



University of Maryland Policy on the Use of the University's Name and Trademarks by External Entities in Research-Related Endorsements and Promotional Materials

PRESENTED BY Robert Dooling, Chair, University Research Council - Endorsement Subcommittee

REVIEW DATES SEC – January 27, 2020 | SENATE – February 5, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT N/A

NECESSARY APPROVALS Senate, President

ISSUE

There are currently a variety of endorsement guidelines in units across campus, including the Department of Intercollegiate Athletics, the Office of Strategic Communications, and the Office of Procurement & Strategic Sourcing. The existing guidelines are not uniform, as they were crafted to meet the specific needs of each unit rather than to address the general principles of endorsements broadly or uniformly. This has created a potential lack of clarity on the appropriate use of endorsements, as well as on the need to take care to avoid the appearance of an endorsement. The University has in recent years addressed isolated instances where employees may inadvertently appear as if they endorse a product or company on behalf of the University, even when they do not have the authority to do so. In March 2018, the Vice President for Research charged a subcommittee of the University Research Council with developing a broad, general Endorsement Policy for the University based on existing informal and formal practices.

RECOMMENDATION(S)

The Research Council recommends that the proposed University of Maryland Policy on the Use of the University's Name and Trademarks by External Entities in Research-Related Endorsements and Promotional Materials as shown immediately following this report be approved.

COMMITTEE WORK

The subcommittee reviewed existing guidelines and practices at the University and policies at other public universities, including those in the Big 10, as well as policies at relevant private universities. It crafted a draft outline for modification and additions by the entire subcommittee. The subcommittee conducted its business through email and by several meetings and produced a final draft for review in summer of 2018. In addition, the Chair consulted with several faculty and administrators in the dean's offices of the College of Engineering, the Business School, and the School of Public Health

for any additional modifications or clarifications that might improve the draft. The draft policy was also reviewed by the Administrative Council, the Research Council, and the University Senate before being finalized.

ALTERNATIVES

The Senate could decline to approve the policy. However, the University would lose the opportunity to clarify guidance on the use of the University's name and trademarks.

RISKS

There are no known risks to the University in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting this recommendation.



University of Maryland Policy on the Use of the University's Name and Trademarks by External Entities in Research-Related Endorsements and Promotional Materials

Endorsement Subcommittee Members

Robert Dooling (Chair)
Carrie Blankenship (Department of Intercollegiate Athletics)
Jen Gartner/Anne Bowden (Office of General Counsel)
Wendy Montgomery (Office of Research Administration)
Jim Newman (Procurement and Strategic Sourcing)
Joel Seligman (Office of Strategic Communications)
Joe Smith (Office of the Vice President for Research)

Date of Submission

January 2020

BACKGROUND

Including the University's name, marks, or the name and position of any University employees in marketing or promotional materials conveys support or approval of a third party or its activities, products, viewpoints, or services. While there are several administrative units that have individual guidelines regarding University endorsements, there is no single, general, and centralized statement of University policy on endorsements. The development of a policy that sets the broad principles related to endorsements and is easily accessible and understood will benefit members of the campus community and external constituents.

CURRENT PRACTICE

There are currently a variety of endorsement guidelines in units across campus, including the Department of Intercollegiate Athletics, the Office of Strategic Communications, and the Office of Procurement & Strategic Sourcing. The existing guidelines were crafted to meet the specific needs of each unit rather than to address the general principles of endorsements broadly or uniformly. This has created a potential lack of clarity on the appropriate use of endorsements, as well as on the need to take care to avoid the appearance of an endorsement. The University has in recent years addressed isolated instances where employees may inadvertently appear as if they endorse a product or company on behalf of the University, even when they do not have the authority to do so.

CHARGE

In March 2018, the Vice President for Research charged a subcommittee of the University Research Council with developing a broad, general Endorsement Policy for the University based on existing informal and formal practices. The goal was not to break new ground but to pull together and summarize existing principles in a single policy in order to improve understanding and consistency in the University's approach to endorsements. The subcommittee was asked to review existing guidelines developed by units that traditionally have external outreach activities, such as guidelines related to athletics, communications, and research, and to develop a stand-alone policy on endorsements that summarizes and centralizes the key principles. The subcommittee sought to

develop a policy that was short and succinct, easy to read, and easily accessible for both external entities and members of the campus community.

COMMITTEE WORK

The subcommittee was chaired by Dr. Robert Dooling, Psychology/Office of the Vice President for Research and included the following members:

- Jen Gartner/Anne Bowden, Office of General Counsel
- Carrie Blankenship, Senior Associate Athletic Director for External Operations, Department of Intercollegiate Athletics
- Jim Newman, Director, Procurement and Strategic Sourcing
- Joel Seligman, Associate Vice President, Office of Strategic Communications
- Joe Smith, Director, Office of the Vice President for Research
- Wendy Montgomery, Director, Office of Research Administration

The subcommittee reviewed existing University guidelines and policies at other public universities, including those in the Big 10, as well as policies at relevant private universities. It crafted a draft outline for modification and additions by the entire subcommittee. The subcommittee conducted its business through several meetings and by email and produced a final draft for review in summer of 2018. In addition, the Chair consulted with several faculty and administrators in the dean's offices of the College of Engineering, the Business School, and the School of Public Health for any additional modifications or clarifications that might improve the draft. No additional changes were requested.

