
TRADEMARKS AND LICENSING POLICY

Category: Administration and Governance

Responsible Office: Division of University Communications

Responsible Executive: Vice President, University Communications

Date Established:

Date Last Revised: 07/19/17

Summary

The University at Buffalo requires express written approval when using any of its marks – name, seals, crests, symbols, insignia, logos, word marks, spirit mark, signatures or taglines, uniforms, mascots, or other identifying marks, as well as still and moving visuals, in any medium. Only the Trademarks and Licensing Program can grant approval on usage.

Policy

POLICY STATEMENT

As a premier public research university, the University at Buffalo (UB, university) competes globally to recruit students, faculty, and staff, and attract philanthropic support and other resources crucial to carrying out its mission. These goals require the university to project a clear and consistent identity to the world. The use of any mark which identifies, or is associated with, the university requires prior express written approval from the Trademarks and Licensing Program.

The university legally protects its marks and images through the Trademarks and Licensing Program. University marks must be used with the appropriate trademark designation in the specific manner approved in writing by the Trademarks and Licensing Program, and may not be altered without written authorization from the Trademarks and Licensing Program.

Prior authorization to use the university's name or marks does not constitute authorization for use in the future. In addition, any prior course of conduct, use, or infringement does not prohibit the university from enforcing its rights with respect to the university name or marks. Marks that are historical, obsolete, or replaced by updated marks continue to be protected and owned by the university.

Products bearing the university's name or marks, and produced without proper written authorization, may be considered counterfeit or an infringement and subject to all available legal remedies, including, but not limited to, seizure of the products. Unlicensed use of university marks is subject to state and federal laws.

Officially Licensed Vendors

Products using the university's trademarks must be produced by an officially licensed vendor.

Exceptions to using an officially licensed vendor are limited and must be approved by the Trademarks and Licensing Program.

Additional information available in the Trademarks and Licensing guidance document.

Royalty Rate

Royalty rates and licensing fees are determined by the Trademarks and Licensing Program. Royalties are collected whenever an item is produced that has the potential to be sold in a retail setting.

In determining exemptions from royalty payment, consideration is given to the purpose of the service or good purchased, the community served, and the source of funding.

Given these criteria, the university should not be required to pay itself for purchases of services or products it makes for its own use to fulfill the educational mission of the university. However, the university should avoid unfair competition with retailers and service providers, and should not exempt itself from paying royalties on the purchase of goods in certain circumstances.

Only the Trademarks and Licensing Program may grant royalty and licensing exemptions.

Additional information available in the Trademarks and Licensing guidance document.

Use of University Marks in Conjunction with Other Organizations

The university does not endorse organizations, companies, products, services, political parties or views, or religious organizations or beliefs. University marks must not be used in any explicit or implied endorsement of any product or service.

University marks may under certain circumstances be used in conjunction with another corporate mark when all brand guidelines are met and with prior express written approval from the Trademarks and Licensing Program. The Trademarks and Licensing Program reserves the right to prohibit use of the university's marks when it is deemed to be in poor taste or in violation of any part of this or any other university policy.

Additional information available in the Trademarks and Licensing guidance document.

Trademarks and Licensing Pre- and Post-Approval

Trademarks and Licensing approvals should be obtained prior to use of university marks. In limited circumstances approval is not required or may be granted post-production at the discretion of the Trademarks and Licensing Program.

Units must comply with any requests from the Trademarks and Licensing Program to bring merchandise and communications collateral into trademark compliance.

Additional information available in the Trademarks and Licensing guidance document.

Prohibited Uses of University Name and Marks

The university's name or marks may not be used in any way that discriminates or implies discrimination against any persons or groups based on gender, race, color, religion, age, disability, sexual orientation, gender expression, gender identity, nationality, political opinion, social or ethnic origin, veteran or military status, domestic violence victim, marital or sex offender status, or in any other way that would violate the university's anti-discrimination policies or practices.

