IOWA BYWAYS™
PUBLICATION
BRAND USE POLICY

Iowa Department
of Transportation
Office of Systems Planning
800 Lincoln Way
Ames, Iowa

REVISED
JANUARY 2019
Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's affirmative action officer. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

Stuart Anderson
Planning, Programming and Modal Division Director

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Revised January 2019
Iowa DOT Policy Manual Reference
Policy No. 000.08: VII. Permission for Use and Licensing
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INTRODUCTION

This document describes the components developed to create a recognizable, consistent, and memorable graphic identity for the Iowa Department of Transportation’s Scenic Byway Program, the Iowa Byways brand. The brand is ultimately the program’s public identity intended to create awareness of the program and its benefits and to encourage and enhance the visitor’s experience on Iowa’s scenic byways. This document also outlines rules for the brand’s proper use and application.

The Iowa Department of Transportation intends to further the vitality of byways in the state scenic byways program through consistent brand recognition and promotion.

To that end, individual byway organizations and the Byways of Iowa Foundation may enter into licensing and use agreements with the Department to ensure that any commercial benefits of using Iowa Byways™ brands will be directly available to support these state designated Iowa byways.

Iowa DOT provides Iowa Byways brand materials free to the public, including the Iowa Byways Travel Guide, rack cards and posters through a link on the Iowa Byways Program page here: https://iowadot.gov/iowasbyways/
The graphic identities for the individual byways in the Iowa Byways program were developed in an intentionally simple graphic style to be a recognizable and memorable graphic theme, descriptive of the character and experience of the byway, and as a safe and effective wayshowing tool when displayed on highway guide signs.
DEFINITIONS AND TERMS

WORD MARK
The word mark consists of the exact wording chosen to identify the subject. In this case, the words Iowa Byways is the official designation identifying the Iowa Department of Transportation’s scenic byway program. This wording is legally and exclusively affiliated with this program irrespective of punctuation, associated graphics, or typographic style. This is also true of the names of the 11 individual byways which make up the Iowa Byways program; for example; Western Skies Scenic Byway is the official word mark of the Western Skies Scenic Byway and is likewise protected under state law.

IOWA BYWAYS BRAND
The Iowa Byways brand consists of the word mark, graphic design, and color palette developed to identify and create recognition for the Iowa Department of Transportation’s scenic byway program. The brand is designed to consistently identify the program across a range of media such as signage, brochures, and websites.

SYSTEM-WIDE IDENTITY GRAPHIC
The system-wide identity graphic is a stand-alone graphic that incorporates the word mark, graphic design and color palette and is the identity for the Iowa Byways program.

INDIVIDUAL BYWAY LOGO
Each of the 14 byways in the Iowa Byways program is identified with a unique graphic, in combination with a name, to create a logo. While unique logos have been developed for each byway, they share graphic and typographic characteristics designed to unite them as a family of logos within the Iowa Byways brand.

WAYSHOWING SIGNAGE (Byway Guide Signs)
Wayshowing signage describes byway guide signs designed to assist visitors in safely and efficiently finding their way along Iowa’s scenic byways. Wayshowing signage consists of a combination of the system-wide identity graphic and individual byway logo.

Iowa Byways
Western Skies Scenic Byway
(Word Marks)

(System-wide Identity Graphic)

(Individual Byway Logo)

(Wayshowing Signage)
Iowa Byways Brand System-Wide Identity

PROPER NOTICE:
A trademark symbol is required for all prominent uses of the mark (e.g., titles of documents, headlines, labels, packaging, marketing collateral, signage, Web site promotion, brochures, data sheets, news releases, advertising, etc.) except where space of style criteria prevent compliance with this requirement. A trademark symbol is required on the first use of the mark in any text or body copy, even though the symbol may have already been used in the headline or other prominent use: Iowa Byways ™. The ™ indicates the trademark is protected and registered in Iowa with the Secretary of State. Wherever possible, the trademark notice should appear in superscript in a size smaller than the mark itself and without parentheses. Where such formatting is not available, however, place the appropriate letters in parentheses next to the mark.

