



GUIDELINES FOR USE OF UNIVERSITY MARKS

07.14.08

- A. What is a trademark or service mark? A trademark or service mark is a name, design, seal, insignia, or other symbol that an entity uses to identify and distinguish itself and its goods and services from those of another entity, or to indicate to the public its authorization, sponsorship, or affiliation with the provider of goods or services.
- B. What are the University's Marks? The University claims trademark rights in the name University of Maryland and the University globe mark ("Institutional Marks"); in the words "Terrapins," "Terps," "Maryland," and "Maryland Terrapins" (in the singular and plural); the name and image of Testudo, "UM," "M"; and in the slogans "Fear The Turtle", "Hell In A Shell", "The Shell", and "Overtime Is Our Time", in connection with University athletics, merchandise, and other goods and services. Collectively, these are referred to as "University Marks."

The University is entitled to claim trademark rights in University Marks based on its continuous use of the marks. The University holds federal registration in the Institutional and selected Athletic Marks, and is pending for some additional Athletic Marks. University Marks also are registered with the State. Registration at the federal and/or State level is not required in order for the University to claim rights in its trademarks; however, registration notifies the public of the University's ownership and, in the case of federal registration, provides benefits that are otherwise not available.

- C. Approval Required: Subject to the exceptions described in section E.2 below, the University must approve all commercial and noncommercial uses, including Internet uses, of University Marks. In most circumstances, the University will require payment of a royalty on income-producing uses of University Marks.
- D. Why does the University care who uses its Marks or how? The University must control and monitor the use of its Marks or risk losing its right to use them as unique University identifiers. The University has a strong interest in controlling use of its Marks for other reasons: ensuring that any products or services that bear University Marks are of high quality and are used only in connection with products and services with which the University has chosen to be identified and which, as a result, it has assumed some level of responsibility; preventing misleading or inaccurate portrayals of the University's relationship to others or to activities and preventing others from taking advantage of the good will the University has developed and which is symbolized by its Marks; and ensuring that products and services bearing University Marks protect the integrity and reputation of the University, maintain and build upon the good will of the University, and promote support and increase awareness of the University.
- E. How do the Licensing and Approval Processes Work?

1. Commercial Uses: Any non-University persons or entities or University departments, students, employees or registered student organizations that want to use University Marks in connection with the commercial sale or resale of goods or services must obtain products from a University-licensed vendor or themselves be licensed before offering products for sale. Advance approval from the University is required whether the commercial use will be ongoing or associated with a one-time event, such as using a Mark on a poster announcing an event or on an item to be sold as a fundraiser.

- a. The group or person must use the request form available on-line at www.trademarks.umd.edu or from the University Director of Licensing.
- b. Retailers must obtain products from a University-approved licensee.

A list of CLC licensed manufacturers is available from the University Director of Licensing or at www.trademarks.umd.edu. To become a University of Maryland licensed manufacturer contact the Collegiate Licensing Company (CLC) at 770-955-4491 or on line at www.clc.com. CLC serves as the University's licensing agent with respect to most commercial products and services. The license sets forth the terms and conditions for using University marks and specifies the standard royalty rates.

2. Noncommercial Uses That Do Not Require Prior Approval: Most uses of University marks by University-affiliated departments and groups do not require prior approval, including:

- a. The use of University Marks by University departments in the ordinary course of conducting University business *provided* they make *no changes* to University Marks. Examples include the use of unmodified University Marks on signs, flags, uniforms, official University Web sites, official University catalogs, publications, reports and similar materials, course materials used in University courses, and on stationery and business cards by University departments as directed in the University Visual Identity Guidelines.
- b. Use of the name of the University or University Marks in connection with news reporting and other fair uses that do not undermine the University's rights in its Marks.

3. Noncommercial Uses That Require University Approval: All proposed modifications of University Marks require prior University approval. All uses of University Marks by nonUniversity commercial entities require prior approval even if the proposed uses do not involve the sale of a product; e.g., exhortatory announcements in newspapers or athletic programs.

- a. Groups or persons outside the University community must submit the request form -- available on-line at www.trademarks.umd.edu -- to the University Director of Licensing for approval for noncommercial uses of University Marks.
- b. Registered student organizations must submit the request form -- available on-line at www.trademarks.umd.edu -- to the University Director of Licensing for approval. Student organizations registered with the Office of Campus Programs will generally be granted approval for appropriate non-commercial

uses of University Marks as long as the Marks are not modified and are used in accordance with the Trademark Use Standards and University Design Standards -- available at www.trademarksrks.umd.edu. Requests to modify a University Mark will be considered on a case-by-case basis.

- c. University groups and departments other than registered student organizations should submit the request form to the academic department or the director of the nonacademic department with which they are affiliated to obtain approval for noncommercial uses.
4. Student Athletes. Any and all uses of the name and/or images of University student athletes must comply with NCAA rules. Questions should be directed to the Compliance Office in the Department of Intercollegiate Athletics.
- F. Trademark Use Standards: All authorized uses of University Marks must meet the following standards.
1. All uses of University Marks must comply with University Design Standards.
 2. University Marks may not be modified in any way without prior University approval.
 3. University Marks may not be used in conjunction with the name or mark(s) of any other entity without the prior written permission of the University and that entity. If permission is granted to use both the University Mark and another party's mark, the marks must be distinct and separate from one another and neither mark may dominate the other in order to protect the integrity of both marks.
 4. No University Mark may be used in any manner that suggests or implies University endorsement of products, services, political parties or views, or religious organizations or beliefs.
 5. No one other than the University may claim copyright or trademark rights in or seek to register any design that uses University Marks.
 6. All uses of University Marks will incorporate the appropriate trademark symbol, when practicable. Designs using Institutional Marks, "Terps", "UM", "University of Maryland", "Maryland Terrapins", "Terrapins", "Fear The Turtle", and the Primary Athletic Mark, will include ®. All other Marks and slogans will use TM.
 7. The University will not approve the use of University Marks in connection with products or services that the University determines taint or undermine its good will.
 8. The University will not approve the use of University Marks in connection with alcoholic beverages, inherently dangerous products (firearms, explosives), illegal drugs, tobacco, gambling, sexually suggestive products or language, or any health-related product.
- G. Unauthorized use of University Marks. Any use of University Marks that does not comply with the University's licensing and approval requirements and Trademark Use Standards will be considered unauthorized and may violate Federal and/or state laws.

The University reserves the right to take appropriate action when confronted with unauthorized uses of its Marks. Depending on the facts, such action may include confiscation of goods and issuance of a cease and desist letter.

For further information about using University Marks, contact the University Director of Licensing at 301-314-1203.