

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
Indianapolis, Indiana
May 9-10, 2018**

Resolution No. 1: Rules and Regulations Governing use of the Name and Emblems of The American Legion

Origin: Emblem Committee

Submitted By: Marketing Commission

WHEREAS, The National Organization of The American Legion is the sole trademarked owner of name “The American Legion,” “American Legion,” the traditional golden emblem of The American Legion and a number of other American Legion related logos and/or insignia; and

WHEREAS, Some merchandise bearing the Legion name, emblem, logo or insignia thereon, are neither meeting the specifications heretofore adopted for the manufacture of such merchandise nor receiving approval for the manufacture thereof, have been manufactured and sold to Legionnaires, departments, districts, counties and posts, and that neither the national organization nor the several departments are receiving any financial benefit by reason of the sale of such unauthorized merchandise except in the instances by the purchase of the Legion name, emblem, logo or insignia from the American Legion Emblem Division and/or American Legion official licensees; and

WHEREAS, It is the desire and intention that the individual Legionnaire and the several posts, counties, districts and departments shall have merchandise bearing the Legion name, emblem, logo or insignia thereon of the best quality obtainable and at the best price and that any profits therefrom shall inure to the benefit of The American Legion for its many programs; and

WHEREAS, The basic endeavor of the Emblem Committee and its division always shall be to provide the best quality official American Legion merchandise to our membership at equal to or better than would be available through any other medium, by the mass production of such Legion merchandise; and

WHEREAS, The manufacture, sale, or purchase for re-sale of any merchandise bearing thereon the name, emblem, logo or insignia, or any colorable imitation thereof, of The American Legion, should be made only when authorized under the rules and regulations of The American Legion; and

WHEREAS, The emblem is protected by federal criminal law, letters patent and trademark and the name is a trademark and appears as part of the emblem of The American Legion and should never ever change; and

WHEREAS, Resolution Number 71, adopted by the National Executive Committee May 5-7, 1947, as amended by Resolution Number 51, adopted by the National Executive Committee May 3-5, 1948, as amended by Resolution Number 11, adopted by the National Executive Committee May 5-8, 2005, was the most recent resolution addressing the rules and regulations governing use of the name and emblems of The American Legion; and

WHEREAS, There have been several changes since 2005 that affect the use of the name and emblems of The American Legion; and

WHEREAS, This resolution clarifies, brings up-to-date, replaces, and rescinds Resolution Number 71, adopted by the National Executive Committee May 5-7, 1947, as amended by

Resolution Number 51, adopted by the National Executive Committee May 3-5, 1948 and Resolution Number 11, adopted by the National Executive Committee May 5-8, 2005; and

WHEREAS, Your Emblem Committee and your Marketing Commission have reviewed this resolution and recommend it for approval; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 9-10, 2018, That the use, display and the manufacture, sale or purchase for re-sale either separately or appended to, or to be appended to, or the reproduction on any article of merchandise manufactured or sold, of the badge, medal, emblem, or other insignia or any colorable imitation thereof, or the reproduction thereof for commercial purposes, of The American Legion, or the printing, lithographing, engraving or other like reproduction on any poster, circular, periodical, magazine, newspaper or other publication, or the circulation or distribution of any such printed matter bearing the reproduction of such badge, medal, emblem or other insignia or colorable imitation thereof, of The American Legion, shall be in accordance with the following rules and regulations (For examples of use see Attachment A) hereby declaring the policy of The American Legion:

1. That the word “Emblem” used hereafter shall mean all insignia, logo, badge, medal, emblem, or any colorable imitation thereof or the reproduction thereof, of The American Legion, including all trademark designs as listed in the booklet titled “Name and Emblem – Use and Protection Guide” (amended as needed) and/or listed at the United States Patent Office.

2. That the national organization of The American Legion is sole owner of the Emblem and all associated trademarks.

3. That the national adjutant has the legal authority to authorize the use of an Emblem and may appoint designated representatives who may also authorize the use of an Emblem.

4. That all national officers are charged with resisting and restraining any unauthorized use of the name, “The American Legion,” “American Legion” or an Emblem.

5. That the use of an Emblem by the individual Legionnaire shall be limited to the wearing of the official insignia and to the possession of authorized jewelry, or merchandise, bearing an Emblem provided by American Legion Emblem Sales or official American Legion licensees.

6. That the use of an Emblem by posts shall be strictly confined to self-production by using the exact imprint or reproduction of an Emblem upon stationery, or upon post publications, notices, posters, or placards, websites or matters of similar character used in the ordinary routine communication of legitimate post business and activities sponsored and duly authorized by the post and to the use of authorized regalia or merchandise bearing an Emblem as provided by American Legion Emblem Sales, official American Legion licensees or otherwise authorized by the national adjutant or the national adjutant’s designated representative.

7. That the use of an Emblem by posts for:

(a) any commercialized use;

(b) any items reproduced by non-Post commercial means; or

(c) for the sale of any merchandise bearing an Emblem and/or words “The American Legion” or “American Legion” needs prior written authorization from the

national adjutant or the national adjutant's designated representative for such activity.

8. That the use of an Emblem by departments shall be the exact same standards as the use by posts, as stated herein, except that department convention committees are privileged to use an Emblem for decoration and souvenir purposes, subject in each instance to the prior approval of the national adjutant or the national adjutant's designated representative.

9. That any other use of the name, "The American Legion", or "American Legion" or an Emblem, including but not limited to licenses or permissions, shall be subject to the prior written approval of the national adjutant, or the national adjutant's designated representative: Provided, however, (a) that any requests for such other use of an Emblem by posts shall first be subject to department written approval before submission to the national adjutant, and (b) that any such use by the departments, when approved by the national adjutant, shall be confined completely within the territorial limits of the department.

10. That all merchandise bearing an Emblem for commercial purposes by any entity shall be manufactured in accordance with all trademarked specifications and only upon the prior written approval of the national adjutant or the national adjutant's designated representative.

11. That the manufacture, sale or purchase for re-sale of any merchandise, equipment or products of any kind whatsoever bearing thereon an Emblem, by any person or corporation without the prior written approval of the national organization of The American Legion, shall be prohibited and shall be considered in violation of the rules and regulations of the national organization and the Act of Congress of the United States, approved June 25, 1940, it being Public Law No. 663, 76th Congress, 3rd Session, Chapter No. 426.

12. That display of an Emblem shall be in a dignified manner and each display shall be the entire Emblem standing by itself without any attachment or inclusion of or into any other symbol, with the exception of jewelry where room is not available for such independent display. The Emblem represents The American Legion, and accordingly, is entitled to all appropriate respect; and, be it finally

RESOLVED, That Resolution Number 71, adopted by the National Executive Committee May 5-7, 1947, as amended by Resolution Number 51, adopted by the National Executive Committee May 3-5, 1948 and Resolution Number 11, adopted by the National Executive Committee May 5-8, 2005 is hereby rescinded.

Attachment A

Examples of what a post may use an Emblem for without prior written approval:

- Post self-made stationary
- Post self-made posters and/or flyers advertising upcoming post events
- Copy ready material provided to a Post/Department from National HQ

Examples of what a department may use an Emblem for without prior written approval:

- Department self-made stationary
- Department self-made poster and/or flyers advertising upcoming department events
- Copy ready material provided to a Post/Department from National HQ

Examples of when a post and/or department may use an Emblem after receiving prior written approval via department adjutant and national adjutant:

- Having stationary made by an outside vendor
- Having posters and/or flyers, etc. made by an outside vendor
- Having any other merchandise made by an outside vendor