

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT  
CIVIL ACTION  
No. 2002-05041

FRAMINGHAM STATE COLLEGE

vs.

ALUMNI ASSOCIATION, FRAMINGHAM STATE COLLEGE

SECOND AMENDED INJUNCTION

It is hereby Ordered that the defendant, Alumni Association, Framingham State College, and its agents, servants, employees, successors and assigns, and all other persons in active concert or participation with any of them, are enjoined from:

a. using the words "Framingham State College" or any abbreviation thereof in its name, e-mail address, Internet domain name, web site and publications, provided that the Association may change its name to "Independent Association of Framingham State Alumni" or "Independent Association of Framingham State Alumni, Inc." and use such name in its e-mail address, Internet domain name, web site and publications, subject to the condition that the words "Framingham State" are in the same font, type size, color and intensity as the words "independent," "association" and "alumni"<sup>1</sup> and are always preceded by the words "independent association" and followed by the word "alumni," and provided further that the Association may describe itself in the text of its publications and solicitations as "an independent association of alumni of Framingham State College;"

b. claiming, directly or indirectly, that it is recognized, sponsored or endorsed by or legally affiliated with Framingham State College;

---

<sup>1</sup> The Association may use common abbreviations of these words, e.g., Indep. Ass'n Fram. St. Alum.," provided that every word in the name is abbreviated.

c. granting to any officer or employee of the Association, or permitting any officer or employee of the Association to use the title "Director of Alumni Affairs" or any other title that suggests that any officer or employee of the Association is an officer or employee of Framingham State College;

d. licensing the name or seal of Framingham State College, or any abbreviation thereof including, "Framingham State" or "FSC," or any previous name or seal of Framingham State College for any purpose;

e. in connection with solicitations of members or funds or the sale of goods or services, representing to anyone or leading anyone by any manner, means or practice or device whatsoever to believe that Framingham State College sponsors or endorses such solicitations of contributions or sales of goods or services, as the case may be;

f. selling goods, e.g., sweatshirts or notebooks with the words "Framingham State" or the initials "FSC", except as the words "Framingham State" appear in the official name of the association and are in the same font, size, color and intensity as the words "independent," "association" and "alumni;"

g. obtaining or permitting listings in any telephone or other directory under any name or designation other than its full legal name in alphabetical order, said prohibition to include causing or permitting its name to be placed immediately before or after the listing of Framingham State College in any telephone or other directory;<sup>2</sup>

h. answering the telephone with any abbreviation of its full legal name other than the words "Independent Alumni Association."

It is further Ordered:

i. The Association shall either remove the words "Framingham State College" from the granite marker in front of Alumni House or remove the marker and shall post at the entrance to such house a sign identifying its offices by the name of the Association (e.g., Offices of Independent Association of Framingham State Alumni");

j. The Association shall conspicuously state on the home page of its web site and in all of its publications and solicitations of donations and for the sale of goods or services that it is an independent association that is not legally affiliated with

---


<sup>2</sup>The Association may link its web site to that of the College, provided that such link is accompanied by a statement that the Association is not legally affiliated with, sponsored or endorsed by the College.

Framingham State College, and that neither donating to nor purchasing goods from the Association benefits Framingham State College, provided that the Association may truthfully describe the purpose for which such solicitation is made, e.g., a scholarship fund for students of Framingham State College.

The Association shall forthwith amend its Articles of Organization to adopt as its legal name "Independent Association of Framingham State Alumni" or "Independent Association of Framingham State Alumni, Inc." and file such amended Articles of Organization with the Secretary of State. By September 17, 2004, the Association shall change its e-mail address and Internet domain name, provided that for a period of three months from the date the Injunction first entered, the Association may (i) continue in effect its current Internet domain name solely for purposes of providing a link to its web site, provided that notice of the name change shall be given to persons accessing the site via publication thereon of the terms of this Injunction, and (ii) continue in effect its current e-mail address solely for the purpose of forwarding e-mail received thereat to its new e-mail address, provided that each person sending an e-mail to the Association's current e-mail address will receive automatically a message stating that such address will expire on November 17, 2004, and advising the sender of the new e-mail address.

The Association shall take such steps as the are required to cancel its registration of its former name as a service mark forthwith on the records of the Secretary of the Commonwealth.

If the Injunction and/or Amended Injunction has not yet been published, the Association shall publish the full text of this Second Amended Injunction as set forth in the document attached hereto in the next issue of the Echo published after entry of this Order. The Second Amended Injunction shall be posted on any web site the Association maintains under either its old or its new name pursuant to the terms of this Order.

  
Diane M. Kottmyer  
Justice of the Superior Court

Dated: September 15, 2004

DMK:sh