

TRADEMARKS MANAGEMENT POLICY OF NIFT

1. INTRODUCTION

The name, logos, symbols and other identifying marks provide an instant identification of an institution. Since they represent identification, they become critical assets of an institution. It is of vital importance to properly manage the marks and logos to maintain a unifying look, which in turn is of high importance to public perception and recognition.

For this reason it is important for all the National Institute of Fashion Technology (NIFT) employees and students to recognize the importance of monitoring and protecting the Marks of the Institute. The term NIFT includes all the branches of the Institute, both within and outside India. The Marks include NIFT's trademarks, logos, service marks, trade dress, slogans, screen shots, copyrighted designs, or other brand features. The purpose of this policy is to guide on how to properly and knowledgeably use NIFT's Marks for internal as well as external use.

The aim of this policy is to:

- Promote and protect the logos and Marks of NIFT by implementing a management system aimed towards protecting its Marks
- Protect the consumer from deception or from faulty or inferior products and services bearing the Institute's Marks
- Provide fair and equitable treatment to all licensees
- Earn royalties and other revenues for the benefit of the Institute

2. SCOPE OF THE POLICY

This policy applies to all NIFT Personnel and third party users of NIFT Marks

The term 'NIFT personnel' include, but are not limited to all employees, staff, faculty, students (regular or part-time), student organizations and any other organization affiliated to or formerly affiliated to NIFT. Employees/staff/faculty include but is not limited to all full time, part time, contractual, ad hoc, seconded and any other employee in any other category.

The term `Third Party' implies any organization, vendor or business obtaining licenses for the NIFT Marks, both within India and outside India.

3. LIST OF AUTHORIZED ACTIVITIES FOR USING NIFT'S MARKS

Authorized activity implies any activity or action that does not require prior permission for using NIFT's Marks from the Director General, NIFT or any authority delegated by him.

- a) Any presentation made by NIFT personnel for internal use. Presentation includes, but is not limited to dissertations, project reports, assignments etc.
- b) Any presentation made by NIFT personnel for external use which does not involve any commercial activity. For example presentation made for obtaining grants either from a Government or a private organization.
- c) Any activity in the NIFT campus or outside, with the approval of Competent Authority. For example conferences, seminars, fashion shows, etc.
- d) The above mentioned activities are however, expected to follow the guidelines, as mentioned in clause 8 for representing NIFT's Marks to maintain uniformity, homogeneity and respect in presenting NIFT's image.
- e) No tampering of the NIFT's Marks is allowed in any manner. To make it convenient for users, soft copies of the Mark files will be maintained with designated authority which can be obtained on request.

4. APPROVAL FOR THE USE OF THE MARK (FOR NIFT PERSONNEL)

- a) All uses of the marks, other than those mentioned in clause 3, need to be approved and monitored by the Director General (DG), NIFT or any authority delegated by the DG, called the `delegated authority'.
- b) The Institute will approve and monitor the Marks for the following use of the Marks :
 - i) On printed publications and advertising created by or for the Institute for purposes of institutional or event promotion, other than those mentioned in clause 3.
 - ii) On printed supplies meant for resale.

- iii) On items created internally by the Institute for external distribution and/or resale.
 - iv) On educational and scholarly materials created for or by the Institute and owned by the Institute for internal or external distribution either for give away or for resale.
 - v) On copyright material such as books etc. where brands of other entities such as publishers also appear.
 - vi) The request for approval may be made by completing the 'Request for Approval Form' (Annexure-E) to be obtained from the designated authority and submitted to the designated authority.
- c) Royalty : Publications that are exploited for commercial uses like books etc. are subject to a royalty of 3 % for using NIFT's trademarks

