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## TRADEMARK LICENSING AND REGISTRATION

### POLICY SUMMARY

Northern Arizona University's trademarks and vendor licensing program exists to protect the name, logos, marks and trademarks of Northern Arizona University, as well as to enhance the image of the University by authorizing the use of its marks on high-quality and tasteful merchandise and apparel. The program also exists to ensure that the University receives appropriate commercial value for the use of its trademarks and logos as well as to actively enforce any unauthorized or inappropriate use.

### REASON FOR THIS POLICY

Ensuring proper use of the University's Trademarks while receiving appropriate commercial value requires enforceable and consistently applied Trademark licensing and registration rules and applied procedures.

### ENTITIES AFFECTED BY THIS POLICY

- All University units seeking to use University-branded merchandise
- All external entities or organizations seeking to use University Trademarks
- Recognized student organizations seeking to use University Trademarks or to produce, purchase, sell, or use University-branded merchandise

### WHO SHOULD KNOW THIS POLICY

- Employees, students, and third parties seeking to produce, purchase, sell, or use University-branded merchandise

### DEFINITIONS

**Service Mark:** any word, phrase, symbol, or design, or any combination therefore, that identifies and distinguishes the source of a service rather than goods (e.g., brand names, slogans, and logos). Service Marks and Trademarks serve essentially the same purpose and function in essentially the same manner except that Service Marks identify the source of services rather than goods. For purposes of this policy, the term "Trademark" refers collectively to Service Marks and Trademarks.

**Trademark:** any word, phrase, symbol, or design, or any combination thereof, used in commerce to identify and distinguish the goods of one manufacturer or seller from those of another and to indicate the source of the goods. Trademarks and Service Marks serve essentially the same purpose and function in essentially the same manner except that Trademarks identify the source of goods rather than services. For purposes of this policy, the term "Trademark" refers collectively to Trademarks and Service Marks.

### POLICY

#### Section I. – Trademark Licensing

## A. General

To help maintain and consistently present its brand, the University requires that all persons, and internal and external units or entities, obtain University-branded products from approved manufacturers or vendors only. The [Collegiate Licensing Company](#) (“CLC”) serves as the University’s official merchandise licensing agent. Prior written approval by CLC is mandatory before any manufacturer or vendor may produce, market, or sell any product or service bearing the University’s Trademarks, regardless of the distribution method. Use of the University’s official seal is strictly limited and must be approved in advance in writing by the President.

## B. Approval Required Before Using University Trademarks

All University units and recognized student organizations (“RSO’s”) must obtain written approval from the Chief Marketing Officer (or designee) prior to using a University Trademark (e.g., the University’s branded name, logos, symbols) in any commercial or non-commercial venture. Once approved, all such uses must comport with the University’s *Visual Identity Guide* and any other applicable requirements. Use of University Trademarks by University units or RSO’s is generally classified as either “royalty required” or “royalty exempt.” Contact the Trademark and Licensing Manager for additional information in this regard.

## C. Royalty Required Use of University Trademarks

As determined by the Trademark and Licensing Manager with the concurrence of the Chief Marketing Officer, any merchandise or other items sold or resold that bear the University’s Trademarks for the uses or purposes described below, or any similar uses or purposes, will constitute royalty required commercial use of University Trademarks (this non-exhaustive list is for illustrative purposes only):

1. Sales to individual customers;
2. Sales by RSO’s on property owned or controlled by the University or elsewhere;
3. Sales to support fundraising efforts (higher royalty rates will apply when the merchandise also bears a commercial sponsor’s indicia on University-licensed merchandise);
4. Sales of items bearing University Trademarks that carry any commercial message, sponsor name or message, or any endorsement (regardless of size or type);
5. Merchandise or other items used as promotional marketing materials for a scheduled event;
6. Merchandise or other items provided free of charge at conferences, workshops, clinics, or camps that require a registration fee, when price of the merchandise or item is included in the event fee; and
7. Merchandise or other items used as giveaways to event attendees or when used for fundraising activities.

