

PART 271—USE OF "SMOKEY BEAR" SYMBOL

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AUTHORITY §§ 271 1 to 271 8 issued under 66 Stat 92 18 U S C 711

SOURCE §§ 271 1 to 271 8 appear at 17 F R 6712 July 23 1952

§ 271 1 Definitions

(a) The term 'Smokey Bear' as used in this part means the character "Smokey Bear" originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name "Smokey Bear", or any name or designation sufficiently similar as to suggest the character "Smokey Bear"

(b) The term "Chief" means the Chief of the Forest Service, United States Department of Agriculture, or person designated to act for him

(c) The term 'Association of State Foresters' means the national organization of State Foresters

(d) The term 'the Advertising Council' is the Advertising Council Inc., organized under the laws of the State of New York

§ 271 2 Present use

Materials heretofore or hereafter produced and released as part of the nationwide cooperative forest fire prevention program and approved jointly by the Advertising Council the Association of State Foresters and the United States Department of Agriculture may continue to be used without express approval. These include glossy prints mats, cuts and other official campaign materials

§ 271 3 Non-commercial license

The Chief may authorize the use of 'Smokey Bear' for non-commercial edu-

cational purposes without charge under such conditions as will contribute to purposes of education and information concerning the prevention of forest fires

§ 271 4 Commercial license

The Chief may authorize the commercial manufacture reproduction or use of 'Smokey Bear' upon the following findings

(a) That the use to which the article or published material involving 'Smokey Bear' is to be put shall contribute to public information concerning the prevention of forest fires

(b) That the proposed use is consistent with the status of 'Smokey Bear' as the symbol of forest fire prevention and does not in any way detract from such status

(c) That a use or royalty charge which is reasonably related to the commercial enterprise has been established

Such other conditions shall be included as the Chief deems necessary in particular cases

§ 271 5 Interim commercial use

The Chief may authorize the manufacture reproduction or use of 'Smokey Bear' without regard to the requirements of § 271 4 for periods not to exceed 180 days in any case subject to the following limitations

(a) It shall be determined that such persons, because of plans or commitments made prior to the enactment of 18 U S C 711 would suffer substantial loss if denied such authorization

(b) Such continued manufacture, reproduction or use will not detract from the symbolic status of "Smokey Bear"

(c) Reasonable use charge or royalty shall be made for this privilege unless in the judgment of the Chief such charge would be unreasonable in view of the prior plans or commitments of the licensee

(d) No license granted under this section shall be effective after May 22 1953

§ 271 6 Review of licenses

The Chief will cooperate with the Association of State Foresters and the Advertising Council and for this purpose may review with these organizations

from time to time the nature and status of licenses granted under the regulations in this part

§ 271 7 Power to revoke

It is the intention of this part that the Chief in exercising the authorities delegated hereunder, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under this part shall be subject to abrogation by the Chief at any time

he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses

§ 271 8 Consultation with Association of State Foresters and the Advertising Council

This part has been issued after consultation with the Association of State Foresters and the Advertising Council