

# Surgimap<sup>®</sup>

The Physician Driven Imaging Solution<sup>®</sup>

**Intellectual Property, Branding, and Attribution Guidelines for  
Nemaris, Inc. Products Including the Surgimap<sup>®</sup> Software Platform**

*In-software, video, and presentation attribution requirements for clients*

Last Updated: January 2018

## Trademarks and Brands

### Nemaris' Philosophy on Trademarks and Brands

Nemaris' trademarks surrounding its flagship software platform, Surgimap®, are Nemaris intellectual property and are important and valuable assets of the corporation. Trademarks must be used properly. Follow these Guidelines for using Nemaris' trademarks and brands properly in all communications, print and online documents, and electronic messages.

### Who Do These Guidelines Apply To?

These Guidelines apply to Nemaris employees, clients, licensees, consultants, outside vendors, and other third parties.

*If you are a LICENSEE of a Nemaris trademark or logo, your license agreement that you signed with Nemaris may have special trademark and logo usage guidelines different from the Guidelines set forth in this document. If so, please follow the special guidelines provided to you pursuant to your license agreement. If you are a Licensee, but have been provided no special guidelines, then follow these.*

### Using Nemaris' Trademarks and Logos

You may refer to Nemaris products and services by their associated Nemaris trademarks and service marks, so long as such references (a) are truthful, fair, and not misleading, and (b) comply with these Guidelines, which may be modified by Nemaris from time to time in Nemaris' sole discretion.

Specifically:

- Use the appropriate trademark symbol and trademark acknowledgment of Nemaris' ownership of the marks and/or logos in question.
- Do not incorporate Nemaris trademarks, slogans, or logos into your own product names, service names, trademarks, logos, or company names without express written permission, and do not adopt marks, slogans, or logos that are confusingly similar to Nemaris' marks, slogans, and logos.

### Contact Information

Should you have any questions about the proper use of Nemaris' intellectual property, please contact Bradley Harris, Nemaris General Counsel, by calling (646) 794-8650.

## In-Software Design Basics for Surgimap Clients

Several of Surgimap’s clients have expressed an interest in creating Surgimap skins for distribution to their customers. These skins, such as NuVaMap, are completely rebranded versions of the Surgimap software platform that are customized to mimic the look of clients’ signature colors and fonts. Specific terms, conditions, and permissions for rebranding are handled contractually and will not be detailed in this document. Several other clients have opted to create co-branded versions of Surgimap that add client logos, client educational materials, and information about client events to the Surgimap’s software platform homepage.

This document is intended to detail the in-software intellectual property requirements that attach to rebranded versions of Surgimap, as well as those that attach to co-branded versions. Nemaris expects the following guidelines to be adhered to unless a licensing agreement between the companies states otherwise.

If you have a rebranded version of Surgimap (e.g., NuVaMap):

- The first mention of the rebranded software’s name (e.g., NuVaMap) must be followed immediately by “Powered by Surgimap<sup>®</sup>” on the same page above the fold. The font size of the <sup>®</sup> symbol is unimportant, as long as it is legible and in line with the word “Surgimap” or placed in a superscript position (e.g., Surgimap<sup>®</sup>)
  - “Surgimap” in the above instance must in **Blue #38A7E2** on a backdrop that allows sufficient contrast.
  - “Surgimap” must be followed by a registered copyright notice (<sup>®</sup>)
  - “Powered by Surgimap<sup>®</sup>” must be no smaller than 50% of the font size that names the client skin (e.g., NuVaMap).
    - For example: if NuVaMap is written in size 24 font, Surgimap must be no smaller than size 12
  - Surgimap<sup>®</sup> must be written in the following font in **bold: Bauhaus Std.**
  - The Physician Driven Imaging Solution<sup>®</sup> must be written in the following font: Bauhaus Std.
- The last mention of the rebranded software’s name must adhere to the same guidelines as those described for the first mention.
- The following copyright notice must be visible and legible on every screen in the software: “Surgimap<sup>®</sup> is a Nemaris, Inc. product,” regardless of its color, font, or font size.
- Separate and apart from the guidelines above, the full Surgimap logo and slogan (i.e., “The Physician Driven Imaging Solution”), as seen on this document’s cover page, must be displayed one time in-software. The size of “Surgimap” in the logo

must be no smaller than 25% the size of the first mention of the rebranded software's name (e.g., NuVaMap) and the slogan must be readily legible.

