

THE USE OF THE HARVARD NAME AND INSIGNIA BY MEMBERS OF THE HARVARD COMMUNITY

James Ashe - Assistant Director and Policy Advisor, Harvard Trademark Program
Patrick Dethridge - Assistant Director and Policy Advisor, Harvard Trademark Program

INTRODUCTION: ROLE OF THE HARVARD TRADEMARK PROGRAM

1. Protection of Harvard's trademarks from unauthorized use on a worldwide basis
2. Licensing of Harvard's trademarks for insignia products
3. Administration of Harvard's Use-of-Name policies and guidelines

Brief History

- The Harvard Trademark Program was established through a vote of the Corporation in the late 1980's to protect Harvard's trademarks from unauthorized use.
- Licensing programs (domestic and international) were established, as well, to support the Harvard Trademark Program's trademark protection mandate.
- Funded with royalty income from the sale of Harvard insignia products through the Program's licensing programs.
- After covering operational expenses, remaining royalty income is designated for financial aid initiatives of the University.
- Acquired responsibility for the administration of Harvard's Use-of-Name policies and guidelines in 2007.

HARVARD'S USE-OF-NAME POLICIES

Overview

- The primary policy (*The Use of Harvard Names and Insignias*) was established through a vote of the Corporation in 1998 to govern the use of Harvard names and insignias by members of the Harvard community.
- Comprised of a primary policy and three subordinate policies:

The Use of Harvard Names and Insignias
Endorsement Guidelines
Electronic Contexts
Harvard's Name and Alcoholic Beverages

- Other University policies have important use-of-name components as well, for example:

Principles Governing Commercial Activities
Statement on Outside Activities of Holders of Academic Appointments

Fundamental Principle of the Policies

The Harvard name should be used to represent and promote the purposes of the University and not the purposes of third-parties, which would include members of the University when engaged in their own, individual activities, as opposed to activities in which they engage officially on behalf of Harvard, in their institutional capacities.

Primary Standards

Appropriateness – use of the Harvard name should be appropriate to the University's mission and, by extension, appropriate to the missions of its schools, departments, and units.

Accurate Representation – any implied association with the University, through the use of the Harvard name, must serve as an accurate representation of the respective activity and the level of institutional responsibility for the activity.

Fair Value – commercial rewards from the appropriate and accurate use of the Harvard name should benefit the University; and any use of the Harvard name that may depreciate its long-term value should be avoided.

Non – Endorsement – Harvard (including its schools and units) does not endorse the products or services of external entities or individuals with which the University has, or has had, business relationships.

Of note: The first three standards are also responsibilities that were given to the members of the Harvard community to uphold when the policies were established by the Corporation; consequently all members are stewards of those standards in the work that they do for Harvard. For example: the standard for accurate representations states that “The University and its members have a responsibility to ensure that any implied association [through the use of the Harvard name] is accurate.” (With that said, the Harvard Trademark Program, as the authorized administrator of the University’s Use-of-Name policies is responsible for the interpretation of the policies and the standards they contain; and any issues arising from the application of the standards should be directed to the Trademark Program for its consideration.)

APPLICATION OF HARVARD’S USE-OF-NAME POLICIES

- 1. Application of the policies essentially means application of the standards - in every instance and context in which the Harvard name and or insignia is used. (Our focus in this discussion is on the standards of accurate representation and non-endorsement.)**
- 2. Accurate representation is paramount when using the Harvard name to represent an activity – and the Harvard name should only be used in a manner that serves as an accurate representation of both the activity itself and the level of institutional responsibility for the activity. Accordingly:**
 - The use of the Harvard name alone is reserved for activities that represent the University as a whole and for which the University as a whole is institutionally responsible (*please see footnote 1*). For example - a school-based unit is *not* a “Harvard” unit but, rather, a unit of a specific Harvard school:**

