



AN IMG COMPANY

# BYU Copyright Symposium

---

BYU

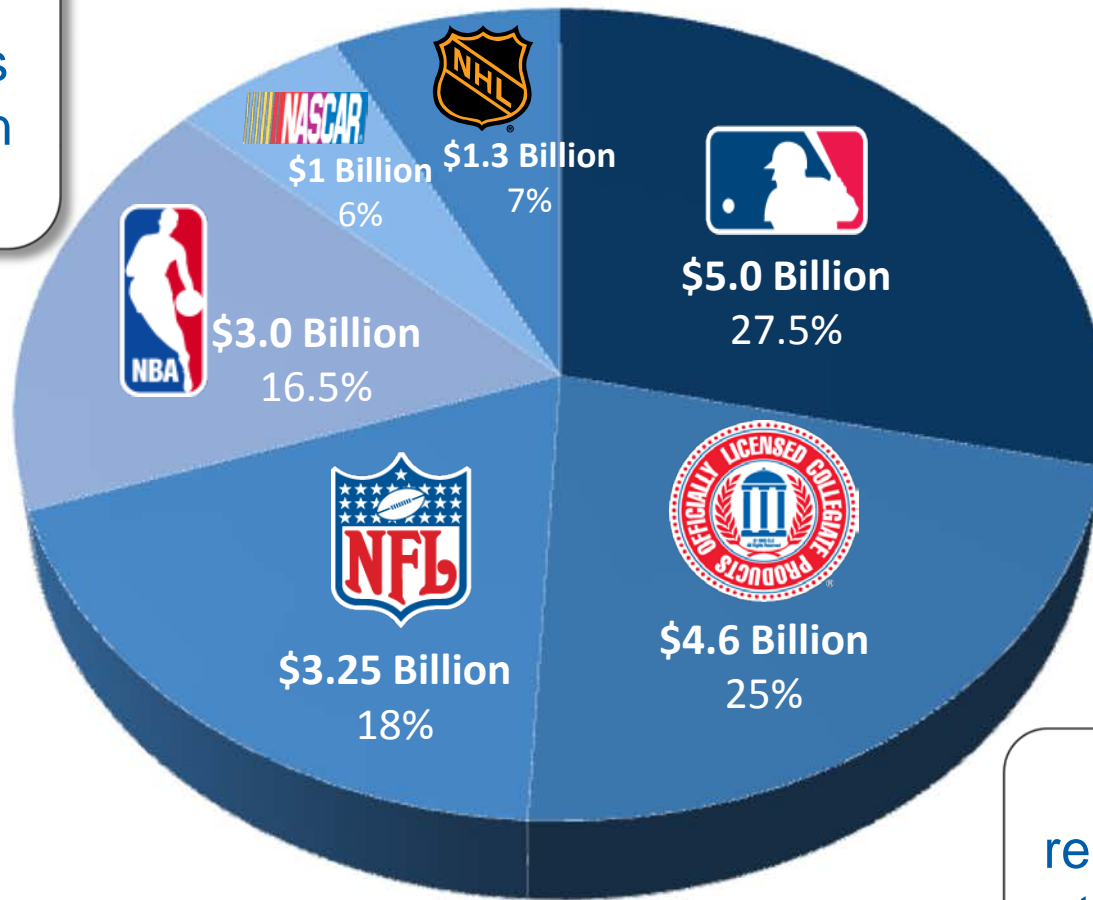
October 21, 2015

# The Licensing Industry



# Licensed Product Marketplace

Percentage of sports licensed marketplace among brands with more than \$1 Billion at retail.



The college segment represents 5% of the \$93 Billion licensed marketplace.