- "The Physician Driven Imaging Solution<sup>®</sup>" must be written in the following font: Bauhaus Std.

If you have a co-branded version of Surgimap (e.g., Surgimap with a DePuy home page):

- The first mention of the co-branded software's name (e.g., DePuy's Surgimap) must be followed immediately by "Powered by Surgimap<sup>®</sup>" on the same page above the fold.
  - "Surgimap" in the above instance must in **Blue #38A7E2** on a backdrop that allows sufficient contrast.
  - "Surgimap" must be followed by a registered copyright notice (i.e., <sup>®</sup>)
  - "Powered by Surgimap<sup>®</sup>" must be no smaller than 50% of the font size that names the client name.
    - For example: if "DePuy" is written in size 24 font, Surgimap must be no smaller than size 12
  - Surgimap<sup>®</sup> must be written in the following font in **bold: Bauhaus Std.**
  - The following is a compliant sample header from a client home page:



- The following copyright notice must be visible and legible on every screen in the software: "Surgimap<sup>®</sup> is a Nemaris, Inc. product," regardless of its color, font, or font size.
- Separate and apart from the guidelines above, the full Surgimap logo and slogan (i.e., "The Physician Driven Imaging Solution"), as seen on this document's cover page, must be displayed one time in-software. The size of "Surgimap" in the logo must be no smaller than 25% the size of the first mention of the rebranded software's name and the slogan must be readily legible.
  - "The Physician Driven Imaging Solution<sup>®</sup>" must be written in the following font: Bauhaus Std.

When Surgimap is referenced in client materials (including promotional materials or presentations) found outside of the rebranded or co-branded software, clients must adhere to the guidelines set forth on the following pages to ensure that Surgimap receives its proper attribution and to ensure that Nemaris' intellectual property preserves its corporate value.

These design guidelines also help ensure that rebranded and co-branded versions of Surgimap comply with FDA regulations. Without the use of “Surgimap” in rebranded software, users of the software would be unable to search for and find the software’s 510k file and rebranded software would then run the risk of being required to post an “unauthorized use” notice. The inclusion of “Surgimap” in its proper form avoids compliance-related ambiguity in the medical device space.

## Using Surgimap Images for Presentations without Video

Presenters who capture and share (a) still images of the Surgimap software measurement tab, or (b) images that were generated by using Surgimap must include the following logo on at least one of those images.

Powered by 

The logo’s writing must be clearly legible to those viewing the presentation, and the font size of “Surgimap” must match the font size of the largest writing on that particular screen. This logo is available on the Surgimap web site under <https://www.surgimap.com/for-marketing-departments/>.

## Social Media, Training Materials, Brochures, and General Promotional Materials

In addition to the requirements laid out elsewhere that pertain to trademarks, copyrights, and images, Surgimap partners cannot discuss their own versions of Surgimap without clearly acknowledging the link between their versions and the original Nemaris product. Regardless of whether the reference to the partner version of Surgimap appears in internal or external communications, the reference must be accompanied by proper attribution. If a rebranded version is mentioned, it must be followed by “Powered by Surgimap®.” If a co-branded version is referenced, it must be described in full (e.g., DePuy’s version of Surgimap®).

## In-Video Design Requirements for Surgimap Clients

As discussed briefly in the next section of the Branding Guidelines, there are attribution requirements that attach to the use of Surgimap, co-branded or rebranded, in promotional videos and news-related features. This applies whether the video incorporates still photographs of Surgimap or video of the software in use. The manner in which this attribution is designed is up to the client. One of the following is required:

- (a) A title card is visible either at the beginning or end of the video that says, “This video features the Surgimap® software platform. Surgimap is a Nemaris, Inc.

(New York, New York) product.” The text must be clearly legible both in terms of font size and color (compared to background title card color). The title card must be displayed in the video long enough for the average person to read its entire contents;

- (b) The full Surgimap logo (i.e., the logo that includes the tag line “The Physician Driven Imaging Solution” as shown on page 1 of this document) is displayed for three continuous seconds at some point in the video. Should either the entire video, or the length of time that Surgimap is featured, render this option impractical, clients may instead consider option (c); or
- (c) A text overlay that reads, “This video features the Surgimap® software platform. Surgimap is a Nemaris, Inc. (New York, New York) product” is featured while the Surgimap platform—either co-branded or rebranded—is featured in the promotional or news-related feature video. The overlay must be on the screen long enough for the average person to read it in its entirety and the text must be clearly legible both in terms of font size and color (compared to background colors).

