



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 67.04, **Use of "Texas Tech University Health Sciences Center" Name for Individual and Private Business Purposes and Licensing: Use of Indicia, Logo and Symbols**

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure for licensing; use of Texas Tech University Health Sciences Center registered names, logos, and trademarks; and for use of any revenues received therefrom.

REVIEW: This HSC OP will be reviewed on June 1 of every fourth year (E4Y) by the Director of Marketing and Brand Strategy, with recommendations for revisions forwarded to the Vice President of External Relations by June 15.

POLICY:

1. **Authorization for Usage.** Words, seals, logos, and symbols used to identify Texas Tech University Health Sciences Center or associated with Texas Tech University Health Sciences Center shall not be used in any manner for private or individual purposes without specific written authorization from the Director of Marketing and Brand Strategy, Creative Director or Vice President of External Relations.
 - a. Authorization to use the words "Texas Tech University Health Sciences Center," the "TTUHSC" acronym, TTUHSC Presidential seal, TTUHSC logos, or TTUHSC symbols shall be considered only for activities in which TTUHSC has legitimate teaching, research or public service interest or as designated and/or approved by the office of External Relations, in compliance with the Texas Tech Licensing Program (Section 3)
 - b. The specific purpose/use shall be reviewed by the Office of External Relations to ensure compliance with Section 1. a.
 - c. When authorization to use the name, logo, seal or symbol is granted, TTUHSC may grant permission for use. A license may be required. Licensee shall be required to pay applicable consideration/fees for the execution of such license.
 - d. Royalties received from licensing shall be used only to support the TTUHSC Student Endowed Scholarship Fund.
 - e. Licenses will not be granted for use of distinct marks on food products, drinks of any type or products which are not compatible with the image of TTUHSC as a major institution for education, research, and public service.
 - f. Items that will not be licensed:
 - (1) Business Names and/or Logos
 - (2) Stationery
 - (3) Certificates of Recognition
 - (4) Alcoholic Beverages - distilled alcohol liquors, wines, and malt liquors
 - (5) Inherently Dangerous Products
 - (6) Obscene or Disparaging Products - including, but not limited to, nude photographs, caricature poster art or designs that would tend to lower the reputation or degrade the goodwill of the university as represented by the trademarks

- (7) Sexually Suggestive Products—including, but not limited to, inappropriate slogans imprinted on clothing and the configuration of certain novelty items
- (8) Services—except in accordance with the special requirements of the Office of General Counsel applicable to services

2. **Registration and Licensing.**

- a. Registration will be maintained primarily in the United States, but it may also extend internationally if significant markets develop.
- b. Licensing will be handled by the Office of External Relations.
- c. TTUHSC will enforce restrictions on the use of registered marks by individuals or organizations that have not been licensed to do so and will require anyone who sells goods which carry unlicensed registered marks to either obtain a license and pay a royalty on the unlicensed goods held for sale or, at TTUHSC's option, withdraw the goods from sale.
- d. The agreement/license to use indicia of TTUHSC shall be reviewed and approved for form by the Contracting Office and/or the Office of General Counsel prior to execution.

3. **Texas Tech Licensing Program**

Texas Tech University Health Sciences Center works in partnership with the TTU Director of Digital Media, Trademark Licensing and Special Projects to maintain the licensing program. In 1994, Texas Tech University partnered with the Collegiate Licensing Company to manage the licensing program and to establish a foundation for promoting and protecting the use of the university trademarks. Texas Tech University Health Sciences Center has registered the names, logos, and trademarks of the university with the U.S. Office of Patent and Trademarks (<http://www.uspto.gov/>) and the state of Texas. Policies and procedures have been developed to license the use of the marks. The Director of Digital Media, Trademark Licensing, & Special Projects (<https://texastech.com/sports/2016/6/19/trademark-licensing.aspx>), Texas Tech Intercollegiate Athletics, along with the Collegiate Licensing Company (CLC), administers the licensing program.

