



OLD DOMINION UNIVERSITY

University Policy

Policy #2300

TRADEMARK LICENSING POLICY

Responsible Oversight Executive: Vice President for University Advancement
Date of Current Revision or Creation: July 18, 2016

A. PURPOSE

The purpose of this policy is to provide information and guidelines to the Old Dominion University community regarding the use of Old Dominion's trademarks in reference to both internal promotional merchandise and resalable merchandise in the retail market in order to protect the integrity of the institution's trademarks and to ensure such trademarks are used in an appropriate manner.

B. AUTHORITY

[Code of Virginia Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[United States Patent and Trademark Laws](#)

[Board of Visitors Policy 1003 – The University's Name and Identification](#)

C. DEFINITIONS

Internal Promotional Merchandise – Any merchandise that is purchased by University departments, organizations and offices for promotional purposes.

License - A legal permission to do something otherwise unauthorized.

Licensee - A person or business to whom a license is given.

Manufacturers - Any person, group or business that has the means to physically produce an ODU trademark(s) on merchandise. Examples include, but are not limited to, a t-shirt screen printer and embroidery service.

Merchandise - Any product, including but not limited to, apparel, headwear, footwear, housewares and office supplies that bear the trademarks of Old Dominion University, whether or not for resale.

Sponsorship Agreement – An agreement that governs the legal relationship between a sponsor and Old Dominion University which outlines the scope of the licensing agreement as to use of the University's trademarks and the benefits and obligations required.

Trademark - A word, logo, or a combination used by an organization, business, group, etc. to identify its goods and/or services and distinguish them from others.

D. SCOPE

This policy applies to all employees, students, volunteers, employees of affiliated organizations who are paid through the University and vendors of the institution. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University's programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University and include Foundations, the Community Development Corporation, and the Alumni Association.

E. POLICY STATEMENT

Old Dominion University protects the symbols that are associated with its name and its reputation. Old Dominion owns and controls its name(s) and other marks, logos, insignias, University Seal, designs and symbols that have become associated with the institution. Old Dominion University's Trademark Licensing Program is administered by Old Dominion's Licensing Office and overseen by the Director of Licensing.

All products bearing Old Dominion University's trademarks must be purchased only from Old Dominion University licensees. To ensure consistency in the use of Old Dominion University's trademarks and to ensure compliance with a wide range of requirements associated with the manufacture and use of Old Dominion University's trademarks, products bearing Old Dominion University's trademarks may be purchased only from companies that are officially licensed by Old Dominion University to manufacture or distribute products bearing its trademarks.

To comply with and ensure protection under Federal, State, and international trademark laws, Old Dominion University is required to monitor and control all uses of its trademarks. Unauthorized use of Old Dominion trademarks are subject to civil and criminal penalties. Old Dominion University reserves the right to take appropriate action when confronted with unauthorized use of its trademarks. Such actions may include confiscation of the goods, financial penalties, and legal action. Old Dominion University has registered its names, word marks and logos with the [United States Patent & Trademark Office \(USPTO\)](#).

Vendors conducting business for internal and commercial use of the University's name or marks are required to have either a formal contract with the University or a license through the [Collegiate Licensing Company \(CLC\)](#). Orders for University departmental use must also work through the University's [Department of Procurement Services](#). Once approved, the business or individual requesting permission becomes a "Licensee" and the products (or services) become "Licensed Products" (or "Licensed Services"). There are three different license categories:

- Internal Campus Supplier (ICS) License (also referred to as a Restricted License) - allows a company to produce merchandise bearing trademarks for Old Dominion University departments and registered student organizations for internal consumption only.

- Local License – is intended for companies that desire to obtain a license with an institution located in their immediate in-state marketplace. This license type may better suit companies that do not believe they can qualify for a Standard License but believe they can demonstrate sales success for in-state institutions.
- Standard License - is intended for companies that are capable of extensive production and retail distribution of their merchandise and/or are introducing a unique and commercially viable product to the collegiate market. The Standard License carries ODU's standard royalty fee.

The Athletic Department may designate an outside party as an official or exclusive provider to Monarch Athletics; however, any such designation must be limited to referencing the Athletic Department or athletic programs and may not extend to the University.

Promotional items that bear the University's name or trademarks that are given away to supporters of the institution are required to be purchased from a licensed vendor and may require royalties to be paid by the manufacturers.

The University Seal is reserved for special signage, official documents from the Office of the President, official University events, and specific retail items. Use of the University Seal on all merchandise must be approved by the President upon recommendation by the Director of Licensing.

All merchandise bearing Old Dominion University's trademarks sold through University organizations must be purchased from licensed manufacturers and such items are not exempt from royalties should the products be resold.

F. PROCEDURES

Requests for use of the University's logo must be made in writing to the Director of Licensing at licensing@odu.edu. The request must include the following information:

- department/organization
- requestor's name, e-mail address and telephone number
- description and quantity of the products(s) to be ordered
- the date the product is needed
- the name of the proposed vendor
- artwork, including all names/logos to appear on the product
- description and dates of the purpose/event for which the product is being ordered
- whether the product is being sold or given away

The review and approval process may take up to two weeks. The decision will be communicated to the requester via email.

The current library of approved trademarked ODU logos is available on the [Licensing Office's website](#). The [University's Identity Standards website](#) includes the institutional brand standards for the University and athletic logos and promotional and retail instructions.

