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Use and Licensing of Stellenbosch University Trademarks

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Validity:	In case of differences in interpretation the English version of this policy will be regarded as the valid version.

SU Policies are available at www.sun.ac.za/policies

¹ Policy Owner: Head(s) of Responsibility Centre(s) in which the policy functions.

² Policy Curator: Administrative head of the division responsible for the implementation and maintenance of the policy



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The Essence of the Policy

The Policy in Respect of the Use and Licensing of Stellenbosch University Trademarks aims to promote and enhance the use of SU's trademarks. This will be achieved through creating awareness of the University's trademarks, the correct use and value thereof and by providing mechanisms and standard processes to encourage the commercialisation of SU trademarks.

In order to retain SU's trademarks as unique identifiers of the University, SU needs to protect, control and monitor how these marks are used. Therefore, the primary purpose of this policy is to provide a unified strategy for the protection and usage of SU's trademarks. The policy provides guidelines for the use of these marks, which will in turn inform the monitoring of their usage.

Furthermore, protecting SU's trademarks will:

1. Protect the University's name, image and reputation and ensure that the use of the name by all parties is compatible with the University's standards of excellence and quality.
2. Promote and protect the University's name, image and reputation in a consistent and uniform manner that is compatible with the University's brand.
3. Ensure proper control over the use of the trademarks that have come to be associated with the University and regulate the restrictions on the use of the marks.
4. Prevent misleading or inaccurate portrayals of the University's relationship to others or to activities and prevent others from taking advantage of the University's goodwill.



1. Introduction

Stellenbosch University (hereinafter referred to as 'SU') is internationally well-known for excellence in the field of research and development and high teaching standards. SU has established a reputation of being a leading centre of tertiary education, which attracts local as well as international students and researchers. This reputation, which attaches to the visual aspects of SU's name and branding, is one of SU's most valuable assets which must be carefully developed, managed and protected.

SU's identifying marks are intended to distinguish its name, goods and services from those of other tertiary education providers and serve as instant identifiers of the excellence and quality of the institution. As identifiers of SU's goods and services, they naturally become important assets which, if properly used and managed, give SU a unifying look which is critical to public recognition. This look becomes identified with SU and the quality and excellence of its goods and services.

SU owns and controls its name and other marks that have become associated with the institution. The widely recognised Stellenbosch University name and its associated seals, marks and symbols represent the high calibre of SU's faculty and students and convey the quality and breadth of SU's accomplishments. The faculty, students and staff all share in the benefits that are associated with SU's name and marks, and therefore also share in the responsibilities concerning their use.

This trademark use and licensing policy has been developed to protect the integrity of SU's trademarks and to ensure that such marks are used only in an appropriate manner. The licensing provisions of this policy will enhance the image of the University by authorising the use of its marks only on high quality and tasteful merchandise and apparel and that each licensed use reflects positively on and generates revenue for SU.



The University's trademark is also associated with excellent academic products, including SU Short Courses, academic programmes, and qualifications.

It is for all these reasons that it is important to SU that its staff, students, stakeholders, role players and the wider community as a whole recognize the importance of monitoring and protecting these trademarks and to become knowledgeable and skillful in their protection. As such, this policy is intended to provide information and guidance to these groups regarding the use and licensing of SU's trademarks.

2. Implementation of the Policy

The Policy in respect of Exploitation of Intellectual Property provides in paragraph 2.5 in relation to trademarks, *inter alia*, that "SU reserves the right to license its name or registered trademark to commercial partners." This policy has been created in order to give effect to this provision.

SU has delegated the responsibility of regulating the use of SU's trademarks, granting approval for the use of SU's trademarks, and processing and approving of license applications to Innovus, the Division responsible for the protection and management of SU's portfolio of intellectual property. A Trademark Office (TMO) will be housed within Innovus to handle the day to day operations around the implementation of the policy.

The role of Corporate Communications in the implementation of the policy is of utmost importance and they will work closely with Innovus and other role players and stakeholders in this regard.

The rules and guidelines of this policy must be read in conjunction with the SU Corporate Identity Guide, (which is maintained and managed by Corporate Communications) which is located on the website of Stellenbosch University.



