



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 72.23: Licensing and Use of TTU Registered Names, Logos, and Trademarks

DATE: November 20, 2009

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure for licensing, use of Texas Tech University registered names, logos, and trademarks, and for use of any revenues received therefrom.

REVIEW: This OP will be reviewed in October of odd-numbered years by the assistant vice president for procurement services, the director of Licensing, Texas Tech Intercollegiate Athletics, and the athletic director with recommended revisions forwarded to the chief operating officer and senior vice president for administration and finance by November 15.

POLICY/PROCEDURE

1. Texas Tech Licensing Program

In 1994, Texas Tech University partnered with the Collegiate Licensing Company to manage the licensing program and to establish a foundation for promoting and protecting the use of the university trademarks. Texas Tech University has registered the names, logos, and trademarks of the university with the U.S. Office of Patent and Trademarks (www.uspto.gov) and the state of Texas. Policies and procedures have been developed to license the use of the marks. The director of Licensing, Texas Tech Intercollegiate Athletics, along with the Collegiate Licensing Company (CLC), administers the licensing program.

Collegiate Licensing Company
290 Interstate North
Suite 200
Atlanta, GA 30339
Phone: 770-956-0520
Fax: 770-955-4491
www.clc.com

2. Definition of a Trademark

A trademark (or mark) is any logo, symbol, nickname, letter(s), word, slogan, or derivative used by an organization, company, or institution to identify its goods/services and distinguish them from other entities or competitors.

Any reference to the university or trademarks adopted hereafter and used or approved for use by Texas Tech University shall be subject to the policies and procedures of the Texas Tech Athletics Licensing Department. Additionally, any derivations of the university marks that would cause consumers to believe erroneously that the product originated from or was sponsored or authorized by the university shall also be covered by the trademark licensing program policies and procedures.

3. **The University's Registered Marks**

- a. The following marks are registered federally in the name of Texas Tech University and should be represented with a ®:
 - (1) Verbiage – Texas Tech University
 - (2) Logo – Three-dimensional Double T
 - (3) Raider Red character
 - (4) Verbiage – Wreck ‘em Tech
 - (5) Verbiage – Raiderland
- b. The following marks are registered with the state of Texas in the name of Texas Tech University and should be represented with a ™:
 - (1) Verbiage - Texas Tech, Red Raiders, Texas Tech Red Raiders, Lady Raiders, Texas Tech Lady Raiders, Red Raider Club, and Wreck ‘em Tech.
 - (2) Logos - Texas Tech University, Texas Tech, Texas Tech Red Raiders, Lady Raiders, Texas Tech University and face of masked rider, Double T and masked rider, one-dimensional Double T (old design), three-dimensional Double T with Texas Tech Red Raiders, three-dimensional Double T with Texas Tech Lady Raiders, Red Raiders with side view of masked rider on horse, Raiders Rojos with side view of masked rider on horse, front view of masked rider on horse, Lil’ Red Raider with masked rider on horse, Texas Tech University System Seal, Texas Tech University Seal.

4. **The Licensing Process/Procedures**

Any company interested in manufacturing a product that will be sold to consumers through retail distribution channels (including the Internet) must obtain a license through the Collegiate Licensing Company. All companies must complete the application and the requirements for licensing as outlined by CLC. CLC will communicate all information to the director of Licensing for Texas Tech University. Based on the information provided, the university will determine whether to grant a license to each applicant. Taking into consideration the current base of licensees, licenses may not be granted to new companies in certain categories.

5. **Process**

The basic requirements for licensing include completing the licensing application, providing proof of product liability insurance (minimum \$1,000,000), signing a license agreement, paying the applicable advance fees, obtaining product and design approval from the university through CLC, and reporting royalties on the sale of Texas Tech merchandise.

- a. Costs
 - (1) Application Fee (\$50 - \$250)
 - (2) Annual Administrative Fees (\$0-\$250)

- (3) Advance Royalty Fees (\$0 - \$500)
- (4) Cost of Obtaining \$1,000,000 in Product Liability Insurance (\$100s - \$1,000s, depending on the product)
- (5) Marketing Costs (trade shows, catalogs, web sites, etc.)
- (6) Product Development Costs (design, development, obtaining digital artwork [\$50 - \$500], etc.)
- (7) Sample Production and Approval Costs (the cost of producing samples and obtaining approvals, which occur online, require an Internet connection). It will take much longer if approvals are obtained via fax and mail.

b. Application

- Log on to the Collegiate Licensing Company Web site (www.clc.com)
 - Click on the “Licensing Info” link along the top navigation bar
 - Select “Application Process”
 - Select “Download Application” at the bottom of the page
 - Fill out the online form and then and click “Submit”
 - Download and complete the licensee application
- (1) Each licensee pays an annual advance on royalties from \$100 to \$500, depending on the type of license.
 - (2) Licensees must indemnify and hold harmless Texas Tech University, its Regents, officers, employees, and agents for any liability attributable to any of the licensee’s products bearing the trademarks of the university.
 - (3) An 8 percent royalty fee is required. Other rates may be negotiated for different types of licenses or the fee may be waived if it is in the best interest of the university.