PROPER USE:
The Iowa Byways trademark is an adjective (brand name) and should be followed by the generic term it describes (highway, route, corridor, roadway, etc.). Please follow these guidelines in using the trademark:

- Do not use the mark as a noun or verb.
- Do not pluralize the mark.
- Do not hyphenate the words in the mark.
- Keep the trademark distinct from other text, images or material.
- Do not alter, stretch, skew, edit, modify or combine the trademark with other marks.
- Adhere to the color schemes in attachments A and B.
- Do not render the trademark possessive through use of an apostrophe.
- Provide a proper trademark notice and attribution.

PROPER ATTRIBUTION:
When you use the Iowa DOT’s trademark in any materials, please include a brief statement attributing ownership of the mark to the Iowa Department of Transportation. For example: The word mark Iowa Byways and Iowa Byways design mark are registered Iowa DOT trademarks.

QUESTIONS:
Questions about proper usage of the Byways mark should be directed to: Iowa Department of Transportation Office of Strategic Communications 800 Lincoln Way Ames, IA 50010
Iowa Byways Brand System-Wide Identity

ORIGINAL ARTWORK

Original artwork should be obtained directly from the Iowa DOT.

RESTRICTIONS

YOU MAY NOT USE THE IOWA BYWAYS BRAND WORD MARK, SYSTEM-WIDE IDENTITY GRAPHIC, OR ANY OF THE INDIVIDUAL BYWAY WORD MARKS OR LOGOS:

• In, as or part of your own business name, product name, domain name or in the name of your service.
• To identify products or services that are not associated closely with the Iowa Byways program or any Individual Byway.
• In a manner likely to cause confusion.
• In a manner that directly or indirectly expresses or implies Iowa DOT sponsorship, affiliation, certification, approval, or endorsement in relation to your own activities, products and services that are separate from or unrelated to Iowa Byways or participating members of the Iowa Byways program.
• In connection with any obscene or pornographic materials; and your use of the mark may not be disparaging, defamatory or libelous to the Iowa DOT, any of its products or services, or any person or entity.
• In any manner that shortens or abbreviates the mark.
• As a slang term.
Figure 1: Iowa Byways—System-wide Graphic Identity

System-wide Graphic Identity

The Iowa Byways system-wide graphic identity is single image that represents the comprehensive family of Iowa Byways. It can be a stand-alone graphic for identifying and promoting the Iowa Byways program. It combines with individual byway graphic identities on highway guide signage. The system-wide identity graphic is an intentionally simple graphic style that is a recognizable and memorable graphic theme without competing with or dominating the individual byway graphic identity when displayed on wayshowing signage. The colors and curves in the graphic identity are an abstraction of the undulating Iowa landscape. These colors serve as the primary color palette for the Iowa Byways brand.
The typeface for “IOWA” is a derivation of Cheltenham BT set in all caps. The original typeface is manipulated to blend with abstract graphic representations of hills and valleys. Typeface for “BYWAYS” is Gill sans set in all caps.

Colors for the brand identity are Light Blue (C100 M60 Y50) or PMS equivalent, Dark Blue (C100 M90 Y70) or PMS equivalent, and green (C40 M20 Y80) or PMS equivalent.
Figure 3: Iowa Byways—System-wide Graphic Black and White Version

A black and white version consists of 70% black = light blue, 100% black = dark blue, and 30% black = green
Figure 4: Iowa Byways—System-wide Graphic Identity Proportions

The proportion of the system-wide identity graphic is created in a ratio of 1.0 (height) to 1.5 (width).

Any enlargement or reduction of the graphic identity must maintain the ratio.

At a ratio of 1.0 to 1.5, the radii of the arcs comprising the top and bottom of the mark = 2.0.

