

Managing the Brand: Administrative Structure of the Hidden Profession of
Collegiate Trademark Licensing

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DEDICATION

This master's thesis is dedicated to my loving parents who have blessed me with more than I deserve. I have spent the last year pouring my heart and soul into this work to make you proud, but I know all the stress, sweat, and tears that accumulated to make this thesis possible are part yours and I thank you for all the sacrifice and encouragement. This journey has been filled with very long days and even longer nights, but the phone calls and notes from you helped me to persevere to reach this point in my academic career. I may be the first person in our family to pursue a Master's degree, but I know all of the hard work and pursuit of my higher education goals and dreams have been shared with you each step of the way. Mom and Dad, I thank you for your selfless support and guidance. I am honored to present this work, which is dedicated to you both, as a small token of my appreciation for the sacrifices you have made.

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ABSTRACT

This study analyzes the current state of collegiate trademark licensing departments through first-hand accounts from current or past licensing professionals. Semi-structured interviews were conducted to understand current issues that are facing the licensing industry, particularly focusing on internal organizational structure of collegiate trademark licensing departments at institutes of higher education. Eleven participants, including licensing agents, licensees, licensing directors, and licensing experts were interviewed and the following themes emerged. Collegiate trademark licensing is a hidden profession, with little education available about the industry. Programs have greatly evolved over recent decades, but institutional infrastructure still lags in the appropriate assets and resources to sustain a growing program. Licensing directors have strong professional relationships with others in the field, but often have difficulty receiving buy-in to licensing objectives from their internal peers. A strong sense of ‘university’ versus ‘athletics’ exists, causing confusion and discrepancy in managing the multi-faceted licensing objectives.

Keywords: Collegiate Licensing; Trademark; College Athletics; Higher Education Administration; Organizational Management

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CHAPTER I: INTRODUCTION

Introduction to Trademark Licensing

In recent years, as the popularity of collegiate sports has increased, so too has the demand for officially licensed university memorabilia. Such memorabilia may bear not merely the University's name, but may bear the University mascot, the University nicknames, and the various logos and slogans associated with the University. Officially licensed products earn billions in revenue for American universities each year.

In response to the growing popularity of college athletics, many universities have developed trademark licensing programs to ensure control over their names and marks, to ensure that those marks are associated with quality goods and services, and to generate for university programs. As the earnings reports indicate, the rewards from a successful licensing program can be great. However, establishing a successful program requires careful planning, implementation and management.

This statement made by the Office of General Counsel from the Arizona State University perfectly summarizes the main trigger of the emergence of trademark licensing departments at institutes of higher education. The emergence of big-time college sports has forced universities to increase its efforts in protecting their respective university's name, image, and brand. Subsequently, the growing affinity for intercollegiate athletics has caused a sharp increase in the desire for memorabilia adorned with University trademarks.

The inception of trademark licensing departments at major universities was also influenced by the technological advancements of the 1970s to include screen printing or silk-screening (Pitts & Stotlar, 2013). Printed t-shirts quickly became a popular communications medium during this time and fans of universities and its athletic programs turned to imprinted products as a method of expressing their support. Since the 1970s, continued developments in technology, including the Internet, have allowed fans to be more connected with their favorite universities and programs. Advancements in affordable at-home graphic design and photo editing software have provided supporters more avenues to consume, but also infringe upon university trademarks. Furthermore, with increased attention and competitiveness in college sports, universities have turned to the sale of sport merchandise to help build revenue to fund the persistently growing programs. In 2014, collegiate licensed merchandise accounted for \$4.8 billion in the retail marketplace up from \$100 million in 1981 (CLC Services, 2014; Rooksby, 2014). The International Collegiate Licensing Association (ICLA), which is administered by the National Association of Collegiate Director of Athletics (NACDA), is a professional organization dedicated to advancement of the collegiate licensing industry (Rooksby, 2014).

Trademark Law

Trademark licensing departments have a multitude of business purposes, but are ultimately grounded in trademark law. Before a University can fully protect, profit and promote its brand and trademarks, the University must have a comprehensive understanding of trademark law and its consequent rights and boundaries.

As defined by the United States Patent and Trademark Office, “a trademark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than goods” (United States Patent and Trademark Office, 2014, p. 1). The term ‘trademark’ is often used as an all-encompassing term to represent both trademark and service marks. Codified 15 U.S.C. § 1051, the Lanham Act of 1946, named for Representative Fritz G. Lanham of Texas, is the premier federal trademark statute in the United States. It governs the law of trademarks, trademark registrations, and remedies for infringement (Pitts & Stotlar, 2013). It also seeks to protect consumers and merchants from trademark dilution and false advertising. Additionally, all 50 states plus the District of Columbia and Puerto Rico have state trademark laws that are modeled after federal law.

The ultimate test to determine the validity of a ‘unique’ mark is its likelihood of confusion with other marks. The USPTO determines that likelihood of confusion exists when both (1) the marks are similar, and (2) the goods and/or services of the parties are related such that consumers would mistakenly believe they come from the same source. This foundational piece of evidence is the basis for most trademark law cases and has been analyzed and upheld in the recent collegiate trademark cases of *Bd. Of Supervisors for La. State University v. Smack Apparel Co.*, (2008) and *Ohio State v. Skreened*, (2012). The Lanham Act has been amended several times since its original implementation and has been the key in changing the landscape for trademark owners and the protection they are entitled under the law and opinion of the court.

Functions of Trademark Licensing Programs

Trademark licensing departments, although rooted in legal matters, have a wide range of business objectives that can be categorized into four separate but interdependent areas known as the 4 P's of licensing: Protect, Promote, Profit and Preserve (Klein, Hays, Stevenson, 2012). The following section briefly explains how each of these objectives fit into a collegiate licensing program to advance the overall university's mission.

Protect. Legal objectives are the foundation for trademark licensing departments. Institutions must identify, secure and protect its trademarks in order to insure the image and integrity of the University does not become damaged (University of Michigan Trademarks and Licensing Program, 2014). Universities typically have a large portfolio of common law and registered trademarks registered at both the federal and state level. In order to obtain and maintain these rights given under trademark law, universities must actively enforce its rights to legal protection. Licensing departments must work in conjunction with their licensing agent if one is contracted, the general counsel's office, and other departments on campus to pursue trademark infringers and uphold the integrity of the university's marks. Ways licensing departments can protect the university brand include registering trademarks at the state and federal level in the appropriate classes, implementing internal campus policies, executing licensing agreements with a select group of manufacturers for internal and external consumption, and sending cease and desists and other legal correspondence to infringing parties if necessary (Klein et al., 2012). In the past decade, corporation social responsibility (CSR) has become an important element in protecting universities and brands. A strong commitment to worker's rights and fair wages has emerged as an essential and responsible factor in the

sale of licensed goods emblazoned with university trademarks. In addition to protecting the university, licensing also seeks to protect consumers from deception of counterfeit merchandise, which is often characterized by poor quality, foul language, and misrepresentation of the university (Dunlap, Moss, Watt, 2013). Essentially, licensing departments are responsible for monitoring the internal and external use of university trademarks. In the Collegiate Licensing Company's (CLC) three pillars of service, "Brand Protection" is the first step to a healthy licensing program (CLC Services, 2014).

Promote. Continued interest and affinity for college sports has led to the increased desire for licensed merchandise adorned with university trademarks. To continue to build upon the increased devotion licensing "as a marketing vehicle enables sport organizations to generate consumer awareness and interest through logoed products, all with minimal capital outlay" (Pitts & Stotlar, 2013, p. 357). The sale of licensed products allow universities to expand their brand messaging outside university grounds by allowing fans to wear, use, and consume university branded merchandise. Ways licensing departments help promote the university through licensed merchandise include partnering with recognizable brands and retailers to expand the collegiate licensed product selection across multiple distribution channels, creating exceptional designs and programs that build on the uniqueness of the university's brand and maximizing the use of local and national marketing platforms (Klein et al., 2012).

Profit. A leading objective of trademark licensing programs is collecting royalties and guarantees from the sale of licensed merchandise to support scholarships and other program initiatives (Dunlap et al, 2012). Capitalizing on the insatiable interest in college athletics, "collegiate licensing affords its participants significant opportunities for

generating revenue and recognition” (Lattinville, 1996). A predetermined percentage, or royalty rate, are determined by each individual institution and vary across properties and per level of exclusivity (Klein et al, 2013). Subsequently, the more licensed products adorned with university trademarks to be sold, the more royalties or revenue the institution receives. The cost of running competitive sport and university programs has increased dramatically over the past few decades therefore universities have turned to licensed revenue to help support its overall budget. The Collegiate Licensing Company (CLC) which is the leading licensing agent in 2014, has paid its collegiate partners more than \$1 billion in royalties since its inception in 1981 (About CLC, 2014) and the top institutions collect more than \$5 million per fiscal year (T. Stinnett, personal communication, 2014).

Preserve. The fourth objective of a trademark licensing builds off the previous three. In order to maintain the long-term brand value, trademark licensing departments seek to keep unique university traditions alive and maintain an institution’s brand integrity. The three previous P’s are each significant, but can sometimes focus only on short-term growth. Preservation of a program allows for continued exposure and profit and a sustainable avenue to advance university marketing and financial objectives. Occasionally the objectives of promotion and profit can conflict, but licensing directors must keep the protection and preservation of university trademarks and brands at the forefront. This includes engaging in and maintaining a strong corporate responsibility philosophy.

