

Trademark and Licensing Policy

Subject: Governance and Organization

Policy: Trademark and Licensing

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- **TABLE OF CONTENTS**
- [100.00](#) Introduction and Purpose
- [200.00](#) Policy
- [300.00](#) Registered and Protected Trademarks
- [400.00](#) Procedures
- [500.00](#) Licensing and Royalties
- [600.00](#) Exemptions

100.00 Introduction and Purpose

Montana State University has registered or otherwise protected the names, logos, symbols, indicia, insignia, trade names, service marks, and trademarks (collectively "Trademarks") of the University and its programs. The University has delegated the responsibility for maintaining, managing and licensing University trademarks to University Communications. University Communications may further delegate authority to maintain and manage trademarks of University programs to the program Directors upon request. All trademark licenses for trademarks used by any university program must be approved by University Communications.

The mission and purpose of the Trademark Policy is to:

- (1) ensure proper control and use of Trademarks that have come to be associated with Montana 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;
- (2) ensure that the University secures a legitimate and reasonable royalty for the use of its Trademarks, generate revenue for the University for scholarships and University programs; and

- (3) 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.

200.0 Policy

1. The use of any trademark that identifies, or is associated with, Montana State University may not be used without the prior expressed written authorization of Montana State University. Products bearing those Trademarks and distributed for resale or other promotional purposes are subject to the licensing requirements of this Policy.
2. Only an Officially Licensed Vendor may produce merchandise bearing the Montana State University Trademarks. For a current list of Officially Licensed Vendors contact University Communications.
3. The University has entered into an agreement with the Collegiate Licensing Company (CLC) as its exclusive Licensing Agent. CLC negotiates and administers licenses with manufacturers that wish to trade upon the University name and ensure that all uses of the University name are professional, tasteful, of a quality that reflects positively on the institution, and are manufactured under fair labor conditions. CLC ensures that all manufacturers sign a labor code of conduct. For additional information regarding inappropriate uses of Trademarks, contact Communications and Public Affairs.
4. The Trademarks of the University will not be used in the promotion of weapons, tobacco, or "recreational" drug products. The University reserves the right to prohibit other uses which it deems inappropriate as being inconsistent with the image and mission of an educational institution.
5. The use of University Trademarks for the promotion of an alcoholic beverage is authorized only when all of the following conditions are met:
 - a) The University, as directed by the President, issues a solicitation for a commemorative tribute in honor of a significant University Anniversary; and
 - b) The label design may not include the Bobcat head or other athletic insignia; and
 - c) Any vendor authorized to use the University Trademark for the promotion of an alcoholic beverage must enter a separate agreement with the University in which the vendor agrees to follow this policy, the requirements of the Alcohol Marketing Guidelines (http://www.montana.edu/policy/campus_alcohol_drug/index.htm#400.00), and any special conditions required by the University.

7. Departments of the University designing merchandise to bear a University Trademark must secure prior approval, in writing, from the Licensing Director.
8. Departments and recognized student clubs and organizations may use certain logos for official business. Departments and recognized student clubs and department organizations who wish to design or create new Trademarks for their department club or organization must coordinate their effort with University Communications. Questions regarding such use should be directed to University Communications. Departments requesting authorization for use within official University publications, letterhead, and business cards should direct their requests to Creative Services (406-994-5128).

300.00 Registered and Protected Trademarks

1. The University has registered its marks nationally and in the state of Montana. This ensures protection of the integrity and identity of the University while simultaneously allowing the collection of royalties through the licensing program. Please refer to [Appendix A](#) for a listing of registered trademark logos and verbiage.
2. All other names, symbols, initials, or graphic designs that refer to Montana State University are protected by U.S. and state common law.
3. Trademarks are to be used only in the specific manner approved in writing by the University, together with the appropriate Trademark designation, and may not be otherwise altered without the express written authorization of University Communications.

400.00 Procedures

1. All products bearing the Montana State University's Trademarks must be approved and licensed as specified by this Policy. Resale items will generally be subject to the current standard royalty rate established by the University.
2. Promotional or "premium" items, regardless of distribution points, are also subject to licensing requirements. Royalties will be determined based upon the scope of the promotion and other factors considered appropriate by the University.
3. Institutional marketing materials produced by the University for official University business shall meet the criteria established by the University's [Graphic Identity and Branding Policy](#). Other promotional items, regardless of production, method or source of distribution, are subject to the approval policy process in this Policy.
4. Companies and individuals wishing to extend congratulatory messages (or statements of support) who do not meet the criteria of E. 2.a-c below, are authorized to use prescribed trademarked verbiage (e.g. Go Cats or Congratulations Bobcats). Such messages should not include trademarked logos and must be clearly separate from the sale or promotion of any products.

500.00 Licensing and Royalties

1. Any person, business, or organization desiring to use the University's Trademark in any manner and for any purpose must be licensed to do so. The University has arranged for licenses to be issued by the Collegiate Licensing Company on the University's behalf.
2. The University generally allows for three types of licenses to be issued, but may create new licensing arrangements as needed.
 - A. Traditional Retail: for the production of emblematic merchandise which will be sold by the Licenses to retail establishments.
 - B. Internal Use: issued to a company whose sole use of the University's Trademarks is in response to a production request by a department (non-retail) or recognized campus club or organization for internal use. Licensees are not authorized to sell any products for traditional retail sales.
 - C. Promotional Use: use of University Trademarks for an approved limited duration commercial use.
3. A product is generally subject to royalty fees if a University Trademark is utilized AND:
 - the product is for resale; or
 - the product promotes a specific event; or
 - the name, mark or logo of a third party is used in conjunction or in association with the Trademark.
4. These guidelines are usually sufficient in determining royalty/non-royalty. However, each submission shall be reviewed individually to make sure all aspects of the situation are taken into consideration. Royalty waivers generally apply only to internal use by University departments and recognized campus clubs and organizations creating products that are not for resale.

600.00 Exemptions

1. Departments of the University and recognized clubs and organizations, are also required to purchase emblematic merchandise from "Officially Licensed Vendors." Receiving authorization for a design or to utilize a Trademark does not constitute approval to manufacture a particular product. The product must be manufactured by, and purchased from, an "Officially Licensed Vendor." A list of current local licensees is attached in [Appendix B](#).
2. All departments of the University, recognized campus clubs and organizations, individuals, and companies are required to obtain approval from University Communications prior to producing, or arranging for production of, any product

that utilizes the University's Trademarks, regardless of use or method of distribution, except as otherwise authorized under paragraph B.7. above.

For further information contact:

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