3. Definitions

Artistic Works	Means, irrespective of the artistic quality thereof, paintings, sculptures, drawings, engravings, photographs, works of architecture, being either buildings or models of buildings or works of craftsmanship.
Goods	Goods includes merchandise, wares, stock, commodities, produce, products, articles, imports and exports.
Innovus	Innovus is the University Industry Interaction and Innovation entity. It has been designated as the Office of Technology Transfer for SU in compliance with s6 of the Intellectual Property Rights from Publicly Financed Research and Development Act, no 51 of 2008.
Intellectual Property or IP	IP encompasses registerable and non-registerable inventions, expertise, trademarks, trade secrets, copyrights, designs and plant breeders' rights which have come about through the mental efforts, insight, imagination, knowledge and creativity of humans.
Intellectual Property Rights or IPRs	This refers to IP as defined above, of which the exclusive right of ownership, with the attendant rights and obligations, belongs by law to a natural or a legal person (company, trust, institution).
Literary Works	Means, irrespective of literary quality, and in whatever mode or form expressed, novels, stories and poetical works, dramatic works, stage directions, cinematograph film scenarios and broadcasting scripts, textbooks, treatises, histories, biographies, essays and articles; encyclopaedias and dictionaries; letters, reports and memoranda; lectures, speeches and sermons; and tables and compilations, including tables and compilations of data stored or embodied in a computer or a medium used in conjunction with a computer.



Mark	Means any sign capable of being represented graphically, including a device, name, signature, word, letter, numeral, shape, configuration, pattern, ornamentation, colour or container for goods or any combination of the aforementioned.
SU	The acronym SU includes all professional services departments, divisions, faculties, institutes, bureaux's, units, centers, spinout companies, affiliated organizations and organizations formally registered with Stellenbosch University.
Trademark	<p>A trademark is a form of protectable intellectual property. Generally, it is a mark used or proposed to be used by a person in relation to goods or services for the purpose of distinguishing the goods or services in relation to which the marks is used or proposed to be used from the same kind of goods or services connected in the course of trade with any other person. A trademark is designated by the following symbols:</p> <p>TM - used for unregistered trademarks to indicate an assertion to potential infringers that a name, slogan, logo or other indicator is a trademark</p> <p>® - for registered trademark</p>
Unregistered Trademark	A common law trademark that has not been formerly registered in terms of South African legislation.
Brand vs Trademark	Although the two terms are often used in very similar ways, it is important to note that a trademark is granted by a trademark and patent office, and is a legal device that protects the owner in case of the unlawful use thereof. A brand, however, is less tangible and is developed over a course of time with consistent quality that is appreciated by stakeholders. It also encompasses the image and reputation of an institution among its stakeholders and their sense of affiliation with the institution.



4. Aims of the policy

The policy has the following specific aims:

- a) To ensure correct use of SU's trademarks.
- b) To mitigate illegal or inappropriate uses of SU's trademarks.
- c) To protect the University from liability risk with regard to the use of its trademarks.
- d) To regulate the process(es) of granting authorisation for legitimate internal and external use of SU's trademarks.
- e) To designate the individuals authorised to approve the use of SU's trademarks and to describe the procedure for obtaining such approval
- f) To ensure that any goods or services that bear SU's trademarks do not harm the integrity and reputation of the University.
- g) To ensure that any goods or services that bear SU's trademarks maintain and build upon the goodwill of the University, promoting and supporting an increased awareness of the University.
- h) To ensure that any goods or services that bear SU's trademarks are of high quality and are used only in connection with goods and services with which the University has chosen to be identified with and, consequently, has assumed some level of responsibility.
- i) To ensure that the University secures a legitimate and appropriate commercial value for the use of the trademarks in order to generate revenue for the University
- j) To provide fair and equitable treatment of all licensees.
- k) To ensure SU's trademarks are not diluted, diminished, or tarnished in any way.

5. Policy principles

This policy recognises the value and integrity of the SU brand. In line with the values of SU, namely Excellence, Shared Accountability, Empathy, Innovation and Leadership in Service of Others, the value of SU's name and trademarks may not be eroded.



6. Policy provisions

6.1 Ownership of Stellenbosch University Trademarks

SU is the owner of all rights, titles, interests in and to a number of registered and unregistered trademarks in South Africa that are representative of and have come to be associated with the University. These trademarks are the sole property of SU, and the University has the exclusive right to assign, licence, or transfer any of its marks to any other person or entity.

SU reserves all its rights in respect of all such trademarks to the fullest extent of the law.

6.2 Trademarks Covered by This Policy

The trademarks covered by this policy include all trademarks applied for and / or registered in the name of Stellenbosch University in terms of South African national legislation as well as the unregistered trademarks of the University. These trademarks include, but are not limited, to the SU name; SU Crest; SU Corporate Logo and the Maties Logo.

