Agenda	ltem	<b>#</b> :	<b>6A</b>	- 2
yuuuu	<b>IIC</b> III	$\pi$ .	<b>V</b> / <b>L</b>	

### PALM BEACH COUNTY

## BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

	======		=====			
Meeting Date: 9/1/09	[]	Consent Workshop	[X]	Regular Public Hearing		
Department	13	Workshop	11	Fublic heating		
Submitted By: County Administration						
Submitted For:			/			
I. EXECUTIVE BRIEF						

# Motion and Title: Staff recommends motion to approve:

**A)** Trademark/Service Mark Application for the Mark: AMERICA'S FIRST RESORT DESTINATION for the County's Tourism Promotion Program; and

**B)** The authorization for the County Administrator or his/her designee to execute the Application and any future Trade or Service Mark documents required by the U.S. Patent and Trademark Office to establish or maintain the use of trade or service marks for the County's Tourism Promotion Program.

**Summary:** This application will be filed with the U.S. Patent and Trademark Office in order to establish and preserve the mark: "America's First Resort Destination" for exclusive use for the County's Tourist Promotion Program. The agenda item also delegates to the County Administrator the authority to execute future documents required by the Patent and Trademark Office in order to establish or maintain the use of trade and service marks that will be used by the County, The Tourist Development Council or the tourism "agencies" in the promotion and marketing of Palm Beach County Tourism. (MC)

**Background and Policy Issues:** Over the years, Discover Palm Beach County, Inc. (CVB) has developed on behalf of the County certain service and trademarks for use in its promotion and marketing of Palm Beach County tourism including "The Best of Everything", "America's Golf Capital" and the Palm Tree logo. This application will establish a new mark "American's First Resort Destination" for use in the County's tourism promotion program.

Also from time to time additional documents must be filed with the U. S. Patent and Trademark Office in order to maintain and preserve a particular trade or service mark for continued exclusive use by the County. This agenda item will delegate to the County Administrator the authority to execute those documents as well as future applications for trade and service marks that are approved by the Tourist Development Council for use in the marketing of County Tourism.

Attach	nments:
a.	Trademark/Service Mark Application

Recommended by:		
	Department Director	Date
Approved By:	1 Caker	8/31/09
	Deputy County Administrator	/ Date

#### II. FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact: Α. Fiscal Years 2009 2010 2011 2012 2013 Capital Expenditures Operating Costs \$2000.00 External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT \$2000.00 = # ADDITIONAL FTE POSITIONS (Cumulative Is Item Included In Current Budget? Yes XXX No. Budget Account No.: Fund 1454 Agency 710 Org. 7420 Object 3401 Reporting Category в. Recommended Sources of Funds/Summary of Fiscal Impact: Department Fiscal Review: C.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

Civalarlog

OFMB

ntract Dev/

B. Legal Sufficiency:

ounty

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment. O:Tdc/AgendaItems2008/AramarkContract

2

### Trademark/Service Mark Application, Principal Register TEAS Plus Application Handwritten Signature

### To the Commissioner for Trademarks:

 $t_{i}$ 

**MARK:** AMERICA'S FIRST RESORT DESTINATION (Standard Characters, see <u>mark</u>) The literal element of the mark consists of AMERICA'S FIRST RESORT DESTINATION. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, County of Palm Beach, a political subdivision of the state of Florida legally organized under the laws of Florida, having an address of

301 North Olive Avenue

West Palm Beach, Florida 33401

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 035: Convention and visitors bureau services, namely, promoting business, tourism and the holding of conventions in the Palm Beach County area

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 01/26/2009, and first used in commerce at least as early as 02/27/2009, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Mark as used in commerce.. Specimen-1 [spec-7214946179-081759572\_.\_10166-3\_Specimen.jpg ]

The applicant hereby appoints J. Rodman Steele, Jr. and Gregory A. Nelson, Joseph W. Bain, Jerold I. Schneider, Mark M. Zylka, Gregory M. Lefkowitz and Karen C. Kline of NOVAK DRUCE + QUIGG LLP

Fifteenth Floor

- 525 Okeechobee Blvd
- West Palm Beach, Florida 33401

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 10166-3.

### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Signature Section:** Signature:

Signatory's Name: Bob Weisman Signatory's Position: County Administrator

8/21/09 Date Signed:

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.