



SIXTH ANNUAL NCCCO FOUNDATION Industry Forum

Safeguarding Intellectual Property

Protecting assets to preserve test integrity

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National Commission for the Certification of Crane Operators**

November 11, 2021

Overview of Presentation

- Intellectual Property 50 (remedial) – no tuition fees
- ANSI/ANAB Accreditation Requirements
- NCCCO's Program Integrity Activities
- Copyright Registrations
- Copyright Enforcement
- Trademark Registrations
- Trademark Enforcement
- Protecting the Value of NCCCO Certifications
- Questions & Answers

The Importance of Intellectual Property

- **1978:** Roughly 80% of U.S. corporate assets lay with *tangible* goods.
- **1989:** John Zarian graduates from law school.
- **1997:** *Tangible* assets represent only 27% of corporate assets, marking a dramatic shift.
- **Today:** **Intangibles and intellectual property** represent more than 85% of wealth in the largest U.S. companies.

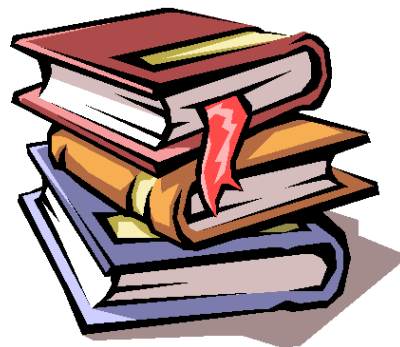
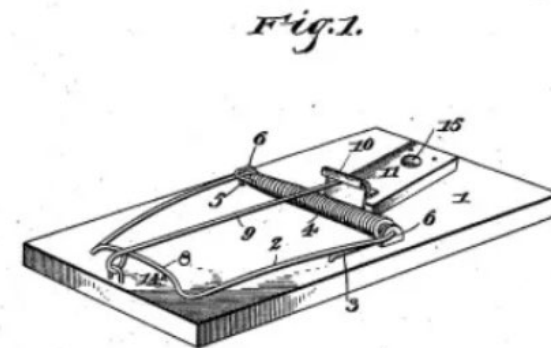
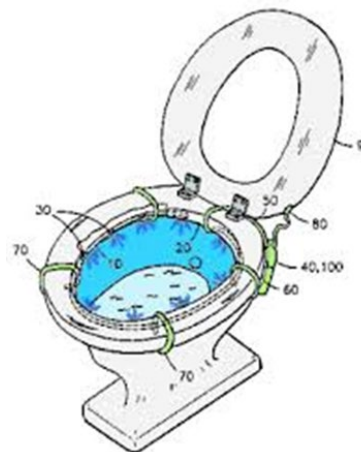


J. Jonah Jameson

“Call the patent office. Copyright the name ‘Green Goblin.’ I want a quarter every time somebody says it.”

(Spider-Man, 2002)

Forms of Intellectual Property



Forms of Intellectual Property (cont'd)



- Patent
- Trademark
- Copyright
- Trade Secret

ISO/IEC 17024 Accreditation Standards

7.4 [Examination] Security

- Shall develop and document policies and procedures necessary to ensure security throughout the entire certification process.
- Shall have measures in place to take corrective actions when security breaches occur.
- Security policies and procedures shall include provisions to ensure the security of examination materials.
- Certification bodies shall prevent fraudulent examination practices.

9.7 Use of Certificate, Logos and Marks

- A certification body that provides a certification mark or logo shall document the conditions for use and shall appropriately manage the rights for usage and representation.
- A certification body shall address, by means of corrective measures, any misuse of its certification mark or logo.

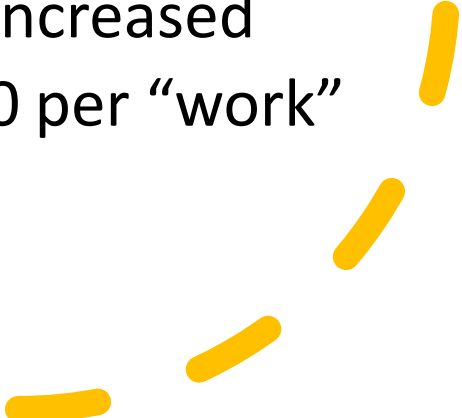
NCCCO's Program Integrity Activities



Copyright Registrations

- All CCO secure examinations are the subject of copyright registrations or pending copyright applications.
 - *More than 400 secure exam registrations*
- CCO registers other content such as handbooks and forms.
 - *More than 50 additional copyright registrations*
- Secure exams are subject to a unique registration process.
- U.S. Copyright Office's website, www.copyright.gov.