At no point can the Surgimap software platform be featured in a client’s video or a feature about client’s use of Surgimap without attribution.

When Surgimap is referenced in client materials found outside of the video, clients must adhere to the guidelines set forth on the following pages to ensure that Surgimap receives its proper attribution and to ensure that Nemaris’ intellectual property preserves its corporate value.

These design guidelines also help ensure that co-branded and rebranded versions of Surgimap comply with FDA regulations. Without the use of “Surgimap” in rebranded software, users of the software would be unable to search for and find the software’s 510k file and rebranded software would then run the risk of being required to post an “unauthorized use” notice. The inclusion of “Surgimap” in its proper form avoids compliance-related ambiguity in the medical device space.

## Trademark Symbols and Acknowledgement

Following are guidelines for the use of trademark symbols and acknowledgments for Nemaris' trademarks.

### Trademark Symbols

- In presentations that incorporate slides (e.g., PowerPoint) showing screen shots that have been taken of Surgimap, or images generated through the use of Surgimap, at least one of screen shots/images must have “Powered by Surgimap” in the bottom right corner. The phrase “Powered by Surgimap” must be legible. In lieu of a text box overlay, the following graphical overlay may be used:

Powered by 

- In letters, memos, press releases, white papers, promotions, advertising, videos, foils, internal training materials, social media posts, and other multimedia communications:
  - Properly designate (with ®, ™) all of Nemaris' trademarks (i.e., Nemaris™ and Surgimap®) at the most prominent use (e.g., a headline) and again on the first occurrence in copy.
  - In the case of presentation graphics, trademarks should be designated with the proper trademark symbol on each page, slide, and foil. This includes Surgimap® and The Physician Driven Imaging Solution®.
- In newsletters, magazines, and publications containing multiple articles:
  - Properly designate (with ®, ™) all of Nemaris' trademarks on the first occurrence in the Table of Contents, in headlines and on the first occurrence in EVERY article in which they are used. This includes Nemaris™ and Surgimap®.
- In brochures, annual/quarterly reports, books, technical documentation, and other bound documents:
  - Properly designate (with ®, ™) all of Nemaris' trademarks on the first occurrence in the Table of Contents, in headlines, and on the first occurrence in text. This includes Nemaris™ and Surgimap®.
- In all charts or graphs, properly designate trademarks (with ®, ™), as they could be copied or pulled and used independently. This includes Nemaris™ and Surgimap®.
- In all tag lines incorporating a trademark slogan (i.e., “The Physician Driven Imaging Solution”), always use the trademark symbol in every reference (e.g., The Physician Driven Imaging Solution®).

- Nemaris is being used as a company name when Nemaris is used to refer specifically to the company as an entity (e.g., “Nemaris Corporation,” “Nemaris, Inc.,” or “Nemaris announced its quarterly earnings”), and not a product or service of the company. In instances such as these, no trademark should be used.

### Trademark Acknowledgments

- Properly footnote and acknowledge trademark ownership, preferably identifying Nemaris marks as being owned by Nemaris, Inc. (e.g., Surgimap® is a trademark of Nemaris, Inc. in the U.S. and/or other countries).
- Note:** Trademarks, slogans, and logos licensed by Nemaris to you may have specific contractual acknowledgment requirements or other restrictions that will supersede those mentioned here. Refer to your contract or license for specific requirements.

### Sample Usage Chart for First Prominent Use

Incorrect Usage	Correct Usage
Surgimap® is the flagship product of Nemaris	Surgimap® is the flagship product of Nemaris™
Surgimap® is a trademark of Nemaris™, Inc. in the U.S. and/or other countries.	Surgimap® is a trademark of Nemaris, Inc. in the U.S. and/or other countries.
Surgimap® is produced by Nemaris in New York	Surgimap® is produced by Nemaris™ in New York
Surgimap® is produced by Nemaris, Inc.™ in New York	Surgimap® is produced by Nemaris, Inc. in New York

**N.B.:** Correct usage can vary depending on where within the document the phrase is found. For example, the first prominent use of “Surgimap” may require a registered copyright symbol whereas the second use would not.