

The Truth and Consequences of Managing the Berkeley Brand

The screenshot shows the Berkeley University of California website homepage. At the top left is the Berkeley logo with 'UNIVERSITY OF CALIFORNIA' underneath. To the right are navigation links for MOBILE, MAP, CALMAIL, bCAL, and a search bar with a GO button. Below these are links for Berkeley web, Directory, and NewsCenter. A horizontal menu lists: Students | Prospective students | Faculty | Staff | Cal Parents | Alumni & friends. The main content area is divided into a left sidebar with categories like About Berkeley, Applying to Berkeley, Academics, Research, Teaching, Working, Campus life, Public service & community, Visiting & getting around, and Administration & services. The center features a large image of the Campanile tower at night with a 'Photo info >' link. The right sidebar lists various services and resources such as Schools, colleges & departments, Academic calendar, Courses, Schedule of classes, bSpace, TeleBears, BearFacts, International students & scholars, Jobs, Career Center, Diversity, equity & inclusion, Libraries, Museums, Computing, Blu, Bookstore, Cal gear, Rec Sports, Health services (Tang Center), and Emergency preparedness. A banner for 'The CAMPAIGN for BERKELEY' is visible. The footer contains navigation for GIVE TO CAL, ATHLETICS, VIDEO & PODCASTS, and ONLINE TOUR, along with links to NewsCenter.berkeley.edu and Events.berkeley.edu.

Office of Marketing & Business Outreach

Promoting excellence. Inspiring change.

Our ***Mission*** is to:

- promote and protect the University's reputation and intellectual property assets
- collaborate with campus, UC, and business partners to enhance and support the educational, research, and public service mission of the Berkeley campus.

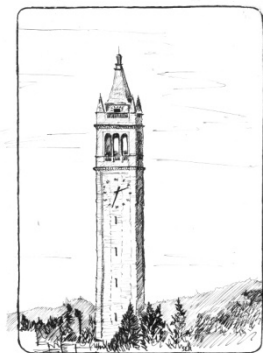
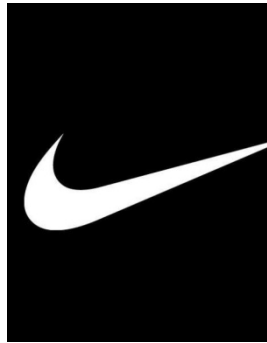


The beginning of branding...



Trademark

Trademarks **identify and distinguish the goods and/or services of one organization from those of another**. Trademarks can be words, symbols, designs, 3 dimensional objects (as in packaging), colors, landmarks, sounds, or smells.



Types of Trademarks in the U.S.

- Common law trademarks should include the “™” trademark notice

- Berkeley™

- Fall Free for All™



- Federally registered trademarks should include a “®”

- University of California Berkeley®

- UC Berkeley®



Which seal should I use?



UC Unofficial seal



Berkeley version:
"UC Unofficial Seal"



Berkeley Seal
(includes "Berkeley")

See the Berkeley campus brand guidelines at <http://brand.berkeley.edu> for guidance; however, the UC unofficial seal is primarily reserved for use by UCOP and multi-campus programs and/or initiatives, unless specific authorization is granted.

Is a brand a...

Name?

Song such as *Fight for California*?

Symbol?



Spokesbear?



Product?