5. APPROVAL FOR USE OF THE MARKS (FOR STUDENTS)

- a) All uses of the Marks need to be approved and monitored by the Director General (DG), NIFT or any authority delegated by the DG.
- b) The delegated authority will monitor the use of any of NIFT's Marks on printed material such as letterheads, flyers, banners, newspaper advertising, websites etc to identify or advertise Organization activities. Organization includes, but is not limited to a group of students engaged in a particular activity. Upon request, the delegated authority will review any printed materials before they are produced.
- c) To use the Marks on products such as t-shirts, mugs, pencils, caps etc. to identify or advertise an Organization, approval must be obtained from the delegated authority.
- d) No use of NIFT Marks is approved on students' or Organizations' websites without the approval of the DG, NIFT or the delegated authority.
- e) The request for approval may be made by completing the Request for Approval Form, which can be obtained from the designated authority and submitted to the designated authority.

6. APPROVAL FOR USE OF THE MARKS (FOR THIRD PARTY)

- a) All uses of the marks need to be approved and monitored by the Director General (DG), NIFT or any authority delegated by the DG.
- b) All non-NIFT users must be licensed except when the use is:
 - i) by the news media for news reporting
 - ii) by an artist in an original piece of work which will not be reproduced
 - iii) for a congratulatory or supportive advertising message using the Institute's name but not logos.
- c) All external and/or commercial uses of the Marks must be approved and monitored by the designated authority.
 - i) Every specific use of any of the NIFT's marks must be duly approved in advance prior to such usage.
 - ii) The interested party may request approval by completing the 'Request for Approval Form' (Annexure E) that can be obtained from the designated authority and submitted to the designated authority.
 - iii) The interested party must include *complete samples* of each proposed use. Such samples however may not contain any of the NIFT's Marks, before approval. The purpose of asking for the samples is to confirm the quality of the product and/or design for which the said Mark is purported to be used. The designated authority will typically review the sample and respond within ten (10) working days, but is under no obligation to respond.
 - iv) After the Approval, the interested party will be notified and the License Agreement will be sent to the applicant
 - v) Before the applicant is licensed to use any of the Marks, approvals have to be given by the designated authority for (i) the design and use of the Marks in the design, (ii) the product and (iii) the quality of the method of application of the design onto the product.

7. ROYALTY

- i) Products such as T-shirts, mugs, caps etc. using NIFT Marks are subject to royalty of 3 %
- ii) An exemption is granted only if an organization is selling its products to its members at cost.
- iii) No exemption is granted if products are being sold above cost.

- iv) Exemption will be given only if applied to the delegated authority along with the design, number and description of the products, the intended use of the product and a copy of the design.

8. DESIGN STANDARDS

General design standards

- a) Designs must be of the highest quality and appropriately portray the image of NIFT.
- b) Uses of the marks by NIFT personnel or entities that do not fall into the official internal business use of the Marks and are not officially registered as a student or campus organization must be reviewed first by the designated authority and then authorized by the DG, NIFT/ Director, NIFT. Uses of the Marks will be reviewed on a case-by-case basis. The request to use the Marks by NIFT personnel or entities is to be done four (4) weeks in advance from the date of production, to the designated authority.
- c) A NIFT Mark cannot be used along with marks belonging to other parties, like schools, institutions, conferences, colleges, individuals etc. unless appropriate approvals are obtained from the owners of such marks.
- d) A NIFT Mark cannot be incorporated into or dominated by another mark
- e) No NIFT Marks can be protected under IPR laws by anyone except the Institute.
- f) The symbols TM or SM are not generally used for internal purposes. Permission must be sought from the designated authority before usage of such symbols.
- g) The symbols TM or SM have to be necessarily used by Third Parties while using the NIFT Marks.
- h) Use of trademarks or any other intellectual property rights owned by a third party must be approved by that party and submitted to the designated authority along with the desired art work.
- i) Designs that use NIFT's Marks should use design standards as prescribed in clause 9. However, additional design standards formulated for students and students' organizations are:
 - i) The official name of the organization must appear in the design, as registered with NIFT. It may be required to show the link between the organization and NIFT in the design.
 - ii) Designs must be of the highest quality and must appropriately portray the image of NIFT. Designs that contain vulgar language, profanity or words with inappropriate double meanings will not be allowed.