The Trademarks and Licensing Program will not approve or license the use of the university's name or marks in connection with certain products for commercial use. The following list is not exhaustive (a full list is maintained by the Trademarks and Licensing Program):

- Alcoholic beverages and related products
- Tobacco, lighters, and other smoking-related products
- Drug paraphernalia
- Firearms or weapons
- Goods related to gambling, lotteries, and sweepstakes
- Any other product or service that may pose a risk to the end user, the university, or the general public

Trademarks and Licensing Code of Conduct

The university has elected to join monitoring agencies and organizations to help ensure that vendors producing goods bearing university marks are doing business in a socially responsible manner, consistent with the university's values.

The university has developed and ratified a Trademarks and Licensing Code of Conduct to ensure that vendors adhere to fair, sustainable practices in the manufacture of products bearing the university's marks. When applicable, vendors who reproduce university marks must comply with the Code of Conduct.

BACKGROUND

The university benefits from the public recognition of its names, symbol, logo, trademarks, service marks, designs, crests, seals, and any combination of these marks. Federal, state, and common laws govern the university's rights to its marks. The Trademarks and Licensing Program complies with and assures protection under trademark laws. The Program:

- Protects all marks that relate to the university (or have come to be associated with the university)
- Ensures that the marks are used in a manner that is consistent with the mission of the university and reflects favorably on the university
- Ensures promotion of the university in a consistent and uniform manner to protect the university's name, image, and reputation
- Protects the consumer from deception or faulty, fraudulent, or inferior products and services bearing the university's marks or a facsimile of the university's marks

APPLICABILITY

This policy applies to all university academic and administrative units, centers, institutes, student and athletic groups, as well as vendors that produce goods and provide services that include the university's name and/or marks and sponsors who wish to use the university's name and/or marks.

DEFINITIONS

Express Written Approval

Clear, formal, and explicit permission or consent that is put into writing. Approvals cannot be implied, nor given orally or verbally.

Mark

Names, seals, symbols, insignia, logos, original artwork, word marks, signatures or taglines, uniforms, mascots, or other identifying visuals, as well as still and moving images, or any other identifier that represents the University at Buffalo.

Names

University at Buffalo, UB, Bulls, UBuffalo.

Officially Licensed Vendor

A business or corporation that is approved and licensed by the Trademarks and Licensing Program to produce merchandise that bears the University at Buffalo marks. These vendors must meet insurance requirements, show consistent quality, and agree to abide by the university's Trademarks and Licensing Code of Conduct. Vendors must complete an application to become licensed.

Sponsor

A person, firm, or organization that enters into a contractual relationship with the university in which the intent of the relationship is to support the university's goals, typically in a financial capacity.

Store Vendor

A retail business that purchases officially licensed product for resale.

University Vendor

A vendor that does business with the university.

RESPONSIBILITY

All members of the university community, including vendors and external sponsors

- Obtain approval to use university marks from the Trademarks and Licensing Program, as required.
- Use an officially licensed vendor for production of items bearing university marks.
- Review and adhere to branding standards.

Division of University Communications

- Oversee the Trademarks and Licensing Program.
- Develop and maintain branding standards.

Trademarks and Licensing Program

- Register the university's marks with the appropriate federal and state offices.
- Maintain the Trademarks and Licensing Code of Conduct.
- Review and approve exceptions to the use of officially licensed vendors.
- Establish royalty rate and licensing fees.
 - Annually review and adjust the royalty rate, as appropriate based on industry standards and business needs.
 - Review and approve exemptions from royalty fees.
- Review and approve vendor promotional materials that identify the university or a unit of the university as a customer or client.
- Review requests from corporate and external entities to use university marks in sponsorship materials.

