



BRAND LICENSING PROGRAM

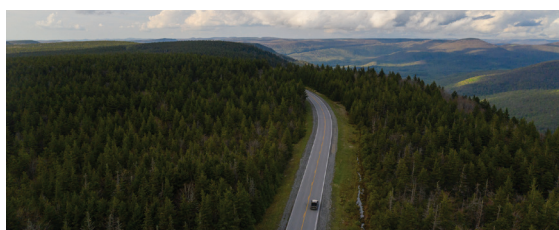
ABOUT THE PROGRAM

Since the launch of the Almost Heaven campaign in April of 2018, the West Virginia Department of Tourism has received an overwhelmingly positive response to this branding initiative. Inspired by John Denver's song, "Take Me Home, Country Roads," the beloved anthem is an ode to West Virginia's scenic beauty and warm hospitality.

In an effort to continue the momentum from the success of this campaign, the Department of Tourism has created the Brand Licensing Program as an opportunity to share the use of the trademark "West Virginia" logo and "Almost Heaven" script on consumer goods, including but not limited to apparel, accessories, novelty and specialty items. A list of trademark registrations and applications, along with the corresponding designs of each mark, for the "West Virginia" logo and "Almost Heaven" script is attached as Appendix A. Those interested in producing officially licensed merchandise for sale and/or purchase using the "West Virginia" logo and "Almost Heaven" script must apply using the attached application. The Department of Tourism reserves the right to terminate any license agreement at any time and end the licensee's right to market and sell products featuring brand trademarks.

Those interested in simply using the "West Virginia" logo and "Almost Heaven" script for non-consumer sale uses, such as special events or promotional and marketing purposes, should apply using the separate logo request form found on the Department of [Tourism Partner Portal](#).

Through the Brand Licensing Program, the Department of Tourism hopes to continue to build positive brand awareness through West Virginia logo and "Almost Heaven" script-licensed products. Licensing protects the reputation and goodwill of the Department of Tourism through the control of the appearance of its name and indicia in the marketplace and elsewhere. The brand licensing program also protects and controls the trademarked "West Virginia" logo and "Almost Heaven" script, hereinafter referred to as the "brand marks". Revenue generated from the sale of licensed merchandise helps fund tourism marketing initiatives and provides support to further develop West Virginia's tourism industry and partners. The program also allows for the Department of Tourism to purchase licensed merchandise at cost from licensees.



Note: Approval to use the West Virginia logo and/or Almost Heaven script does not entitle requesting organization use of the lyrics or the soundtrack to "Take me Home, Country Roads."

almost heaven

HOW IT WORKS

Primary responsibilities of a brand marks licensee include:

- Obtain approval from the Department of Tourism on all products, designs, labels, marketing & distribution plans, and advertising/promotional materials prior to any production, distribution, or sale. Mock ups are due at time of application submission. These can be digital only when submitting an application.
- Maximize distribution of brand marks products in the retail channels permitted by the license agreement.
- Pay royalties due to the Department of Tourism in a timely and accurate manner.
- Ensure that licensee and others within its supply chain manufacture products in a responsible manner that is consistent with the Department of Tourism and the State of West Virginia workplace codes of conduct, monitoring and remediation standards.
- Follow West Virginia Department of Tourism procedures throughout the term of the license agreement.

APPLICATION PROCESS

All licensing applications are evaluated on a case-by-case basis and must be approved before the applicant uses the brand marks. All applications must be mailed to the Department of Tourism at the address included below and will be evaluated at the first of every month. However, applicants may submit applications at any time. All approved licensees must submit physical samples of each item bearing the mark for approval and record-keeping before the item is produced and appears in the marketplace. The Department of Tourism reviews the application and has sole discretion to approve or reject the application provided.

The procedure for the approval or denial of an applicant who is interested in obtaining an “Almost Heaven” license is as follows:

1. The applicant downloads and completes the Brand Licensing Application form and mails to the West Virginia Department of Tourism along with the fixed application fee and printed copies of digital product mock-ups, if applicable.

Please complete and mail the completed application to:

West Virginia Department of Tourism
Attn: Brand Licensing Program
1900 Kanawha Boulevard, East
Building 3, Suite 100, Capitol Complex
Charleston, WV 25305

2. The Department of Tourism reviews the application and has sole discretion to approve or reject the application provided.
3. Submit a physical sample of the product for approval to the West Virginia Department of Tourism.
4. Order the official West Virginia Tourism Licensing Product Tags.