FOR PRINT, DIGITAL, & PROMOTIONAL APPLICATIONS:

For printed media, the minimum size of the logo must not be less than 1/2” high.
The graphic identities for the individual byways in the Iowa Byways program were developed in an intentionally simple graphic style so as to be a recognizable and memorable graphic theme, descriptive of the character and experience of the byway, and as a safe and effective wayshowing tool when displayed on highway guide signs.
**Figure 6: Individual Byway Graphic Identities Registration**

**Definitions and Trademark Registration:**

**Trademarks Available: (Exhibits page 10)**

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Figure 7: Individual Byway Graphic Identities Logo Example A

Byway Logo Elements

Each Iowa Byways logo consists of three parts:
1. The black background;
2. The graphic;
3. The name of the byway.

All three parts comprise the entirety of the logo, the graphic and/or text may not be separated from the black background.

Byways Logo Proportions

The proportion of each logo is created in a ratio of width = 1w, height = 1.25w.
Any enlargement or reduction of the logo must maintain the ratio.
Western Skies Scenic Byway

THE WORD MARK

The word mark, WESTERN SKIES SCENIC BYWAY, consists of standard characters, without claim to any particular font, style, size or color.

LOGO

The Western Skies Scenic Byway logo was designed to represent the story and experience of the byway.

It is designed to be a stand-alone graphic for use in identifying and promoting the Western Skies Scenic Byway and the entirety of the Iowa Byways program.

It is also designed to be used in combination with the Iowa Byways system-wide identity graphic on roadway wayshowing signage.
The mark consists of a variation of the system-wide identity graphic with a straight horizontal bottom in contrast to the arched bottom. The straight bottom is designed to accommodate the straight top of the individual byway logos that will appear below the system-wide identity graphic on roadway wayshowing signage.

The Iowa Department of Transportation will supply art to the signage fabricator.

Colors for roadway wayshowing signage are currently printed using 3M inkjet process on to SP4000 Provisional Spec Diamond Grade DG Cubed Series 4000 to be attached to die-cut aluminum substrate. (See page 3 of this document for colors assigned to the system-wide identity graphic on roadway wayshowing signage.)

The largest specified size for the individual byway logo is designed for roadway wayshowing signage and is 22.5” wide X 28.5” high. Use of the logo at sizes larger than the roadway sign dimension must be approved by IDOT.

System-Wide Identity Graphic combined with Individual Byway Logo on wayshowing signage
Figure 10: Iowa Byways Brand Sign Specifications

Substrate sign blank dimension is rectangular 42” tall x 24” wide die-cut with an arc at the top.

Substrate is aluminum blank (.125) beginning in 2015.

There is a consistent 3/4” border around the sign. The arc of the system-wide identity graphic is consequently 3/4” shorter than the arc of the sign blade, \( r = 28 \frac{1}{4} \).”

All byway sign panels after December 2017 will utilize the same mounting hole placement for steel Post mounting.

- In the blue color block above “Iowa”
- In the black margin between the top logo and the art panel
- In the black margin below the bottom name lettering
- Dimensions are to the center of holes.
- Holes are 7/16” in diameter.
IOWA BYWAYS BRAND-
Appendix A

AGREEMENT FOR USE OF IOWA BYWAYS GRAPHIC IDENTITY
Iowa Byways Trademark License Restricted Use Agreement

SAMPLE
Agreement Type:

Iowa Department of Transportation and an Iowa Byway Authorized Sponsor

This is a trademark license agreement between XXX Byway Non-profit (hereinafter referred to as licensee), Authorized sponsor and the Iowa Department of Transportation (hereinafter referred to as the Department).

All provisions included in this agreement are consistent with the Department Policy and Procedures Manual No. 000.08 and trademark registration filed with the Iowa Secretary of State. This agreement serves to grant a non-exclusive right to the licensee to use the licensed mark in the United States on and in connection with products or services acceptable to the Department.

Definitions and Trademark Registration:

Trademarks included in this release: (Exhibits attached)

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Description of use permitted by this agreement

The licensee has committed to utilizing the Iowa Byways™ and BYWAY NAME ™ brands solely for purposes of supporting all Iowa Byways and the BYWAY NAME Byway.