## D. Royalty Exempt Use of University Trademarks

As determined by the Trademark and Licensing Manager with the concurrence of the Chief Marketing Officer, uses of University Trademarks on items that are restricted for use by an internal audience only (i.e., members or staff of a particular office, department, RSO, college, program, institute, etc.) that are used as a uniform in furtherance of the entity’s official duties, business, mission, or purposes, as determined by the appropriate executive leader, are royalty exempt, provided however, that the items are purchased with the unit’s funds and that if sold to the internal audience, the items are sold at the actual acquisition cost paid by the unit. Banners and signs bearing University Trademarks but without commercial endorsements, messages, or sponsor listings are also royalty exempt, unless the commercial sponsor is an official Lumberjacks Athletics sponsor and the usage is specified in the applicable sponsorship agreement.

## E. ABOR Intellectual Property

The University’s university-wide Trademarks and other indicia do not constitute intellectual property for purposes of Arizona Board of Regents Policy 6-908, Intellectual Property, and are not subject to that policy.

## Section II. – Trademark Registration

### A. General

1. University units (e.g., colleges, schools, institutes, programs, departments, etc.) who wish to obtain federal registration of a service or product to be sold or otherwise distributed may submit a *Trademark Registration Questionnaire* to the Trademark and Licensing Manager at [licensing@nau.edu](mailto:licensing@nau.edu). Such branding indicia may take the form of a word, phrase, symbol, or design, or any combination thereof. The Trademark and Licensing Manager will assist units in considering whether to apply to the U.S. Patent and Trademark Office for Trademark or Service Mark registration.
2. University units are responsible for all Trademark registration application and maintenance costs and for enforcing their registered Trademarks against any third party who misuse such Trademarks without permission. This is necessary to maintain the legal validity of the Trademarks over time. Cease and desist letters and perhaps litigation may be necessary to ensure that the University fulfills its legal obligations. The Trademark and Licensing Manager and the Office of General Counsel are available to advise and assist in this regard.
3. Information regarding federal registration application and maintenance costs is available from the University's Trademark Licensing and Registration [website](#).

### B. Branding and Marketing Guide Compliance

As determined by the Chief Marketing Officer, all University and unit-level Trademarks or other indicia must comply with the University's official brand, visual, and style guides. All University units must submit their proposed marks or other indicia to the University Marketing Department for review and approval prior to implementation. Only approved marks or other indicia are eligible for federal registration with the U.S. Patent and Trademark Office.

### C. Trademark Registration Maintenance

To maintain a trademark, between the fifth and sixth years following registration, the unit that registered the mark must demonstrate to the U.S. Patent and Trademark Office that the mark is still in regular use as first described and identified in the Trademark's registration application. These registrations are valid initially for ten (10) years and are then renewable for additional ten (10) year periods if the unit can continually demonstrate that the mark is still in use as originally described in the application for federal registration.

**RESPONSIBILITIES** [we will fill this section in once the draft stabilizes, so ignore for now]

**Trademark and Licensing Manager:**

**Recognized Student Organizations:**

**University Marketing:**

## PROCEDURES

To inquire about obtaining federal registration for a unit-level Trademark, submit a completed *Trademark Registration Questionnaire* to the Trademark and Licensing Manager at [licensing@nau.edu](mailto:licensing@nau.edu).

## RELATED INFORMATION

### Forms or Tools

[Trademark Registration Questionnaire](#)

### Cross-References

[Intellectual Property](#)

[Visual Identity Guide](#)

### Sources

[Code of Federal Regulations, Title 37, Patents, Trademarks, and Copyrights](#)

[Trademark Act of 1946, 60 Stat. 427, as amended, 15 U.S.C. §§ 1051, \*et seq.\*](#)

## APPENDIX\*

[Northern Arizona University Trademark Licensing and Registration Website](#)

[U.S. Patent and Trademark Office Website](#)

[U.S. Patent and Trademark Office, \*U.S. Trademark Law, Federal Statutes, 2013\*](#)

[U.S. Patent and Trademark Office, \*U.S. Trademark Law, Rules of Practice and Federal Statutes, 2020\*](#)

\*Disclaimer: all documents, links, or other materials included in this policy's appendix are provided solely for the user's convenience and are not part of official University policy.