



Policy: 01-62-00

Collegiate Licensing and Trademark Usage

OFFICE OF RECORD: Business & Administrative Services
ISSUED BY: Bookstore Manager/Director of Public Information
EFFECTIVE DATE: 11/4/09

Contact: University Bookstore

A. Background

Dakota State University has registered or otherwise protected with the State of South Dakota the significant names, initials, logos, symbols, indicia, insignia, trade names, service marks, and trademarks (collectively “trademarks”) of the University. The University has delegated the responsibility for maintaining, managing and licensing University trademarks to the University Bookstore’s Licensing Administrator.

The mission and purpose of the Licensing and Trademark Policy is to:

- Insure proper control and use of trademarks that are associated with Dakota State University, protect all University trademarks from unauthorized uses, and facilitate the process of granting authorization for legitimate internal and third-party use of University trademarks
- Insure that the University generates revenue for its programs by securing a legitimate and reasonable royalty for the use of its trademarks.
- Promote Dakota State University in a consistent and uniform manner to protect the University’s reputation, name and image by permitting only appropriate uses by officially licensed vendors by ensuring that only quality products bear the University’s trademarks, and by protecting the consumer from inferior products bearing University trademarks.

B. Policy Statements

1. The use of any trademark which identifies, or is associated with, Dakota State University may not be used without the prior expressed written authorization of Dakota State University (represented by the Licensing Administrator), and is subject to the licensing requirements of this policy.
2. Only an officially licensed vendor may produce merchandise bearing the Dakota State University trademarks. “Officially licensed vendors” and “store vendors” or other University vendors may not always be the same. For a current list of officially licensed vendors contact the University Licensing Administrator at the University Bookstore.
3. Private companies creating merchandise for sale or distribution may use University trademarks only after entering into a specific license agreement with the University through the Licensing Administrator that acts on behalf of the University as its licensing agent for trademark use. For additional information regarding either acceptable or inappropriate uses of trademarks, contact the Licensing Administrator at the University Bookstore.
4. Companies using any University trademark for advertising or promotional purposes in any format must first obtain written permission from the Dakota State University Licensing Administrator. In some cases, a royalty or usage fee will be assessed. Permission is typically granted for a specific length of time; no open-ended approval will be granted. Acceptable appearance and usage criteria are defined in the Identity Standards of the Dakota State University.
5. The University reserves the right to prohibit uses that it deems inappropriate or inconsistent with the image and mission of an educational institution.
6. Merchandise bearing University trademarks and produced without proper written University authorization may be considered counterfeit or an infringement on the University trademark and subject to all available legal remedies, including, but not limited to, seizure of the merchandise.

C. Registered and Protected Trademarks

1. The following trademarks are registered with the State of South Dakota on behalf of the Dakota State University:

DAKOTA STATE UNIVERSITY; DAKOTA STATE; TROJANS; LADY T’S; official script letter “DSU”; Dakota State w/Trojan (athletic logo); official seal, DSU in capitals.

Trademarks are updated continually. A current listing of trademarks is available from the Director of Public Information.

2. All other names, symbols, initials, or graphic designs that refer to Dakota State University are protected by U.S. and state law.

D. Procedures

1. Departments of the University designing merchandise to bear a University trademark must secure prior approval, in writing, from the University's Licensing Administrator. Prior approval does not give the right to produce the merchandise and requires the department to use an officially licensed vendor. The licensed vendor will then be required to submit final artwork through the University's licensing agent. After final artwork approval is given, the vendor may then produce the product.
2. Departments and recognized student clubs and organizations may use certain logos for certain official business. Departments and recognized student clubs and organizations that wish to design or create new trademarks for their department, club or organization must coordinate their effort with Public Relations (see contact information at end of this policy.) Questions regarding such use should be directed to that office. Departments requesting authorization for use of current trademarks within official University publications, letterhead and business cards should direct their requests to Public Relations.
3. Trademarks are to be used only in the specific manner approved in writing by the University Bookstore and/or Public Relations, together with the appropriate trademark designation, and may not be otherwise altered without express written authorization.

