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ARES® & Incorporation: ARRL's Policy

Just Google "[County ARES, Inc.](#)" ([click here](#)) and you'll see that there are lots of ARES® groups out there who have incorporated. It sure seems like a great idea because it allows you to file for 501(c)3 status, opening doors for donations of cash and equipment, free website hosting for non-profits,



and grants that require 501(c)3 status.

But to do this correctly we must ensure compliance with ARRL policy — ARES® is *ARRL's program*, not ours! We're not free to just do whatever we feel like. Here are the two challenges we're facing:

1. The ARRL insists that local ARES® groups *not* incorporate
2. "ARES®" is a registered trademark of the ARRL that cannot legally be used in the name of another corporation without the ARRL's permission

According to [this document \(click here\)](#) on the ARRL website:

ARES® and Amateur Radio Emergency Service® are registered trademarks of the ARRL. Any use of these trademarks must have the registered trademark notation (circle R®)

ARES® is a program of the ARRL. Local ARES® groups under the direction of the ARRL field organization or its appointees (SEC, DEC, EC) **cannot be organized as a club or incorporated** as this will conflict with the ARES® program. [emphasis added]

I emailed the ARRL asking how we should go about incorporating an entity for 501(c)3 status to support the ARES® group here. ARRL Membership and Volunteer Programs Assistant Manager Norm Fusaro, W3IZ, kindly replied. Here is an excerpt from his helpful response:

The Amateur Radio Emergency Service – ARES is a program of the ARRL. ARES is not an entity. The ARES brand is trademarked by the ARRL and may be used with permission from the ARRL.

The job of Emergency Coordinator is a political position in which the EC promotes the ARES program and supports training among the local Radio Amateurs in the community. This is done

mostly through the local clubs.

The Emergency Coordinator's job does not involve fund raising or corporate management. Equipment such as repeaters, generators, etc are supplied by the local Amateur Radio community and clubs. ARES supplies training and coordination. Note the job title Emergency coordinator not manager.

Forming a club or corporation is not only beyond the duties of the EC but also conflicts with the basic ARES requirement.

- The only requirement to belong to ARES is an Amateur Radio License and a desire to serve.
- There is no requirement to join any club or organization.
- There are no dues to participate in ARES.

So I'm not out in left field for wanting some kind of entity to support the local ARES® group — the ARRL clearly depends on local clubs to supply equipment for ARES® work. As far as the EC not getting involved in fund raising, well, I obviously need to wear more than one hat at this stage of the game. There are only a dozen or so hams in the whole county at this point.

The nearest club is pretty far away, so it makes sense to form a new “club” to serve this purpose. The ARRL wants the club to be distinct from the local ARES® group; okay, we can do that. We'll just clearly state the purpose of our “club” is to support the local ARES® group. You can find a good example of this wording over at the [Wisconsin ARES/RACES “501\(c\)3 Links and Information” Page \(click here\)](#).

As Mr. Fusaro pointed out, membership in this “club” must never be a prerequisite to participation in the local ARES® group.

I think the name of this “club” should clearly reflect it's purpose. If the local hardware store has a generator to donate, surely the idea of donating it to the “Yellow Medicine County Amateur Radio Emergency Service®” would be more appealing than donating it to the “Yellow Medicine County Amateur Radio Club.” But my brother, an attorney, has explained to me that since “ARES®” and “Amateur Radio Emergency Service®” are registered trademarks of the ARRL, they cannot legally be used in an entity's name without permission from the ARRL.

I'm assuming we don't have permission to use “ARES®” in our “club” name, but I've asked for clarification on this. If not, we could always name it something similar, e.g. “Yellow Medicine County Amateur Radio Emergency Corps/Support/Operators Association, Inc.” or something like that.

I don't want this post to turn into an ARRL-bashing session, but if some of you readers have some helpful insight and/or experience with ARES®-related incorporation, I'd love to hear it.