

SERVICE MARK USAGE

Policy Number: 401GS

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Scope

This Policy on Service Mark Usage applies to faculty, staff, predoctoral researchers, summer scholars and applicants (“Covered Individuals”) of The Graduate School of the Stowers Institute for Medical Research (“The School”).

Purpose

The SGC Organizations own certain copyrights, trademarks and service marks (trademarks and service marks together referred to herein as “marks”), including Stowers Institute for Medical Research and Tree Design®, Stowers Institute®, StowersSM, Hope for Life®, Hope Shares®, BioMed ValleySM, and Discovery ProfitsSM. In addition, the SGC Organizations have certain rights in or to the name, image, biographical information, likeness and/or voice of certain Covered Individuals (“Publicity Rights” and together with marks and copyrighted materials, “IP Rights”). The purpose of this policy is to set forth usage guidelines to protect and ensure legally-permissible use of IP Rights, including proposed use by third parties such as SGC vendors.

The School is included in the Stowers Group of Companies (“SGC”) Organizations and has adopted the following policy as its own.

Policy

The following guidelines apply to any use of IP Rights. Any questions regarding this policy and the use of IP Rights should be directed to Science Communications.

Use of Marks

The following rules govern the use of SGC marks:

- Only approved logo/artwork obtained directly from Science Communications should be used, and all use should be in the form provided. The logo/artwork should not be distorted, tilted, or stretched; the font should not be changed; elements should not be added to or removed from the logo/artwork; the spelling should not be changed; and the SGC mark should not be used in combination with the mark of any non-SGC Organization.
- When a SGC word mark appears in text, it should appear in prominent type. Italics, boldface, all capitals, notice symbols (discussed below) or another format should be used to render the mark more prominent within the text in which it appears.
- The SGC mark should be used with the appropriate notice symbol. The ® or SM symbol, as appropriate, should be used with the first occurrence of a mark in text or print, and with every appearance of the mark in its logo/artwork form. The ® symbol is reserved for marks that are registered in the U.S. Patent and Trademark Office (“USPTO”), and should not be

used with marks that are not registered. The SM symbol is used for all unregistered, common law marks, including marks that are the subject of pending applications with the USPTO. In a lengthy piece or article, the notice symbol need not be used with every occurrence of the mark in text or print, but a footnote or attribution statement should be used identifying the cited marks as owned by a SGC Organization (e.g., “HOPE FOR LIFE® is a registered service mark and BIOMED VALLEY is a service mark of the Stowers Group of Companies”).

- The SGC mark should be used as an adjective where feasible and should generally be followed by the word “brand” or the generic noun (e.g., NIKE® sneakers, rather than NIKES). As a practical matter, however, service marks, such as those that generally constitute the SGC marks, are less amenable to this type of use. Text writers need not strain to comply with this rule, but use of a service mark as a verb should be avoided.
- To ensure compliance with graphic standards and applicable SGC policies, Science Communications and/or Purchasing should be contacted for any SGC promotional items such as t-shirts, mugs, pens, etc., any SGC letterhead, envelopes, business cards, or other stationery, or any other specialty applications of a SGC mark, such as use on websites.
- SGC marks should not be used in parodies, cartoons, puns or other instances in which the marks are portrayed negatively or in a false light. The marks are visible emblems of the SGC’s goodwill and should be respected and protected at all times.
- No Covered Individual may use any SGC mark for his or her personal or private benefit.

Graphic Standards. The compliant logo/artwork for the Stowers Institute for Medical Research logo is identified below:



The Stowers Institute for Medical Research logo is a tough and wiry tree, which embodies the survival of hope against adversity. The logo includes the following four elements that must appear together to ensure recognition and protection of the logo:

- Tree symbol enclosed within a circle
- Stowers Institute for Medical Research logotype
- Rule separating “Stowers Institute” and “for Medical Research”
- ® symbol located to the right of the “e” in Institute

Caslon Open Face is the font used in the words “Stowers Institute” as it appears in the logo. The words “for Medical Research” are printed in Goudy Bold. Two colors, Stowers Institute tan and green, appear in elements of the logo. The official shade of tan, which is used for the tree/circle

symbol and the rule that separates “Stowers Institute” and “for Medical Research,” is the ink color Pantone® 451U. The logotype and registration symbol should appear in the official shade of green, Pantone® 5463C.