This policy also extends to all other signs and indications used by the University that suggest an association or connection with the goods or services provided by SU, which include, but are not limited to, the words Matie, Matieland and Coetzenburg; as well as the corporate and faculty colours, names and logos that have been or will be developed by various SU entities.

6.3 Applicability

This policy applies to all SU staff, students, post-doctoral researchers, visiting lecturers, academic departments, *ad hoc* groups, professional support services divisions/departments, alumni organisations, student organisations and sports teams.

This policy applies to the use of SU's trademarks in any media or form, including, but not limited to, use in literary works (whether in print or electronic use), incorporation in artistic works (in print or electronic use), use on or in close relation to goods, use in relation to services,



incorporation in the name of groups or organisations, incorporation in websites and in domain names.

6.4 Use of Trademarks

All uses of SU trademarks must comply with the standards outlined in the provisions below.

6.4.1 No Alterations

All uses of SU trademarks must comply with the University's design standards, as comprehensively set forth in the SU Corporate Identity Guide. University marks may not be modified in any way without prior written approval from COO or his delegated authority.

6.4.2 Approval

All uses of SU trademarks for commercial purposes require prior written approval from Innovus, as delegated by the COO. In addition, certain instances of non-commercial use also require prior written approval from Innovus in accordance with the provisions below. Approval for use on a one-time basis and in relation to specific goods or services does not constitute approval for the use of a trademark again, or in connection with the provision of any other goods or services.

6.4.3 Co-Branding

SU trademarks may not be used in conjunction with the name or trademarks of any other entity without the prior written permission of Innovus and such other entity. If permission is granted to use both a SU trademark and another entity's trademark, the marks must be clearly distinct and separate from each other, and the SU trademark must not be overshadowed or diminished in any way in comparison to the other entity's trademark. SU reserves the right to impose such further conditions and or restrictions as may be deemed appropriate in each case.



6.4.4 Endorsements

SU trademarks may not be used in any manner that suggests or implies the University's endorsement of any other organization, movement, company, product, service, political party or view, religious organisation or belief without prior written approval from Innovus. Any request for such permission must set forth reasons for the use of SU trademarks together with such implication or association.

6.4.5 Non-Discrimination

SU trademarks may not be used in any way that discriminates or implies discrimination against any person or group based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth or in any other way that would be a violation of the University's non-discrimination policies and practices.

6.4.6 Designation Symbols

All uses of SU's registered trademarks, when practicable, will incorporate the "registered" ® symbol. All other marks and slogans will incorporate, when practicable, the use of "™".

6.4.7 Use of Trademarks on Goods or in Relation to the Provision of Services

SU trademarks are intended to present a positive image of the University. The final determination as to whether the intended use of any SU trademark presents a positive image of the University will be at the discretion of the COO of SU.

The use of SU trademarks will not be approved, subject to certain limited exceptions¹ upon or in relation to certain types of goods or in relation to the provision of certain types of services. These include, but are not limited to, the following:

- alcoholic beverages including beer, wine and liquor or services relating to these goods;

¹ In this regard, please refer to the provisions relating to alcoholic products, under section 6.5.



- inherently dangerous products including firearms, explosives and fuels or services relating to these goods;
- tobacco related products or services;
- illegal drug related products or services;
- obscene or disparaging products or services – including but not limited to, nude photographs, caricature, poster art or designs that would tend to damage the reputation or degrade the goodwill of the University as represented by its trademarks;
- sexually suggestive products or services;
- products or services that present an unacceptable risk of liability; and
- products or services that are harmful to the mission or image of the institution or will taint or undermine its goodwill.

6.4.8 Artwork and Design Restrictions

Certain artworks or designs will not be approved for use in conjunction with SU trademarks subject to certain limited exceptions². These include, but are not limited to:

- art depicting the use or endorsement of alcohol;
- art depicting the use or endorsement of illegal drugs;
- art depicting the use or endorsement of tobacco products;
- art depicting the use or endorsement of firearms or any other weapons;
- art depicting the use or endorsement of racist, sexist, hateful, demeaning or degrading language or statements;
- art depicting profanity;
- art depicting gambling;
- art depicting sexual acts;
- art depicting statements impugning SU, or any other University, in any manner; or

² In this regard, please refer to the provisions relating to alcoholic products, under section 6.5.



- art or design incorporating IP not owned by SU, unless written permission for such use is received from the IPR owner.

6.4.9 Appropriate Use of Trademarks

SU reserves the right to disapprove any use of its trademarks, even if such use is not explicitly prohibited by this policy.

6.5 Use of Trademarks in Relation to Wine and Wine Related Products

The Stellenbosch winelands region has a long standing cultural and economic heritage and is the leading centre for viticulture and vinicultural research in the South Africa.

