

UCC 0226 125

MAY 17 2012

UNIVERSITY OF HOUSTON SYSTEM  
ADMINISTRATIVE MEMORANDUM

# UCC Certified

SECTION: General Administration

NUMBER: 01.D.03

AREA: Legal Affairs

SUBJECT: Trademark Management

RECEIVED MAR 06 2012

1. PURPOSE

Board policy ~~09.02.2~~ ~~09.02.2~~ provides that the names, logos, trademarks and other identifying Marks of the Board, the System and the component universities should be protected and cannot be used without the express approval of the Board or its designated representative. The Chancellor is delegated the responsibility to take whatever steps are reasonable and necessary to enforce this policy.

This document promotes and protects the System and its component universities through implementation of a management system which establishes the means of consistent, favorable and professional use of the Marks; to fulfill the legal obligations of the Marks; to protect the consumer from deception or from faulty or inferior products and services bearing the System's Marks; to provide fair and equitable treatment of all licenses and to realize; and distribute earned royalties and other revenues for the benefit of the university.

2. GENERAL PROVISIONS

2.1. The Board delegates the legal protection, management, and enforcement of the rights in the Marks of the Board, the System and the component universities to the Chancellor. This policy acts for the basis of the Chancellor's management of the university's Marks.

2.2. External use of the Marks by external entities is managed by the System with the following principles:

a. Licensing is required for all non-System users.

i. The Marks must be licensed to the user and the use approved by the System, except when the use:

- Is by an artist in an original work of art which will not be reproduced; or

- Is a congratulatory or supportive advertising message using the System's names but not its logos and symbols. For example, "Go Cougars" or "Welcome Back UH Students" are supportive types of messages.
2. Suppliers of products to the System bearing any Mark must be licensed except when Marks are used on the following products:
    - Printed publications and advertising for purposes of institutional and event promotion; and
    - Printed supplies, not for resale.
- b. Royalties are collected for non-System and/or commercial uses. A royalty exemption (but not a license exemption) may be granted for:
1. A product purchased by the System or a component university, recognized support groups such as professional associations, alumni, employee organizations, athletic, cultural and other interest groups for internal consumption or for sale at cost to their members. Promotional products given away by these groups are considered products for internal consumption. If the group has excess product after consumption or sale within its group, it cannot be sold to non-members, but can be given away to non-members.
  2. Selected school supplies, which would be considered products purchased by students for course work.
  3. Advertising rights to use the Marks as granted in corporate sponsor agreements.
  4. Fundraising activities by non-profit or charitable organizations.
- c. Licenses are generally non-exclusive except for special programs initiated by the System.
- 2.3. Use of the Marks by entities internal to the System is managed by the System executive officers including the Chancellor, component university Presidents, Vice Chancellors, Vice Presidents, Deans, Directors and affiliated organization directors.
- a. Internal uses, which fall within the ordinary business of the System, do not require licensing. Products created by a System unit for resale, and bearing the Marks must be licensed, except for educational and scholarly materials owned by the System and printed publications and advertising for the purposes of institutional and event promotion.

b. Royalties are not payable on internal uses and do not require licensing.

~~2.4. The System Chancellor appoints a trademark advisory committee to assist the university in addressing issues related to the management of the Marks. The advisory committee consists of representatives from the System units which may provide a unique perspective and which are key stakeholders in the use of the Marks. The Vice Chancellor for Research and Intellectual Property Management (or his/her designee), shall serve as Chair of the committee.~~

2.45. Net revenues are distributed to component universities under a policy determined by the System Chancellor.

### 3. DEFINITIONS

3.1. Component Universities – A university that has been identified by Board policy ~~01.02~~ 01.02 as a university.

3.2. Marks- Names, logos, and symbols which distinguish the University of Houston System, its Board and its component universities.

3.3. System – The University of Houston System, its Board and its component universities. The term also includes affiliated organizations and organizations formally registered with the university.

