



Date: October 22, 2010
To: Governing Board
From: Kenneth Moy
Legal Counsel, Association of Bay Area Governments
Subject: **San Francisco Bay Restoration Authority Logo**

Recommendation

That the Governing Board of the San Francisco Bay Restoration Authority (Authority) authorize the Chair of the Governing Board to execute a licensing agreement with ABAG for the Authority logo and waive any conflict of interest which may arise from having me, as legal counsel for the Authority and ABAG, draft the agreement.

Background and Information

ABAG is providing support services, including my services as legal counsel, to the Authority pursuant to a letter dated April 20, 2009. One of the activities ABAG undertook was registering a proposed servicemark for the Authority. The registration has been completed in ABAG's name (see attached). To complete the process, ABAG and the Authority should enter into a licensing agreement.

I recommend that the license have the following elements:

1. Complete – transfers all servicemark rights;
2. Irrevocable – cannot be terminated;
3. No fee – no initial, or ongoing, fee(s) paid to ABAG. Any fees to third parties to be paid, or reimbursed to ABAG, by the Authority from available funds.

I will draft an agreement with the above features provided that the Governing Board agrees that any conflict I might have in my dual capacity as ABAG and the Authority's legal counsel is acknowledged and waived. I recommend that the Chair be authorized to execute the license agreement on behalf of the Authority.

Attachment:
USPTO Registration

Cc: Ezra Rapport