

Oklahoma State University Policy and Procedures

COLLEGIATE LICENSING AND TRADEMARK USAGE

**1-0203
GENERAL
UNIVERSITY
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INTRODUCTION

1.01 Oklahoma State University (“OSU” or “University”) benefits from public recognition of its name, symbols, logos, and other identifying trademarks. These trademarks give a unifying image, which is critical to establishing a visual presence within the world of university communities. This image becomes identified with the quality of OSU’s programs, products and services and distinguishes its programs from other universities.

1.02 The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (“Board of Regents”) owns trademarks on behalf of OSU. Use of these trademarks is governed by the licensing policies of the University. The Board of Regents and the University have delegated the responsibility for administration of these policies to the Office of Trademarks and Licensing.

1.03 The Board of Regents’ rights to its trademarks are governed by federal, state, and common laws. These laws place an obligation on the Board of Regents and the University to avoid consumer confusion and require the use of any trademarks be monitored to avoid losing exclusive control.

1.04 The mission of the Office of Trademarks and Licensing is to ensure (1) proper use of those trademarks associated with OSU; (2) generate income to support and enhance the land-grant missions of OSU; and (3) protect OSU’s reputation, good name, and image by permitting only appropriate uses and ensuring only quality products and services bear the institution’s trademarks.

Definitions

2.01 **“Trademark”** refers to a word, phrase, symbol, design, or a combination of these things identifying the source of goods or services. For the purposes of this policy, “trademark” is used to indicate any or all of the following: trademark, trade name, service mark, logo, insignia, indicia, emblem, symbol, identifying mark, mark, trade dress, and name. Trademarks include both registered and common law trademarks.

2.02 **“Registered trademark”** refers to a trademark registered with the United States Patent and Trademark Office (“USPTO”) and/or the Oklahoma Secretary of State. Trademarks registered with the USPTO can be appended with the registration symbol ®.

2.03 **“Common law trademark”** refers to an enforceable trademark not registered at the state or federal level. Common law trademarks can be appended with the trademark symbol TM.

2.04 **“University Trademark”** refers to a trademark owned by the Board of Regents on behalf

of the University, excluding those trademarks covered by OSU Intellectual Property Policy #1-0202.

2.05 **“Officially Licensed Vendor”** refers to a vendor licensed by the Office of Trademarks and Licensing and/or the University’s licensing agent(s) to provide goods or services bearing one or more University Trademarks.

POLICIES AND PROCEDURES

3.01 **Compliance with Style Guide.** University Trademarks are to be used only in the form authorized in the current style guide unless otherwise approved by the Office of Trademarks and Licensing in writing. The current style guide may be obtained from the Office of Trademarks and Licensing and is available at brand.okstate.edu/branding-guidelines. University Registered Trademarks are to be used only in the form registered, including the appropriate trademark symbol, and may not be otherwise altered without the express authorization of the Office of Trademarks and Licensing.

3.02 **Internal Use of University Trademarks.** University administration, colleges, departments, units, divisions, and recognized and registered student organizations may use University Trademarks in connection with their respective missions in furthering the interests of the University. Use by student organizations shall be limited to their own internal consumption, unless advance written approval is granted by the Office of Trademarks and Licensing.

3.03 **Use of Officially Licensed Vendors.** University administration, colleges, departments, units, divisions, and recognized and registered student organizations ordering merchandise from outside vendors bearing a University Trademark must use an Officially Licensed Vendor. A complete list of all current Officially Licensed Vendors may be obtained by contacting the Office of Trademarks and Licensing or by visiting trademarks.okstate.edu. Those seeking a vendor must first review this list to determine if the requested items may be obtained from one of the current Officially Licensed Vendors. All requests to add additional vendors to the list must be directed to the Office of Trademarks and Licensing. Officially Licensed Vendors will be required to submit proposed artwork depicting the product bearing a University Trademark to the University’s licensing agent and/or the University’s Office of Trademarks and Licensing for approval prior to production.

3.04 **Royalties.** A royalty will be charged on all items bearing a University Trademark. The Office of Trademarks and Licensing may determine the applicable royalty rate in its discretion. Royalties may be waived if state funds are being used to pay for the items, except:

- When product is for resale
- The name, mark, or logo of a third-party is used with a University Trademark
- The product promotes a specific event for which a fee is charged

Requests for royalty waivers must be submitted in writing to the Office of Trademarks and Licensing for approval prior to production.

3.05 **Counterfeit Goods.** Goods bearing a University Trademark and produced without a license or other written authorization may be considered “counterfeit” and subject to all available legal

remedies, including seizure of the merchandise, in accordance with the Trademark Anti-Counterfeiting Act, Title 21, Section 1990 of the Oklahoma Statutes.

3.06 Prohibited Uses. University Trademarks will not be used in the promotion of political campaigns, political cases, tobacco, illegal or recreational drug products, profanity, or racist, sexist, hateful, demeaning language or sexual acts. Incorporation of third-party trademarks or copyrights on goods or services bearing a University Trademark is not permitted unless written permission for such use is obtained by the owner or licensor of such third-party trademarks or copyrights.

3.07 Use of University Names. Oklahoma State University does not permit University Trademarks including the name of the University or any of its components to be utilized for commercial ventures, private promotions, or for organizations or programs not directly sponsored by or partnered with the University. This provision extends to the use of departmental names, educational projects, business units, functional locations, email or web addresses and telephone numbers designated for conducting official business on behalf of Oklahoma State University. Special considerations for such use may be made by a formal request to the Office of Trademarks and Licensing for approval by the President of the University or his/her designee.

3.08 Other Uses of University Trademarks. Permission to use University Trademarks in association with name, image, and likeness opportunities may be granted by the Office of Trademarks and Licensing in compliance with applicable OSU policies and state and federal law. University Trademarks cannot be incorporated into off-campus business telephone numbers, internet addresses, or internet domain names. Permission to use the University Trademarks to be incorporated into private websites must be granted by the Office of Trademarks and Licensing. No objectionable links will be allowed to be placed on an authorized website containing University Trademarks. If requested by the Office of Trademarks and Licensing, a disclaimer must be inserted at the bottom of the opening page of any such website containing University Trademarks indicating there is no official affiliation or endorsement granted by Oklahoma State University.

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