

Purchasing and Business Services Manual (PUR)

PUR 222: Trademark Licensing

Effective: 2/1/1991

Revised: 8/1/2021

Purpose

To prevent the loss of trademark rights that can result from inadequate control or dilution of the university's marks; and protect the university's identity and goodwill, to provide licensing information to individuals and organizations regarding the use of ASU's marks, and to advise ASU licensees of the university's "Code of Conduct for Trademark Licensees"

Sources

Trademark Counterfeiting Act of 1984

Trademark Counterfeiting Act of 1946, as amended

Arizona Revised Statutes §§ 44–1441 to –1456

[ASU Enterprise Brand and Marketing Guide](#)

[ASU Trademark and Licensing webpage](#)

Applicability

University community members (ASU employees, student groups, departments and schools) that produce, requisition, procure, or receive goods or services under or in connection with ASU marks, and individuals and organizations outside the university community (vendors, contract partners, alums and affiliates) that wish to produce, distribute, or sell goods or services under or in connection with ASU marks.

Background

Trademark Protection

The ASU marks are the exclusive property of the Arizona Board of Regents. By authority of the Regents, Arizona State University maintains ownership of numerous designs, insignia, logos, names, seals, slogans, sounds, words, and other symbols associated with ASU (marks). In addition to common law rights, many of ASU's marks are protected by registrations with the state of Arizona, the U.S. Patent and Trademark Office, and international trademark registries. A list of ASU's pending and registered marks with the U.S. Trademark Office is available at the [ASU Enterprise Brand and Marketing Guide](#). Contact Trademark Management for information regarding common law, state and international ASU marks.

Regulation of all uses of ASU marks is essential to protect the university's interest and strength in its marks, to protect the university from liability, to avoid dilution of the marks, to stop false associations of unrelated businesses, products, and individuals with the university, and to maintain the reputation and goodwill of ASU. ASU approval is required prior to all noncommercial and commercial uses of ASU marks. Unauthorized noncommercial or commercial use of a university mark or a mark that is confusingly similar is considered to be an infringement on ASU rights.

The ASU Enterprise Brand and Marketing Guide

All graphic representations of ASU marks must adhere to the guidelines and specifications delineated in the [ASU Enterprise Brand and Marketing Guide](#).

Trademark Management Office

The Trademark Management Office and its licensing agent actively police the market and the internet to protect ASU against unauthorized or unlicensed use of the ASU marks, and to protect licensees from unfair competition. In addition, the Office assists licensees, suppliers, manufacturers, students, staff, and any other persons regarding licensing issues and uses of ASU marks.

The service mission of the Trademark Management Office is to protect, preserve, and promote ASU's goodwill and reputation as a center of academic, athletic, innovation and research excellence. One of many of the Office's roles is licensing third parties the right to use ASU marks on the third parties' products and services. This licensing program enables ASU to share in the financial benefits derived from the use of ASU's marks. Students, faculty, staff, alumni and the general public support ASU and its mission through the purchase of licensed products and services.

Benefits of Licensing

The ASU trademark licensing program establishes cooperative relationships with licensees, manufacturers, retailers, Internet sellers, and the campus community to develop a stronger market for their products and services sold or used in connection with the ASU marks. In addition, ASU seeks opportunities to promote sales through marketing efforts, and to increase sales and keep unlicensed merchandise off retailers' shelves. ASU maintains lists of retailers to direct customers to their outlets. The program also works with Sun Devil Athletics and licensing agencies to market promotional opportunities and merchandise in conjunction with ASU events.

The Trademark Management Office offers rights to use ASU marks to those individuals or organizations that meet ASU's licensing requirements and that offer products or services deemed by ASU to reflect well on ASU's brand and are appropriate for sale or distribution.

Policy

ASU Identity

To protect, preserve, and promote ASU's goodwill and reputation as a center of academic, athletic, innovation and research excellence, ASU has developed a consistent brand identity and standards. All formal and informal representations of ASU must comply with these standards, which are set forth in the [ASU Enterprise Brand and Marketing Guide](#). Any exceptions to these standards must be approved by the ASU Brand Council and an authorized signatory for ASU pursuant to [PUR 202](#).

Need to License

All uses of ASU marks must be licensed or approved. All licenses and exemptions for licensing or royalties must be in writing. No use of any mark belonging to ASU shall be authorized without such a licensing agreement or a written exception.

Before manufacturing any products or providing any services bearing or containing any ASU marks every individual and organization (other than members of the ASU community including ASU employees, student groups, departments and schools) must first enter into a licensing agreement with ASU or an ASU licensing agent. Each licensing agreement will require the payment of a royalty or other consideration deemed appropriate by ASU in exchange for permission to use the marks.

This licensing requirement applies to all individuals and organizations who use ASU logos and trademarks. This includes those who create unique, artistic, handcrafted and similar items for donation, exchange or sale. Licensing rules also apply to items at crafts fairs, charitable auctions, over the internet and at other events.

Individuals and organizations wishing to purchase a product bearing an ASU mark for distribution or resale must obtain the product from an [ASU-licensed vendor](#).

ASU marks may not be used with anyone else's marks unless written approval of the owners of all marks has been secured.

Use of Royalty Income

Royalty income should be used for support of the mission of the university. Its uses will be determined by the president.