Source: *License! Global Magazine* and CLC Data © 2012

# The Real Competition



# The Collegiate Licensing Company

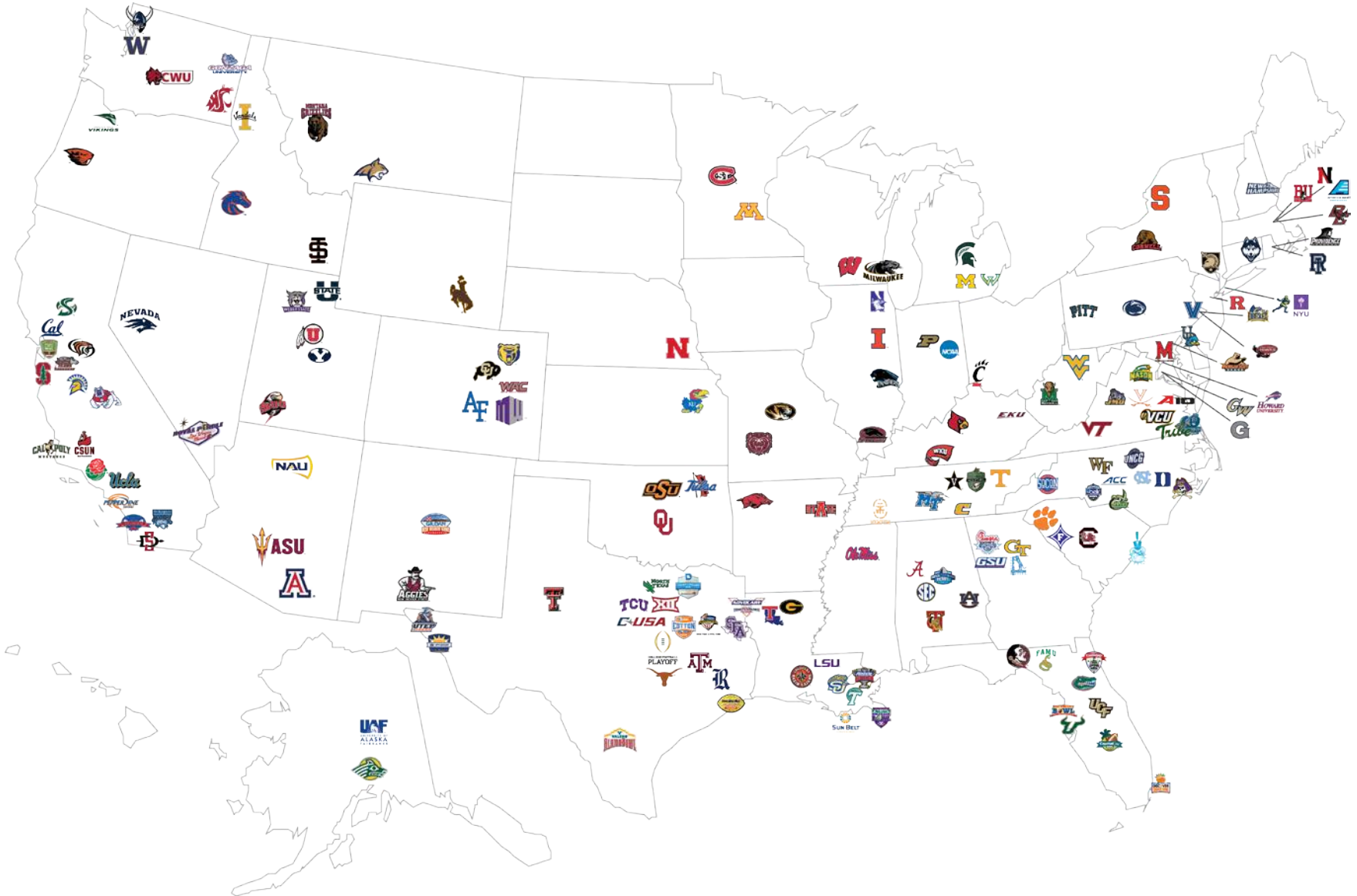


# History

---

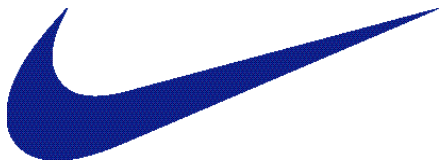
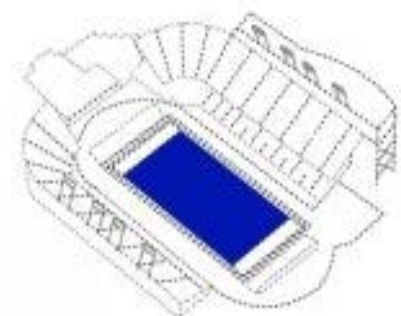
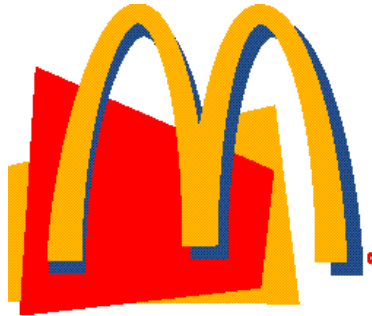
- Based in Atlanta. Field offices in Arizona, Montana, Pittsburgh, and Utah.
- CLC has championed growth in collegiate retail sales from \$250 million in 1981 to more than \$4 billion today.
- CLC represents approximately 200 collegiate properties representing approximately 80% of the retail market.
- CLC staff consists of 90 full-time licensing professionals united under the common goal of providing unparalleled customer service and creative licensing solutions to a unique and diverse base of clients.
- Acquired by IMG in May 2007.
- IMG acquired by William Morris Endeavor in 2013.

