



STANDARD ADMINISTRATIVE PROCEDURE Licensing and Trademark Usage

Standard Administrative Procedure Statement

East Tennessee State University owns and controls its name(s) and other marks, logos, insignias, seal, other identifying marks, or still and moving images that have become associated with the institution. The Office of the President has established a licensing program to protect the name and identifying marks of the university and to prohibit the unauthorized use of university mark on commercial or other products. The procedure that governs use is written below.

Official Standard Operating Procedure/Responsibilities/Process

1 ADMINISTRATION

- 1.1 The Office of University Relations will register the University's marks with state, national and international governing bodies.
- 1.2 The Office of University Relations will approve the use of the University's marks and still and moving images.
- 1.3 The Office of University Relations will negotiate and consummate agreements for the commercial use of registered marks.
- 1.4 The Office of University Relations will manage all commercial and retail associated with the University marks.
- 1.5 The Office of University Relations will monitor sales reports and accounts for royalties paid by licensees for the use of the University's registered marks.
- 1.6 The Office of University Relations will monitor the marketplace to control unlicensed use.

2 GENERAL

ETSU prohibits the use of any of its symbols, insignia, other identifying marks, or still and moving images without express written approval. Any approved use is subject to the licensing provisions of this procedure. For purposes of this procedure, this prohibition includes but is not necessarily limited to all registered marks to the University's name, abbreviations, symbols, emblems, logos, mascot, slogans, official insignia, uniforms, landmarks, still and moving images or songs.

- 2.1 The Office of the President has delegated authority to approve the use of University identifying marks to the Manager of Trademark Licensing within the Office of University Relations.
- 2.2 Only an Officially Licensed Vendor may produce merchandise bearing the ETSU University Trademarks. "Officially Licensed Vendors" or other University vendors may not always be the same. For a current list of Officially Licensed Vendors contact Office of University Relations.

- 2.3 Companies or individuals creating merchandise for sale or distribution, including internal use, may use University Trademarks only after entering into a specific license agreement with the University. For additional information regarding either acceptable or inappropriate uses of Trademarks, contact the Office of University Relations.
- 2.4 Companies using any University Trademark for advertising or promotional purposes in any format must first obtain written permission from the Office of University Relations. In most cases, a royalty or usage fee will be 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 style guide of ETSU.
- 2.5 The Trademarks of the ETSU will not be used in the promotion of gambling, alcoholic beverages, tobacco products, "recreational" drugs, or drug-related paraphernalia. The University reserves the right to prohibit other uses that it deems in inappropriate or inconsistent with the image and mission of an educational institution.
- 2.6 Merchandise bearing University Trademarks and produced without proper written University authorization may be considered counterfeit or infringing and subject to all available legal remedies, including, but not limited to, seizure of the merchandise.

2. MISSION AND PURPOSE

- 2.1. Ensure proper control and use of Trademarks that are associated with ETSU; protect all University Trademarks from unauthorized uses, and facilitate the process of granting authorization for legitimate internal and third-party use of University Trademarks.
- 2.2. Insure that the University generates revenue for its programs by securing a legitimate and reasonable royalty for the use of its Trademarks.
- 2.3. Promote ETSU 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. PROCEDURES

- 3.1 Colleges & Schools, departments, centers, programs, and recognized student organizations of the University desiring to create merchandise that bears a University trademark must use an Officially Licensed Vendor. Licensed Vendors are required to submit final artwork through the University's licensing agent. Licensed Vendors of internal orders must have a purchase order in hand prior to production.
- 3.2 Colleges & Schools, departments, centers, programs, and recognized student organizations of the University may use assigned university logos for official business. Some marks and logos may not be available for general use and the use of any logos will need to comply with the standards presented in the Style and Graphic Standards Manual, on line at www.etsu.edu/identity/. Questions regarding such use should be directed to identity@etsu.edu.

3.3 Clubs or organizations affiliated with the University, but not part of the University, may not use university trademarks for their official business. These clubs/organizations are generally defined as run by private individuals or entities and may not have agendas or goals in alignment with the university although well intentioned.

3.4 Exceptions to 3.3 private camps run by coaches within the Athletic Department. These clubs/camps have traditionally been granted use of the marks. Such use is subject to the same licensed vendor and royalty requirements as all other uses of the mark.

3.5 The University charges a royalty fee for the use of its marks except for internal consumption and some promotional items as listed in 3.6. An internal consumption item is an item that happens to bear an ETSU trademark but that is otherwise a work-place necessity that is used by and employee or organizational unit of the university in the ordinary course of business. Examples include pens, notebooks, uniforms required to be worn by employees, and team athletic apparel.

3.6 A product generally is subject to royalty or right fees if a University Trademark is utilized AND:

- the product is for resale; or,
- the product promotes a specific event for which a fee is charged; or
- the product is given away at a conference, workshop, clinic or camp that requires a registration fee and the price of the item has been included in the fee; or,
- the product is used as giveaways to attendees of special events, booster activities, or for use as fundraisers; or,
- the name, mark, or logo of a third party is used with the University's Trademark.

Activities or products that include the use of a commercial sponsor's names or logos on the licensed product may be assessed a higher royalty contingent on University approval.

3.7 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.

4. LABOR CODE OF CONDUCT

4.1 ETSU 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 insure that their employees are safe from abusive labor conditions and follow Federal and State of Tennessee Fair Labor Standards.

4.2 In order to insure 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 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 Federal and State of Tennessee Fair Labor Standards. For a current list of Officially Licensed Vendors, contact the Office of University Relations.