APPLICATION FEES

The West Virginia Department of Tourism requires a fixed fee along with the completed application to be a licensee. Before a licensee receives tags/labels, the standard fee must be paid for the calendar year starting on the issuance date. The uniform application fee for all licensees will be \$275. Products deemed acceptable by the Department of Tourism are as follows:

NOVELTY AND SPECIALTY ITEMS

Examples include:

- **Souvenirs:** keychains, magnets, postcards, bags
- **Toys:** Puzzles, coloring books, frisbees
- **Outdoor Recreation:** backpacks, bandanas, carabiners, sunglasses

- **Home Goods:** wood products, furniture, porcelain
- **Artwork:** print, calligraphy, artist collaborations
- **Pottery and Glasswork:** ceramic, stoneware, glass
- **Craft Food and Drink:** artisan food products, handcrafted chocolate, snacks
- **Beauty and Soap Products:** shampoo, soap, lotion

APPAREL

Examples of apparel items include:

- **Accessories:** leather, goods, jewelry, hats
- **Apparel:** Clothing, t-shirts, knitwear

PRODUCT CATEGORIES & PRICING

An officially licensed vendor who wishes to produce and/or sell products bearing the brand marks will be required to pay the 10% royalty fee based on the items' retail prices, as outlined below. This license will expire at the end of the 12-month period as indicated by the contract start date for new vendors. As part of the agreement, the licensee will also offer finished products with trademarks to the Department of Tourism at wholesale price.

ROYALTIES AND LABELING REQUIREMENTS

ROYALTIES

Approved licensees who produce brand-marked licensed products are required to pay a 10% royalty fee for the total number of products.

EARNED ROYALTIES AND LABELING REQUIREMENT

All items must be tagged with an official "Almost Heaven" tag or sticker. To obtain the official "Almost Heaven" tags, the licensee will purchase tags and stickers at a certain price point, in bundles of 100, at 10% of that amount. Vendors will set their own product prices.

For example, if the officially licensed vendor were to purchase a bundle of tags that they plan to sell at \$15.00, the cost would be \$150.00. The calculation is as follows:

$$\begin{array}{ccccccc}
 100 & \times & \$15.00 & \times & 10\% & = & \$150.00 \\
 \text{(Number of Tags)} & & \text{(Face Value of Each Tag)} & & \text{(Royalty Rate)} & & \text{(Royalties Due)}
 \end{array}$$

For licensees that are considered artisans, tags and stickers may be purchased at the price point set by the vendor, in bundles of 10, at 10% of that amount.



Note: A licensee is considered an artisan when their licensed product is handmade or produces less than 500 units per year.

ORDERING PRODUCT TAGS AND LABELS

Please complete the order form and include it with your mailed submission application. An invoice will be sent upon review and approval of the order form. If a licensee should run out of tags, they must contact the West Virginia Department of Tourism for reporting and make a request to purchase additional tags.

DISPLAY REQUIREMENTS

MERCHANDISE IN STORES

Merchandise will be designed in collaboration with the Department of Tourism for branding purposes and to protect the reputation of the licensor. The licensee gives the Department of Tourism the ability to review all designs before production and deny requests deemed not in the best interest of the brand. Co-branding of West Virginia Tourism projects are not permitted in connection with lotteries, gambling or firearms promotion.

The licensee understands and agrees that it is an essential condition of validity for products to be produced, promoted, distributed and sold of high and consistent quality subject to on-going approval and continuing supervision and control of the Department of Tourism.

STOREFRONT DISPLAYS

As part of the agreement between the licensee and the West Virginia Department of Tourism, licensees who are vendors must display designated signage acknowledging their partnership as an official retailer of the licensor. Signage will be provided by the licensor. If the licensee is a wholesaler, then they are required to coordinate with their buyers.

ONLINE STOREFRONT

If a licensee would like to sell items online, they must make this known to and receive written permission from the Department of Tourism. Certain specifications may be required for the licensee's online shop to display that they are an official retailer for the Department of Tourism.

ANNUAL RENEWAL FEES

The annual renewal fee (all licensees) of \$125 is only required if an application is approved and a license is granted. Renewal fees will be due one year from the contractual date of issuance of the license. Licensees will be notified a month before their license expiration for renewal.

