

## POLICY CONCEPT FORM

<b>Name and UO Title/Affiliation:</b>	Lisa Cannell, Assistant Director Brand Management/University of Oregon
<b>Policy Title/# (if applicable):</b>	07.00.03
<b>Submitted on Behalf Of:</b>	University Communications – Office of Brand Management
<b>Responsible Executive Officer:</b>	Kyle Henley, VP University Communications

---

**SELECT ONE:**  **New Policy**       **Revision**       **Repeal**

*Click the box to select*

**HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT:**     **Yes**       **No**

**If yes, which attorney(s):** Douglas Park

### GENERAL SUBJECT MATTER

*Include the policy name and number of any existing policies associated with this concept.*

**UO Policy 07.00.03 Trademark Licensing**

---

### RELATED STATUTES, REGULATIONS, POLICIES, ETC.

*List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.*

Required updates to existing policy <https://policies.uoregon.edu/policy/by/1/07-university-relations/trademark-licensing-policy>

The Lanham Act (U.S. Trademark law); and ORS Chapter 647 (Oregon Trademark law)

---

### STATEMENT OF NEED

*What does this concept accomplish and why is it necessary?*

**Updates and clarifies UO's existing policy.**

---

### AFFECTED PARTIES

*Who is impacted by this change, and how?*

**Any person or organization, producer or manufacturer that has entered into a trademark licensing agreement with the University of Oregon, and any persons seeking to use UO trademarks.**

---

**CONSULTED STAKEHOLDERS**

*Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)*

<b>Name</b>	<b>Office</b>	<b>Date</b>
Doug Park	General Counsel	10/3/17
Doug Park	General Counsel	2/6/18
Rob Mullens	Athletics	2/6/18

---

### Reason for Policy

It is the policy of the University of Oregon to regulate and control the use of the university's identifying marks including the university's name and seal and its various trademarks, collective membership, and service marks. The university permits the use of its trademarks on products or services only after the university and ~~producer or~~ manufacturer of a product or provider of a service have entered into a trademark licensing agreement. The reason for that is because UO's trademarks are not simply a marketing or communications tool. They are iconic symbols that have evolved over the UO's history that help tell our story. In addition improper use of UO's trademarks and logos can "dilute" the UO's ownership interests and the value of its marks. Improper use of UO's marks is also unlawful and my subject such users to signification civil liability.

---

### Entities Affected by this Policy

Any person or organization manufacturing a product or providing a service bearing or containing trademarks belonging to the University of Oregon.

Anyone using or wishing to use the University of Oregon's trademarks.

---

### Web Site Address for this Policy

[Policies.uoregon.edu/policy/by/1/07-university-communications/trademark-licensing-policy](http://Policies.uoregon.edu/policy/by/1/07-university-communications/trademark-licensing-policy)

---

### Responsible Office

For questions about this policy, please contact the Office of Brand Management and Trademark Licensing at 541-346-6083

---

### Enactment & Revision History

11/3/2010 Reviewed; changed name of policy  
02/08/2010 Policy number revised from 6.100 to 07.00.03  
Issued by the President on 07/21/1999

---

### Policy

It is the policy of the University of Oregon to regulate and control the use of the university's identifying marks including the university's name and seal and its various trademarks, collective membership, and service marks. The university permits the use of its trademarks on products or services only after the university and potential user, producer, ~~or~~ manufacturer or service provider have entered into a trademark licensing agreement.

The intent of this policy is to ensure that the university retains the ownership, benefit and control of its trademarks. ~~The u~~Any use of the university's trademarks may be is made used only with the express approval and consent of the university through a trademark licensing agreement, and only under circumstances benefiting the university, its students and personnel, or its educational mission.

~~The university took action to have its trademarks registered to ensure the university's continuing control over their use.~~ All products or services that feature university trademarks must be produced by licensed vendors.

### Requirement of Licensing Agreement

Any person, ~~or~~ organization or entity manufacturing a product or providing a service bearing or containing university trademarks ~~belonging to the university~~ must, prior to use of the mark, enter into a trademark licensing agreement with the University of Oregon to obtain permission to use such mark.

No use of any mark belonging to the university shall be authorized for use in products or services, either offered for sale or in promotional activities, without such an agreement.

Each licensing agreement shall provide for ~~either~~ a reasonable royalty to be paid to the university, ~~or~~ other consideration ~~if the university~~ deems appropriate, ~~in exchange for the university's~~ university's permission to use ~~the its~~ mark.

### University Sales

No university department shall offer for sale, ~~or for~~ use in promotional activities, ~~or give away giveaway~~; any product or service bearing or containing trademarks belonging to the university unless a trademark licensing agreement with the manufacturer for that product or provider of service is in effect.

Any university department currently offering for sale, ~~or~~ use in promotional activities, ~~or giveaway give-away of~~ any product or service s bearing or containing a mark belonging to the university shall not reorder such product or services, nor offer for sale any new products or

services bearing or containing a university mark, until such a licensing agreement has been entered into with the manufacturer of the product or provider of the service, unless the department involved and the university's Office of ~~Marketing and~~ Brand Management jointly determine that it is in the best interest of the university to temporarily waive the requirement of a licensing agreement.

An item produced bearing a university trademark provided as a gift, sold as a fund-raiser, or used as a promotional tool, beyond the scope of an official university group (an academic or auxiliary service department) or university team (uniforms for the athletic department, club sports, or intramurals) is a commercial use. Products bearing university trademarks produced for use as giveaways ~~give-a-ways~~ to attendees of conferences, special events, booster activities, or for use as fund-raisers are commercial products. ~~Unless-if~~ an item bearing university trademarks is purchased by the university for internal use only by the university, and is not used as a giveaway ~~give-away~~ or promotional item, the ~~manufacturer~~ University's Office of Brand Management may waive the requirement that the manufacture of the product or provider of a service to is obligated to enter into a commercial royalty bearing license agreement for the production of those items or services.

### Administration

The Office of ~~Marketing and~~ Brand Management shall be responsible for the implementation and interpretation of this section and for negotiating the required trademark licensing agreements.

---

### Related Resources

[Brand Management and Trademark Licensing Office](#)