

Licensing and Trademark Policy

FIN-LT-01

About This Policy

Effective Dates:

01-01-1990

Last Updated:

12-01-2008

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

Valerie Gill

Director, Licensing and Trademarks

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Scope

Any entity using Indiana University trademarks.

Policy Statement

A. Summary

Indiana University (IU) owns and controls its names, marks, logos, colors, insignias, seal, designs, commercially-used depictions of campus buildings and landmarks, and symbols that have become commonly associated with the University or any of its campuses. These include, but are not limited to: "IU", the interlocking block IU, athletic teams' names, "Hoosiers", the University seal, the University coat of arms, the slogan "Go Big Red", the candy-striped design, the IU Plaid design, the name, "Indiana University" and the abbreviated "Indiana".

The Indiana University Office of Licensing and Trademarks exists to promote and protect the University's name, marks and identifying properties. The Office of Licensing and Trademarks serves Indiana University by: (1) educating University constituencies to provide consistent representation of University marks; (2) stimulating public awareness and support; (3) ensuring that each licensed use is of good quality and upholds the integrity of the University; and (4) augmenting financial contributions to the University's academic and athletic programs.

B. Guidelines for Use of Trademarks

Indiana University trademarks may not be modified in anyway or incorporated into the name or mark of another.

Indiana University trademarks may not be used in conjunction with the name or trademark of any other entity without the prior written permission of that entity. If permission is granted by the Office of Licensing and Trademarks and/or contractually by the Purchasing Department to use both the Indiana University trademark and another party's trademark in a design, the trademarks must be separate and distinct from each other and Indiana University's trademark must not be overshadowed or diminished in any way in comparison to the other entity's trademark. Approval of any such dual use of Indiana University's trademarks will be limited to instances where there is a compelling institutional priority in allowing such usage.

Indiana University trademarks may not be used in any manner that suggests or implies Indiana University's endorsement of another organization, company, product, service, political party or view, or religious belief or view.

Indiana University's trademarks may not be used in any way that discriminates or implies discrimination against any person or group based on age, ancestry, belief, color, creed, disability, national origin, race, religion, sex,

sexual orientation or veteran status, or in any other way that would be in violation of Indiana University's anti-discrimination policies or practices.

No one other than Indiana University may claim copyright or trademark rights to University trademarks or seek to register any design that incorporates University trademarks.

All uses of Indiana University's trademarks on commercial products shall incorporate the appropriate trademark designation symbols, i.e., all designs using Indiana University trademarks shall include ® or ™ dependent upon the international class the logo or word mark is registered in.

Indiana University will not approve the use of its trademarks marks in conjunction with certain types of products. These include, but are not limited to:

- Alcohol products
- Tobacco products
- Illegal drugs products
- Inherently dangerous products, including weapons, firearms or explosives
- Sexually suggestive products
- Products that are or depict racists, sexist, hateful, demeaning or degrading language or statements
- Products that use profanity
- Gambling-related products
- Products that contain statements impugning other universities
- Products that present an unacceptable risk of liability
- Products that are harmful to the mission or integrity of the institution
- Products that contain another entity's registered trademark, unless explicit written permission has been granted from that entity

Any and all uses of the names, numbers, and/or images of Indiana University student-athletes must comply with Indiana University policies and NCAA regulations.

University trademarks cannot be used by private and/or corporate businesses in the sale of commercial products or advertising. University trademarks cannot be incorporated into off-campus business telephone numbers, internet addresses or internet domain names.

In instances where there is uncertainty regarding the appropriate use of any Indiana University trademarks, the Director of Licensing and Trademarks, along with the University Director of Purchasing and Vice President of General Counsel, will determine the best course of action.

C. Licensing Requirements

A license is required for any individual, organization, or company wishing to use Indiana University's name or trademarks for commercial purposes. Included are:

- Manufacturers who wish to use Indiana University's name, logo or identifying marks on products (including premiums or promotional items);
- Manufacturers, retailers, or service providers who wish to promote their product or service by offering a promotional item bearing the University's trademarks;
- Manufacturers, retailers, or service providers who wish to promote their product or service by offering a promotional item bearing the University's trademarks;

Permission is required for any individual, organization or company wishing to use Indiana University's name or trademarks in a non-commercial manner.

A license is not required for advertisements promoting the sale of licensed products. Such advertisements, however, shall not imply any relationship with the University other than that of licensor/licensee and should include the Collegiate Licensed Product label which identifies officially licensed goods.

Goods that are purchased for internal University consumption, such as notebooks, team uniforms, etc., are royalty exempt. Royalties will be assessed if the University purchases licensed goods with the intent to sell them. All licensed goods must be purchased from a licensed vendor of Indiana University.

All licensees must adhere to the Office of Licensing and Trademarks Code of Conduct.

D. Media Use and Advertising in Publications

News media are not required to obtain a license when using current University trademarks to convey informational messages.

Retailers and licensed manufacturers may use pictures of licensed products in advertisements with the authorization of the Office of Licensing and Trademarks. Also, there must be no violation of NCAA regulations.

