



VCU

University Trademarks and Licensing

Policy Type: Administrative

Responsible Office: Department of Business Services, Office of Trademarks & Licensing, Office of Finance and Budget

Initial Policy Approved: 06/24/2013

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Policy Statement and Purpose

Virginia Commonwealth University is committed to promoting and protecting the university's brand standards by ensuring proper usage of its name and symbols. The purpose of the VCU Office of Trademarks & Licensing is to protect VCU's official marks on merchandise. The trademark and licensing program ensures the quality and consistency of all merchandise bearing VCU marks. The vice president of finance and budget and the vice president of university relations have been delegated authority by the VCU president to oversee the trademark and licensing program.

VCU's licensing program exists for two principal reasons:

- **Protection of the Virginia Commonwealth University marks:** Because licensed vendors have a written agreement with VCU through a trademark monitoring firm, hereinafter called the "Firm", the university has appropriate control of the way university trademarks are used and the quality of the merchandise bearing university trademarks.
- **To ensure VCU merchandise is produced under appropriate conditions:** Licensed vendors are used to produce merchandise bearing VCU trademarks in order to ensure products are manufactured in a responsible and sustainable fashion. The Firm enforces appropriate working conditions in factories that produce VCU licensed merchandise. All vendors must be covered by appropriate liability insurance to receive a VCU license.

Virginia Commonwealth University enforces its rights in its names, wordmarks and logos through registration with the United States Patent & Trademark Office (USPTO) and/or the Virginia State Corporation Commission (SCC) and through a licensing program. Through its licensing efforts, the university promotes the officially licensed merchandise of VCU and enhances relationships with manufacturers and retailers of licensed goods.

All university-approved groups, departments and schools, as well as external individuals, groups and companies are required to obtain approval from the VCU Office of Trademarks & Licensing before

producing any merchandise that uses the university's registered and common law trademarks. Approval is required regardless of use or method of distribution. Merchandise produced without written authorization may be considered "counterfeit" and subject to all available legal remedies, including seizure of the merchandise.

University trademarks are to use the appropriate trademark designation (™ or ®), and may not be altered. See "Trademark Designation" definition on page 3 for exceptions.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation is prohibited.

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Who Should Know This Policy

VCU employees (including faculty and staff) and students, as well as external vendors, contractors, businesses or organizations who wish to do business with VCU, are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Common Law Trademark

A common law trademark indicates that the trademark rights are developed through use and have been developed under a judicially created scheme of rights governed by state law.

Manufacturers

Any person, group or business that has the means to physically produce a VCU trademark on merchandise. Examples include a t-shirt screen printer, embroidery service, etc.

Merchandise

Any product, including but not limited to apparel, headwear, footwear, housewares, office supplies, etc., that bear the trademarks of Virginia Commonwealth University, whether for resale or not for resale.

Registered and Protected Names

Registered and protected names and marks are those marks used by the university in commerce to identify the university as the source of goods and services, some may be registered with the United States Patent and Trademark Office (USPTO) or the Virginia State Corporation Commission (SCC), while others may be afforded rights as common law marks. The full list of approved marks can be found here:

<http://www.bsv.vcu.edu/trademarks-and-licensing/>.

Trademark

A word, logo, or a combination, used by an organization, business, group, etc. to identify its goods and/or services and distinguish them from others.

Trademark Designation

There are two types of trademark designations that VCU utilizes: the ™ mark and the ® mark. Both designations indicate that VCU claims exclusive rights to the logos or wordmarks they accompany, with the following differences:

The ™ mark: The logos or wordmarks that VCU designates with a ™ are used by VCU in commerce to indicate VCU as the source of goods or services. These marks may be registered in the Commonwealth of Virginia through the State Corporation Commission (SCC).

The ® mark: The logos or wordmarks that VCU designates with the ® mark are used by VCU in commerce to indicate VCU as the source of goods or services and VCU has obtained a federal registration for these trademarks through the United States Patent and Trademark Office (USPTO).

Wordmark

Any word or words used by the university as a trademark or service mark. Examples include the wordmarks "VCU" or "Virginia Commonwealth University."

Contacts

The VCU Department of Business Services officially interprets this policy. The VCU Department of Business Services is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the VCU Department of Business Services.