Two Forms of Management

There are two options given to universities that desire to engage in collegiate licensing: (a) contract with a licensing agency, or (b) administer the program independently. The most prominent licensing agency in the collegiate licensing industry is the Collegiate Licensing Company (CLC) which helps facilitate licensing programs for nearly 200 colleges, universities, conferences, bowls, the National Collegiate Athletics Association, and the Heisman Trophy (About CLC, 2014). However, unlike 30 years ago, there are other alternatives for licensing agents for universities seeking representation for their licensing departments to include the Strategic Marketing Affiliates (SMA), the Licensing Resource Group (LRG), and Fermata that collectively represent more than 350 other university clients. Some advantages a licensing program may enjoy from joining a licensing consortium include formation of collegial alliances with other universities, lower institutional administrative costs, availability of experienced licensing professionals for assistance, and involvement in national marketing campaigns (Lattinville, 1996).

There are still a number of institutions, including the University of Oregon, the Ohio State University, and the University of Southern California that operate an independent program without a licensing agent. Some suggest that independent programs are more flexible than those managed by licensing agents and have a more “personal touch and attention to detail” (Lattinville, 1996). The number of invested bodies at the university level will vary depending on if the program has outside representation, but regardless of the external administration decision, the licensing program requires an organizational unit vested with program responsibility within the university and the

selection of the appropriate university division has varied among universities (Gaston, 1984).

Statement of the Problem

Trademark licensing extends across a variety of business disciplines including legal, marketing, accounting, and social and corporate responsibility. Similarly, trademark licensing programs have been tasked with a number of, and sometimes conflicting, program objectives and goals. For example, many trademark licensing programs have some variation of the following departmental mission: 1. Ensure proper use of trademarks, service marks, logos and insignia of the University, 2. Generate income to support and enhance the scholastic missions of the University and 3. Protect the University's reputation, good name and image by permitting only appropriate uses and quality products bearing the University's marks (Trademark and Licensing, 2014). These objectives can, while wholesome and virtuous, often contradict each other in commerce. For example, often times there is the ability to capitalize off a phrase or trend that becomes popular through social media and pop culture, but when combined with the University's marks, can devalue the integrity of the institution's brand. In such case, a licensing director has to decide which program goal holds precedent—generating the greatest amount of royalties to support scholastic missions or upholding the prestige of the University's name. Similarly, the licensing department is often tasked with expanding the footprint of their collegiate merchandise, but also upholding certain values as it relates to sustainability and corporate responsibility. Sometimes licensing directors must

decide, despite a manufacturer's prominence in the marketplace, whether or not their business practices are proper enough to be partnered with their given institution.

Due to the interdisciplinary goals of a licensing program, Universities find it difficult to appropriately place a trademark licensing department, as there are a number of different reporting structures, depending on the ultimate goals of the University, where it may fit. Despite the immense impact implementing or failing to implement a licensing department can have on an institution, University administrations are not giving enough attention or assets to their respective programs even though it should be a strong pillar in their overall marketing and branding objectives.

Purpose of the Study

Licensing in collegiate athletics in the United States is a fairly new concept, beginning in 1973 at the Ohio State University (Gaston, 1984). Since its inaugural effort, the increase in collegiate licensing programs has been continual, with more than 550 programs existing in 2014 (Clients, 2014; Clients, 2014a; Clients, 2014b;). However, despite the continuous growth in the number of programs, colleges and universities have seemingly neglected or deprived the dedication and assets to trademark licensing departments to make them truly effective. This research seeks to examine the current struggles, misconceptions, and organization of current trademark licensing departments within institutes of higher education in order to uncover impeding factors for industry advancement.

It is undeniably obvious the importance of a comprehensive understanding of trademark law and the benefits of having a robust licensing program. It, too, cannot be denied that the licensing program is a multi-faceted business operation that requires a

collective group of individual skill sets. Why is it, then, that licensing departments remain either non-existent or underrepresented on University campuses despite its potential to generate funds that can help support an organization's branding objectives, its budget and bottom line?

It is imperative to understand the potential significance of a licensing department for all of its individual and interlocking program objectives. The development of an impactful trademark licensing includes a wholesome understanding of legal issues, but must also be heavily involved with the associated marketing, financial, corporate social responsibility elements. Each one of these disciplines can individually or collectively impact the university in both positive and severely negative ways. Why, then, are they not more formally organized, particularly at institutions with prominent intercollegiate athletics? The question then becomes, "What is the most appropriate framework for a collegiate licensing program and the department in which it is housed in order to maximize royalty revenue collection and consistent brand messaging?"

Significance of the Study

While there is a significant amount of literature about trademark licensing's legal and financial implications and objectives, a tremendous gap exists in research about the organizational development of trademark licensing programs particularly at the collegiate level. Recent litigation and deliberations surrounding the NCAA's amateur restrictions on student-athletes capitalizing on their own likeness in video games and from jersey sales has drawn great attention to licensing programs and their ability to generate revenue. Little thought or media coverage is given, however, to the specific departments and staff charged with making such impactful decisions. Many, including university presidents and

administrators, do not fully understand the extensiveness of a trademark licensing department and the required skillsets and staff necessary to operate a robust licensing program. This study begins to fill a void in the research of the foundational constructs of trademark licensing departments at institutes of higher education.

Definition of Terms

CLC- Collegiate Licensing Company

SMA- Strategic Marketing Affiliates

LRG- Licensing Resource Group

ICLA- International Collegiate Licensing Association

NACDA-National Associations of Collegiate Directors of Athletics

NCAA- National Collegiate Athletic Association

CSR- Corporate Social Responsibility

USPTO- United States Patent and Trademark Office

CHAPTER II: LITERATURE REVIEW

The current literature available on collegiate trademark licensing focuses almost solely on the legal and financial aspects and goals of a licensing department. As mentioned above, while trademark licensing is rooted in trademark law and has potentially great financial rewards, licensing is very much a marketing vehicle to promote collegiate brands. Because there is very limited research for trademark licensing as a marketing function, the bulk of the literature review will focus on the function of marketing and how it seamlessly integrates with the goals of collegiate trademark licensing. This section will begin with a brief overview of the literature on the purpose of organizations and simplistic guidelines for their constructs. At the conclusion of the literature review, the small collection of literature available on the organizational development of trademark licensing will be discussed.

Organizational Structure and Management

“Organizations are interconnected sets of individuals and groups who attempt to accomplish common goals through differentiated functions and intended coordination” (Hitt, Black, Porter, & Hansen, 2007, p. 8). They have unique identities that exist beyond the membership of its employees and are often very complex involving a myriad of moving parts or departments. A “dominant attribute in any organization is the presence of explicit rules and procedures to direct and control the behavior of members” (Chelladurai, 2014, p. 60). Organizations achieve success within specific program goals because of their calibrated involvement in specific activities cautiously divided between its skilled members (Chelladurai, 2014). Additionally, organizational management is

“characterized by its hierarchy of authority and an organizational chart that specifies who has authority over whom and for what purposes” (Chelladurai, 2014, pg. 60). “Edgar Shein (1985), a prominent organizational theorist, suggests four essential elements must be present for an organization to function effectively: common goals, division of work, coordination of effort, and authority structure” and “according to Shein, if any of these elements are missing or poorly designed, the organization is likely to be unsuccessful in implementing its strategies and pursuing its mission” (Covell, Walker, Siciliano & Hess, 2007, p. 237). Thus, management must make careful decisions about the direction and implementation of its business goals and processes in order to fully maximize the organization’s potential. Although there are several definitions for organization, all essentially incorporate these four items (Chelladurai, 2014):

1. More than one person is needed
2. The members’ contributions are specialized
3. These specialized functions are coordinated
4. A common end/goal is being sought.

Understandably, not all organizations are the same. Organizations become distinct entities that differ because they embody “different goals, carry out different activities, and adopt different internal processes” (Chelladurai, 2014, p. 60). Once the mission and strategic and operational goals are clear, the work necessary to achieve those goals must be divided up in the most productive way possible” (Covell et al., 2007) and subsequently, the success of an organization is a function of the extent to which it capitalizes on the opportunities and satisfies the demands placed on it” (Chelladurai, 2014, p. 77).

Modern management theory suggests there are key characteristics that embody an organization and its leaders that transform a company from “good to great.” As one of the most influential management consultants in the modern era, Jim Collins outlines seven characteristics of companies that escape mediocrity in his book *Good to Great: Why Some Companies Make the Leap...and Others Don't*. In his study, Collins addresses fundamental ideals of management, personnel and operation that can be grouped into three overarching themes.

Disciplined People

The success of an organization depends greatly on the people who run the organization. Collins outlines the need for “Level 5 Leaders,” which exemplify a mix of intense determination and profound humility. They have skills beyond competent supervision, but are strategic in their approach and decision making (Collins, 2001). Leadership “can no longer be described by an individual characteristic or difference, but is rather depicted as shared, relational, strategic, and complex” (Avolio, Walumbwa, & Weber, 2009, pp. 422-423). Strategic leaders demonstrate two types of behaviors: task and relational. Task behaviors consist of “goal setting, organizing, establishing time lines, directing, and controlling,” while relational behaviors consist of “giving support, communicating, facilitating interactions, active listening, and providing feedback” (Waller, 2012). Level 5 leaders are also described as a leader whose first concern is getting the right people on the bus and in the right seats, then figuring out where to drive it (Collins, 2001). That is, organizations should ensure high quality, high-talent people are in positions that best utilize their skills before determining the direction of the organization.

Disciplined Thought

According to Collins, another defining characteristic of great organizations is the employee's profound dedication and self-motivation to achieve program and organizational objectives. Collins points out that a culture of discipline should not be confused with a strict authoritarian environment, but rather a sense of personal empowerment among employees to work and achieve. This fanatical devotion to objectives is outlined in the "hedgehog concept" which uses the hedgehog to illustrate that simplicity can lead to greatness or the "less is more" concept (Collins, 2001). Collins suggests the ability for an organization to make the transition from good to great depends significantly on the willingness to confront the brutal facts and to focus only on what the company does well.