The licensee shall provide the Department with product specifications and a specimen or prototype prior to production or other use. The Department shall review the specifications and specimens and provide the licensee written notification regarding conformance with the Department’s standards for quality and acceptable use. It is preferred that the byway word mark with ™ and www.iowabyways.org web site be included on commercial products whenever practicable.

License Restrictions and Requirements

The licensee acknowledges the following license restrictions and requirements:

1. The Department retains all rights, title and interest in the mark;
2. The Department explicitly prohibits use of the mark for:
   a. Alcoholic beverages (distilled alcohol liquors, wines and malt liquors)
   b. Tobacco or tobacco-related paraphernalia
   c. Controlled substances
   d. Items that are excessively violent
   e. Items that are inherently dangerous or carry high product liability risks (firearms, explosives, fuels and paints)
   f. Items that are obscene, pornographic, disparaging or sexually suggestive
   g. Items that would tend to lower the reputation or degrade the goodwill of the Department
   h. Items that are religious
   i. Items that are unlawful
   j. Items related to gambling or other games of chance
   k. Items that are otherwise in poor taste;
3. Reproductions of the mark must be from a digital master provided by the Department;
4. Altering the image(s) is prohibited;
5. The licensee is prohibited from assigning, transferring or sublicensing the agreement in any manner without the Department’s written consent.

6. The licensee is wholly responsible for all products it manufactures or sells or services it provides and must indemnify and hold harmless the Department, its employees and agents for any liability, loss, damage, cost or expense attributable to any of licensee’s products bearing the Department's marks.

Royalty Fees, Payments and Reporting
The licensee shall submit quarterly reports stating the donations collected under this program for that period. Profit earned will be managed by XXX Byway Non-profit.

The Department will not receive royalties or other income from this licensing agreement. The XXX Byway Non-profit use of income will benefit the Iowa Byways and the BYWAY NAME Byway as intended by the creation and registration of these Iowa Byways trademarks.

The Department shall retain the right to examine the licensee's accounts and records related to the licensed products or services to determine the accuracy of the statements submitted by licensee. If an examination reveals underpayment by more than 5 percent of the total due, the licensee shall bear the costs of the audit.

**Term of agreement, termination and renewal option.**

This agreement between IDOT and the signee exists in perpetuity. The Department reserves the right to terminate the agreement or revise it upon changes in the byway status or the state byway program. The agreement may be amended by documentation of agreement by all signatory parties.

**Notices and other communications.**

Written notices and communications shall be delivered by hard copy or by e-mail to designated individuals representing each of the signatory parties.

Whereas the Iowa Department of Transportation has adopted, registered and is using the "Iowa Byways" name and collection of logos as trademarks; and
AGREEMENT FOR USE OF IOWA BYWAYS GRAPHIC IDENTITY

AGREEMENT FOR USE OF IOWA BYWAYS GRAPHIC IDENTITY
AND XXXXXXX SCENIC BYWAY LOGO

The Iowa Department of Transportation (IDOT) has registered the Iowa Byways word mark and graphic identity and the XXXXXXX Scenic Byway word mark and logo with the State of Iowa and maintains exclusive rights to their use.

Registration number: ___________________________

This agreement extends the use of the Iowa Byways graphic identity and the _____________ Scenic Byway logo to the signee for the purposes of promotional use related to the byway.

This agreement between IDOT and the signee exists in perpetuity with the following provisions:

Any use of the Iowa Byways graphic identity and the _________________ Byway logo must meet the standards and requirements described in the Brand Guidelines.

Any use not included in the Brand Guidelines must first be submitted to IDOT and written approval obtained. Any use for sale requires a license use application and agreement executed by the Iowa DOT.

Any unauthorized use deemed inappropriate by IDOT may result in suspension of this agreement.

The IDOT Office of Systems Planning reserves the right to modify, suspend, or revoke this agreement if the above provisions are not met. Written notification of any change to this agreement will be provided to the signee(s).