Collegiate Licensing Company
1075 Peachtree Street
Suite 3300
Atlanta, GA 30309
Phone: 770-956-0520
Fax: 770-955-4491
www.clc.com

4. **Definition of a Trademark**

A trademark (or mark) is any logo, symbol, nickname, letter(s), word, slogan, or derivative used by an organization, company, or institution to identify its goods/services and distinguish them from other entities or competitors.

Any reference to the university or trademarks adopted hereafter and used or approved for use by Texas Tech University Health Sciences Center shall be subject to the policies and procedures of the Texas Tech Athletics Licensing Department. Additionally, any derivations of the university marks that would cause consumers to believe erroneously that the product originated from or was sponsored or authorized by the university shall also be covered by the trademark licensing program policies and procedures.

PROCEDURE:

1. Responsibilities in Licensing Program.

- a. The Office of External Relations is responsible for licensing matters. Any administrator or employee receiving phone calls, correspondence or applications for such licenses shall refer them to that office. Any active files of correspondence concerning this subject or related material held by other offices should be forwarded to the Office of External Relations for action.
- b. The Office of External Relations is responsible for the review and approval of the specific purpose and/or use of the proposed use of institutional words, seals, logos, and symbols. The proposed use must be compatible with institutional purpose and mission.
- c. The license shall be executed through the Contracting Office and shall be for a period of time not to exceed two years, and is for a non-exclusive use without geographical restrictions.

2. Trademark Usage Policies

- a. Registered student organizations (RSO) may use the university's registered marks when used in connection with a group activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the university's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the TTUHSC registered student organization.
- b. Departments of TTUHSC may use the university's registered marks on merchandise, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the university's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the TTUHSC Department. The sample must also be attached with a requisition in TechBuy for internal approval by the Office of External Relations.
- c. In-house use: Registered student organizations, student sports teams, and university departments may use any university registered marks for "in-house" purposes (e.g., posters, signs, banners, brochures) that deal with on-campus activities. Such use must reflect positively on the university and be reproduced accurately by a licensed vendor of Texas Tech. The student organization's name must be included in the design. Approval from the Office of External Relations is required.
- d. Recognized student organizations and campus departments may include a sponsor name/logo along with university trademarks on products and certain forms of advertising. However, the student organization/department's name must be included in the design to communicate that the relationship is a partnership with a particular group and not an endorsement by the university as a whole. Approval will not be granted for sponsors who conflict with university exclusive agreements. Based on the scope of the program, a rights fee may be assessed to the sponsor to associate its name with Texas Tech University Health Sciences Center. These sponsors may not be designated as "Official" or "Exclusive." University departments will need to secure approval of any joint advertisement from the Office of External Relations, and guidelines for non-Texas Tech use still apply.
- e. Sales restricted to campus organizations and departments: Registered student organizations and university departments may sell or give away products (such as T-shirts), which display university registered marks combined with the names

and logos of that organization, department, or activity. These items must relate directly to an on-campus activity sponsored by that organization/department. Items need to be unique and not compete with products and/or artwork available in the retail market and be reproduced accurately by a licensed vendor of Texas Tech. Approval from the Office of External Relations is required. Royalties will apply.

3. Policies and Guidelines for non-Texas Tech Use (includes donor, individual, and commercial use)

Reproduction of all registered marks that identify Texas Tech University Health Sciences Center may not be used without the prior expressed written approval of the university.

