



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Coast Survey
Silver Spring, Maryland 20910-3282

Dear Authorized Chart Agent:

The National Oceanic and Atmospheric Administration (NOAA) would appreciate your assistance in ensuring the integrity of the publications it produces and disseminates, in particular, publications such as the United States Coast Pilot® (Coast Pilot®). This issue is of vital importance, since we consider books such as the Coast Pilot as “critical infrastructure;” they are relied upon by the commercial shipping industry and recreational boaters alike, and their integrity and quality control must be maintained.

From time to time, it has come to our attention that copies of the Coast Pilot® have been printed by third parties, usually taking one of two forms:

1. Identical (or nearly identical) reproductions of the Coast Pilot (“knockoffs”), or
2. “Look-alikes,” similar in name and/or appearance, however with slightly different names, such as Coastal Pilot, Coasts Pilot, or the like.

The purpose of this letter is to educate you on the legalities of these publications, and to ask your cooperation in deterring these practices. It is important to NOAA, and it is in the interest of public safety, that products bearing the name Coast Pilot are in fact the “real McCoy.” If a knockoff copy is of inferior quality, is incomplete or includes “stale” information, it is not only useless to navigation, it is dangerous. Not to overstate the issue, but we risk another Exxon-Valdez type of disaster if we have ship pilots using knockoff Coast Pilots of inferior quality.

Overview of Copyright and Trademark Issues

It is possible that there exists some uncertainty as to the intellectual property implications of a U.S. Government document such as the Coast Pilot, and the following should shed some light. It might be helpful to understand the concepts of copyright and trademark.

1. Copyright - protects creative works, such as text, maps, drawings, works of art, songs, etc.
2. Trademark - protects the names, logos, slogans and other identifiers used on products or services.

Pursuant to U.S. copyright law, works of the U.S. Government are not subject to copyright (17 U.S.C. 105). In other words, the *contents* or *text* of a publication such as Coast Pilot are generally not protected by copyright, could be copied and disseminated, etc., without NOAA’s permission.*



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Please understand that the discussion does not end there. Although the “meat” of a publication such as the Coast Pilot is in the public domain (see caveat, below), and therefore may be freely copied, the name Coast Pilot,[®] the official NOAA[®] emblem, and the U.S. Department of Commerce official seal are subject to *trademark* protection. So, if one were to copy the uncopyrighted *contents* of a Coast Pilot, he/she would have to give the resulting product a new name. Any reproduction should *not* contain either the NOAA emblem or the Commerce seal. If it were to include the name Coast Pilot, it should only be in a referential, informational manner, such as “this is an exact copy of Coast Pilot 5,” or something like that.

NOAA views names such as Coastal Pilot and Coasts Pilot to be misleading to the maritime community an infringement of NOAA’s trademark on the name Coast Pilot[®]. It has come to our attention that look-alike books bearing the name Coasts Pilot are currently being sold, and we are taking steps to stop this practice, and would appreciate your assistance.

NOAA is simply asking for your cooperation and that you refrain from dealing with any “knock offs” or “look-alikes” of the official Coast Pilot[®] publication series. If a private sector vendor prints a publication that contains the Coast Pilot content, but has a new and un infringing name, that’s different. But any offerings that are confusingly similar to the official Coast Pilot[®] series should be avoided. And, if you become aware of any such publications in circulation, please do not hesitate to bring them to our attention.

Additionally, please be aware of the following:

FAA Authorized Nautical Chart Agent Agreement

Please note that you and all other Chart Agents operate under the terms and conditions of the Authorized Nautical Chart Agent Agreement, with the Federal Aviation Administration (FAA) (hereinafter referred to as the "Chart Agent Agreement"). Section 13 of the Chart Agent Agreement states that the "agreement may be terminated at any time through notice in writing by either party to the other party." Section 15 states that "[a]gents are prohibited from reproducing NOS/NGA products for resale as part of the Agent’s Agreement." Although Section 15 only speaks to the act of *reproducing* NOS/NGA products, and not specifically *reselling* a reproduction printed by another party, Section 15 gives the FAA the authority to terminate for any reason.

NOAA Trademarks Now Registered With U.S. Customs

Please also be aware that NOAA has registered its NOAA[®] emblem and the Coast Pilot[®] trademark with the U.S. Customs Service. The Customs Service allows trademark owners to register their trademarks, and Customs will then monitor incoming shipments coming into U.S. port facilities for any counterfeit, knockoff, look-alike, or other goods that might be infringing the trademark. Any such incoming shipments will be seized upon discovery. This is but one of many steps NOAA is taking to ensure the integrity of its trademarks, and more importantly, the integrity and quality control over important publications like the Coast Pilot[®].

Thank you very much for your cooperation, and please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Howard P. Danley". The signature is written in dark ink and is positioned above the printed name and title.

Howard P. Danley
Chief NSD

* One caveat, however, some Coast Pilot editions do contain copyrighted photos from outside (non-NOAA) sources, and these photos are protected by copyright. As such, anyone making a copy of the text of a Coast Pilot would need to secure permission from the copyright owner(s) of any photos within.