

SUBJECT: Licensing and Use of University-owned Copyrighted Materials and Trademarks	Effective Date: 8/29/2016	Policy Number: 2-207	
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	Responsible Authority: Vice President and General Counsel		

APPLICABILITY/ACCOUNTABILITY

This policy applies to all university administrative units, colleges, schools, departments, centers, branch campuses, institutes, other entities affiliated with UCF, all employees, faculty and staff, UCF volunteers, vendors and contractors doing business with UCF, students, student organizations and Direct Support Organizations, except that UCF Research Foundation Marks and Copyright Materials are licensed directly by the UCF Research Foundation, through the UCF Office of Technology Transfer.

POLICY STATEMENT

In order to assure compliance with and protection under applicable trademark laws, the University of Central Florida is required to exercise control over and monitor the use of its trademarks or risk losing its rights to them as its unique identifiers. All goodwill arising from uses of its trademarks accrues to the University of Central Florida. The University of Central Florida has the right to take legal action in cases of unauthorized use of its trademarks and/or its copyrighted materials. Therefore, it is the policy of the University of Central Florida to ensure the proper licensing and use of the university's trademarks and copyrighted materials by establishing the appropriate procedures to accomplish this goal.

Licensing and Use of UCF Trademarks

UCF Trademarks are intended to present a positive image of the University of Central Florida, may not be altered in any way, nor used in the name of a non-university business/entity/individual, nor on a product or otherwise in a way by a third-party that could imply an endorsement by the university.

Any affiliation arrangements and associated trademark usage must be approved by the appropriate UCF departments in accordance with this policy. Otherwise, without such approval,

UCF trademarks may not be used by a third-party to create the appearance of an affiliation with the university.

Prior to use of any UCF Trademark, (1) any non-UCF entity (or entity that is not a UCF Direct Support Organization), including any third-party and UCF student organization, must request and receive permission from the appropriate department at UCF or, for requests involving commercial merchandise and/or commercial retail use, UCF's designated and exclusive licensing agent, Collegiate Licensing Company.

Provided the required permission has been obtained, the use of any UCF Trademarks needs to comply with the guidelines set forth in the UCF Graphic Standards & Brand Book, which can be found at: <http://brand.ucf.edu>, in addition to any terms of use set forth in a license agreement, as applicable.

Violation of this policy will result in escalating penalties for each offense and may result in individual or group disciplinary action as deemed appropriate by the university.

DEFINITIONS

Commercial Merchandise. Commodities or goods that are bought and sold in business (Merriam Webster).

Commercial Use. Using something directly or indirectly for financial gain.

Copyright. A form of protection provided by the laws of the United States for "original works of authorship", including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, computer programs, and audiovisual creations. "Copyright" literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work, including the exclusive right to reproduce or distribute, prepare derivatives, and perform or display publicly. The complete body of exclusive rights granted by law to copyright owners is set forth in 17 U.S. Code Section 106. Copyright protection does not extend to any idea, procedure, process, system, title, principle, or discovery. Similarly, names, titles, short phrases, slogans, familiar symbols, mere variations of typographic ornamentation, lettering, coloring, and listings of contents or ingredients are not subject to copyright (**U.S. Copyright Office Definition**).

Infringement. A violation of law, regulations, contract or right and in particular an invasion of the rights secured by patents, copyrights and trademarks (Black's Law Dictionary).

Intellectual Property. Something (such as an idea, invention, or process) that comes from a person's mind (www.merriam-webster.com/dictionary).

License. A contractual right to use the intellectual property of another. A license agreement sets forth the parameters of the rights an intellectual property owner grants to another person.

Logo. A symbol or other design adopted by an organization to identify its products, uniform, vehicles, etc., (Oxford Dictionary). A logo may or may not be a federally registered trademark. Within this document a logo may be referred to as a mark, trademark, symbol, or copyrighted material.

Non-Commercial Use. Not having a commercial objective; not intended to make a profit (Oxford Dictionaries).