Contact Information

Trademarks and Licensing
330 Crofts Hall
Buffalo, NY 14260
Phone: 716-645-4585
Fax: 716-645-3765
<http://www.buffalo.edu/licensing>

Related Information

University Links:

[Trademarks and Licensing](#)

[Trademarks and Licensing – Officially Licensed Vendors](#)

[Trademarks and Licensing Code of Conduct](#)

[Trademarks and Licensing – List of Prohibited Items](#)

[UB Identity and Brand](#)

[UB Logo and Brand Assets and Downloads](#)

[Trademarks and Licensing Guidance](#)

Forms:**Related Links:**

Presidential Approval

Satish K. Tripathi, President

Date

TRADEMARKS AND LICENSING GUIDANCE

Officially Licensed Vendor Exceptions

Exceptions to using officially licensed vendors may be considered with the following conditions:

- The product is proprietary in nature or there are a limited number of vendors who produce the product.
- The vendor is unwilling to become licensed because the cost associated with licensing and the demand for the item are not significant enough to be recovered through university orders.
- The quantity requested is extremely low and the demand for the item is minimal or infrequent (e.g., personalized, engraved plaque given as an award).

If the exception is granted:

- One order per vendor per calendar year is allowed, university-wide.
- The vendor must hold the appropriate amount of liability insurance and provide proof of insurance.
- The vendor must certify they will abide by the Trademarks and Licensing Code of Conduct.
- The item produced must adhere to proper use of the university's name and/or marks and to all applicable brand guidelines.
- The vendor is responsible for collecting and remitting royalties if the item is determined to royalty-bearing.

Royalty Rate Rules and Exemptions

The current royalty rate is 10%. The royalty rate is applied to the wholesale price of a good not to the retail price. For example the retail price of a shirt in a store may be \$25, the actual wholesale price may be \$5. The royalties collected on that shirt would be \$.50.

Royalty payments are required even when university funds are used to procure trademarked items in the following circumstances:

- Products or services used for resale or sold at cost to faculty, staff, and students unrelated to the educational mission of the university (e.g., a department collectively places an order for clothing for employees and then collects reimbursement from staff).
 - It is not considered resale for a unit to purchase items in bulk and then use an Interdepartmental Invoice to share the cost of an order among departments.
- Items that will be sold in fundraising efforts (e.g., student group selling t-shirts to raise money for their organization or a group raising money to make a donation to a humanitarian aid organization in recognition of a natural disaster).
- Items bearing the name of the university, master brand marks, or other stylized marks and the usage of these marks is not specialized or customized in a way that would preclude sale by retailers to the general public.

The following criteria are required for a royalty exemption:

- University funds are used to purchase the product or service
- The item is sufficiently customized in such a way that the item would not be offered for sale to the general public by a retailer. Examples include but are not limited to:
 - Any use of unit lockups at the brand extension or sub-brand level.

- Use of a master brand marks accompanied by a URL or event name e.g. "Orientation 2017."
- Use of a master brand mark accompanied by a supporting statement such as "Compliments of the office of xyz"

Use of University Marks in Conjunction with Other Organizations Examples

Merchandise

Marks may be used on a product when no explicit relationship between the university and the manufacturer is stated (e.g., a university mark appears on a t-shirt and both the university mark and apparel mark are visible).

On-Campus Event

Marks may be used in an advertising promotion which the university mark is not included on a product, and no explicit relationship between the university and organization is stated (e.g., a non-profit organizes a blood drive on campus and uses a university mark to promote the on-campus event).

Sponsorship/ Acknowledgement by External Entities

The university may obtain funding from corporate and other external entities to support programming or other strategic efforts. The university may acknowledge the support of these corporate and external entities provided there is no endorsement or mention of their product or service. Acknowledgements must:

- reflect the integrity of the university's reputation and image
- be secondary and subordinate to the name, marks, and other representations of the school, department, unit, program, or event to which the sponsorship relates (e.g., a banner promoting a departmental conference should prominently identify the conference and the department, the sponsor logos or other acknowledgement should be placed on the bottom of the banner in a smaller script, subordinate to references associated with the university).

Sponsorship of a university program, activity, or event does not automatically give the corporate or external entity the right to use university trademarks, names, or logos. Corporate or external sponsors must request approval from the Trademark and Licensing Program, which will then review the sponsorship agreement and discuss with the university unit responsible for the sponsorship.

