

UNIVERSITY POLICY

Policy Name:	Rutgers University Trademark Management and Licensing Policy				
Section #:	80.1.2	Section Title:	University Communications and Marketing;_ University Communications and Marketing Policies	Formerly Book:	N/A
Approval Authority:	Vice President for University Communications and Marketing	Adopted:	12/11/2009	Reviewed:	<u>01/15/2021</u> <u>7/19/2021</u>
Responsible Executive:	Vice President for University Communications and Marketing	Revised:	11/30/2011; 11/06/2013 (Updated department name and titles); 07/21/2020; 01/15/2021; 07/19/2021		
Responsible Office:	Office of Trademark Licensing, University Brand and Marketing	Contact:	Vice President for University Communications and Marketing: (848) 932-1769 or mailto:vpforucm@rutgers.edu Office of Trademark Licensing (848) 932-0586		

1. Policy Statement

The purpose of this policy is to provide guidance on the permissible use, as well as restrictions on the use, of the University's trademarks, and to clarify responsibility for granting permission and licenses required. Rutgers' trademarks include the name of the University, the symbols within the University's Visual Identity System, which includes the Rutgers logotype, all signature logotypes, and the intercollegiate athletics logos, as well as all other identifying marks of the University.

Any external individual, organization, or company wishing to use Rutgers' name or marks, including on merchandise, publicity, advertising, or marketing materials, must obtain written approval from the University. Internal Rutgers individuals and units are permitted to use Rutgers' trademarks and symbols to conduct University business and within the guidelines provided by the Rutgers Visual Identity System.

Any internal or external individual, organization, or company wishing to reproduce Rutgers' name or marks on branded apparel, uniforms, promotional items, and merchandise must use an entity licensed by the University through the Office of Trademark Licensing within the University Brand and Marketing unit of the Department of University Communications and Marketing. The use of a University licensed vendor is not required for printed paper materials, University signs, stationery, University websites, or digital communications.

2. Reason for Policy

The primary purpose of this policy is to protect the integrity of Rutgers University's name, brand, and identifying marks. The trademark management and licensing program exists to protect Rutgers' name and reputation as reflected in the trademarks and service marks of the University, to ensure the correct use of Rutgers' trademarks and service marks, to prevent illegal or inappropriate uses of Rutgers' trademarks and service marks, and to protect the University from liability risk with regard to

the use of its trademarks. The licensing program ensures that products bearing Rutgers' trademarks are of good quality and that each licensed use reflects positively on the University.

3. Who Should Read This Policy

All University employees, particularly department heads, business office managers, and administrators, communications and marketing personnel, and student group advisers as well as student and alumni leaders. All internal and external entities that wish to, or currently, use Rutgers' name or trademarks to sell or manufacturer materials that bear Rutgers' name and/or marks.

4. Resources

- a. [University Policy 80.1.5: University Visual Identity](#)
- b. [Visual Identity System; Guidelines for Use](#)
- c. [University Policy 80.1.4: Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials](#)

5. Definitions

n/a

6. The Policy

I. Trademark Management and Licensing

- A. The Office of Trademark Licensing within the University Brand and Marketing unit of the Department of University Communications and Marketing manages the registration and use of the University's trademarks and service marks, both internally and externally, except as provided in Section I.B below.
- B. Rutgers Office of Research and Economic Development manages the registration and use of all trademarks that relate to products or services resulting from the University's research activities or that are related to any University patents ("ORED Trademarks").
- C. Rutgers' trademarks include, but are not limited to, the name of the University, the elements of the University's Visual Identity System, the intercollegiate athletics logos, and all other identifying marks of the University. The Office of Trademark Licensing maintains the official inventory of the official University trademarks, approves and registers new trademarks, maintains a list of licensees authorized to manufacture and distribute goods bearing the name and/or trademarks of the University.
- D. No one within the University, at affiliated organizations, or outside the University may assign, sublicense, or modify the name Rutgers, Rutgers University, or Rutgers, The State University of New Jersey, or any trademarks of the University without written approval from the Office of Trademark Licensing.
- E. All apparel, promotional items, and merchandise bearing Rutgers' name and/or trademarks must be ordered from a vendor who has entered into a Trademark Licensing Agreement with the University. This includes all for-sale items and not-for-sale promotional items. The use of a University licensed vendor is not required for signage and paper printed materials. However, signs and paper printed materials must be produced in accordance with the Rutgers Visual Identity System.
- F. Any requests for use of the trademarks of the University for corporate or product partnerships or other non-University uses of Rutgers' trademarks must be referred for review and approval to the Office of Trademark Licensing within the University Brand and Marketing unit of the Department of University Communications and Marketing.

