

Utah Tech University Policy

206: Trademarks and Collegiate Licensing



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I. Purpose

- 1.1 All University Trademarks are the exclusive property of Utah Tech University (“the University”). Regulation of all uses of University Trademarks is essential to protect the University from liability and to protect against dilution of the Trademarks. University authorization is required for all Trademark uses. The University has delegated the responsibility for maintaining, managing, and licensing University Trademarks to the Associate Athletic Director for Media Relations, in conjunction with the University’s Marketing & Communication division.
- 1.2 The mission and purpose of this policy is to:
 - 1.2.1 Ensure proper control and use of Trademarks associated with the University, protect all University Trademarks from unauthorized uses, and facilitate the process of granting authorization for legitimate internal and third-party use of University Trademarks.
 - 1.2.2 Promote the University in a consistent and uniform manner to protect the University’s reputation, name, and image by permitting only appropriate uses of Officially Licensed Vendors, assuring that only quality products bear the University’s Trademarks, and protecting the consumer from inferior products bearing University Trademarks.
 - 1.2.3 Strengthen the Trademarks through relationships with retailers, licensees, campus departments, student organizations, alumni, and fans.
 - 1.2.4 Generate royalty revenues that benefit the educational goals of the

University by providing scholarship funds to University student-athletes.

II. Scope

- 2.1 This policy and the Trademark and licensing program shall cover those Trademarks as defined within this policy and any derivations of University Trademarks that would cause consumers to erroneously believe that the product originated from, or was sponsored or authorized by, the University.
- 2.2 Any indicia adopted hereafter and used or approved for use by the University shall be subject to the policies and procedures under this policy.

III. Definitions

- 3.1 **Trademark:** any logo, symbol, nickname, letter(s), word, slogan or derivative that can be associated with an organization, company, manufacturer or institution that can be distinguished from those of other entries or competitors.
 - 3.1.1 At Utah Tech University, the following are registered with the State of Utah on behalf of the University:
 - 3.1.1.1 Several vertical and horizontal logo variations of Utah Tech University, Utah Tech, the institutional UT, Trailblazers, Utah Tech Trailblazers, Utah Tech University Trailblazers, UT Trailblazers; Dixie State University, Dixie State; Dixie State Trailblazers; the institutional DSU; DSU Trailblazers; Block Letter (capital) “D”; Block Letter (capital) “D” with Bison Head; the Bison Head; Institutional Block Letters “DSU” and “D” stacked vertically and listed horizontally with Dixie State University; The School Seal and Medallions; “active learning. active life”; and “The Best Education Under the Sun.” Examples of these are found online under Utah Tech University Licensing.
 - 3.1.2 Trademarks are updated continually. A complete listing of Trademarks is available from the Associate Athletic Director for Media Relations, in conjunction with the University’s Marketing & Communication division.
 - 3.1.3 All other names, symbols, initials, or graphic designs that refer to the University are protected by U.S. and Utah State Law.
- 3.2 **Official Licensing Agent:** a person, business, or organization who handles

requests for legal use of work, branding, and other copyrighted material.

- 3.3 ***Officially Licensed Vendor:*** a business or corporation that is approved to print and produce merchandise that bears the University's Trademarks. Being an Officially Licensed Vendor means that business or corporation abides by the University's labor code of conduct, has a royalty reporting structure in place, is part of a select group of vendors in that product category, and produces quality merchandise that is associated with the University's brand.
- 3.4 ***Standard License:*** under the University's Official Licensing Agent, a Standard License is for companies to produce licensed consumer products that will be resold, such as items for sale at retail in local, regional, and national retail outlets.
- 3.5 ***Internal Usage License:*** under the University's Official Licensing Agent, an Internal Usage License is for companies that produce licensed consumer products for sale only to University departments and approved University organizations for internal/non-resale use. All sales must be exempt from royalties (as determined by this policy).

IV. Policy

- 4.1 The use of any Trademark, which identifies or is associated with the University, may not be used without the prior expressed written authorization of the University (represented by the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division) and is subject to the licensing requirements of this policy.
- 4.2 Only an Officially Licensed Vendor may produce merchandise bearing the University's Trademarks. For a current list of Officially Licensed Vendors, contact the Associate Athletic Director for Media Relations.
- 4.3 Private companies creating merchandise for sale or distribution may use University Trademarks only after entering into a specific license agreement with the University through Collegiate Licensing Company, which acts on behalf of the University as its Official Licensing Agent for Trademark use. For additional information regarding either acceptable or inappropriate uses of Trademarks, please contact the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division.
- 4.4 Companies using any University Trademark for advertising or promotional purposes in any format must first obtain written permission from the

Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division. 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 University's online style guide.

