

## University Policy: Trademark Usage Policy

**Policy Category:** Operational Policies

**Subject:** Use of University's Institutional Marks

**Responsible Executive:** Vice President, Communications & Marketing

**Office(s) Responsible for Review of this Policy:** Office of the Vice President for Communication

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### I. SCOPE

This policy applies to faculty, staff, students, academic departments, university groups, administrative divisions/departments, alumni organizations, informal groups, third party promotional vendors and student organizations.

### II. POLICY STATEMENT

American University benefits from public recognition of its names, symbols, logos and other identifying marks. Properly used and managed, these marks provide a unifying look, which is essential to establishing recognition and distinction, a goal in the Strategic Plan. The Marks become identified with the quality of the university's programs, products and services and distinguish them from those offered by other universities.

Trademarks are protected under federal and local laws, which provide protection against infringement or unauthorized use of Marks. Protection under the law requires that the owners of marks be diligent in monitoring the proper use and enforcing it rights. Therefore, consistent use of the university's Marks by members of the community, as well as approved use by those who wish to associate with the university, is in AU's best interest.

This policy is designed to assist the university to accomplish its purpose of: (i) protecting the university's reputation, good name and image by insuring proper use of all of the university's Marks; (ii) generating revenues to support the operational goals of the university; and (iii) assuring that only quality products bear the university's Marks.

### III. DEFINITIONS

Marks: are any and all names, logos, trademarks, service marks, word marks, insignias or other images, whether or not registered utilized by the university.

### IV. POLICY

#### A. Approval

1. The use of the Marks, which identifies, or is associated with the university, may not be used without prior authorization as identified by this Policy.
2. Departments, recognized student clubs, and campus organizations may use the Marks under two conditions: The use must be for internal, noncommercial consumption, and the Marks may not be altered or modified in any way. Proper use of the Marks will conform with the guide to Trademarks of American University ([link PDF of document](#)).
  - a) If the use of the Marks does not conform to these requirements, or if any modifications are desired, then review and written approval must be obtained from the Assistant Vice President for University Publications.
  - b) References to the university and its Marks by news media for informational purposes to identify the university, do not require approval.
3. All use of the marks for commercial resale or noncommercial promotional distribution must be contracted through a vendor (licensee) registered with Learfield Licensing Partners (Learfield). Learfield is the University's licensing agent, responsible for licensing and monitoring vendors, vendor conduct and vendor production of goods in accordance with the codes of conduct for the Fair Labor Association, the Worker's Rights Consortium and the Universities Statement on Social Responsibility for Business Partners (see Labor Practices in section D.)
  - a) Departments, recognized student clubs, and campus organizations planning to use a vendor to produce merchandise that uses the Marks for resale or for promotional distribution should use an officially licensed vendor (licensee).
  - b) Contact the Procurement and Contracts Department (PCD) for a list of licensed promotional vendors or visit the Procurement website under Strategic and Preferred [Vendors](#).
  - c) A complete list of university licensees registered with Learfield is located at [Learfield Licensees](#)
4. Any uses of the Marks not described in this Policy must be approved in writing by the Vice President for Marketing and Communications.

## **B. Prohibited Uses of the Marks**

1. The Marks are intended to present a positive image of the university as well as a consistent brand identity, therefore they may not be altered in any way. Nor can the Marks be used to promote a business, product, or service, or in association with any person or entity, that in any way that could state or imply an endorsement by the university without prior written approval from the university.
2. The Marks shall not be used in any way that discriminates or implies discrimination against any persons or groups on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability, marital status, personal appearance, gender identity and expression, family responsibilities, political affiliation, source of income, veteran status, an individual's genetic information, and any other bases under federal or local laws, or in any other way that would be a violation of the university's anti-discrimination policies. Furthermore, the use of Marks will not be advertised with or used on the following: (i) alcohol-related products; (ii) tobacco-related products; or (iii) sexually suggestive products. Moreover, the Marks will not be used in connection with a specific political position or candidate. The university reserves the right to prohibit other uses which it deems inappropriate as being inconsistent with the image and mission of an educational institution.

3. Corporate Card can be used to pay authorized preferred and strategic, licensed vendors for purchases. Any use of the card outside these trademark policies and guidelines or PCD policies and guidelines will be cause for cancellation of the privileges of using the corporate card.

### **C. Licenses and Royalties**

1. Production of products bearing the Marks must be approved and licensed as specified by this Policy. Items produced for resale will be subject to the prevailing royalty rate established by the university.

2. A royalty exemption (but not a license exemption) may be granted for products purchased by the university, department, university recognized club, or campus organization for promotional distribution or internal use. Groups may receive reimbursement of product costs from their membership. Use of internal vendors eliminates an assessed royalty fee on the product.

### **D. Labor Practices**

1. All products bearing the Marks must be manufactured by companies who agree to abide by the standards of the Workers Rights Consortium Code of Conduct <http://www.workersrights.org> and the Fair Labor Association [FLA Code](#).

## **V. EFFECTIVE DATE AND REVISIONS**

This Policy is effective as of July 8, 2016.

This Policy will be reviewed biannually.