

Huu-ay-aht First Nations Executive Council Note

Use of HFN Name and Images for Marketing and Merchandise

Date

May 17, 2013

Type of Decision

Approval

Submitted By

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Issue

Granting the Huu-ay-aht Development Corporation (HDC), Huu-ay-aht Development Limited Partnership (HDLP) and subsidiary entities permission to use the words “Huu-ay-aht” and “Huu-ay-aht First Nations” and “HFN” and the Huu-ay-aht Logo for the purposes of marketing and merchandising.

Background

Currently, there are no laws or policies surrounding the use of the name “Huu-ay-aht” or “Huu-ay-aht First Nations” or “HFN” for commercial purposes. The Huu-ay-aht identity is key to maximizing the real and potential returns on economic development initiatives such as tourism marketing, merchandising and production of official work-related clothing.

Discussion

General Overview

The Huu-ay-aht identity (name and image) has potential to become central to the tourism and hospitality areas of economic development in the region. The HDC/HDLP and its subsidiaries would like to use the Huu-ay-aht name and image for souvenirs, merchandise and for marketing purposes. Executive Council needs to have a say in the use of such identifiers and ensure that any wishes of Council are respected.

Example 1: Complete Access

The use of “Huu-ay-aht” and “Huu-ay-aht First Nations” and “HFN” and the HFN logo are sanctioned for use by the HDC/HDLP and its holdings. This grants permission for the companies to use any and all instances of the name and image for any purpose. This is the simplest form, but could result in misuse of the name or image of the Nation.

Example 2: Limited Use

The HFN may grant the companies use of the names and image, but may restrict the use in some way. For example, the HFN may allow the use of “Huu-ay-aht” in a general sense but not allow the use of the term “Huu-ay-aht First Nations” or the HFN Logo to maintain strict control over identity.

Example 3: Restricted Use

The use of Huu-ay-aht, Huu-ay-aht First Nations, HFN and/or the HFN Logo may be restricted in one or several ways. An example may be that a term may only be used in certain circumstances, or only in their official forms and colours. Another example may be that the HFN logo and identity may only be used on merchandise for the exclusive use of HFN officials or employees.

Other Considerations

The use of the Huu-ay-aht name or logo may be allowed exclusively or non-exclusively. Executive Council may wish to grant specific permission to Huu-ay-aht bodies, citizens or other groups for use of the name. It may wish to grant open permission for use of the HFN name and logo to any number of individuals, groups or to citizens and entities owned or controlled by the Huu-ay-aht First Nations or its citizens generally.

Components of the Decision

- Part 1 -** Which names? Huu-ay-aht, Huu-ay-aht First Nations, Ohiat, etc.
- Part 2 -** Logo?
- Part 3 -** Limitations? Only official forms or colours? Acceptable changes?
- Part 4 -** Other restrictions? (e.g. only use of “Huu-ay-aht” ...)
- Part 5 -** Exclusive or non-exclusive permission?
- Part 6 -** Blanket permission to citizens, and citizen-controlled entities?
- Part 7 -** Licensing Fee?
- Part 8 -** Period of permission?

Legal Implications

Permission must be granted in order for any other person or group to use the HFN identity or logo in an official or commercial sense.

It is currently unclear whether use of the logo or identity for personal or non-commercial use is granted automatically.

Logistical and Financial Implications

Minimal, unless it is the wish of Council to research its legal options regarding identity and intellectual property.

Recommendations

It is recommended that the HDC/HDLP be granted broad-based, non-exclusive use of the terms “Huu-ay-aht” and “Ohiaht” for the purposes of marketing and merchandising for the nominal fee of CAD\$1 for a 99 year term.

It is also recommended that the HDC/HDLP be granted limited, non-exclusive use of the term “Huu-ay-aht First Nations” and “HFN” and limited, non-exclusive use of the HFN logo for the purposes of providing quotes or responses to RFPs on the supply of such items to the HFN government and administration for the purposes of gifts, uniforms and identifying marks for a nominal fee of CAD\$1 for a 99 year term.