Inaccurate representation: “The Harvard ABC Research Center”
Accurate representation: “The Harvard FAS ABC Research Center”
 - The use of the name of a Harvard school or unit alone is reserved for activities that represent the school or unit as a whole and for which the school or unit as a whole is institutionally responsible (*please see footnote 2*). For Example - a program of a unit of a school is *not* a “school” program but, rather, a program of the unit:**

Inaccurate representation: “The Harvard FAS XYZ Technology Program”
Accurate representation: “The Harvard FAS ABC Research Center’s XYZ Technology Program”
 - The use of the name of a sub-unit alone (of a Harvard school or unit) is reserved for activities that represent the sub-unit as a whole and for which the sub-unit as a whole is institutionally responsible. For example - an activity within a program of a unit of a school is not an activity of the “unit” itself but, rather, an activity of the program:**

Inaccurate representation: “The Micro-Particle Seminar of the ABC Research Center, FAS, Harvard University”
Accurate representation: “The Micro-Particle Seminar of the XYZ Technology Program, ABC Research Center, FAS, Harvard University”
- 3. The standard of accurate representation also ensures that the school or unit responsible for an activity receives the recognition it rightfully deserves for the activity, by way of the activity’s name.**
- 4. Accurate representations do not prohibit “representation,” i.e. references to Harvard from taking place; rather, they simply ensure that any representation made is “accurate” and, therein, in accord with the University’s use-of-name policies.**
- 5. Accurate representations must be used consistently, both across and within all mediums, including print and electronic materials, as well as insignia products, such as apparel goods, novelty items, etc.**
- 6. Any identity (or related) guidelines developed by the University or a Harvard school or unit must be in accord with the University’s use-of-name policies, including those policies’ standard of accurate representation.**

7. Participation by representatives from a number of schools in an activity does not designate the activity as being a “Harvard” activity; rather, that determination is based on certain criteria including the fact that the University itself must bear institutional responsibility for the activity in terms of structure and governance.
8. Units or activities that existed prior to the institution of the University’s Use-of-name policies may have names that are not in accord with the standard of accurate representation and are considered to be “Grand-fathered” by the University.
9. Given that, under its *Endorsement Guidelines*, the University (including its schools and units) does not endorse the products or services of third-parties, representatives of Harvard activities must ensure that third-parties’ relationships with the respective activities are not only accurately represented but, also, are not represented in a manner that could serve as either an endorsement or an *implied* endorsement of the third-parties or their products or services.
10. Accurate representations can serve as endorsements, or *implied* endorsements, when they are positioned in promotional contexts (such as third-party marketing materials): thus, “context” is an important consideration when determining the manner in which accurate representations may be presented.
11. Given the strength of their graphic presence and the fact that they often are accompanied with slogans, third-party logos can be perceived as advertisements and, therefore, from an endorsement perspective are in most cases restricted from inclusion in any materials created to represent or promote Harvard, unless a third-party has a substantial role in an activity in which Harvard is also involved and any such representation is in accord with all applicable University policies.
12. The roles of third-parties in relation to Harvard activities should be set forth clearly in written legal agreements that contain use-of-name provisions (that ensure the University’s Use-of-Name policies and guidelines are adhered to) and meet all applicable University standards for any such activities and agreements.
13. Any issues arising from the application of the standards should be directed to the Harvard Trademark Program for consideration under the University’s use-of-name policies.

¹ A name that refers to the University as a whole requires the approval of officials representing the University as a whole.

² A name that refers to an individual school or unit requires the approval of the officer responsible for the individual school or unit (and in certain instances involving the use of a school or unit name by an external entity or individual, the Provost or an authorized designee of the Provost – and given that it is responsible for the administration of the University’s use-of-name policies, the Harvard Trademark Program serves as an authorized designee of the Provost).

Given their inherent complexity, we ask that inquiries regarding the University’s Use-of-Name policies be submitted in writing to trademark_program@harvard.edu - all inquiries are acknowledged in a timely manner.