### 4. DESIGN STANDARDS

4.1. Designs must be of high quality and appropriately portray the image of the System;

4.2. Selection of the Mark to be used should be carefully considered; for example, selecting an athletic Mark for use at an educational conference, may send the wrong message to the attendees;

4.3. A Mark cannot be used with Marks belonging to another party (i.e. schools, conferences, institutions, individuals, characters, etc.) unless appropriate approvals are obtained from the owners of other trademarks or copyrights;

4.4. A Mark cannot be incorporated into or dominated by the Marks of others; ~~No~~ no design can be associated with a company which would imply endorsement of the company's product;

4.5. No Mark can be copyright protected by anyone other than the System; and

- 4.6. Use of the symbols™, ®, and sm are not generally used with the Marks for internal purposes. The use of these symbols should not be used without approval from the Office of the General Counsel, University of Houston System.

## 5. PRODUCT STANDARDS

- 5.1. All products must be of high quality;
- 5.2. No products considered dangerous or offensive will be approved, including products promoting drugs, alcohol or tobacco; and no products with an unusually high product liability risk will be approved.
- 5.3. All apparel shall meet the standards set forth by Collegiate Licensing.

## 6. STANDARDS FOR NON-PRODUCT USE

- 6.1. It is prohibited to produce advertising that displays or lists the System as a user of any product or service or as the source of research information on which a commercial product, program or publication is based. This prohibition extends to advertising using any name, picture, landmark building or other Mark. Any exception must be approved by the Vice Chancellor for University Advancement.
- 6.2. Use of the Marks in advertising or promotions with other entities must be reviewed carefully to assure that there is no implication of product endorsement.
- 6.3. An employee may use the System or a component university's name in making a true and accurate statement of his/her relationship with, or employment by, the System or component university. However, employees may not use the System or component university name or other Marks or their affiliation with the System or component university in any manner, which suggests or implies System or component university support or endorsement of any product, movement, activity or program. In circumstances where there is potential for System or component university endorsement of support to be construed, a disclaimer is required.

## 7. APPROVAL AND PROCESSING

- 7.1. All requests to register or use a Mark shall be submitted for approval to the Chancellor by the ~~P~~resident of the component university, or in the case of the University of Houston, by the Vice Chancellor for University Advancement.
- 7.2. After approval by the Chancellor, the request will be forwarded to the Vice Chancellor for Research and Technology Transfer ~~and Intellectual Property Management~~ for registration or licensing of the Mark with legal assistance from the Office of the General Counsel.

7.3. The Vice Chancellor for Research and Technology Transfer ~~and Intellectual Property Management~~ will be responsible for maintaining the Marks of the university. The Vice Chancellor for Research and Technology Transfer ~~and Intellectual Property Management~~ and the General Counsel shall have responsibility for protection and/or enforcement of the Marks. Costs associated with this responsibility may be assessed to the ~~UH-System component~~ university or the University of Houston unit, department, or college involved.

8. CONTACT

8.1. If an administrative unit has questions about how to interpret these guidelines they should contact:

- a. The System Office of University Relations for assistance with design standards and Mark application;
- b. System Office of the General Counsel for legal questions; or
- c. System Division of Research and Technology Transfer ~~and Intellectual Property Management~~ for information on royalty, licensing, and product standards.

9. REVIEW AND RESPONSIBILITY

Responsible party: Vice Chancellor for Research and Technology Transfer ~~and Intellectual Property Management~~

Review: Every two years, on or before ~~January 31~~ December 1

10. APPROVAL

Approved: Randy Harris  
Vice Chancellor for ~~Administration and Finance~~ Research and Technology Transfer

Arthur K. Smith  
Chancellor

Date: May 1, 2001

## 11. INDEXING TERMS

Copyright  
 Intellectual Property  
 Logos  
 Marks  
 Royalties  
 Symbols  
 Trademarks  
 Product Standards

REVISION LOG

<u>Revision Number</u>	<u>Approval Date</u>	<u>Description of Changes</u>
<u>1</u>	<u>04/24/2001</u>	<u>Initial version</u>
<u>2</u>	<u>TBD</u>	<u>Applied revised SAM template and added new Revision Log. Removed Section 2.4 on the trademark advisory committee. Changed the title from the Vice Chancellor of Research to the Vice Chancellor of Research and Technology Transfer throughout the document. Provided web links to Board of Regents policies. Changed review period from every two years on or before January 31<sup>st</sup> to every two years on or before December 1<sup>st</sup>. Removed Section 11, Indexing Terms</u>