

5 THINGS HIGH SCHOOLS THAT USE COLLEGE LOGOS NEED TO KNOW

It's almost a time-honored tradition in American prep sports for a local high school to adopt the logo of a well-known college as their own. Legal realities, however, have set in and colleges are now asking high schools to cease such unlicensed use. For high schools that use college logos, here are five things you need to know:

1. College sports are huge. Like, really, *really* huge.

But you knew that, right? It used to be that college sports were a regional concern, in which institutions would compete against each other within a sensible geographic area. Most schools only got wider coverage if they were fortunate enough to make it to a New Year's Day bowl game.

Today, college sports have evolved into a national juggernaut. Powered by massive year-round media coverage, college sports can be found anywhere and at any time. Regional programs have grown into national powerhouses thanks to explosive social media and internet access, dedicated conference cable networks, and a seemingly insatiable appetite on the part of fans for more information and content.

This phenomenal growth in visibility and exposure has produced staggering results. 15 years ago, a top D-I program could expect to see around \$650,000 in annual licensing revenue. Today, that number can reach \$4,000,000. The SEC Network is predicted to generate "extraordinary" revenue. The College Football Playoffs are worth \$5.64 billion to ESPN. Yes, you know college sports are huge, but bear in mind that they're *multi-billion dollar* huge.

2. Visibility and exposure for high school sports has changed.

High school athletics are on the rise as well. The 2013-14 school year saw an astounding 25th straight consecutive increase in high school sports participation. More high school students than ever before are playing sports. Thanks to social media and internet video streaming, fans have an unprecedented ability to connect with and follow their favorite high school program.

No longer is a high school's visibility limited to just the local community. Grandparents in Florida can log in to a granddaughter's game in Idaho. A deployed military dad can watch his son's

game from another continent. Increased exposure means not only do *you* know you're using a college logo for your athletics program, everybody else does, too.

3. The “15% Rule” does not exist.

The idea that altering a college logo by “15%” as a means of protecting a high school from legal action is widespread as an understood fact. It is, however, a bogus concept.

Legally speaking, trademark violation is determined by standards of trademark infringement and trademark dilution.

In general, the standard for trademark infringement is whether a design is “confusingly similar” to a protected mark. An infringing trademark does not need to be exactly identical to a protected trademark, but may instead be determined as likely to cause confusion as to source, licensing, approval, etc.

Rights to a protected mark can also be violated by “dilution” – either by tarnishment or blurring of the strength and distinctiveness of the mark.

Additionally, college logos are subject to copyright protection. Use of a protected college logo by a high school could therefore also give rise to a claim of copyright infringement.

When a college enforces its rights in its logo, it generally does so by these three standards, not by an arbitrary “15% different” determination.

4. Colleges are not “stepping on the little guy.”

Despite the decades-long status quo of high schools using college marks as their own, the world of collegiate and prep athletics has changed dramatically.

Trademark law obligates institutions to protect their valuable intellectual property. Colleges may be accused of being “bullies” for enforcement involving secondary schools, but it is important to note that colleges are not seeking out high schools that use their marks. High schools are but one piece of a larger enforcement effort which looks at a breadth of businesses and organizations across a variety of channels.

Enforcement is important because colleges invest an enormous amount of time, effort, and money in building and promoting their trademarks. Failure to protect their marks can result in

the loss of the legal right to do so, thus rendering useless the very idea of building and protecting a brand in the first place.

5. Your high school brand is more powerful than you think.

The environment of increased visibility and exposure that can be a headache for the use of a college mark can also be an unprecedented opportunity. Elevated awareness and reach beyond one's community makes for high school brands that have never been more popular, powerful, or valuable.

Developing a unique athletics logo, one that cannot be confused for a college mark, takes advantage of this opportunity and opens up the path to trademark ownership. Trademark ownership is a powerful asset. With it, the high school controls how the mark is used, who can use it, and who can't.

Most importantly, it means the school controls the revenue, bringing much-needed funds back to where they belong: the school itself. Not an out-of-state online vendor, not a big box store, not some dude selling t-shirts out of his car. Used well, a fully protected high school athletics logo can have a positive impact on the education of your entire student body.

As the preferred sports branding provider of the GHSA, Hartwell Studio Works partners with Georgia high schools to develop athletics marks they can own and control for the good of their students. Visit us online at www.hartwellstudioworks.com, and connect with us on [Twitter](#) and [Facebook](#).

For more information, contact John Hartwell at john@hartwellstudioworks.com, or at 404 543 8825.