

BOARD RESOLUTION RELATING TO IMPLEMENTATION OF THE RULES
AND REGULATIONS ON USE OF THE ASSOCIATION NAME AND IMAGE

Whereas on November 15, 2007, the Board of Directors adopted rules and regulations relating to the use of the Association name and image.

Whereas the Board is desirous of insuring that these rules and regulations are uniformly and non-discriminatorily applied, and to this end has developed this resolution to set standards for the procedures by which the Association responds to all requests for use of the Association name and image.

WHEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MARINA TOWERS CONDOMINIUM ASSOCIATION that the Members of the Board hereby adopt the following procedure for implementing the Association rules and regulations relating to the use of the Association name and image:

Pursuant to Section II(Q)(10) of the Association Rules and Regulations, any person seeking to utilize the Association name or condominium image for business or commercial purposes shall be required to fill out a written application providing at least the following:

1. The name, address and phone number of the business applying for permission to use of the Association name and/or image;
2. The name, address and phone number of the person completing the application and the title of that person or relationship to the business. If the person completing the application is not the designated contact person for follow-up to this application, provide as well the name, address and phone number of the designated contact person.
3. Whether the business is a for profit or not-for-profit together with documentation as to its status (Provide a copy of business licenses if applicable).
4. The stated purpose the Applicant is seeking permission to use the association name or condominium image and the intended media to be used, e.g., business web site, photographs in a book, image on a tee shirt, newspaper or hard copy advertisement, etc.
5. Provide a prototype or mockup of the web site, advertisement, book etc. [The Association agrees to keep such prototypes or mockups confidential and not to disclose them to any third party if the applicant so requests.]
6. Identify each photograph or image which the applicant is seeking permission to use.
7. Identify the target audience to which the media is directed.
8. If a web site is involved, identify the name, address and phone number of the person or company who has designed and/or maintains the web site.
9. The Applicant also agrees to provide such additional information as the Association deems necessary.
10. A separate application shall be required for each web site or type of media.

11. Any specific media which prior to November 15, 2007 was the subject of a written agreement with the Association or for which there was otherwise express written approval by the Association for use of the Association name or condominium image shall be deemed grandfathered for the use of that name or image.

12. The Applicant agrees to pay a fee to accompany the application, the amount of which is to be determined by the Association based upon the type of media and the type of use.

13. That any web site which can demonstrate that it was using the Association name or condominium image prior to November 15, 2007, which had not been expressly approved in writing by the Association for use of the Association name or condominium image shall be exempted from paying the application fee, but shall not be grandfathered from the balance of the procedures and standards set forth in this resolution or the Association rules and regulations.

14. The Applicant agrees to fully abide by all of the standards set forth in this resolution and not to do anything which, in the opinion of the Board of Directors of the Condominium Association, will reflect negatively on or demean, the image or reputation of Marina Towers Condominium Association and condominium image.

15. The Applicant agrees not to use the media in which the applicant proposes to use the Association name or condominium image for any purpose which, in the opinion of the Board of Directors of the Condominium Association, is illegal or unethical, including any purpose considered unethical under or a breach of any professional licensing statute or regulations, nor to use the media for any purpose which violates any federal, state or local law or ordinance.

16. The Applicant also agrees not to use any language on its web site or in other media which, in the opinion of the Board of Directors of the Condominium Association, may cause confusion as to whether the web site or other media is officially sponsored or endorsed by Marina Towers Condominium Association or the Board of Directors of Marina Towers Condominium Association, or as to whether any statements set forth on the web site or other media reflects the official views of Marina Towers Condominium Association.

17. If the Applicant is granted permission to use the Association name or condominium image, the applicant web site or other media shall contain a disclaimer in at least clearly visible 14 point bold type utilizing the following language: "This site is not officially sponsored or endorsed by Marina Towers Condominium Association" or such other similar language as is approved by the Association.

18. If the Applicant is granted permission to use any photographic or other depictions of the Condominium, that photographic or other depiction shall contain the following language: "Permission granted by Marina Towers Condominium Association" or such other similar language as is approved by the Association.

19. The Applicant agrees not to use any photographic or other depictions of the condominium image on its web site or in other media, for which it does not have express written permission from the Condominium Association.

20. The Applicant agrees that the Board of Directors may condition its approval of the use of

the Association name or image upon the removal of any portions of the existing web site or other media, which in the opinion of the Board of Directors of the Condominium Association violates any provision of the Association Rules and Regulation, this Resolution, the Illinois Uniform Deceptive Trade Practices Act or the Illinois Consumer Fraud Act.

21. That if the Applicant, in the opinion of the Board of Directors, is found to have violated any provision of this resolution, the applicant upon notice agrees to immediately cease and desist from using the Association name or the condominium image and agrees to reimburse the Condominium Association for all fees and costs, including all legal fees incurred by the Association, in seeking to rescind the permission for the use of the Association name or image; and in the event of any litigation involving use of the Association name or condominium image, whether filed by the Association or applicant, the Applicant agrees to pay all of the associations legal fees and court costs.

22. That the Applicant agrees that the Association's remedies for violation of this resolution shall include the right to bring an action under the Illinois Uniform Deceptive Trade Practices Act and/or under the Illinois Consumer Fraud Act.

23. The Applicant agrees to indemnify and hold harmless the Condominium Association from any and all liability which may result from applicant's use of the Association's name or condominium image, and in the event the Association is sued as a result of applicant's use of the Association's name or condominium image, the Applicant agrees to fully reimburse the Association for all legal fees, court costs and the amount of any judgment.

24. The Applicant agrees to maintain insurance in such amounts as the Association deems appropriate and to name the Association as an additional insured.

25. The Applicant also agrees that in the event of violation of any of the Association rules and regulations or any other provision of this Resolution, the Association shall have the right to use any and all remedies as may otherwise be available to it under applicable Federal and State laws as well as to levy fines and attorney fees incurred by the Association if the Applicant is a unit owner, tenant or resident of Marina Towers Condominium Association.