



## **46.001: Licensing Policy**

**Responsible Executive:** Vice President for Finance and Business  
**Responsible Office:** Auxiliary Enterprises  
**Related Policy:**  
**Approved-On Date:** April 27, 2005  
**Effective Date:** April 27, 2005  
**Revision Date:**

### **Policy Statement**

It is the policy of Norfolk State University to:

- Insure proper control and use of trademarks (the use of the word “trademarks” throughout this document includes service marks, logos and other marks) that are associated with the Norfolk 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.
- Insure that the university secures a legitimate and reasonable royalty for the use of its trademarks, generate revenue for student and Intercollegiate Athletics scholarships, programs and facility renovations and upgrades, and enhance the quality of life for faculty, staff and students across campus.
- 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.

### **Purpose**

Over the last 70 years, Norfolk State University (NSU) has seen spectacular growth that has stimulated the demand by students, faculty, staff, alumni and friends of the university for merchandise bearing the registered trademarks, names and insignias of the university. The number of distributors and manufacturers who wish to provide these products has grown proportionately.

Developments in the law over the last three decades make it possible for Norfolk State University (and colleges and universities throughout the country) to license – for substantial royalties – the use of its name, the names of its athletic teams and other logos and seals of the institution. The university can also prevent the unauthorized and unlicensed use of its names and indicia.

Norfolk State University has established a formal licensing program to protect the use of the university's name and identifying marks and to enhance the image of the institution. The primary goal of the licensing program is to ensure that merchandise bearing the university's insignias properly represents NSU and that a percentage of sales comes back to the university to fund scholarships and the costs of the program. The licensing agent for Norfolk State University provides licensing representation and counsel, marketing counsel and client advocacy to academic institutions and conferences throughout the United States and assists in the expansion and enforcement of NSU's trademark licensing program.

The Norfolk State University's trademark licensing program establishes a contractual cooperative relationship with licensees (manufacturers and distributors), assisting the development of a market for "officially licensed collegiate products." It also encourages consumers to buy products that support the university. The university has delegated the responsibility for maintaining, managing and licensing university trademarks to the Office of Auxiliary Services.

### **Registered and Protected Trademarks**

Norfolk State University's trademarks may be any artwork, logos or insignias depicting Norfolk State University, Norfolk State, Norfolk State Spartans, NSU, Spartans, Behold the Green and Gold, the official seal and any other design, symbol or group of words that have come to be associated with the university. The official school colors are green PMS 341 and gold PMS 130.

1. The following trademarks are federally registered in the name of Norfolk State University:

NORFOLK STATE UNIVERSITY, the university's official seal, NSU and the official Athletic logo.

2. The following marks are registered with the State of Virginia in the name of Norfolk State University:

BEHOLD THE GREEN AND GOLD and NSU SPARTANS

All other names, symbols, initials, or graphic designs which refer to Norfolk State University are protected by the Lanham Act, U.S. and state laws.

### **Procedures**

1. Departments of the university that wish to purchase merchandise bearing an imprint or design that includes a university trademark, name or logo must secure prior approval, in writing, from NSU Auxiliary Services, Marketing Services or directly through the licensing agent. An art approval form must be completed and submitted with the design work when seeking approval.

2. Departments and recognized alumni chapters, student clubs and organizations may use certain logos for official business; however, all imprints must be approved prior to use. Departments and recognized alumni chapters, student clubs and organizations that wish to design or create new trademarks for a department, chapter, club or organization must coordinate their effort with the Office of Marketing Services or Auxiliary Services and must submit designs consistent with NSU Visual Identity Guidelines. Questions regarding such use should be directed to Auxiliary Services or the university's Office of Marketing Services.
3. University marks are to be used only in the specific manner approved in writing by Auxiliary Services and Marketing Services, together with the appropriate trademark designation, and may not be otherwise altered without express written authorization of the university.

