



**Angelo State University
Operating Policy and Procedure**

OP 30.07: Licensing and Use of ASU Registered Names, Logos, and Trademarks

DATE: February 10, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure for licensing, use of Angelo State University (ASU) registered names, logos, and trademarks, and for use of any revenues received therefrom.

REVIEW: This OP will be reviewed in October every five years, or as needed, by the executive director of materials management in conjunction with the director of communications and marketing, and the athletic director with recommended revisions forwarded to the vice president for finance and administration by November 15 of the same year.

POLICY/PROCEDURE

1. Angelo State Licensing Program

In 2015, Angelo State University’s Office of Contract Administration, (OCA), in conjunction with the Office of Communications and Marketing, (C&M) began managing the licensing program and established a foundation for promoting and protecting the use of the university trademarks. Angelo State University has registered the names, logos, and trademarks of the university with the U.S. Office of Patent and Trademarks (www.uspto.gov) and the state of Texas. Policies and procedures have been developed to license the use of the marks. The executive director of materials management, along with the Director of Communications and Marketing, shall administer the licensing program. All official notifications regarding the licensing program must be sent to OCA at:

Angelo State University
Office of Contract Administration
ASU Station #11037
San Angelo, Texas 76909-1037
E-mail: c_admin@angelo.edu
Phone: 325-942-2591
Fax: 325-942-2799

2. Definition of a University Mark

A trademark (or mark) is any logo, symbol, nickname, letter(s), word, slogan, or derivative used by an organization, company, or institution to identify its goods/services and distinguish them from other entities or competitors. ASU owns certain designations, including designs, trademarks, service marks, logographics, symbols, and other distinctive marks (“University Marks”) as outlined in the [University Marks](#) Guide (Appendix A).

Any reference to the University Marks adopted hereafter and used or approved for use by ASU shall be subject to the policies and procedures of the OCA and also the additional pertinent information outlined in Appendix A. Additionally, any derivations of the University Marks that would cause consumers to believe erroneously that the product originated from or was sponsored or authorized by ASU shall also be covered by the trademark licensing program policies and procedures.

3. The University Marks

- a. Registered - The following marks are registered federally in the name of Angelo State University and should be represented with a ®:

- (1) Verbiage – Angelo State University
- (2) Verbiage – Angelo State
- (3) Logo – Angelo State University
- (4) Logo – ASU
- (5) Logo - Ram Head (derived from ASU)
- (6) Wordmark – Angelo State University
- (7) Wordmark – Angelo State
- (8) Logo – Angelo State University Seal
- (9) Artwork – Dominic (forward facing)

- b. Trademark - The following marks are registered with the state of Texas in the name of Angelo State University and should be represented with a ™:

- (1) Verbiage – ASU, Angelo State Rams, ASU Rams, Rams, Rambelles, ASU Rambelles, Angelo State Rambelles, Belles, ASU Belles, Angelo State Belles.
- (2) Logos – Artist’s rendering of Dominic (side facing), UCPC, UREC.

4. The Licensing Process/Procedures

Any company or individual crafter interested in manufacturing a product that will be sold to consumers through retail distribution channels (including the Internet) or directly to ASU or an ASU affiliate must obtain a license through OCA. All companies must complete the application and the requirements for licensing as outlined by OCA. OCA will work in conjunction with C&M to approve the articles requested by the company or individual crafter for licensing approval. Based on the information provided, the university will determine whether to grant a license to each applicant. Taking into consideration the current base of licensees, licenses may not be granted to new companies in certain categories.

5. License Types

The basic requirements for licensing include completing the licensing application, providing proof of insurance limits listed in Appendix A or waiver approved by the OCA, signing a license agreement, paying the applicable administrative fee, obtaining product and design approval from C&M, and reporting royalties if applicable on the sale of Angelo State merchandise. ASU has the following license types available for companies and individual crafters:

- a. Standard License - Company Using University Marks for Retail Sales

- (1) Annual administrative fee - \$50;

- (2) Royalty fees on retail sales – 8 percent;
 - (3) No royalty fees on sales to ASU and ASU affiliates.
- b. Restricted License - Company Using University Marks for items purchased by ASU and ASU affiliates, such as the ASU Student Government Association or ASU WED Center and components, intended for internal or promotional use and not offered for resale to the general public.
- (1) Annual Administrative Fee - \$25;
 - (2) No royalty fees apply to ASU and ASU affiliates.
 - (3) No retail sales are allowed without switching to the Standard License upon approval from the OCA.
- c. Crafter (Individual) License – An individual Using University Marks for Sale to Individuals with items intended to sell at a craft fair or for a personal project.
- (1) Annual Administrative Fee - \$50;
 - (2) Limited to 500 licensed articles or total sale of \$2,500;
 - (3) No wholesale sales or sale to any third party;
 - (4) No royalty fees apply;
 - (5) Sales to ASU and ASU affiliates are allowed.
- d. Application & Merchandise Approval Process
- (1) Application Process - Companies and individual crafters must apply online for a license:
 - Log on to the Angelo State University website. (www.angelo.edu)
 - Click on the “Faculty & Staff” link along the top navigation bar.
 - Select “Contract Administration Office”.
 - Select “Select ASU Trademark Licensing”.
 - Fill out the appropriate online form and then and click “Submit”. The Office of Contract Administration will then contact you to complete the process.
 - (2) Merchandise Approval Process – Licensed companies and individual crafters (Licensees) must submit samples of merchandise to C&M prior to production so that ASU can ensure merchandise meet quality standards. Once approved, the merchandise becomes a Licensed Article. Quality changes to Licensed Articles must be resubmitted through the approval process.
 - (3) University Marks on Licensed Articles – Licensees must submit all artwork to C&M for approval to art.approval@angelo.edu prior to production. No other ASU department or ASU affiliate can approve the artwork. For re-orders, the Licensee is responsible for providing ASU or ASU affiliate with a copy of the email and artwork approval.

6. Items that will not be Licensed

- a. Business Names and/or Logos—all types
- b. Stationery—business-size, letterhead paper using the name or seal of Angelo State University or any treatment of the ASU logo

- c. Certificates of Recognition—using the name or seal of Angelo State University any treatment of the ASU logo
- d. Alcoholic Beverages—distilled alcohol liquors, wines, and malt liquors
- e. Inherently Dangerous Products—such as firearms, explosives, and fuels
- f. Obscene or Disparaging Products—including, but not limited to, nude photographs, caricature poster art or designs that would tend to lower the reputation or degrade the goodwill of the university as represented by the trademarks
- g. Sexually Suggestive Products—including, but not limited to, inappropriate slogans imprinted on clothing and the configuration of certain novelty items
- h. Health Related Products—all types
- i. Services—except in accordance with the special requirements of the Office of General Counsel applicable to services.

7. University Marks Usage Policies

Reproduction of all University Marks that identify Angelo State may not be used without the prior expressed written approval of the university.

- a. Registration will be maintained primarily in the United States, but it may also extend internationally if significant markets arise;
- b. Licenses will not be granted for the use of University Marks on merchandise that are not compatible with the image of ASU as a major institution for education, research, and public service or if merchandise is not a Licensed Article;
- c. ASU will enforce restrictions on the use of University Marks by unlicensed companies or individual crafters. Unlicensed companies or individual crafters who sell goods bearing ASU University Marks will be required to obtain a license and pay for the administrative fee or royalties if applicable or withdraw the goods from sale;
- d. Registered student organizations (RSO) may use ASU's University Marks when used in connection with a group activity, provided items are acquired from the approved Licensee list. A sample or drawing needs to be provided showing how the University Marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensee selected by the Angelo State registered student organization;
- e. ASU Departments may use the university's registered marks on merchandise, provided items are Licensed Articles of a licensed company or individual crafter. A sample or drawing needs to be provided showing how the University Marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensee selected by the ASU Department;
- f. Athletic conferences in which ASU holds membership will be allowed to use all University Marks associated with the athletic teams. There will be no payment of royalties when University Marks are used in the media or on non-commercial promotional items that include registered marks of the conference and/or other member institutions.

8. Policies and Guidelines for Angelo State (in-house) Use

- a. In-house use: Registered student organizations, student sports teams, resident hall organizations, and ASU departments may use any University Marks for “in-house” purposes (e.g., posters, signs, banners, brochures) that deal with on-campus activities. Such use must reflect positively on the university and be reproduced accurately by a Licensee of ASU and must not conflict or cause confusion with Angelo State Intercollegiate Athletic Teams. The student organization’s name must be included in the design. Approval from the Director of Communications and Marketing is required;
- b. Recognized student organizations and ASU departments: Recognized student organizations and ASU departments may include a sponsor name/logo along with University Marks on products and certain forms of advertising. However, the student organization/ASU department’s name must be included in the design to communicate that the relationship is a partnership with a particular group and not an endorsement by the university as a whole. Approval will not be granted for sponsors who conflict with university exclusive agreements. Based on the scope of the program, a rights fee may be assessed to the sponsor to associate its name with Angelo State University. These sponsors may not be designated as “Official” or “Exclusive.” ASU departments will need to secure approval of any joint advertisement from the Director of Communications and Marketing. Policies and guidelines for non-Angelo State use still apply;
- c. Sales restricted to campus organizations and departments: Registered student organizations and ASU departments may sell or give away products (such as T-shirts), which display University Marks combined with the names and logos of that organization, department, or activity. These items must relate directly to an on-campus activity sponsored by that organization/department. Items need to be unique and not compete with products and/or artwork available in the retail market and be reproduced accurately by a licensed vendor of Angelo State.

