

LICENSE AND AGREEMENT TO USE THE GO TEXAN RURAL COMMUNITY CERTIFICATION MARK AND TAGLINE

This license agreement ("Agreement") is made and entered into by and between the Texas Department of Agriculture, referred to as "TDA," of 1700 N. Congress Ave., 11th Floor, Austin, Texas, 78711 and

Polk County, Texas

(Full legal business name of applicant/member, including DBA if applicable), referred to as "Licensee," of

101 W. Church, Ste. 300, Livingston, TX 77351
(Physical address of applicant/member.)

WHEREAS, TDA is the owner of the Go Texas Rural Community certification mark (the "Mark"), which TDA uses in connection with its Go Texas Rural Community Program ("GTRC") and other GTRC-related activities to promote Texas rural communities; and

WHEREAS, Licensee wishes to use the Mark and certain taglines (the "Tagline(s)") in connection with its efforts to promote a GTRC community and related tourism; and

WHEREAS, TDA is willing to grant Licensee the right to use the Mark in connection with Licensee's efforts to promote a GTRC community and related tourism, subject to the terms and conditions set forth in this Agreement:

1. TDA hereby grants to Licensee a limited, non-exclusive, non-transferable, royalty-free license to use the Mark; and Licensee agrees to use the Mark and Tagline(s) as displayed on Exhibit A. Such use is permitted only in accordance with this Agreement.

2. Licensee will place the Mark and Tagline(s) only on the following:
(i) billboards, posters or signage; (ii) flyers or brochures; (iii) advertisements in print media; (iv) Web sites; and (v) marketing and promotional give-away items. At TDA's request, Licensee agrees to furnish TDA with an accurate representation of any material bearing the Mark and Tagline(s) at no charge.

3. Licensee may provide the Mark and Tagline(s) to third parties only in connection with Licensee's rights to use the Mark and Tagline(s) under this Agreement. Licensee accepts responsibility for any misuse of the Mark and Tagline(s) by third parties who obtain the Mark and Tagline(s) from Licensee.

4. Licensee agrees that any use of the Mark and Tagline(s) shall be of high standard, and Licensee shall conform to any standards that may be set from time to time by TDA.

5. Licensee agrees that nothing contained in this Agreement is intended as an assignment or grant to Licensee of any right, title or interest in or to the Mark, or the goodwill attached to the Mark.

6. TDA represents to Licensee that it has the right to license the use of the Mark to Licensee in accordance with the terms of this Agreement. Licensee represents and warrants that it has authority to enter into this Agreement. Licensee represents that the authorized person signing below has authority to bind Licensee to this Agreement.

7. Licensee will not attack the title of TDA to the Mark or attack the validity of any GTRC license and agreement to use the Mark.

8. Any and all use of the Mark as allowed hereunder shall inure solely to the benefit of TDA and other licensed users.

9. Licensee agrees that any use of the Mark and Tagline(s) shall only include the display of the Mark and Tagline(s) in its entirety, separate and distinct from any other displayed images.

10. Licensee agrees that any use of the Mark and Tagline(s) shall not include: the superimposition of other images, content or sound on top of the Mark and Tagline(s); the superimposition of a frame, border or other image surrounding the image of the Mark and Tagline(s); nor the display of any portion of the Mark and Tagline(s) within, before or after the display of another video image or displayed image.

11. At TDA's direction, Licensee and any authorized third party shall include on all items bearing the Mark the following legal notice: "Go Texas" is a certification mark of the Texas Department of Agriculture.

12. Other than approved uses of the Mark and Tagline(s), Licensee shall use no statement of affiliation or endorsement by the State of Texas or TDA, unless permission for such use or statement has been separately granted.

13. TDA may terminate this Agreement and all of Licensee's rights to use the Mark and Tagline(s) with prior notice to Licensee: (i) if Licensee breaches any terms of this Agreement, (ii) if any of Licensee's employees, representatives, agents or assigns uses the Mark and Tagline(s) outside of the scope of this Agreement, (iii) if TDA determines that, in connection with the use of the Mark and Tagline(s), Licensee or any of its employees, representatives, agents or assigns has engaged in conduct that is unprofessional, dangerous, offensive to the public, discriminatory or otherwise detrimental to the GTRC program, or (iv) for convenience.

