



## TRADE MARK PROTECTION AND ENFORCEMENT

### Rationale:

The Board of Trustees generally believes that intellectual property rights should be freely available so that students and teachers can access a wider range of high quality learning resources and materials than may otherwise be possible. However, there are some rights created in the context of a school environment that could provide a school with a particular advantage or could be used to generate revenue to the benefit of the school. In such a case, it may not be appropriate to offer the IP rights to third parties freely. Key brands are such a right.

### Purpose:

A registered trade mark is an exclusive right. It provides a trade mark owner with a readily enforceable right to protect its trade mark from misappropriation by third parties.

### Scope:

This policy applies to all departments and individuals

### Guidelines:

Whangarei Boys' High School may have any number of key brands, which, if used by third parties without permission, could be harmful to Whangarei Boys' High School in some way. Trade mark registrations should therefore be sought for the school's key brands. This would generally include the school name and any associated logos or slogans, and any other brands that are valuable to the school and therefore should be exclusively owned.

The Board of Trustees of Whangarei Boys' High School therefore will:

1. File trade mark applications for its existing and future key brands, to the extent prudent or necessary.
2. Develop secondary brands and seek registered protection in line with step 1.
3. Where appropriate, will formalise the terms on which any users of Whangarei Boys' High School's trademarks may use the marks, including for branded clothing and merchandise, such as through a licence agreement.
4. Use TM or ® symbols where appropriate (where a trade mark is unregistered, always use the TM symbol, and once registration has occurred, always use the ® symbol). [Note: The ability to use the ® symbol is limited to the country in which registration has been obtained].
5. Seek to enforce the school's trade mark rights in the event that a third party infringes any of the school's trade mark rights.

### Related policies:

1. Protecting and Sharing of Intellectual Property (Creative Commons)
2. Copyright and Licenses

### References or Sources:

1. Copyright Act 1994
2. NZ School Trustees Association
3. Films, Video and Publications Classification Act 1993

### Review details:

Review Date	Reviewed by
May 2018	Prepared for endorsement to the BoT by SMK
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