6. Items that will not be Licensed

- a. Business Names and/or Logos—all types
- b. Stationery—business-size, letterhead paper using the name or seal of Texas Tech University or the Double T logo
- c. Certificates of Recognition—using the name or seal of Texas Tech University or the Double T logo
- d. Alcoholic Beverages—distilled alcohol liquors, wines, and malt liquors
- e. Inherently Dangerous Products—such as firearms, explosives, and fuels
- f. Obscene or Disparaging Products—including, but not limited to, nude photographs, caricature poster art or designs that would tend to lower the reputation or degrade the goodwill of the university as represented by the trademarks

- g. Sexually Suggestive Products—including, but not limited to, inappropriate slogans imprinted on clothing and the configuration of certain novelty items
- h. Health Related Products—all types
- i. Services—except in accordance with the special requirements of the Office of General Counsel applicable to services

7. Trademark Usage Policies

Reproduction of all registered marks that identify Texas Tech may not be used without the prior expressed written approval of the university.

- a. Registration will be maintained primarily in the United States, but it may also extend internationally if significant markets arise.
- b. Licenses will not be granted for the use of distinct marks on products that are not compatible with the image of the university as a major institution for education, research, and public service.
- c. The university and the Collegiate Licensing Company will enforce restrictions on the use of registered marks by unlicensed vendors. Unlicensed vendors who sell goods bearing university registered marks will be required to obtain a license and pay royalties or withdraw the goods from sale.
- d. Registered student organizations (RSO) may use the university's registered marks when used in connection with a group activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the university's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the Texas Tech registered student organization.
- e. Departments of Texas Tech may use the university's registered marks on merchandise, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the university's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the Texas Tech Department.
- f. Athletic conferences in which the university holds membership will be allowed to use all university registered marks associated with the athletic teams. There will be no payment of royalties when university registered marks are used in the media or on non-commercial promotional items that include registered marks of the conference and/or other member institutions.

8. Policies and Guidelines for Texas Tech (in-house) Use

- a. In-house use: Registered student organizations, student sports teams, resident hall organizations, and university departments may use any university registered marks for "in-house" purposes (e.g., posters, signs, banners, brochures) that deal with on-campus activities. Such use must reflect positively on the university and be reproduced accurately by a licensed vendor of Texas Tech and must not conflict or cause confusion with Texas Tech Intercollegiate Athletic Teams. The student organization's name must be included in the design. Approval from the director of Licensing is required.

- b. Recognized student organizations and campus departments may include a sponsor name/logo along with university trademarks on products and certain forms of advertising. However, the student organization/department's name must be included in the design to communicate that the relationship is a partnership with a particular group and not an endorsement by the university as a whole. Approval will not be granted for sponsors who conflict with university exclusive agreements. Based on the scope of the program, a rights fee may be assessed to the sponsor to associate its name with Texas Tech University. These sponsors may not be designated as "Official" or "Exclusive." University departments will need to secure approval of any joint advertisement from the director of Licensing. Policies and guidelines for non-Texas Tech use still apply.
- c. Sales restricted to campus organizations and departments: Registered student organizations and university departments may sell or give away products (such as T-shirts), which display university registered marks combined with the names and logos of that organization, department, or activity. These items must relate directly to an on-campus activity sponsored by that organization/department. Items need to be unique and not compete with products and/or artwork available in the retail market and be reproduced accurately by a licensed vendor of Texas Tech. Approval from the director of Licensing is required. Royalties will apply.

9. **Policies and Guidelines for non-Texas Tech Use** (includes donor, individual, and commercial use)

Reproduction of all registered marks that identify Texas Tech may not be used without the prior expressed written approval of the university.