Use of university marks by a corporate or external sponsor is limited to factual statements and must not appear as an endorsement or implied endorsement of the sponsor by the university (e.g., a sponsor may state that the company is a proud sponsor of a UB event; a sponsor may use a university logo on a webpage listing other sponsorships as long as the UB mark is consistent with and the same size as other logos).

Sponsorship/Acknowledgement by the University

The university may show support for the community through sponsorship of an event, activity, or entity. These sponsorships may invite the university to place an ad in their communication materials (e.g., event program, poster, website, flyer, invitation). Alternatively, the university may show support by purchasing space in communications materials. University marks and messaging promoting the university or a specific university program placed in these communication materials must adhere to university identity and brand standards. Messaging must be limited to statements of fact and may not endorse the event, activity, or entity (e.g., the message may say UB is a proud sponsor of the event or UB congratulates the winners of the event; the message may not say the organization is the best in the country).

Vendor Promotional Materials

A vendor who has, or has had, a contractual relationship with the university may make factual statements in its marketing materials acknowledging an official relationship with the university. Promotional material that identifies the university or some unit of the university as a customer or client must include only factual statements that describe the nature of the contractual relationship and must not give an opinion concerning the quality of a product or service.

Promotional material that gives an opinion about the quality of a product or service is permissible only when given by an individual in his/her personal capacity. If the individual is identified by university title, or a university affiliation is mentioned, there must be a disclaimer that the individual's views may not represent those of the university.

A vendor may use the university master brand mark in its materials as part of a client list that includes other client logos. The UB logo may not be altered in any way and must be presented in the same fashion as other client marks.

All promotional material that identifies the university or a unit of the university as a customer or client must be approved in advance by the Trademarks and Licensing Program.

Short Term Community Good Will

Vendors and individuals wishing to extend congratulatory messages or statements of support may use the university's name (University at Buffalo) or initials (UB) temporarily in a public venue. Use of the university's marks (i.e., university name only, not including stylized marks) must build goodwill in the local community, be short-term, and be separate from the sale or promotion of products or services (e.g., featured on a coupon or flyer promoting a new store; examples include a banner across an entrance cheering "Go Bulls," "Welcome Back UB Students," "Congratulations UB Students.")

Trademarks and Licensing Pre- and Post-Approval

The following items do not require trademark approval when all university identity and brand standards are followed and changes have not been made to the design and approved colors/typeface of university trademarks:

- Materials produced through University Print Services, including but not limited to stationery, business cards, reports, posters

- Official university publications (e.g., admissions viewbook, a university annual report, At Buffalo Alumni Magazine)
- Official university websites hosted in the UB content management system (CMS)
- Materials used in academic courses

In those instances where advanced trademark usage approval is not practical (or otherwise not obtained prior to implementation), post-production approval may be obtained, assuming adherence to institutional identity and brand standards. These types of situations may include, but are not limited to:

- Disposable items that have a useful life of under one year (e.g., brochures, posters, or flyers used during the course of one semester or that are not expected to be used past a certain event or during the course of one semester)
- Electronic communications (e.g., emails, digital newsletters, websites hosted outside the UBCMS, including official university websites and vendor or partner websites)

Definitions

Brand Extension

The second highest level of hierarchy following the master brand. These include the twelve decanal units and the vice presidential divisional areas.

Master Brand Mark

The nine variants of the UB master brand marks. These incorporate both the interlocking UB and the name “University at Buffalo,” and may include the “State University of New York” modifier.

Stylized Mark

Interlocking UB master brand mark, spirit mark, crest, seal, or any other past or future mark owned by the university that is not strictly text but consists of some type of artwork or graphic design.

Sub Brand

The third level of hierarchy when displaying unit identities in conjunction with the master brand. This level is typically made up of departments within schools or offices within divisions.

Unit Lockup

A mark that an official unit of the university uses to visually represent itself. This lockup refers to how the name of the unit locks up or connects to the master brand marks of the university.