

## STANDARD ADMINISTRATIVE PROCEDURE

### 09.02.99.M0.03 University Intellectual Property Use and Licensing

*Approved June 20, 1997*

*Revised August 25, 2010*

*Revised February 4, 2019*

*Revised April 22, 2019*

*Next scheduled review: April 22, 2024*

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#### Standard Administrative Procedure Statement

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Texas A&M University (“University”) prohibits the use of any Intellectual Property, which for purposes of this SAP includes but is not limited to all registered or common law marks with the University’s name, abbreviations, symbols, emblems, logos, mascot, slogans, official insignia, uniforms, landmarks, still and moving images, or music 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 Intellectual Property 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 limited to all registered or common law marks with the University’s name, abbreviations, symbols, emblems, logos, mascot, slogans, official insignia, uniforms, landmarks, still and moving images, or music.

- 1.1 The President of Texas A&M University has delegated authority to approve the use of the Intellectual Property to the Office of Brand Development within the Division of Marketing and Communications.
- 1.2 Only an Officially Licensed Vendor may produce merchandise featuring the Intellectual Property. For a current list of Officially Licensed Vendors contact the Office of Brand Development (<https://trademarks.tamu.edu/contactUs.html>).

- 1.3 Companies or individuals creating merchandise for sale or distribution may use the Intellectual Property only after entering into a specific license agreement with the University or obtaining written permission from the Office of Brand Development. For additional information regarding the use of the Intellectual Property, contact the Office of Brand Development.
- 1.4 Companies using any Intellectual Property for advertising or promotional purposes in any format must first obtain written permission from the Office of Brand Development. 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 University Brand Guide (<https://brandguide.tamu.edu/>).
- 1.5 The Intellectual Property of Texas A&M University will not be featured on tobacco products, "recreational" drugs, or drug-related paraphernalia. The University reserves the right to prohibit other uses that it deems 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 Intellectual Property with political candidates or political events and is generally prohibited.
- 1.6 Merchandise bearing the Intellectual Property 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 the Intellectual Property that is associated with Texas A&M University; protect the Intellectual Property from unauthorized uses, and facilitate the process of granting authorization for legitimate internal and third-party use of the Intellectual Property.
- 2.2 Ensure that the University generates revenue for its programs by securing a legitimate and reasonable royalty or usage fee for the use of its Intellectual Property.
- 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 merchandise features the Intellectual Property, and protecting the consumer from counterfeit merchandise featuring the Intellectual Property.
- 2.4 Texas A&M University is committed to the concept that all merchandise featuring the Intellectual Property will be manufactured by companies whose labor policies ensure that their employees are safe from abusive labor conditions.

### 3. PROCEDURES

- 3.1 All University units, which includes colleges, departments, centers and institutes, must follow University brand guidelines (<https://brandguide.tamu.edu/visual-style/logos/colleges-departments.html>) when using the Intellectual Property on websites, brochures and other collateral. Questions regarding a University unit's use of the Intellectual Property should be directed to the creative director in the Division of Marketing & Communications (<https://marcomm.tamu.edu/>).
- 3.2 Use of the Intellectual Property in conjunction with Recognized Student Organization logos and merchandise designs must adhere to guidelines presented in the University Brand Guide (<https://brandguide.tamu.edu/visual-style/logos/student-organizations.html>). Questions regarding such use should be directed to the Office of Brand Development (<https://trademarks.tamu.edu/contactUs.html>).
- 3.3 All merchandise produced for University units and Recognized Student Organizations bearing the Intellectual Property must use an Officially Licensed Vendor. Officially Licensed Vendors are required to submit final artwork to the University's licensing agent for approval by the Office of Brand Development before production. Questions about the use of Intellectual Property on merchandise should be directed to the Office of Brand Development (<https://trademarks.tamu.edu/contactUs.html>).
- 3.4 All merchandise featuring the Intellectual Property are subject to royalty fees. Activities or merchandise that include the Intellectual Property along with the logos or wordmarks of corporate sponsors will be assessed a higher royalty contingent on University approval. Exemptions to royalty fees are rare and are determined by the Office of Brand Development. Exemptions to royalty fees will be granted in writing and does not exempt the requirement to use an Officially Licensed Vendor for manufacture or production.
- 3.5 Clubs or organizations affiliated with the University, but not part of the University, may not use the Intellectual Property 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.
- 3.6 Exceptions to 3.5 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 Intellectual Property, but must have a written agreement with the University governing the use of The Intellectual Property. Such use is subject to the same Officially Licensed Vendor and royalty requirements as all other uses of the Intellectual Property.

#### 4. ADMINISTRATION

- 4.1 The Office of Brand Development will register the Intellectual Property with state, national and international governing bodies.
- 4.2 The Office of Brand Development will approve the use of the Intellectual Property.
- 4.3 The Office of Brand Development will negotiate and consummate agreements for the commercial use of the Intellectual Property.
- 4.4 The Office of Brand Development will monitor sales reports and accounts for royalties paid by licensees for the use of the Intellectual Property.
- 4.5 The Office of Brand Development 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](#)

[University Rule 07.03.01.M1, \*Political Campaign Events and Partisan Political Activities on Texas A&M University Property\*](#)

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#### **Contact Office**

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OFFICE OF RESPONSIBILITY: [Office of Brand Development](#)