Use of Marks by Campus Organizations, Faculty, Staff, and Students

ASU Departments and Schools. ASU Departments and schools may use ASU marks on promotional items, only if the items are obtained from an ASU licensed provider with an internal campus supplier license. All purchases must be for internal use only.

Departments and schools are not authorized to sell ASU branded items but may give items away as prizes and promotional incentives.

To order ASU branded promotional items, ASU departments and schools may contact any of the ASU licensed providers with an internal campus supplier license listed in [SunMart](#) in the promotional items section. Each licensed provider must submit product designs and samples to the Trademark Management Office for review and approval before manufacture.

ASU Employees and Students. ASU employees and students are not authorized to modify, change or alter ASU marks. No organization, employee or student can produce merchandise or provide services bearing or in connection with any ASU marks, or authorize any third parties to do so unless approved in writing by an authorized individual in the Trademark Management Office or Enterprise Marketing HUB.

ASU Student Organizations. ASU allows recognized student organizations limited rights to use some ASU marks. For details about which marks are available for student organization use, please visit [EOSS](#) to review the [Student organization handbook](#).

Registered student organizations may also use the geographical designations at Arizona State University or **at ASU** at the end of their organization names. No student organizations may use Arizona State University, ASU or Arizona State before their organization name, as this may imply an official endorsement by or relationship with ASU.

For more information, please consult the [Student organization handbook](#).

Authority for Program Administration

The Trademark Management Office is responsible for the implementation and interpretation of the day-to-day operations, noncontroversial design approvals, appropriate modifications for retail, and control of the university's identifying marks for negotiating licensing agreements. No other office, department, or agency is authorized to perform trademark licensing program administration.

Controversial product designs and sensitive issues will be reviewed at appropriate administrative levels.

Product Approval

All product approvals by the Trademark Management Office and its agent must be in writing. No verbal approval will be valid.

To Request a Trademark License

Contact the Trademark Management Office (480/727–7848 and Fax: 480/965–3019) or the ASU licensing agent:

Collegiate Licensing Company, an IMG Company
1075 Peachtree Street
Suite 3300
Atlanta, GA 30309
Phone: 503/675-5028
Fax: 404/642-4691
Web site: www.clc.com

To Request Approval for a Specific Product

Licensees and ASU community members (ASU employees, student groups and ASU departments and schools) must send or deliver the requested product to the Trademark Management Office in the University Services Building or to the ASU licensing agent listed at the address above.

Trademark Management
Arizona State University
University Center
1551 S. Rural Rd Suite 1102
Box 873512
Tempe, AZ 85287-2704
Phone: 480/727-7848

Note: Specifications of product composition and contents may be required.

Logo Modifications

ASU recognizes that some creative designs may alter the traditional usage of marks. Variations of these designs and product samples must be submitted to the Trademark Management Office for approval prior to their public release. This includes product packaging, point of purchase displays, commercial Internet uses, and all forms of product promotional materials. ASU reserves the right to deny approval or to require correction or alteration of any use of its marks deemed inappropriate by the university.

Prohibited Uses

ASU only permits mark use that reflects positively on ASU. Use of ASU's marks is not permitted in connection with products or services that defame ASU or are alcohol-related, harmful, medical, obscene, of poor quality, are weapons (or related to weapons) or are otherwise deemed inappropriate by ASU for reason of the services or product characteristics. ASU reserves the sole right in making any determination as to whether a product or service falls into a prohibited use.

Infringement

ASU actively protects its marks and enforces its trademark rights. The ASU Trademark Management Office takes an active role in preventing trademark infringement by educating the ASU community and searching the internal and external market for infringers. If a trademark infringement occurs, ASU may proceed to take legal action as the situation warrants.

Unauthorized use of ASU marks is prohibited. ASU encourages its affiliates and community members to [report suspected infringement](#).

ASU Trademark Management's Fair Labor Philosophy and Code of Conduct for Trademark Licensees

ASU is committed to conducting its business in an ethical and socially responsible manner consistent with its educational mission. ASU also requires all trademark licensees and their contractors to maintain fair, safe, and non-exploitive working conditions. ASU may terminate licenses immediately for failure to comply with these requirements.

As a condition of being permitted to produce or sell licensed products bearing the name, trademarks, or images of ASU, each licensee must sign and agree to comply with ASU's current Code of Conduct and ensure that its contractors comply with ASU's Code of Conduct. The most recent version of ASU's Code of Conduct is available from ASU's Trademark Management Office.

Licensee shall comply in full with the affiliation requirements of the Fair Labor Association (FLA) Collegiate Licensee Program. The FLA's Collegiate Licensee Program and its requirements for affiliates are outlined at www.fairlabor.org, and the FLA may be contacted at the following address: Fair Labor Association, 1111 19th St. NW, Suite 401, Washington, DC 20036, Phone: (202) 898-1000, Fax: (202) 898-9050.

Licensee shall cooperate with the Worker Rights Consortium (WRC). Collegiate Institutions that are affiliates of the WRC have agreed to the requirements for affiliation, found at www.workersrights.org. The WRC may be contacted at the following address: Worker Rights Consortium, 5 Thomas Circle NW, Fifth Floor, Washington, DC 20005, Phone: (202) 387-4884, Fax: (202) 387-3292.