- 4.5 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. References

- 5.1 Utah Tech University Licensing: <http://licensing.utahtech.edu>
- 5.2 Utah Tech University's branding guide: <https://brand.utahtech.edu>
- 5.3 Collegiate Licensing Company: www.clc.com

VI. Procedures

6.1 Usage of all University Trademarks

- 6.1.1 Departments of the University designing merchandise to bear a University Trademark must secure prior approval, in writing, from the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division. Previous approval does not give the right to produce the merchandise and requires the department to use an Officially Licensed Vendor. The Officially Licensed Vendor will then be required to submit final artwork through the University's Official Licensing Agent, Collegiate Licensing Company. After final artwork approval is given, the vendor may then produce the product.
- 6.1.2 Departments and recognized student clubs and organizations may use certain logos for certain official business. Departments, organizations, and recognized student clubs that wish to design or create new Trademarks for their department, club, or organization must coordinate their effort with the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division. Departments requesting authorization for use of current Trademarks within official University publications, letterhead, and business cards should direct their requests to either the Associate Athletic Director for Media Relations or the

University's Marketing & Communication division.

- 6.1.3 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 Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division.
- 6.1.4 Departments and recognized student clubs and organizations may purchase merchandise bearing official University Trademarks, for both internal and external use, only with prior written approval. Every department, with the exception of the University Intercollegiate Athletic Department, must have written approval from the University Marketing and Communication Office (UMAC) before any purchase is made. The University Intercollegiate Athletic Department must have written approval from the Associate Athletic Director for Media Relations/Collegiate Licensing before any purchase is made.

6.2 Labor Practices/Code of Conduct

- 6.2.1 The University 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 practices ensure that their employees are safe from abusive labor conditions.
- 6.2.2 The University, in connection with their Official Licensing Agent, Collegiate Licensing Company, the Fair Labor Association (FLA), and the Workers' Rights Consortium (WRC) supports 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.
- 6.2.3 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 Officially Licensed Vendors, contact the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division.

6.3 Implementation

- 6.3.1 All products bearing the University 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 through its Official Licensing Agent, Collegiate Licensing Company.
- 6.3.2 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.
- 6.3.3 Institutional, non-commercial marketing materials (e.g., printed or electronic communication, including internet webpages) produced by the University for official University business shall meet the criteria established by the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication division. Other marketing materials and promotional items, regardless of production, method, or source of distribution, are subject to the approval process in this policy.
- 6.3.4 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 Trailblazers, GO UT, or Congratulations Trailblazers). Such messages must be clearly separate from the sale or promotion of any products or services.

6.4 Licensing and Royalties

- 6.4.1 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 Collegiate Licensing Company, on the University's behalf.
- 6.4.2 The University has partnered with Collegiate Licensing Company, and offers both standard and Internal Usage Licenses.
- 6.4.3 A product generally is subject to royalty or right fees if the

University Trademark is authorized and/or:

6.4.3.1 The product is for resale.

6.4.3.2 The product promotes a specific event for which a fee is charged.

6.4.3.3 The name, Trademark, or logo of a third party is used with the University's Trademark.

6.4.4 Activities or products that include the use of commercially sponsored names or logos on the licensed product will be assessed a higher royalty contingent upon University approval.

6.4.5 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.

6.5 Exemptions

6.5.1 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.

6.5.2 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, or purchased from, an Officially Licensed Vendor.

6.5.3 Exemptions to royalty fees are given when the University's Trademarked products are used to promote instructional programs, events, and other activities that further the academic and educational mission of the University as determined by the Associate Athletic Director for Media Relations. These 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 the University. Exempting royalties is done in writing and does not exempt the requirement to use an Officially Licensed Vendor for manufacture or production.

6.5.4 All departments of the University, recognized University clubs and organizations, individuals, and companies are required to obtain

approval from the Associate Athletic Director for Media Relations, in conjunction with the University's Marketing & Communication Division, prior to producing or arranging for the production of any product or use that utilizes the University's Trademarks, regardless of use or method of distribution, except as otherwise authorized.

VII. Addenda – N/A

Policy Owner: Vice President of Administrative Affairs

Policy Steward: Associate Director of Media Relations, University Marketing and Communications (UMAC)

History:

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