

POLICY TITLE: Trademark Licensing Policy

(Under intellectual property)

POLICY PURPOSE:

Provide information and guidelines to the University community and the public regarding the use of the University's Marks; to protect the University's Marks and to promote the University.

APPLIES TO:

Haskell Indian Nations University faculty, staff, students, academic departments, student groups, and the public

CONTENTS:

- I Background
- II Administration of the Program
- III Licensing Standards
- IV Licensing Arrangements
 - A. Commercial Use
 - B. Internal Use
 - C. Special Events
- V Distribution of Revenue
- VI Compliance

POLICY STATEMENT:

I Background

The Haskell Indian Nations University benefits from the public recognition of its names, symbols, logos, trademarks, servicemarks, designs, and seals, or any combination of these ("Marks"). Federal, state, and common laws govern the University's rights to its Marks. In order to comply with and assure protection under trademark laws, the Haskell Indian Nations University initiated a licensing program in 2010 and entered into a formal arrangement for national program in 2010. Responsibility for the Trademark Licensing program now resides in the Trademark Committee. The program has four main objectives:

- 1 Protection of all Marks that relate to the University (or have come to be associated with the University), and to ensure that the marks are used in a manner that is consistent with the mission of the University and reflects favorably on the University.

- 2 Promote the University in a consistent and uniform manner to protect the University's reputation, name, and image.
- 3 Produce revenue to pay for the expense of operating the program and for programs and scholarships at the University and in the Haskell Indian Nations University Athletics Department.
- 4 Protect the consumer from deception or from faulty or inferior products and services bearing the University's Marks.

Any promotion referencing the University requires express written permission. The University legally protects its Marks and the institution's image through the licensing program. Unlicensed use of the Marks is subject to state and federal laws and use of the University's Marks without license or permission is strictly prohibited. Prior authorization of the use of the University's Marks will not be construed as an authorization of use in the future, nor will any prior course of conduct, use or infringement prohibit the University from enforcing any of its rights with respect to the Marks. Marks that are obsolete or replaced by updated Marks continue to be protected and owned by the University.

II Administration of the Program

The University has assigned Trademark Committee (The Committee) the responsibility for the administration of the University's Trademark Licensing Program for all Haskell Indian Nations University locations. The Trademark Licensing Director (CIO) has the responsibility for the operational management of the Trademark Licensing Program. The director is responsible for implementing policies and procedures established by and with University and The Committee representatives. The University Relations Manager (Presidents Office) has been designated by the University to work in tandem with The Committee and the Trademark Licensing Director to implement The University's Graphic identity Standards and Approved Artwork Guide. The University's Marks are comprised of logos, unique letter forms, and color as they pertain to the Trademark Licensing Program.

The University has created the Trademark Licensing Office under the Office of the Chief Information Officer to reach program objectives. The Trademark Licensing Office will collaborate with The Campus Shop to protect and control the uses of all logos through its trademark licensing program. The Trademark Licensing Office will use its expertise, resources and experience necessary to maximize licensing revenue potential. Individuals or businesses interested in becoming licensed with Haskell Indian Nations University are encouraged to contact the Trademark Licensing Office for information on becoming a licensee and to start the process of becoming an officially licensed vendor.

III Licensing Standards

The Trademark Licensing Director reserves the right to approve each use of the University's Marks. Licensees or those seeking permission will submit each proposed use, product or design to the Trademark Licensing Office or its authorized agent, for approval prior to production and sale. The University's Marks are intended to present a positive and consistent image and may not be altered from the approved artwork guide in any way.

The University will not approve the use of its Marks on or to promote the following products: tobacco, illegal substances, sexually suggestive designs, religiously affiliated products, political campaigns or promotions of political causes or promotions of gambling. Alcohol-related sponsorships that use University Marks must be approved in advance by The Committee. IN addition, the University will not approve the use of its Marks with other accompanying text or graphics that are judged to denigrate any group, including another college or university, or infringe on the rights of other known trademark owners. The University will not license products that do not meet minimum standards of quality and/or good taste or are judged to be dangerous or carry high product liability risks. The University will not approve the use of its Marks on any product or design that may violate NAIA rules. Designs incorporating jersey numbers, except on authentic or replica merchandise, photos or any other likeness of a current student-athlete, will be evaluated on a case by case basis and are subject to all NAIA rules. The University's Marks cannot be used in promoting services or on a product in a way that could state or imply an endorsement by the University, except that The Committee reserves the rights for promotional use through its media rights holder. The University reserves the right to prohibit other uses that it deems inappropriate or inconsistent with the image and mission of an educational institution.

IV Licensing Arrangements

A. Commercial Use

A license is required for any individual, organization or company wishing to use the University's Marks for a commercial use or in its company name. The Trademark License Office must approve all commercial uses prior to production and sale. A standard royalty payment of 12 percent of the wholesale selling cost must be submitted for each item sold. In those instances where the manufacturer is the wholesaler and the retailer, the royalty rate will be based on 50 percent of retail cost, not wholesale value. A license is not required for advertisements promoting the sale of licensed products. Such advertisements, however, are limited to depicting the licensed product that is being advertised.

