OLD DOMINION UNIVERSITY
University Policies and Procedures

2300 – TRADEMARK LICENSING POLICY

INTRODUCTION

Old Dominion University has a long-standing policy of protecting the symbols that are associated with its name and its reputation as one of the finest universities in the country. Old Dominion owns and controls its name(s) and other marks, logos, insignias, seal, designs and symbols (hereafter, "trademarks") that have become associated with the institution.

In addition, in order to comply with and assure protection under federal, state, and international trademark laws, Old Dominion University is required to monitor and control all uses of its trademarks. Unauthorized use of Old Dominion trademarks is subject to civil and criminal penalties. Old Dominion reserves the right to take appropriate action when confronted with unauthorized use of its trademarks. Such actions may include confiscation of the goods, financial penalties, and legal action.

Old Dominion University's trademarks include, but are not limited to: the words OLD DOMINION, Old Dominion University, ODU, Monarchs, Old Dominion Monarchs, and the logos known as the primary marks, the alternate primary marks, shield marks, the ODU seal, and university identifier.

The purpose of this policy is to provide information and guidelines to the Old Dominion community regarding the use of Old Dominion's trademarks. The overall purpose of the Old Dominion University Licensing Program is to protect the integrity of the institution's trademarks, and to ensure such trademarks are used in an appropriate manner. Old Dominion's Licensing Program is administered by Old Dominion's Licensing Office and overseen by the Director of Licensing.

Why does Old Dominion University care who uses its Trademarks or how? Old Dominion University must control and monitor the use of its trademarks or risk losing its rights to use them as unique Old Dominion University Identifiers. Old Dominion University has a compelling interest in controlling the use of its trademarks for other reasons as well. These include, but are not limited to, the following:

- Protecting the Old Dominion University name and ensuring that its use – regardless of the unit at Old Dominion of which it is a part – is compatible with Old Dominion University's excellence and reputation.

- Ensuring that any products or services that bear Old Dominion University trademarks are of high quality and are used only in connection with products and services with which the institution has chosen to be identified and which, as a result, it has assumed some level of responsibility;

- Preventing misleading or inaccurate portrayals of Old Dominion University's relationship to others or to activities, and preventing others from taking advantage of the goodwill the institution has developed and which is symbolized by its trademarks; and

- Ensuring that products and services bearing Old Dominion University's trademarks protect the integrity and reputation of the institution, maintain and build upon the goodwill of the institution, and promote support for and increase awareness of the institution, its mission and goals.

POLICY FOR INTERNAL USE OF OLD DOMINION TRADEMARKS BY OLD DOMINION UNIVERSITY DEPARTMENTS, GROUPS AND STUDENT ORGANIZATIONS

Trademark Uses That May Not Require Approval: Some uses of Old Dominion University trademarks by University departments, groups and registered student organizations may not require prior approval from ODU's Licensing Office, including:

- The use of Old Dominion University trademarks by Old Dominion University departments, groups and registered student organizations in the ordinary course of conducting Old Dominion University business provided they make no changes to the design or approved colors of Old Dominion university trademarks, and adhere to the Guidelines contained in this policy. Examples include the use of unmodified Old Dominion University trademarks on stationery, business cards, reports, official Old Dominion University catalogs, publications, reports and similar materials, and materials used in academic courses.

- Use of the Old Dominion University name or other of its trademarks in connection with news reporting and other fair uses that do not undermine Old Dominion's rights to its trademarks.

Trademark Uses That Require Approval: All uses of Old Dominion University trademarks on products require prior approval from the Office of Licensing, even if the proposed uses do not involve the sale of a product; e.g., promotional items for conferences or meetings, items for fundraisers, items for giveaways, gifts, etc.

All other uses, except those listed above in the section "Trademark Uses That May Not Require Approval."

Old Dominion University departments, groups, and registered student organizations may not assign rights to or otherwise grant permission to any other entity for use of Old Dominion University trademarks for any purpose without prior review and approval by Old Dominion University's Licensing Office.

Products must be purchased from Licensed Manufacturers Only (Old Dominion Licensees):

All products bearing Old Dominion University's trademarks must be purchased only from Old Dominion University licensees. To ensure consistency in the use of Old Dominion University's trademarks, and to ensure compliance with a wide range of requirements associated with the manufacture and use of Old Dominion University's trademarks, products bearing Old Dominion University's trademarks may be purchased only from companies that are officially licensed by Old Dominion University to manufacture or distributed products bearing its trademarks.

There are some 300 companies officially licensed by Old Dominion University to manufacture products which bear Old Dominion University's trademarks.