SU has a recognised history of engagement with the sciences of the vine and the wine, and is in close association with the South African grape and wine industries. It is for this reason that special provision has been made for the use of SU trademarks in relation to wine products.

Use of Stellenbosch University trademarks in relation to wine and wine related articles, will only be approved if the use of the marks is done in a wholesome and tasteful manner that does not taint or undermine the reputation and goodwill of the University.

6.6 Licensing

6.6.1 Introduction

The COO of SU has the responsibility of regulating the use of SU's trademarks, both internally and externally, and is responsible for the administration and management of all trademark license agreements. The COO has delegated the responsibility of negotiating and processing license applications and granting approval for the use of SU trademarks to Innovus.

Any entity wanting to use SU's trademarks upon or in connection with products, or for the provision of services, must be licensed to do so by Innovus in terms of the provisions of this policy. All license applications are subject to the approval of Innovus.



The following guidelines provide specific information on the procedures for licensing SU trademarks.

6.6.2 License Required for all Commercial Uses of SU Trademarks

All entities intending to use SU marks, either internally or externally, in connection with the commercial sale or resale of goods, or the commercial provision of services must be licensed to do so. A written license agreement from Innovus is required whether the commercial use will be ongoing or associated with a one-time event.

6.6.3 Non-Commercial Uses That Require prior Approval

Most non-commercial uses of SU marks by University entities do not require a license or prior approval. The provisions for internal use below apply in this regard.

All external uses of SU marks by non-university entities require prior approval even if the proposed use is for a non-commercial purpose. External entities must submit the appropriate request form to Innovus for approval for non-commercial uses of University marks.

6.6.4 Licensing Process

The procedure for obtaining a license through SU, forms **Annexure A** to this policy. In turn, the appropriate licensing application form constitutes **Annexure B** to this policy.

6.6.5 Licensing Agreement

Applicants that have been approved for a license will be required to enter into a written trademark licensing agreement with SU. Such agreement will regulate, *inter alia*, the appointment and grant of the license, the trademarks licensed and the goods or services in relation to which the license is granted, the term of the licensing arrangement, title to intellectual property, the conditions upon which a license will be granted, provisions regulating fees and payment, quality control and standards, appointment of and dealing with sub-



licenses, termination of the license, liability of parties, accounting records and taxes, confidentiality, infringement, risk, breach of contract and provisions relating to notices and *domicilia*.

6.6.6 Social and Environmental Responsibility

Stellenbosch University is committed to conducting its business affairs in a socially and environmentally responsible and ethical manner. As such, SU prohibits products bearing its trademarks from being manufactured under abusive or unfair labour conditions, or in a manner which is detrimental to the environment. SU requires that all of its licensees disclose, in the application for licensing approval, the names and locations of all manufacturers of SU bearing merchandise.

7. Internal Use

7.1 What Constitutes Internal Use

Internal use is use by University entities including faculties, departments, units, student, alumni and sport organisations that are officially recognized by the University and in their ordinary course of conducting University business. Examples of internal uses include, but are not limited to, use of trademarks on stationery, business cards, reports, official publications, posters, banners, promotional materials or academic programmes, and include electronic media.

7.2 Use of SU Trademarks for Internal Purposes

University entities may use the trademarks of SU for internal purposes as described above, without prior written approval from Innovus. Such use is permitted provided that no alterations are made to SU marks and that such marks are used and applied in strict accordance with the Corporate Identity Guide.

University entities are permitted to use SU trademarks on all internal consumption items without prior written approval from Innovus. Internal consumption items are those that bear SU



trademarks but are otherwise a workplace necessity used by any entity of the University in the ordinary course of conducting business. Examples of internal consumption also include (other than the items referred to in Clause 7.1 of this document) advertising material for department services, equipment and supplies and any apparel required to be worn by employees.

7.3 *Internal Use by Student and Sport Related Organisations*

A registered student organisation or sports club may use SU trademarks in their names, titles, publications, and letterheads in a manner that is fair and consistent with the rules applicable to such organisations or clubs. Use of SU's trademark by student and sport related groups or organisations may not portray them in a manner which be detrimental to or tarnish the reputation of the University.

7.4 *Use of SU Trademarks in Email Signatures*

All uses by University staff and students of SU trademarks in email signatures must conform with the design standards set forth in the Corporate Identity Guide or the applicable faculty guidelines. Email signatures that incorporate SU trademarks may not be altered in any way without prior written approval from Innovus.

