



HISTORIC TOWN OF EATONVILLE, FLORIDA

COUNCIL WORKSHOP AGENDA

Tuesday, June 20, 2023 at 6:30 PM

Town Hall - 307 E Kennedy Blvd

I. CALL TO ORDER

II. COUNCIL DISCUSSION

1. Presentation - Travel + Leisure Eatonville Scholarship Program (**Administration**)
2. Discussion of Registration Options For Use of the Town of Eatonville's Logo (**Randolph**)

III. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL WORKSHOP

JUNE 20, 2023 AT 06:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Presentation on the Travel + Leisure Eatonville Scholarship Program
(Administration)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS	YES	Department: LEGISLATIVE
INTRODUCTIONS		Exhibits: <ul style="list-style-type: none">Information Flyer
CONSENT AGENDA		
COUNCIL DISCUSSION		
ADMINISTRATIVE		

REQUEST: For Town Council to hear presentation on the Travel + Leisure Eatonville Scholarship Program

SUMMARY: Travel + Leisure Charitable Foundation has partnered with the School Board of Orange County to launch the Travel + Leisure Eatonville Scholarship Program, which began during the 2021-2022 school year. The scholarship program aims to promote educational excellence within the Eatonville community. Qualified applicants will receive scholarships in the amount of remaining tuition and/or remaining cost of books and housing after a student has applied for and received financial aid or any other available grants or scholarships (examples include Federal Pell Grants, Florida Student Assistance Grant Program (FSAG))

RECOMMENDATION: Recommendation is being made for Council to hear a presentation on the Travel + Leisure Eatonville Scholarship Program.

FISCAL & EFFICIENCY DATA: N/A



SCHOLARSHIP + OPPORTUNITY

Travel + Leisure Charitable Foundation has partnered with the School Board of Orange County to launch the **Travel + Leisure Eatonville Scholarship Program**, which began during the 2021-2022 school year. The scholarship program aims to promote educational excellence within the Eatonville community.

Qualified applicants will receive scholarships in the amount of remaining tuition and/or remaining cost of books and housing after a student has applied for and received financial aid or any other available grants or scholarships (examples include: Federal Pell Grants, Florida Student Assistance Grant Program (FSAG), Florida Bright Futures, etc.).

ELIGIBILITY CRITERIA

To be eligible to receive Travel + Leisure Eatonville Scholarship funds, applicants must meet the following requirements:

- Must be a full-time resident of Eatonville, Florida
- Must be a high school Junior or Senior attending Edgewater High School, or participating in a Magnet Program in Orange County, Florida
- Applicants must perform a minimum of 25 community service hours
- Applicants must attend a mandatory scholarship meeting
- Applicants must submit SAT, ACT, PERT or TABE test scores
- Recipients must apply for financial aid and additional scholarships
- The Travel + Leisure Eatonville Scholarship funds must be activated by recipients within the first school year after high school graduation
- Recipients must attend a Florida community or state college, state university, or technical college full-time

APPLICATION PROCESS

For additional information, please contact CharitableFoundation@travelandleisure.com.



**CHARITABLE
FOUNDATION**



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TOWN COUNCIL WORKSHOP

JUNE 20, 2023 AT 06:30 PM

Cover Sheet

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ITEM TITLE: Discussion Registration Options For Use of the Town of Eatonville’s Logo (**Randolph**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
INTRODUCTIONS		Exhibits: • Memo on Protection of the Town’s Logo
CONSENT AGENDA		
COUNCIL DISCUSSION	YES	
ADMINISTRATIVE		

REQUEST: For Town Council to Discuss Registration Options For Use of the Town of Eatonville’s Logo

SUMMARY: In general, the name, logo, or insignia of a government agency cannot be used in a manner that suggests association with or endorsement by the agency or implies endorsement by a government agency, official, or employee. To protect the identity, brand, security, and statutory responsibility of the Town of Eatonville, careful consideration is needed to how and who is authorized to use the town’s logo, whether for advertisement, partnership, publicity, and other reasons related to the town.

The Town Council discussed this item during the January 3, 2023 Town Council Workshop.

The Town Council will further discuss pursuing the registration options set forth in the attached memo. If it votes to do so, the appropriate documents will be further prepared.