# CLC Partner Institutions



# What is a Trademark?

A **trademark** includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a source-identifier – and ultimately a brand name.





**BRIGHAM  
YOUNG**



# Core Competencies



**Brand Protection:** Protect institution trademarks through licensing policies and procedures, marketplace enforcement, and legal advice and action.



**Brand Management:** Administer licensing process, including application process, contract execution, artwork and product/design approvals, compliance, and renewal process. Collect royalties and ensure accurate and timely reporting by licensees.



**Brand Development:** Promote the sale of client institution merchandise by leveraging CLC and client resources and relationships. Expand the base of licensees and retailers.

# Brand Protection

---

- Enforcement
  - Cease and Desist
  - Hot Market Enforcement
  - CAPS
  - Hologram Program
- Contract Compliance
- Audit
- Trademark Registration and Maintenance
- Contract Negotiation

# Cease and Desist

---

- Stop infringing use of marks, and when appropriate, collect damages
- Resolve hundreds of infringements through demand letters each year. In 2014, CLC resolved almost 600 matters.
- Submit thousands of online takedowns for products sold on Amazon, Etsy, eBay, social media, and other marketplaces.
  - Online marketplace has exploded. In 2011, CLC addressed approximately 1,750 listings. In 2014, over 10,000. From January 2015-September 2015, CLC submitted 487 takedowns for BYU alone.
- Database ensure prompt resolution of most matters and documentation history of each issue
- Resolve matters short of litigation; notice provided for all CLC-represented schools


# Hot Market Enforcement

---

- Conduct enforcement at approximately 100 events each year, including NCAA Championships, BCS National Championship Game, bowl games, conference championships, regular season games
- Established relationships with law enforcement officials around the United States
- Approximately 10,000 – 15,000 pieces of unlicensed merchandise seized/voluntarily surrendered each year

# CAPSINFO.COM






COALITION TO ADVANCE THE PROTECTION OF SPORTS LOGOS



Welcome to the CAPS web site.

CAPS designed this web site to assist you by providing information regarding the identification and protection of the well-known names, logos and other trademarks of CAPS members.

[More About CAPS and what we do.](#)



- ▶ THE COLLEGIATE LICENSING COMPANY
- ▶ MAJOR LEAGUE BASEBALL PROPERTIES, INC.
- ▶ NBA PROPERTIES, INC.
- ▶ NFL PROPERTIES LLC
- ▶ NHL ENTERPRISES, L.P.

[Home](#) | [About CAPS](#) | [Contact Us](#) © 2011 CAPS. All rights reserved. Use of the Website signifies your agreement to the [Terms of Use](#). Site by [Four Eyes](#)

- Coalition established in 1992 with MLB, NBA, NFL and NHL to pool resources and knowledge to effectively deter the sale of infringing sports merchandise
- In 2014 alone, CAPS removed over 22,000 products found online through their cease and desist letters
- Since inception, more than 11 million pieces valued at almost \$410 million of infringing sports merchandise has been seized by law enforcement or voluntarily surrendered to properties and private investigators

# Hologram Program



# Contract Compliance

---

- Focused on resolving breaches of the license agreement, and when appropriate, collecting lost royalties and damages, and having objectionable product pulled from the market
- On average, CLC resolves between 400-500 contract compliance issues each year, with collections averaging \$200,000
- Database used to evaluate licensees when their license agreements are up for renewal

# Audit

---























- Third party auditing firm conducts approximately 125 audits each year
- Collections average approximately \$2,000,000 per year, including royalties, damages, and audit costs
- Legal assists with administrative functions of audit program and resolution of complex audit issues

# Trademark Registration and Maintenance

---

- Documents filed to maintain federal registrations
- *Official Gazette* publishes applied for marks – used to try to identify if a potentially conflicting mark has been published for opposition
- U.S. Customs recordations
- State registrations
- Track registrations and recordations to ensure maintenance documents filed in a timely manner
- Trademark portfolio recommendations

