

Guidelines to avoid kulula Sky™ trademark infringement

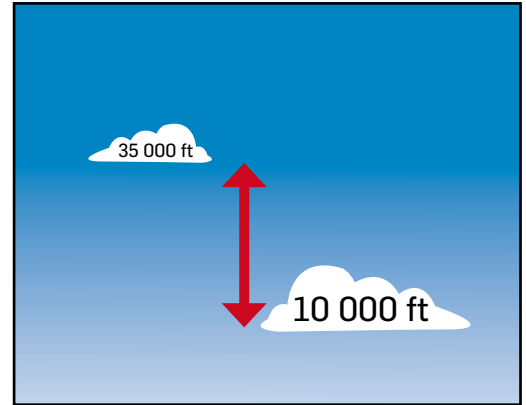
kulula has recently undergone process to trademark the Sky™. This document serves to clear up any confusion among the marketing industry regarding this trademark. These examples of use are essentially dos and don'ts which you should follow if your institution does not want to incur any legal action by kulula and its acting firm of attorneys at law, Majut & Sons.

In order to provide some guidance to the marketing industry, the section that follows sets out some examples of unauthorised association with the Sky™ and its sub-trademarks Clouds™ and Rain™. In some cases, you will be provided with examples considered legitimate, but because ownership of the Sky™ basically forbids you to use the Sky™ as a marketing device, it is impossible for us to address every situation.

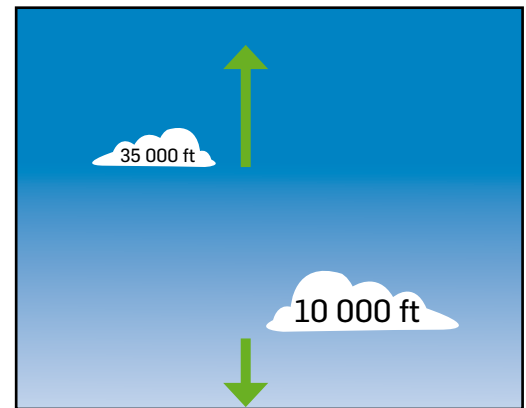
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The trademark only applies to images of the Sky™ between 10 000 and 35 000 feet above sea level (kulula's main operating space). This is strictly forbidden.



Images of the Sky™ below 10 000ft and above 35 000ft will be allowed. Note: the Sky™, Rain™ and Clouds™ trademarks apply only to South African skies – depiction of airspace outside of the South Africa's jurisdiction would be acceptable.



Long-distance images of the landscape, where the Sky™ takes up more than 40% of the image, constitutes unauthorised use of the Sky™. This is an example of unauthorised use of the Sky™.



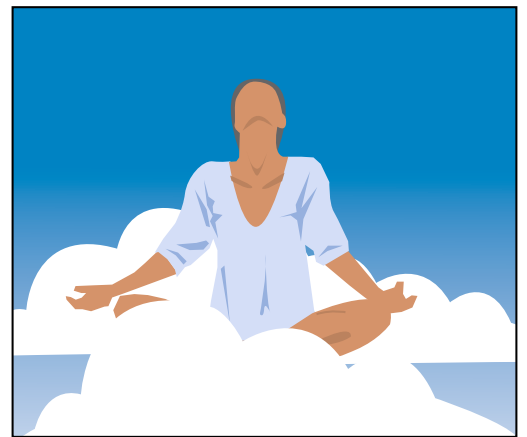
This example would be acceptable, as the Sky™ takes up less than 40% of the image, thus it does not infringe upon the trademark.



Images of the Sky™, Clouds™ or Rain™ as a secondary focus in marketing material will be permitted, provided the section of the Sky™ is below 10 000ft or above 35 000ft, and the picture is taken from the ground.



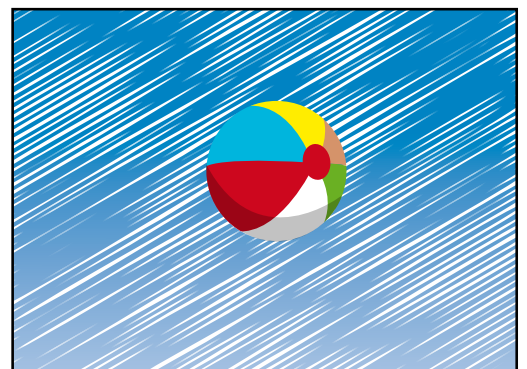
A picture taken of the Sky™, from the Sky™, in any form, will not be permitted. This is the case whether the Sky™ is the primary or secondary focus.



The trademark also covers any synonyms of the word Sky™ or any words referring directly to the Sky™ at any height. This includes, for example, cockney rhyming slang, sign language and hieroglyphics. The example shown is in breach of the trademark because the words 'high in the air' refer directly to the Sky™.



If editorial media, for example television networks, showing live events footage, anticipate that the camera may pan across the Sky™ at any point (e.g. during a sports match), they should request written permission from kulula 90 days before said match.



Consequences of infringement

Infringement of the Sky™ trademark is a serious offence for which we reserve the right to pursue full legal damages. For every foot your communication infringes on the trademark, kulula will seek damages of no less than R1 000. The collection of these monies will be underwritten by a South African bank of kulula's choice.

If you are unsure of the guidelines or if you have any questions, please contact our lawyers, Majut & Sons, via their website: www.majutandsons.co.za

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