

**TABLED  
AMENDED  
PASSED**

JUL 07 2016

**CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY**

**JUN 02 2016**

Date

**ORDINANCE NO. 262 (2016)**

WHEREAS, the Eastern Band of Cherokee Indians is the official, legal identification for our Tribe; and

WHEREAS, in the recent past and without regard to the Tribe's legal status or practical implications, certain agents of the Tribe began to promote and publish commercially and otherwise the Tribe's name as "Eastern Band of Cherokee Nation"; and

WHEREAS, the legal identification and name of our Tribe is such an important and fundamental property of tribal sovereignty, such identify and name requires an unequivocal certainty and consistency both within and without our Tribal government.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, that Cherokee Code Chapter 117 is amended to read as follows:

**ARTICLE IV. - MISCELLANEOUS**

Sec. 117-49 – Official Name and Identification of the Tribe.

"Eastern Band of Cherokee Indians" is and shall be the official name and legal identification for the Tribal government. All tribal agents and entities of the Tribe shall conduct tribal business including publications and promotions for any and all tribal enterprises and businesses using the official and legal name of the Tribe.

Secs. 117-5049—117-99. - Reserved.

BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief, and all ordinances and resolutions that are inconsistent with this ordinance are rescinded.

*Submitted by: Patrick Lambert, Principal Chief and Bill Taylor, Chairman of Tribal Council*

**AMENDMENT TO ORD. 262 (2016): add a, "BE IT FURTHER ORDAINED that the oak leaf will be incorporated within the seal."**

Administration

October 15, 1997

Mrs. Joyce C. Dugan, Principal Chief  
Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, North Carolina 28719

Dear Chief Dugan:

We are returning for your permanent files a copy of Resolution No. 692 (1997), which was Passed by the Tribal Council of the Eastern Band of Cherokee Indians on September 25, 1997 and has subsequently been properly ratified.

Resolution No. 692 states that the Tribal Council does hereby adopts proposed seal number \_\_\_\_\_ as the official seal of the Eastern Band of Cherokee Indians and that the Tribal Attorneys be instructed to begin the trademark process for the new seal.

An Amendment was added: Council selects Seal No. 1.

Sincerely,

  
Acting Superintendent

Enclosure

cc: Tribal Attorney, w/copy of Resolution

**TABLED  
AMENDED  
PASSED**  
SEP 25 1997

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

AUG 25 1997

DATE

RESOLUTION NO. 692 (1997)

DISCUSSION

WHEREAS, the Eastern Band of Cherokee Indians currently has no right to protect the manner, means, or use, or distribution of its Tribal Seal; and

WHEREAS, the current seal does not accurately reflect the Eastern Band of Cherokee Indians but is actually the Seal of the Western Cherokee Nation; and

WHEREAS, a new seal needs to be created so that the seal can be trademarked so that the use of the seal is protected from improper display or unauthorized manufacturing and proper distribution of the seal; and

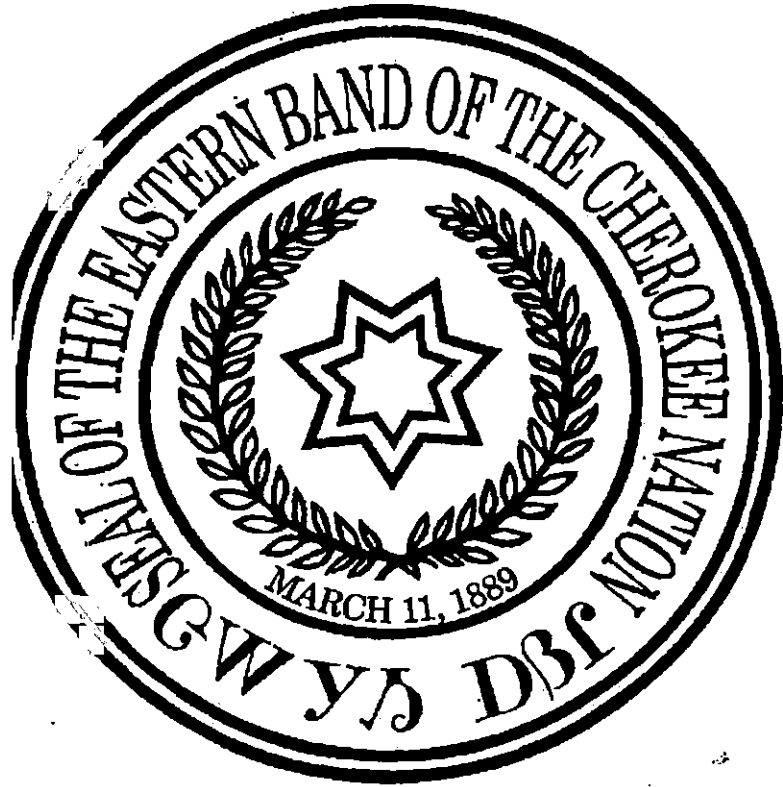
WHEREAS, Tribal Council has previously authorized action to trademark the Tribal Seal and to develop a seal that accurately identifies the Eastern Band of Cherokee Indians;