Trademark. Sometimes referred to simply as “mark”. A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. A service mark is a trademark that identifies and distinguishes the source of a service rather than goods. The term “trademark” is often used to refer to both trademarks and service marks (www.uspto.gov). Within this terminology, a word mark is a type of trademark comprised only of text.

UCF Athletics Marks. Those trademarks, whether or not registered, owned by the University of Central Florida and associated with UCF Intercollegiate Athletics that include, but are not limited to, the words UCF KNIGHTS, the knighthead logo, the UCF stacked logo (i.e., the logo with UCF stacked at an angle), the logo consisting of the knight holding the lance in combination with either UCF or UCF KNIGHTS, etc.

UCF Copyrighted Materials. Materials for which the University of Central Florida owns the copyrights, whether or not registered. Ownership of copyright by UCF is also set forth in UCF Regulation 2.033.

UCF Excluded Copyrighted Materials. For the purposes of this policy only, any copyrighted materials that are deemed UCF Research Foundation Copyright Materials and that are disclosed pursuant to UCF Regulations 2.029 or 2.033, shall not be subject to this policy, and shall be licensed directly by the UCF Research Foundation, through the UCF Office of Technology Transfer.

UCF Excluded Marks. For the purposes of this policy only, any marks that are deemed UCF Research Foundation Marks and that are disclosed pursuant to UCF Regulations 2.029 or 2.033, shall not be subject to this policy, and shall be licensed directly by the UCF Research Foundation, through the UCF Office of Technology Transfer.

UCF Foundation Marks. Those trademarks owned by the University of Central Florida Foundation, Inc. and/or overseen/managed by the University of Central Florida Foundation, Inc. (UCF Foundation). These marks are comprised of the words and design “UCF Alumni,” the words “Ignite Campaign” and the word “Pegasus.”

UCF Historic Marks. Early trademarks and logos of UCF and Florida Technological University that are still being used in connection with the sale of goods related to anniversary, memorial, commemorative and celebratory events, or other UCF events, and in the promotion of such events. Examples of Historic Marks include the Citronaut, Knights of Pegasus (FTU’s official mascot), and previous iterations of UCF Trademarks, UCF Institutional Marks, and UCF

Athletics Marks. These UCF Historic Marks do sometimes include a mixture of UCF Athletic and UCF Institutional Marks within one logo, a practice that was permitted in the earlier years of UCF's existence.

UCF Institutional Marks. Those trademarks owned by the University of Central Florida and used in connection with university academic functions and official UCF business. These marks include but are not limited to the words UNIVERSITY OF CENTRAL FLORIDA, UCF, the Pegasus logo, the official university seal, a variety of defined combinations of the words "University of Central Florida" or "UCF" with the Pegasus logo, etc. UCF Institutional Marks also include marks designating a UCF center or institute as a provider of goods or services, such as, without limitation, FSEC.

UCF Research Foundation Marks and Copyright Materials. UCF Research Foundation Marks and Copyright Materials are those trademarks and copyrights that are owned by UCF's designee, the University of Central Florida Research Foundation, Inc., disclosed pursuant to UCF Regulations 2.029 and 2.033, and the subject of technology transfer and commercialization activities. For the purpose of this policy only, UCF Research Foundation Marks and Copyright Materials are UCF Excluded Copyright Materials and UCF Excluded Marks.

UCF Trademarks. All trademarks (athletic, institutional, historic, UCF Foundation, and others) owned by the University of Central Florida or UCF Foundation, whether registered or not. Solely for the purpose of this policy, if a UCF Copyright Material is also a UCF Trademark, any reference to UCF Trademark herein shall be deemed to also reference that UCF Copyright Material.

PROCEDURES

A. Procedure regarding the Licensing of UCF Trademarks

1. Non-Commercial Use of UCF Institutional Marks

Either UCF Marketing or UCF Business Services may grant permission to use UCF Institutional Marks for non-commercial purposes. UCF Business Services and UCF Marketing will coordinate with each other regarding these usage requests. This includes the use of UCF Institutional Marks in multi-media.