Disciplined Action

Lastly, successful companies are disciplined in their actions and plan deliberately for success and failure. Collins suggests organizations should regulate their growth by what he calls the Goldilocks time frame...not too fast, not too slow, but just right (Collins, 2001). He also indicates that great success or great failure does not happen suddenly, but is rather an accumulation of smaller events that compound to decide a company's fate. Collins suggests companies should have a lower limit, or threshold, of goals they absolutely must make, but also a high ceiling of maximum growth with which they must not exceed within a given timeframe. Collins expounds upon this point in his 2011 sequel, *Great by Choice*, by suggesting truly great companies follow a 20 mile march concept which "creates two types of self-imposed discomfort: (1) the discomfort of unwavering commitment to high performance in difficult conditions, and (2) the

discomfort of holding back in good conditions” (Collins, 2011, p. 45). By setting a ‘goldilocks timeframe’ of growth, great organizations know “no matter what challenges and unexpected shocks you encounter, you prove... that performance is not determined by your conditions but largely by your own actions” (Collins, 2011, p. 66). By persistently achieving benchmarks, but also restricting the amount of growth in a given time frame, Jim Collin’s 20 Mile March encourages a company to practice self-control which inherently helps protect and insulate it from external factors.

Marketing

Marketing as a business function covers a wide range of disciplines united vaguely because they all involve bridging the gap between the product and the consumer. However, because it is rarely easy to directly contribute revenue to marketing, it has always been one of the least-respected business disciplines---poorly measured activities that are always the first to be cut in tough times (Spence, 2010). Dramatic developments in interactive digital media are revolutionizing marketing, however, and social media has fundamentally altered marketing’s ecosystem of influence. Traditional marketing methods have been debunked in recent decades, coinciding with a paradigmatic shift in the commercialization of the Internet (Hanna, Rohm, & Crittenden, 2011). Social media marketing platforms such as Facebook, Twitter, YouTube, Instagram, Pinterest, Snapchat and hundreds more allow for “billions of people to create trillions of connections through social media each day” (Hansen et. al., 2011). This bottom-up marketing facilitates two-way conversation between consumer and company and has become a main source for information and influence.

Marketing in academia is a common major choice for students uncertain of an exact career path, as “marketing” is an extremely lucrative term that spreads widely across geography and industry (Erwin, 2009). Marketing concepts and techniques have broad application that can be applied to most any career. In fact, marketing is a popular route to many high-level and top executive positions (Hardin, Cooper, and Huffman, 2013). “Marketing also stimulates research and innovation resulting in new products, which if found attractive by customers, can lead to fuller employment, higher incomes, and a higher standard of living” (McCarthy & Perreault, 1984, p. 9). Students studying business, regardless of concentration, are often required to take basic marketing classes that teach the commonly accepted ideas of what marketing is and what it entails, typically relying on the 4 P’s of marketing– Product, Price, Place and Promotion. These concepts are deemed simple, yet complex as their breadth changes overtime, but are considered universal; they can be applied to any career field a student enters after graduation. The 4 P’s are commonly accepted categories of the functions of marketing, its purpose, and how they interact together to build brand equity, awareness, and insistence. First, one must understand the basic principals and functions of a marketing to better understand how trademark licensing departments fit into the overall field of study of marketing.

4 P’s of Marketing

Marketing can be a rather ambiguous term so renowned marketer E. Jerome McCarthy proposed the 4 P’s of marketing in the 1960s to classify the different functions of the discipline (McCarthy, 1960). Otherwise, and sometimes more commonly known as the “marketing mix,” the 4 P’s help categorize the different elements of marketing into

more succinct roles in order to better understand and capture each function (Ehmke, C., Fulton, J., & Lusk, J. (2005).

Product. The first P of the 4 P marketing mix is “product.” On a micro-marketing level and focus of this research, product is the basis for a business — What is it your company does, sells, or produces? (McCarthy & Perreault, 1984). In a very narrow sense, product can be seen as the actual goods and/or services being provided. However, in terms of developing the product as part of the overall marketing mix, product includes all the tangible and intangible attributes that lead to need or want customer satisfaction (Stanton, 1984). Put another way, product is the “sum of the physical, psychological, and sociological satisfactions that the buyer derives from purchase, ownership, and consumption” and includes “accessories, packaging, and service” (Tarpey, Donnelly, & Peter, 1979, p. 178). Attributes including packaging, color, price, manufacturer’s prestige, retailer’s prestige, and manufacturer and retailer’s services should all be incorporated into the deliberate planning of a product and product mix (Stanton, 1984). When purchasing an item, consumers are buying more than physical attributes, but are rather buying want-satisfaction and customer experience (Ranaweera & Jayawardhena, 2014; Bilgili, B., Candan, and Bilgili, S., 2014). A business, and subsequently, the marketing manager, must fully develop the product in its broadest terms to ensure it is the truly desirable product and accurately meets the consumers’ needs. Having strategic plans for new product development and full understanding of product life cycles is also critical for proper product and brand representation in the marketplace. In the sport industry, *product* could specify a number of different factions including the more obvious product

on the field as in the actual sport being played to the products and services being used to promote the sport team including media, sponsorships, and merchandise licensing.

Price. In a very literally sense, “price is what is charged for something” (McCarthy & Perreault, 1984, pg. 555), where the “charge” is typically an exchange of money and the “something” is the tangible or intangible product. Price is an important determinate of a company’s competitive position, overall marketing strategies and market share. Consumers rely heavily on price as an indicator of product’s quality, especially when purchasing homogenous items. Studies have continued to show that consumers’ perceptions of product quality vary directly with price, proving perceived truth in the old adage, “you get what you pay for” (Ehmke, C. et al, 2005).

Pricing is multi-dimensional and should be considered from a variety of different angles. Depending on the overall brand and marketing objectives, numerous pricing methods and strategies are available to the business and marketing manager. When determining the desired price for its brand and product, businesses must always consider their target market, including its demographics, psychographics and sociological factors that influence buyer behavior (Stanton, 1984). A variety of pricing methods and strategies are available and should be acutely considered for implementation, depending on the identified target market, branding and sales goals of the business, and competition and state of the given industry. Certain pricing methods will lend themselves as more appropriate depending on the nature of the product or service being sold (Pitts & Stotlar, 2013). An intensive decision-making process is critical in developing price in order to prepare the product for the best success opportunity. Companies may want to consider a multi-faceted approach, considering the psychographics of its target market, perceived

and real value of a product, sales and discount structuring, and product terms and life cycles (Sharma & Verman, 2014; Kukar-Kinney, Ridgeway, and Monroe (2012). It is easier to lower a price than to raise it and depending on the product, a higher price can stand and mean a higher perceived quality (Kapferer & Michaut, 2014). It must be mentioned that price considerations should not be limited to monetary exchanges, but also need to consider a consumers opportunity cost as well, i.e., what will the consumer have to give up in order to consume your product instead?

Place. The sport-marketing professional must carefully consider “how the product or service will be available in the right quantities and locations when the customer wants them” (McCarthy & Perreault, 1984, pg. 361) In other words, how will the product be distributed and where will it be consumed in a way that fits the consumer’s needs and meets the company’s objectives? Sport marketers must consider the type of product or service being offered to determine which distribution channels are most appropriate ((Ehmke, et al, 2005). Businesses will also want to consider where the product is sold or consumed for branding purposes. For example, Nike is not available at Wal-mart because their product and price do not fit well with the mass distribution channel message or model (Alex, 2012).

Promotion. The 4th P in McCarthy’s marketing mix is Promotion. Promotion is the process of raising awareness and is often what the general public thinks of as marketing (Pitts & Stotlar, 2013). A company can have an exceptional and desired product that fits the needs or wants of a consumer, but if consumers cannot purchase the product if they do not know it exists. The product cannot be consumed if a consumer is unaware of a product or service that has been developed to fulfill a need or want.

Therefore, companies and sport marketers must consider how to appropriately advertise and promote their product or service to reach its target market. Many factors must be considered in order to establish a successful promotional mix including advertising, sales promotion, publicity and sponsorships. Popular promotional activities include text-to-win, gift-with-purchase, and coaches outing and autograph signings. Regardless of the promotional activity the message must be developed in such a way that it serves three functions: (a) it gets the attention of people; (b) it gets across a message or educates people, and (c) it tempts people to purchase the product (Pitts & Stotlar, 2013). Above all three other P's in the marketing mix, promotion is how you communicate with your consumers and is key in representing your product effectively that parallels with your brand message and image (Ehmke, C. et al, 2005).

The four P's can and should be applied to almost every discipline as one examines how to strategically position his or her company, products, or services. Wysong (2008) explained the importance of defining and solidifying the product, price, placement, and promotion of a sport camp and how crucial each component is in a business plan. He focused on how each "P" will help a sport camp organizer think and reveal many details about the sport camp including goals and mission, price considerations such as competition and target audience, facility considerations and registration locations, and ways to communicate to consumers about the camp including public relations, direct mail, and sponsorships (Wysong, 2008). Recent studies on the unprecedented success of luxury cosmetic brand Chanel "demonstrates that an understanding of a marketplace combined with classic marketing strategy principles including the marketing mix of elements or product, price, promotion and distribution can lead to a brand's success in the

international arena” (Marber, Wellen, Yoon, Torres, 2008). Proving their fundamental reliability, the 4 P’s are still used as a basic concept model for introductory marketing classes today.

