



Mark R. Day

National Counselor

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In answer to a request by the Commander-in-Chief Sons of Union Veterans of the Civil War for a Counselor Opinion regarding the issue of licensing name Sons Union Veterans and the acronym S.U.V. the following is offered.

Research: I reviewed the following pertinent documents and sections of the SUVCW Constitution and Regulations

1. Our Articles of Incorporation (amended Charter 1998) Sec. 200306. Exclusive right to name, seals, emblems, and badges, which states "The corporation and its subordinate divisions have the exclusive right to use the name "Sons of Union Veterans of the Civil War". The corporation has the exclusive right to use and to allow others to use seals, emblems, and badges the corporation adopts.
2. Chapter V Article VI Section 14 Sub para (c) Page 130 of the SUVCW Constitution and Regulations, which discusses the duplication of images, badges, emblems, and seals. That section states "a Camp or Department's use of images, badges, emblems, and seals. They may be used for Department Flags, Camp Flags, letterhead, envelopes, newsletters, business cards, and other materials necessary for the conduct of their respective activities related to the purposes of the Order. This general authorization does not extend to any of the adopted and copyrighted forms, rituals, literature, or other items supplied by the National Organization and not available on the National Website, nor to embroidery of any badge, emblem, or seal or the production of decals or other similar devices. Copyrighted forms and literature available from the national Website; when used for official business of the Order may be locally produced."
3. Chapter V Article VI Section 14 Sub para (e) Page 130 of the SUVCW Constitution and Regulations also states the following: "Departments Camps, and current officers and former officers may not authorize any non-subordinate entity to use the name Sons of Union Veterans of the Civil War except as explained in sub para's (c) & (d) appearing on that same page."

Reasoning:

1. In my research, related to issue of licensing the name Sons Union Veterans and the acronym S.U.V., I found that the only specifically protected name for our organization, per the 1998 amended charter, is Sons of Union Veterans of the Civil War. Therefore, that is our brand as legally recognized by Congress.
2. In discussions with others who are well versed in the SUVCW's Constitution and Regulations as well as its traditions it was pointed out that the law is never strictly black and white and perhaps it could be argued, that the term "Sons Union Veterans" could be seen as a widely used and publicly recognized derivative of the name Sons of Union Veterans of the Civil War. However, the fact remains that the 1998 amended charter does not grant proprietary use of the name Sons Union Veterans and that pursuing the addition of that term to the charter would most likely fail to produce a positive outcome. Likewise, the pursuit of a trademark for the name Sons Union Veterans / S.U.V. could prove unsuccessful because of legal cost.
3. The SUVCW does have a long history of issuing licenses to subordinate units within itself and has authority to monitor and administer the Camps and Departments regarding the symbols, badges, etc. as defined on C&R pg. 130 Sub para (c). A possible course of corrective action could be the adoption of the term Sons Union Veterans and the acronym S.U.V. The basis for adopting the terms would be to fulfill the National Organization's Constitutional obligation to manage and control the use of names and acronyms commonly or traditionally associated to its own and to ensure the quality and consistency of the SUVCW's public image. Such a course of action would allow for the continued issuance of licenses to the subordinate camps, departments, and units of the SUVCW, it would not limit or constrain entities outside of the SUVCW from using the name Sons Union Veterans or the acronym S.U.V. The protection of those terms, if it exists at all, lies in a Grey space of the law and could be difficult to defend.

Opinion:

1. **Action could be taken via a ruling to add the name Sons Union Veterans and the acronym S.U.V to the Orders list of adopted and forms, rituals, or other items supplied by the National Organization found in Chapter V, Article VI, Section 14, Sub para (C), Sub para (d) and (e) . If this were done, it would have the effect of keeping in place, at least within the Organization the requirement to gain a license. It would buy time to formulate a better policy or regulation.**
2. **This would settle the question of whether or not a request to put SUV on a cap, originating from a Camp or Department would need license and bring you us back to the matter of approving the Illinois Kepi license request.**

In Fraternity, Charity, and Loyalty
PCinC Mark R. Day
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