II. Registering University Marks

- A. All federal and State trademark and service mark registrations that are not ORED Trademarks must be approved and overseen by the Office of Trademark Licensing. The registration of all ORED Trademarks is the responsibility of the Office of Research and Economic Development.
- B. No one may register or authorize the international, federal, or State registration of any trademark or service mark of the University without the prior written permission of the Office of Trademark Licensing or the Office of Research and Economic Development, as applicable. This requirement applies to both the trademarks of the University as a whole, its constituent parts, and to all other Rutgers-related trademarks and program-related marks. Patent-related marks are managed by the Office of Research and Economic Development.
- C. Costs related to the registration, maintenance, and protection of an official institutional or primary trademark will be the responsibility the Office of Trademark Licensing. Costs related to other marks, including unit-level and programmatic marks, may be of the responsibility of the requesting department, unit, or entity. For additional information, contact the Office of Trademark Licensing.

III. Licensing and Royalties

- A. All vendors and manufacturers of merchandise bearing Rutgers' name and/or trademarks must be licensed by the University through the Office of Trademark Licensing or its approved licensing agent. Per the terms of the licensing agreement, licensed vendors are required to submit all artwork for approval prior to production and to pay royalties. The University requires that Rutgers-branded items be purchased from licensed vendors to:
 - Protect Rutgers from liability and reputational risks.
 - Ensure Rutgers' name and logos are properly used.
 - Require fair labor and corporate responsibility standards.
 - Ensure requirements and policies of the University are followed.
- B. Royalty revenues earned from merchandise bearing the trademarks of the University will be used to cover the costs associated with registering and protecting official institutional and primary marks, licensee management, the operations of the Office of Trademark Licensing, and University initiatives approved by the Vice President for University Communications and Marketing.
- C. Licensing and royalties related to all ORED Trademarks are managed by the Office of Research and Economic Development.
- D. Only licensees with the proper rights may sell Rutgers-branded merchandise.
- E. Licensed vendors will pay a royalty to the University on all Rutgers branded items. Not-for-sale promotional items, including items used for fundraising purposes, sold to official student organizations will not be royalty bearing. If a student organization chooses to fundraise through a retail store operated by a licensed vendor, royalties may apply.

IV. Partners Outside of the University

- A. **Research and Corporate Partners: In order to use any Rutgers-owned trademarks, including ORED Trademarks, research and corporate partners must have current fully executed legal agreements in place that outline the terms and conditions of use, including use for co-branded marketing and promotions or use on branded**

merchandise. These agreements, or related language in a larger service agreement, must be preapproved in coordination with the Office of Research and Economic Development and the Department of University Communications and Marketing.

- B. **Clinical Partners:** In order to use the Rutgers name and/or any Rutgers-owned trademarks or images, clinical partners must have current fully executed legal agreements in place that outline the terms and conditions for branded and/or co-branded marketing and promotions or use on branded merchandise. These agreements, or related language in a larger service agreement, must be preapproved in coordination with the Vice Chancellor, Marketing Communications for Rutgers Biomedical and Health Sciences (RBHS) and the department of University Communications and Marketing. Any co-branded merchandise bearing the Rutgers name is subject to the same review and licensed production requirements stated in this policy. Clinical partners may have additional approval requirements.
- C. **Informal Partners:** Informal partners are entities without current fully executed legal agreements drafted and reviewed by the Rutgers Office of General Counsel. Informal partners may not use Rutgers' trademarks or name without written permission from University Brand and Marketing within the Department of University Communications and Marketing.