Branding

Building a brand means working to influence consumers to not only recognize, but to prefer or even insist on a brand, typically over the competition. Branding is not about one’s product offering or marketing effort, but rather developing a meaningful relationship with the customer – what is often called the “customer experience” (Gronlund, 2013). According to Pitts and Stotler, there are four different levels of brand building, with each level building off the previous. The four stages are (a) brand awareness, (b) brand recognition, (c) brand preference, and (d) brand insistence. Brand awareness refers to whether consumers can recall or recognize a brand or whether or not consumers know that the brand exists (Keller, 2008). Simply put, can a consumer match a particular logo with a brand if prompted, but nothing more? Recent studies exploring the possible links between brand awareness and desirable market outcomes, such as sales and market share, find that brand awareness and market outcomes have a positive association (Huang & Sarigöllü, 2011). Sport marketers persistently promote their brands (products, teams, or services) to achieve brand awareness with goals that a consumer begins to not only recognize the brand exists, but can make cognitive connections from memory, known as brand recognition. Brand recognition relates the consumer’s ability to remember past exposure to a brand when provided brand cues (Biscaia et. al., 2013). Sport sponsorships have become a powerful marketing strategy used by firms to communicate with vast external and internal audiences to differentiate themselves from

its competitors (Cornwell, 2008), with the ultimate goal to not only make a consumer aware or recognize its' brand, but orienting consumer's preferences toward sponsors' products (Barros & Silvestre, 2006). Once a company positively interacts with a consumer enough, he or she will begin to desire only that company's product if available (preference) or at the top level, become very loyal and purchase only a specific brand and will not accept others as a substitute (Thompson, Newman, & Martin, 2014). This, of course, is the most difficult to achieve with the speed of competition and innovation.

Intercollegiate athletics is unique compared to other brands because fans are more likely to reach the fourth stage of brand building with a certain team. That is, most fans are only fans of one or a small number of college athletic teams. This can be attributed to geographic alliance, successful sport teams, and alumni allegiance (Hardin, Piercy, Bemiller, & Koo, 2010; Koo & Hardin, 2008). Consequently, universities will have a continuously growing base of fans and consumers, but also face the challenge of brand preference to constituents who have no calibrated reason to align with a particular college or sports team. There are many things a college or university can do, however, to build its brand strength and position itself for high exposure, recognition, preference, and insistence. Pitts & Stotlar (2013) define brand strength as a measure of consumer recognition and loyalty to a brand. The benefits of a company having a strong brand include such factors as increased purchase speed, increased product acceptance, increase in brand insistence and loyalty, and decrease in price erosion (Pitts & Stotlar, 2013). Subsequently, "creating and maintaining an organization's brand identity aids in distributing identity, and more specifically the

organization's appeal to society and those involved in the organization” (Lamboy, 2011). Intercollegiate athletics can gain brand value and strength mostly by winning sports games, particularly in football and basketball as those sports receive the most attention and media coverage. From 2002 to 2012, the number of college football and basketball games on ESPN channels alone rose from 1,232 to 491. This doesn't include games shown by competitors including the Big 10 Network, Fox, CBS/Turner, Versus, and NBC (Pappano, 2012). Brands, including college athletic teams both individually and collectively, must focus on brand value and strength because it looks to the future growth and sustainability of a brand or program. “Brand value is an index-based measure that seeks to represent the net present value of the future earnings stream of a brand” (Wood, 2000). In order to be and remain successful, brands must maximize the long-term value of that earnings stream (Wood, 2000).

The packaging of a brand, including its colors, logos, and style all become easily recognizable and preferred. According to Brian Hommel, the Licensing Director at LSU, “During the past couple of years, we (collegiate licensing departments) have seen a trend in the collegiate industry to rebrand logos, word marks and uniforms to appeal to a younger market. While these new marks can give your school some newfound marketing and retail “oomph,” you will no doubt have your share of detractors who were perfectly content with your old marks” (Hommel, 2013). Innovation has the ability to damage a brand's authenticity, unless constant change is true to the brand's identity. Authenticity strengthens emotional relationships with brands, the appreciation of them, and the degree to which customers are prepared to become ambassadors (Chalhal, 2014). The Oregon Ducks are a perfect example of such a phenomenon. Phil Knight, the co-founder and

chairman of renowned sporting goods and apparel company Nike Inc., is a graduate of the University of Oregon. Nike Inc., with vision from Phil Knight, has created uniforms and accessories in innovative and loud colors to help rebrand both Nike in the collegiate market, but also the University of Oregon. On Saturdays in the fall, fans and foes alike anxiously await for Oregon's uniform reveal, often outlandish and technologically groundbreaking. On December 30th, 2014 for the Rose Bowl, the Oregon Ducks took the field wearing the cutting-edge Nike Pro Combat "Mach Speed" uniform, the most innovative Nike Pro Combat system to date (Davenport, 2013). Paralleling Oregon's new image, the multi-million dollar Football Performance Center revealed in 2013 fully embraces the 'University of Nike' image, a tagline they promote and share with recruits (Bishop, 2013). Some fans enjoy the constant and sometimes lavish change, while others prefer a more traditional approach. Either way, Oregon and Nike have set new standards for innovation for their respective brands and the sporting goods industry (Davenport, 2013).

Sport Industry

"The sport business industry is the market in which the products offered to buyers are related to sport, fitness, recreation, or leisure and may be activities, goods, services, people, places, or ideas" (Pitts & Stotlar, 2013). It is an extremely broad industry like no other, extremely widespread covering all parts of the globe and touching almost every job category from fabric and clothing manufacturing to psychology. Those who work in the sport business may or may not enjoy sports at all, but have a particular skill set in another area. The sport industry is so broad because it transcends across a variety of disciplines. For example, a person who has a degree in physics may also enjoy the game of baseball.

In the sport industry, this person can take their knowledge of physics and apply it to the development of baseball bats to create ideal velocity and speed or study the impact collisions at home plate have on joints and bone growth.

Because of the breadth of the industry, sports is big business. According to Plunkett Research (2014), the “Big 4” professional leagues in America, the National Football League (NFL), National Basketball Association (NBA), the National Hockey League (NHL) and Major League Baseball (MLB), generate approximately \$23 billion in combined revenue during a typical year (Plunkett Research, 2014). The National Collegiate Athletic Association (NCAA), is a non-profit association that governs student-athletes, conferences, and athletic programs and oversees the amateurism and competition of collegiate athletics generates approximately \$900 million annually (Fulks, 2014). Additionally, U.S. sporting equipment sales at retail sporting goods stores are account for \$44.1 billion yearly, according to U.S. government figures. A reasonable estimate of the total U.S. sports market would be \$485 billion yearly (and \$1.5 trillion for the entire world). However, the sport industry is so complex, including ticket sales, licensed products, sports video games, collectibles, sporting goods, sports-related advertising, endorsement income, stadium naming fees and facilities income, that it’s difficult to put an all-encompassing figure on annual revenue (Plunkett Research, 2014).

As the sport business has continued to grow over the past few decades, the emergence of Sport Management degrees have also emerged in academic fields, particularly in higher education at colleges and universities. Professors have acknowledged that a career in sport, although a business, requires a special skill set to be successful. And while many concepts from business can be applied to sport, they must be

tailored to the specific needs of the industry because it is so unique. To date, there are approximately 450 colleges and universities in the United States with sport management programs registered with the North American Society for Sport Management (NASSM, 2014).

Sports v. Sport

First, an important distinction must be made between two often-interchangeable terms: *sports* and *sport*. According to the North American Society of Sport Management (NASSM), “*sports* implies a collection of separate activities such as golf, soccer, hockey, volleyball, softball, and gymnastics—items in a series that can be counted.” These sports, along with many others, embodies the very literally meaning of the term. Sports is a considerably more narrow industry, solely focusing on the spectacle and event. Sports coverage, including game footage, analysis and athlete news is broadcasted on a daily basis and is featured on almost every news media outlet around the globe. The Super Bowl XLVIII telecast between the Seattle Seahawks and the Denver Broncos broke a viewership record set by the Super Bowl just two years prior drawing 111.5 million viewers (Neilson, 2014). Sports athletes, through a symbiotic relationship with the media, achieve celebrity status, often making more than their athletic contract in endorsement deals (Opendorse, 2014). And while hundreds of millions of fans around the globe follow sports daily through a variety of media outlets and through event attendance (Plunkett, 2014), even more consume sport daily. *Sport*, as used in the field of sport business management and in relation to the sport business industry, is a broader conceptual term used to denote all people, activities, businesses, and organizations involved in producing, facilitating, promoting, or organizing any activity, experience, or business enterprise

focused on fitness, recreation, sports, sports tourism, or leisure. (Pitts & Stotlar, 2013). Sport, as opposed to sports, is a collective noun and a more all-encompassing concept that focuses on all the needed skills and expertise required to make athletic games and activities consumable to the public. The players produce the ‘product of the field,’ but it is the sport managers in a variety of different disciplines that make the game or event run. The sport industry also encompasses fitness and leisure activities, which have been showing substantial growth in popularity in recent years due to increased fitness class participation and advancements in electronic technology such as Nike+ (Plunkett, 2014). A strong understanding of the difference between sport and sports will be critical to understanding the ways marketing and brand managers promote their team. For the purpose of better understanding the wide array of sport marketing jobs available, intercollegiate athletics can be broken into two categories: marketing to sports and marketing through sport.