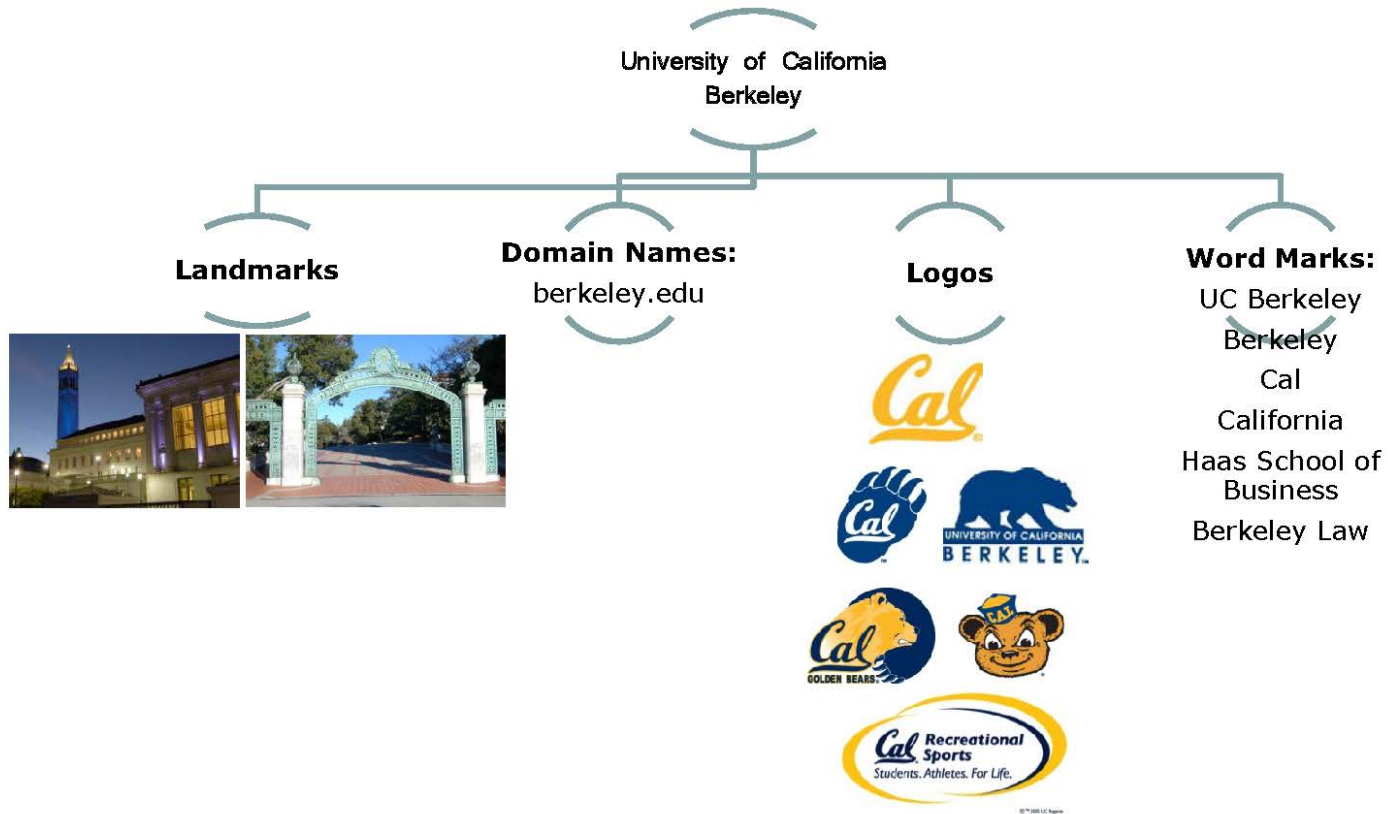
A brand is all of these and much, much, more

Brand

“Like trademarks, brands can designate the source of a product or service, but they go further, conveying information about a particular product or service, the core trademark behind the brand, other trademarks supporting the brand, any family of marks, domain names, sub-brands, ... and/or displays on the Internet. Essentially, **the brand comprises all publicly identifiable knowledge associated with a particular product, service, or company.** The trademark is just the legally protectable portion.”

Trademark Valuation: Preserving Brand Equity by Michael Freno.

Berkeley's Brand/TM Portfolio



Consequences?

What can happen to the University's...

- Intellectual property rights?
- Reputation?
- Brand value?

Brand Management

1. Promoting positive associations, which help to maintain and build brand value and equity
2. Registering and using correctly and consistently all the campus' trademarks
3. Ensuring that only licensed vendors produce Cal emblematic products

Brand Management

4. Managing risk and liability through insurance coverage and product quality
5. Enforcing compliance to sponsor/license agreements and the **Code of Conduct**
6. Enforcing campus and University policies; state, federal and international intellectual property laws

Promotion: Advertising

Adobe & UC Berkeley

Students and faculty get Adobe® CS5.5 Master Collection with Acrobat® Pro.
REGISTER FOR YOUR FREE SOFTWARE TODAY!

Register Online at: <http://edu.adobeeventsonline.com/CALLU/> or scan the QR Code above for a direct link.

Adobe for UC Berkeley

Students, Faculty and Staff get Adobe® Creative Suite® 5.5 with Acrobat® Pro.
DOWNLOAD ADOBE SOFTWARE TODAY!

Download at: <http://technology.berkeley.edu/productivity-suite/adobe/> or scan the QR Code above for a direct link.

