

## STANDARD ADMINISTRATIVE PROCEDURE

### 09.02.99.M0.03 Licensing and Trademark Usage

*Approved June 20, 1997*

*Revised August 25, 2010*

*Next scheduled review: August 25, 2015*

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#### Standard Administrative Procedure Statement

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Texas A&M University prohibits the use of any of its symbols, insignia, other identifying marks, or still and moving images without express written approval. The procedure that governs use is written below.

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#### Official SAP/Responsibilities/Process

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#### 1. GENERAL

Texas A&M University prohibits the use of any of its symbols, insignia, other identifying marks, or still and moving images without express written approval. Any approved use is subject to the licensing provisions of this procedure. For purposes of this procedure, this prohibition includes but is not necessarily limited to all registered marks to the University's name, abbreviations, symbols, emblems, logos, mascot, slogans, official insignia, uniforms, landmarks, still and moving images or songs.

- 1.1 The President of Texas A&M University has delegated authority to approve the use of University identifying marks to the Business Development Office within the Division of Marketing and Communications.
- 1.2 Only an Officially Licensed Vendor may produce merchandise bearing the Texas A&M University Trademarks. "Officially Licensed Vendors" or other University vendors may not always be the same. For a current list of Officially Licensed Vendors contact the Business Development Office.
- 1.3 Companies or individuals creating merchandise for sale or distribution may use University Trademarks only after entering into a specific license agreement with

the University. For additional information regarding either acceptable or inappropriate uses of Trademarks, contact the Business Development Office.

- 1.4 Companies using any University Trademark for advertising or promotional purposes in any format must first obtain written permission from the Texas A&M University Business Development Office. In most cases, a royalty or usage fee will be assessed. Permission is typically granted for a specific length of time; no open-ended approval will be granted. Acceptable appearance and usage criteria are defined in the style guide of Texas A&M University.
- 1.5 The Trademarks of the Texas A&M University will not be used in the promotion of gambling, alcoholic beverages, tobacco products, "recreational" drugs, or drug-related paraphernalia. The University reserves the right to prohibit other uses that it deems in inappropriate or inconsistent with the image and mission of an educational institution. [University rule 07.03.01.M1](#) governs the use of Texas A&M trademarks with political candidates or political events and is generally prohibited.
- 1.6 Merchandise bearing University Trademarks and produced without proper written University authorization may be considered counterfeit or infringing and subject to all available legal remedies, including, but not limited to, seizure of the merchandise.

## 2. MISSION AND PURPOSE

- 2.1 Ensure proper control and use of Trademarks that are associated with Texas A&M University; protect all University Trademarks from unauthorized uses, and facilitate the process of granting authorization for legitimate internal and third-party use of University Trademarks.
- 2.2 Insure that the University generates revenue for its programs by securing a legitimate and reasonable royalty for the use of its Trademarks.
- 2.3 Promote Texas A&M University in a consistent and uniform manner to protect the University's reputation, name and image by permitting only appropriate uses by Officially Licensed Vendors assuring that only quality products bear the University's Trademarks, and protect the consumer from inferior products bearing University Trademarks.

## 3. PROCEDURES

- 3.1 Departments of the University desiring to create merchandise that bears a University trademark must use an Officially Licensed Vendor. The Licensed Vendor will then be required to submit final artwork through the University's licensing agent. After final artwork approval is given, the vendor may then produce the product and sell to the Department.

- 3.2 Departments, and recognized student organizations (RSO) may use assigned university logos for official business. Some marks and logos may not be available for general use and the use of any logos will need to comply with the standards presented in the University Brand Guide. Departments and RSO's that wish to design or create new marks must coordinate their effort with the Division of Marketing and Communication. Questions regarding such use should be directed to the Business Development Office. Departments requesting authorization for use of current Trademarks within official University publications, letterhead and business cards should direct their requests to the Marketing Department within the Division of Marketing and Communication.
- 3.3 Clubs or organizations affiliated with the University, but not part of the University, may not use university trademarks for their official business. These clubs/organizations are generally defined as run by private individuals or entities and may not have agendas or goals in alignment with the university although well intentioned.
- 3.4 Exceptions to 3.3 are clubs affiliated with the Association of Former Students and private camps run by coaches within the Athletic Department. These clubs/camps have traditionally been granted use of the marks but must have a written agreement with the University governing the use of university trademarks. Such use is subject to the same licensed vendor and royalty requirements as all other uses of the mark.
- 3.5 A product generally is subject to royalty or right fees if a University Trademark is utilized AND:
- the product is for resale; or,
  - the product promotes a specific event for which a fee is charged; or
  - the name, mark, or logo of a third party is used with the University's Trademark.

Activities or products that include the use of a commercial sponsor's names or logos on the licensed product will be assessed a higher royalty contingent on University approval.

Exemptions to royalty fees are given when University Trademarked products are used to promote instructional programs or events, or other activities that further the academic and educational mission of the University as determined by the Business Development Office. (Instructional programs/events include, but are not limited to, classes, courses, seminars, workshops, and other activities directly sponsored by a college, division, department, program, or service of the Texas A&M University that do not fall under the royalty determinations above.) Fundraising events do not qualify for exemptions from royalties.

Exempting royalties is done in writing and does not exempt the requirement to use a licensed vendor for manufacture or production.

- 3.6 These guidelines are usually sufficient in determining royalty/non-royalty. However, each submission shall be reviewed individually to make sure all aspects of the situation are taken into consideration.

#### 4. LABOR CODE OF CONDUCT

- 4.1 Texas A&M University is committed to the concept that all merchandise bearing reference to the University (including names of each department and any recognized club and organization affiliated with the University) will be manufactured by companies whose labor policies insure that their employees are safe from abusive labor conditions and follow the University's Labor Code of Conduct.
- 4.2 In order to insure the broadest interpretation of this policy, the University requires that any product produced for the University (or for departments or recognized clubs and organizations) which carries a University Trademark, or uses the name of, or refers to, a University department or a recognized club or organization, be manufactured by those companies that are appropriately licensed to use University Trademarks (Licensees), and are in compliance with the University's Labor Code Standards. For a current list of Officially Licensed Vendors, contact the University Business Development Office

#### 5. ADMINISTRATION

- 5.1 The Business Development Office will register the University's marks with state, national and international governing bodies.
- 5.2 The Business Development Office will approve the use of the University's marks and still and moving images.
- 5.3 The Business Development Office will negotiate and consummate agreements for the commercial use of registered marks.
- 5.4 The Business Development Office will monitor sales reports and accounts for royalties paid by licensees for the use of the University's registered marks.
- 5.5 The Business Development Office will monitor the marketplace to control unlicensed use.

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#### **Related Statutes, Policies, or Requirements**

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Supplements [System Policy 09.02](#)

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**Contact Office**

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OFFICE OF RESPONSIBILITY: [Business Development Office](#)