by SAE because the customary use of SAE standards (e.g., in regulations, technical process or design documents or software) does not constitute a trademark conflict.

Q7: Does the "TM" symbol apply to the entire unique identifier (e.g., AS39029) or just the numeric portion (e.g., 39029)?

A7: It depends, but in the large majority of cases it will apply to the entire unique identifier (AS39029). The distinction depends on whether SAE is entitled to treat the entire unique identifier as its trademark. Over SAE's many decades of developing standards, there have been a small number of instances where third parties have used SAE's alpha identifiers for related (e.g., aerospace) and unrelated (e.g., medical) standards. SAE does not intend to and will proactively avoid infringing on the legitimate trademark rights of other SDOs.

Q8: Will a parts manufacturer (or OEM, supplier or parts reseller) which uses an SAE standard designator as a part number or packages, labels, or otherwise includes information with its parts that refer to the SAE standards designator, have to retool to now stamp parts with the TM symbol?

A8: No, SAE's addition of the "TM" symbol does not in any way impact parts manufacturers' (or OEMs', suppliers' or resellers') or require them to retool or

change their packaging, labeling, or marketing materials, or prevent them from selling existing inventory.

Q9: Will a party who performs test protocols to SAE standards (e.g., OEM, parts manufacturer, or laboratory) have to revise procedures, internal quality documentation (ISO 17025 test procedures, ISO/TS 16949, etc.), or marketing materials (printed and online media), to add the TM symbol?

A9: No, SAE's addition of the "TM" symbol does not in any way impact the reports, documents or processes used by parties performing test protocols to SAE standards.

Q10: Does a government agency which has adopted an SAE standard have to change any rulemaking documents or adoption notices to now include the TM symbol?

A10: No, government agencies will not have to adjust their rulemaking documents or adoption rules to include the TM symbol.

Q11: Does a standards developing organization which produces standards that reference SAE standards (e.g., AIA aerospace part standards) have to reissue their standards to change the SAE standards designator to include the TM symbol?

A11: This would be a matter between SAE and the third-party SDO and already may be addressed through contracts, but generally as long as the reference to SAE standards is not likely to cause market confusion as to the true source of the SAE standards, then SAE will probably not be concerned.

Q12: Does a standards developing organization which has historically used the same designator as SAE (e.g., the Australian Standards organization uses ASxxxx) have to withdraw its standard? Is it prevented from using the next logical number in its numbering sequence if SAE has that number?

A12: This would be a matter between SAE and the other SDO, and the legal analysis depends on a number of product, market and customer factors. If the SDO issues standards that are not mobility-related, there may not be any concern around market confusion.

Q13: Does a third party reseller of SAE standards which maintain indexes, search engines, and other tools which list or reference SAE standards have to change its tools, on-line systems, search engines, etc., to add the TM symbol to the standards designator?

A13: SAE has contractual agreements with its resellers regarding IP and other matters.

Q14: In what instances or scenarios will the inclusion of the TM symbol as part of the standards designator be required?

A14: Unless you are an SDO or other person or group that is causing a conflict with SAE's trademarks by marketing or selling mobility-related standards using SAE's standards identifiers, or by attempting to pass-off your standards-related products as SAE standards or products, then continue doing what you had been doing prior to SAE including the TM symbol with its trademarks.