

PORSCHE CARS NORTH AMERICA'S FAIR USE RULES

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The U.S. Trademark Act grants to the owner of a trademark the *exclusive* right to use its mark in commerce in connection with its goods or services (including any additional goods or services that are likely to cause confusion with the mark). However, the law recognizes that there will be instances when it is necessary for a third party to use another's trademark in commerce in order to adequately convey information to consumers. Therefore, the Trademark Act carves out an exception for uses that are considered "fair use". Under the doctrine of fair use, it is acceptable to use another's trademark in commerce if the use does not attempt to capitalize on consumer confusion or appropriate the goodwill of one product for another, and the use meets the following three requirements: (1) the product or service in question is not readily identifiable without using the trademark owner's mark, (2) only that portion of the trademark owner's mark is used as is reasonably necessary to identify the product or service, and (3) the user does nothing in conjunction with the trademark owner's mark that would suggest a connection, affiliation, sponsorship or endorsement by the trademark owner.

Therefore, under the doctrine of fair use, third parties may use the PORSCHE® mark when necessary to factually describe their own goods or services, *provided that*, (1) the PORSCHE® mark is contained in the context of a fair and factual statement such as, "We repair Porsche® vehicles."; and (2) the PORSCHE® mark is not highlighted in any manner through the use of larger style, distinctive typographical style or script, color, shading, placement or otherwise. (Rule of thumb is that the name of the user's business must be at least four times as large as the PORSCHE® mark). However, it is NOT fair use to use any of Porsche's marks as part of your own trademark, service mark, trade name or domain name, to use the Porsche Crest Design®, to use any of Porsche's marks in their distinctive stylized script, or to use photographs of Porsche's distinctive automobiles merely to get consumer's attention. However, it is fair use for a reseller of automobiles to display photographs of PORSCHE® automobiles available for sale. Further, it is fair use for a manufacturer or distributor of automotive parts or accessories to display photographs of portions of Porsche's automobiles when used to show how the manufacturer's or distributor's parts fit on Porsche's automobiles.

PLEASE NOTE, HOWEVER, THAT ANY OTHER USE OF PORSCHE'S MARKS, INCLUDING WITHOUT LIMITATION, THE PORSCHE CREST DESIGN, PORSCHE MODEL NUMBERS, AND THE DISTINCTIVE SHAPES OF PORSCHE'S AUTOMOBILES (WHETHER THROUGH USE OF PHOTOGRAPHS, DEPICTIONS OR SILHOUETTES), OR ANY COLORABLE IMITATION OR COUNTERFEITS THEREOF IN CONNECTION WITH THE SALE, OFFERING FOR SALE, DISTRIBUTION OR ADVERTISING OF GOODS OR SERVICES, OR IN CONNECTION WITH A BUSINESS NAME OR DOMAIN NAME IS STRICTLY PROHIBITED.

EXAMPLES OF ACCEPTABLE USAGES:

JOHN DOE'S AUTO REPAIR

Independent Porsche® Automobile Repair

or

Specializing in Porsche® Automobile Repair

EXAMPLES OF UNACCEPTABLE USAGES:

DOE'S PORSCHE REPAIR

JOHN'S
Independent **PORSCHE** Repair

PORSHA MOTORS

CARRERA MOTORS OR CARERA MOTORS

PORSCHE OR PORCHE REPAIR

MANNY'S PORSHOP

PORSCHEAUTO.COM

Porsche Marks Registered In the United States

Word Trademarks and Service Marks:

PORSCHE (Reg. No. 1,036,454), **PORSCHE DESIGN** (Reg. No. 1,292,660 & Others), **BOXSTER** (Reg. No. 1,928,900 & Others), **CARRERA** (Reg. No. 1,395,591), **911** (Reg. No. 2,414,167), **TARGA** (Reg. No. 889,976), **CAYENNE** (Reg. No. 2,467,212 & Others), **PORSCHE CAYENNE** (Reg. No. 2,442,206 & Others), **CAYMAN** (Reg. No. 3,602,568), **PORSCHE CAYMAN** (Reg. No. 3,436,210), **PANAMERA** (Reg. No. 2,993,976 & Others), **FOUR, UNCOMPROMISED.** (Reg. No. 3,647,970), **PORSCHE FINANCIAL SERVICES** (Reg. No. 2,638,773), **RS** (Reg. No. 2,100,723), **PORSCHE. THERE IS NO SUBSTITUTE.** (Reg. No. 2,123,126), **PORSCHE BIKE FS** (Reg. No. 3,007,294), **PORSCHE BIKE S** (Reg. No. 2,939,476), **PAN AMERICANA** (Reg. No. 3,105,402), **PCCB** (Reg. No. 2,446,045), **PCCC** (Reg. No. 2,804,374), **PCM** (Reg. No. 2,222,407), **PDE** (Reg. No. 3,064,950), **PDK** (Reg. No. 3,362,741), **PEBC** (Reg. No. 3,795,866); **PHB** (Reg. No. 3,795,865); **PSDS** (Reg. No. 3,479,045), **SPEEDSTER** (Reg. No. 3,499,324), **SPYDER** (Reg. No. 3,516,565), **9R6** (Reg. No. 3,213,677 & Others); **918 RSR** (Ser. No. 85/253,007); **918 SPYDER** (Reg. No. 3,968,865 & Others); **TECHNORAD** (Reg. No. 3,043,802), **TEQUIPMENT** (Reg. No. 2,050,185 & Others), **TIPTRONIC** (Reg. No. 1,611,990), **TRANSYBERIA** (Reg. No. 3,449,727 & Others), **VARIOCAM** (Reg. No. 1,187,862), **VARIORAM** (Reg. No. 2,016,732), **RENNSPORT REUNION** (Ser. No. 85/299,670), **ENGINEERED FOR MAGIC. EVERYDAY.** (Ser. No. 85/291,332) and **CAJUN** (Ser. No. 79/096,033); **GT2** (Serial No. 79/099,601); **GT3** (Serial No. 79/102,317); **PORSCHE 550** (Serial No. 79/101,603).

Design Trademarks and Service Marks:

PORSCHE

(Reg. No. 618,933 & Others)

PORSCHE

Carrera

(Reg. No. 1,386,715)

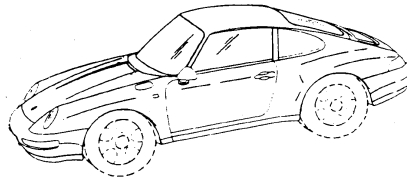
PORSCHE

Speedster

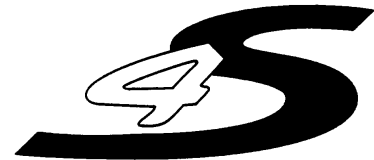
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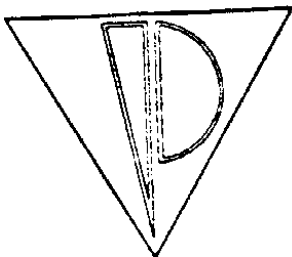
(Reg. No. 618,932 & Others)



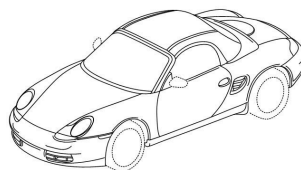
(Reg. No. 2,655,378)



(Reg. No. 2,078,63)



(Reg. No. 904,186)



(Reg. No. 3,389,149)



(Reg. No. 3,771,622)

Common Law Trademarks in the United States

356, 550, 912, 914, 924, 928, 930, 944, 959, 964, 968, 986, 987, 993, 996, 997, C2 and C4