

ITEM 7
MANAGER'S REPORT NO. 23
COUNCIL MEETING 1983 03 28

RE: LETTER FROM BURNABY POWER SQUADRON WHICH APPEARED ON THE AGENDA FOR
THE 1983 MARCH 21 MEETING OF COUNCIL (ITEM 4a)
PERMISSION TO USE THE BURNABY LOGO

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1983 March 23
FROM: DIRECTOR PLANNING & BUILDING INSPECTION OUR FILE: 07.600
SUBJECT: REQUEST BY THE BURNABY POWER SQUADRON FOR PERMISSION TO USE THE BURNABY LOGO
CORRESPONDENCE ITEM, COUNCIL MEETING 1983 MARCH 21

RECOMMENDATIONS:

1. THAT Council endorse the criteria set out in Section 3.0 of this report as guidelines for evaluation of requests for permission to use the Burnaby logo symbol;
2. THAT the Burnaby Power Squadron be authorized to use the registered Burnaby logo symbol on its proposed pennant in accordance with the design proposal submitted with the letter dated 1983 March 09 from Mr. C. Bjornson and the terms of this report; and
3. THAT a copy of this report be sent to the Burnaby Power Squadron, P.O. Box 80496, Burnaby, B.C., V5H 3X9.

REPORT

SUMMARY:

In summary, staff would advise that the primary purpose of the registered Burnaby symbol is to represent the Corporation of Burnaby. If the Council wish to extend the privilege of use to other community groups, it is recommended that appropriate criteria be established to assist in the evaluation of proposals. If the suggested criteria are approved, it is the staff's view that support for the request of the Burnaby Power Squadron can be justified in accordance with the limited purposes stated.

1.0 BACKGROUND:

Appearing on the agenda for the 1983 March 21 meeting of Council was a letter from Mr. C. Bjornson on behalf of the Burnaby Power Squadron, requesting Council approval of the Squadron's intention to display the Burnaby logo symbol on a newly-designed pennant.

The Burnaby symbol was adopted by Council on 1975 June 23, and was registered under the Copyright Act on 1976 May 14 in the name of the Corporation of the District of Burnaby.

The following paragraph appeared in a report to Council submitted by the Information Burnaby Committee on 1976 September 27:

"The Municipal Solicitor was requested to have the Logo copyrighted and registered as a trademark for the exclusive use of the Municipality. It will therefore be necessary for community groups and other interested parties to seek permission from Council or a staff member designated by Council to use the Logo. The Committee would suggest that this duty be assigned to the Municipal Clerk."

With reference to this statement, which implies that permission may be given for community groups or other interested parties to use the logo, the Municipal Solicitor has advised that it is necessary that a resolution of Council be obtained if authority is to be granted to any person or group other than the Corporation.

2.0 PAST REQUEST FOR PERMISSION:

In 1978, Council received a request from a legal firm for permission to incorporate the logo in a proposed logo for a private commercial racquets club. After considering the ramifications of the request, the Municipal Manager reported the following:

"With respect to the request for use of the logo, it is the opinion of staff that the logo was intended for the exclusive use of the Municipality. The Municipality's display program, which was undertaken in 1975, was primarily intended to produce a symbol which would become synonymous with the Corporation of the District of Burnaby and reflect Burnaby's uniqueness as a community, and as such was never intended for assignment to private commercial interests for enterprises that are not public in nature and sponsored by the Municipality.

More specifically, it is felt that use of the Municipal logo should not be used in a private commercial logo display because, in addition to this being a deviation from our original intention regarding the logo's purpose, its use by a commercial enterprise could result in confusion in the public's mind as to the role or interest that the Municipality would have in private business matters. Furthermore, there is the question of such use resulting in a dilution of the impact of our logo. It is therefore recommended that permission to use the Municipal logo for a commercial display purpose as requested be denied."

Council denied the request for permission to use the logo in the private commercial display.

From an examination of past reports, it is clear that the primary purpose of the symbol is to represent the Municipality, through its application in letterheads, on vehicles and equipment, in advertisements and notices, etc. However, it is believed that there was the hope that with time and growing acceptance of the logo, it would become identified with the community in the broader sense, such that appropriate community groups which serve the Burnaby public in a way not inconsistent with the Municipality's interests might be given the opportunity to display the logo in accordance with specific Council authority.

If Council is prepared to entertain requests for use by others, it should adopt a set of criteria for the evaluation of proposals.

3.0 SUGGESTED CRITERIA:

It is suggested that Council support for requests to use the Burnaby logo be extended only where Council is satisfied that the following criteria are met:

- (a) Use is proposed by a broadly-based, non-profit community group or government-sponsored agency that serves, in some significant way, the interests of a substantial segment of the population of Burnaby, and not by a business enterprise;
- (b) the organization seeking permission is exclusively or primarily composed of Burnaby residents, or is based in and primarily operating for the benefit of Burnaby and its citizens;
- (c) the proposed application is strictly for non-profit, non-commercial purposes;
- (d) Council is satisfied that the use and application of the logo by the organization will not unduly dilute the public impact of Corporation use, nor detrimentally affect the public's response to the display of the logo by the Corporation of the District of Burnaby;
- (e) the application design is consistent with the design standards employed in the creation of the symbol and the preparation of its approved applications; and
- (f) it is agreed that Burnaby retains ownership and reserves the Copyright to the logo, and reserves the right to automatically withdraw its permission if the use ceases to meet the criteria as established.

4.0 CURRENT PROPOSAL:

The proposal by the Burnaby Power Squadron has been examined and is believed to generally satisfy the criteria outlined above.

The organization is the local Burnaby chapter of a nation-wide association of boating enthusiasts, which exists primarily for the purpose of furthering the safety and pleasure of boating by providing education and training of members in all aspects of seamanship and navigation, in both power and sail. It is a non-profit organization incorporated under the Companies Act of Canada, and all administrative work and teaching is done by the members without remuneration.

The Burnaby Power Squadron is one of eighteen operating in the Pacific Mainland District, and there are nineteen squadrons in the abutting Vancouver Island District. The Burnaby Squadron is based in Burnaby, and over 70% of its over 200 members are Burnaby residents.

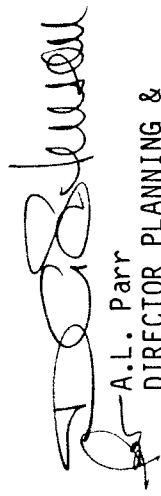
Its courses are held in Burnaby Schools in conjunction with the Community Education Program, and all instruction, materials, etc. are provided by the Power Squadron. Training and, upon successful completion of examinations, membership is open to all Burnaby residents.

The intended use of the logo is for a pennant, which will be permitted to be flown only by bona-fide members of the Burnaby Power Squadron, according to the submission received by Council. It is expected that this use will not unduly diminish the impact of the logo on the public, nor will it conflict with the Municipality's interests. The design proposal as submitted would use the standard logo in white on a pleasingly-designed colored field.

Based on the information provided, and in consideration of the criteria suggested above, it is felt that the request of the Burnaby Power Squadron should be approved, subject to the terms of their proposal and further subject to the understanding that Burnaby retains ownership of the logo and reserves the right to withdraw its permission if the use of the logo ceases to be in conformance with the terms of approval.

AD
DGS/js

cc: Municipal Clerk
Municipal Solicitor


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION