

	FGCU POLICY TBD	Responsible Unit: Business Services
	<u>University Trademarks and Licensing</u>	

A. POLICY STATEMENT

The University name and logos are registered with the United States Patent and Trademark Office as well as the State of Florida Secretary of State. Registration of the University Marks ensures that the University can control the use of the University Marks by Units of the University, the University community, as well as persons and entities outside the University for commercial purposes. Registration of the University Marks ensures that the University has lawful control of the University Marks, ensures appropriate use, and maintains the value of the University’s Registered Marks to the University and its Licensees.

Additionally, the University uses Unregistered Trademarks, including logos, slogans, and statements, as well as symbols (e.g., Azul, the Eagle) as part of its identity through branding and promotional activities. The University must also maintain control of these unregistered University Marks to ensure appropriate use and to maintain the value of the unregistered University Marks to the University.

B. REASON FOR POLICY

This Policy provides guidance to Units, the University community, and persons and entities outside the University on the use of registered and unregistered University Marks.

C. APPLICABILITY AND/OR ACCOUNTABILITY

This Policy applies to all Units, all members of the University community, and persons and entities outside the University using the University’s Marks.

D. DEFINITION OF TERMS

1. *Internal License:* A license that allows a Licensee to produce items bearing University Marks only for Units, registered student organizations (RSO), and registered sport clubs (RSC), and which are not intended for resale.
2. *Licensee:* A vendor that has completed the application and approval process through the University’s Licensing Partner to lawfully reproduce the University Marks for internal use or external commercial sales (based on its license type).
3. *Licensing Partner:* The University’s contractual partner that provides Trademark and licensing support by collecting business information and providing a submission and approval platform for businesses interested in utilizing the University Marks.

4. Registered Trademark: A Trademark registered with the United States Patent and Trademark Office pursuant to the Lanham Act. A Trademark may also be registered under state law.
5. Retail License: A license that allows a vendor to produce items bearing University Marks intended for resale or wholesale.
6. Trademark: Any word, name, symbol, or device or any combination of those things adopted or used by an organization or person to identify goods and distinguish the goods from similar products.
7. Unregistered Trademark: A Trademark that is in use but has not been registered.
8. Unit: All divisions, departments, colleges, and centers of the University.
9. University Marks: Any Trademark, Registered or Unregistered, used by the University in the performance of University educational, administrative, promotional, or commercial activities.

E. PROCEDURES

All designs produced for use internally or externally, published digitally or physically shall be consistent with the University's Visual Identity Guidelines provided by University Marketing & Communications, Business Services, and Intercollegiate Athletics. Further instruction is provided to content creators and can be found on the University Marketing & Communications' website.

1. Use of University Marks for Internal Use (Units, Registered Student Organization, and Registered Sport Clubs)
 - a. All custom designed products which include the University Marks must be produced by an approved University Licensee. This includes royalty exempt products, as defined below.
 - b. All on-campus sales must comply with the University's Bookstore management company's contract requirements for the sale of merchandise which include the University Marks and must be approved by the Director of Business Services, or designee, for sale or fundraising in advance of production and distribution.
 - c. All approved Licensees must submit final designs through the University's Licensing Partner, by means of their associated licensing approval system, prior to production. The Licensee is responsible for paying royalties on products sold with the following guidelines:

1) Royalty bearing products include any item for resale for any reason including, but not limited to, those items sold to:

- a) The general public;
- b) Organization members;
- c) Family or friends;
- d) Faculty, staff, or students; or
- e) A Unit, student club, or student organization for fundraising.

2) Royalty exempt products include:

- a) Unit purchases (must be purchased with University funds), including uniforms (not to be re-sold);
 - b) Items purchased directly by the University and used for operation of the Unit such as stationary, business cards, name plates, nametags, etc.; and
 - c) Promotional items purchased directly by the University and used to promote a Unit, instructional program, or event directly sponsored by the University.
- d. All designs for RSC uniforms or competition required apparel must include the term “CLUB” along with any sport defining mark; including uniforms, practice items, team shirts, etc.

2. Use of University Marks by Commercial Entities

- a. Any commercial entity wishing to use University Marks on products, regardless of use, must become an approved University Licensee prior to producing the product or purchase the product from a current approved Licensee.
 - 1) Commercial entities may obtain an Internal License through the University’s Licensing Partner in order to do business with Units utilizing any of the University Marks.
 - 2) Commercial entities may obtain a Retail License through the University’s Licensing Partner in order to sell products with the University Marks.
- b. Commercial entities may not use University Marks in any type of advertisements or promotions, on websites, or on banners or flyers, television, or radio, etc. without written permission from Florida Gulf Coast University.
- c. Rights, fees, and royalties for the use of University Marks in all instances will be assessed and collected through the University’s Licensing Partner.
- d. Commercial entities must remain current with appropriate licensing requirements through the University’s Licensing Partner to continue business using the University Marks.

3. Prohibited Use

University Marks shall not be used in conjunction with advertisements or other promotional items which promote tobacco, illegal substances, or sexually explicit activities.

Authority

BOG Regulation 1.001, University Board of Trustees Powers and Duties

History of Policy

New 00/00/00

APPROVED:

Michael V. Martin, President

Date