

Chapter 434-04 WAC

USE OF THE STATE SEAL

WAC

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WAC 434-04-010 Authority and purpose. These rules are adopted under authority of chapter 43.04 RCW to provide for the efficient authorization of the use of the state seal.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-010, filed 9/29/89, effective 10/30/89.]

WAC 434-04-015 Definitions. When used in this chapter, unless the context clearly indicates otherwise:

(1) "Secretary" is the secretary of state and his or her designee;

(2) "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;

(3) "Person" is any public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body thereof;

(4) "State agency" is, for the purpose of this chapter, any office, department, board, commission, or other separate unit or division, however designated, of the state government together with all personnel thereof:

(a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and

(b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to

- (i) No public officer or
- (ii) The governor.

(5) "State elected official" is a member of the house of representatives, senate, supreme court, court of appeals and the governor, auditor, secretary of state, treasurer, commissioner of public lands, superintendent of public instruction, insurance commissioner, lieutenant governor, and attorney general of the state of Washington and their designees;

(6) "Educational use" means the primary use of an item containing the state seal as an educational tool;

(7) "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distributed for sale. This shall not include those items to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-015, filed 9/29/89, effective 10/30/89.]

WAC 434-04-017 Description of seal for use on state flags. (1) Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

Flag	Size Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3; and the ratio of the flag height to flag width shall be 1:1.6;

(3) The following color references for textiles are by cable number in the Standard Color Reference of America, Tenth Edition of The Color Association of the United States, Inc., New York, New York

Flag Color	Cable Color (Textile)	Pantone Color (Process CMYK Printing)
Flag Background	Irish Green 80210	PMS DS-268-1
State Seal Background	Oriental Blue 80176	PMS DS-226-3
State Seal (portrait, lettering, outer and inner rings)	Black	PMS Process Black
State Seal Gold	Spanish Yellow 80068	PMS DS-5-4
Fringe (if any) Gold	Spanish Yellow 80068	PMS DS-5-4
George Washington's Face	Eggshell 80004	PMS DS-5-9

(4) All textile colors shall be of colorfast washable dyes;

(5) The flag may be flown or displayed in its entirety as described herein; the state seal shall not be expropriated from the flag for any other use and such expropriation is regulated by the statutes (chapter 43.04 RCW) and administrative rules

(chapter 434-04 WAC) governing the use of the Washington state seal.

[Statutory Authority: RCW 43.04.040 and 34.05.350. WSR 05-15-018, § 434-04-017, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.04.-040(4). WSR 89-20-031, § 434-04-017, filed 9/29/89, effective 10/30/89.]

WAC 434-04-020 General permitted uses. (1) Use of the state seal shall be permitted without the written authorization of the secretary in the following circumstances:

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;

(b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;

(c) Use of the seal on the state flag.

(2) Other uses of the seal shall require written authorization from the secretary.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-020, filed 9/29/89, effective 10/30/89.]

WAC 434-04-030 Permitted uses of the embossed seal. Use of the embossed seal shall be used only on, unless otherwise provided by statute:

(1) Sample impressions of the seal provided by the office of the secretary of state;

(2) Official documents which are authorized and/or required by statute;

(3) Other historic, civic, commemorative or educational uses, provided that the secretary's signature appears thereon.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-030, filed 9/29/89, effective 10/30/89.]

WAC 434-04-040 General prohibitions. The seal shall never be used:

(1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;

(2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;

(3) In a political campaign to assist or defeat a candidate;

(4) In a manner which is deceptively similar in appearance to the seal;

(5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:

(a) By state agencies and state elected officials in connection with official state business;

(b) As approved by the secretary for civic purposes such as by organizations officially representing the state.

(6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;

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(7) In any gambling activity except:

(a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or

(b) When an item is to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-040, filed 9/29/89, effective 10/30/89.]

WAC 434-04-050 Application process. (1) A person requesting authorization for use of the seal shall supply the following information to the secretary:

(a) A detailed description of the item to be manufactured or displayed including:

(i) A description of the material with which it will be made;

(ii) The manner in which the seal is to be displayed on the item;

(b) A detailed description of proposed use, including: Manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;

(c) A sample, photograph, or detailed sketch of the item.