- a. Private and/or corporate businesses may not use Texas Tech's registered trademarks on company vehicles. Placing Texas Tech's registered trademarks near company information on company vehicles is prohibited, as there will be a likelihood of confusion that the company is a representative of, or sponsored by, Texas Tech (e.g., paint, decals).
- b. Private and/or corporate businesses may not use Texas Tech's registered trademarks in their company name.
- c. Private and/or corporate businesses may not use Texas Tech's registered trademarks in the sale of commercial products or advertising. University indicia cannot be incorporated into off-campus business telephone numbers, Internet addresses, or Internet domain names.
- d. The university does not permit the use of its identifying graphics by any other institution or business.
- e. Private and/or corporate businesses may not establish a permanent statue, mural, or icon that includes the university trademarks or likeness without written permission from the director of Licensing.
- f. Private and/or corporate businesses or organizations may not use the trademarks of the university in any type of advertisements, on Web sites, or on banners, etc., without written permission from the director of Licensing.
- g. Private and/or corporate businesses may not produce merchandise for resale or giveaway that utilizes the university's trademarks and its name and/or logo without written permission from the director of Licensing.

- h. Private and/or corporate businesses may not use university trademarks to promote their products or services in print advertising, radio, or television without a promotional contract in place or written permission from the director of Licensing.
- i. Individuals or private and/or corporate businesses may not use university trademarks on a Web site without written permission from the director of Licensing. If approved, the university will provide a disclaimer that must be used on the site.
- j. Individuals or organizations may not utilize the university's trademarks in conjunction with a candidate for political office or policy/legislative issue without written permission from the director of Licensing.
- k. Texas Tech registered trademarks cannot be used in any design that infringes on another entity (e.g., Harley Davidson, Jim Beam)
- l. The university recognizes that many groups support the institution in academics and athletics. However, any group wanting to use university trademarks on product, regardless of use, must purchase the product from a current university licensee. By supporting the university's licensing initiatives, organizations can assist the university by ensuring that products bearing a Texas Tech mark are of the highest quality and meet all insurance and contractual requirements. The licensee is responsible for getting the design approved by the director of Licensing and remitting the university's royalty on the product to CLC.
- m. If a donor wishes to utilize one of Texas Tech University's trademarks in some manner, written permission must be obtained from the director of Licensing. The verbiage "supporting Texas Tech University," "supporting XXX at Texas Tech University," or "supporting Texas Tech Athletics" must be included. All materials using university marks must be submitted for approval before production and must be purchased from a current university licensee.
- n. Booster clubs may use sponsor names on merchandise only with written approval from the director of Licensing. The organization's name must be included in the design to communicate that the relationship is a partnership with the organization and not with the university. Based on the scope of the program, a rights fee, in addition to royalties, may be assessed.
- o. Rights fees and royalties may be assessed for the use of the university trademarks in all instances.

10. Unauthorized use of University Marks

Any use of university marks that does not comply with the university's licensing and approval requirements will be considered unauthorized and may violate federal and/or state laws.

The university reserves the right to take appropriate action when confronted with unauthorized uses of its marks. Depending on the facts, such action may include confiscation of goods and issuance of a cease and desist letter. It can also result in jail time and numerous fines if convicted.

11. Definition of Commercial Use

Items for resale: The following purposes constitute commercial use when selling products (e.g., T-shirts, sweatshirts, cups, hats, etc.) with any university registered marks:

- a. Sales to campus and private retailers (including registered student organizations and departments of Texas Tech);
- b. Sales to individual customers;
- c. Sales to Texas Tech sporting events through concessions;
- d. Sales on campus by registered student organizations;
- e. Sales for fund raising projects by registered student organizations; and
- f. Sales to registered student organizations for the purpose of promoting their organization.

Promotional use: Items bearing university registered marks that are either sold or given away are promotional and considered commercial.

12. Approval by the Director of Licensing

The director of Licensing must grant approval to all outside vendors wanting to use any university registered marks, even if the vendor is producing items for a Texas Tech affiliated group. If a registered student organization or department is involved in any of the activities deemed as commercial, then the vendor from which merchandise is purchased must be licensed by the Collegiate Licensing Company. If a project falls into an exempt category, the director of Licensing must issue a waiver to the vendor producing the merchandise.

The director of Licensing maintains a list of all Texas Tech licensed vendors. These vendors have been carefully chosen and are familiar with Texas Tech University's licensing policies and procedures. For assistance in choosing a licensed vendor, please contact the director of Licensing.

Paige Holland
Assistant Athletic Director – External Operations
Texas Tech University
6th & Boston
(South end of Jones SBC Stadium)
PO Box 45050
Lubbock, TX 79409-5050
(806) 742-1195
Fax (806) 742-1192
paige.holland@ttu.edu