2. Non-Commercial Use of UCF Athletics Marks

UCF Athletics and UCF Business Services will jointly approve or deny any requests to use UCF Athletics Marks for non-commercial purposes.

3. Use of UCF Foundation Marks

The UCF Foundation will approve or deny any requests to use the Pegasus word mark for Pegasus magazine, Ignite Campaign, and the UCF Alumni trademark. The UCF Foundation and UCF Marketing will jointly approve or deny any requests that pertain to the use of any other UCF marks for Foundation/Alumni events.

4. Coordination of all Non-Commercial Use of UCF Marks

UCF Marketing, UCF Business Services, UCF Athletics, and the UCF Foundation will coordinate with the Office of the General Counsel regarding approval of non-commercial use of marks, as appropriate, except as otherwise stated in this policy.

5. Non-Commercial Use of UCF Historic Marks

If UCF Historic Marks are found within UCF Institutional Marks or UCF Athletics Marks, one should follow the process for obtaining permission for non-commercial use of UCF Institutional and/or UCF Athletics Marks.

6. Marks that Constitute both Trademarks and Copyrights

UCF Copyrighted Materials that are also trademarks (e.g., the Pegasus symbol is both a federally registered trademark and copyrighted work) shall be addressed by following the trademark approval process for purposes of this policy.

7. Commercial Use of UCF Marks for Retail/Merchandise

Use of UCF Trademarks in connection with any commercial or for-profit purpose pertaining to merchandise/retail requires a license agreement and (unless otherwise agreed to by UCF) payment of royalties. If any such commercial retail/merchandise use of UCF Trademarks is desired, the requestor must contact The Collegiate Licensing Company (CLC), UCF's designated and exclusive licensing agent at the following address:

The Collegiate Licensing Company
1075 Peachtree Street, Suite 3300
Atlanta, GA 30309
Phone: 770.956.0520
Fax: 770.955.4491
<https://www.clc.com/>

For general inquiries relating to commercial use of UCF Marks for merchandise/retail, please contact:

Assistant Director, Marketing & Licensing
UCF Business Services
12479 Research Parkway, Suite 600
Orlando, FL 32826
Phone: 407.823.3539
Email: licensing@ucf.edu

8. Commercial Use of UCF Institutional Marks for Uses other than for Retail/Merchandise

For commercial use of UCF Marks other than for retail/merchandise, the express prior written permission of UCF Marketing and the Office of the General Counsel is required (in the form of a license agreement or similar arrangement). This includes the use of UCF Institutional Marks in multi-media.

9. Commercial Use of UCF Athletics Marks for Uses other than for Retail/Merchandise

For commercial use of UCF Athletics Marks for uses other than for retail/merchandise, UCF Athletics (and/or the UCF Athletics Association) in conjunction with the General Counsel's Office must grant express prior written permission to the requestor (in the form of a license agreement or similar arrangement). This includes the use of UCF Athletics Marks in multi-media.

B. Domain Names

Inclusion of the names/trademarks "UCF" and/or "University of Central Florida" and/or any other UCF trademarks within the domain name of any non-UCF entity, including any third-party and UCF student organization, is **STRICTLY PROHIBITED** for third-parties and prohibited for UCF student organizations, unless the domain name has been approved in advance, in writing, by UCF Information Technologies & Resources and UCF Marketing.

Inclusion of the names/trademarks "UCF" and/or "University of Central Florida" and/or any other UCF trademarks within the domain name of any internal UCF department is **STRICTLY PROHIBITED** without the prior written approval of UCF Information Technologies & Resources.

