

Licensing Contract

for using the trademark: _____

Licensor: **Hermann Bühler AG**

Licensee: _____

End-articles to be labeled: _____

Requirements for using the Buhler yarn trademarks

1 Fabric requirements

Remark: The percentage indications below refer to the weight content of Buhler yarn in the fabric.

1.1 SwissCotton Premium, US Supima Ringspun

The fabric must consist of at least 75 % cotton, whereby only yarn from Hermann Bühler AG or Buhler Quality Yarns Corp. may be used.

SwissCotton Premium:

Can be used to label garments made from cotton yarns spun by Hermann Bühler AG, Switzerland. (SwissCotton Ring, SwissCotton Royal, SwissCotton Compact, SwissCotton Rainbow, SwissCotton BeDry, SwissCotton AirJet)

US Supima Ringspun:

Can be used to label garments made from Supima®-Cotton yarn spun by Buhler Quality Yarns Corp., USA. (US Supima Ringspun, US Supima Royal, US Supima TransDry)

1.2 SwissCotton Organic

The fabric must consist of at least 95 % cotton (in accordance to GOTS 3.0), whereby only SwissCotton Organic may be used for this portion.

1.3 SwissModal Micro, SwissCotton Micro Modal US Modal Micro, US Supima Micro Modal

The fabric must consist of at least 75 % Micro Modal (resp. Micro Modal/cotton), whereby only yarn from Buhler may be used for this portion.

2 Licensing Contract

Buhler yarn trademarks may only be used with a valid license. The licensee shall ensure that his customers are bound by the provisions of this licensing agreement, i.e. that they may only use the Buhler yarn marks, if the requirements specified in section 1 are met. Violations of this agreement shall cause the immediate termination of the license. Buhler reserves the right to take further legal action in such case.

3 Trademark protection

Licensee acknowledges and agrees that Buhler is the owner of these trademarks and that licensee acquires no rights in these marks by virtue of this contract.

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CH-8482 Sennhof (Winterthur)
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The Buhler yarn trademarks are registered in the following countries under Class 23 (yarns and threads for textile applications) and are thus legally protected for the use in Ingredient Branding: Switzerland, all EC states, Russia, Croatia, USA, Japan, China, Hong Kong.

Buhler does not grant any warranty that the marks do not infringe upon rights of third parties (especially trademark or other identification requirements).

4 Utilization of the Buhler yarn trademarks in the retail trade

The following possibilities exist to use Buhler yarn trademarks in the sense of Ingredient Branding:

- a) Use as a separate hang tag;
- b) Use within the scope of a label of the textile supplier (garment manufacturer) to explain the raw material used.

Any other applications must be presented to Buhler and approved. Buhler yarn trademarks may not be changed with regard to color or design! Every label showing a Buhler trademark must be approved by Buhler.

a) Use as a separate hang tag

The front of the hang tag designed by Buhler may not be modified by the licensee. The text on the back of the labels can be adopted or replaced by another text which, however, must be approved by Buhler. The text should explain the product resp. the raw material used.

All labels are produced by Buhler and supplied at cost price. The maximum number of labels made available depends on the amount of yarn supplied and on the amount of Buhler yarn used to manufacture a ready-made article. Hang tags for sample purposes are made available free of charge.

b) Use within the scope of a label of the textile supplier (garment manufacturer)

Buhler yarn trademarks can be used (e.g. within the scope of a booklet) to explain the yarn used to produce the textile. Buhler has the right to demand information regarding the number of labels produced.

5 Use of the Buhler yarn trademarks in marketing of the fabric

Buhler makes stickers available to their customers free of charge, for marking sample hangers, etc.

6 Reference sample

Buhler has the right to request samples of the ready-made article that is sold using a Buhler trademark. These samples will be retained as a reference.

7 Exclusivity agreements

No exclusive rights will be granted for the use of the product trademarks.

8 Adherence to legal requirements / Court of jurisdiction

The customer alone is responsible for adhering to legal requirements which are valid where Buhler yarn trademarks are used. Buhler accepts no liability.

This licensing contract is subject to Swiss law. The court of jurisdiction is Winterthur.

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9 **Termination of the License Agreement**

The license becomes effective upon signature by the licensee of this agreement. It terminates automatically, if either the labels supplied by Buhler to the licensee or the yarn supplied by Buhler to the licensee have been exhausted. Furthermore, each party is authorized to terminate this agreement with written notice of 30 days to the end of a calendar month.

Upon termination, licensee will have ninety (90) days to exhaust all inventory of products, if any, containing or marketed under the Buhler trademarks. Upon expiration of this exhaustion period, licensee will immediately stop using the Buhler trademarks and Buhler will have the option to purchase remaining products at a price to be agreed upon by the parties.

10 **Entire Agreement**

This contract sets forth the entire understanding of the parties in respect of the subject matter hereof, and it may be amended or modified only in writing executed by each party hereto.

11 **Addresses and signatures**

The licensor: Hermann Bühler AG, Müluau 12, CH-8482 Sennhof (Winterthur)

Date: _____ Signature: _____

The licensee, Name: _____

Address: _____

Date: _____ Signature: _____

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