Marketing to Sports. One typically thinks of the director of marketing in collegiate athletics as the highest position for marketing in the field, and while in some cases that may be true, it is not definite. The role, as it is typically understood, of a director of marketing within collegiate athletics is to organize promotions and encourage fans to not only attend the sporting events, but also maximize their experience while in attendance. A current job opening at Virginia Tech for the Associate Athletics Director for Marketing and Promotions has the following job duties: “oversight of men’s and women’s basketball campaigns; management of the marketing and promotions team’s day-to-day operations....directly responsible for creating football game scripts and directing all football in-game atmosphere elements; oversight of the spirit squad;

oversight of the liaison with the camps licensing program” and many more. Promotions are often done in conjunction with a sponsor and often incorporate a giveaway or special access of some kind. The director of marketing is the internal branch or the internal marketer. His or her job is to get people to the event and ensure they have a favorable, positive experience while on campus or location site or *market the actual sport*. One will quickly learn, however, there are many more moving parts to marketing outside of this director position. Seldom do fans think of any other person or department as “brand managers” when in reality all departments must focus on the marketing goal of the organization.

Marketing through Sport. Marketing is a common business function that can be a rather infinite term, with a boundless list of job duties for a sport marketer. At first, the job seems fairly simplistic, but as one delves further into the purpose and various outlets common for marketing, the position suddenly seems to widen exponentially. There is a branch of marketing that seems common sense when considered, but is often initially overlooked as a marketing function. This branch considers how to use sport to spread a brand message through third parties or how to extend the brand and brand message further than the campus or location of business. The core product is the playing of the game for sports organizations (Mullin, Hardy, and Sutton, 2007), however, sport managers should look for ways to maximize revenue and exposure including product extensions, rather than rely on the core product itself (Pitts, Fielding & Miller, 1994).

Marketing through sport can be just as, or sometimes more, challenging than the internal marketing roles discussed. Typically viewed as simply “promotion,” the external marketing, or marketing the brand segment, actually requires extensive effort to develop

and define each of the 4 P's. It uses sport as a communication medium to further connect fans with its company. Consumers' time is very limited and in a fast-paced, extremely competitive marketplace, how can a business keep fans attentive and interested in their brand that is cost effective and honors the company's objectives?

Sponsorships and Endorsements. One popular way sport marketers increase brand awareness for their product is through sponsorships and athlete endorsements. By incorporating one or both of these elements into a company's marketing initiatives, the company has the potential to reach a large, targeted market with the help of a third-party person or related event. High-profile athletes receive unparalleled attention in the media through broadcasts of sporting events and newscasts, giving the marketer an expansive platform to promote their brand. Athletes are often considered opinion leaders in their respective sport or industry and have the power to influence how customers feel about a product or service. Through endorsements, athletes can promote a brand in many ways that a company cannot, including influencing consumer purchasing behavior, brand likeability and loyalty in enormous proportions. Endorsement contracts, however, often come with a steep price. Spending on sponsorship exceeded \$16 billion per year with worldwide spending over \$46 billion in 2010 (Ukman, 2010). Athletes who earn the most from endorsement deals include professional golfers Tiger Woods and Phil Michelson, NBA star LeBron James, and basketball icon Michael Jordan (Pitts & Stotlar, 2013). These athletes have been successful in their sport and command a great amount of attention from the media and public. Often, athletes earn more from endorsement deals than they do from prize money for winning in their sport (Opendorse, 2014). The late NASCAR driver Dale Earnhardt won seven Winston Cup Championships and in 1996

accumulated \$2.5 million in winnings. However, by licensing his own name and likeness, he was able to generate an additional \$8 million in earnings (Pitts & Stotlar, 2013). In 2014 Tiger Woods has earned “\$65 million dollars in endorsement deals with brands such as Nike, Rolex, Fuse Science and Upper Deck that easily trump the \$13.1 million he earned on tour last year” (Opendorse, 2014). Similarly, Roger Federer earned \$65 million in endorsements last year with Nike, Rolex, Wilson, and Gillette, but only \$6.5 in tennis earnings (Opendorse, 2014).

Differently than endorsement, sponsorship can be defined as “a cash and/or in-kind fee paid to a property (typically sports, arts, entertainment or causes) in return for access to the exploitable commercial potential associated with that property” (Ukman, 2004, p.154). Sport sponsorships began on a national scale with large sports entities sponsoring events such as the Boston Marathon, the Olympics, and other high profile events. The company sponsoring as well as the event or company being sponsored both receive benefits from the relationship including heighten exposure leading to brand recognition, brand loyalty, and prestige. IMG College is the nation’s leading intercollegiate marketing and multimedia provider and has the expertise and resources to help businesses build their brands while enhancing the fan experience and sponsoring institutions of higher learning. From experiential and media-driven partnerships to signage, game-day events, hospitality, and published programs, IMG creates solutions to reach the largest and most passionate fan base in sports, customized to each brand’s business and geographical goals (IMG College, 2014).

Companies who choose to include sponsorships and endorsements in their strategic marketing plan must choose the companies and athletes they choose to partner

with wisely, as a faulty move on either side could cause the deal to backfire. Companies must consider a variety of factors before entering into a sponsorship or endorsement deal including the company's budget, image, target market, communication mediums, and more. As mentioned these deals are not inexpensive, but have the potential of a very high return on investment if executed properly.

Media Relations. Another important and emerging specialty within the sport industry is media relations. Historically, businesses have interacted with the public through face-to-face meetings, but technological advances and the increased speed in which we communicate has forced the media to evolve into more than newspapers and radio shows. Multiple communication channels are now used to relay information to consumers including but certainly not limited to: television for news broadcasts, press conferences, and coach's shows. Traditional "print" media is still often used, but often never printed and only posted on websites including press releases and new articles. Lastly, the explosion of social media in the past decade including Twitter, Facebook, Instagram, Vine, and Pinterest have all attributed to the constant flow of information from organizations to the media and then to the consumer.

Typically college athletic departments employ a sports information director or SID to coordinate, manage, and relay details coming from the team or teams to the media. Due to the number of media outlets, and depending on the size of the organization, SIDs often have other full or part-time people working with them including students and graduate assistants (Pitts & Stotlar, 2013). SIDs and their staff must remember that the media also has a target market; therefore they must align and communicate with the media outlets that make sense. That is, only work with media outlets that your fans listen

or pay attention. Media must be considered clients of an organization and effective, positive relationships will provide significant opportunities in the future.

The need for sport media, specifically at the college level, has grown with recent deals made with ESPN. In 2011, the University of Texas at Austin announced a \$300-million deal with ESPN to create a television network dedicated solely to the University of Texas at Austin. The inventory largely showcases approximately 200 games including baseball, softball, golf, soccer and other programs that receive little airtime. Other events on campus such as musical performances and other campuses announcements will also be broadcasted on the network. The deal came at a time when the University of Texas at Austin was facing a nearly \$100-million cutback from its budget from the state. William Powers Jr., the university's president, said of the new network, now called the Longhorn Network, "exemplified the kind of collaboration with corporate entities that universities can, and should, exploit in tough financial times" (Sander, 2011). Much the same way that intellectual property developed at the university is commercialized, he said the network "will be a model for what it will mean to restructure and reinvent higher education as we go forward (Sander, 2011). Powers could have not been more correct. Although no other university has struck an independent deal as large as the University of Texas (Brigham Young University in Utah also has a television-network, but not near as large) (Sander, 2011) many conferences have followed lead to launch conference specific networks including the Pac-10 and the Southeastern Conference. Subsequently both the launch and the daily function of each network will require new, specialized staff and constant interaction and collaboration with each school in the respective conference.

Merchandise licensing. A third area of the external marketing branch is trademark or merchandise licensing. Teams and artists will license their name, likeness, logos, and other trademarks to a third party who will then sell merchandise ranging from t-shirts and mugs to household goods and automobile accessories (About CLC, 2014). The licensee, under contract with the licensor, will produce and sell licensed product and give a predetermined percentage, or royalty, back to the licensor. This royalty can range, but is typically anywhere from 8%-18% for BCS schools, depending on product type, distribution channel, and exclusivity agreements. These royalty payments, usually disbursed on a quarterly basis, have the potential to add a substantial new revenue stream for the trademark owner.

Licensing also enables a company to reinforce its brand at the consumer level and allows consumers to display its allegiance to a company by purchasing merchandise to wear and use even when not attending an event. Additionally, “as a marketing vehicle, licensing has enabled sport and collegiate licensors to generate consumer awareness and interest, through the availability of logoed products in the marketplace, with little or no capital outlay and minimal risk (Battersby & Grines, 1986). The sport organization encourages the customer to do a large portion of its marketing —strengthen the market presence and consumer awareness, but also attracting new fans and consumers by allowing for the purchase of licensed merchandise. Merchandise licensing becomes a mutually beneficial relationship as licensees generate sales dollars for their respective companies, fans get to show their support for their beloved team and the team receives additional brand exposure. Essentially, “licensing programs are undertaken as a

component of the organization's branding strategy or as a means to enter 'foreign' markets and continue brand publicity" (Baghdikian, 1996, p. 35).

Each professional league (NBA, NFL, NHL, and MLB) handles its licensing agreements internally as one unit, while colleges and universities typically handle their own unique licensing programs internally, usually with the help of a licensing agent. Each league has seen significant spikes in revenue from merchandise in recent years, which helps the bottom line and branding strategy of the organization (Sports on the Rebound, 2012). In fact, merchandising and licensing account for two of the top five revenue sources that drive value for the NFL (Pellegrino and Associates, 2013). Similar to the professional leagues, "the United State Olympic Committee receive significant licensing revenues that account for approximately 25% of their budget ("2010 Media Guide, 2010 from Pitts & Stotlar, 2013).

