

Office/Contact: University Marketing and Communications

Source: SDBOR Policy 5:16

Link: <https://www.sdbor.edu/policy/documents/5-16.pdf>; <https://www.sdstate.edu/trademarks-licensing>

Associated Forms: Graphic Identity Manual; South Dakota State University Trademark and Licensing Office Fact Sheet; Vendor Information; Licensed Vendors

SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Trademarks

NUMBER: 9:3

1. Purpose

This policy and its procedures implement SDBOR Policy 5:16 Trademarks and set forth the University operating protocols for appropriate use of Trademarks to ensure their proper registration, licensing, use, and appropriate use of funds derived therefrom.

2. Policy

- a. University Marketing and Communications is responsible for the registration, protection, control, licensing, distribution and approval of artwork; uses of the University name, image, symbols, logos, and wordmarks (collectively “Trademarks”); and general oversight of the University’s Trademark Licensing Program in cooperation with the Integrated Marketing and Communications Committee and the Office of Finance and Business, as directed by the University President.
- b. University Marketing and Communications is responsible for the maintenance, coordination, and publication of the University’s *Graphic Identity Manual* upon its development by the University Integrated Marketing and Communications Committee and other Trademark explanatory materials. The guidelines set forth in these materials shall be followed in order to legally and accurately protect and promote the Trademarks that are associated with the University.
- c. Any goods, retail, or merchandise product bearing University Trademarks, or having an implied association with the University, must be licensed through the University’s Trademark Licensing Program and must be produced by officially licensed vendors. Uniforms and goods that are used solely for internal consumption such as athletic uniforms may be excepted in writing by Marketing and Communications from the royalty requirement under the University Trademark and Licensing Program.
- d. University Marketing and Communications is responsible for the maintenance and publication of forms and materials related to the University Trademark Licensing Program, approval of related marks use, and approval of products bearing University marks. The Office of Finance and Business is responsible for collection and appropriate distribution and accounting for vendor royalty payments. Marketing and Communications and the Office of Finance and Business work cooperatively on the approval of vendors

under the University Trademark Licensing Program.

- e. State and federal laws require that the University actively safeguards registered Trademarks from improper use in order to protect its legal ownership interest in them. Marketing and Communications is responsible for monitoring for infringement and receiving notifications of suspected infringement. If infringement is suspected, University Marketing and Communications is responsible for taking action to prevent infringement and seeking assistance of the University Office of General Counsel to initiate any appropriate legal action.
- f. Trademarks will be registered and owned by the University on behalf of internal units, and the University will be the legal registrant claiming ownership of the Trademarks. The registration shall be performed with the South Dakota Secretary of State's Office or the United States Patent and Trademark Office, according to state or federal law.
- g. Funds generated from licensing University Trademarks will be used in accordance with SDBOR Policy 5:16 on trademark royalties, as approved by the University President. Funds generated by licensure of Trademarks registered and owned by the University on behalf of internal units may be distributed to both the University and the associated internal unit(s), at rates agreed upon by the parties and approved by the University President. Once distributed, use of the funds will be at the discretion of each office in conformity with applicable policies and laws.
- h. Any conflicts related to the distribution of funds between the University and internal units will be determined by the University President.

3. Procedures

- a. University Marketing and Communications will take the appropriate measures regarding the completion and submittal of an application, annual and other filings for registration and maintenance of registrations with the Secretary of State or United States Patent and Trademark Office to ensure registration validity and protection of trademarks, review and protection of infringing uses, and maintenance of marks use guidelines for the University, which may include engagement of the University of General Counsel, as appropriate.
- b. Once an application has been successfully approved, the University will receive a Certificate of Registration authorizing its legal ownership of the mark. University Marketing and Communications will maintain the ownership documents in its office.
- c. Questions regarding Trademarks should be directed to the University's Marketing and Communications Office.
- d. Requests for use or license to use University Trademarks shall be submitted to the Office of Marketing and Communications for review, processing, approval or denial, and any other action prior to use."
- e. Royalties for licensed use of University Trademarks will be collected, processed, distributed and collected by the Office of Finance and Business in accordance with determined rates. The Office of Finance and Business will ensure that past due accounts are collected in conformity with SD law, SDBOR Policy, and University protocols.

4. Responsible Administrator

The Director of Marketing and Communications, successor, or designee is responsible for the ad hoc review of this policy and its procedures. The University President is responsible for approval of modifications to this policy and its procedures.

SOURCE: Approved by President on 07/07/2014.