Limited term agreements may be granted to those private artisans engaged in the limited production and distribution of arts and crafts items (including, but not limited to fabric, leather work, glass, ceramics, and paintings). This agreement shall be for a period of one year or less and the cost will be based upon the number of items produced and the production costs associated with the product. This license is handled directly with the Trademark Licensing Office.

The Haskell Indian Nations University Alumni Association (HINUAA) shall enter into a license agreement with the University for the use of any University Mark. Commercial uses of any Mark must be approved by the Trademark Licensing Office. Merchandise sold to and then resold by the Alumni Association to its membership as part of its fund-raising efforts will be exempt from royalties. However, all merchandise shall be produced by a current trademark licensee, and as such, sales will be reported each quarter along with its regular royalty report. If HINUAA initiates a project which is unique and involves items which are not currently being produced by

licensees, a separate agreement with HINUAA, The Committee, and the vendor is required. Samples and artwork used must be submitted to the Trademark Licensing Office Director for approval prior to production.

B. Internal Use

Campus departments and offices may use the University Marks for nominative purposes pursuant to the current Haskell Indian Nations University Graphic Identity Standards. The Office of University Relations approves all marks used for nominative purposes. Products created by a University department for resale or departmental promotional use that bear the Marks must receive prior approval of the Trademark Licensing Office and be produced by an officially licensed vendor.

Registered student, campus or community groups desiring to use the University's Marks must submit all designs to the Trademark Licensing Office for approval prior to production. All designs must conform to established standards for use of the University's Marks as well as adhere to all University policies---including University Events Committee approval when necessary.

Only licensed vendors will be approved for the production and sale of products depicting the University Marks. The Office of Trademark Licensing keeps a list of all manufacturers who are licensed and will provide a copy of this list to any recognized department or organization of the University that wishes to obtain products for general distribution.

C. Special Events

Arrangements for special event T-shirts, merchandise or departmental items should be coordinated through the Trademark Licensing Director to ensure that the manufacturers are officially licensed to use University Marks.

A rights fee may be charged to a business sponsoring a promotion at any athletic event. The rights fee is paid to The Committee for the right to promote at its athletics facilities. A separate rights fee may be paid by the sponsoring business for the use of any Marks used in any manner during the promotion. Any fee shall be agreed upon and submitted prior to the beginning of the promotion period. A signed license agreement will be required that outlines the specifics of the promotion, promotion length, and detailed description of the proposed use of the marks. No agreements shall be signed that conflict with the Trademark Licensing Operating Agreement between the University and The Committee. Novelties, merchandise or other goods used in an athletic promotion, which bear the University Marks, must be purchased from official licensees of the University.

Congratulatory messages using the Haskell Logo may be allowed with prior approval from the Office of Trademark Licensing for no fee.

V Distribution of Revenues

Net revenues are distributed in accordance with the Trademark Licensing Operating Procedures.

VI Compliance

Persons or entities that use the University's Marks without permission are subject to civil and criminal penalties pursuant to trademark law. The University reserves the right to pursue any and all legal remedies and will take whatever measures necessary to protect its Marks from infringement.

CONTACTS:

Responsible Offices:

Office of the Chief Information Officer, Trademark Licensing

Office of the President, Haskell Indian Nations University

Contact:

Office of the Chief Information Officer

Trademark Licensing Director

Haskell Indian Nations University

155 Indian Ave

Lawrence, Kansas 66046

(785) 749-8482

(785) 832-6668 (fax)

jarce@haskell.edu

Office of the President

Haskell Indian Nations University

155 Indian Ave

Lawrence, Kansas 66046

(785) 832-6644

(785) 749-8411 (fax)

president@haskell.edu

<http://www.haskell.edu/>

APPROVED BY:

APPROVED ON:

EFFECTIVE ON:

REVIEW CYCLE:

Review as needed.

DEFINITIONS:

Commercial use means a business undertaking with the intent to make a profit.

Infringement means unauthorized use of a trademark or servicemark that belongs to another, or use of a trademark or servicemark so similar to that of another as to cause the likelihood of confusion in the minds of the public as to the source (affiliation or sponsorship) of the product or service.

Licensee is an individual or company who enters into a Licensing Agreement.

Licensing is the process of obtaining legal permission through a Licensing Agreement from the University for the right to use the University Marks.

Registered Trademark means a trademark that has been registered with the federal government at the US Patent and Trademark Office or The Secretary of State of Kansas.

Servicemark has the same meaning as a trademark, except that it identifies and distinguishes the source of a service rather than a product.

Trademark means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.

University Marks and Marks are any and all names, logos, trademarks, servicemarks, word marks, insignias, designs, seals, or other images, whether or not registered, used by the Haskell Indian Nations University.

KEYWORDS:

REVIEW/CHANGE HISTORY:

Licensing program initiated in 2009; formal arrangement for a national program completed in 2010; Trademark Licensing Program policies and procedures approved by the University President.

FINAL DRAFT