Sweatshop Issues: Old Dominion University is committed to conducting its business affairs in a socially responsible and ethical manner. Old Dominion University has taken a leadership role in efforts to ensure decent and humane working conditions in factories. Old Dominion University requires that all manufacturers of products bearing Old Dominion University's trademarks strictly adhere to a Code of Conduct in the manufacture of those products. Old Dominion University prohibits products bearing its trademarks from being manufactured in abusive and unfair labor conditions. Issues addressed in the Code of Conduct include, but are not limited to: wages & benefits, working hours, overtime compensation, child labor, forced labor, health and safety, non-discrimination, and harassment or abuse. In addition, Old Dominion University requires all of its licensees to publicly disclose the names and locations of all of their factories which manufacture products that bear Old Dominion University's trademarks. Old Dominion University Licensees are required to subject those factories to independent monitoring of factory labor conditions through two organizations with which Old Dominion University is affiliated, the Worker Rights Consortium and the Fair Labor Association.

Guidelines for Use of Trademarks:

Old Dominion University trademarks may not be altered in any way.

Old Dominion University trademarks may not be used in conjunction with the name or trademark(s) of any other entity without the prior written permission of that entity. If permission is granted by the Licensing Office to use both the Old Dominion University trademark and another party's trademark in a design, the trademarks must be distinct and separate from each other, and Old Dominion University's trademarks must not be overshadowed or diminished in any way in comparison to the other entity's trademark. Approval of any such dual use of Old Dominion University trademarks will be limited to instances where there is a compelling institutional priority in allowing such a use.

Old Dominion University trademarks may not be used in any manner that suggests or implies Old Dominion's endorsement of other organizations, companies, products, services, political parties or views, or religious organizations or beliefs.

Old Dominion University's trademarks may not be used in any way that discriminates or implies discrimination against any persons or groups based on age, ancestry, belief, color, creed, disability, national origin, race, religion, sex, sexual orientation or veteran status, or in any other way that would be a violation of Old Dominion University's anti-discrimination policies or practices.

No one other than Old Dominion University may claim copyright or trademark rights in or seek to register any design that uses Old Dominion University's trademarks.

Images of the Old Dominion University Seal may not be used without prior approval of the Licensing Office and the President's Office or Board of Visitors.

All uses of Old Dominion University trademarks on products will incorporate the appropriate trademark designation symbols, i.e., all designs using Old Dominion University trademarks will include TM.

Old Dominion University will not approve the use of Old Dominion University trademarks in connection with certain types of products. These include, but are not limited to, the following:

- Products that could be used to injure or kill;
- Alcohol-related products;
- Tobacco-related products;
- Illegal drug-related products;
- Sexually suggestive products or language;
- Gambling-related products;
- Products that present an unacceptable risk of liability;
- Products that are harmful to the mission or image of the institution.

Certain artwork or designs will not be approved for use in conjunction with Old Dominion University's trademarks. These include, but are not limited to, the following:

- Art depicting or implying the use or endorsement of
    - alcohol;
    - illegal drugs;
    - tobacco products;
    - firearms or other weapons;
    - racist, sexist, hateful, demeaning or degrading language or statements;
    - profanity;
    - sexual acts;
    - statements impugning other universities;
- Art or a design incorporating trademarks or copyrights not owned by Old Dominion, unless written permission for such use satisfactory in form and substance to Old Dominion University is obtained from the trademark holder or copyright owner, and approved in advance by the Licensing Office.

Approval to use an Old Dominion University trademark for a one-time application only (for example, a t-shirt) does not constitute approval to use the trademark again, or in connection with any other item, or to change the design in any way, without seeking additional approval.

Student Athletes: Any and all uses of the names, numbers, and/or images of Old Dominion University student athletes must comply with Old Dominion University policies and NCAA regulations. Questions should be directed to the Director of Licensing, who will consult as appropriate with Old Dominion University Athletics.

Approval Process: Send an e-mail to the Licensing Office at licensing@odu.edu. Include the following information: your department/organization, requestor's name, e-mail address and telephone number, description of product(s) to be ordered, quantity desired, the date the product is needed, the name of the proposed vendor you will be using and artworking including all names/logos to appear on product. Please describe the purpose/event the product is being ordered for; the start and end date of the event; whether the product is being sold or given away; and if the product is being sold, where the proceeds from the sales will be directed. The review and approval process can take up to two weeks.

Appropriate Use of Trademarks: In instances where there is uncertainty regarding the appropriate use of any Old Dominion University trademarks, the Director of Licensing will consult with Old Dominion University's Chief of Staff, Office of University Relations and/or Old Dominion University's Office of General Counsel. Old Dominion University reserves the right to disapprove of any use of its trademarks, even if such use is not explicitly prohibited by this policy or these guidelines.

Contact: For further information or assistance, contact Old Dominion University's Licensing Office at 757-683-5759.

Responsibility: Director of Licensing

Authorization: John R. Broderick, Acting President

Date: December 1, 1988; Revised 11/5/08