RECOMMENDATION: Recommendation is being made to discuss Registration Options For Use of the Town of Eatonville’s Logo.

FISCAL & EFFICIENCY DATA: N/A



Memo

To: Councilwoman Randolph
CC: Demetris Pressley
From: Clifford B. Shepard; Ryan G. Knight
Date: June 9, 2023
Re: Protection of the Town’s Logo

Councilwoman Randolph,

We have been asked to provide an opinion on protecting the Town’s logo and steps the Town can take to prevent use of the Town’s logo without permission. As outlined below, the Town’s logo cannot be trademarked. However, the Town’s logo can be protected through Fla. Stat. § 165.043 and the enactment of an ordinance adopting the Town’s logo as the official seal.

Issue: Whether the Town’s logo can be protected as intellectual property through trademark?

Legal Background

Section 2(b) of the Trademark Act, 15 U.S.C. § 1052(b), prohibits registration of a mark that “consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.” This section imposes an absolute bar against registration of a mark that consists of or contains a flag, coat of arms or other insignia, and reflects the sentiment that such symbols are indicia of government authority that ought to be reserved for signifying the government. *In re Gov’t of Dist. of Columbia*, 101 USPQ2d 1588, 1597 n.14 (TTAB 2012). The absolute bar to registration under Section 2(b) is founded upon the idea that “these kinds of official governmental insignia . . . should not be registered as symbols of origin for commercial goods and services” because they “ought to be kept solely to signify the government.”

Thus, we must first determine whether the Town’s logo constitutes official governmental “insignia” that would be an absolute bar to registration. The recent Trademark Trial & Appeal Board (“TTAB”) case *In re County of Orange*, is particularly illustrative. In this case, the TTAB affirmed the

US Patent and Trademark Office’s refusal to register two different logo marks filed by California’s County of Orange (“County”) on the ground that they constituted insignia of a municipality. One of the marks at issue in the case is below.



The County argued that the proposed mark did not constitute “insignia” because it was not an “official” seal of the County, *i.e.*, the County never formally adopted the mark as the “official” seal. TTAB found that, although the mark was not the “official” seal of the county, it was displayed prominently by the County to signify broad County of Orange authority, records, functions, and facilities. For example, the mark was displayed on the County website, signage for government offices, and displayed prominently in the meeting room for the Board of Supervisors. Ultimately, TTAB held that although the proposed mark was never adopted as an “official” seal, the mark still constituted “insignia” and was prohibited from trademark protection under Section 2(b) of the Trademark Act.

Town of Eatonville Logo

The town logo has not been officially adopted as the town seal pursuant to ordinance. However, as in the County of Orange case, the logo is prominently displayed on the town’s website, government building, and correspondence (such as town council agendas). Essentially, if the town wanted to trademark the logo, it would have to abandon the logo on its website, government building and correspondences. Thus, according to the holding in *In re County of Orange*, the town logo would not be eligible for trademark protection. We believe this is not advisable since the town logo is a special mark unique to the Eatonville government and community.

“The Town That Freedom Built”

While the town logo is not eligible for trademark protection, the phrase displayed on the town logo (“The Town That Freedom Built”) would be eligible for trademark protection. We have performed a search on the US Patent and Trademark Office’s website and the phrase “The Town That Freedom Built” has not been registered for trademark protection. To trademark this phrase, we would need to submit a detailed application to the US Patent and Trademark Office for review. The process usually takes 12-18 months. Our office would be happy to assist you should you choose to trademark this phrase.

Fla. Stat. § 165.043

Fla. Stat. § 165.043 provides:

Official county or municipal seal.- The governing body of a county or municipality may, by ordinance, designate an official county or municipal

seal. The manufacture, use, display, or other employment of any facsimile or reproduction of the county or municipal seal, except by county or municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second-degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

To qualify for protection under this statute, the Town of Eatonville must first pass an ordinance designating the town logo as the official seal. This seems to make the most sense in this case since once the ordinance designating the town logo as the official seal is enacted, no person or entity will be allowed to use the town logo/seal without the express approval of the Town. Further, the statute provides for criminal penalties should a person use the town seal without authorization. Of course, our office will gladly assist in drafting an ordinance should the council pursue this avenue.

Sincerely,

Ryan G. Knight