### **Labor Practices/Code of Conduct**

1. Norfolk State University is committed to the concept that all merchandise bearing reference to the university (including names of each department and any recognized chapter, club or organization affiliated with the university) will be manufactured by companies whose labor policies insure fair labor practices and that their employees are safe from abusive labor conditions.
2. Norfolk State University has adopted the strict Code of Conduct that requires manufacturers of licensed products (licensees) to certify their compliance with the Code. In addition to certifying their compliance with the Code, licensees are required to disclose the location, address, phone number, email, and contact person for each facility it owns or contracts with for the production of goods and services, and they must authorize the university (or its agents) to make announced or unannounced inspections of their manufacturing facilities. See the Code of Conduct online at: [www.fairlabor.org](http://www.fairlabor.org)
3. In order to insure the broadest interpretation of this policy, the university requires that any product produced for the university (or departments or recognized chapters, clubs or organizations) which carries a university trademark, or uses the name of, or refers to a university department or a recognized chapter, club or organization, be manufactured by those companies that are appropriately licensed to use university trademarks (licensees), and are in compliance with the university's Labor Code Standards. For a current list of Officially Licensed Vendors, see: [o:/marketingservices/approvedlicensees](http://o:/marketingservices/approvedlicensees).

### **Implementation**

1. All products bearing Norfolk State University's trademarks must be approved and licensed as specified by this policy. Items produced for resale or profit

will be subject to the current standard royalty rate established by the university and based on the wholesale cost to produce the product. Any deviation from the standard rate (established each calendar year and effective in January) must be negotiated in advance and approved by the Licensing Advisory Board. Notice of changes to the standard royalty rate will be provided in September of each calendar year.

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 by the university and will be set by the Licensing Advisory Board.
3. Institutional marketing materials produced by the university for official university business shall meet the criteria established by the university's Visual Identification Program. Other promotional items, regardless of production, method or source of distribution, are subject to the approval process in this policy.
4. Norfolk State University's official stationary shall be produced under the direction of the Marketing Services Office and will follow guidelines established in the Visual Identity Manual by the Department of Printing Services. Official stationary shall include university and departmental business cards, stationary, envelopes, note cards, and note pads.
5. Companies and individuals wishing to extend congratulatory messages (or statements of support) not meeting the criteria below may receive authorization to use prescribed trademarked verbiage (e.g. **GO SPARTANS or Congratulations Spartans**). Such messages must be clearly separate from the sale or promotion of any products.

### **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 licensing agent 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 and with the approval of the Licensing Advisory Board.
  - a. Traditional Retail: Issued for production of emblematic merchandise, which will be sold by the licensees to retail establishments or retained for direct sale at university events and functions.

- b. **On-Demand:** 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, alumni chapter or university organization. On-demand licensees are not authorized to sell any products or for traditional retail sales.
    - c. **Promotional Use:** Use of university trademarks for limited-duration commercial use and approved by Auxiliary Services or the Licensing Advisory Board.
  3. A product is generally subject to royalty fees, if the university's trademark, name or logo is utilized AND:
    - a. The product is for resale; or
    - b. The product promotes a specific "for profit" event; or
    - c. The name, mark, or logo of a third party is used in conjunction or in association with the trademark. (Additional approval must be secured from the third party.
  4. All designs, colors, and merchandise imprinted with Norfolk State University trademarks, names, or logos must be approved prior to production regardless of use (resale, promotional or internal).
  5. These guidelines are usually sufficient in determining royalty/non-royalty status. However, all requests for imprints will be reviewed individually and prior to production to determine royalty/non-royalty status. Royalty waivers will be considered by the Licensing Advisory Board on merit and will generally apply only to university departments and recognized alumni chapters, campus clubs, or university organizations.

## **Exemptions**

1. For purposes of consistency, the university does not exempt university departments, campus operated retail stores, student clubs, university organizations, or alumni chapters from purchasing emblematic merchandise from officially licensed vendors. Royalties are charged consistent with those for private retail sales.
2. The university does not provide exclusive retail contracts for merchandise unless there is an overriding reason that negates normal competitive production and the exclusive contract is approved by the Licensing Advisory Board.

3. Approval received by departments, clubs, chapters and organizations for the use of a design or to utilize a trademark does not constitute approval to use that mark on a product of choice. Approvals must include type of merchandise, color, and quality. The product also must be manufactured by or purchased from an Officially Licensed Vendor. Activities or products that include the use of a commercial sponsor's name or logo on the licensed product will be assessed a higher royalty and must be approved in advance by the Licensing Advisory Board or Auxiliary Services prior to production.
4. All departments of the university, recognized campus clubs and organizations, individuals and companies are required to obtain approval from the Auxiliary Services Office 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.