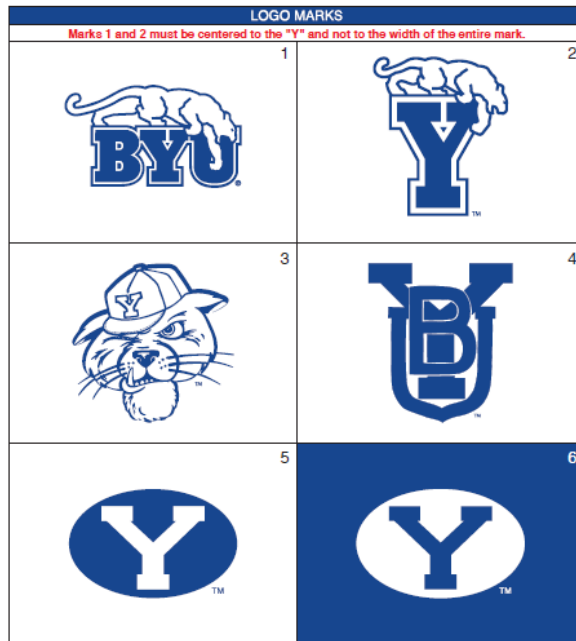
# Trademark Registration and Maintenance

PAGE 1 SEPTEMBER 18, 2015				BRIGHAM YOUNG UNIVERSITY																																																													
<b>PRIMARY MARKS</b> <div> <div>1 </div> <div>2 </div> <div>3 </div> </div>				<b>VERBIAGE</b> <p>Brigham Young University® BYU® BYU Cougars® Brigham Young™ Cougars™ Go Cougs™ y™</p> <p>Rise and Shout™ Rise and Roar™ LaVell Edwards Stadium™ Cosmo™ Band of Brothers® Tradition Spirit Honor®</p>		<b>GENERAL INFORMATION</b> <p>LOCATION: PROVO, UT ESTD: 1875 MASCOT: COUGARS MASCOT NICKNAME: COSMO</p> <p>ESTABLISHED DATE: 1875 CONFERENCE: WEST COAST CONFERENCE</p>																																																											
<b>SECONDARY MARKS</b> <div> <div>4 </div> <div>5 </div> <div>6 </div> <div>7 </div> <div>8 </div> <div>9 </div> </div>				<b>WORDMARKS</b> <div> <div>10 </div> <div>11 </div> <div>12 </div> <div>13 </div> </div>		<b>HELMET MARK</b> <div> <div>14 </div> <div>15 </div> </div>																																																											
<b>MASCOT MARKS</b> <div> <div>16 </div> <div>17 </div> </div>		<b>YOUTH MARKS</b> <div> <div>18 </div> <div>19 </div> <div>20 </div> <div>21 </div> </div>																																																															
<b>COLOR INFORMATION</b> <p>You must use the approved university colors or the PANTONE colors listed on this page. The colors on this page are not intended to match the PANTONE color standards. For the PANTONE color standards, refer to the current editions of the PANTONE color publications. PANTONE is a registered trademark of PANTONE, Inc. BYU's colors are Blue (Pantone 648) and White with Tan (Pantone 465) used as an accent color. *BYU's Tan is only allowed on logos that already contain tan and can not be added to any other logos/designs.</p> <table border="1"> <thead> <tr> <th>SCHOOL COLORS</th> <th>PANTONE COLORS</th> <th>THREAD COLORS</th> </tr> </thead> <tbody> <tr> <td>BYU BLUE</td> <td>PANTONE 648</td> <td>MADEIRA 1277 RA 2609</td> </tr> <tr> <td>WHITE</td> <td>WHITE</td> <td>WHITE</td> </tr> <tr> <td>COSMO'S FUR (mascot/youth marks only)</td> <td>PANTONE 465</td> <td>MADEIRA 1255 RA 2508</td> </tr> </tbody> </table>								SCHOOL COLORS	PANTONE COLORS	THREAD COLORS	BYU BLUE	PANTONE 648	MADEIRA 1277 RA 2609	WHITE	WHITE	WHITE	COSMO'S FUR (mascot/youth marks only)	PANTONE 465	MADEIRA 1255 RA 2508	<b>ADDITIONAL PERTINENT INFORMATION</b> <table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Restrictions</th> </tr> </thead> <tbody> <tr> <td>• University seal permitted on products for resale:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>With University permission.</td> </tr> <tr> <td>• Alterations to seal permitted:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• Overlaying / intersecting graphics permitted with seal:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• University licenses consumables:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• University licenses health &amp; beauty products:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• University permits numbers on products for resale:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• Mascot caricatures permitted:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• Cross licensing with other marks permitted:</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• NO USE of current player's name, image, or likeness is permitted on commercial products in violation of NCAA rules and regulations.</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>• NO REFERENCES to alcohol, drugs, or tobacco related products may be used in conjunction with University marks.</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> </tbody> </table>			Yes	No	Restrictions	• University seal permitted on products for resale:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	With University permission.	• Alterations to seal permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Overlaying / intersecting graphics permitted with seal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• University licenses consumables:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• University licenses health & beauty products:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• University permits numbers on products for resale:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Mascot caricatures permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• Cross licensing with other marks permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• NO USE of current player's name, image, or likeness is permitted on commercial products in violation of NCAA rules and regulations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		• NO REFERENCES to alcohol, drugs, or tobacco related products may be used in conjunction with University marks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SCHOOL COLORS	PANTONE COLORS	THREAD COLORS																																																															
BYU BLUE	PANTONE 648	MADEIRA 1277 RA 2609																																																															
WHITE	WHITE	WHITE																																																															
COSMO'S FUR (mascot/youth marks only)	PANTONE 465	MADEIRA 1255 RA 2508																																																															
	Yes	No	Restrictions																																																														
• University seal permitted on products for resale:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	With University permission.																																																														
• Alterations to seal permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• Overlaying / intersecting graphics permitted with seal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• University licenses consumables:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• University licenses health & beauty products:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• University permits numbers on products for resale:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• Mascot caricatures permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• Cross licensing with other marks permitted:	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• NO USE of current player's name, image, or likeness is permitted on commercial products in violation of NCAA rules and regulations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
• NO REFERENCES to alcohol, drugs, or tobacco related products may be used in conjunction with University marks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>																																																															
<p>NOTE: The marks Brigham Young University are controlled under a licensing program administered by The Collegiate Licensing Company. Any use of these marks will require written approval from The Collegiate Licensing Company.</p>																																																																	
<p>In addition to the Indicia shown above, any Indicia adopted hereafter and used or approved for use by BRIGHAM YOUNG UNIVERSITY shall be deemed to be additions to the Indicia as though shown above and shall be subject to the terms and conditions of the Agreement.</p>																																																																	

