Trademark Licensing Policy

I. Overview and Purpose
All Utah State University trademarks are the exclusive property of USU. Regulation of all uses of USU trademarks is essential to protect the university from liability and to protect against dilution of the trademarks. USU authorization is required for all trademark uses. The university has delegated the responsibility for maintaining, managing and licensing university trademarks to the Trademark and Licensing Manager in conjunction with Public Relations & Marketing.

The mission and purpose of the Licensing and Trademark Policy is to:

1) Ensure proper control and use of trademarks associated with USU, protect all university trademarks from unauthorized uses and facilitate the process of granting authorization for legitimate internal and third-party use of university trademarks.
2) Promote USU in a consistent and uniform manner to protect the university’s reputation, name and image by permitting only appropriate uses by Officially Licensed Vendors assuring that only quality products bear the university’s trademarks and protect the consumer from inferior products bearing university trademarks.
3) Strengthen the trademarks through relationships with retailers, licensees, campus departments, student organizations, alumni and fans.
4) Generate royalty revenues; this benefits the educational goals of the university by providing scholarships to deserving students.

II. What is a trademark?
A trademark is any logo, symbol, nickname, letter(s), word, slogan or derivative that can be associated with an organization, company, manufacturer or institution and can be distinguished from those of other entries or competitors.

In addition to the trademarks listed in section three, any indicia adopted hereafter and used or approved for use by USU shall be subject to the policies and procedures of the trademark and licensing policy. Additionally, the trademark and licensing program shall also cover any derivations of USU trademarks which would cause consumer, to erroneously believe that the product originated from, or was sponsored or authorized by the university.
III. Registered and Protected Trademarks

1) The following trademarks are registered with the State of Utah on behalf of USU:

- Utah State University
- Utah State
- Aggies
- USU
- USU Aggies
- Block Letter (capital) ‘A’
- Big Blue
- Utah State Aggies
- Block Letter ‘U’ with ‘State’ stacked vertically within the ‘U’
- Tower with an ‘A’
- Old Main Tower with an ‘A’
- The University Seal
- Aggie Bull
- Block Letter ‘U’ with ‘State’ banner across the ‘U’
- USU Mascot
- Stylized Image of a Bull
- I Believe
- We Believe
- Believe It
- HURD, Utah State HURD
- Utah State University-College of Eastern Utah
- USU Eastern
- Utah State Eastern
- Utah State University-College of Eastern Utah San Juan
- Utah State University – USU Eastern Eagle Mascot
- USU Eastern San Juan

Trademarks are updated continually. A current listing of trademarks is available from the Trademark and Licensing Manager in conjunction with Public Relations & Marketing.

2) All other names, symbols, initials or graphic designs that refer to USU are protected by U.S. and state law.

IV. Policy Statements

1) The use of any trademark which identifies, or is associated with, USU may not be used without the prior expressed written authorization from USU (represented by the Trademark and Licensing Manager in conjunction with Public Relations & Marketing) and is subject to the licensing requirements of this policy.

2) Only an Officially Licensed Vendor may produce merchandise bearing USU’s trademarks. For a current list of Officially Licensed Vendors contact the Manager of Trademarks and Licensing in Public Relations & Marketing.

3) Private companies creating merchandise for sale or distribution may use university trademarks only after entering into a specific license agreement with the university through the Collegiate Licensing Company (CLC) that acts on behalf of the university as its licensing agent for trademark use. For additional information regarding either acceptable or inappropriate uses of trademarks, contact the Manager of Trademarks and Licensing in Public Relations & Marketing.

4) Companies using any university trademark for advertising or promotional purposes in any format must first obtain written permission from the Trademark and Licensing Manager in conjunction with Public Relations & Marketing. In some cases, a royalty or usage fee is assessed. Permission is typically granted for a specific length of time; no open-ended approval will be granted. Acceptable appearance and usage criteria are defined in the Visual Identity Program (VIP) for USU.

5) The Trademarks of USU will not be used in the promotion of weapons, alcoholic beverages, tobacco products, "recreational" drugs or drug-related paraphernalia. The
university reserves the right to prohibit other uses that it deems inappropriate or inconsistent with the image and mission of an educational institution.

6) Merchandise bearing university trademarks and produced without proper written university authorization may be considered counterfeit or infringing and therefore subject to all available legal remedies, including, but not limited to, seizure of the merchandise.

V. Procedures
1) Departments of the university designing merchandise to bear a university trademark must secure prior approval, in writing, from the university’s Trademarks & Licensing Manager. Previous approval does not give the right to produce the merchandise and requires the department to use an Officially Licensed Vendor. The Licensed Vendor will then be required to submit final artwork through the university’s licensing agent, CLC. After final artwork approval is given, the vendor may then produce the product.

2) Departments and recognized student clubs and organizations may use certain logos for certain official business. Departments and recognized student clubs and department organizations that wish to design or create new trademarks for their department, club or organization must coordinate their effort with the Trademark and Licensing Manager in conjunction with Public Relations & Marketing. Departments requesting authorization for use of current trademarks within official university publications, letterhead and business cards should direct their requests to the Trademark and Licensing Manager.

3) Trademarks are to be used only in the specific manner approved in writing; trademarks may not be otherwise altered without expressed written authorization by the Trademark and Licensing Manager in conjunction with Public Relations & Marketing.

