



The University of Vermont

Policy V. 2.27.3

Responsible Official: Provost and
Senior Vice President

Effective Date: November 27, 2017

Trademarks

Policy Statement

Under the procedures described in this policy, the University will register and maintain trademarks identifying the University and its products, services, programs, or activities. These marks are the property of the University, protected under state and federal trademark law. Use of a University trademark without the consent and approval of the responsible University official constitutes an unlawful infringement of the mark.

Reason for the Policy

The purpose of the policy is to promote and to protect the use of the University's name and identifying marks.

Applicability of the Policy

This policy applies to any faculty or staff member, student, alumnus, University unit or program, University-recognized group or organization, or UVM-affiliated or non-affiliated entity or person wishing to use the University of Vermont's trademarks, or to register a new trademark that uses a UVM trademark *whether for commercial or charitable purposes*.

Policy Elaboration

University trademarks include, without limitation, "University of Vermont," "UVM," "Catamounts," the official University seal, and any design, symbol, logo, art, word, or words associated with or referring to the University or its sanctioned activities, such as sports. In addition, the University owns certain marks that identify products and services developed in the course of University research or that are otherwise subject to the University's Intellectual Property Policy.

Office of the General Counsel (OGC) is responsible for maintaining the official University record of registered trademarks.

Definitions

Intellectual Property: patents, inventions, and computer software, each as defined in the University's Intellectual Property Policy.

Trademark: a word, phrase, logo, or other graphic symbol used to distinguish a product or service from those of others.

Trademark License: an agreement by which UVM or its authorized agents gives another party the right to use that mark, subject to control over the nature and quality of the goods or services, in exchange for payment of a royalty or other consideration.

Procedures

Registration of New University Trademarks - Generally

University faculty, staff, or students who wish to seek trademark registration for a product, service, program, or activity ("product") *that does not involve Intellectual Property* should contact OGC.

OGC will initially determine whether the proposed registration covers a University product. If so, OGC will assess whether the proposed mark is likely to be subject to registration under trademark law. If so, OGC will verify that the proposed registration has programmatic approval at the appropriate department or unit level and, if so, OGC will submit the trademark request for review and approval by the Senior Vice President and Provost, the latter of whom will consult with the Vice President for University Relations and Administration. If the request is approved, OGC will initiate the trademark registration process. The costs associated with registration of the trademark will be borne by the department or unit seeking the registration.

If OGC determines that the request for a trademark registration proposes registration of a *new* trademark that would reflect the affiliation of a product with UVM but which does NOT involve a UVM program or activity, OGC will assess whether the proposed mark is likely to be subject to registration under trademark law. If so, OGC will submit the trademark request for review and approval by the Senior Vice President and Provost, the latter of whom will consult with the Vice President for University Relations and Administration. If the request is approved, the costs associated with registration of the trademark will be borne by the individual or entity requesting registration.

OGC will refer all licensing requests for use of *preexisting* trademarks to the Associate Athletic Director for External Relations and Communications (see below).

Registration of University Intellectual Property Trademarks

Trademarks that are University-Owned pursuant to the UVM Intellectual Property Policy may be registered in the sole discretion of the University. Determinations on applying for trademark and service mark registrations relating to Intellectual Property will be made by the UVM Director of the Office of Technology Commercialization (OTC) in consultation with OGC. The costs associated with registration of a trademark will be borne centrally by the OTC budget.

If the rights to Intellectual Property are *owned by the inventor or creator* (“inventor”), and the inventor wishes to register a new mark that would reflect the affiliation of a product with UVM, the inventor must contact OTC, which will initiate the review and authorization process. OTC, in consultation with OGC, will seek a decision on the request to register the mark from the Provost & Senior Vice President, the latter of whom will consult with the Vice President for University Relations and Administration. If the request is approved, the costs associated with registration of a trademark will be borne by the inventor. UVM may seek a license agreement with the inventor as a condition of trademark approval.

Licensed or other Uses of University Trademarks

All uses of University trademarks, whether for commercial or non-commercial purposes, must be properly licensed before initiating orders for a product. Inquiries about University trademark licensing agreements should be directed to the Associate Athletic Director for External Relations and Communications.

Forms

None

Contacts

Questions related to the daily operational interpretation of this policy should be directed as follows:

Registration of a mark for intellectual property:

Office of Technology Commercialization
innovate@uvm.edu
Given Bldg E201, Burlington VT 05405
(802) 656-8780

Registration of marks that do NOT involve intellectual property:

Office of the General Counsel
General.Counsel@uvm.edu
351 Waterman, Burlington VT 05405
(802) 656-8585

Licensing agreements for products using a UVM mark:

Associate Athletic Director for External Relations and Communications
Krista.Balogh@uvm.edu
97 Spear Street, 224 Patrick-Forbush-Gutterson Athletic Complex
Burlington, VT 05405
(802) 656-1744

The Provost and Senior Vice President is the University official responsible for the interpretation and enforcement of this policy.

Related Documents/Policies

Intellectual Property Policy

http://www.uvm.edu/policies/general_html/intellectualproperty.pdf

Licensing – Trademarks Policy

http://www.uvm.edu/policies/general_html/licensing.pdf

University Name, Symbols, Letterhead, and other Proprietary Indicia of Affiliation Policy

http://www.uvm.edu/policies/general_html/letterhead.pdf

Effective Date

Approved by the President November 22, 2017