(2) The application fee shall be ten dollars for items to be commercially distributed. The application fee shall be waived for noncommercial uses.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-050, filed 9/29/89, effective 10/30/89.]

WAC 434-04-060 Approval and denial of use—Applications. (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the information provided by the applicant and shall apply the following standards:

(a) Whether the appearance of the seal on the product could mislead the public to believe that the product carries official state sanction or approval;

(b) Whether the use of the seal would tend to mislead the public into believing that a person, meeting, project or event carries official state sanction or approval;

(c) Whether the dignity of the seal will be compromised if approval is granted;

(d) Whether the use of the seal is prohibited as otherwise stated in this chapter and in chapter 43.04 RCW.

(2) A written letter of approval or denial from the secretary shall be sent through first-class mail;

(3) Approval shall be in the form of a nontransferable letter of authority. The letter shall set forth, at a minimum, provisions which stipulate:

(a) The limitation on the manufacture, manner of use, display and other employment;

(b) That the seal may not be used or be construed to be operated in any way as an endorsement by the state of Washington;

(c) That the state, in granting authority to use the seal, does not assume any liability in connection with the use of the seal.

(4) As condition to the letter of authority, applicants for commercial use of the seal shall execute a renewable, nonexclusive licensing agreement. Educational uses of the seal which are to be commercially distributed shall not be subject to a licensing agreement.

(7/7/05)

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-060, filed 9/29/89, effective 10/30/89.]

WAC 434-04-070 Nonexclusive licensing agreement

—**Contents.** A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

- (1) The agreement shall be nonexclusive;
- (2) Any unit manufactured or sold during the term of the agreement shall be subject to a royalty payment. No unit may be sold or manufactured except during the term of the agreement;
- (3) The term of the agreement shall be a period of not more than one year, commencing on the day the agreements is executed. At the time the agreement is executed, the applicant shall choose as an ending date either:
 - (a) One year from the date the agreement is executed; or
 - (b) The first day of the applicant's next financial year following the date the agreement is executed.
- (4) The due date of the royalty payment shall be thirty days after the ending date of the agreement;
- (5) At the discretion of the secretary, the royalty shall equal one dollar per unit manufactured or 5% of the gross receipts. The royalty shall accrue and be payable on or before the due date;
- (6) The applicant shall provide, prior to commencing distribution, an actual production sample to the secretary;
- (7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement shall contain the procedure for exercising the option to renew;
- (8) The secretary shall have the right to inspect production and financial records relating to the use of the seal;
- (9) Any guidelines or limitations regarding the advertising or promotion of the item shall be stated.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-070, filed 9/29/89, effective 10/30/89.]

WAC 434-04-075 Renewal of licensing agreement.

- (1) An applicant may request to renew a licensing agreement without regard to whether the agreement has or has not been previously renewed. A request for renewal shall be in writing and shall be postmarked or received by the secretary on or before the last day of the agreement;
- (2) A request for renewal which is received as stipulated by this section shall cause the agreement to be extended for a period of one year, provided that:
 - (a) The royalty is paid in full on or before the due date; and
 - (b) No changes in the use or the item occur.
- (3) If a request for renewal is not properly submitted and received, the license agreement shall terminate on the last day of the term of the agreement and future use of the seal by the applicant shall be subject to the application process.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-075, filed 9/29/89, effective 10/30/89.]

WAC 434-04-080 Revocation of use. The secretary may revoke any approval if the secretary determines that false or inaccurate information was submitted in the applica-

tion or that any laws, rules, regulations or conditions have been violated.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-080, filed 9/29/89, effective 10/30/89.]

WAC 434-04-090 Uses exempt from application process.

Uses of the seal which received written authorization from the secretary before September 1, 1989 shall continue to be authorized provided that:

- (1) No changes in the use or in the item occur. Any changes must be approved through the application process; and
- (2) The use is not commercial.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-090, filed 9/29/89, effective 10/30/89.]