

# **Ball State University Trademarks and Licensing Program Policy and Procedure**

## **I. Introduction**

Ball State University has a long-standing policy of protecting the symbols that are associated with its name. Ball State owns and controls its name(s) and other marks, logos, insignias, seal, designs and symbols (hereafter “Ball State’s trademarks”) that have become associated with the institution.

The purpose of this document is to provide information and guidelines regarding the use of Ball State’s trademarks. The overall purpose of the Ball State’s Trademarks and Licensing Program Policies and Procedures is to protect the integrity of the institution’s trademarks, and to ensure such trademarks are used in an appropriate manner.

In order to comply with and assure protection under federal, state, and international trademark laws, Ball State is required to monitor and control all uses of its trademarks. Ball State reserves the right to take appropriate action when confronted with unauthorized use of its trademarks.

Ball State’s Trademarks and Licensing Program is administered by Ball State’s Division of Business Affairs within the Business and Auxiliary Services unit in conjunction with the Division of Marketing and Communications and the Division of Athletics. Additionally, Ball State has an agreement with Collegiate Licensing Company (“CLC”) to manage the commercialization of its trademarks through third party licensees.

Ball State must control and monitor the use of its trademarks or risk losing its rights to use them as unique Ball State Identifiers. Ball State 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 Ball State name and ensuring that its use – regardless of the college, department or area at Ball State of which it is a part – is compatible with Ball State University’s excellence and reputation;
- Ensuring that any products or services that bear Ball State trademark(s) are of high quality and are used only in connection with products and services with which the institution has chosen to be identified with;
- Preventing misleading or inaccurate portrayals of Ball State’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 Ball State’s trademark(s) 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, goals, and values.

## II. Internal Use

**A. Trademark Uses That May Not Require Approval:** Some uses of Ball State trademarks by Ball State departments, groups and registered student organizations may not require prior approval, including:

- The use of Ball State's trademarks in the ordinary business of the University do not require licensing provided there are no changes to the design or approved colors of Ball State's trademarks and adhere to the university's requirements. Examples include use on stationery, business cards, reports, official Ball State catalogs, publications, reports and similar materials, and materials used in academic courses. Products created by a university department or unit for resale, and bearing Ball State's trademarks must be licensed, except for educational and scholarly materials owned by the university and printed publications and advertising for purposes of institutional and event promotion.
- Royalties are not required to be paid on products for internal use; however, the product must be obtained through a licensed vendor.

All uses of Ball State trademarks on products require prior approval, 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.

**B. Assignment of Rights:** Ball State departments, groups registered student organizations, or individual employees may not assign rights to or otherwise grant permission to any other entity for use of Ball State trademarks for any purpose without prior review and approval from the Ball State University Trademarks and Licensing Program manager in Business and Auxiliary Services.

**C. Products must be Purchased from Licensed Manufacturers Only (Ball State Licensees):** To ensure consistency in the use of Ball State's trademarks, and to ensure compliance with a wide range of requirements associated with the manufacture and use of Ball State's trademarks, products bearing Ball State's trademarks may be purchased only from companies that are officially licensed by Ball State to manufacture or distribute products bearing its trademark(s).

Ball State currently has in excess of 160 licensed vendors offering a wide range of products. The licensees are managed by CLC and a list of these vendors may be found at the following URL: <https://clc.com/license-search/>

## III. External Use

**A. Licensing is required for all non-university users:** Ball State's trademarks must be licensed to the user and the use approved by the University, except when the use is:

- By the news media for news reporting;
- By an artist in an original work of art which will not be reproduced; or
- A congratulatory or supportive advertising message using the University's name but not its logos and/or symbols. For example, "Go Cardinals" or "Welcome Back BSU Students" are supportive types of messages.

**B. Exception:** Suppliers of products to the University bearing any Ball State trademarks must be licensed except when the trademarks are used on the following products:

- Printed publications and advertising for purposes of institutional and event promotion; and
- Printed supplies, not for resale.

#### **IV. Special Circumstances**

The Vice President for Business Affairs and Treasurer and the Vice President for Marketing and Communications, or their designees, may approve the use of Ball State trademarks without a license in single-use applications that are primarily of a celebratory and/or artistic nature and are not for resale. Examples would include using a logo on a graduation cake or a hand-painted “corn hole” set given as a gift.

#### **V. General Procedures**

##### **A. Use of Ball State’s Trademarks:**

- Ball State’s trademarks may not be altered in any way.
- Ball State’s trademarks may not be used in conjunction with the name or trademark(s) of any other entity without the prior written permission of the Vice President for Marketing and Communications, or their designee, and that entity. If permission is granted to use both the Ball State trademark and another party’s trademark in a design, the trademarks must be distinct and separate from each other, and Ball State’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 Ball State trademarks will be limited to instances where there is a compelling institutional priority in allowing such a use.
- Ball State’s trademarks may not be used in any manner that suggests or implies Ball State’s endorsement of other organizations, companies, products, services, political parties or views, or religious organizations or beliefs.
- Ball State’s trademarks may not be used in any way that discriminates or implies discrimination against any person(s) or group(s) 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 Ball State’s anti-discrimination policies or practices.
- Ball State will not approve the use of Ball State trademarks in connection with certain types of products. These include, but are not limited to the following:
  - Inherently dangerous products – such as firearms, explosives, and fuels;
  - Tobacco-related products;
  - Illegal drug-related products;
  - Sexually suggestive products or language;
  - 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 Ball State's trademarks. These include, but are not limited to the following:
  - Art depicting or implying the use or endorsement of:
    - 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 Ball State, unless written permission for such use satisfactory in form and substance to Ball State is obtained from the trademark holder or copyright owner and approved in advance by the Ball State University Trademarks and Licensing Program manager in Business and Auxiliary Services.
- Approval to use a Ball State 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.

**B. Student Athletes:** Any and all uses of the names, numbers, and/or images of Ball State student athletes must comply with Ball State policies and NCAA regulations, including Ball State University Name, Image and Likeness (NIL) Policy and NCAA NIL legislation.

- All entities requesting to co-brand Ball State trademarks with Ball State University student athlete(s) name, image or likeness (NIL) require a name, image and likeness (NIL) specific license.
- Direct questions to the Ball State University Trademarks and Licensing Program manager in Business and Auxiliary Services.

**C. Sweatshop Issues:** Ball State is committed to conducting its business affairs in a socially responsible and ethical manner and is an active member of the Worker Rights Consortium (WRC) and the Fair Labor Association (FLA).

**D. Appropriate Use of Trademarks:** Ball State reserves the right to disapprove any use of its trademarks, even if such use is not explicitly prohibited by university policy or procedures.

**Contact:** For further information or assistance, contact Ball State University Trademarks and Licensing Program at 765-285-1104.