- a. Private and/or corporate businesses may not use TTUHSC's registered trademarks on company vehicles. Placing Texas Tech's registered trademarks near company information on company vehicles is prohibited, as there will be a likelihood of confusion that the company is a representative of, or sponsored by, Texas Tech (e.g., paint, decals).
- b. Private and/or corporate businesses may not use TTUHSC's registered trademarks in the sale of commercial products or advertising. University indicia cannot be incorporated into off-campus business telephone numbers, Internet addresses, or Internet domain names.
- c. The university does not permit the use of its identifying graphics by any other institution or business.
- d. Private and/or corporate businesses or organizations may not use the trademarks of the university in any type of advertisements, on Web sites, or on banners, etc., without written permission from the Office of External Relations.
- e. Private and/or corporate businesses may not produce merchandise for resale or giveaway that utilizes the university's trademarks and its name and/or logo without written permission from the Office of External Relations.
- f. Private and/or corporate businesses may not use university trademarks to promote their products or services in print advertising, radio, or television without a promotional contract in place or written permission from the Office of External Relations.
- g. Individuals or private and/or corporate businesses may not use university trademarks on a website without written permission from the Office of External Relations. If approved, the university will provide a disclaimer that must be used on the site.
- h. Individuals or organizations may not utilize the university's trademarks in conjunction with a candidate for political office or policy/legislative issue without written permission from the Office of External Relations.
- i. TTUHSC registered trademarks cannot be used in any design that infringes on another entity (e.g., Whataburger, Harley Davidson, Jim Beam).
- j. The university recognizes that many groups support the institution in academics and athletics. However, any group wanting to use university trademarks on product, regardless of use, must purchase the product from a current university licensee. By supporting the university's licensing initiatives, organizations can assist the university by ensuring that products bearing a Texas Tech mark are of the highest quality and meet all insurance and contractual requirements. The licensee is responsible for getting the design approved by the Office of External Relations and the TTU Director of Digital Media, Trademark Licensing, & Special Projects and remitting the university's royalty on the product to CLC.
- k. If a donor wishes to utilize one of TTUHSC's trademarks in some manner, written permission must be obtained from the Office of External Relations. The verbiage "supporting Texas Tech University Health Sciences Center," or "supporting XXX at Texas Tech University Health Sciences Center," must be included. All materials using university marks must be submitted for approval before production and must be purchased from a current university licensee.
- l. Rights fees and royalties may be assessed for the use of the university trademarks in all instances.

4. Unauthorized use of University Marks

Any use of university marks that does not comply with the university's licensing and approval requirements will be considered unauthorized and may violate federal and/or state laws.

The university reserves the right to take appropriate action when confronted with unauthorized uses of its marks. Depending on the facts, such action may include withholding of payment for goods, confiscation of goods and issuance of a cease and desist letter. It can also result in jail time and numerous fines if convicted.

5. Approval by the Office of External Relations

The Office of External Relations must grant approval to all outside vendors wanting to use any university registered marks, even if the vendor is producing items for a TTUHSC affiliated group. If a registered student organization or department is involved in any of the activities deemed as commercial, then the vendor from which merchandise is purchased must be licensed by the Collegiate Licensing Company. If a project falls into an exempt category, the Office of External Relations must issue a waiver to the vendor producing the merchandise.

The TTU Director of Digital Media, Trademark Licensing, & Special Projects maintains a list of all Texas Tech licensed vendors and can be found at <https://texastech.com/sports/2016/6/19/trademark-licensing.aspx>.

These vendors have been carefully chosen and are familiar with Texas Tech University's licensing policies and procedures. For assistance in choosing a licensed vendor, please contact the Director of Digital Media, Trademark Licensing, & Special Projects

6. Advance Payments and Royalty Fees.

- a. An advance non-refundable payment of \$100 is required when a prospective licensee applies for a license. It is deductible from any royalty fees to be paid and will be used to cover the administrative cost of operating the licensing program. Checks or money orders will be made payable to "Texas Tech University Health Sciences Center." The advance payment of \$100 may be reduced or waived if it is considered in the best interest of TTUHSC to do so.
- b. The royalty fee is 12% of the net selling price of the product and shall be paid as and when due for the duration of the license. Other rates may be negotiated for different types of licenses, or the fee may be waived in its entirety if it is in the best interest of TTUHSC to do so.