For licensing information contact:

Office of Trademarks & Licensing
VCU Business Services
Virginia Commonwealth University
1111 W. Broad Street
Box 980208

Richmond, VA 23298-0208
Phone Number: (804) 828-3615
FAX: (804) 828-7867
trademarks@vcu.edu
<http://www.bsv.vcu.edu/trademarks-and-licensing/>

For information and guidelines regarding the proper use and style of VCU marks, please visit the VCU Identity website or contact:

VCU Division of University Relations
912 West Grace Street
Box 842041
Richmond, VA 23284-2041
Phone: (804) 828-1463
identity@vcu.edu
www.identity.vcu.edu

Policy Specifics and Procedures

1. Procedures for University Departments and Registered Student Organizations

- a. **Publication Use:** University departments and registered student organizations who request authorization for VCU trademark use within official university publications, letterhead and business cards should direct their requests to the VCU Division of University Relations. For logo design or assistance with artwork utilizing VCU marks, please contact University Relations.
- b. **Athletic Logo Use:** Registered student organizations are not permitted to use VCU's athletic logos to represent their organization. There are two exceptions: varsity teams are permitted to use athletic logos and club sports are allowed to use the ram shield spirit mark and ram shield with VCU mark. When referring to VCU in the organization's name, "VCU" may not be placed in front of the organization's name; "at VCU" or "of VCU" are the only permitted uses (for example: Badminton Club at VCU or Equestrian Team of VCU). Please refer to University Student Commons & Activities for questions and more information.
- c. **Merchandise Use:** University departments and registered student organizations who request authorization for university trademark use on merchandise should direct their requests to the VCU Office of Trademark & Licensing by submitting the Artwork Pre-approval Form. Merchandise bearing VCU trademarks must be produced by a licensed VCU vendor. "Merchandise" includes items that may be sold, promotional items for giveaways, gifts, etc., or items for fundraisers.
- d. **Co-Branding with VCU trademarks** – please see Artwork Specification 4.e. below.

- e. The trademark may be omitted on official university business material and official team uniforms.
- f. The Firm represents and enforces proper usage of all merchandise bearing one or more VCU marks. All merchandise must be produced by a licensed vendor. Revenue generated from this program supports and enhances many student programs and scholarships.
- g. The Firm represents Virginia Commonwealth University and assists in the management of the university's licensing and trademark enforcement program. The Firm is responsible for processing license applications, coordinating artwork approvals, collecting royalty payments, protecting trademarks and developing the VCU brand. Manufacturers who wish to produce VCU merchandise must have a valid trademark license from VCU. The university only licenses merchandise and services that promote the image of Virginia Commonwealth University.

2. Contracts for External Groups, Businesses or Organizations

- a. VCU trademarks may only be used by a private group or business through a contract with the university. Written approval from the vice president of university relations in consultation with the vice president of finance and budget and the office of trademarks & licensing must be obtained.
- b. Such contracts or agreements are permitted to offer the nonexclusive use of the university's name and/or the university brand mark (logo), in compliance with university brand standards, in the promotion of endorsed businesses and activities. The university is owner of its name, wordmarks and logos and authorized external groups are not permitted to delegate the authority to use the university name, wordmarks or logos to any person or entity without the written approval of the vice president of university relations in conjunction with the vice president of finance and budget and the office of trademarks & licensing.
- c. A promotion or sponsorship agreement with the university must not and does not convey the idea the university is endorsing the sponsor's products or services.
- d. Promotional or sponsorship agreements with external groups, businesses or organizations cannot utilize language that implies preferred status or official relationships with the university.
- e. Merchandise bearing any VCU trademarks, whether sold for retail or used as giveaways, must be produced by a licensed VCU vendor.

3. Procedures for Licensed Vendors

- a. Any vendor creating merchandise or products (apparel, bags, writing utensils, mugs, etc.) bearing any of VCU's trademarks, whether for on-campus departments or organizations or

for third party vendors to sell in stores for resale or general distribution, must be set up as an official licensee and go through an approval process before placing the university's trademarks on any merchandise or product.

