

THIS AGREEMENT is made as of this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the U.S. DAIRY EXPORT COUNCIL, a District of Columbia not-for-profit corporation, with its principal offices located at 2107 Wilson Boulevard, Suite 600, Arlington, Virginia, USA (USDEC) and \_\_\_\_\_ [name of company/applicant] located at \_\_\_\_\_ [address of company] in the country of **THE UNITED STATES OF AMERICA** (called 'Applicant').

A. USDEC is the owner of the depicted USA CHEESE Seal marks and is in the process of registering the marks in the United States and in international jurisdictions. USDEC has established minimum standards for the use of these marks in the United States and markets around the world (**Appendices A, B1 and B2**).



Select the mark for which usage is being requested

Variation (a)     Variation (b)

B. Applicant has requested from USDEC the right to use the above marks (check above mark that applies) on cheese products made in the United States [seal variation (a) above], and/or on products manufactured and/or dishes strictly made with 100% USA-made cheese [seal variation (b) above] by the applicant and/or by any of the Applicant's customers as per the approved **List of Certified Products & Promotional Materials** provided by Applicant in **Appendix B2**. Applicant hereby represents and warrants that said products meet the **minimum standards established for use of the USA CHEESE Seal mark in Appendix A**. (Such products shall be referred to as "Certified Products & Promotional Materials.")

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereafter set forth, the parties agree as follows:

### I. GRANT

USDEC grants to Applicant and/or any of the applicant's customers in accordance with the approved List of Certified Products & Promotional Materials in **Appendix B2** and the Eligibility and Usage Guidelines for the USA CHEESE Seal Mark in **Appendix A**, a royalty-free, non-exclusive right to use the USA CHEESE Seal mark on Applicant's and/or any of the Applicant's customers' labels, packages, menus, sales promotions and merchandising materials, pursuant to the terms set forth below until the expiration or cancellation of this Agreement.

### II. MINIMUM STANDARDS

The USA CHEESE Seal mark may be used by the Applicant and/or any of the Applicant's customers for cheese products either made in the United States using U.S. cow's milk and/or on manufactured products and dishes made with 100% cheese made in the United States from U.S.-produced cow's milk in its formulation and sold under the Applicant's and/or any of the Applicant's customers' brand name(s).

### III. COLOR, SIZE AND MARK

A Seal Design Guidelines document will be shared with Applicant along with the art files of the seals upon ratification of this Agreement. The USA CHEESE Seal mark should appear clearly and distinctly on the Certified Products and Promotional Materials in the colors listed in **Appendix C**. The USA CHEESE Seal mark shall not be used in any other colors or color combinations than the ones offered by USDEC. The USA CHEESE Seal mark shall not be printed in a size smaller than 2 cm in diameter. Any deviations from these requirements not specifically approved in writing in advance may result in the cancellation of this agreement by USDEC. Products, labels, or promotional materials bearing the USA CHEESE Seal mark shall use the above-shown design incorporating the trademark symbol <sup>TM</sup>. Once registration of the mark is obtained in the use countries listed in **Appendix B2**, use of the mark incorporating a ® symbol will be required of the Applicant after exhaustion of usable stock of the materials bearing the <sup>TM</sup> mark. A Trademark Registration Tracker will be shared with Applicant as new trademarks are registered.

### IV. SAMPLES, ADVERTISING, AND CERTIFICATION

Applicant agrees to submit to USDEC an updated Usage Tracker (**Appendix B2**) along with a specimen of each new label, package, sales promotion, and merchandising material featuring the USA CHEESE Seal mark no later than 30 days prior to each new use of such items in commerce by any of the Applicant and/or by any of the Applicant's customers.

After the first-year anniversary of this Agreement, and yearly thereafter, Applicant shall deliver if requested by USDEC, a written certificate signed by an executive officer or principal of Applicant certifying that Applicant is still in full compliance with this Agreement.

### V. INDEMNIFICATION

Applicant shall indemnify and hold harmless USDEC, its officers, directors, agents and assigns from and against all claims, actions, damages, costs, expenses (including without limitation, reasonable attorneys' fees) and liability whatever arising out of, or in connection with, any breach of this Agreement by Applicant, or any use of the Applicant's (or Applicant's customers') product(s), or by any of Applicant's customers authorized to use the USA CHEESE seal.