Covered Uses of University Trademarks

1. All University products and services bearing registered trademarks and insignias are covered by the [Trademark Licensing Program](#). Items bearing the name "Old Dominion," "ODU,"

“Monarchs,” or other trademarks are covered by the [Trademark Licensing Program](#) if it can be determined the primary reason or effect of the use of the name is to cause purchasers to associate the product or service with Old Dominion University.

2. Photographs and artworks bearing the University’s trademarks or other reference to the University are covered by the [Trademark Licensing Program](#). This includes reproductions and mass-produced artworks with reference to the University.
3. Old Dominion University’s trademarks may not be used in conjunction with the name or trademark(s) of any other entity or individual without the prior written permission of that entity and the Director of Licensing. Approval of any such dual use of the University’s trademarks will be limited to instances of compelling institutional interest for allowing such a use. Similarly, Old Dominion University’s trademarks may not be used in any manner that suggests or implies the University’s endorsement of other organizations, companies, products, services, political parties or views, or religious organizations and beliefs without prior written permission from the University’s President.
4. Old Dominion University’s trademarks may not be used in any way that discriminates or implies discrimination against any persons or groups based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, political affiliation, marital status, disability, or any other status protected by law, or in any other way that would be a violation of [Old Dominion University Policy 1005 - Discrimination Policy](#) or practices.
5. No entity other than Old Dominion University may claim copyright or trademark rights or seek to register any design that incorporates the University’s trademarks.
6. All uses of Old Dominion University trademarks on products should incorporate the appropriate trademark designation symbols (i.e., ® or ™). No changes, deletions, or alterations to the trademarks are allowed.
7. The University’s Director of Licensing may not approve the use of Old Dominion University’s trademarks for products or designs that present an unacceptable risk of liability or could be harmful to the mission or image of the institution. These include, but are not limited to, the following:
 - a. Firearms, other weapons, or any products that could be used to injure or kill
 - b. Alcohol-related products
 - c. Tobacco-related products
 - d. Illegal drug-related products
 - e. Sexually suggestive products or language
 - f. Gambling-related products
 - g. Statements impugning other universities
8. Old Dominion University departments and units are permitted to use the University’s trademarks for official University business purposes on internal consumption items after approval from the Director of Licensing. All such uses must be in accordance with this and any other applicable University policies or guidelines, including, but not limited to, [those regarding brand identity](#).

Student Organizations

1. Use of Old Dominion University's name or trademarks with a student organization's name implies association with the University. Therefore, only those student organizations that are officially registered with the Office of Leadership and Student Involvement are allowed to use the University's trademarks.
2. Student organizations may not use the University's trademarks in the domain name of any non-university hosted website or web page other than to identify that the organization is located at Old Dominion University (for example: www.chessclubatodu) without obtaining the written permission from the Director of Licensing.
3. Officially registered student organizations may order merchandise through a licensed vendor displaying both the organization's name/logo and University trademarks for promotions or fundraising activities. The preferred use of Old Dominion University verbiage in conjunction with the student organizations is "at Old Dominion University." All merchandise must be purchased from licensed vendors and receive approval from the Director of Licensing prior to placing an order.
4. Registered student organizations may include a sponsor name/logo in addition to University trademarks on products that are directly utilized in club activities under the following guidelines:
 - a. The student organization's name/logo must be the primary logo and displayed in a manner that will communicate that the relationship exists between the organization and the sponsor and not with the University.
 - b. The student organization may not use the trademarks in a manner that in any way would constitute an endorsement or approval of the sponsor or its products, activities, or services by the University.

Sport Clubs

1. Sports club teams that do not compete in NCAA-recognized sports are permitted to use the University's name or trademarks on their competition uniforms and must use the club's name with the advance approval of the Assistant Director of Club Sports and the Director of Licensing (examples: Bass Fishing Club, Fencing Club).
2. Sports club teams that compete in sports recognized by the NCAA (including those sports for which the University does not field a team) are required to include the club's name on the uniforms, equipment, and any related apparel or product (examples: Swimming Club, Club Lacrosse).
3. All trademarked merchandise used for promotional or fundraising events must be purchased from a licensed vendor.

Contracts for External Groups, Businesses or Organizations

ODU trademarks may only be used by a private group or business through a contract with the University. All third-party contracts need to be approved by University Counsel in conjunction with the ODU Director of Licensing. Such contracts or agreements will offer the non-exclusive use of the University's name and/or the University's trademarks in compliance with University brand

standards in the promotion of endorsed business and activities. The University is the owner of its names and trademarks and authorized external groups may not delegate the authority to use these to any individual or entity without prior written approval of University Counsel in consultation with the Director of Licensing and the Office of Strategic Communication and Marketing.

A promotion or sponsorship agreement with the University must not and does not convey endorsement from the University of the company's products or services. These agreements with external groups, businesses or organizations must not include language that implies preferred status or official relationships with the University.

Student Athletes

Use of the names, numbers, and/or images of Old Dominion University student athletes is not permitted on non-ODU affiliated websites. The use of a photograph or likeness of an ODU student athlete is prohibited by the NCAA on any commercial items or non-ODU websites, social media, etc. Questions should be directed to the Director of Licensing, who will consult with Old Dominion University Athletics.

G. RECORDS RETENTION

Contracts should be retained for the life of the contract plus five additional years, then destroyed in compliance with the [Commonwealth's Records Retention and Disposition Schedule \(General Schedule 102, Series 200110\)](#).

H. RESPONSIBLE OFFICER

Director of Licensing

I. RELATED INFORMATION

[Board of Visitors Policy 1424 – Policy on Intellectual Property](#)
[University Policy 1002 – Code of Ethics](#)