V. Endorsements and Service Acknowledgments

Rutgers entities and employees are prohibited by University policy, and in some instances by law, from all explicit and implied endorsements of vendors, products, and services. Promotional materials that identify the name of the University or one of its subunits, or use a University trademark, may only consist of accurate, neutral, factual statements that do not give an opinion or qualitative statement concerning the quality of a product or service. Refer to [University Policy 80.1.4: Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials](#) for more details.

VI. Approval Process

The Office of Trademark Licensing approves all designs for branded merchandise, promotional items, and displays that use Rutgers' trademarks. For more information, including contacts and how to obtain usage approval, visit: <https://communications.rutgers.edu/brand-policies/trademark-licensing>.

VII. Prohibited Uses of University Marks

- A. Rutgers does not license or use Rutgers' name or trademarks in connection with products, services, programs, images, or activities that may harm the reputation of the University or are inconsistent with the University's mission and values. Prohibited uses of Rutgers' name and trademarks include, but are not limited to, the following:
- Any use that discriminates or implies discrimination against any persons or groups based on age, ancestry, belief, color, creed, disability, national origin, race, religion, sex, sexual orientation, or veteran status, or in any other way that conflicts with University standards or violate Rutgers' policies or practices;
 - Products that are inherently dangerous or present an unacceptable risk of liability, including knives, firearms, weapons, and explosives;
 - Illegal use of alcohol or alcohol-related products. The use of the Rutgers name or trademarks with any alcohol-related product, activity, or event is discouraged. In instances where alcohol-related activities and events do include the Rutgers name or trademarks, a safe and responsible drinking message must be included and approval from the Office of Trademark Licensing is required;

- Tobacco-related products;
 - Cannabis-related products;
 - Illegal drug-related products, services, activities, and events;
 - **Products, activities, images, and designs that are deemed by the University** as racist, sexist, hateful, or demeaning or use degrading language or statements;
 - Products, images, or designs deemed to include or imply profane language or lewd sexual acts;
 - Products or statements impugning the University.
- B. If the University deems, in its sole discretion, that a licensee is found violating any of these prohibitions the related license will be terminated.
- C. Food and beverage products and accompanying packaging may incur undue risks to the University and its constituents. Therefore, these items are not permissible without prior written permission from the Office of Trademark Licensing within the University Brand and Marketing unit.
- D. Rutgers' trademarks cannot be used in conjunction with any other mark without expressed written permission from the Office of Trademark Licensing as well as the written permission of the owners of any involved external trademarks.

VIII. Exceptions

Exemptions to this policy are rare but may be considered with the proper supporting justifications on a case-by-case basis by submitting a request in writing to the Office of the Vice President for University Communications and Marketing. Such requests will only be considered if submitted by a University Vice President, Chancellor, or other senior University administrator. Requests for exceptions must:

1. Define the conditions under which the name of the University, unit of the University, and/or University marks will be used.
2. Identify any potential compensations to be paid to the University or others for such use.
3. Include an assessment of the benefits and risks of the proposed use of the University's marks, including steps that have been taken to mitigate risks.
4. Define the duration of the requested exception.

The Vice President for University Communications and Marketing will consult with appropriate University leadership, which may include the Senior Vice President and General Counsel, the Senior Vice President, External Affairs, and the Senior Vice President, Risk Management, to determine whether to approve or deny a request for an exception.

IX. Trademark Protection

Rutgers' trademarks are important assets of the University. The Office of Trademark Licensing within the University Brand and Marketing unit of the Department of University Communications and Marketing is charged with protecting these marks and monitoring their use. Any non-sanctioned or inappropriate use of a University trademark should be reported to the Office of Trademark Licensing. The office is required to investigate infringements and to

take appropriate steps to rectify the matter to maintain the uses and protections provided by our trademark registrations and to ensure the ongoing integrity of University marks.