Trademark Licensing as a Marketing Function

Collegiate licensing arrangements were rare because institutions did not perceive a need to protect their logos, emblems, seals, and insignia prior to the 1970s. However, in the past two decades, as sport marketing has evolved, some institutions have watched lucrative logos produce significant revenue. Since that time, licensing departments have become more common across colleges and universities, but still remain disjointed and presumably underdeveloped. In one study conducting research on the marketing of college and university athletics, indicates that in 1995 over half of the responding universities (53.3%) still did not have a formal licensing program for their logos. Only 24.4% of the schools employed a licensing director either full-time or part-time (Stevens, Loudon, & McConkey, 1995). However, with the emergence of the National Collegiate

Licensing Association (NCLA) and the Association of Collegiate Licensing Administrators (ACLA) and their eventual consolidation in 2002 to form the International Collegiate Licensing Association (ICLA), licensing has become a larger focus in higher education and in the intercollegiate athletic community. ICLA's purpose is "to foster the highest possible professional and ethical standards, while providing licensing practitioners a broad range of professional advancement opportunities. Further, it is ICLA's mission to improve the overall understanding and effectiveness of institutional trademarks/tradenames and licensing, while upholding the ideals of higher education" International Collegiate Licensing Association (2014). Although managed by NACDA, the National Association of Collegiate Directors of Athletics, ICLA and trademark licensing as a whole is woefully overlooked as a strong, contributing part of the NACDA consortium.

The major objectives of any sport licensing program are threefold: (a) Protection: to protect the trademarks of the organization, (b) Public Relations: to create a favorable image and positive exposure for the organization, and (c) Profit: to maximize revenues (Irwin, 1990). CLC uses a 4 P model to outline the purpose of a trademark licensing program – protect, promote, profit and preserve (CLC, 2014). Trademark licensing professionals must be well schooled in trademark law in order to effectively protect its marks against infringement and counterfeit merchandise, as well as fully understanding the legal boundaries set for trademark owners. Additionally, whether through an agent or executed internally, licensing directors need extensive knowledge on contracts, sustainability and workers' rights, and accounting skills to manage royalty payments. While the job duties of a licensing director spreads across multiple business disciplines,

including law and accounting, this paper will limit the discussion of trademark licensing to its marketing objectives including Public Relations and Profit from Irwin's model, and Promote, Profit and Preserve from CLC's model of licensing objectives (CLC, 2014).

Organizational Structure of Collegiate Trademark Licensing Departments

Little research exists on the varying structures of collegiate trademark licensing departments and the effect their structure has on its performance, both literal and perceived. Finus P. Gaston's devoted his 1984 dissertation to understanding all aspects of the then emerging collegiate licensing industry. His study is considered the first academic research conducted on collegiate trademark licensing. Gaston surveyed 150 university administrators (presidents, financial vice presidents, athletic directors, and chairpersons of intercollegiate athletic committees) and found that, unlike patent programs which are typically housed in institutional offices of technology transfer, trademark licensing departments were centered in a wide variety of institutional offices: financial affairs (41.9%); student affairs (2.3%); academic affairs (2.3%); athletic departments (16.2%); offices of the president (11.6%); development (2.3%) and other areas such as the general counsel, public relations and auxiliary services (20.9%) (Gaston, 1984; Rooksby, 2013). Participants fundamentally agreed on the institutions of higher education's legal right to protect their names, logos and insignia on commercial products. A majority of Gaston's respondents were also in agreement concerning legal and financial principles central to collegiate licensing, although they differed as to how licensing income should be distributed (Rooksby, 2013). Lastly, participants of the 1984 study agreed collegiate licensing should not be an unrestricted revenue stream (Gaston, 1984). Gaston's results and findings are credited to sparking further study of the movement (Rooksby, 2013).

Irwin, Stotlar and Mulrooney did *A Critical Analysis of Collegiate Licensing Policies and Procedures* in 1994. In this study 180 respondents were “questioned about the use of basic operational policies and procedures” (Irwin et al, 1993). The study indicated a “high level of operational uniformity among the sport licensing programs surveyed. In contrast, collegiate licensing programs lack uniformity, supporting literary inferences that have suggested operational inconsistencies” (Irwin et al, 1993, p. 102). Forty-five percent of the participants indicated less than 10% of their time was assigned to licensing responsibilities, but internally administered collegiate licensing programs tend to have greater staff as well as greater portions of job time assigned to licensing-related responsibilities” (Irwin et al, 1993, p. 102). Overall the investigation revealed a lack of operational congruence, as well as significant omission of policies and procedures necessary for effective administration of a collegiate trademark licensing program” (Irwin et al, 1993, p. 109) and states that “a method for industry standardization must be employed or the future of collegiate licensing appear rather arduous (Irwin et al., 1993p. 109).

Robert Lattinville continued the work of Finus Gaston and Irwin, Stotlar, and Mulrooney in his 1996 research entitled *Logo Cops: The Law and Business of Collegiate Licensing*. Lattinville reported “recent growth in the collegiate licensing industry is attributable to the tremendous popularity of prominent schools with highly visible athletic programs” (Lattinville, 1996, p. 81). At that time, slightly over 10% of U.S. colleges and universities operated licensing programs, but arguably not every institution needed or could sustain one (Lattinville, 1996). Lattinville afforded the following recommendations for growth in the collegiate licensing industry: new products adorned with university

trademarks to expand the current offerings, new channels of distribution to reach a broader base of consumers, and cross-licensing to include multiple schools on one design. Because of the nature of collegiate licensing and its strong dependence on athletic programs, Lattinville “posits the potentially unpopular position that without the existence of successful athletic teams and the media’s chronicling of their accomplishments, a university would derive little or no revenue from its licensing program (Lattinville, 1996, p. 91).

According to ICLA’s 2012 and 2013 Licensing Benchmark Research, licensing programs still report to a wide variety of university departments. In 2012 82 ICLA members participated in the study with 72 of those participants representing institutions. The average years of experience in the licensing industry was 9.35 with 11.54 years within the organization. The study showed that of these participants 27 reported to “University Relations/PR/Marketing/Communications,” 16 participants reported to Athletics, 14 to Administration, 9 reported to Advancement, and 9 to Business/Finance. Some other areas participants reported were Legal, Purchasing/Contractual Services, and Research. In 2013 83 ICLA members participated in the study with 72 participants representing institutions. The average experience in the licensing industry was 11.96 years with an average of 11.56 years at their current organization. Eighteen reported to University Relations/PR/Marketing/Communications, 23 reported to Athletics, 6 to Administration, 10 to Auxiliary Services, 4 to Advancement, and 7 to Business and Finance. Some other areas the 2014 reported were Legal, Purchasing/Contractual Services, and Research. 15.3% of the participants from the 2013 study stated that they

report to more than one campus department. For a pictorial representation of the 2012 and 2013 ICLA Licensing Benchmark Research, see Appendix B.

CHAPTER III: METHODOLOGY

Introduction

The following section outlines the researcher's methods of data collection and analysis in this qualitative study on the current organizational state of collegiate licensing departments across the United States. A qualitative research design was used to gain a better understanding of the experiences and opinions of licensing professionals.

Qualitative studies are common and often undertaken when there is a lack of theory or an existing model is not appropriate. Researchers, then, gather data to build concepts, hypotheses, or theories (Merriam, 2009).

Research Design

Participants were asked to reflect on experiences and form opinions about the current and future state of the collegiate licensing industry, particularly as it relates to organizational structure. The identified participants are located around the country and it was not practical to observe them in their natural work setting, thus interviews were used to collect data. Interviews are grounded in discussion and allow researchers to enter into the other person's perspective (Merriam, 2009).

Participants

Qualitative interviewing begins with the assumption that the perspective of others is meaningful, knowable, and able to be made explicit (Patton, 2002). Participants selected for this study have at least five years experience in the industry and are reported in five-year increments (See Table 1.1). The following four sections outline the researcher's reasoning and justification for interviewing the identified participants. The majority of participants that were selected and interviewed are from the licensing director

category as their first-hand experience most directly relates to the study. All licensing directors are currently employed by a Power 5 institution unless their experience can also be classified as another group. Other groups were identified to have value and would supplement the views of the licensing directors. All participants of the study fall under one or more of the following categories.

Licensing Agents. Licensing agents have considerable experience and knowledge of sound licensing practices. They regularly assist their variety of collegiate partners to manage their respective licensing programs and promote the production of quality, licensed products (About CLC, 2014). Because licensing agents represent numerous schools, their consortiums subsequently have clients who operate uniquely from one another and have different policies and theories regarding trademark, brand and merchandise management. The inclusion of licensing agents in this study is significant because they can give educated opinions about which practices and approaches in which they've witnessed first-hand have been most efficient and effective in managing a university's brand, licensing department, and sale of licensed products. Licensing agents have a wide array of knowledge about the universities they represent and can give specific feedback regarding the research question.

Licensees. The licensee sector is comprised of all the companies and manufacturers that are authorized to produce products adorned with university trademarks and logos. In the collegiate landscape, each licensee must obtain a license, or permission, from each institution in which they desire to produce product for commercial purposes. In order to establish strong relationships with national retail buyer and sales in the marketplace, a licensee must develop a collegiate line that includes a wide range of

universities. Veterans in this sector, very similarly to licensing agents, will have first-hand experience working with a variety of organizational structures in licensing departments at different universities. The larger licensees will be able to give feedback regarding the differences between licensee departments at the collegiate level and their professional league counterparts. They will also be able to give opinion regarding which methods are more efficient and effective from the licensee perspective. Feedback will be given specifically as it relates to timeliness of artwork approvals, engagement in hot-market programs, and continuity within licensing departments with other brand managers on campus.

