



**PLEASE READ THIS U.S.A. TRADEMARK USAGE POLICY (THIS "POLICY") CAREFULLY BEFORE USING ANY TRADEMARKS OF NOVA CHEMICALS CORPORATION OR ANY OF ITS AFFILIATES (COLLECTIVELY "NOVA CHEMICALS"). THIS POLICY GOVERNS YOUR USE OF SUCH TRADEMARKS.**

NOVA Chemicals has developed this Policy to assist you in properly using its Trademarks. The Trademarks are valuable assets of NOVA Chemicals. The strength of a trademark depends upon its consistent and appropriate use. Use not in accordance with this Policy may dilute the Trademarks and make them more difficult to protect, and may constitute trademark infringement and unfair competition under state and federal laws. In following this Policy, you help us protect our valuable trademark rights and strengthen our corporate and brand identities.

This Policy and the rights herein are subject to change and modification by NOVA Chemicals, at NOVA Chemicals' sole discretion, at any time. Changes to this Policy shall be immediately effective and a copy of the revised Policy shall be placed on the Web Site (defined below).

As used in this Policy, "Trademark(s)" means NOVA Chemicals' registered and non-registered trademarks and service marks, (including, but not limited to, the name "NOVA Chemicals", and any logos, slogans, taglines and product names) trade names and trade dress.

The term "you," "your" or "yourself" shall refer to any person or entity seeking to use one or more of NOVA Chemicals' Trademarks.

## **1. RIGHTS: OWNERSHIP OF THE TRADEMARKS**

Only authorized NOVA Chemicals distributors shall have the right to use the Trademarks. If you are not an authorized NOVA Chemicals distributor or have not received permission in writing from NOVA Chemicals, you do not have permission to use the Trademarks.

Except for the limited right to use the Trademarks expressly permitted under this Policy, no other rights of any kind are granted hereunder, by implication or otherwise.

The term "Products" shall mean resins produced and/or sold by NOVA Chemicals.

The Trademarks are the sole and exclusive property of NOVA Chemicals and any and all use of the Trademarks and all goodwill associated with the Trademarks shall inure to the benefit of NOVA Chemicals.

Any authorized user of NOVA Chemicals' Trademarks acknowledges the validity of the Trademarks and further acknowledges that at all times, NOVA Chemicals retains the exclusive right to own, use, hold, apply for registration for, and register the Trademarks. At no time, either during the period in which you are authorized to use the Trademarks or thereafter, shall you (i) assert any interest or property rights, or register, attempt to register or adopt any domain names, trademarks, service marks, trade dress or trade names or other similar designation with respect to any NOVA Chemicals products, or that are confusingly similar to any Trademark; or (ii) permit or acquiesce in any of the foregoing activities by any third-party.

## 2. RULES FOR PROPER USE OF THE TRADEMARKS

The Trademarks may only be used as follows:

Use the Trademarks in Capital Letters (Word Marks Only): Always use the Trademarks in capital letters (e.g., SURPASS®).

Use the Trademarks as Adjectives, Never as Verbs or Nouns (Word Marks Only): Always use a Trademark as an adjective, but do not use the Trademark alone as a verb or noun, or in the possessive or plural forms. For example, the proper uses are: "We use NOVAPOL® resins," or "we use Advanced SCLAIRTECH™ Technology", and not "We use SURPASS", or "SURPASS's features include . . ."

Any use of NOVA Chemicals' Trademarks must be accompanied by the appropriate attribution as outlined in Section 3. The following list provides the correct display of certain of the Trademarks and should be provided to and followed by all those responsible for creative development of authorized promotional materials:



Advanced SCLAIRTECH™  
ARCEL®  
COSMO®  
DYLITE®  
NCXCONNECT®  
NOVACAT®  
NOVAPOL®  
OCTYLENES™  
PETROCARB®  
QINNEX®  
SCLAIR®  
SCLAIRTECH™  
SURPASS®  
UPES®

**Company Name Use:** The "NOVA Chemicals" name is not only part of a Trademark logo used to identify NOVA Chemicals products, it also serves as our company name. When using the "NOVA Chemicals" name as a reference to the company, "NOVA Chemicals" or "NOVA Chemicals Corporation" may be used as a noun or in the possessive form and no trademark symbol is needed. For example, the sentence "NOVA Chemicals recently announced a new line of resins" would be an appropriate use.