C. Uses that do not require prior UCF Permission

1. Internal UCF departments. Internal UCF departments may use certain UCF Trademarks in the course of conducting regular university business, provided that they follow the guidelines set forth in the UCF Graphic Standards & Brand Book, which can be found at: <http://brand.ucf.edu>.
2. Locator Use by Registered Student Organizations for Naming Purposes Only. The name "University of Central Florida" or "UCF" cannot precede the name of the Registered Student Organizations (RSO). For example, UCF policy permits the name "XYZ Club at

the University of Central Florida” but NOT “University of Central Florida XYZ Club.” All other uses of UCF Trademarks by RSOs MUST be approved in writing by the appropriate UCF department. Greek Organizations at UCF must follow the same rules set forth above.

D. Procedure regarding the Licensing of UCF Copyrighted Materials

UCF Libraries Special Collections & University Archives holds, among other material, University of Central Florida photographs, from its beginnings in 1963 to the current day. Consequently, Special Collections & University Archives (SCUA) is in charge of licensing these photographs as well as other UCF images contained within SCUA to third parties, per established policies, and pricing schedules. For further inquiries about licensing any copyrighted materials within SCUA, please contact:

Special Collections & University Archives
John C. Hitt Library
University of Central Florida
P.O. Box 162666
Orlando, FL 32816-2666
Phone: 407-823-2576
Email: speccoll@ucf.edu

In addition to the images and photographs held by SCUA, UCF Marketing also possesses photographs and images for which the University of Central Florida holds the copyright.

For further inquiries about licensing any copyrighted materials within UCF Marketing, please direct those to: SMCAphoto@ucf.edu.

If any particular image or photograph is in the possession of both SCUA and UCF Marketing, both departments will coordinate with each other to determine which department will be responsible for licensing the particular image or photograph at issue.

Aside from SCUA and UCF Marketing, and to the extent applicable as UCF designee, the UCF Research Foundation, no other department is authorized to grant permissions or licenses to third parties and/or student clubs or organizations to use UCF Copyrighted Materials. An exception hereto shall be any potential licensing of any copyright that UCF holds in its academic courses and/or any materials associated with such courses. In these cases, permission for the licensing of any copyright in such UCF courses and/or any materials associated with such courses MUST be obtained from the UCF provost. (The foregoing is specifically not applicable to scholarly works owned by UCF faculty members.) For materials for which UCF faculty member(s) hold the copyright pursuant to UCF Regulation 2.033, and Article 18 of the BOT-UFF Collective Bargaining Agreement, the individual faculty member/UCF employee should be contacted directly.

For those UCF units and employees that are excluded from the BOT-UFF Collective Bargaining Agreement, i.e., out of unit university components and employees, the BOT-UFF Collective

Bargaining Agreement provisions shall not apply and only the applicable UCF Regulations (such as UCF Regulation 2.033) shall apply to those units and employees.

Requests for legal advice concerning UCF Copyrighted Materials should be directed to the UCF Office of the General Counsel.

E. Procedure regarding the Creation/Filing/Renewing of Trademarks and Copyright Registrations

No new marks may be created using any UCF Trademarks and/or logos without receiving prior permission from UCF Marketing, in consultation with the Office of the General Counsel.

Prior to proceeding with filing or renewing any trademark or copyright registration, each UCF unit, college, school, department, center, branch campus, institute, Direct Support Organization (including the UCF Research Foundation), or any entities affiliated with UCF MUST contact the Office of the General Counsel for guidance.

F. Procedure Regarding Infringement/Unauthorized Use of UCF Trademarks or Copyrighted Materials by Third-Parties and/or Anyone not Affiliated with UCF

Infringement/unauthorized use of any UCF Trademarks or UCF Copyrighted Materials by third-parties should be reported to either the Office of the General Counsel, UCF Marketing or UCF Business Services. Depending on the nature of the infringement, the above-referenced UCF offices will coordinate with each other as appropriate. Repercussions for third-party infringement may include cease and desist letters issued by the Office of the General Counsel, as well as the filing of a lawsuit by UCF against the third-party infringer, depending on the circumstances. For infringements involving commercial merchandise, the Office of the General Counsel or UCF Business Services will contact CLC with respect to the enforcement process. Infringement/unauthorized use by third-parties of any UCF Research Foundation Trademarks and Copyrighted Materials or UCF Foundation Trademarks should be reported by those units to the Office of the General Counsel for further coordination as appropriate.