# The Royal Collection

## Royal Collection | BRIGHAM YOUNG UNIVERSITY

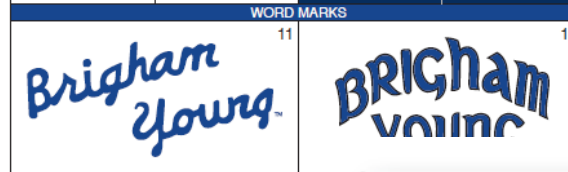
OCTOBER 29, 2014



286 648 COOL GRAY 4 COOL GRAY 7 WHITE

VERBIAGE	GENERAL INFORMATION
Brigham Young University ® BYU ® BYU Cougars ® Brigham Young™ Cougars™ Y™	LOCATION: PROVO, UT MASCOT: COUGARS MASCOT NICKNAME: COSMO ESTABLISHED DATE: 1875 CONFERENCE: WEST COAST CONFERENCE (INDEPENDENT IN FOOTBALL)

Football National Champions: 1994



NOTE: The marks of Brigham Young University are controlled Licensing Company. Any use of these marks will require w



# Brand Management

---

- Management of the licensing process from application to contract to compliance
- Drafting and negotiation of agreements, including license, and promotional/premium agreements
- Form license used for majority of licensees
- Maintain consistency with protective contract terms

# Brand Development - Marketing Platforms

## College Colors Day



## The Saturday Ritual



## Rock Your Colors



## Holiday Cheer Section



# Student-Athlete Litigation

---

- Lawsuits against CLC, the NCAA and Electronic Arts
- Antitrust and Right of Publicity issues
- O'Bannon – 9<sup>th</sup> Circuit Decision

“The NCAA is not above the antitrust laws, and courts cannot and must not shy away from requiring the NCAA to play by the Sherman Act’s rules. In this case, the NCAA’s rules have been more restrictive than necessary to maintain its tradition of amateurism in support of the college sports market. The Rule of Reason requires that the NCAA permit its schools to provide up to the cost of attendance to their student athletes. It does not require more.”



LOGO GUIDELINES 2011



---

AN IMG COMPANY