Licensing Directors. Licensing Directors, or those charged with similar job duties, are responsible for the strategic management of their respective collegiate licensing departments. Some licensing director's full time duties include licensing, while others assume the role part time. Licensing directors, depending on the organizational landscape and strategic opinions of their campus, will operate their departments differently. They will inevitably have different connections throughout the campus community and can provide feedback regarding their successes and challenges due to their specific structure. The researcher will hear in depth personal accounts about the topic under study by interviewing licensing directors. Licensing directors may be in favor of how their departments are currently structured within their respective universities or be able to provide feedback in how they wish it were different. Licensing Directors are direct members of the campus community and are therefore critical to interview to get the most raw feedback and opinions about the research question.

Experts. The fourth sector of the purposeful selection of informants includes licensing experts. For the purpose of this study, licensing experts are characterized as those with ample amount of licensing experience, but do not qualify as one of the other three sectors listed. These persons may have represented one of the previous categories in the past, but do not currently fall under one these categories in their current job description. These experts include founders of collegiate licensing agencies, current and past presidents of professional collegiate licensing organizations, and researchers in the field. Experts, as defined above, are imperative to include in this study because they have knowledge regarding advances and transformations in the licensing industry over the past several decades. They will be able to provide insight regarding how the management of brands and licensed goods has evolved and give opinions about the strategic direction they are going.

Research Questions

Semi-structured interview questions were carefully constructed to draw out participants' descriptions and perceptions of organizational structure of collegiate licensing departments. The following questions guided the study:

1. Do you feel appropriate assets are given to the licensing program at your institution?
2. Explain the relationship with other licensing directors and experts in the collegiate licensing industry.
3. What are some of the biggest challenges facing licensing professionals in collegiate licensing?

4. What department within higher education institutions does collegiate licensing departments fit best?
5. What advice would you give in starting a collegiate licensing program?

Data Collection

A group of 15 initial participants were identified from the four sectors of collegiate licensing professionals listed above and contacted via their work email. The initial participants were purposefully identified because their experience and insight positioned them to best answer the research questions (Creswell, 1994). A 30 to 45 minute telephone interview was requested with each participant in the fall of 2014. The most highly regarded licensing professionals in collegiate licensing are located around the United States, so interviews via telephone was the best way to contact the diverse population in a timely manner. Semi structured interviews were conducted from the researcher's office in a private setting. Semi structured interviews combine the format of structured and unstructured interviews, allowing for open conversation guided, but not dictated by a set of predetermined questions set forth by the researcher (Corbin & Strauss, 2008). This format also allows the researcher to respond to the situation at hand, to the emerging worldview of the respondent, and to new ideas on the topic (Merriam, 2009). Cheatham (1994) used a semi structured interview technique to explore Southwest Conference University and athletic administrative views on the organizational structure and future of women in athletics. Semi-structure interviews are useful when the research has a specific set of issues and concerns to discuss (Hess-Biber, 2003). Jarmon confirms the semi-structured interview method with her 2014 study on the continued barriers for

women in higher education and top level administrative positions, known as the glass ceiling (Jarmon, 2014).

Prior to each interview, an Informed Consent Form (see Appendix A) was sent via email to each participant outlining the purpose of the study as well as pledges to confidentiality. An interview guide (see Appendix B) was used to direct conversation and ensure each participant was asked the same grouping of questions. In addition to the generic questions asked to each participant, more specific questions were asked depending on which category best described the participants. Questions were based primarily on phenomenology and grounded theory, rooted in the participants' prior experiences and opinions about certain situations based on those experiences (Creswell, 1994; Patton, 2002). Swanson utilized interviews in his study, which established team identification as a distinct construct from organizational identification and to assess its role for employee attitudes in the professional sport environment (Swanson, 2014).

Data Analysis

Each interview was audio taped with a digital voice recorder for purpose of later transcription. After the interview was transcribed it was sent via email to the respective participant for member checking. Member checking allows for participants to review the transcripts from their interview to make corrections, deletions, or additions to the data (Jarmon, 2014). After each participant returned their document with any modifications, it was then prepared for content coding and analysis. The researcher chose not to use transcription software, but rather personally transcribed the interviews verbatim by replaying the recorded audio file in slow motion through Microsoft Media Player. By not using software, the researcher was able to listen to contents of the interview once more

and include pauses, hesitations, and voice inflections in the transcription that may provide insight and value in the coding process. It also allowed the researcher to pre-code the data for future analysis.

Coding is the process of extracting concepts from raw data and developing them in terms of their properties and dimensions (Corbin & Strauss, 2008). In this study, a constant comparative data analysis method was used. During constant comparative data analysis one segment of data is compared to another in order to find similarities and differences (Merriam, 2009). Raw data is then grouped together based on similar ideas and patterns. In order to easily identify the emerging similar and differing opinions of the participants, the researcher color-coded printed versions of the transcribed interviews. The visually recognized groupings then become the themes of the study.

Positionality Statement

In qualitative research studies it is common to include a Positionality Statement that provides context to the lens of the researcher. This statement also seeks to acknowledge any bias that may come as a result of that lens and assist the researcher to responding critically and sensitively to the research (Marshall & Rossman, 2011).

I am currently serving as the Assistant Licensing Director for the University of Tennessee system and have been in the industry for approximately four years. I attended the University of South Carolina for my undergraduate studies and double majored in marketing and management with a minor in sport and entertainment management. My interest and awareness of the licensing industry came as a result from the licensing director at South Carolina guest lecturing in one of my sport marketing classes. After

hearing him speak and learning about the field, I was given the opportunity to work as a paid intern in the department. South Carolina's trademark licensing department reported to the Business and Finance Division of the University at the time, but has since changed its name to Administration and Finance. Upon graduation, I took a job with University of Tennessee system to assist with the management of the University of Tennessee, University of Tennessee at Chattanooga, University of Tennessee at Martin, and the University of Tennessee Health Science Center licensing programs. Due to oversight of multiple programs, the trademark licensing department reports to the Office of the Treasurer. Although the office reports to this department, it is physically housed in the athletic building on the marketing floor.

Due to my early start in the field, I tend to be much younger than most of my counterparts. Additionally, because all participants were required to have at least five years experience to partake in the study, all have been in the industry longer than myself. Nonetheless, the participants involved are peers and co-workers, which may affect the way participants chose to respond to the questions asked. Additionally, my critical viewpoint and early integration in the licensing community shapes the way I communicate with participants and analyze the comments and data provided to me. My first-hand curiosity and frustration about the current operational structure of the collegiate trademark industry spawned interest and basis for this study.

CHAPTER IV: RESULTS

This study explores the experiences of licensing professionals in the industry to get a glimpse at how the industry operates in its current state and in what ways it can improve. Four themes emerged from the interviews: *Hidden Profession*, *Collaborative Effort with Hesitation*, *Ambiguous Views on Organizational Placement*, and *Insufficient Resources*. Based on the feedback from the participants of the study, licensing is not a frequently sought after career, yet once a person finds their way into licensing, they really enjoy the industry. There seems to be great collaboration between licensing professionals and their peers around the country. Licensing professionals believe they have a strong relationship with other “brand managers” on campus, but know that others do not necessarily always buy in to licensing objectives. Lastly, licensing seems to be very under supported from university administration and licensing professionals are challenged by their lack of resources.

Hidden Profession

At the commencement of each interview, the researcher inquired about the participants’ career background and experiences, specifically those that lead to their current role in collegiate licensing. The purpose of this question was to determine the typical avenues in which collegiate licensing professionals take and what involvements led them to the licensing field. However, instead of finding commonalities among routes, the comments from the licensing professionals were pretty uniform and resounding in the opposite way—they knew next to nothing about the industry before they entered the field, with one participant admitting “it was a completely foreign concept to me.” Many of the participants joked and attested to “falling into licensing” rather than ambitiously seeking

a career in the field. In fact, only one participant sought licensing as a career out of college.

Many of the participants were initially given licensing duties as part of another job description or title as, according to their respective supervisors, licensing was expected to only comprise of a small portion of their overall responsibilities. Participant D was asked by one of the vice presidents of the university after the previous licensing director left if he could, “take this over? It’s not really that much.” And so he says “it wasn’t really that much then...but it has grown exponentially every year.” Participant K stated that licensing was given as 15% of his job duties, but prior to that he had “never heard anything about licensing prior to that in my life.” Each participant that was interviewed stated that after assuming licensing roles, even in a small capacity, quickly realized how impactful a licensing program can be to an overall branding strategy.

Another common theme given by the participants was no real desire to enter the licensing field or become a licensing director, but rather be employed by a university. Four out of the 11 participants entered the collegiate licensing industry not because of an aspiration to enter the field, but rather a desire to work at their alma mater or university in a particular geographical area due to personal allegiances or circumstances. Each of these four participants admitted that their entrance into collegiate licensing stemmed from a want to be employed by an institute of higher education and not from a desire to be in the field. In fact, each of these four participants admitted to not having any direct licensing experience before accepting the role of licensing director.

Paralleling a majority of the participants’ comments regarding their lack of knowledge of the industry before entering the field, Participant G commented on the lack

of educational material available for instruction for a class she teaches on licensing. She indicated that each semester at least one student from the licensing focused class pursued something that is “licensing related” after completion of the course and says “there is a lot of possibility of getting people into this industry that are more set on going into it specifically once they graduate.” Participant A mirrored this concern and stated there was not a specific course on licensing offered in his graduate program and admits he did not know much about the concept of licensing until he went through the interview process upon graduation, but said there is “absolutely an opportunity for more of an educational piece.”

