



trademark

TRADEMARK LICENSING

A trademark is defined by the United States Patent And Trademark Office as “a word or phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.” It is protected by law against improper use by persons or entities other than the owner of the trademark.

The Howard University Office of Trademark Licensing and Vending administers the University’s trademark licensing program and, through carefully established procedures, grants licenses to qualified manufacturers and vendors. This office also provides guidance on the permissible use of the University’s marks.

The appropriate use and protection of Howard’s marks help preserve the integrity of the University and the respect it enjoys throughout the global community.

Trademarks and Licensing

Howard University owns its name and all of its trademarks and service marks (“marks”). Service marks are similar to trademarks except that they identify and distinguish the sources of services, rather than goods. The terms “trademarks” and “marks” as used in this document refer to both trademarks and service marks. The University’s marks include its Clock Tower logo, Seal, HU, Official Wordmark and any word, phrase, symbol, or design associated with Howard and to which Howard has acquired exclusive rights under trademark law. These marks distinguish products and services of Howard from those of other institutions or entities. Howard aggressively protects and enhances its reputation by requiring that its marks appear only on appropriate materials or quality products.

Anyone, other than the University, producing, selling, or distributing products bearing any Howard University mark, including the Bison athletics logos, must obtain and remain compliant with a license from the University. Licenses require the approval of the University’s licensing and vending manager. For more information regarding the Howard University trademark licensing program, call (202) 806-2414.

Commercial Use of Namemarks

Namemarks are graphic representations of Howard University’s name and “HU” and “Howard” and are University trademarks. They deviate from the University’s official wordmark to allow more variety for use on retail and gift items. Namemarks are used for this purpose only and may not be used on publications or official University correspondence. The Trademark License Agreement requires that the licensees submit all proposed uses of the logos and

namemarks to the Office of Trademark Licensing. Any proposed use of the logos or namemarks for retail and giftware must carry approval from the Office of Trademark Licensing and Vending.

Proper Usage of Namemarks

- The namemarks must consistently be used in upper case or title case fonts.
- Images must not be superimposed over the namemarks.
- The namemark must not be incorporated in a design or used in association with the name of a business, logo, advertising services, entertainers or a product in any way that could imply an endorsement.
- Namemarks should not be incorporated with trademarks not owned by Howard University without written permission for such use from the trademark holder.
- Namemarks may not be used in association with alcoholic beverages, tobacco and smoking products, sexually oriented goods, lotteries, or items considered by the University to be in poor taste or that may impugn another entity.
- Namemarks are not to be used in any manner that will discriminate on the basis of age, color, disability, marital status, national or ethnic origin, religion, gender, sexual orientation, political affiliation or any other basis prohibited by federal or District of Columbia law.

Use of Howard University Trademarks

The Howard University Office of Trademark Licensing and Vending provides licenses, University marks and guidance to the University community and licensees with regard to the permissible uses of and restrictions on the University’s name and trademarks.

Howard University monitors use of its trademarks to ensure that all products and services bearing the University's name and logos are licensed and of high quality and reflect positively upon the University.

Marks are protected under both federal and local laws. Federal registration provides protections against trademark infringement, which is the unauthorized use of a trademark or the use of a trademark so similar to that of another as to cause the likelihood of confusion to the public as to the source or affiliation of the product or service. Protection under federal trademark law requires the owner of a mark to be diligent in monitoring the use of the mark and enforcing its rights.

The University's trademarks are not to be used in association with any other person or entity; the service or product of another person or entity; or the name, logo, or mark of another person or entity in any way that could imply an endorsement.

Howard University marks may not appear on communications materials, products or Web sites of other institutions or entities without approval by the Office of University Communications. Conversely, marks or logos of non-university entities are generally not permitted on Howard University products, printed materials or Web sites. The use of trademarks of other entities for certain promotional material or in conjunction with Howard University marks requires written permission from the Office of University Communications and the owners of the trademarks to be used.

Who are Trademark Licensees?

A trademark licensee is a company that has entered into a trademark license agreement with Howard University to use the designated University marks on products specified in the license agreement.

Terms of the Trademark License Agreement

The trademark license agreement governs the rights granted by the University to the licensee, the limitations to those rights, and the obligations of the licensee. The following are some of the general terms of the standard agreement.

Royalty Payments and Rate

In exchange for permission to use University marks, the licensee agrees to pay the University royalties, usually a set percentage of the net sales for the products manufactured and sold bearing the University marks.

Payment of a royalty advance is usually required at the time the license agreement is executed. The royalty advance is a one-time, non-refundable payment that serves as a credit against future royalties owed to the University.

Life of the Agreement

The University's standard trademark license agreement is valid for a minimum term of one year or a maximum term of two years. The longer agreement is generally granted to licensees with a record of exemplary contract compliance.

Use of Trademark and Design Approval

The trademark license agreement requires that the licensee submit all proposed uses of the trademarks to the University for approval prior to such use. An

exhibit of each licensee's agreement lists the products on which the trademarks will be used. Any additions or other modifications to this list must be requested in writing and approved by the University. Additionally, all designs using the University's marks must be submitted to the Office of Trademark Licensing for approval prior to production.

The use and design approval requirements are intended to protect the integrity of the marks and the reputation of the University.

Commercial Use of the Howard University Logo and Namemarks

Use of the University Logo and Namemarks for apparel and giftware are permitted to display both variation in both font styles and color.

The Trademark License Agreement requires that the licensees submit all proposed uses of the logos and word marks to the Office of Trademark Licensing. Any proposed use of the logos or namemarks for retail and giftware must carry approval from the Office of Trademark Licensing and Vending.

Insurance

All license agreements require the licensee to provide a current certificate of insurance that names the University as an additional insured. The insurance limits and responsibilities are set forth in the trademark license agreement.

Monitoring the Trademark License Program

The Office of Trademark Licensing and Vending reserves the right to audit the licensee's records to monitor the sales and royalties. This may be done by an independent auditing service.

The Office of the General Counsel acts as the legal advisor to the licensing program. This office provides assistance with contracting, compliance, enforcement and litigation as necessary to protect University marks.