**Use of Trademarks that Consist of Designs, Colors and/or Logos:** Any Trademarks that consist of any design, color and/or logo should be taken from a NOVA Chemicals image file obtained from NOVA Chemicals. These Trademarks may not be modified in any manner. Whenever a Trademark is used in color, the color is an integral and immediately recognizable part of the mark. The colors and color sequence of Trademarks may not be altered in any way.

**Variation, Alteration and Abbreviation of the Trademarks:** You may not use a variation of any Trademarks. Variations of the Trademarks may confuse consumers as to the source of goods or services bearing the altered mark, and such uses may infringe NOVA Chemicals' trademark rights and be actionable under applicable laws. Further, you may never alter or modify the Trademarks that are affixed to or appear on NOVA Chemicals' products. Similarly, re-logoing (replacing a Trademark with your, or any third-party, logo or mark) and co-logoing (adding your, or any third-party, logo or mark to the NOVA Chemicals product) are not permitted in the absence of a written agreement with NOVA Chemicals. You cannot use a phonetic equivalent, foreign language equivalent, takeoff, or abbreviation of a Trademark for any purpose.

### **3. PROPER TRADEMARK ATTRIBUTION: SYMBOLS AND LEGENDS**

Trademark ownership is attributed in two ways, with the use of a trademark symbol (™ or ®) after the trademark, and with a trademark legend, usually found at the end of a document in legible text following the copyright or other legal notice. Remember, mere inclusion of a trademark symbol and/or legend does not entitle you to use a Trademark if you are not otherwise authorized to do so.

Trademark Symbol:

Where Do I Place the Symbol?

The ® symbol (federally registered Trademarks) or ™ symbol (non-registered Trademarks) is placed immediately after the Trademark, in superscript (e.g., SURPASS®) before the noun it describes and product grade designation. If you don't have the appropriate symbol keys in your word processing software, then using the ® or ™ symbol in parenthetical form is also permissible (e.g., (R) or (TM)).

Do not use the ® symbol for a Trademark that is not federally registered in the United States. Falsely indicating (whether intentionally or by mistake) that a Trademark is federally registered in the United States (e.g., using the ® symbol) when it is not can trigger sanctions in the United States.

Please refer to Section 2 of this Policy ("Rules for Proper Use of the Trademarks") for examples of the proper use of the ® symbol or the ™ symbol for certain of NOVA Chemicals' products. If you have doubts as to the proper use of such symbols in connection with any NOVA Chemicals products or the Trademarks, please contact the NOVA Chemicals Intellectual Property Paralegal (refer to Section 6 of this Policy, "Questions," below).

**When Do I Use the Symbol?** A trademark symbol is required for all prominent use of a Trademark (e.g., in brochures, catalogs and website), except where space or style criteria prevent compliance with this requirement. In addition, a trademark symbol is required upon the first use of a Trademark in any text or body copy, even though the symbol may have already been used in the other prominent use.

**Trademark Legend:** The trademark legend is the legal text that attributes ownership of the Trademarks to NOVA Chemicals or its affiliates. The legend should be printed in legible type and in a location typically used for copyright and other legal notices. For example, legends are typically printed at the end of a document or advertisement, on the back page of a brochure or flyer, on the front cover of documentation, or on the bottom of a web page.

Unless you have an agreement with NOVA Chemicals that indicates otherwise, you must use the following standard NOVA Chemicals attributions in all marketing, promotional and sales materials bearing any Trademarks:

 **NOVA Chemicals** is a registered trademark of NOVA Brands Ltd.; authorized use/utilisation autorisée.

Advanced SCLAIRTECH™ is a trademark of NOVA Chemicals.

ARCEL® is a registered trademark of NOVA Chemicals Inc.

COSMO® is a registered trademark of Inspirion Ventures Inc.

DYLITE® is a registered trademark of NOVA Chemicals Inc.

NCXCONNECT® is a registered trademark of NOVA Chemicals Inc.