- b. To become a licensed VCU vendor, manufacturers must hold a license for VCU through the Firm. The Firm is responsible for processing license applications, coordinating artwork approvals, collecting royalty payments and enforcing the trademarks. Once a license application is submitted to the Firm, the VCU Office of Trademarks & Licensing will review for approval. Licensed manufacturers are required to pay a royalty fee.
- c. Licensed vendors must adhere to the "Artwork Specifications," outlined herein, as applicable. Trademarked VCU logos and wordmarks are available to all licensed vendors as outlined on the university's art sheet available at <http://www.bsv.vcu.edu/media/business-services/documents/trademarks/vcuartsheet.pdf>.
- d. In almost all merchandise applications, the inclusion of the appropriate trademark symbol is required. Exceptions, like the following, may be granted with written permission from the VCU Office of Trademarks & Licensing:
 - i. If the trademark symbol is so small that it becomes illegible, it may be omitted and a label may be attached stating the logo is a trademark of VCU.
 - ii. If the merchandise is extremely high quality (e.g., gold or other precious metals, crystal), the trademark symbol may be omitted and a label may be attached stating the logo is a trademark of VCU.

4. Artwork Specifications

- a. Official University Seal: Use of the Official University Seal as a primary graphic component is restricted to formal and official documents such as diplomas, legal and official records, transcripts and approved scholarly, ceremonial, presidential or Board of Visitors-related purposes. There is only one university seal. No other seals may be established.



- b. University Logo: The University Logo is to be used on official university business materials, including but not limited to publications, promotions, communications (in print and digital) and websites.

Internal departments and registered student organizations wishing to order merchandise bearing any university trademarks must follow the "Procedures for University Departments and Registered Student Organizations."

- c. Athletic Logos: The VCU Athletic Logos are limited to varsity athletic and informal usage and must not be used for academic applications, academic merchandise or university

websites. Written permission from the VCU Office of Trademarks & Licensing must be obtained to use these logos when not representing VCU Athletics.

- d. Virginia Commonwealth University wordmarks and logos have a protected area. No lines, words or artwork may overlap or intersect the mark and no alterations may be made to the logos.

The following protected names are approved wordmarks for use in representing VCU. Any wordmark other than the following must be approved by the vice president of university relations in conjunction with the vice president of finance and budget and the office of trademarks & licensing.

- Virginia Commonwealth University®
- VCU®
- VCU Rams™
- Rams™
- VCU Health™
- Havoc®

- e. Virginia Commonwealth University marks may not be used in conjunction with other trademarks or registered marks without written permission from the owner of the mark and from the office of trademarks & licensing. See the FAQ section for an example.

5. Vendor Licensing Process

Merchandise bearing Virginia Commonwealth University's protected trademarks must be produced by a vendor that is an approved licensee through the Firm. Once licensed, vendors must submit proofs of all merchandise designs through the Firm's web portal system to ensure VCU's brand standards are met. Vendors will generally be notified within one to three business days if their artwork is approved or requires revisions.

Types of Licenses:

Any person, business, or organization desiring to produce VCU's trademarks (logos and/or wordmarks) on any merchandise is required to obtain a license. This includes premiums, promotions and advertising. Most merchandise will be considered for a license. However, the university reserves the right to refuse a license to any person, organization or business. The university will not license merchandise deemed to be inappropriate.

- a. **Internal Campus Supplier (ICS):** Internal Campus Suppliers produce and supply merchandise for internal university purposes only and cannot sell to any entity if the product will be resold and/or used for promotional purposes (gift with purchase) or fundraising. Each request must be approved through the VCU Office of Trademarks & Licensing with the Artwork Pre-approval Form before placing the order.
- b. **Local License:** Local licensees may only apply for three universities or less with the initial application, but can ultimately become licensed for up to five universities within the same

state as their business location. Local licensees are permitted to sell product to universities and their departments, retailers and directly to consumers. A local licensee cannot be upgraded to standard status until licensed for at least one full year as a local licensee. The Firm will review local licensee applications and merchandise designs for quality and safety standards before submission for final approval to the VCU Office of Trademarks & Licensing.

- c. **Standard License:** The standard license is usually not for first-time applicants or companies without well-established marketing plans, existing product distribution and/or a solid financial history of selling licensed products. The Firm will review standard licensee applications and merchandise designs for quality and safety standards before submission for final approval to the VCU Office of Trademarks & Licensing.
- d. **Crafter License:** The crafter license is defined as an individual producing domestic handcrafted items in the home with collegiate marks and selling/distributing to individual consumers via events or direct sales. This might include events organized by church, school, county, state, craft, holiday, Junior League, street festivals, gift marts or flea markets. This license allows a crafter to sell to individual consumers only. Sales of items on a wholesale basis to a third party are not permitted. All items must be hand-made and no commercially manufactured items are allowed. The anticipated sales must not exceed 500 units or sales revenue of more than \$2,500 in one year.