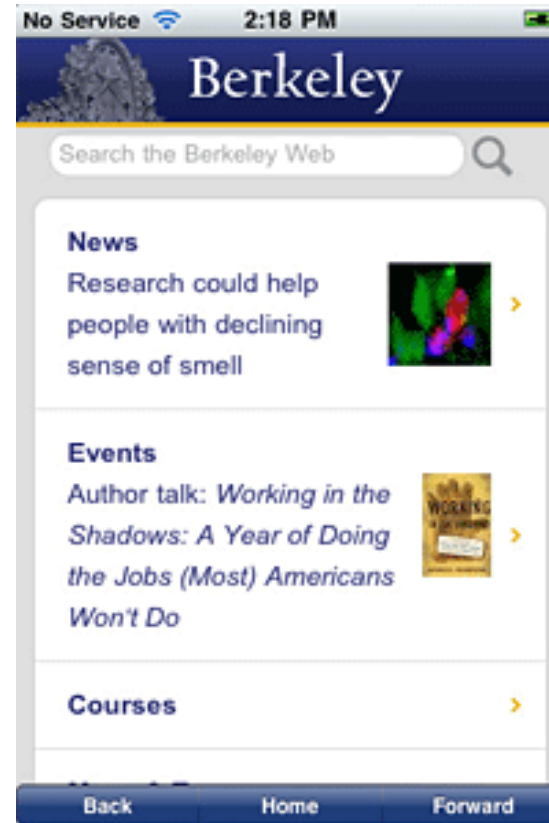
Made possible by Berkeley's Operational Excellence initiative.

What are the differences between the two promotional materials?

Promotion: social networks, mobile apps



Foursquare



UC Berkeley Mobile

Social Responsibility

- Berkeley-logoed goods should be produced under fair and equitable working conditions and support the social and environmental sustainability initiatives of the University of California
- License agreements reference the system-wide policy: “UC Code of Conduct for Trademark Licensees”
(<http://www.ucop.edu/ucophome/coordrev/policy/1-05-00code.pdf>)

Social Responsibility

New California law: Transparency in Supply Chain Act
(http://info.sen.ca.gov/pub/09-10/bill/sen/sb_0651-0700/sb_657_bill_20100930_chaptered.html)

Beginning January 2012: “Every retail seller and manufacturer doing business in this state and having annual worldwide gross receipts that exceed one hundred million dollars (\$100,000,000) shall disclose, as set forth in subdivision (c), its efforts to eradicate slavery and human trafficking from its direct supply chain for tangible goods offered for sale.”

Social Responsibility

As a system, the University of California is a member of the Fair Labor Association (FLA) and the Workers Rights Consortium (WRC). These two monitoring organizations assist the University in investigating allegations of worker/human rights abuse in the factories producing UC-logoed goods.

http://www.ted.com/talks/auret_van_heerden_making_global_labor_fair.html

Applicable Policies and Laws

- Federal Trademark Law: The Lanham Act
- California Education Code 92000
(<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=91001-92000&file=92000-92001>)
- UC Use of Name and Use of Seal policies
- Berkeley campus Policy on the Use of the University's Name, Seals and Trademarks

Truth or Consequence?

I can use any local printer to print campus business cards.

- a. True
- b. False



False!

- Business cards may only be ordered through UCSF Printing. Only UCSF (<http://ucprint.ucsf.edu/>) is authorized to use the seal.
- Using UCSF ensures that business cards are created for official campus staff, that correct artwork and
- layouts are used, and only authorized information is included.
- <http://newscenter.berkeley.edu/2010/05/11/printing/>

Consequence?

Truth or Consequence?

I am a buyer for my department. I want to order portfolios with a campus trademark, such as “Cal” or the seal, for use by the Chair. I can order this through Office Max or another retailer.

- a. True
- b. False



False!

If you wish to purchase logoed-merchandise for use by your department (promotional or give-away), you must use a licensee.

Helpful information may be found on the Procurement Services website at: <http://procurement.berkeley.edu/buying/buying-goods/merchandise-displaying-university-logos-campus-or-promotional-use>

Truth or Consequence?

I'm the clearance supervisor for a feature film currently in production. I'm also an Old Blue. I plan to clothe my main character in a Cal shirt. Since I'm an alumnus, I don't need permission.

- a. True
- b. False



Adam Sandler in *Bedtime Stories*,
Photo copyright *Bedtime Stories Productions, Inc.*

False!

- The script must be approved by the Office of Public Affairs and OMBO
- ***IF*** the script is approved, a Letter of Understanding will be prepared for signature
- The items shown as set dressing must be made by a licensee; no unlicensed merchandise may be used

Consequences – unbelievable!

