

### § 264.3

employee expense, may display the insignia without special license.

#### § 264.3 Licensing for commercial use.

(a) Each commercial license granted for the use of the insignia or likeness thereof shall contain the following terms and conditions:

(1) A use charge, royalty payment, or payment in kind which is reasonably related to the commercial value of the license must be established. This is to be paid by the licensee.

(2) A definite expiration date shall be specified.

(3) The license shall be nonexclusive.

(4) Licensees are not authorized to grant sublicenses, or transfer or reassign licenses to another person or company, in connection with the manufacture and/or sale of an item, unless and except as approved in writing by the Chief.

The Chief may incorporate additional terms and requirements into any commercial license issued under this subpart.

#### § 264.4 Unauthorized use.

Whoever manufactures, sells, or possesses the insignia, except as provided under § 264.2, is subject to criminal penalty under 18 U.S.C. 701.

#### § 264.5 Power to revoke.

All authorities and licenses granted under this subpart shall be subject to cancellation by the Chief at any time the Chief finds that the use involved is offensive to decency and good taste or injurious to the image of the Forest Service. The Chief may also revoke any license or authorization when there is a failure to comply with the terms and conditions of the license or authorization.

### Subpart B—Mount St. Helens National Volcanic Monument Symbol

SOURCE: 49 FR 31413, Aug. 7, 1984, unless otherwise noted.

#### § 264.10 Establishment.

There is hereby established an official symbol, as depicted herein, to designate and represent the Mount St.

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Helens National Volcanic Monument located in the Gifford Pinchot National Forest in the State of Washington.



#### § 264.11 Use of symbol.

Except as provided in § 264.12, use of the Mount St. Helens National Volcanic Monument official symbol, including a facsimile thereof, in total or in part, is restricted to official signs, publications, and other materials of the Forest Service, U.S. Department of Agriculture.

#### § 264.12 Use without permission.

Business or calling cards commercially prepared at employee expense for employees assigned to the Volcanic Monument may depict the official Monument symbol without special permission from Forest Service officials.

#### § 264.13 Unauthorized use.

Except as provided in §§ 264.11 and 264.12, whoever manufactures, sells, or possesses the official symbol of the Mount St. Helens National Volcanic Monument may be subject to criminal penalty under 18 U.S.C. 701.

### PART 271—USE OF “SMOKEY BEAR” SYMBOL

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AUTHORITY: 66 Stat. 92 (18 U.S.C. 711).

SOURCE: 27 FR 6928, July 21, 1962, unless otherwise noted.

**§ 271.1 Definitions.**

(a) The term *Smokey Bear* as used in the regulations in this part means the character *Smokey Bear* originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name *Smokey Bear*, or any name or designation sufficiently similar as to suggest the character *Smokey Bear*.

(b) The term *Chief* means the Chief of the Forest Service, United States Department of Agriculture, or person designated to act for him.

(c) The term *Association of State Foresters* means the national organization of State Foresters.

(d) The term *The Advertising Council* is the Advertising Council, Inc., organized under the laws of the State of New York.

**§ 271.2 Use of official campaign materials.**

Official Cooperative Forest Fire Prevention materials may be used without express approval where such use is solely for the purpose of increasing public information regarding forest fire prevention.

**§ 271.3 Public service use.**

The Chief may authorize the use of *Smokey Bear* for non-commercial educational purposes, without charge, when such use is essentially as a public service, and will, in his judgment, contribute to public information and education concerning the prevention of forest fires.

**§ 271.4 Commercial license.**

(a) The Chief may authorize the commercial manufacture, importation, reproduction, or use of *Smokey Bear* upon the following findings:

(1) That the use to which the article or published material involving *Smokey Bear* is to be put shall contribute to public information concerning the prevention of forest fires.

(2) That the proposed use is consistent with the status of *Smokey Bear* as the symbol of forest fire prevention and does not in any way detract from such status.

(3) That a use or royalty charge which is reasonably related to the commercial enterprise has been established.

(b) Such other conditions shall be included as the Chief deems necessary in particular cases.

**§ 271.5 [Reserved]**

**§ 271.6 Review of licenses.**

The Chief will cooperate with the Association of State Foresters and the Advertising Council, and for this purpose may review with these organizations from time to time the nature and status of licenses granted under these regulations in this part.

**§ 271.7 Power to revoke.**

It is the intention of the regulations in this part that the Chief, in exercising the authorities delegated hereunder, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under the regulations in this part shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses.

**§ 271.8 Consultation with Association of State Foresters and the Advertising Council.**

These regulations in this part have been issued after consultation with the Association of State Foresters and the Advertising Council.

**PART 272—USE OF “WOODSY OWL” SYMBOL**

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AUTHORITY: 7 U.S.C. 2201 and 16 U.S.C. 528-531.