“WEST VIRGINIA” TRADEMARK REGISTRATIONS:**1. Registration No. 5,765,952**

LIST OF APPLICABLE GOODS AND SERVICES

Chamber of commerce related-services, namely, promoting economic development, business, travel and tourism in the West Virginia area; convention and visitors bureau services, namely, promoting business, tourism and the holding of conventions and events in the West Virginia area

2. Registration No. 5,759,540

LIST OF APPLICABLE GOODS AND SERVICES

- Sunglasses; blank USB flash drives
- Coasters of paper and cardboard; stickers; pens; pencils; postcards; folders
- Tote bags; reusable shopping bags
- Reusable water bottles sold empty; coffee mugs; insulated bags for food or beverage for domestic use
- Flags, namely, cloth flags
- Clothing, namely, shirts; headgear, namely, hats

The logo for "almost heaven" is written in a thin, black, cursive script. The word "almost" is on the top line and "heaven" is on the bottom line. The letters are connected and have a flowing, elegant appearance. A small registered trademark symbol (®) is located at the end of the word "heaven".

1. Registration No. 5,616,890

LIST OF APPLICABLE GOODS AND SERVICES

Chamber of commerce related-services, namely, promoting economic development, business, travel and tourism in the West Virginia area; convention and visitors bureau services, namely, promoting business, tourism and the holding of conventions and events in the West Virginia area

2. Registration No. 5,6108,425

LIST OF APPLICABLE GOODS AND SERVICES

- Blank USB flash drives
- Coasters of paper and cardboard; stickers; pens; pencils; postcards; folders
- Reusable shopping bags
- Coffee mugs; insulated bags for food or beverage for domestic use
- Flags, namely, cloth flags
- Clothing, namely, shirts; headgear, namely, hats; coasters in the nature of plastic, stone, or wood

3. Registration No. 87,878,494

LIST OF APPLICABLE GOODS AND SERVICES

- Sunglasses
- Tote bags
- Reusable glass, plastic, or stainless steel water bottles sold empty
- Clothing, namely shirts; headgear, namely, hats

The logo for "almost heaven" is written in a thin, black, cursive script. The word "almost" is on the top line and "heaven" is on the bottom line. The letters are connected and have a flowing, elegant appearance. A small registered trademark symbol (®) is located at the end of the word "heaven".

APPLICATION

PRODUCTION/SUPPLY CHAIN INFORMATION

Are you the: ☐ Original Manufacturer ☐ Distributor ☐ Other (Please Explain):

How do you plan to display items for purchase?: ☐ Storefront ☐ Online Storefront ☐ Both

COMPANY INFORMATION

Company Name: _____

Primary Contact: _____

DBA (if applicable): _____

Street Address: _____

Mailing Address (if different from street address): _____

City: _____ State/Province: _____ Zip: _____

Country: _____

Phone: _____ Fax: _____

Company Website: _____

TYPE OF ORGANIZATION

☐ Partnership ☐ S Corporation ☐ Limited Liability Company
☐ Proprietorship ☐ Corporation ☐ Other:

Company Inception Date: _____

State of Incorporation: _____ Employer ID: _____

Is the company owned by an individual(s) or another company? ☐ Yes ☐ No

Does your company operate under any additional aliases? _____

Have any of your products even been involved in a product or other liability claim? ☐ Yes ☐ No

If yes, please explain: _____

PRODUCT INFORMATION | List each proposed use of a trademark:

PRODUCT	ESTIMATED MINIMUM ORDER	ESTIMATED WHOLESALE PRICE	MSRP	DISTRIBUTION

almost heaven

COMPANY CONTACTS

Licensing Contract Contact:

Name: _____

Street Address: _____

Mailing Address (if different from street address): _____

City: _____ State/Province: _____ Zip: _____

Country: _____

Phone: _____ Fax: _____

Email: _____

Sales and Royalty Reporting:

Name: _____

Street Address: _____

Mailing Address (if different from street address): _____

City: _____ State/Province: _____ Zip: _____

Country: _____

Phone: _____ Fax: _____

Email: _____

Insurance Carrier:

Name: _____

Street Address: _____

Mailing Address (if different from street address): _____

City: _____ State/Province: _____ Zip: _____

Country: _____

Phone: _____ Fax: _____

Email: _____



SUPPLEMENTAL MATERIALS

(Please submit with application)

- Copy of Liability Insurance
- Copy of Business License