

Contact: Aimee Claeys

**PROPOSED BOARD POLICY - TRADEMARKS**

**Action Requested:** Consider, as a first reading, the addition of Policy Manual Chapter 4.15 – Trademark Policy as provided below.

**Executive Summary:** At its February meeting, the Investment and Finance Committee heard comments from university representatives regarding their current trademark usage policies. Chair McKibben recommended the development of a Board policy governing the use of its Protected Marks for consideration by the Board at its next meeting. The following new policy proposal has been reviewed by Board Office and university staff and is submitted as a first reading, with final consideration by the Board scheduled at its June 5-7, 2018 meeting.

4.15 Trademarks

- A. The Board of Regents recognizes that the institutions under its jurisdiction benefit from public recognition of their legally protected names, symbols, logos, tradenames, trademarks, and other identifying marks (Protected Marks). Federal, state, and common law governs the institutions' rights to their Protected Marks, and set forth the requirements the institutions must use to protect and control the use of their Protected Marks.
- B. The following minimum requirements apply to use of Protected Marks:
  - i. Except as provided in section C of this policy, use of Protected Marks by external persons, organizations, or entities for any purpose must be pursuant to the institution's review process concluding with a written license agreement granted by the institution.
  - ii. No use of Protected Marks may be granted, by a license agreement or otherwise, if the Protected Mark is or may become the name or tradename, or a part of the name or tradename, of a person, organization, or entity that is not affiliated with the institution.
- C. The institution may exempt from the requirements of subsection B.i the following use of Protected Marks by external persons, organizations, or entities:
  - i. Use by the news media for the purposes of news reporting;
  - ii. Use by an artist in an original work of art which will not be reproduced or sold for profit;
  - iii. Use of the institution's name or other word marks in a congratulatory or supportive advertising message;
  - iv. Other non-commercial use(s) to the extent reasonably determined to be in the best interests of the institution.