



SUBJECT: TRADEMARK LICENSING	Effective Date: 1-28-14	Policy Number: 1.5	
	Supersedes: Policy Memorandum 1-6-97	Page 1	Of 4
	Responsible Authority: Vice President, Executive Operations		

APPLICABILITY:

This policy is applicable to all members of the University community, including all students, faculty, staff, alumni, registered student organizations, colleges, programs, institutes, divisions and departments.

POLICY STATEMENT:

- I. Introduction. Florida Atlantic University has registered or otherwise protected the names, logos, symbols, indicia, insignia, trade names, service marks, and trademarks (collectively “Trademarks”) of the University and its related programs and entities. The purpose of this policy is to:
 - a. Ensure proper control and use of the Trademarks;
 - b. Protect the Trademarks from unauthorized uses,
 - c. Facilitate the process of granting authorization for legitimate internal and third party use of the Trademarks;
 - d. Ensure that the University receives legitimate and reasonable royalties for the use of its Trademarks; and
 - e. Promote the University in a consistent and uniform manner so as to protect the University’s reputation, name and image.

II. General Policy Guidelines:

- a. The University's Office of Trademark Licensing and Marketing (OTLM) has the responsibility for maintaining, managing, and licensing the Trademarks. The use of any Trademark that identifies, or is associated with, Florida Atlantic University may not be used without the approval of the University's Licensing Administrator or designee.
- b. The University has entered into an agreement with an exclusive licensing agent, which is responsible for administering FAU's licensing program, including processing applications, collecting royalties, enforcing trademarks and pursuing new market opportunities. Only an officially licensed vendor may produce merchandise bearing the Trademarks. University Colleges, Departments or Divisions designing merchandise with a Trademark must use a properly licensed vendor. The OTLM may provide assistance to those seeking to obtain a license from the University's licensing agent.
- c. A single order supplier agreement for a non-license vendor could be granted by OTLM, if an item bearing the trademark is unable to be produced by a license vendor. Typically, a fee will be associated with the single order supplier agreement.
- d. The Trademarks shall not be used in the promotion of weapons, tobacco, alcoholic beverages, drug-related paraphernalia or "recreational" drug products. Other promotional uses may be prohibited when deemed inconsistent or detrimental to the University's image and/or mission.
- e. Merchandise bearing the Trademarks and produced without proper authorization may be considered counterfeit or infringing and subject to all available legal remedies, including, but not limited to, seizure of the merchandise.
- f. Trademarks are to be used only in the specific manner approved by the University, together with the appropriate Trademark designation, and may not be otherwise altered without the express written authorization of the OTLM.
- g. The Office of University Communications (OUC) is responsible for reviewing, approving, and coordinating all requests for the use of a Trademark in film, video, and/or photography and will consult with OTLM as necessary. All inquiries in this regard should be made to the OUC rather than to individual departments.

III. Procedures:

- a. All products bearing any of the Trademarks must be approved and licensed as specified hereunder. Resale items will generally be subject to a current standard royalty rate. Promotional or "premium" items, including institutional marketing materials produced by the University for official University business, are also subject to licensing requirements and maybe subject to the standard royalty rate.
- b. Departments and registered student organizations may use certain logos for official business. Departments, registered student organizations that wish to design or create new Trademarks for their department, club or organization must coordinate their effort with the OTLM and the OUC. The University's Visual Standards Manual is available on the University's website.

- c. Departments and registered student 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.
- d. Institutional, non-commercial marketing materials (e.g., printed or electronic communications) produced by the University for official University business shall meet the criteria established by OTLM with approval from OUC. This includes use of a Trademark on University publications, letterhead and business cards. Other marketing materials and promotional items, regardless of production, method or source of distribution, are subject to the approval process in this policy.
- e. Companies and individuals wishing to extend congratulatory messages (or statements of support) who do not meet the criteria for licensing hereunder may receive authorization from the OTLM to use prescribed trademarked verbiage (e.g. GO OWLS_{TM} or Congratulations OWLS_{TM}). Such messages must be clearly separate from the sale or promotion of any products or services.
- f. Deviations from this policy may be authorized by the President or designee, as appropriate.

IV. Types of Licenses: The University generally allows for three types of licenses to be issued, at its sole discretion, but may create new licensing arrangements as needed.

- 1. Standard: For the production of emblematic merchandise which will be sold by licensees to retail establishments. These licensees also service the University's Trademarks in response to a production request by a department (non-retail) or recognized campus club or organization for internal use.
- 2. Restricted: These licensees service the Trademarks in response to a production request by a department (non-retail) or recognized campus club or organization for internal use only. Licensees are not authorized to sell any products for traditional retail sales.
- 3. Crafters: These licenses are designed to benefit the local craftsperson. The license provides crafters with an opportunity to use their creativity without infringing on university trademarks, while still allowing the university to maintain the integrity of the brand.

V. Royalties:

- a. A product with a Trademark is generally subject to royalty or rights fees if:
 - 1. the product is for resale;
 - 2. the product promotes a specific event for which a fee is charged;
 - 3. the name, mark, or logo of a third party is used with the Trademark; or
 - 4. the product is being resold by members of the University community, including without limitation, registered student organizations and other affiliated organizations.

- b. Activities or products that include the use of commercial entities names or logos on the will generally be assessed a higher royalty.
- c. Royalty waivers are given when 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 Licensing Administrator. 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 the University. Exempting royalties is done in writing and does not exempt the requirement to use a licensed vendor for manufacture or production.
- d. These guidelines are usually sufficient in making royalty determinations. However, each submission shall be reviewed individually to make sure all aspects of an individual circumstance are taken into consideration.
- e. 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.

INITIATING AUTHORITY: Vice President, Executive Operations

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 1.5

Initiating Authority

Signature: _____ Date: _____
Name: Stacy Volnick

*Policies and Procedures
Review Committee Chair*

Signature: _____ Date: _____
Name: Elizabeth Rubin

President

Signature: _____ Date: _____
Name: Dennis Crudele

Executed signature pages are available in the Office of the General Counsel