The preferred one-color application for the entire logo is black. When printing on a colored background, the logo may be reversed out of the color background to white. The color of the background should be of a sufficient contrast to ensure legibility.

Use of Copyrights

Copyright law protects the expression of an idea that is fixed in a tangible form, such as advertising copy, brochures, photographs, websites, articles, and other media. An original work is protected by copyright immediately upon creation. The SGC values the manner in which its ideas are expressed, and accordingly, a standard copyright notice should be placed on all copyrightable materials, in the following manner:

© 2016 Stowers Institute for Medical Research. All rights reserved.

The year should refer to the year in which the work was created. Materials which are based upon earlier works are “derivative works,” and the year should refer to the year in which the derivative work was created.

Newly created copyrightable works of significant value should be submitted to the SGC’s General Counsel so that copyright registration may be considered.

Use of Publicity Rights

The SGC Organizations have been granted the right to record, use and grant others permission to use the Publicity Rights of certain Covered Individuals. Any proposed use of these Publicity Rights must be true and accurate, and must be submitted to Science Communications for approval.

Third Party Use of IP Rights

As discussed in Policy Number 500 (Facility Use), the facilities of the SGC Organizations have been financed with tax-exempt bonds. As a result, these organizations are subject to many rules and restrictions on the manner in which they operate and who may use their facilities, including intangible assets associated with the facilities such as those included in the IP Rights. For this reason, and to ensure proper and compliant use of the IP Rights, use by third parties of the IP Rights is restricted and any such use must be approved by the President and CEO of SIMR, working with the SGC’s General Counsel.

If a SGC vendor, whether nonprofit or for-profit seeks permission to use certain IP Rights in its marketing and publicity materials (“Promotional Use”), the vendor must submit a request in writing to Science Communications. The vendor and the Promotional Use must satisfy the following minimum criteria in order to be considered:

- The proposed Promotional Use must be limited to providing accurate and factual information regarding (i) the vendor, its representatives and its products or services and (ii) the relevant SGC Organization's use of the vendor's products or services. In no event may the proposed Promotional Use include an express or implied endorsement of the vendor, its representatives or its products or services by the SGC Organization or any of its members, including testimonial comments, supporting quotes or any other content that the target market for the Promotional Use could believe reflects the opinions, findings, beliefs or experiences of the SGC Organization or any of its members with respect to the vendor, its representatives or its products or services.
- The vendor (1) must be in good standing with the SGC, and (2) must have provided consideration to the SGC Organization under the relevant contract in exchange for the proposed Promotional Use.
- The SGC Organization's name and photographs of the exterior of a SGC building or the specific project completed by the vendor, if applicable, may be used. The logo or other trademark or service mark of the SGC Organization or any other SGC Organization may not be used.
- The SGC Organization must be granted the right to receive, and have an opportunity to provide direction on, draft versions of any materials (whether in print, web, television, radio, presentation, and any other format).

The SGC reserves the right to deny any vendor request under this policy for any reason or no reason, even if the minimum requirements are satisfied. If a request is approved by Science Communications, it will be a preliminary, conditional approval only. Final approval and authorization for the requested Promotional Use will be subject to the following additional criteria:

- The President and CEO of SIMR, working with the SGC's General Counsel, must approve the requested Promotional Use and may require that a SGC License Agreement be signed by the vendor and the relevant SGC Organization.
- The proposed Promotional Use, which must comply with this policy, must be submitted to Science Communications for written approval before any Promotional Use may be published.
- The above minimum criteria for favorable consideration must continue to be satisfied and the vendor must have satisfactorily completed all projects under the contract or satisfactorily performed all purchase order(s).

Until final approval of a Promotional Use is granted, the SGC Organization has the right to modify or rescind the preliminary, conditional approval for any reason or no reason, even if the above conditions to final approval are satisfied. If a preliminary approval is denied or if a preliminarily approved request does not receive final approval or is modified, any consideration which has already been provided to the SGC Organization for the proposed Promotional Use will be returned or refunded to the vendor.

This policy was approved by the GSSIMR Board of Directors on September 5, 2018.
This policy was last updated by the GSSIMR Board of Directors on November 09, 2020.

This policy will be reviewed by the GSSIMR Board of Directors in 2022.