VI. Labor Practices/Code of Conduct
1) USU is committed to the concept that all merchandise bearing reference to the university (including names of each department and any recognized club and organization affiliated with the university) will be manufactured by companies whose labor policies ensure that their employees are safe from abusive labor conditions.

2) USU is an active member of the Fair Labor Association (FLA) and supports its strict Labor Code Standards that require manufacturers of licensed products (licensees) to certify their compliance with the code. In addition to certifying their compliance with the code, licensees are required to disclose the location, address, phone number, email and contact person for each facility it owns or contracts with for the production of goods and licensees must authorize the FLA to make announced or unannounced inspections of their manufacturing facilities.

3) In order to ensure the broadest interpretation of this policy, the university requires that any product produced for the university (or for departments or recognized clubs and organizations) which carries a university trademark, or that uses the name of, or refers to, a university department or a recognized club or organization, be manufactured by those
companies that are appropriately licensed to use university trademarks (licensees), and are in compliance with the university’s Labor Code Standards. For a current list of Officially Licensed Vendors, contact the Trademark and Licensing Manager in Public Relations & Marketing.

VII. Implementation
1) All products bearing the USU trademarks must be approved and licensed as specified by this policy. Resale items will be subject to the current standard royalty rate established by the university.

2) Promotional and/or “premium” items are also subject to licensing requirements. Royalties will be determined based upon the scope of the promotion and other factors considered appropriate by the university.

3) Institutional, non-commercial marketing materials (e.g., printed or electronic communication to include Internet pages) produced by the university for official university business shall meet the criteria established by Trademark and Licensing Manager in conjunction with Public Relations & Marketing. Other marketing materials and promotional items, regardless of production, method or source of distribution, are subject to the approval process in this policy.

4) Companies and individuals wishing to extend congratulatory messages (or statements of support) who do not meet the criteria above may receive authorization to use prescribed trademarked verbiage (e.g. GO Aggies or Congratulations Aggies). Such messages must be clearly separate from the sale or promotion of any products or services.

VIII. Licensing and Royalties
1) Any person, business, or organization desiring to use the university’s trademarks in any manner and for any purpose must be licensed to do so. The university has arranged for licenses to be issued by the Collegiate Licensing Company (CLC) on the university’s behalf.

2) The university has partnered with Collegiate Licensing Company and offers the following types of licenses.

   A. Internal Campus Supplier: The Restricted License is for companies that wish to pursue items purchased by Institutions for internal use only. Restricted Licensees are not permitted to sell product(s) to retailers, direct to consumers, un-exempt Institutional departments or to any entities unrelated to an institution. Official institution entities include athletic departments, alumni departments, recognized student groups/organizations, etc.

   B. Local License: The Local License is for companies that desire to obtain a license with an institution located in their immediate in-state marketplace. This
license type may better suit companies that do not believe they can qualify for a Standard License, but believe they can demonstrate sales success within a few years at the local level in order to qualify for a Standard License. Local Licensees ARE permitted to sell product to institutions and their departments, retailers and directly to consumers.

C. Standard License:
The Standard License is intended for companies that are capable of extensive production and retail distribution of their product(s) and/or are introducing a unique and commercially viable product to the collegiate market. The Standard License is usually not for first-time applicants or companies without well-established marketing plans, existing product distribution and/or a solid financial history of selling licensed products.

3) A product generally is subject to royalty or right fees if a university trademark is utilized AND / OR:

- the product is for resale
- the product promotes a specific event for which a fee is charged
- the name, trademark, or logo of a third party is used with the university’s trademark.

Activities or products that include the use of commercial sponsors names or logos on the licensed product will be assessed a higher royalty contingent on university approval.

Exemptions to royalty fees are given when university trademarked products are used to promote instructional programs, events, other activities that further the academic and educational mission of the university as determined by the Licensing Manager. (Instructional programs/events include, but are not limited to, classes, courses, seminars, workshops and other activities directly sponsored by a college, division, department, program or service of USU.)

Exempting royalties is done in writing and does not exempt the requirement to use a licensed vendor for manufacture or production.

4) These guidelines are usually sufficient in determining royalty/non-royalty. However, each submission shall be reviewed individually to make sure all aspects of the situation are taken into consideration.
IX. Exemptions

1) For purposes of consistency, the university does not exempt campus-operated stores from purchasing emblematic merchandise from Officially Licensed Vendors. Royalties are charged to campus stores in the same manner as charged to off-campus retail establishments.

2) Departments of the university, and recognized clubs and organizations, are also required to purchase emblematic merchandise from Officially Licensed Vendors. Receiving authorization for a design or to utilize a trademark does not constitute approval to manufacture a particular product. All products must be manufactured by, and purchased from, an Officially Licensed Vendor.

3) Exemptions to royalty fees are given when university trademarked products are used to promote instructional programs or events, or other activities that further the academic and educational mission of the university as determined by the Trademark & Licensing Manager.

4) All departments of the university, recognized campus clubs and organizations, individuals and companies are required to obtain approval from the Trademark & Licensing Manager under the direction of Public Relations & Marketing prior to producing or arranging for production of any product or use that utilizes the university's trademarks, regardless of use or method of distribution, except as otherwise authorized.

5) This policy may be altered at any time without prior notice.

For further information contact:

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