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present, that the Tribal Council does hereby adopt proposed seal number 1 as the official seal of the Eastern Band of Cherokee Indians.

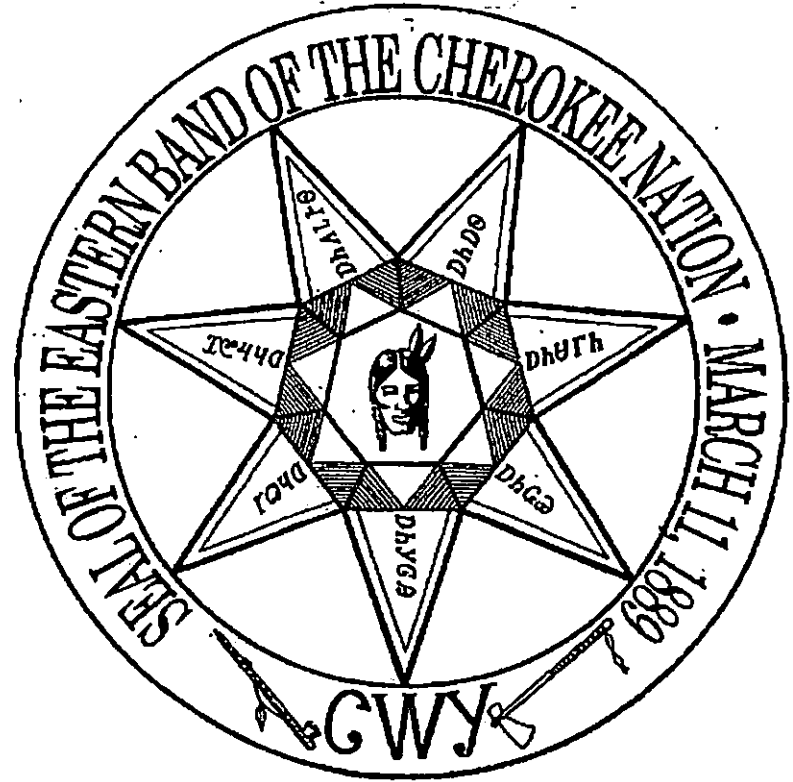
BE IT FINALLY RESOLVED that the Tribal Attorneys be instructed to begin the trademark process for the new seal.

Submitted By: Principal Chief Joyce C. Dugan

Amendment: Council selects Seal No. 1.



PROPOSED CHANGE  
#1



PROPOSED CHANGE  
#2





The attached Resolution/Ordinance No. 692 dated AUG 25 1997 was Passed () Killed ( ) and ratified in open Council on SEP 25 1997 by 69.5 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	✓			
Woodrow Lossiah	✓			
Bill Lambert				✓
Delores B. Davis	✓			
Billy Brown				✓
Alan B. Ensley	✓			
Jack E. Gloyne	✓			
Jim Bowman	✓			
Steve George	✓			
Henson Littlejohn				✓
Regina L. Rosario	✓			
Marion Teesateskie	✓			
TOTAL	69.5	0	0	30.5

