

The Ariane Charter: A Cooperative Tool to Protect and Promote the Ariane Brand Image

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Birth of the Ariane Charter

Europe's Ariane launchers have been developed under European Space Agency programmes, with the responsibility for technical management delegated by ESA to CNES. With the formation of Arianespace, the launch-services commercialisation phase began, exploiting the various versions of the European launcher. Under an agreement between the three entities involved – ESA, CNES and Arianespace – the Ariane trademark was registered and protection obtained by CNES for France, and by ESA for other countries. Arianespace registered the Arianespace trademark and the associated logo in France and abroad.

It was against this background that ESA, CNES and Arianespace drew up a Charter on 23 November 1989 defining a joint policy, the main points of which are as follows:

- Each party has an equal right to use the Ariane brand image for its own purposes.
- Each party must take all necessary steps to protect the Ariane image, and in particular to ensure that it has obtained all intellectual property rights and rights of use over a work conveying the image.
- Each party undertakes to keep the others informed of its promotional plans for the brand image, with a view to improving efficiency and securing effective coordination.
- Any party receiving a request for permission to use the Ariane brand image must respond in the manner appropriate to the category into which the request falls, according to the following rules:

Category A

Requests in this category are granted as of right. This category covers requests from:

- a. industrial participants in the Ariane Programme
- b. launch-service customers
- c. scientific institutions
- d. official bodies of ESA Member States
- e. educational or cultural organisations.

Category B

Requests will be unconditionally rejected if they are associated with:

- a. violence
- b. sex
- c. vulgarity
- d. drugs, alcohol, tobacco, betting.

Category C

This category covers all requests that do not fall under either of the above categories.

The Ariane Charter and its coordinating body, the Ariane Brand Image Liaison Committee, have been in existence for ten years. At the end of 1989, ESA, CNES and Arianespace, recognising the need for stronger protection of the Ariane brand image, decided to define a joint policy. What conclusions can now be drawn from ten years of experience with the Charter's operation?

Gradually, an Ariane brand image emerged, reflecting the prestige of the programme, the technology it represents, and European independence in space activities. All participants in the Ariane Programme have associated the Ariane brand image with their own image. The three entities also realised that other companies, not involved in the Programme, were also interested in exploiting the Ariane image to promote their own products, by incorporating it in a wide variety of media, such as films, photographs, graphics, publications and brochures. To protect the Ariane image from any form of misuse and from uncontrolled proliferation of media conveying the brand image, and to promote the image itself, the three entities therefore decided to formulate a joint policy concerning the brand image and the rules governing its use.



These requests are referred to the Liaison Committee for a decision.

The Ariane Brand Image Liaison Committee

The three parties set up this Committee to coordinate actions to be taken by them under the Charter. The Committee, made up of two representatives of each party and an Executive Secretary, has the task of ensuring that the provisions of the Charter are applied. The Committee's mission is twofold: protection and promotion of the Ariane brand image.

Protection of the Ariane brand image

Every use of the Ariane image for a purpose other than providing information about space activities has to be authorised by the Committee. The main work of the Committee is therefore in dealing with Category C requests, which can be further classified into the following subcategories: industry, education, television and publicity.

For each authorised use of the Ariane brand image, the Committee informs the user of the copyright that has to be mentioned and stipulates that the authorisation is limited to the purpose and by the scope of that request. In addition, the Committee enquires into any unauthorised use of the Ariane image.

Promotion of the Ariane brand image

In the beginning, protection prevailed over promotion, due to limited resources available and a lack of coordination in the definition by parties of a joint policy on promotion. For some years now, however, the three parties, through the Committee, have been seeking to develop promotion of the Ariane brand image and to cooperate with users.

A number of companies have applied to the Committee for authorisation to use the Ariane image in the manufacture and marketing of their own products. For this purpose, the Committee has prepared licensing agreements for signature by such companies. Under these agreements, the Committee retains the right to control and supervise the quality of the products manufactured and marketed and the use made of the Ariane image.

Agreements have already been signed with several companies, including:

- ATON, which specialises in the design and production of scale models and will be bringing out a 1:400 model of Ariane-5
- Heller, which specialises in the design and production of model kits and will be making one for a 1:125 model of Ariane-5
- Sodexho, which has a large number of outlets from which it proposes to sell tee-shirts, shirts and swimwear bearing the Ariane-5 logo, and
- Laguiole, a manufacturer of high-quality knives, which will be producing and selling a knife carrying the Ariane logo.

The main industrial participants in the Ariane Programme, each having their own communication policy, are not always fully informed about the joint policy of the three entities. The Committee is now seeking to cooperate with them and will be organising workshops with them in the next few months.

Conclusions after the Committee's first ten years

The success of the Ariane Programme has strengthened the image of Ariane in the eyes of the general public. Requests to use the Ariane image continue to increase in number. The Committee is trying to encourage this trend, and to cooperate with companies applying for authorisation to use the Ariane image. Instead of simply granting or refusing authorisation, members of the Committee try to advise the applicant on the best way to promote not only the product or service for which authorisation has been requested, but also the Ariane brand image. Such cooperation plays an important part not only in the protection of the Ariane brand image, but also in its promotion. For

example, some members of the Committee have worked closely with several different industries to define products to be manufactured and marketed.

The Committee sometimes learns about unauthorised use of the Ariane image by third parties. Given the success of the Ariane Programme, political parties have often used the Ariane image in their local or even national or European campaigns (Parti Républicain and recently Front National). Initially, the policy of the Committee was to refuse authorisation to political parties. A solution for the future might be to authorise all political parties to use the Ariane image, as long as they do so in accordance with the principles contained in the Charter.

The Committee has established that the brand image of Ariane is well known in France, but it is insufficiently developed in other European countries and the rest of the World (ESA Study Report on Improvement of the ESA Image, April 1999). The Committee therefore intends to work on this shortcoming.



**The Kourou launch site,
French Guiana**

Concerning trademark and other intellectual property rights, a French court (Tribunal de Grande Instance de Paris) has recently recognised that the Ariane trademark can be described as having a 'well known' identity. Consequently, it refused a firm of undertakers the right to use the Ariane trademark, even for activities not related to space. This decision is important as it strengthened the Ariane trademark, at least in France, and may be used as a precedent in any future litigation.

There is currently no centralised management of the intellectual property rights relating to Ariane. Each entity has its own intellectual property department responsible for the registration and renewal of its respective trademarks. Each has its own policy and maintains exclusive control over litigation concerning its trademarks. The task of the Committee is to coordinate the policies of the three entities, and to maintain and update a list of all registered trademarks relevant to the Charter. The Committee has sought over the past ten years to foster discussion between representatives of the various intellectual property departments in order to define a joint policy on registration of trademarks.

With the success of the Ariane Programme, the brand image is becoming stronger, and it is the Committee's task to reinforce this trend. Vigilance has to be maintained over the multiple uses made of the Ariane brand image, but at the same time the increased interest in using it gives the Committee new opportunities, when granting authorisations, to work with the companies (participants in the Ariane Programme and others) on joint promotional efforts.