- iii) It should not be assumed that if a design has been in use for many years in the past or recently, it will be approved. These considerations will be taken into account on current design basis.
- iv) If any Organization desires to use any artwork, slogans or trademarks created by a third party, it must take prior permission from such party and submit it to the designated authority.
- v) If any student Organization enlists a third party's name or logo as a sponsor on products or activities such as events, there should be a clear distinction between the sponsor's Marks and NIFT's Marks. Use of name or logo of a third party cannot have the appearance of NIFT's endorsement.
- vi) Third parties that are sponsoring an event or products must submit proper permission papers to use its logo or name to the designated authority.

9. STANDARD CONDITIONS FOR USE OF THE NIFT TRADEMARKS

a) The following Marks are Proprietary to NIFT:

- i) Word Mark: National Institute of Fashion Technology
- ii) Acronym & Word Mark: NIFT



iii) The Stylized Logo:

The visual language for NIFT's official Logo is structured in the continuous – stylized – slant format in dark grey colour [Pantone DE 325-2C, c:0 m:0 y:0 k:80] with a red dot [Pantone DE 83-1C, c:30 m:100 y:100 k:0]. The equity in maintaining this approach serves to strengthen public's recognition of the brand/mark across its many formats. Every opportunity that NIFT has to communicate the brand consistently should be maximized to help build the brand equity.

b) Restrictions on Use

- i) The Marks cannot be altered in any way
- ii) A Mark may be incorporated in any design as long as the integrity of the Mark is not altered in any way
- iii) The Mark's type style may not be for other words in a design incorporating a Mark

- iv) Any deviation to these design standards will be considered on an individual case-by-case basis by the designated authority.
- v) No manipulation of the logo/mark in any manner except for the proportional scaling of the graphic as a whole element is allowed
- vi) The use of Marks does not give the Licensee the right to bind NIFT or make any representation on its behalf
- vii) No Licensee will be allowed registration of similar Marks or names containing the Mark

10. PRODUCT STANDARDS

- a) All products incorporating the Marks must be of high quality
- b) No products considered to be dangerous or offensive will be approved
- c) Any product which is seen to be causing potential health risks, promoting drugs, alcohol, gambling/gaming or tobacco will not be approved
- d) No product that is considered to be obscene or religious in nature will be approved
- e) No approval will be given to use the Marks with any text or graphics that are judged to be obscene, denigrate any group, including another college or university or infringe the rights of other trademark owners.

11. CHANGES IN MARKS

- a) During the term of the license the Licensee must take approval for any change in the original licensed use, including the following:
 - i) Changes of approved design
 - ii) Use of approved Mark in an additional design
 - iii) Use of additional Mark
 - iv) Use of an additional product
- b) Nonexclusive remedy
 - i) The Licensee will however, duly make all necessary changes to its use of NIFT's Marks as and when requested by NIFT
 - ii) This remedy is in addition to any other legal remedies, both civil and criminal, to which NIFT may be entitled in relation to Licensee's use of NIFT's Marks

- iii) NIFT reserves the right at any time to revoke the authority given under these conditions if there is any breach, or if the quality, or nature of any services, or other things in respect of which the Mark is used are unsatisfactory to the Institute and subject to the sole discretion of the Institute.

12. COMPETENT AUTHORITY

- a) The original versions of the graphic representations of NIFT's Marks will always be with the Director General of NIFT.
- b) The approval for third party to use the Marks can only be given by the authority delegated by the DG.
- c) Use of the NIFT Marks by any international/overseas/non-Indian third party can only be approved by DG, NIFT.
- d) The approval for NIFT personnel of a particular NIFT Centre may be given by an authority delegated by the DG for that particular Centre.

Glossary

"Author" means faculty, students, staff or visiting faculty who has/ have written or created a creative work.

"Copyright" means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.