Jack E. Gloyne  
 TRIBAL COUNCIL CHAIRMAN

TRIBAL COUNCIL ENGLISH CLERK

George C. Sugar  
 PRINCIPAL CHIEF  
 VETO UPHOLD ( ) VETO DENIED ( )

APPROVED () VETOED ( )

DATE 10/3/97

I hereby certify that the foregoing act of the Council was duly Passed ( ) Killed ( ) and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED ( ) W. E. ...  
 OMITTED

( ) \_\_\_\_\_  
 INTERPRETED

Administration

April 1, 1998

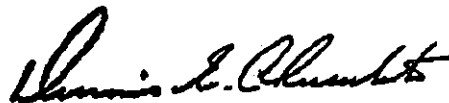
Mrs. Joyce C. Dugan, Principal Chief  
Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, North Carolina 28719

Dear Chief Dugan:

We are returning for your permanent files a copy of Resolution No. 163 (1998), which was Passed by the Tribal Council of the Eastern Band of Cherokee Indians on March 12, 1998 and has subsequently been properly ratified.

Resolution No. 163 (1998) states that the Tribal Council does hereby adopt the attached policies and procedures for use by the Tribal Business Committee in approving uses of the Tribal Seal and that the Business Committee carry out the intent of this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis E. Chubb". The signature is fluid and cursive.

Acting Superintendent

Enclosure

cc: Tribal Attorney, w/copy of Resolution

**PASSED**

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

MAR 12 1998

DATE

RESOLUTION NO. 163(1998)

WHEREAS, the Tribal Council has directed the Business Committee to review applications for use of the Tribal Seal; and,

WHEREAS, the Business Committee has met and approved the attached policies and procedures for submission and review of request for use of the Tribal Seal; and,

WHEREAS, policies and procedures are needed to handle the requests for use and publication of the Tribal Seal.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Annual Council assembled, at which a quorum is present that the Tribal Council does hereby adopt the attached policies and procedures for use by the Tribal Business Committee in approving uses of the Tribal Seal.

NOW THEREFORE BE IT FINALLY RESOLVED that the Business Committee carry out the intent of this resolution.

Submitted By: Robert O. Saunooke, Legislative Counsel

## BUSINESS COMMITTEE

### POLICIES AND PROCEDURES FOR USE OF TRIBAL SEAL

**SCOPE AND PURPOSE:** It is the intent of the Business Committee to protect the use and value of the Tribal Seal through appropriate authorization of its use and the implementation of any legal action necessary to insure that the Tribal Seal is not used in any way that would damage its value, both economically and culturally, to the Tribe. This shall be accomplished by adherence to the policies and procedures outlined below that shall be used by the Committee to determine whether the request for the use of the Tribal Seal is appropriate.

**PROCEDURE FOR REQUESTS:** Any individual, or entity, that desires to use the Tribal Seal shall submit to the Business Committee a written request containing the following information:

1. The name of the individual or entity making the request.
2. If a business is making the request, a statement of how long the business has been in operation.
3. The purpose for which the Tribal Seal will be used including:
  - a. The nature of its use,
  - b. Examples of how the Tribal Seal will be used by the individual or entity,
  - c. The number of times the Tribal Seal will be used if approved,
4. The length of time requested for the use of the Tribal Seal.
5. If for commercial use the following:
  - a. The type of commercial use i.e. shirts, hats, or other merchandise
  - b. Where the Tribal Seal will be sold,
  - c. The number of items anticipated for sale,
  - d. The price for which the items will be sold,
  - e. Examples showing how the Tribal Seal will appear on the merchandise to be sold.
6. Any other information deemed necessary by the Business Committee to aid the Committee in coming to a decision on whether the use of the Tribal Seal is appropriate.

**FACTORS FOR CONSIDERATION:** It is the intent of the Committee to insure that the Tribal Seal is not used in any demeaning, defamatory, or negative way, or in any way that will diminish the cultural identity of the seal. To that end, the Committee shall consider the following factors in making its determination.