Byway entity

Iowa Department of Transportation

Date

Date
Iowa Byways Trademark License Restricted Use Agreement

SAMPLE
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All provisions included in this agreement are consistent with the Department Policy and Procedures Manual No. 000.08 and trademark registration filed with the Iowa Secretary of State. This agreement serves to grant a non-exclusive right to the licensee to use the licensed mark in the United States on and in connection with products or services acceptable to the Department.

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License Restrictions and Requirements

The licensee acknowledges the following license restrictions and requirements:

1. The Department retains all rights, title and interest in the mark;
2. The Department explicitly prohibits use of the mark for:
   a. Alcoholic beverages (distilled alcohol liquors, wines and malt liquors)
   b. Tobacco or tobacco-related paraphernalia
   c. Controlled substances
   d. Items that are excessively violent
   e. Items that are inherently dangerous or carry high product liability risks (firearms, explosives, fuels and paints)
   f. Items that are obscene, pornographic, disparaging or sexually suggestive
   g. Items that would tend to lower the reputation or degrade the goodwill of the Department
   h. Items that are religious
   i. Items that are unlawful
   j. Items related to gambling or other games of chance
   k. Items that are otherwise in poor taste;
3. Reproductions of the mark must be from a digital master provided by the Department;
4. Altering the image(s) is prohibited;
5. The licensee is prohibited from assigning, transferring or sublicensing the agreement in any manner without the Department’s written consent.

6. The licensee is wholly responsible for all products it manufactures or sells or services it provides and must indemnify and hold harmless the Department, its employees and agents for any liability, loss, damage, cost or expense attributable to any of licensee’s products bearing the Department's marks.
Royalty Fees, Payments and Reporting

The licensee shall submit quarterly reports stating the donations collected under this program for that period. Profit earned will be managed by Northeast Iowa Resource Development and Conservation.

The Department will not receive royalties or other income from this licensing agreement. The XXX Byway Non-profit use of income will benefit the Iowa Byways and the BYWAY NAME Byway as intended by the creation and registration of these Iowa Byways trademarks.

The Department shall retain the right to examine the licensee’s accounts and records related to the licensed products or services to determine the accuracy of the statements submitted by licensee. If an examination reveals underpayment by more than 5 percent of the total due, the licensee shall bear the costs of the audit.

Term of agreement, termination and renewal option.

This agreement between IDOT and the signee exists in perpetuity. The Department reserves the right to terminate the agreement or revise it upon changes in the byway status or the state byway program. The agreement may be amended by documentation of agreement by all signatory parties.

Notices and other communications.

Written notices and communications shall be delivered by hard copy or by e-mail to designated individuals representing each of the signatory parties.
Whereas the Iowa Department of Transportation has adopted, registered and is using the “Iowa Byways” name and collection of logos as trademarks; and

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

BYWAY ORGANIZATION
ADDRESS

Signed:

Name: __________________________
Title: __________________________ Date: __________________________

Witnessed:

Name: __________________________
Title: __________________________ Date: __________________________

IOWA DEPARTMENT OF TRANSPORTATION
800 Lincoln Way, Ames, Iowa 50010

Signed:

Andrea Henry
________________________
Director, Office of Strategic Communications Date: __________________________

Witnessed:

Name: __________________________
Title: __________________________ Date: __________________________
IOWA BYWAYS BRAND- 
Appendix B

Individual Byway Graphic Identities
The typeface for “COVERED BRIDGES SCENIC BYWAY” is Gill Sans set in all caps.

Colors for the Delaware Crossing graphic identity are carried in the graphic above.
The typeface for “DELAWARE CROSSING SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Delaware Crossing graphic identity:

- Blue: C80 M40 Y30
- Green: C90 M70 Y90
- Black 1: 100%
- Black 2: 30%
- Black 3: 50%
- Black 4: 80%
- Black 5: 90%
- White
The typeface for “DRIFTLESS AREA SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Driftless Area graphic identity:

- Red: M90 Y90
- Yellow: M20 Y70
- Blue: C70 M20
- Black
- White
Figure 14: Glacial Trail Scenic Byway Graphic Identity Specifications

The typeface for “GLACIAL TRAIL SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Glacial Trail graphic identity:

