**Registration, Control, and Marketing UPPS No. 01.04.10**

**of University Symbols           Issue No. 6**

 **Effective Date: 01/12/2023**

 **Next Review Date: 01/01/2033 (E10Y)**

**Sr. Reviewer: Assistant Vice President for University Marketing**

**POLICY STATEMENT**

*Texas State University is committed to registering, controlling, and marketing university symbols in a manner that positively reflects the university and its mission.*

1. **SCOPE**
	1. This document sets forth Texas State University policy regarding registration, control, and marketing of university symbols.
	2. The university owns these symbols as its service marks. The university’s primary purpose in establishing and maintaining ownership of its symbols is to ensure that those symbols are associated only with products of the highest quality, and those that reflect favorably on the university and its educational mission. The official list of symbols is maintained by the Texas State University System (TSUS) Office of General Counsel.

01.03 Secondarily, the university recognizes that by marketing its symbols, it can realize funds that can be used to advance the university’s educational mission and programs.

**02. DEFINITIONS**

02.01 Director – refers to the university’s director of Athletics, or designee.

02.02 Symbols – includes athletic and academic designs, including words, trademarks, service marks, logograms, seals, and slogans that are associated with and identify Texas State.

**03. PROCEDURE FOR REGISTERING UNIVERSITY SYMBOLS**

03.01 Registering university symbols with the federal Patent and Trademark Office conveys two important rights: first, it serves as constructive notice of the claim of ownership rights; second, it provides that the symbol may become incontestable after five years of continuous use, which means that the registration is conclusive evidence of the exclusive right to use the symbol in interstate commerce. State law also operates to protect symbols that are properly registered with the Secretary of State.

03.02 The TSUS Office of General Counsel is responsible for registering university symbols with both the Texas Secretary of State and the United States Commissioner of Patents and Trademarks. The attorney will coordinate payment of the registration fees with the vice president for Finance and Support Services.

03.03 Any person may suggest a new university symbol closely relating to the university and recommend its registration to the University Licensing, University Marketing, and TSUS Office of General Counsel. New symbols will be reviewed by the Office of University Marketing to ensure compliance with university design guidelines and brand portfolio goals. However, only the university president has authority to direct that a particular symbol be registered as the property of Texas State. The TSUS Office of General Counsel will maintain records of all university symbols that have been registered.

**04. PROCEDURES FOR CONTROLLING AND MARKETING UNIVERSITY SYMBOLS**

04.01 Generally, all manufacturers of products using university symbols are required to obtain a license from Collegiate Licensing Company (CLC) before using those symbols. In those licensing agreements, the licensee must recognize university ownership of the symbol and ordinarily must agree to pay the university a royalty fee for use of the symbol.

a. In appropriate cases, the licensing director may waive the payment of royalty fees.

b. The university prohibits the use of any of its symbols in a form other than the official registered form.

04.02 The licensing director will administer the university’s licensing program according to the policy set forth in this document. They will negotiate licensing agreements with manufacturers, coordinate contractual arrangements with the TSUS Office of General Counsel and the vice president for Finance and Support Services, and will monitor licensees with respect to the quality of their products and the royalty payments. The director will monitor the use of Texas State's symbols and take appropriate action against those who use these symbols without authorization.

a. The director must approve in writing all uses of university symbols.

b. The university prohibits using its symbols in connection with political or commercial activities in a way that suggests university endorsement or ownership.

04.03 The licensing director will approve the products proposed to be sold to ensure that those products are of good quality, good taste, and reflect favorably on the university’s image and educational mission.

a. The director has delegated authority to sign licensing agreements for the use of university symbols.

b. The director will not approve the use of the university’s symbols on products produced in “sweatshops” or under conditions that do not provide fair and humane labor practices.

04.04 The director will deposit royalty fees from licensing agreements into an athletic income account. Once deposited, these fees may be used in any one or more of the following ways, as determined by the president:

a. administration of the licensing program;

b. general fund;

c. scholarship;

d. athletic programs;

e. student programs; and

f. other.

**05. REVIEWERS OF THIS UPPS**

05.01 Reviewers of this UPPS include the following:

Position Date

Assistant Vice President for January 1 E10Y

University Marketing

Director of Athletics January 1 E10Y

Senior Associate Athletics Director January 1E10Y
External Operations/Licensing
Director and Promotions

 TSUS Office of the General Counsel January 1 E10Y

**06. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Assistant Vice President for University Marketing; senior reviewer of the UPPS

Vice President for Marketing and Communications, Chief Communications Officer

President