8. Policy Control

Innovus protects SU trademarks and will prosecute misuse of its trademarks to the fullest extent of the law.

8.1 *Roles*

- 8.1.1 The policy custodian is responsible for the formulation, approval, reviewing, communication and monitoring of the policy.
- 8.1.2 Innovus has a delegated responsibility for implementation and general management of the policy.



8.1.3 Corporate Communications is responsible for compiling, maintaining and implementing SU's Corporate Guide and SU's brand management.

8.2 *Actions for non-compliance*

8.2.1 Any breaches of or non-compliance with the policy should be reported to the policy owner and to the Risk Management Committee.

8.2.2 Any instances of non-compliance with the policy and when duly advised by the policy owner, are dealt with within the normal lines of management in terms of the disciplinary policy and procedures of the University.

9. Revision

This policy shall be revised every five years or sooner if circumstances require.



10. Supporting documents

The policy in respect of the use and licensing of Stellenbosch University trademarks is supported by the following annexures:

Annexure A	Procedure for Obtaining a License
Annexure B	Standard Licensing Application Form

11. Related documents

Relevant related documents include the following:

Item #	Name	Status	Policy Owner
	The Policy in respect of the Exploitation of Intellectual Property		
	Stellenbosch University Corporate Identity Guide		



ANNEXURE A: LICENSING PROCEDURE

- 1) SU, through the office of Innovus offers licenses to all suitable entities interested in obtaining a license for the use of SU trademarks. SU reserves the right, as the final decision maker on all license applications, to approve or reject an application for the use of SU trademarks.
- 2) The official application forms for licensing approval are available as annexures to this policy as well as on the official Innovus website.
- 3) Prospective licensees (referred to as “Applicant’s”) must submit the appropriate application form with all required information prescribed therein, to Innovus to assist in the decision making process. Applications must be accompanied by samples of merchandise for production quality approval. Innovus reserves the right to contact all Applicant’s to clarify any responses contained in the application forms.
- 4) Innovus will review all applications in order to assess the Applicant’s ability to comply with the license; the appropriateness of the goods or services; and the liability risks associated with the product or service.
- 5) Thereafter, Innovus will notify the Applicant of the approval or rejection of the application.
- 6) If the Applicant is approved for licensing it will be notified and supplied with the appropriate license agreement.
- 7) If, during the term of the licence, the licensee intends to make use of SU’s trademarks in a way that is different to the licenced use, it must first request and obtain approval for this. Examples of changes in use include changes to the approved design, the inclusion of additional marks, or use on additional products.



ANNEXURE B LICENSING APPLICATION

Thank you for your interest in licensing SU’s trademarks. The purpose of this application is to obtain detailed information about yourself / your company and the product(s) you seek to produce under license, so that SU may determine if providing a license to your company is in the best interest of the University. It is important that you provide thorough and accurate information. Note that this document is an application only and does not authorize the applicant to manufacture, promote or distribute any merchandise that bears the identifying marks of SU.

APPLICANT INFORMATION

Type of organisation:

- Corporation Partnership Sole Proprietorship Close
 Corporation Natural person Other: _____

Name:	
Address:	
Country:	
Postal code:	
Phone no:	
Fax no:	
Website:	

Name of parent company (if this business is a subsidiary): _

Contacts	Name	Email address
Primary contact:		
Financial:		
Product development:		
Sales		



Company function:

- Manufacture Distributor Advertising Artist/Crafter

Tax number: _____

LEGAL AND INSURANCE CLAIMS

Have any claims been filed against this company or related entities for trademark, copyright, patent or other intellectual property infringement? Yes No

If yes, please attach a separate sheet providing all details.

Have any product liability claims been filed against this company or related entities?

- Yes No

If yes, please attach a separate sheet providing all details.

LICENCE INFORMATION

Please indicate which of Stellenbosch Universities trademarks you are interested in licensing:

Please indicate the duration of the licence you are seeking:



UNIVERSITEIT•STELLENBOSCH•UNIVERSITY
jou kennisvenoot • your knowledge partner

Please indicate the goods or services on which you are interested in using Stellenbosch University's trademark(s):

DECLARATION

I have read and understand this application and hereby state that to the best of my knowledge all information provided is accurate and complete. I also grant Stellenbosch University permission to verify information on the company filing this application, including requesting reports from credit reporting agencies. I am aware that this information may be used to evaluate this application.

Signature: _

Name: _____

Title: _

Date: _____

RETURN COMPLETED APPLICATION TO:

Innovus
15 De Beer Street
Stellenbosch
7600