The new Endorsement Policy:

- Defines terms such as University Marks, External Entities, Endorsement, Marketing & Promotional Materials;
- Clarifies that any form of Endorsement requires the prior written authorization of the President;
- Explains that the use of University Marks by External Entities in a possible Endorsement must be submitted to the Office of Trademarks and Licensing for evaluation prior to use; and
- Outlines policy limitations in order to clearly indicate where the policy does not impose restrictions.

A draft of the policy was approved by the University Administrative Council in mid-September, 2018 with minor changes that were immediately approved by the subcommittee.

A revised draft was presented to the University Research Council in the Spring of 2019. Suggestions from the Council were incorporated into a final draft in early September 2019. The Endorsement Subcommittee approved a revised draft in mid-September.

A draft of the policy was presented to the Senate on November 5, 2019 to get preliminary feedback. The subcommittee considered the feedback and consulted with the Office of General Counsel and made additional changes before finalizing the policy. The final policy was approved by the Research Council on January 23, 2020.

RECOMMENDATIONS

The Research Council recommends that the proposed University of Maryland Policy on the Use of the University's Name and Trademarks by External Entities in Research-Related Endorsements and Promotional Materials as shown immediately following this report be approved.

APPENDICES

Appendix 1 — Frequently Asked Questions (FAQs)

XX-X.XX(X) UNIVERSITY OF MARYLAND POLICY ON THE USE OF THE UNIVERSITY’S NAME AND TRADEMARKS BY EXTERNAL ENTITIES IN RESEARCH-RELATED ENDORSEMENTS AND PROMOTIONAL MATERIALS

I. Purpose

The purpose of this Policy is to clarify the use of the University name, seals, service marks, and trademarks (collectively referred to as University Marks) by External Entities with whom the University has a research relationship.

II. Definitions

- A. **“University Marks”** means the University’s name, seals, official University photographs and similar images, service marks, and trademarks.
- B. **“External Entities”** means vendors, consultants, industrial affiliates, sponsors and funders of University research, research collaborators, licensees of University intellectual property, and the like.
- C. **“Endorsement”** means any use of the University’s name, University Marks, or the name and position of any University personnel in marketing or promotional materials that directly or indirectly conveys, or is intended to or likely to convey, that the University, a University department or unit, or a University employee supports or approves of a third party or its activities, products, viewpoints, or services.
- D. **“Marketing or Promotional Materials”** means materials such as press releases, websites, videos, case studies, reports, brochures, presentations, demonstrations, social media postings.

III. Policy

- A. The University’s reputation for its research independence, objectivity, and integrity is among its most valuable assets. Therefore, the use of University Marks by External Entities must be closely regulated and monitored to avoid any potential impact on the University’s reputation. University Marks must not be used in a manner that conveys an Endorsement of the External Entity or its business, products, services, or activities by the University, a University unit, or a University employee without prior approval.
- B. Prior to the use of University Marks by External Entities in a possible Endorsement, or for other commercial purposes, the request must be submitted to the Office of Trademarks and Licensing for evaluation.
- C. Any form of Endorsement requires prior written authorization of the President or his/her

designee. In determining whether to permit an Endorsement, the President or designee should consult with the Assistant President & Chief of Staff, Senior Vice President and Provost, the Vice President for Research, and/or the Vice President for Legal Affairs and General Counsel, as appropriate

- D. Photographs taken in public or during professional events that include a member of the University community shall not be considered an Endorsement.

IV. Limitations

A. This Policy is not intended to:

1. Prohibit the use of the name of the University in the description of a relationship between an External Entity and the University.
2. Interfere with the ability of an External Entity to reference published results of University research, or to quote factual statements from published research results, provided such references are not used to endorse the External Entity or its products, services, or activities.
3. Prevent the name and affiliation of any University employee from being used in the normal course of business, including in a standard scholarly context, as long as the employee does not directly or indirectly imply that this use constitutes the University's endorsement.

V. Reporting

- A. Individuals who identify violations of this Policy or have concerns of a potential policy violation should contact the Division of Research.

Appendix 1: Frequently Asked Questions (FAQs)

- 1. I was photographed wearing a sweatshirt with a large UMD logo while judging a local science fair. Does this constitute an Endorsement?**

Photographs taken in public or during professional events that include a member of the University community shall not be considered an Endorsement.

- 2. What are some examples of statements regarding a relationship between the University and an outside entity that are not prohibited by the policy?**

Examples of such relationships include, but are not limited to, an External Entity being a funder of specific University research or being an industrial affiliate or member of a research center or University consortium.

- 3. What are some examples of statements regarding a relationship between the University and an outside entity that are not prohibited by the policy?**

Examples of situations in which an employee's University affiliation can be used without University approval include:

- being listed as an officer or volunteer in a professional society;*
- being named as a conference speaker or participant;*
- being interviewed or providing a professional opinion related to the employee's scholarly area of expertise; and*
- naming manufacturers of instrumentation in a scholarly publication (where doing so is expected in the normal course of scholarly activities).*