E. Labor Practices/Code of Conduct

1. Dakota State University is committed to the concept that all merchandise bearing reference to the University (including names of each department and any recognized club and organization affiliated with the University) will be manufactured by companies whose labor policies insure that their employees are safe from abusive labor conditions.
2. In order to insure the broadest interpretation of this policy, the University requires that any product produced for the University (or for departments or recognized clubs and organizations) which carries a University trademark, or uses the name of, or refers to, a University department or a rec-

ognized club or organization, be manufactured by those companies that are appropriately licensed to use University trademarks (licensees), and are in compliance with the University's Labor Code Standards. For a current list of officially licensed vendors, contact the University Licensing Administrator at the University Bookstore.

F. Implementation

1. All products bearing the Dakota State University trademarks must be approved and licensed as specified by this policy. Resale items will generally be subject to the current standard royalty rate established by the University.
2. Promotional and/or "premium" items, regardless of distribution points, are also subject to licensing requirements. Royalties will be determined based upon the scope of the promotion and other factors considered appropriate by the University.
3. Institutional, non-commercial marketing materials (e.g., printed or electronic communication to include Internet pages) produced by the University for official University business shall meet the criteria established by Public Relations. Other marketing materials and promotional items, regardless of production, method or source of distribution, are subject to the approval process in this policy.

G. Licensing and Royalties

1. Any person, business, or organization desiring to use the University's trademarks in any manner and for any purpose must be licensed to do so. The University has arranged for licenses to be issued by the Licensing Administrator on the University's behalf.
2. The University generally allows for three types of licenses to be issued, but may create new licensing arrangements as needed.
 - Traditional Retail: for the production of emblematic merchandise which will be sold by the Licensees to retail establishments.
 - On-Demand: issued to a company whose single use of the University's trademarks is in response to a production request by a department (non-retail) or recognized campus club or organization. Additional restrictions may apply to single-use licenses.
 - Promotional Use: use of University trademarks for an approved limited-duration commercial use.

3. A product generally is subject to royalty or right fees if a University trademark is utilized AND:
 - the product is for resale; or,
 - the product promotes a specific event for which a fee is charged; or
 - the name, mark, or logo of a third party is used with the University's trademark.
4. Activities or products that include the use of a commercial sponsor's names or logos on the licensed product will be assessed a higher royalty contingent on University approval.

Exemptions to royalty fees are given when University trademarked products are used to promote instructional programs or events, or other activities that further the academic and educational mission of the University as determined by the Licensing Administrator. (Instructional programs/events include, but are not limited to, classes, courses, seminars, workshops, and other activities directly sponsored by a college, division, department, program, or service of the Dakota State University.)

Exempting royalties is done in writing and does not exempt the requirement to use a licensed vendor for manufacture or production.

5. These guidelines are usually sufficient in determining royalty/non-royalty. However, each submission shall be reviewed individually to make sure all aspects of the situation are taken into consideration.

H. Exemptions

1. For purposes of consistency, the University does not exempt campus-operated stores from purchasing emblematic merchandise from officially licensed vendors. Royalties are charged to campus stores in the same manner as charged to off-campus retail establishments.
2. Departments of the University, and recognized clubs and organizations, are also required to purchase emblematic merchandise from "officially licensed vendors." Receiving authorization for a design or to utilize a trademark does not constitute approval to manufacture a particular product. The product must be manufactured by, and purchased from, an officially licensed vendor.
3. Exemptions to royalty fees are given when University trademarked products are used to promote instructional programs or events, or other activities that further the academic and educational mission of the University as determined by the Licensing Administrator. (See paragraph G.3 above.)

4. All departments of the University, recognized campus clubs and organizations, individuals, and companies are required to obtain approval from the Licensing Administrator or Public Relations prior to producing, or arranging for production of, any product or use that utilizes the University's trademarks, regardless of use or method of distribution, except as otherwise authorized under paragraph D.2 above.
5. This policy may be altered at any time without prior notice.

For further information contact:

Trojan Center Bookstore
Dale P. Davis
Licensing Administrator
Dakota State University
820 N. Washington Ave.
Madison, SD 57042-1799
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OR:

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