- Blue: C50 M20 Y20
- Green: C40 M20 Y80
- Light Brown: M10 Y30
- Dark Brown: C80 M90 Y100
- Black
- White
Figure 15: Grant Wood Scenic Byway Graphic Identity Specifications

The typeface for “GRANT WOOD SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Grant Wood graphic identity:

- Blue: C30 Y20
- Yellow 1: Y10
- Yellow 2: Y20
- Green 1: C20 Y50
- Green 2: C30 M20 Y70
- Green 3: C60 M50 Y100
- Green 4: C80 M70 Y100
- Green 5: C70 M50 Y80
- Green 6: C100 M80 Y100
- Black
- White
Figure 16: Historic Hills Scenic Byway Graphic Identity Specifications

The typeface for “HISTORIC HILLS SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Historic Hills graphic identity:

- **Blue**: C60 M40
- **Light Green**: C10 Y20
- **Medium Green**: C70 M60 Y90
- **Dark Green**: C100 M90 Y100
- **Twig 1**: C90 M100 Y100
- **Twig 2**: C70 M90 Y80
- **Twig 3**: C20 M40 Y60
- **Twig 4**: M10 Y20
- **Pink 1**: C40 M100 Y30
- **Pink 2**: C20 M60
- **Pink 3**: C20 M80
- **Pink 4**: M40
- **Pink 5**: M20
- **Pink 6**: M20
- **Lavender 1**: C20 M40
- **Lavender 2**: C10 M30
- **Dark Red 1**: C60 M100 Y90
- **Dark Red 2**: C70 M100 Y90
- **Black**: C60 M100 Y90
- **White**: C60 M100 Y90
Figure 17: Jefferson Highway Heritage Byway
Graphic Identity Specifications

The typeface for "JEFFERSON HIGHWAY HERITAGE BYWAY" is Gill Sans set in all caps.

Colors for the Jefferson Highway graphic identity:

A black and white/grayscale version is available for use in non-color applications
Figure 18: Great River Road National Scenic Byway Graphic Identity Specifications

The typeface for “GREAT RIVER ROAD IOWA” is UNKNOWN distressed font set in all caps.

Colors for the Iowa Great River Road National Scenic Byway graphic identity:
Green: C90 M40 Y91 K43
White
The typeface for “IOWA VALLEY SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Iowa Valley graphic identity:
- Blue: C70 M30 Y30
- Yellow 1: Y10
- Yellow 2: C10 M10 Y60
- Yellow 3: C30 M30 Y100
- Green 1: C60 M40 Y80
- Green 2: C90 M70 Y90
- Black
- White
The typeface for “LINCOLN HIGHWAY HERITAGE BYWAY” is Gill Sans set in all caps. Colors for the Lincoln Highway graphic identity:

- Red: M100 Y100 C20
- Blue: C100 M70 Y20
- Black
- White

NOTE: These typeface and color specifications apply when used for LOOP identification and guide signs.
The typeface for “LOESS HILLS NATIONAL SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Loess Hills graphic identity:

- Blue: C100 M60
- Green: C90 M70 Y100
- Yellow 1: M10 Y70
- Yellow 2: M20 Y90
- Yellow 3: M40 Y100
- Yellow 4: C20 M50 Y100
- Dark Red: C70 M90 Y100
- Black
- White

NOTE: These typeface and color specifications apply when used for LOOP identification and guide signs.
Figure 22: River Bluffs Scenic Byway Graphic Identity Specifications

The typeface for “RIVER BLUFFS SCENIC BYWAY” is Gill Sans set in all caps. Colors for the River Bluffs graphic identity:

- Blue 1: C50 M10 Y20
- Blue 2: C40 M10 Y10
- Blue 3: C70 M30 Y30
- Blue 4: C100 M70 Y50
- Blue 5: C100 M80 Y100
- Green 1: C100 M80 Y100
- Green 2: C100 M90 Y100
- Yellow 1: C10 M10 Y60
- Yellow 2: C20 M20 Y70
- Yellow 3: C30 M30 Y100
- Black
- White
The typeface for “WESTERN SKIES SCENIC BYWAY” is Gill Sans set in all caps. Colors for the Western Skies graphic identity:

- Orange: M40 Y90
- Green 1: C20 Y60
- Green 2: C40 M20 Y80
- Black
- White
The typeface for “WHITE POLE ROAD SCENIC BYWAY” is Gill Sans set in all caps. A black and white grayscale version is available for use in non-color applications.
IOWA BYWAYS BRAND-
APPENDIX C

Iowa DOT Policy Manual Reference

W:\Planning\SystemsPlanning\Scenic Byways\ISB Logos\TM use research\ http://portal/OperationsFinance/PolicyLegislative/DOT%20Policies%20and%20Procedures/000_08.pdf

Policy No. 000.08
VII. Permission for Use and Licensing

D. Terms of licensing agreement. A standard, restricted-use agreement for licensing a DOT mark is available from General Counsel. Any revisions to the standard agreement language require General Counsel approval of form and legality of content. The following summarizes the provisions to be included in the standard agreement:

Parties to agreement. Names of the Department and the other party(ies) to the agreement.

Definitions: Terms applicable to the agreement

License grant. The grant of a non-exclusive right to the licensee to use the licensed mark in the United States on and in connection with products or services acceptable to the Iowa Department of Transportation.

License restrictions. The limitations or restrictions on use of the mark. These include:

1) an acknowledgement that the Department retains all rights, title and interest in the mark;
2) a description of unacceptable uses;
3) a requirement that reproductions of the mark must be from a digital master provided by the Department;
4) a prohibition on altering this image;
5) a description of the products or services on which the mark may be applied; and
6) how the mark may be used in advertising, marketing and promotional materials.

Conveyances. A provision prohibiting the licensee from assigning, transferring or sublicensing the agreement in any manner without the Department's written consent.

Royalty fees and payments. How royalty fees are calculated and paid. Fees may consist of a flat license issuance fee, paid at the time the agreement is executed; a continuing royalty on all licensed products sold or produced; a minimum annual royalty; or royalty fees on video, print and Web advertising.

Royalty exemptions. What royalty exemptions are and are not granted. Royalty exemptions will be granted for: 1) goods or services purchased by the DOT for internal
consumption; 2) goods manufactured or purchased by the DOT that promote the DOT and its programs; and 3) bona fide fundraisers that are organized by DOT employees and that have been approved by the Director of Transportation.

Quarterly reports. A provision requiring the licensee to submit quarterly reports stating the total sales of all licensed products for that period and remit at that time the amount of royalties due from those sales.

Right to audit licensee. The Department's right to examine the licensee's accounts and records related to the licensed products or services to determine the accuracy of the statements submitted by licensee. Also, a provision stating that if an examination reveals underpayment by more than 5 percent of the total due, the licensee shall bear the costs of the audit.

Approval of specimen. A provision requiring the licensee to provide to the Department product specifications and a specimen/prototype prior to production or other use. The Department shall review the specifications and specimens and provide the licensee written notification regarding conformance with the Department's standards for quality and acceptable use.

Indemnification by licensee. A provision stating that the licensee is wholly responsible for all products it manufactures or sells or services it provides and must indemnify and hold harmless the Iowa Department of Transportation, its employees and agents for any liability, loss, damage, cost or expense attributable to any of licensee's products bearing the Department's marks.

Term of agreement, termination and renewal option. A provision setting the term of the agreement and stating the Department's right to terminate the agreement or renew it upon expiration. The term of the agreement shall be one year, unless the licensee requests a longer term, which shall be considered.

Notices and other communications. A provision describing where written notices and communications shall be delivered and by what means.

Amendments. A provision on how the licensing agreement may be amended.

Income distribution. Royalty or other income received from licensing will be allocated and distributed according to terms established by the Operations and Finance Division. Preferential consideration on distribution of revenue shall be given to the field of activity from which the mark was generated and for the administration of the licensing procedures.