"Copyrightable Work" is a creative work that is protectable under copyright laws. Copyright protection is available for most literary, musical, dramatic, and other types of creative work, including software, teaching materials, multimedia works, proposals, and research reports.

"Creators" are persons who have produced any original work

"Design*" means only the features of shape, configuration, pattern, or segment or composition of the lines or colours applied to any article whether in two dimensional or three dimensional or both forms, any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and judged solely by the eye, but does not include any mode or principle of construction or anything which in substance a mere mechanical device and does not include any trade mark or property mark or an artistic work as defined under the Copyright Act, 1957.

*Defined as per Indian Designs Act, 2000.

"Design Registration" Registration of the novel non-functional features such as shape, or ornamentation of a product; "NIFT personnel" includes but is not limited to the faculty, students, staff or visiting faculty, researchers and scientists at NIFT;

“Intellectual Property” includes but is not limited to copyrights and copyrightable materials, patented and patentable inventions, tangible research results, trademarks, service marks and trade secrets;

“Invention” includes but is not limited to any new and useful process, design, creation, product, formula or machine conceived or first reduced to practice in whole or in part, defined within the purview of the Patent Act.

Inventor(s) are person(s) who produce an invention.

“Licensing” is the practice of renting the intellectual property to a third party.

“Patent” means the exclusive right granted by law for making, using or selling an invention.

“Royalty” is the payment made to an inventor/author or an institution usually for legal use of a patented invention or any Intellectual Property when licensed.

“Significant Use of NIFT Resources” is any usage of NIFT resources in the creation of the invention(s), excess of the routine use of office facilities, computers, library resources and resources available to the general public.

“Software” means anything executable in a computer.

“Teaching material” means and includes any material that aids the process of teaching

“Trade Mark / Service Mark” is a distinctive word, symbol or picture or a combination of these, which is used by a business entity to discriminate its products and services from those of other business entities.

“Trade Secret” Usually some information such as know-how of commercial or strategic value that is not disclosed to all and is used in a restricted manner

ANNEXURE - E
Request for Approval Form
(Trademarks)

All prospective users must familiarize themselves with the Standard Conditions and Guidelines as given in the `Trademarks Management Policy of NIFT` for use of NIFT Trademarks.

Once this form is authorized, you will be given an `Approval Notification`.

Information about internal/external users* or students/student organizations:

This area must be filled and forwarded to the concerned Department/Office which will then forward it to the Director General, NIFT or any authority delegated by him

NIFT will protect its marks and reputation by authorizing prospective users as enunciated in the Policy and Guidelines document

<p>Name of the Company/Organization/NIFT Employee/student/student organization</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Contact Details</p> <p>E-mail Phone Fax</p> <p>.....</p> <p>Mailing Address</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Benefit to NIFT**</p>

.....
.....
.....

Scope of Permitted Use:

Purpose (why it is being used):

.....
.....

Media used (i.e. what type Advt., Print, Web etc.)

.....

Geography (where used)

.....

Duration (length of time)

.....

Specific Description (of the materials in which NIFT's Marks will appear):

Type of work (book, video etc.)

Title:

Name of all contributing authors/editors/creators of the work:

.....

Description of content of work** (be as specific and thorough as possible):

.....

Is a sample of the work submitted for approval by NIFT:

.....

Distribution plans for materials (what territory, how many copies, how will copies be offered for distribution, what are requested channels of distribution)**:

.....

Any questions concerning your request**:

.....

I/We acknowledge that I/we have reviewed the Policy and Guidelines for use of NIFT's Marks and that I/we and my/our Organization agree to those guidelines, and any additional terms set forth within NIFT's Approval Notification and/or License, which terms will collectively govern any use of NIFT's Brand Features in relation to this Request.

Signed:

.....

Name:

Title:

Organization:

Date:

Authorization Office Only

Authorized by the relevant Authority

Name: **Signature:** **Date:**

* Internal and External Users as defined in the Policy and Guidelines

** Please attach extra sheets, if required