9. Policies and Guidelines for non-Angelo State Use (includes donor, individual, and commercial use)

Reproduction of all University Marks that identify ASU may not be used by private and/or corporate businesses or individuals without the prior expressed written approval of the Director of Communications & Marketing:

- a. Company vehicles- Placing ASU’s University Marks near company information on company vehicles is prohibited, as there will be a likelihood of confusion that the company is a representative of, or sponsored by, ASU (e.g., paint, decals);
- b. Company Name - Use of ASU’s University Marks in their company name is prohibited;
- c. Sale of Commercial Products or Advertising – Use of ASU’s University Marks is prohibited in the sale of commercial products or advertising. ASU’s University Marks cannot be incorporated into off-campus business telephone numbers, Internet addresses, or Internet domain names;
- d. Other Institutions or Businesses - ASU does not permit the use of its University Marks by any other institution or businesses;

- e. Permanent Statues, Murals or Icons – ASU does not permit the use of University Marks to establish a permanent statue, mural, icon, or likeness;
- f. Advertisements – Use of ASU’s University Marks in any type of advertisements, on Web sites, or on banners, etc., is prohibited;
- g. Resale or Giveaways – Use of ASU’s University Marks on unlicensed merchandise for resale or giveaway is prohibited;
- h. Promotions – Use of ASU’s University Marks to promote company products or services in print advertising, radio, or television without a promotional contract in place is prohibited;
- i. Websites – Use of ASU’s University Marks on a Web site is prohibited. If approved, the university will provide a disclaimer that must be used on the site;
- j. Political Office or Policy/Legislative Use – Use of ASU’s University Marks in conjunction with a candidate for political office or policy/legislative issue is prohibited;
- k. Trademark Infringement - Use of ASU’s University Marks cannot be used in any design that infringes on another entity (e.g., Harley Davidson, Jim Beam, Disney);
- l. Academics & Athletics - ASU recognizes that many groups support the institution in academics and athletics. However, any group wanting to use ASU’s University Marks on product, regardless of use, must purchase the product from a current ASU licensee. By supporting ASU's licensing initiatives, organizations can assist ASU by ensuring that products bearing a University Mark are of the highest quality and meet all insurance and contractual requirements. The licensee is responsible for getting the design approved by C&M and remitting the required royalty on the product to OCA;
- m. Donors - If a donor wishes to utilize one of ASU's University Marks in some manner, written permission must be obtained from the Director of Communications and Marketing. The verbiage “supporting Angelo State University,” “supporting XXX at Angelo State University,” or “supporting Angelo State Athletics” must be included. All materials using University Marks must be submitted for approval before production and must be purchased from a current university licensee;
- n. Booster Clubs - Booster clubs may use sponsor names on merchandise only with written approval from the Director of Communications and Marketing. The organization's name must be included in the design to communicate that the relationship is a partnership with the organization and not with the university. Based on the scope of the program, a rights fee, in addition to royalties, may be assessed;
- o. Rights fees and royalties may be assessed for the use of the University Marks in all instances.

10. Unauthorized use of University Marks

Any use of University Marks that does not comply with ASU’s licensing and approval requirements will be considered unauthorized and may violate federal and/or state laws. ASU reserves the right to take appropriate action when confronted with unauthorized uses of its marks. Depending on the facts, such action may include confiscation of goods and

issuance of a cease and desist letter. It can also result in jail time and numerous fines if convicted.

11. Definition of Commercial Use

Items for resale: The following purposes constitute commercial use when selling products (e.g., T-shirts, sweatshirts, cups, hats, etc.) with any university registered marks:

- a. Sales to campus and private retailers (including registered student organizations and departments of Angelo State);
- b. Sales to individual customers;
- c. Sales to Angelo State sporting events through concessions;
- d. Sales on campus by registered student organizations;
- e. Sales for fund raising projects by registered student organizations; and
- f. Sales to registered student organizations for the purpose of promoting their organization.

Promotional use: Items bearing ASU's University Marks that are either sold or given away are promotional and considered commercial.

12. Approval by the Director of Communications and Marketing

The Director of Communications and Marketing must grant approval to all outside companies and/or individual/crafters wanting to use any University Marks, even while producing items for an Angelo State affiliated group. If a registered student organization or department is involved in any of the activities deemed as commercial, then the company or individual/crafter from which merchandise is purchased must be licensed by ASU. If a project falls into an exempt category, the Director of Communications and Marketing must issue a waiver to produce the merchandise.

The Executive Director of Materials Management in conjunction with the Director of Communications and Marketing maintains a list of all Angelo State licensees. These licensees have been carefully chosen and are familiar with Angelo State University's licensing policies and procedures. For assistance in choosing a licensed vendor, please contact the Executive Director of Materials Management at c_admin@angelo.edu or the [ASU Logo Information](#) link on the Purchasing website.

Appendix A: [University Marks](#)