### VI. TERM AND TERMINATION

The term of this Agreement commences as of the date stated in the first paragraph of this Agreement and shall continue until terminated (i) by either party, upon a 30-day written notice to the other party; or (ii) immediately by USDEC should Applicant fail, in USDEC's sole judgment, to comply with any provision of this Agreement. Termination of this Agreement shall not affect any rights or remedies USDEC may have at law or in equity.

### VII. MISCELLANEOUS

The right to use the USA CHEESE Seal mark herein is granted to the Applicant and/or any of the Applicant's customers and may not be assigned or shared without prior written consent of USDEC.

Any notices required to be sent pursuant to this Agreement shall be in writing and delivered by personal delivery or by registered or certified mail, postage, and charges prepaid, addressed to the party's principal office.

Applicant must notify USDEC in writing, within 30 days of any change of ownership, merger acquisition or other change in the Applicant's ownership structure or any additions, changes or deletions from **Appendix B2** (List of Certified Products & Promotional Materials).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above. Signer for applicant must be authorized to execute this Agreement in behalf of the Applicant company, and binds the company to the terms of this Agreement.

**U.S. DAIRY EXPORT COUNCIL**

Company \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

By (print name) \_\_\_\_\_

By (print name) \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_



### Eligibility and Usage Guidelines for the USA CHEESE Seal Mark

**\*\*APPENDIX A\*\***



**\*\*There is NO COST to use the USA CHEESE Seal mark.**

**\*\*The following entities are eligible to use the Seal:**

- For the purpose of promoting U.S. cheese in the **USA market**, the following entities are eligible to use the USA CHEESE Seal: **U.S. dairy manufacturers and suppliers, food and beverage manufacturers, retailers and foodservice operators.**
- For the purpose of promoting U.S. cheese in markets **outside of the United States**, the following entities are eligible to use the USA CHEESE Seal: **U.S. dairy manufacturers and suppliers as well as local importers/distributors, food and beverage manufacturers, retailers, and foodservice operators.**

**\*\*In order for a product to be approved for the USA CHEESE Seal mark it must meet the following guidelines:**

- If the product is just a **piece of cheese**, the cheese must be made in the United States from U.S. produced cow's milk. Mixed milk cheeses can be examined on a case-by-case basis as long as cow's milk is also used.
- If the product is a **manufactured product** or a **dish** made with cheese, the cheese(s) used as an ingredient in the final product or dish must be 100% made in the United States from U.S. produced cow's milk.
- Manufactured products or dishes can be made in a country other than the United States by the Applicant and/or by any of the Applicant's customers under the supervision of the Applicant. Upon the request of USDEC, Applicant and/or any of the Applicant's customers must be willing to produce backup proofs of purchase and other requested documentation showing the U.S. origin and the composition of the cheeses used as ingredients.
- The USA CHEESE Seal cannot be used on products and dishes containing other non-U.S. cheese.
- The USA CHEESE Seal cannot be used on cheese made with vegetable oil (analog cheese) or on products and dishes made with analog cheese, even if the cheese is made in the United States. It also cannot be used on any promotional materials for the purpose of promoting analog cheese.
- The USA CHEESE Seal will only certify products manufactured by the Applicant and/or by any of the Applicant's customers.

**➔ Please initial below and return this page with the signed agreement and other appendices.**

\_\_\_\_\_ I have read and agree with the above terms and conditions.

[Initial here]

Contact USDEC with any questions:

Angélique Hollister  
USA Origin Seal administrator  
[ahollister@usdec.org](mailto:ahollister@usdec.org)

U.S. Dairy Export Council  
2107 Wilson Blvd., Suite 600 | Arlington, VA 22201  
Tel: 703-528-3049 | Fax: 703-528-3705

### List of Certified Products & Promotional Materials

Qualifying for the use of the  
USA CHEESE Seal Mark

**\*\*APPENDIX B1\*\***



Variation (a)



Variation (b)

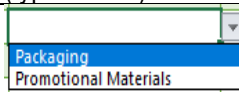
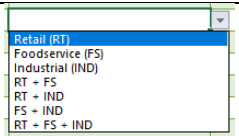
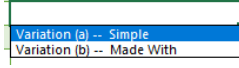
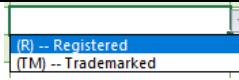
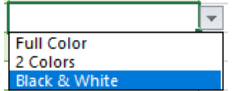
**Applicant Company Name:** \_\_\_\_\_

Appendices B1 and B2 must be submitted with the signed Certified User Agreement and shall list all products and/or materials upon which Applicant is requesting to display the **USA CHEESE Seal** mark.