E. Student Organizations

Only those student organizations which are officially recognized by The Student Activities Office may use University trademarks on commercial or promotional products. University trademarks on commercial or promotional products may only be used in conjunction with the student organization's name and/or an event they are hosting. Any use of University trademarks by student organizations must adhere to University trademark guidelines. All commercial or promotional products bearing University trademarks must be produced by a University licensee and submitted to the Office of Licensing and Trademarks for review and approval.

F. Endorsements

Endorsements can be mutually beneficial in business relationships, but they can also send a conflicting message to the market place regarding Indiana University's name and reputation. To avoid misinterpretation, endorsements are discouraged. Use the following guidelines to determine how Indiana University's name, trademarks, and identifiable properties can be used:

- "Indiana University" does not endorse products or services.
- The University Seal cannot be used in connection with promotional material.
- Promotional announcements that identify a unit at Indiana University as a customer, must be specific and accurate (ex. it is not "Indiana University" that is purchasing software, but the "Indiana University Accounts Payable Department.")
- Accurate statements which describe a fact but do not express an endorsement may be allowable with advance permission of the University official responsible for dealing with the vendor (e.g. "the Indiana University Office of University Telecommunications is a client of X Technology Group").
- Photographs of identifiable Indiana University landmarks, buildings, statues, etc. which imply an endorsement of a product or service are not permissible (for example, an advertisement for a new car parked in front of Sample Gates).

G. Trademark Enforcement

The Office of Licensing and Trademarks works diligently to protect Indiana University's trademarks both domestically and internationally. Federal trademark law requires that trademark owners actively protect their marks to maintain the full benefit of registration. Indiana University will prosecute misuse of University trademarks to the fullest extent of the law.

H. Royalties and Fees

The University will assess a royalty on the net selling price of all products sold or otherwise disposed of that bear University marks. Other fees include an advanced royalty fee, administrative application processing fee, and reinstatement fees.

I. Royalty Exemptions

Royalty exemptions will be granted for:

- Goods purchased by the University for Internal Consumption (use by University faculty, staff, students) will be exempted from royalties. Examples include: team athletic apparel, binders for inter- or intradepartmental use, recognition pins and plaques, calendars and schedules of events, containers, napkins, photographs, and works of art.
- Goods manufactured or purchased by the University to promote the University and its programs. Examples include student recruitment materials, advertisement of University programs, and notices of special events.

Royalty exemptions will not be granted for:

- Goods purchased by the University, University affiliates, University bookstores or gift/concession centers for resale;
- Student groups selling to the general public, or students engaged in business for personal profit while making a nominal contribution to a student organization for the purpose of gaining either the exempt status or the privilege of selling on campus;
- Goods purchased by the University for external-use when the cost of the product is passed to the consumer through fees or contributions.

J. Disbursements

Royalties generated by the Office of Licensing and Trademarks less expenses and operating costs will be transferred to the University scholarships program for distribution to all Indiana University campuses and to the University's athletic program.

Reason For Policy

The purpose of this policy is to provide standards, information, and guidance on the permissible use of Indiana University's names and trademarks and to stipulate its licensing requirements.

Procedure

Indiana University Institutional Purchasing Policy [P-8.0, Endorsement](#)

Definitions

Trademark: A name or symbol or combination of both which identifies the source of a product or service. In the case of licensed goods, a trademark indicated affiliation or sponsor rather than producer. In practice, a trademark also enhances the desirability of a product and, when properly controlled, can increase the value of the product as well as the goodwill inherent in the mark. For the purposes of this document, "trademark" is used to indicate any or all of the following: trademark, trade name, service mark, logo, insignia, indicia, emblem, symbol, identifying mark, mark, and name.

Registered Trademark: A trademark that has been registered with the federal government at the US Patent and Trademark Office. Federal registration provides additional protection against and remedies for trademark infringement.

Infringement: Unauthorized use of a trademark that belongs to another, or use of a trademark as similar to that of another as to cause the likelihood of confusion in the minds of the public as to the source (affiliation or sponsorship) of the product or service.

Licensor: One who contracts to allow another (Licensee) to use the licensor's property (trademark) in exchange for payment, usually royalty as a percent of sales.

Standard License: A royalty-bearing, two-year contract between licensor (IU) and a manufacturer who is licensed to produce specific products bearing one or more of licensor's trademarks.

Promotional License: A limited-term contract between licensor and a company, organization, or individual in which permission is granted to use one or more of licensor's trademarks in the promotion of licensee's products or services. Contract may include permission to use premiums in the promotional campaign.

Premium: A limited-term contract between licensor and a company, organization, or individual in which permission is granted to use one or more of licensor's trademarks in the promotion of licensee's products or services. Contract may include permission to use premiums in the promotional campaign.

History

This policy was established on October 27, 2011.

Related Information

[Office of Procurement Services](#)
[IU Athletics Online Store](#)
[Visual Identity Guidelines](#)
[Workers Rights Consortium](#)
[P-8.0, Endorsement](#)