

*Updated on April 21, 2010*

## **PROGRESS SOFTWARE CORPORATION REFERENTIAL TRADEMARK USE POLICY**

Progress Software Corporation (“PSC”) has invested significant time and resources to protect its trademarks, service marks, and logos. Trademarks are important for establishing and protecting corporate brand identity but they are fragile rights that can be lost through misuse.

This Trademark Referential Use Policy (“Policy”) sets forth PSC’s policy for third parties’ use of and reference to PSC names, brands, trademarks, service marks, logos, slogans or other PSC identifiers (“PSC Marks”). PSC employees should refer to the trademark usage policy on the [Progress Resource Center](#). If you have any questions or would like further information regarding PSC’s trademarks or the Policy requirements, please contact:

Shawna Sheehan, Senior Paralegal ([ssheehan@progress.com](mailto:ssheehan@progress.com)) or  
Peter Markman, Assoc. General Counsel  
([pmarkman@progress.com](mailto:pmarkman@progress.com))

### **A) Permitted Use of Progress Software Corporation Trademarks**

PSC does not object to the use of its names, trademarks and service marks solely to identify PSC and its products and services, provided that your use is as described in this Policy. This Policy does not grant you the right to use PSC Marks or other third party marks or designations apart or different from any rights that are granted to you pursuant to a separate agreement you may have with PSC or third parties. This Policy should be read in conjunction with the trademark provisions contained in the agreement you may have and, in the case of direct conflict, your separate agreement with PSC shall control.

You may use a plain text version of the PSC Marks to identify PSC and its products and services. Your use may not suggest that PSC endorses, sponsors, or is affiliated in any way with you or your products or services. You may not combine PSC Marks with your own corporate names, trademarks, or identifiers, nor may you use names, trademarks, service marks, logos or other identifiers that are confusingly similar to PSC Marks. Your use of PSC Marks does not grant you any ownership interest in the PSC Marks and, should one arise, you agree that you will assign any ownership interest to PSC.

### **B) General Principles**

**What are Trademarks and Service Marks?** Trademarks and service marks are words, acronyms, logos, symbols, taglines, or slogans that identify and distinguish a company as the source of its products and services. The owner of a valid trademark may prevent others from using its mark for particular goods or services, and may recover monetary damages caused by another’s infringement.

Trademarks and service marks can be classified in two categories:

- Registered marks (indicated by the ® symbol) have undergone the appropriate legal process and are registered with a national trademark office.
- Common law (unregistered or pending applications) marks (sometimes indicated by the <sup>TM</sup> or <sup>SM</sup> symbol) have not been formally registered, but are still valid and enforceable.

PSC owns both registered and unregistered trademarks. A partial list of PSC trademarks can be found [here](#). To the extent a name or logo does not appear on the list, the absence is not a waiver of any intellectual property rights that PSC has in its products, feature or service names, or logos.

## C) General Rules

### 1) Use of Logos

You may not use any Progress logo without the express written consent of PSC. If you would like to use one of our logos, please contact [John Stewart](#), Director, Corporate Communications, at [jstewart@progress.com](mailto:jstewart@progress.com).

### 2) Use of PSC Word Marks

You should observe the following general principles in connection with your use of PSC's word marks:

- **Maintain the Integrity of PSC's Marks.** Your use of PSC's Marks must not disparage PSC, its marks, products or services.
- **Use Only Approved Trademarks.** A list of PSC's authorized marks can be found [here](#). Please note the specific stylization (i.e., use of upper and lower case letters) for certain word marks (e.g., WebSpeed, ASPen, POSSE, etc.) and the combination of the mark with the Progress<sup>®</sup> or other PSC Mark. Each mark should only be used in the version shown and you may not abbreviate or vary the spelling of PSC Marks.
- **Apply the Trademark and Service Mark Symbols.** Use the correct trademark symbols (“®”, “™”, and “SM”) in every copy of the communication, document, packaging or other material in which a PSC Mark appears, regardless of the medium. The appropriate symbol should appear in all headlines, subheadings, and at the first instance in running body text.
- **Use the Trademarks Properly.** PSC's Marks must be used as adjectives followed by a common noun, verb or other phrase (e.g., “Progress<sup>®</sup> OpenEdge<sup>®</sup> business solutions platform”). PSC will object if you use a PSC Mark generically or in a way that encourages others to use it generically.

- **Link PSC’s Marks with PSC.** Provide the following notice at least once within each copy of the communication, document, packaging or other material referencing any PSC Mark:

“[Identify mark(s) used] [is a trademark or registered trademark/are trademarks or registered trademarks] of Progress Software Corporation or one of its subsidiaries or affiliates in the U.S. and other countries.”

- **Keep PSC’s Marks Separate and Distinct.** PSC’s Marks must be used separately from any other organization’s logos, trademarks or service marks, and may not be used as part of the name for any other organization or its products or services. Your company’s mark can be used in context with a PSC Mark solely to indicate a relationship between PSC products and services and those of the other company (e.g., [Third Party Company’s] software is Powered by Progress®). You may not imply a relationship or association with PSC that does not exist.
- **Apply the Trademark Guidelines.** Refer to the Trademark Guidelines below for some of the specific tools, examples and guidelines needed to use PSC’s Marks properly.

## **PROGRESS SOFTWARE CORPORATION TRADEMARK GUIDELINES**

These guidelines will assist you in complying with the Policy by providing you with specific tools, examples and other detailed information regarding proper communication and display of PSC Marks.

### **A) Progress (brand name) versus Progress (company name)**

Progress® should be used when referring to a product or service. “Progress Software” or “Progress Software Corporation” (without the ® symbol) should be used when referring to the company.

### **B) Proper Use of Word Trademarks**

The following guidelines are to be followed in connection with PSC’s word marks.

#### ***Use a Trademark as an Adjective, Followed by the Appropriate Noun Descriptor(s)***

*Correct.* The Progress Dynamics® application framework is part of the Progress® OpenEdge® business platform.

*Incorrect.* Progress Dynamics® is the application framework of Progress® OpenEdge®.

***Never Use Trademarks in Possessive Form***

*Correct.* Progress® OpenEdge® business platform.

*Incorrect.* Progress®'s OpenEdge® business platform

***Never Use Trademarks in Plural Form***

*Correct.* Use Progress® OpenEdge® business solutions for your development needs.

*Incorrect.* Use Progress® OpenEdges® business solutions for your development needs.

***Never Hyphenate a Trademark***

*Correct.* Progress® Fathom® software enables easy setup.

*Incorrect.* Progress® Fathom®-enabled software makes setup easy.

***Never Alter a Trademark***

*Correct.* Use Progress® Web Speed® development tools to web-enable applications.

*Incorrect.* Use Progress® WebSped tools to web-enable applications.

***Use Proper Capitalization for a Trademark***

*Correct.* Progress® OpenEdge® business platform.

*Incorrect.* Progress® OPENEDGE® business platform.

***Use Lowercase Letters for the Generic Noun(s) Following the Trademark***

*Correct.* Progress® OpenEdge® business platform.

*Incorrect.* Progress® OpenEdge® Business Platform.