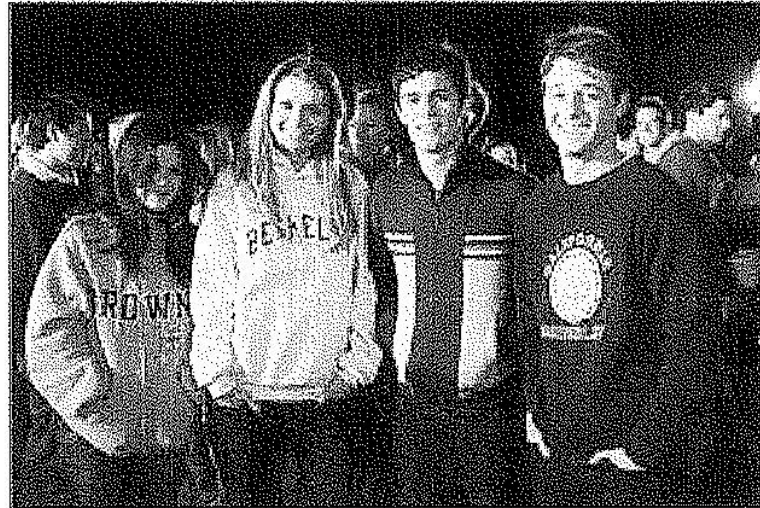
Truth is Stranger Than Fiction

Latest 'O.C.' drama revolves around UC

By Jackie Burrell
CONTRA COSTA TIMES

LAST WEEK'S episode of television's uber-trendy "The O.C." was greeted by derisive laughter as tens of thousands of California teenagers and UC Berkeley grads watched Marissa Cooper stroll the Cal campus as a newly admitted freshman-to-be.

OK, it wasn't actually Cal, but how, they asked themselves, could Cal admit the gorgeous young drama queen, even fictitiously? Like, did she even go to class?



The O.C., left to right: Summer, (Rachel Bilson) Marissa, (Mischa Barton) Seth (Adam Brody) and Ryan (Ben McKenzie) are back together for a beach party.

■ **Poll:** How will Marissa fare at Cal?

Truth or Consequence?

I'm creating a brochure for my department. I found a great photo – happy, engaged students. Before I can use this photo, I need to obtain permission from the individuals in the photo.

- a. True
- b. False



True

- An individual has the right to his or her own image.
- Use of a person's likeness may only be used with
- express written permission, such as a photo release.

- California Civil Code §3344: Use of Another's Name, Voice, Signature, Photograph, or Likeness in Advertising or Soliciting Without Prior Consent.

- UC Release is available at:
<http://webnet.berkeley.edu/docs/PhotoRelease.shtml>

- **Consequence?**

THE PLAY™



Oakland Tribune / Robert Stinnett via AP

THE PLAY™

- Issues:
- Use of Name and Likeness
- Copyright ownership
- Trademark ownership
- Who should provide approval for use?

Truth or Consequence?

We can only manage the brand and trademarks in the U.S. We can do nothing about infringement elsewhere in the world.

- a. True
- b. False



False!

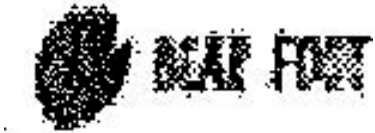
The University has registered the campus' marks in ten territories including the European Union (11 individual countries).

We have successfully opposed registration of our marks (or similar ones) in China, Korea, Japan, and the US.

Consequence?

Samples

Korea



Truth or Consequence?

New generic Top Level Domain (gTLD) names with a prefix of .xxx became available recently.

The campus filed to protect its valuable trademarks by “opting out” – preventing third parties from using our marks for x-rated websites.

- a. True
- b. False

True!

The campus protected its intellectual property by opting out of .xxx domain names including:

- ucalberkeley.xxx
- calbears.xxx
- goldenbears.xxx
- cal.xxx.

Consequence?

Who is responsible for Managing the Berkeley Brand?

- The Regents of the University of California
- UCOP
- The Chancellor
- Office of the General Counsel
- Office of Public Affairs (Campus website, communications, NewsCenter, <http://brand.berkeley.edu>, etc.)
- Media Relations (Media broadcasts, Press Releases)
- Real Estate Services (Filming)

Who is responsible for Managing the Berkeley Brand?

- Office of Marketing & Business Outreach and Business Contracts
- Collegiate Licensing Company (CLC)/Intercollegiate Athletics (retail licensing program)
- University Relations (Campaigns)
- External affairs units/individuals
- The general campus community: faculty, staff, students, alumni
- Members of the general public
- EVERYONE!

As a Brand Ambassador you should:

- Represent Berkeley in a positive manner
- Make sure that you and others are using campus trademarks correctly
- Order promotional departmental goods (giveaways) and items for resale from an official licensee
- Include trademark and/or copyright notices when appropriate

As a Brand Ambassador you should:

- Make sure that campus agreements include appropriate trademark language
- Obtain photo releases for the use of a person's name or likeness whenever possible
- Consider acquiring the copyright to any image that includes Berkeley's trademarks (e.g., contests)

Thank you!

For more information, visit:

<http://ombo.berkeley.edu>

Use of name related policies:

<http://ombo.berkeley.edu/forms/policies>

Trademark Use Request form:

<http://ombo.berkeley.edu/forms/apply/trademark-use-request-form>

Licensee lists: <http://ombo.berkeley.edu/name/promotion>

Contact ombo@berkeley.edu or 510 642-9120

Update: The new brand guidelines launched by Public Affairs in January 2013, are available at <http://brand.berkeley.edu>