



# Duke University

## Office of Trademark Licensing



## Trademark Licensing Policy

### INTRODUCTION

Duke 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. Duke owns and controls its name(s) and other marks, logos, insignias, images, 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, Duke University is required to monitor and control all uses of its trademarks. Unauthorized use of Duke trademarks is subject to civil and criminal penalties. Duke 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.

Duke’s trademarks include, but are not limited to: the words DUKE, Duke University, Blue Devils, Dukie, Wade Wacko and Cameron Crazie; and logos such as the stylized “D”, the Blue Devil, the Devil Head, the Duke with Heart Design, the Pitchfork Design, the official Duke Seal, and the Duke Shield. This policy applies to uses of Duke’s trademarks in any media or form, including but not limited to on apparel, on products, in names of organizations or groups, on websites, in the name of online publications and in domain names.

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

**Why does Duke care who uses its Trademarks or how?** Duke must control and monitor the use of its trademarks or risk losing its rights to use them as unique Duke Identifiers. Duke 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 Duke name and ensuring that its use – regardless of the unit at Duke of which it is a part – is compatible with Duke University’s excellence and reputation.

- Ensuring that any products or services that bear Duke 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 Duke’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 Duke’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 DUKE TRADEMARKS BY DUKE DEPARTMENTS, GROUPS AND STUDENT ORGANIZATIONS**

**Trademark Uses That May Not Require Approval:** Some uses of Duke trademarks by Duke departments, groups and registered student organizations may not require prior approval from Duke’s Office of Trademark Licensing, including:

- The use of Duke trademarks by Duke departments, groups, and registered student organizations in the ordinary course of conducting Duke business provided they make no changes to the design or approved colors of Duke trademarks, and adhere to the Guidelines contained in this policy. Examples include the use of unmodified Duke trademarks on stationery; business cards; reports; official Duke catalogs, publications, reports and similar materials; and materials used in academic courses.
- Use of the Duke name or other of its trademarks in connection with news reporting and other fair uses that do not undermine Duke’s rights to its trademarks.

**Trademark Uses That Require Approval:** All uses of Duke trademarks on products require prior approval from the Office of Trademark 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 uses of Duke trademarks on Internet websites, online publications, and in domain names require prior approval from Duke’s Office of Trademark Licensing.

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

**Domain Names.** No Duke department, group, or registered student organization, or any individual acting on their behalf, may register a domain name that incorporates “Duke,” “Duke University,” “Blue Devils” or any other Duke trademark or variation or derivative thereof that may suggest an association with Duke without the prior written approval of Duke’s Office of Trademark Licensing.

Duke Student Organization websites may not be used to generate revenue of any kind including but not limited to: Paypal or other accounts, donation requests, paid advertisements, solicitation, or other revenue producing relationships with outside organizations.

**Permission to Use Trademarks Not Transferrable.** Any authorization granted pursuant to this policy is not transferrable, and Duke departments, groups, and registered student organizations may not assign rights to or otherwise grant permission to any other entity (including any local or national entity affiliated with the department, group, or registered student organization) for use of Duke trademarks for any purpose without prior review and approval by Duke’s Office of Trademark Licensing.

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

There are some 300 companies officially licensed by Duke to manufacture products which bear Duke’s trademarks.

Companies that are not Duke licensees are not authorized to produce items bearing any of Duke’s names, trademarks, logos, images, etc., or items that identify Duke organizations and groups.

**Sweatshop Issues:** Duke is committed to conducting its business affairs in a socially responsible and ethical manner. Duke has taken a leadership role in efforts to ensure decent and humane working conditions in factories. Duke requires that all manufacturers of products bearing Duke’s trademarks strictly adhere to a Code of Conduct in the manufacture of those products. Duke 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, Duke requires all of its licensees to publicly disclose the names and locations of all of their factories which manufacture products that bear Duke’s trademarks. Duke Licensees are required to subject those factories to independent monitoring of factory labor conditions through two organizations with which Duke is affiliated, the Worker Rights Consortium and the Fair Labor Association.

## **Guidelines for Use of Trademarks:**

Duke trademarks may not be altered in any way.

Duke 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 Office of Trademark Licensing to use both the Duke trademark and another party's trademark in a design, the trademarks must be distinct and separate from each other, and Duke'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 Duke trademarks will be limited to instances where there is a compelling institutional priority in allowing such a use.

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

Duke'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 Duke's anti-discrimination policies or practices.

No one other than Duke may claim copyright or trademark rights in or seek to register any design that uses Duke trademarks.

Images of the Duke Chapel may not be used on apparel, or other products unless such products are to be used specifically for Duke Chapel functions, or by Duke Chapel staff.

All uses of Duke trademarks on products will incorporate the appropriate trademark designation symbols, i.e., all designs using Duke trademarks will include ®.

Duke will not approve the use of Duke 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;
- Food and beverage products and accompanying packaging (other than for limited internal consumption in connection with official Duke events, and approved in advance by Duke's Office of Trademark Licensing);
- Products that present an unacceptable risk of liability;
- Products harmful to the mission or image of the institution.

Certain artwork or designs will not be approved for use in conjunction with Duke'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 Duke, unless written permission for such use satisfactory in form and substance to Duke is obtained from the trademark holder or copyright owner, and approved in advance by the Office of Trademark Licensing.

Approval to use a Duke 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 Duke student athletes must comply with Duke policies and NCAA regulations. Questions should be directed to the Director of Trademark Licensing, who will consult as appropriate with Duke University Athletics.

**Contact:** For further information or assistance, contact Duke's Office of Trademark Licensing at 919-684-2065 or send an e-mail to the Director of Trademark Licensing, Jim Wilkerson at [jim.wilkerson@duke.edu](mailto:jim.wilkerson@duke.edu).