G. Penalties for Infringement/Unauthorized Use of UCF Trademarks or Copyrighted Materials by UCF employees

Penalties for non-compliance with this policy:

1. First violation – written reminder to the head of the pertinent UCF department or unit of the requirements of this policy.
2. Second violation – three hundred dollar fine assessed against the department or unit.
3. Third and subsequent violation – six hundred dollar fine assessed against the department or unit.
4. In addition to the above, the individual violating this policy may also be subject to disciplinary action, as deemed appropriate by the university.

H. Procedure for Infringement/Unauthorized Use of UCF Trademarks or Copyrighted Materials by UCF Students

1. Students violating this policy shall be referred to the Office of Student Conduct for appropriate disciplinary action.

I. Procedure regarding Co-Branding of UCF Trademarks and Third-Party Trademarks

UCF Marketing must be consulted prior to agreeing to any co-branding of UCF Trademarks and Third-Party Trademarks. Co-branding includes, but is not limited to the simultaneous display of one or more UCF Trademarks and a third-party trademark.

J. Procedure regarding Use of UCF Trademarks by Third-Party Sponsors

UCF Marketing or the Office of the General Counsel must be consulted prior to agreeing to any use of UCF Trademarks by a third-party sponsor of UCF. The express written permission from UCF Marketing or the UCF Office of the General Counsel is required to allow a third-party sponsor to use UCF's trademarks, e.g., in conjunction with certain sponsorships of the university, naming rights agreements, possible affiliations, joint ventures, partnerships or collaborations, as well as similar arrangements. Use of graphic or logo trademarks to represent that UCF is a customer, client, or purchaser of a product is prohibited, unless express written permission is granted by UCF Marketing in consultation with the Office of the General Counsel. Vendors may list "University of Central Florida" in text as a client or purchaser of their product or service, if applicable, but solely for factual reference purposes.

K. Procedure regarding use of UCF Trademarks by university entities to show sponsorship by UCF.

Unless pre-approved between UCF Marketing and the pertinent UCF unit, UCF Marketing must be consulted for proper use of UCF Trademarks prior to agreeing to any use of UCF Trademarks to represent UCF as a sponsor of an event, organization, or initiative.

L. Use of UCF Trademarks in permanent structures, building construction and design, campus artwork, display or signage.

UCF Marketing, the Office of the General Counsel, and the UCF vice president for administration and finance and chief financial officer must approve the use of UCF trademarks in permanent structures, building construction and design, external campus artwork, display or signage prior to approval and implementation.

RELATED INFORMATION

UCF Regulation 2.029

http://regulations.ucf.edu/chapter2/documents/2.029PatentsTrademarksSecretsNov11FINAL_000.pdf

UCF Regulation 2.033

http://regulations.ucf.edu/docs/notices/2033CopyrightsandWorksNov11FINAL_000.pdf

Article 18 of the BOT-UFF Collective Bargaining Agreement
<http://collectivebargaining.ucf.edu/completecba.asp>
17 U.S. Code Section 106
<http://www.copyright.gov/title17/92chap1.html>

CONTACTS

For general inquiries contact UCF Business Services at licensing@ucf.edu.
For legal inquiries contact the Office of the General Counsel at gcounsel@ucf.edu.

INITIATING AUTHORITY

Vice President and General Counsel

POLICY APPROVAL (For use by the Office of the President)	
Policy Number: <u>2-207</u>	
Initiating Authority: <u><i>A. Scott Cole</i></u>	Date: <u>8/29/16</u>
University Policies and Procedures Committee Chair: <u><i>Shonda L Bishop</i></u>	Date: <u>8/25/2016</u>
President or Designee: <u><i>John C. Hill</i></u>	Date: <u>8/29/16</u>