

**UNIVERSITY OF MASSACHUSETTS
TRADEMARK AND LICENSING POLICY**

The President of the University shall see to the development and implementation of guidelines governing both the internal and external commercial and non-commercial use of the University's trademarks, service marks, logos, names, insignia, seal design and other symbols or devices associated or referring to the University of Massachusetts or its individual campuses. The President may amend the guidelines as appropriate or as required by law.

Such guidelines shall make provision for the regulation of all uses of the University marks essential to protect the University's trademark rights and image from liability and to protect against dilution of the marks. The guidelines will provide specifications and requirements for all commercial and non-commercial uses of the University marks, whether fund raising, sale for profit, sponsorship, advertising, Internet application or promotion. Assignment of responsibility for assuring that these regulations are carried out will be made to the Director of the University's Licensing and Trademark Office. The Director of Licensing will be responsible for negotiating and implementing all Licensing agreements and contracts. No other person, department or agency is authorized to perform trademark-licensing administration. Controversial issues, products, services or enforcement activities will be reviewed with the appropriate Campus or President's Office administrator and/or the General Counsel's Office.

Internal Non-Commercial use of the University's names by registered affiliated organizations, departments and recognized support groups such as professional associations, employee organizations athletic, cultural, alumni and other interest groups is permitted within the guidelines set by each Campus 's Visual Identity Guide. Additionally, the names or marks may be used for identification purposes limited to use by their members, on material for departments or campus groups for their own use such as stationery, posters, business cards, signs, banners and uniforms. Official publications for distribution are considered non-commercial. Such uses do not need to be reviewed or authorized by the Licensing and Trademark Office.

Internal and External Commercial Use is only permitted by license or authorization from the Director of Licensing and Trademarks. Commercial use includes the manufacture of all consumer products, services, advertising, domain names, sponsorship and promotion sold, distributed or given away through any marketing channel including the World Wide Web. All University organizations using the names, marks, logos, seals and/or symbols of the University in any Internal Commercial venture, whether fundraising, sponsorship, promotion or Internet agreement are required to seek prior approval for the use of those marks from the Licensing and Trademark Office and must be purchased through authorized licensees. Items or services used for promotional purposes such as giveaways or premiums are considered commercial, but may be eligible for royalty exemptions if offered to an internal audience. Written request for royalty exemptions will be reviewed and assessed by the Licensing and Trademark Office. All approved requests must go through licensed vendors. Liability insurance and standard quality control terms and conditions apply.

All University **Agreements and Contracts** that allow an external organization, company or individual to use the University's names or marks as part of and/or in conjunction with that Agreement or Contract require a secondary Licensing Agreement issued by Licensing and Trademark to control the use of the marks and to protect the University from liability. This includes sponsorships, grants, promotions and Internet applications as well as all other agreements that allow for external use of the University marks or names. No party to a University agreement or contract may assign or sub-licensed the rights to use the University name or marks to a third party. Depending upon the consideration to be received by the University, additional royalties or fees may be waived.

Product and service licenses will be considered for companies, organizations or individuals who meet all the requirements and standards and whose products, services or promotions are judged to be appropriate for the University and do not interfere or conflict with current University contractual obligations. Additionally, all potential apparel licensees must agree to adhere **to University of Massachusetts Code of Conduct for Apparel Licensees** prior to securing a license.

The University is legally obligated to enforce its trademark ownership rights. The Licensing and Trademark Office in conjunction with University's General Counsel's Office will act to stop counterfeit or illegal use of the University's names, logos and marks when such use is discovered. Royalty and fee income from licensing activities that exceeds the cost of administering the University's Licensing Program will be proportionally distributed to the Chancellors or the Chancellor's designee for each campus on an annual basis.