



SUBJECT: TRADEMARK LICENSING	Effective Date: 1-28-14	Policy Number: 1.5	
	Amended: Dec 1, 2023		
	Supersedes: Policy Memorandum 1-6-97	Page 1	Of 5
Responsible Authority: Vice President, Public Affairs; Director, Brand Development, Licensing & Marketing			

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, departments and the FAU Foundation.

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 Brand Development, Licensing and Marketing (BDLM) has the responsibility for maintaining, managing, and licensing the logos, symbols, indicia, insignia, trade names, service marks, and trademarks (collectively "Florida Atlantic University Trademarks") of the University. 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 BDLM 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 a registered licensee may produce promotional products, merchandise, uniforms, etc. bearing the Trademarks. University Colleges, Departments or Divisions designing merchandise with a Trademark must use a registered licensee. The BDLM office may provide assistance to those seeking to obtain a license from the University's exclusive licensing agent.
- c. A single order supplier agreement for a non-licensee could be granted by BDLM office, if an item bearing the trademark is unable to be produced by a current licensee. Typically, a fee will be associated with the single order supplier agreement.
- d. The following list contains example of products and images that should not be used in conjunction with the Florida Atlantic University Trademarks. This list is not all-inclusive.
 - Products that can be used to injure, kill, or present a high risk of liability exposure.
 - Tobacco, nicotine related products and some alcohol-related products.
 - Controlled substances and illegal drugs.
 - Weapons
 - Sexually suggestive products or language.
 - Products that are or depict hateful, demeaning, or degrading language or statements.
 - Products that use profanity.
 - Products that contain statements impugning other universities.
 - Art and graphic designs depicting or endorsing tobacco, illegal drugs, firearms, other weapons or some alcohol-related products.
 - Art representing racist, sexist, or hateful images.
 - Art associated with profanity, demeaning, or degrading language.
 - Art depicting sexual acts.
 - Art and statements impugning other universities.

Other promotional uses may be prohibited when deemed inconsistent, harmful or detrimental to mission, image or integrity of the University.

Commercial Solicitations that relate to the promotion or consumption of some alcoholic beverages, tobacco, or products or services that are contrary to the policies or mission of the University, are prohibited.

Any and all uses of the names, images, likeness and/or numbers of Florida Atlantic University student-athletes must comply with university policies and applicable NCAA regulations. Questions should be directed to Brand Development, Licensing & Marketing Office, who will consult as appropriate with Florida Atlantic University Athletics.

University trademarks cannot be used by private and/or corporate businesses in the sale of commercial products or advertising. University trademarks cannot be incorporated into off-campus business telephone numbers, internet addresses or internet domain names.

In instances where there is uncertainty regarding the appropriate use of any Florida Atlantic University trademarks, the Director of Brand Development, Licensing, and Marketing, along with the Vice President of Public Affairs, will determine the best course of action.

- 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 BDLM office.
- g. The Division of Public Affairs (DPA) 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 BDLM office as necessary. All inquiries in this regard should be made to the DPA rather than to individual departments.
- h. News media are not required to obtain a license when using current University trademarks to convey informational messages. University trademarks can be requested by contacting the BDLM office.
- i. The University name, logo or trademarks may not be used on personal social media pages or sites or should not be used in any manner that suggests or implies Florida Atlantic University's endorsement of other organizations, companies, products, services, political parties or views, or religious organizations and beliefs.
- j. Retailers and licensed manufacturers may use pictures of licensed products in advertisements with the authorization of the BDLM office if such use does not violate NCAA regulations.
- k. Endorsements can be mutually beneficial in business relationships, but they can also send a conflicting message to the marketplace regarding Florida Atlantic University's name and reputation. To avoid misinterpretation, endorsements are discouraged. Use the following guidelines to determine how Florida Atlantic University's name, trademarks, and identifiable properties can be used:
 - "Florida Atlantic University" does not endorse products or services.
 - Promotional announcements that identify a unit at Florida Atlantic University as a customer, must be specific and accurate (ex. it is not "Florida Atlantic University" that is purchasing software, but the "Florida Atlantic University Accounts Payable Department.")

- Accurate statements which describe a fact but do not express an endorsement may be allowable with advance permission of the University official responsible for dealing with the vendor (e.g. “the Florida Atlantic University’s Telecommunications office is a client of X Technology Group”).
 - Photographs of identifiable Florida Atlantic University landmarks, buildings, statues, etc. which imply an endorsement of a product or service are not permissible (for example, an advertisement for a new car parked in front of the Administration Building).
- I. The use of FAU in domain names is not allowed in any URL form (e.g., fau_organization.edu) without first obtaining FAU’s prior written authorization from the BDLM office.
- m. In conjunction with the University’s exclusive licensing agent, the Office of Brand Development, Licensing and Marketing works diligently to protect Florida Atlantic University’s trademarks both domestically and internationally. Federal trademark law requires that trademark owners actively protect their marks to maintain the full benefit of registration. Florida Atlantic University will prosecute misuse of university trademarks to the fullest extent of the law.

III. Procedures:

- a. All promotional products bearing any of the Trademarks must be approved and licensed as specified hereunder. Resale items will generally be subject to royalties. 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 logos for their department, club or organization must coordinate their effort with the BDLM office and the DPA. 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 official licensees. 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 the BDLM office with approval from DPA. 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 BDLM office to use prescribed trademarked verbiage (e.g. GO OWLS or Congratulations OWLS). 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 Director of Brand Development, Licensing & Marketing, Vice President of Public Affairs or designee, as appropriate.

IV. Types of Licenses: The University works with its exclusive licensing agency to identify and cultivate new consumer product companies that can bring value to college consumers through licensed merchandise. Companies can pursue a license in one of two categories:

Retail – Allows a company to produce products bearing the trademarks of collegiate institutions for sale at retail in approved retail channels and direct to consumer, as well as university departments and related entities.

Internal – Allows a company to produce product bearing the trademarks of collegiate institutions for university departments and related entities for internal consumption only; cannot provide product at retailer direct to consumer.

The University and its exclusive licensing agent reserve the rights to create new licensing arrangements as needed.

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 or requires a financial transaction;
 - 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, items for fundraisers, items for giveaways, gifts, 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 them will generally be assessed a higher royalty.
- c. For purposes of consistency, the University does not exempt campus-operated stores from purchasing emblematic merchandise from official licensees. Royalties are charged to campus stores in the same manner as charged to off-campus retail establishments.

INITIATING AUTHORITY: Vice President, Public Affairs

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

Policy Number: 1.5

Initiating Authority

Signature: _____ Date: _____

Name: _____

Policies and Procedures

Review Committee Chair

Signature: _____ Date: _____

Name: _____

President

Signature: _____ Date: _____

Name: _____
