



City of Pflugerville

Legislation Text

File #: ORD-0457, **Version:** 3

Approving an ordinance on second reading with the caption reading: An ordinance of the City Council of the City of Pflugerville, Texas Code of Ordinances, by adopting a trademark usage fee policy; providing a cumulative clause; repealing all ordinances to the extent they are in conflict with the amended sections; providing for severability; and providing for an effective date.

The City Council discussed the City of Pflugerville Brand Guidelines document in a worksession on October 28, 2018 as the City owns licensed trademarks for the City logo, the Pf Oval, the City Seal and the phrase Between a Rock and a Weird Place TM. Over time, these logos and phrases have been used by community groups, businesses and other entities to represent Pflugerville. The City of Pflugerville Brand Guidelines provide an outline for the permitted uses of the trademarks and outlines the appropriate colors, fonts, and graphical uses of the City's patented and trademarked graphics.

Since the work session, the following adjustments were made to the file:

- The oval PF sticker will only be permitted in black and white.
- The font and style of Between a Rock and a Weird place will be strictly limited to designs approved by the City of Pflugerville.
- Recognizing that the value of the trademark increases the more it is used, the City will encourage uses that are aligned with the City's image and brand and work with the City's legal team to prohibit any uses that are in conjunction with:
 - criminal behavior
 - tobacco products
 - sexually oriented products or services
 - undergarments
 - political parties or organizations
 - obscene acts, gestures or words
 - sale or use of illegal drugs or paraphernalia
 - any illegal act unless depicted in a Public Service Announcement for health, safety or welfare of the community
 - online gambling and/ or games of chance
 - firearms/weapons
 - political advertising
 - companies whose business is derived from the sale or manufacture of tobacco products

- deceptive or misleading advertising
- any other activity that is inconsistent with the vision and mission of the City

At the Council's request, City staff researched other common brands including the Keep Austin Weird TM trademark and learned that it is held independently of the City of Austin. It is owned by a company who came up with the slogan and the City does not use Keep Austin Weird. Dripping Springs does not manage or use the informal slogan- "west of weird" and Round Rock, McKinney and Plano, Texas currently have their informal slogans as open source to encourage the brand.

City staff recommends permitting use of the licensed trademarks of the Between a Rock and a Weird Place TM and the City's Pf TM to increase their value, but only upon a signed permit and fee paid to the City of Pflugerville. The City does not recommend outsourcing it to a licensing company at this time or its use in a royalty agreement. The City's logo and seal will remain exclusively for use by the City of Pflugerville and no outside organizations. The City will have a permit for the use of each of the trademarks at a cost of \$25 to assist in the enforcement of the trademark. Anyone found to be using the trademark outside of permitted use will be charged a \$250 fine per day that the use continues.

Prior City Council Action

The item was a discuss only work session item in October.

The ordinance was approved on first reading on March 26, 2019.

Deadline for City Council Action

N/A

Funding Expected: Revenue X Expenditure N/A

Budgeted Item: Yes No N/A X

Amount:

1295 Form Required? Yes No X

Legal Review Required: N/A Required X Date Completed: March 18, 2019

Supporting Documents Attached:

Ordinance

Exhibit A Pflugerville Brand Guidelines document

Draft Trademark Agreement for Oval Pf, Between a Rock and a Weird Place and City logo.

Recommended action

Approve the ordinance on second and final reading adopting the City of Pflugerville Brand Guidelines.