General Licensing Process Information:

It takes approximately two to four weeks for a vendor to become an approved licensee. After approval by the Firm and the VCU Office of Trademarks & Licensing, vendors may access the official VCU artwork and begin designing merchandise. Each submission is reviewed individually to make sure all actions are in the best interest of Virginia Commonwealth University. Virginia Commonwealth University reserves the right to create new licensing programs and fees as market trends permit and at its discretion.

For more information or to answer any questions regarding types of licenses and the application process, please contact the VCU Office of Trademarks & Licensing at (804) 828-3615 or trademarks@vcu.edu.

Usage Restrictions:

Virginia Commonwealth University trademarks cannot be used in conjunction with the following products and images, including but not limited to: products that can be used to injure, kill or present a high risk of liability exposure; alcohol, tobacco and drug related products; sexually suggestive products and products that are detrimental to the mission or image of the university. Art and graphic designs depicting or endorsing alcohol, tobacco, illegal drugs, firearms or other weapons will not be approved in combination with VCU marks. Art representing racist, sexist, or hateful images will not be approved. Art associated with profanity; demeaning or degrading language will not be approved. Art depicting sexual acts or impugning other universities or other entities so determined by the university will not be approved for use with VCU trademarks.

Forms

1. [Artwork Pre-approval form](#)
2. [Request for Trademark Registration Questionnaire](#)

Related Documents

1. IMG College Licensing (<https://www.clc.com/>)
2. [Licensed VCU Vendors](#)
3. [University Student Commons & Activities](#)
4. [Student Organizations](#)
5. [VCU Brand Standards](#)

Revision History

This policy supersedes the following archived policies:

June 24, 2013	<i>University Trademarks & Licensing Policy</i>
June 20, 2016	<i>University Trademarks and Licensing</i>

FAQ

Answers to the following frequently asked questions will provide a better understanding of the licensing program:

1. What are the benefits of a trademark licensing program?

Virginia Commonwealth University's licensing program:

- Promotes the university in a positive, consistent and uniform manner.
- Ensures products are manufactured in a responsible and sustainable fashion.
- Protects all of the university's trademarks, service marks and logos from unauthorized uses.
- Protects the consumer from inferior merchandise bearing institutional marks.
- Provides revenue that supports and enhances many student programs and scholarships.

2. Who must be licensed?

Any person, business or organization desiring to produce VCU's trademarks or verbiage on any merchandise is required to obtain a license. This includes premiums, promotions and advertising.

3. What merchandise can be licensed?

Most merchandise will be considered for a license. However, the university reserves the right to refuse a license to any person, organization or business. The university will not license merchandise deemed to be inappropriate.

4. What types of merchandise may be deemed to be inappropriate?

Please refer to 'Usage Restrictions' on page 8.

5. How can I tell if the merchandise I am purchasing is a licensed product?

Always look for the "Officially Licensed Collegiate Products" label.

6. What happens if a trademark is used without a license?

The university is legally obligated to enforce its trademark ownership rights. The university's agent and the VCU Office of Trademarks & Licensing staff conduct routine marketplace surveys and work closely with local and state law enforcement organizations to shut down illegal uses. VCU's trademarks have been registered to prevent illegal entry of counterfeit merchandise into the United States.

7. Do I need to use an official licensee?

If you are having a university logo or wordmark applied to merchandise, regardless if the merchandise will be for sale or a giveaway, it must be produced by an official licensee. Licensees are under contract and have agreed to use the marks as prescribed by the university.

8. What does "used in conjunction with" mean?

For example: A student group wishes to produce a t-shirt with Rodney the Ram on it to give away at a fundraiser to support their organization. A local restaurant is assisting the group with funds to have the t-shirts made and wishes to have their logo on the t-shirt as well, as a sponsor. Before this t-shirt can be produced, VCU Office of Trademarks & Licensing and the restaurant must both approve the use of their respective logo in conjunction with the other. A licensed vendor must also be used to produce the t-shirt as it bears a VCU trademarked logo.

9. Which vendors are currently licensed to produce VCU merchandise?

The list of Officially Licensed Vendors is updated on a monthly basis and can be found here: <http://www.bsv.vcu.edu/trademarks-and-licensing/>.

10. I am a retailer of Officially Licensed Virginia Commonwealth University merchandise. Can you assist me in my merchandising efforts?

For assistance in merchandising efforts, please contact the VCU Office of Trademarks & Licensing at (804) 828-3615 or trademarks@vcu.edu.