14. This Agreement and all rights and licenses granted shall expire on either the cessation of the GTRC program or termination or expiration of Licensee's certification in the GTRC program, whichever occurs first.

15. TDA shall have the sole right and discretion to bring infringement or unfair competition proceedings involving the use of the Mark.

16. This Agreement is governed by the laws of the State of Texas.

Agreement is continued on back for required signature.

LICENSE AND AGREEMENT TO USE THE GO TEXAN RURAL COMMUNITY CERTIFICATION MARK AND TAGLINE - PAGE 2

Please note that this license agreement must be signed by a person who is legally authorized to contractually bind the Licensee to TDA

Texas Department of Agriculture

Elizabeth Hadler
Elizabeth Hadler, Assistant Commissioner
Marketing & Promotion

Licensee
John P. Thompson
Signature of Authorized Person
John P. Thompson
Printed Name of Authorized Person
County Judge
Title of Authorized Person

One of the benefits of the Go Texan Rural Community Program (GTRC) certification is having access to the GTRC certification mark and tagline(s) to use on your marketing and promotional materials. If you wish to use the certification mark and tagline(s) to tap into the high profile of GTRC you will need to complete, sign and return this license agreement to the Texas Department of Agriculture. Please mail the executed license agreement to the following address:

Texas Department of Agriculture
Marketing Division
P.O. Box 12847
Austin, Texas 78711-9942

TDA will review your license agreement when it is received. Upon approval, TDA will provide the GTRC certification mark(s) and tagline(s) in the manner requested as right.

For more information, visit our Web site at www.tdi.state.tx.us or call (512) 936-0273 for the hearing impaired: Voice (800) 735-2988/TTY (800) 735-2989

We offer three versions of the GTRC certification mark and tagline(s). Please select which version you would prefer:

- 2-color certification mark and tagline (suitable for printed pieces that have no more than 2 colors)
- Black and white certification mark and tagline (suitable for newspaper ads and other black/white pieces)
- All of the above

How would you like us to provide the certification mark and tagline(s)?

- E-mail attachment (using the e-mail address provided below)
- On disk via mail (using the mailing address provided below)

Marcia Cook
First name M.I. Last name
101 W. Church, Ste 300
Mailing address
Livingston Tx 77357
City State Zip
936-327-6891
Phone E-mail
936-327-6891
Fax

Exhibit A -- Certified Members

The GO TEXAN mark is a certification mark of the Texas Department of Agriculture. The mark and taglines can be used only by GO TEXAN Rural Community Program members on their place of business or on items and marketing materials representing their community, businesses, organizations or associations.

Certified members: The mark and tagline can be used on promotional materials, including:

- Brochures
- Web sites
- Fliers
- Point-of-purchase items
- Catalogs
- Advertisements, etc.

Specifications for the GO TEXAN Mark and Taglines

- The words GO TEXAN and no others must always appear with the mark as part of the GO TEXAN mark.
- The words GO TEXAN must always be placed directly below the mark with both the mark and the words in the same shape as the certification mark shown below.
- The font for the words "GO TEXAN" must be Futura Condensed Extra Bold.
- The font for the Rural Community Program taglines should be a sans serif font such as Arial.
- There are three versions of the service mark that are available:
 - * 4-color process (brown brand appearance)
 - * 2-spot color (red/black)
 - * Black*(White is available on request)*

Electronic versions of the mark and taglines are available to all GO TEXAN Rural Community Program members. For any questions, please contact us at (877) 99GO-TEX or ruraltexas@tca.state.tx.us.

Exhibit A – Certified Members

GO TEXAN Rural Community Program Certified Member Mark and Taglines

Use to identify a GO TEXAN Rural Community Program Certified Member:



Logo use on items and marketing materials with a GO TEXAN Rural Tourism program tag line of your choice:

**Black
Mark and Tagline**



**2-Spot
Mark and Tagline**



**4-Color Process
Mark and Tagline**