**IMPORTANT NOTE:** an incomplete tracker will result in a delay in finalizing the agreement. Applicant will be responsible for submitted an updated tracker every time the seal is used on a new product or medium.

**Reminder:** the USA CHEESE Seal mark is to be strictly used on cheese made in the United States, and/or on products manufactured strictly made with 100% USA-made cheese by the Applicant and/or by any of the applicant's customers. It can also be used on materials produced to promote such products.

In the attached **TRACKER** (Appendix B2 – Excel file), please fill in all the columns:

| Column Name                         | Description   | Example   |
|-------------------------------------|---|---|
| <b>Date</b>                         | refers to the date when the seal has been added to products or materials  | May-23<br>(type 5/2023)   |
| <b>Seal to Appear On</b>            | refers to where the Applicant anticipates using the seal mark.<br>Select from the dropdown menu one of the options:<br>- <i>Packaging</i> (which include stickers, labels and packaging itself)<br>- <i>Promotional materials</i> (incl. menu, table tent, poster, ads, website, etc. |   |
| <b>U.S. Cheese Variety Promoted</b> | provides the type of cheese<br>Note: you will need to fill out ONE ROW per cheese variety   | Monterey Jack   |
| <b>Manufacturer</b>                 | provide the name of the company making the product  | Schuman Cheese  |
| <b>Brand</b>                        | provide the brand of the product, if applicable   | Cello   |
| <b>Description of Medium</b>        | provides a clear description of the product/material the seal will go on  | 500g tub or website   |
| <b>Country(ies)</b>                 | refers to the country where the seal will be used   | Mexico  |
| <b>Market Segment(s)</b>            | specify if this will be used for the Foodservice, Retail or Industrial segment (or a combination)   |  |
| <b>Seal Variation</b>               | specify variation of the Seal used:<br>• Variation (a) i.e. simple<br>• Variation (b) i.e. showing "Made With" on top   |  |
| <b>Seal Registration Version</b>    | specify version of the seal used:<br>• R (for Registered)<br>• TM (for Trademarked)   |  |
| <b>Seal Color</b>                   | specify seal color used:<br>• Full Color<br>• 2 Colors<br>• Black & White   |  |

➔ Please **initial below and return this page AND the Excel sheet** with the signed agreement and other appendices.

\_\_\_\_\_ I have read and agree with the above terms and conditions.

[Initial here]



**U.S. Dairy  
Export Council.**

Ingredients | Products | Global Markets

# USA CHEESE SEAL

Certified User Agreement *for U.S. Dairy Suppliers*

## Appendix C

The USA CHEESE Seals are available in three color versions.

Please check below which color you would like to use:

### Black & White



Black is the only color used for this version



### 2-Color



|                 |
|-----------------|
|                 |
| PANTONE 199C    |
| CMYK 0/100/72/0 |
| HEX D50032      |
| RGB 213/0/50    |

|                  |
|------------------|
|                  |
| PANTONE 287C     |
| CMYK 100/75/2/18 |
| HEX 003087       |
| RGB 0/48/135     |



### Full Color



|                 |
|-----------------|
|                 |
| PANTONE 199C    |
| CMYK 0/100/72/0 |
| HEX D50032      |
| RGB 213/0/50    |

|                  |
|------------------|
|                  |
| PANTONE 281C     |
| CMYK 100/72/0/32 |
| HEX 002664       |
| RGB 0/38/100     |

|                  |
|------------------|
|                  |
| PANTONE 287C     |
| CMYK 100/75/2/18 |
| HEX 003087       |
| RGB 0/48/135     |

|                 |
|-----------------|
|                 |
| PANTONE 629C    |
| CMYK 36/0/9/0   |
| HEX 9BD3DD      |
| RGB 155/211/221 |

|                 |
|-----------------|
|                 |
| PANTONE 1355C   |
| CMYK 0/22/60/0  |
| HEX FFC56E      |
| RGB 255/197/110 |

|                  |
|------------------|
|                  |
| PANTONE 4625C    |
| CMYK 30/72/74/80 |
| HEX 4F2C1D       |
| RGB 79/44/29     |



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[Initial here]

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