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- 1. Purpose.** To set forth the regulations and procedures for the implementation of the University's name and trademark licensing program (licensing program).
- 2. Definitions.** For the purpose of the licensing program, these definitions apply.
 - 2.1 "Service mark"** means the distinctive letter, word, phrase, logo, or symbol used to distinguish services the University provides from services provided by other organizations.
 - 2.2 "Trademark" (mark)** means a distinctive letter, word, phrase, logo, symbol, or nickname, associated with the University and used on products, and can be distinguished from those of other organizations. "Trademark" also includes intellectual property rights held by the University.
- 3. Responsible Administrator.** The Special Assistant to the President shall be responsible for the administration of the licensing program.
- 4. Licensing Program Intent.** The University's licensing program shall be designed to:
 - License an entity to use a University service mark or mark for any purpose;
 - Ensure the University name and trademarks are used appropriately, consistently, with high-quality reproduction, and to avoid misrepresentation of the University;
 - Allow the University to share in the benefits derived from the commercial use of its service marks or marks;
 - Establish a cooperative relationship with licensees to assist in the further development of a market of officially licensed products of the University; and,
 - Promote a relationship by which both the University and its licensees will benefit.

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5. Royalty. The University shall require payment of a royalty by the licensee, and shall reserve the right to adjust the licensing program and the rate of the royalty fee as market trends warrant.

5.1 Athletic Uniforms Exception. An exception to the payment of royalty fees is granted for official game uniforms to be worn in competition by players of University designated intercollegiate athletic teams. This exception does not apply to athletic or sport themed replica or authentic items to be resold, donated, given, or given in kind to the general public.

5.1.1 For any official University uniform to be exempt from royalty fees, the purchase of such uniform must be accomplished by purchase order in accordance with University purchasing regulations as set forth in Subject R, Purchasing and Financial Obligations. The vendor order form and/or the University purchase order shall contain sufficient information to provide justification for the exemption.

5.1.2 Only orders placed in accordance with the University purchasing regulations may be exempt from royalty fees.

5.2 Other University Use Exceptions. An exception is granted for print products, including but not limited to, letterhead, business cards, and brochures whether produced by University Mail and Printing Services (UMAPS) or any other licensee for use by Departments or Department sub-units.

6. Licensing Program Management. The University shall contract with a marketing company specializing in the collegiate marketplace to serve as program manager of the daily administrative activities.

6.1 Program Manager Responsibilities. The program manager's responsibilities shall include, but not be limited to:

- Processing license applications;
- Coordinating artwork approvals;
- Considering the intended use of the service mark or mark for appropriateness;
- Reviewing sample products for conformance to quality and safety standards;
- Submitting products to the University for final approval;
- Issuing the license;
- Collecting the established royalty fee from the licensee and submitting to the University its share; and,
- Enforcement of licensed trademark rights.

7. Licensing Requirements. Any University service mark or mark shall be subject to licensing requirements.

7.1 Vendors. Manufacturers, producers, service providers, retailers, and any other entity or individual planning to produce or sell products displaying a University service mark or mark must:

- Be properly licensed by the University to do so;
- Obtain the proper license before producing or selling such products;
- Obtain the license regardless of the intended use or method of distribution of the merchandise.
- Obtain the license from the program manager; and,
- Obtain approval of the artwork of each service mark or mark from the program manager before producing, distributing, or selling any product bearing such mark.

7.2 University Usage. All University organizations, Departments, Employees, or Students, and affiliates wishing to use or distribute products incorporating University service marks or marks must:

- Purchase goods from a licensed vendor; or,
- Become a licensee.

8. License Regulations.

8.1 Positive Image Use. The licensing regulations shall require the names and marks of the University be used only on products of such a nature as to reflect positively on the image of the University. Examples of impermissible use of the names and marks of the University include, but are not limited to:

- The promotion of alcoholic beverages, tobacco, illegal drug products or products or services deemed to be of questionable moral value; and,
- Any manner which may be perceived as University endorsement of political candidates, political parties, or religious beliefs or organizations or beliefs.

8.2 Use as Registered. University service marks and marks shall be used as registered, including the appropriate trademark designation (SM, TM, or ®). University service marks and marks shall not be altered without authorization by the University and the program manager.

8.3 University Use. Departments and Student Organizations may use certain service marks or marks for official University business upon receipt of approval to do so. Requests for approval shall be submitted to the Director of University Relations.

8.4 General.

8.4.1 University service marks or marks shall not be used to endorse or promote a private entity unless authorized by a formal contract or sponsorship agreement. Private entities are allowed to use University service marks or marks only after entering into an agreement with the University.

8.4.2 Any use of University service marks or marks not in compliance with Washburn's licensing and approval requirements shall be unauthorized and may violate federal and/or state laws.

8.4.3 Products bearing University service marks or marks produced without written authorization may be considered counterfeit and subject the holder to all available legal remedies, including confiscation of the products.

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