1. Is the request being made by a Tribal member?
2. Is the request being made by a Indian or non-Indian Business?
3. Is the request being made by a government entity affiliated with the Tribe?
4. Is the request being made for commercial or other use?
5. Does the requested use demean the cultural identity of the Tribal Seal?

6. If for commercial use:
  - a. Is the request for use in the sale of merchandise that is demeaning or defamatory to the Tribe or the Tribal Seal?
  - b. Is the request for use as a business identity that might be interpreted as being affiliated or approved by the Tribe?
  - c. Is the request for use in the sale of merchandise that is deemed appropriate as identified with the Tribal Seal?
7. Will the request infringe on any other approved uses of the Tribal Seal?
8. Will the request diminish the value of the Tribal Seal as a trademark?
9. Any other factors deemed appropriate by the Committee to protect the cultural and economic value of the Tribal Seal.

**FEES:** It is the intent of the Committee to protect the marketable value of the Tribal Seal and its use through the imposition of fees for any request for the use of the Tribal Seal. In determining appropriate fees to be charged the Committee shall use the following guidelines:

**Commercial Use:** All requests for commercial use of the Tribal Seal shall be submitted to the Business Committee and approved by the Tribal Council. The Fee to be charged for use of the Tribal Seal in the commercial market shall be determined by negotiation with the requesting party and approved by Tribal Council.

**Tribal Use:** All Tribal programs shall be authorized to use the Tribal Seal in carrying out the day to day functions of the program. No commercial use shall be authorized for any Tribal program without the approval of the Tribal Council. For purposes of this paragraph, commercial use shall mean any production of materials, clothing, merchandise, or other articles for sale or trade with the public.

**Non-Commercial Use:** No use of the Tribal Seal shall be authorized for any other non-commercial, charitable, non-Tribal or other business use than that listed herein.

**GENERAL:** Upon approval of the request by the Business Committee, the Tribal Attorneys shall be directed to finalize contractually the agreement between the individual or entity making the request and the Tribe for the use of the Tribal Seal.

The attached Resolution/Ordinance No. 163 dated MAR 12 1998 was Passed () Killed () and ratified in open Council on MAR 12 1998 by 88 voting for the act and 12 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	✓			
Mary Ann Thompson	✓			
Jess Murphy	✓			
Bob Blankenship	✓			
Alan B. Ensley	✓			
Jim Bowman	✓			
Dan McCoy				✓
Glenda Sanders	✓			
Larry Blythe	✓			
Bob Long	✓			
Marie Junaluska	✓			
Marion Teesateskie	✓			
TOTAL	88	0	0	12

[Signature]  
 TRIBAL COUNCIL CHAIRMAN  
[Signature]  
 PRINCIPAL CHIEF  
 VETO UPHELD ( ) VETO DENIED ( )

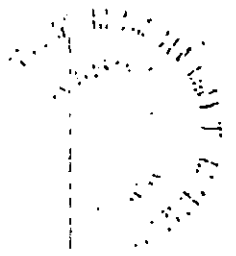
[Signature]  
 TRIBAL COUNCIL ENGLISH CLERK  
 APPROVED () VETOED ( )  
 DATE 3/20/98

I hereby certify that the foregoing act of the Council was duly Passed ( ) Killed ( ) and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED ( ) [Signature]  
 OMITTED

( ) \_\_\_\_\_  
 INTERPRETED





**PASSED**

Cherokee Council House  
Cherokee, North Carolina

MAR 03 2000

Resolution No. **181**(2000)

WHEREAS, creation of a new Tribal Seal was commissioned by the Tribe, and use of that seal began in September of 1997; and

WHEREAS, the Seal is of great cultural, political and economic significance to the Tribe and is a visual symbol of the Tribal government; and

WHEREAS, the Legal Division was requested to obtain registration of the Seal as a trademark through the U.S. Office of Patents and Trademarks, in order to protect the Tribe's right to exclusive use of the Seal; and

WHEREAS, the Legal Division's application was successful and the Seal was registered on January 18, 2000 as a trademark;

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled at which a quorum is present, that the Tribal Council officially recognizes the registration, by the United States Office of Patents and Trademarks, of the Tribal Seal as a trademark; that the following deadlines apply under current federal law with respect to this trademark, and the Principal Chief shall direct the following actions:

- On January 18, 2005, begin the process of filing an Affidavit of Continued Use pursuant to Section 8, 15 USC § 1058;
- File the Affidavit of Continued Use by January 18, 2006;
- On January 18, 2009, begin the process of Application for Renewal, pursuant to Section 9, 15 USC § 1059;
- File the Application for Renewal by January 10, 2010; otherwise, the trademark will then expire.

