

University Policy 510: Trademarks Licensing

Category: Operating Policies

Subcategory: *General*

Covered Individuals: Administration, Faculty, Staff, and Students

Responsible Executive: Vice President, University Marketing & Communications

Policy Custodian: University Marketing & Communications, Trademark Licensing Director

Last Revised: August 24, 2022

510.1 PURPOSE AND SCOPE

Utah State University (“USU”) has a significant interest in maintaining, protecting, promoting, and expanding its brand, reputation, and goodwill as a top academic institution. This policy sets forth the operating framework where the USU brand, goodwill, and reputation are responsibly and uniformly maintained, protected, and promoted through proper administration of [USU Trademarks](#).

510.2 POLICY

2.1 Trademark Ownership

USU retains sole ownership and control of USU Trademarks. [Trademarks](#) developed by USU employees that are associated with goods or services provided by USU are considered “commissioned works” under the Intellectual Property Policy (Policy 587) and are the intellectual property of USU. Any revenues associated with such USU Trademarks are retained by USU. The ownership and revenues associated with Trademarks developed by USU employees or students that are associated with Technology Transfer (as defined in Policy 587) (e.g., the brand name of an invention, process, or related spin-out company) shall be governed by Policy 587.

2.2 Trademark Use

2.2.1 Internal Use All internal institutional use of USU Trademarks must comply with the [Brand Standards](#).

2.2.2 Branded Goods for Internal Use The production of internal-use, non-commercial goods displaying USU Trademarks (e.g., department uniforms, promotional items, etc.) is permissible, provided the internal unit desiring the goods obtains preapproval University Marketing & Communications, Trademark Licensing for the following: (i) the good’s design (to ensure compliance with the **Brand Standards**) and (ii) the good’s producer (to ensure that USU maintains appropriate contractual control of USU Trademarks).

2.2.3 Marketing Communications and Websites The use of USU Trademarks in conjunction with USU’s marketing communications and its websites must comply with the **Brand Standards**.

2.2.4 Student Use Any use of USU Trademarks by students or student organizations must comply with the **Brand Standards** and must be preapproved by University Marketing & Communications, Trademark Licensing. Students are prohibited from using USU Trademarks for any commercial or non-preapproved use.

2.2.5 Outside Entity Use Any unlicensed use of USU Trademarks by an [Outside Entity](#) is prohibited. Under certain conditions, USU licenses rights to USU Trademarks to Outside Entities (e.g., rights to produce and sell branded goods or rights to use a USU Trademark to market intellectual property

associated with a technology transfer license). A license to an Outside Entity to use USU Trademarks must be in writing and executed by a USU employee with delegated signatory authority in keeping with Policy 528. Such licenses must include terms that (i) confirm USU's ownership rights in the USU Trademarks; (ii) ensure that goods or services associated with the USU Trademarks are of high quality; (iii) preserve and enhance USU's goodwill associated with the USU Trademarks; (iv) in the case of licenses relating to branded goods, ensure that such goods are produced by a USU licensed vendor; (v) ensure that USU receives adequate consideration for an external party's use of USU Trademarks; and (vi) control external party use of USU Trademarks so as to avoid source confusion of associated goods or services.

2.2.6 Prohibited Uses USU, at the discretion of its administration, reserves the right to prohibit certain trademark uses by Outside Entities and USU departments that it deems inappropriate or inconsistent with USU's image and mission.

2.2.6 Infringement USU reserves the right to legally enforce its rights, title, and interest in USU Trademarks against any Outside Entity.

2.3 Non-compliance

A USU employee's failure to comply with this Policy may result in notation of such failure in performance reviews, removal or reassignment of job responsibilities, corrective and/or disciplinary action.

510.3 RESPONSIBILITIES

3.1 Administration

The President's office is responsible for the administration of USU Trademarks, with specific responsibilities delegated as follows: (a) University Marketing and Communications — brand management, merchandising, and protection of USU Trademarks; (b) Office of General Counsel — protection of USU Trademarks; and (c) Technology Transfer Services (under the direction of the Vice President for Research) — licensing of USU Trademarks associated with Technology Transfer.

3.2 Employees

Each USU employee is responsible for personally complying with the applicable law, this policy, and other applicable USU policies.

3.3 Students

Each student is responsible for personally complying with the applicable law, the Student Code of Conduct, this policy, and all other applicable USU policies.

510.4 REFERENCES

- [United States Patent and Trademark Office \(USPTO\)](#)
- [Division of Corporations and Commercial Code Utah Trademark Manager](#)
- [Division of Corporations and Commercial Code Business Search](#)

510.5 RELATED USU POLICIES

- USU Policy 528: Contract Signature Authority and Delegation
- USU Policy 587: Intellectual Property
- USU Policy 588: Research Data

510.6 DEFINITIONS

- **Brand Standards** comprises a set of rules and guidelines that protect USU's brand. The Brand Standards, which are updated from time to time, are available for review at brand.usu.edu and describe the use of USU Trademarks along with the official USU color palette, typography, stationery system, and approval process for all USU marketing communications.

- **Co-Branding** means the marketing of a product or service under two or more brand names.
- **Endorsement** means the public approval or support of someone or something by another party.
- **Outside Entity** means any person, group, business, corporation, etc. outside of the university. Utah State University colleges, departments, and divisions are not outside entities. University employees, when operating within the scope of their employment, are not considered outside entities.
- **Sponsorship** means a payment of a portion or all of the costs involved in staging an event in return for advertising.
- **Trademark** means a word, sentence, phrase, symbol, design, or a combination thereof that identifies and distinguishes a source of the goods or services of one party from those of others.
- **USU Trademarks** means Trademarks owned by USU, whether registered or unregistered, including all Trademarks associated with USU academic colleges, departments, divisions, USU programs and events, USU athletics, or other USU goods or services.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

(List resources to aid in compliance or indicate "None.") [Arial Narrow 10]

Procedures

- [Logo Application](#)
- [Branded Goods](#)
- [Stationery Standards](#)
- [Artwork Approval](#)
- [Endorsements, Sponsorships & Co-Branding](#)
- [Trademark Review Process](#)

Guidance

- [Use of Trademarks](#)
- [Trademarks At a Glance](#)

Related Forms and Tools

- [Logos](#)
- [Terminology](#)

Contacts

- [Director, Trademark Licensing.](#)
- [Trademark Coordinator.](#)

POLICY HISTORY

Original issue date: 2006/02/01

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Next scheduled review date:

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