



**Policy Title:** Licensing Policy

**Policy Type:** Administrative

**Policy Number:** 46-01 (2014)

**Approved:** 12/05/2013

**Responsible Office:** Auxiliary Enterprises and Services

**Responsible Executive:** Vice President for Finance and Administration

**Applies to:** Students, Faculty, Staff, Vendors, and General Public

**POLICY STATEMENT**

It is the policy of Norfolk State University to:

- Insure proper control and use of trademarks (the use of the word “trademarks” throughout this document includes service marks, logos and other marks) that are associated with Norfolk 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 secures a legitimate and reasonable royalty for the use of its trademarks, generate revenue for student and Intercollegiate Athletics scholarships, programs and facility renovations and upgrades, and enhance the quality of life for faculty, staff and students across campus.
- Promote the university in a consistent and uniform manner to protect the university’s reputation, name and image by permitting only appropriate uses and assuring that only quality products bear the university’s trademarks and protect the consumer from inferior products bearing university trademarks.

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## DEFINITIONS

**Infringement:** Any unauthorized use of a Trademark; or the use of any word, term, logo, symbol, or device, or any combination thereof, or any false or misleading description or representation of facts, which in connection with any goods (or any container for goods) or services is likely to cause confusion or deceive the general public as to the affiliation, connection, or association of the producer to the University; or which causes confusion as to the origin/sponsorship/endorsement/approval of the producer's goods, services, or commercial activities by another person; or any use of a Trademark that is otherwise in violation of applicable law.

**Licensing Agent:** One who is empowered to act on behalf of another or represent another on issues related to the manufacture, distribution, and sales of goods or services bearing protected Trademarks.

**Licensor:** One who contracts to allow another (licensee) to use licensor's property (i.e., Trademarks) usually in exchange for a royalty as a percent of sales.

**Trademark:** Any word, name, symbol, device, or any combination thereof that identifies the source of goods or services whether or not they are registered. In practice, a Trademark also enhances the desirability of a product and, when properly controlled, can increase the value of the product as well as the goodwill inherent in the Trademark.

For the purposes of this document, Trademark is used to indicate, in addition to the strict legal definition, service marks, any trademarked word, symbol, trademark, logo, insignia, seal, indicia, emblem, identifying mark, mark, or any combination thereof, used to identify the source of goods or services, whether or not they are registered.

## CONTACT(S)

Auxiliary Enterprises and Services officially interprets this policy. The Vice President for Finance and Administration is responsible for obtaining approval for any revisions as required by BOV Policy # 01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/policy/bov-01.aspx> through the appropriate governance structures. Questions regarding this policy should be directed to Auxiliary Enterprises and Services.

## STAKEHOLDER(S)

Campus community, students, and vendors

## LICENSING POLICY CONTENTS

Over the last 75 years, Norfolk State University (NSU) has seen spectacular growth that has stimulated the demand by students, faculty, staff, alumni and friends of the university for merchandise bearing the registered trademarks, names and insignias of the university. The number of distributors and manufacturers who wish to provide these products has grown proportionately.

Developments in the law over the last three decades make it possible for Norfolk State University (and colleges and universities throughout the country) to license – for substantial royalties – the use of its name, the names of its athletic teams and other logos and seals of the institution. The university can also prevent the unauthorized and unlicensed use of its names and indicia.

Norfolk State University has established a formal licensing program to protect the use of the university's name and identifying marks and to enhance the image of the institution. The primary goal of the licensing program is to ensure that merchandise bearing the university's insignias properly represents NSU and that a percentage of sales comes back to the university to fund scholarships and the costs of the program. The licensing agent for Norfolk State University provides licensing representation and counsel, marketing counsel and client advocacy to academic institutions and conferences throughout the United States and assists in the expansion and enforcement of NSU's trademark licensing program.

The Norfolk State University's trademark licensing program establishes a contractual cooperative relationship with licensees (manufacturers and distributors), assisting the development of a market for "officially licensed collegiate products." It also encourages consumers to buy products that support the university. The university has delegated the responsibility for maintaining, managing and licensing university trademarks to the Office of Auxiliary Enterprises and Services.

## **PUBLICATION**

This policy will be published in the Policy Library on the NSU website. To ensure timely publication and distribution thereof, the Office of the Controller will make every effort to:

1. Communicate the policy in writing, electronically or otherwise, to the University community within 14 days of approval;
2. Submit the policy for inclusion in the online the policy library within 14 days of approval;
3. Post the policy on the Finance and Administration Website; and
4. Educate and train all stakeholders and appropriate audiences on the policy's content as necessary. Failure to meet publication requirements does not invalidate this policy.

## **REVIEW SCHEDULE**

List the following:

- Next Scheduled Review: 05/09/2021
- Approval by, date: President, 12/05/2013

- Revision History: 4/27/2005; 12/05/2013; 06/15/2016; 06/12/2017; 05/09/2018
- Supersedes: 46.001

#### **RELATED DOCUMENTS**

There are no related documents associated with this policy.

#### **FORMS**

There are no forms associated with this policy and procedures.