

Use of “SMOKEY BEAR” Symbol

(36 CFR - PART 271)



The term *Smokey Bear* as used in the regulations means the character *Smokey Bear* originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name *Smokey Bear*, or any name or designation sufficiently similar as to suggest the character *Smokey Bear*.

(a) Public service use. The Chief may authorize the use of *Smokey Bear* for non-commercial educational purposes, without charge, when such use is essentially as a public service, and will, in his judgment, contribute to public information and education concerning the prevention of forest fires.

(b) Commercial license. The Chief may authorize the commercial manufacture, importation, reproduction, or use of *Smokey Bear* upon the following findings:

- (1) That the use to which the article or published material involving Smokey Bear is to be put shall contribute to public information concerning the prevention of forest fires.
- (2) That the proposed use is consistent with the status of Smokey Bear as the symbol of forest fire prevention and does not in any way detract from such status.
- (3) That a use or royalty charge which is reasonably related to the commercial enterprise has been established.

(c) Such other conditions shall be included as the Chief deems necessary in particular cases.

Power to revoke

It is the intention of the regulations that the Chief, in exercising the authorities delegated here under, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under the regulations in this part shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses.

Unauthorized use

Whoever, except as authorized manufactures, reproduces or uses the character “Smoky Bear” or any facsimile thereof, or the name “Smoky Bear” is subject to criminal penalty under 18 U.S.C. 711.