NOVACAT® is a registered trademark of NOVA Chemicals Inc.

NOVAPOL® is a registered trademark of NOVA Brands Ltd.; authorized use/utilisation autorisée.

OCTYLENES™ is a trademark of NOVA Chemicals.

PETROCARB® is a registered trademark of NOVA Chemicals (Canada) Ltd./NOVA Chimie (Canada) Ltée.

QINNEX<sup>®</sup> is a registered trademark of NOVA Chemicals Inc.

SCLAIR<sup>®</sup> is a registered trademark of NOVA Chemicals Corporation in Canada and of NOVA Chemicals (International) S.A. elsewhere; authorized use/utilisation autorisée.

SCLAIRTECH<sup>™</sup> is a trademark of NOVA Chemicals.

SURPASS<sup>®</sup> is a registered trademark of NOVA Chemicals Corporation in Canada and of NOVA Chemicals (International) S.A. elsewhere; authorized use/utilisation autorisée.

UPES<sup>®</sup> is a registered trademark of NOVA Chemicals Inc.

Use of Trademarks Outside the United States: If you have received written authorization from NOVA Chemicals to distribute NOVA Chemicals products outside the United States, you must contact the NOVA Chemicals Intellectual Property Paralegal (refer to Section 6 of this Policy, "Questions," below) prior to your use of any Trademark outside the United States regarding the proper trademark symbol and attribution to use in connection with your marketing, promotional and/or sales materials bearing any Trademark. Do not use the ® symbol for a Trademark that is not registered in the particular country. Falsely indicating (whether intentionally or by mistake) that a Trademark is registered outside the United States (e.g., using the ® symbol) when it is not triggers various civil and criminal penalties in many nations around the world. It is, therefore, very important that you contact the Intellectual Property Paralegal to determine the proper use of a Trademark in a particular country.

#### **4. PROHIBITED USES OF THE TRADEMARKS**

In addition to the prohibited uses set forth above in this Policy, NOVA Chemicals does not permit you to use any Trademark in the following ways:

- as part of your own trademark;
- in combination with other non-NOVA Chemicals' trademarks; to identify products or services that are not NOVA Chemicals';
- in a manner that would imply NOVA Chemicals' affiliation with or endorsement, sponsorship or support of a third-party product or service;
- in a manner likely to cause confusion between NOVA Chemicals' products and those of a third party;
- in a manner that disparages or defames NOVA Chemicals, any of its products, or any other person or entity;
- in a manner that may, in NOVA Chemicals' judgment, diminish goodwill in a Trademark; and
- in connection with any unlawful activities or to encourage unlawful activities.

## **5. QUALITY CONTROL: REVIEW OF TRADEMARK USE BY NOVA CHEMICALS**

In addition to the above, you agree that your marketing, promotional and sales materials will be of high quality, in good taste, and will preserve the professional image and reputation of NOVA Chemicals, its products and the Trademarks. You further agree to comply with any reasonable requests made by NOVA Chemicals designed to maintain or improve the quality standards of marketing, promotional and sales materials bearing the Trademarks. All services rendered by you shall comply with all foreign, federal, state and local laws and regulations applicable to you with respect to the promotion and sale of products bearing any Trademarks.

NOVA Chemicals reserves the right to review all uses of the Trademarks by you and to conduct periodic spot checks of such use. Upon request from NOVA Chemicals, you must provide a copy of any marketing, promotional and sales materials bearing a Trademark. You must correct any deficiencies in the use of a Trademark upon reasonable notice from NOVA Chemicals. Refusal to correct such deficiencies may result in revocation of your Authorized Dealer status and/or the rights to use the Trademarks. All Photography, artwork, images and trademarks found on this website are to be used solely for the promotion and sale of products owned and distributed by NOVA Chemicals Corporation.

## **6. QUESTIONS**

Any questions regarding this Policy and the proper use of the Trademarks should be directed to:

NOVA Chemicals Corporation  
Intellectual Property Paralegal  
Phone: 403-250-4730  
Fax: 403-291-3208  
Email: [hoffc@novachem.com](mailto:hoffc@novachem.com)