BE IT FURTHER RESOLVED that the trademark registration document shall be placed on file with the BIA, Cherokee Agency; that all elected officials and members of Tribal government staff shall follow policies and procedures set out for the proper use and protection of the Seal, and that the Tribal Attorney shall investigate and take appropriate steps to prevent improper uses of the Seal;

FURTHER, BE IT FINALLY RESOLVED, that this resolution shall be effective upon signature of the Principal Chief and shall be carried out by the Principal Chief.

Submitted by Office of the Attorney General

Passed (  )  
 Killed ( )

and ratified in open Council on MAR 28 2000 by 88 voting for the act  
 and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	✓			
Mary Ann Thompson	✓			
Jim Owle	✓			
Brenda L. Norville	✓			
Bob Blankenship	✓			
B Ensley	✓			
Dan McCoy	✓			
Glenda Sanders	✓			
Larry Blythe				✓
Carroll Parker	✓			
Marie Junaluska	✓			
Tommye Saunooke	✓			
<b>TOTAL</b>	<b>88</b>	<b>0</b>	<b>0</b>	<b>12</b>

[Signature]  
 TRIBAL COUNCIL CHAIRMAN

[Signature]  
 TRIBAL COUNCIL ENGLISH CLERK

[Signature]  
 PRINCIPAL CHIEF  
 VETO UPHELD ( ) VETO DENIED ( )

APPROVED (  ) VETOED ( )  
 DATE: 3-28-00

I hereby certify that the foregoing act of the Council was duly:  
 Passed ( )  
 Killed ( )  
 and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians.  
 Superintendent, Cherokee Indian Agency.

[Signature]  
 INTERPRETED ( )

[Signature]  
 OMITTED ( )

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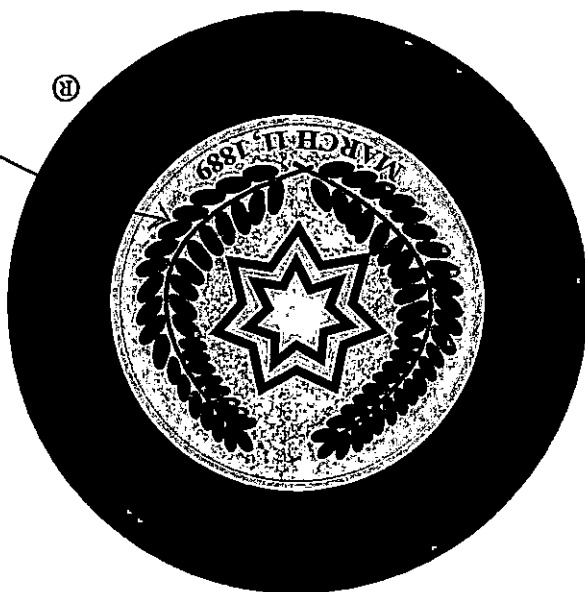
9







*Replace w/ oak leaf*



The attached Resolution/Ordinance No. 262 dated JUNE 2, 2016 was:

PASSED (X)

KILLED ( )

and ratified in open Council on JULY 7, 2016 by 100 voting for the act

and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith	X			
B Ensley	X			
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor	X			
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	100	0	0	0

TRIBAL COUNCIL CHAIRMAN

ENGLISH CLERK

PRINCIPAL CHIEF

APPROVED (4) VETOED ( )

VETO UPHeld ( ) VETO DENIED ( )

DATE: 7-28-16

I hereby certify that the foregoing act of the Council was duly:

PASSED ( )

KILLED ( )

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ( )

OMITTED ( )