Key Benefits of Copyright Registration

- Presumption of ownership/validity
 - Ability to file copyright infringement lawsuits in federal court
 - Can still recover actual damages and profits (proof required)
 - In addition, statutory damages available as an alternative to actual damages
 - Between \$750 and \$30,000 per “work”
 - If willful (intentional), damages increased
 - Court may award up to \$150,000 per “work”
 - Attorney fees and costs
- 

Copyright Enforcement – Example

- In 2020, filed suit in federal court for copyright infringement
 - Donald Childers and Nationwide Equipment Training in Alabama (not related to Nationwide Crane Training, based in Nevada)
- On Nov. 24, 2020, granted preliminary injunction
 - Enjoined from “training, teaching, preparing, or otherwise assisting any candidate seeking [CCO] certification”
- CCO’s motion for entry of judgment pending
 - Asked court to make the injunction permanent
 - Seeking award of nearly \$2 million in damages

Trademark Registration

- CCO maintains a significant portfolio of registered trademarks
 - Use outside counsel to manage trademarks
- Includes word marks
 - For example, “NCCCO” and “CCO”
- Also includes various logos
 - Corporate logo, star logos, etc.
- Trademarks are not the same as “domain names”
- USPTO: <https://www.uspto.gov/trademarks>



Trademark Enforcement & Management

- Trademark “watch” service through CompuMark
 - Monitor key trademarks in USPTO and other databases
- Any use of CCO trademarks must be licensed/authorized
 - Non-routine requests now handled by Legal Department
- At the same time, authorized uses are *encouraged*
 - <https://www.nccco.org/nccco/about-nccco/policies/cco-trademark-usage-policy>

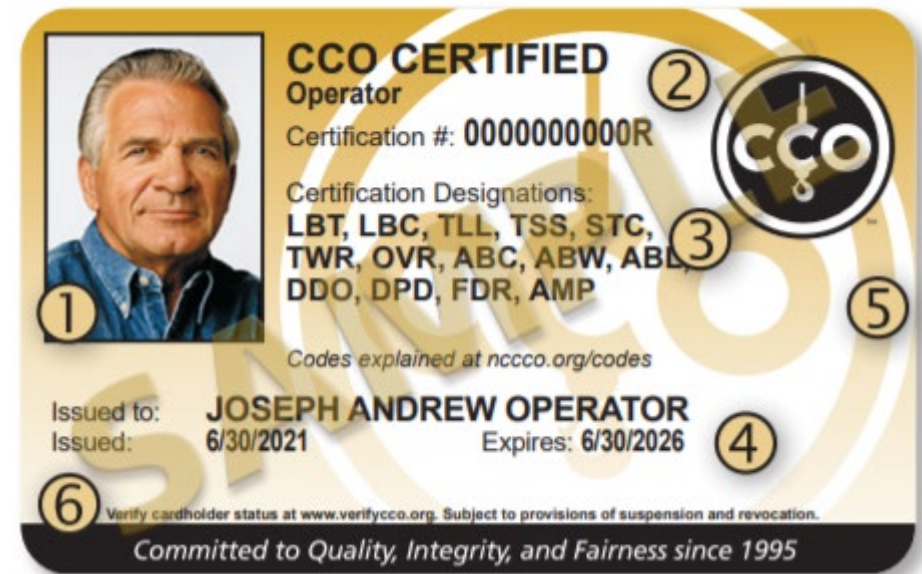


Trademark Enforcement – Examples

- Unauthorized use of corporate logo on a billboard
- Unauthorized use of corporate logo on a work truck
- Unauthorized use of corporate logo on a website by an unlisted training provider (no agreement)
- Unapproved use of corporate logo on listed training provider's website (CCO corporate logo, very large, etc.)
- Counterfeit CCO star logo stickers sold over the internet
- Attempt to register confusingly similar trademark

Protecting the Value of CCO Certifications!

- For more than 25 years, successful completion of CCO certification requirements has informed the world that a professional working in, with, or around load handling equipment is certified to the high standards of NCCCO.



The background features a collage of grayscale photographs from a conference. On the left, a man in a dark shirt and glasses speaks into a microphone. In the center, a man in a suit and glasses is shown in profile, gesturing with his hand. On the right, a woman sits on a stage in front of a screen that displays the text "Working Together for Workforce Development".

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