Collaborative Effort with Hesitation

Between Licensing Professionals. Participants were asked to describe their relationship with their peers and counterparts in the industry in order to get a pulse on the interconnectivity of the members in the field. The success and continued development of an industry depends largely on the collaboration of its members so discovering how collegiate licensing professionals interact was crucial in identifying the current and future state of the industry. Each participant indicated they have a good working relationship with their colleagues, citing each other’s willingness to help one another grow as key to their individual development.

Participant G recalled her first few years in the industry: “When I started this job, I knew next to nothing about licensing, so especially that first year or two I tried to be a sponge and learn as much as I could...I think that helped me tremendously and I think we have a very good professional organization of folks who are willing to share ideas and help each other out.” Participant I’s testimonial echoed Participant G’s comments

regarding mentorship from peers, stating the institutional knowledge shared with him from others aided him in learning more about the industry and his role as a licensing director. He also stated “that there are not many [licensing directors] so we all know one another.” Participant H agreed, sharing that he believes individuals working in the collegiate licensing industry are “good people” who want to help each other grow their respective programs. He also stated that “we are beginning to have more people want to be professionals at [licensing]” and emphasized the point of trying to learn from one another because “[licensing] is such a growing a changing area still after 30 years. We have probably seen the most change in the last two and a half to three years than we have in the past ten to twenty.” Participant K said his relationship was excellent stating he talks to as many [licensing directors] as often as he can. Overall, each participant indicated a strong interconnectivity with their peers and counterparts around the country. Only one participant made mention of censored or limited conversations to consciously avoid appearing or creating any anti-trust concerns.

Between other “Brand Managers” on Campus. Institutions of higher education are extremely large organizations with a myriad of diverse departments who work independently and collectively to achieve the college or universities’ missions and goals. In order to operate a successful, multi-faceted licensing program, licensing directors must work with and have support from a variety of their peers at the university level. These key departments are what the researcher identified as other “brand managers” to include, but not limited to, the communications office, marketing staff within athletics, equipment managers, and others. Each participant was asked to evaluate and explain their relationship with other “brand managers” on campus. The purpose of this question was to

identify how licensing directors interact with other departments on campus, but to also uncover how licensing directors feel other departments view the licensing office.

Each participant indicated that they felt they have a strong working relationship with other departments on campus. Many participants cited longevity of relationships, frequent cross collaboration across departments, and departmental positioning as key factors in the quality of their relationships with other “brand managers.” Although not specifically asked by the researcher, six of the 11 participants mentioned their involvement or recommend involvement in a branding committee that meets on fairly frequent basis. A variety of names were given to this committee including “Brand Council,” “Trademark Advisory Board,” and “Communicator’s Cabinet,” but the mission of all remain the same: get all “brand managers” together on a regular basis to discuss licensing and other branding issues and topics. Participant K summarized this concept by stating that their respective institution has this committee to “provide strategic direction for the way the brand is to be perceived and used...and to collaborate across silos to make a unified brand impression.” Participant E mirrored Participant K’s comments, but added that these brand meetings allow for licensing directors to educate others on the value of licensing and how it can help maintain brand consistency and strategy. Participant G indicated their specific committee is particularly helpful when politically sensitive issues or complaints arise and because a number of different parties are involved from different areas within the University, including athletics, general counsel, and public affairs, the feedback or resolution is better-rounded and accepted across more departments.

Although all the participants answered that they have a strong relationship with other “brand managers,” many deviated from their original statement giving feedback

about how challenging brand messaging can be and how uniting departments can be difficult and frustrating at times. Participant K believed that where the licensing department was housed had a large impact on how other “brand managers” perceived the licensing director and stated that the “oversight is based upon where the program is housed.” Participant A disagreed with Participant K saying they did not believe it mattered where the licensing program was housed, but rather on the assertiveness and leadership of the licensing director. Participant A recalled examples of when the branding meetings were very effective, but also very ineffective, depending on the perceived validity of the licensing director and department by others on campus. Participant A also mentioned how having numerous “brand managers” and not just the licensing director making decisions about branding makes coordinating consistent messaging and efforts very challenging. Participant G said their respective licensing department is constantly trying to educate others on campus and show the value and need for a licensing department and how they can be a resource for them, not just “logo cops”—which Participant G stated is a common term used to disparage and vilify the roles of licensing directors. Participant H discussed the challenges of getting complete buy-in from other departments on campus because their particular licensing office is housed within athletics. Participant H said, “people always have their perceptions and at times you have to tippy-toe around things or know what their disposition might be [because I am in athletics], but for the most part I have a great relationship with the University side.” Participant G, who also reports to athletics, had very similar comments saying: “You definitely get questions from people, especially from the campus side as to why somebody in athletics is telling me when I am over on the University side what I can and

cannot do with our logos.” The animosity on this point seemed to go both ways however, as Participant I, which reports to the Division of Finance and Administration, relayed comments from athletics where the athletic department felt the University was trying to control how athletics used its marks. Many comments from the participants mirrored both sides of this conversation, agreeing that cross collaboration across different departments can be challenging, typically when there is a sense of “University” versus athletics. All agreed that it is essential to get strong, consistent brand direction from higher-level administration.

Ambiguous Views on Organizational Placement

Collegiate licensing departments are housed in a variety of different divisions within the university. Some common places licensing departments report are university relations, communications, auxiliary services, business and finance, and athletics. Licensing offices often receive varying types and levels of support and assets depending on which department they are housed. Currently there is not a standard for the industry or a deemed “best fit.” All participants, including licensing directors, have different reporting structures, licensing agents and licensees were interviewed and asked if given the choice “where do you think licensing departments fit best and make the most sense?” Three distinct opinions were given.

Athletics. Participant A, who represents a licensing agency, said that 40% of his company’s clients report to athletics and the other 60% report “somewhere on the university side.” The university versus athletics theme is again represented here, but also mirrors the thoughts on approximately 40% of the participants regarding the ideal reporting structure of a licensing department. Four out of the 11 participants stated that

the licensing department's goals, objectives, and needs lean toward being housed within the athletic department.

Participant B provided reasoning behind this thought stating that, "because [the athletic department] is the window, front door, or porch to the university the best place is to be in there so you can manage and position [the licensing department] well and then utilize it to help support the academic side of campus." Participant H had similar thoughts, expressing it this way, "The benefit of it being in athletics, if you think or believe that at the end of the day athletics is the billboard for your brand, you have to control that first and the only way to control it is to be in it because if you are not in it, it is a lot harder to get your hands around what the beast is doing." Participant H also said that at his given institution "[athletics] sets the tone for what the rest of campus is going to do and what they think they can do." Participant J agreed stating factors that drive licensing revenue include cool logos, color schemes, passionate fan bases, geographic locations, and enrollment size all remain fairly the same, but athletic success is really what gives licensing opportunities for large growth. Therefore, in Participant J's opinion, because increases in licensing dollars depend heavily on athletic success licensing needs to be integrated with the athletic department. He mentioned that that does not mean it cannot be productive in another department, but because of the nature of the business, the athletic department is best suited to house the licensing department. Participant A mimicked Participant J's thoughts, saying licensing being in athletics "creates cohesion and synergy with the athletics departments branding and vision." This dynamic is particularly important for quick to market, or hot market, items. Participant A also said that when the licensing department is on the university side it "can slow things down a

bit.” Participant B agrees saying that if you report to an academic entity, there will most likely be some fighting or disconnect. According to Participant B, it is very difficult to get support from athletics if working on the “university side” because athletics does not believe academic staff understands the big business and nuances of college sports.

Each participant that preferred licensing be housed in athletics mentioned the ability for licensing to operate effectively if housed in another location such as University relations, Business and Finance, and Communications, but ultimately believed the synergies between licensing and athletic goals as well as animosities between “university” and “athletic” staff made athletics the best choice to house and support a strong licensing program.

Definitely Not Athletics. On the other hand, some participants were strongly opposed to housing the licensing department within athletics. Participant K firmly shared, “I can tell you where I wouldn’t have it report. I wouldn’t have it report to athletics because I think there is a conflict of interest...athletics is an entity that is designed to be revenue driven at all costs and revenue driven does not mean that the licensing program is viewed from a strategic oversight point of view.” Participant K noted that there are some licensing offices that are housed within athletics that are very successful, but they have a strong relationship with other university entities and do not view licensing as just a revenue generating department. Participant E adds, “It’s about the institution. It’s not about individual distant parts. Athletics is a very strong brand for most institutions, but it’s still one element of the institution.” Participant E stated that they are a proponent of licensing being housed within the Communications and Marketing department for the entire university as licensing objectives support the university at large, not just one

specific department. According to Participant E, when licensing is housed within athletics, the overall purpose and message of higher education gets lost. Participant I reinforces Participant E's point of view, sharing that from his experiences the most consistent brand messaging is a result of the licensing offices being housed within Communications or University Relations. Participant K agrees stating that licensing offices "can be leveraged to the greatest potential in Marketing & Communications." Participant F said the licensing office needs to support the institutional marketing program by "having one foot in the door with what athletics does, but also one foot in the door of what we do academically" and if he had to choose, would place the licensing department within University Marketing and Communications or Public Affairs.

Where the Resources are Given. The remaining participants did not have a strong preference as to where the licensing office should be housed, but rather expressed that it belongs in the division willing to dedicate appropriate assets to the program. The division must also have similar goals as the licensing program. When asked which department or division makes the most sense, Participant G said, "It's tough because you can look at it in one of two ways. I think from a branding perspective most of the people you work with are going to be on the campus side, but from a revenue generation perspective most of the people you work with are going to be on the athletic side. Both are important priorities, but if you look at it from the standpoint of which of those areas at your specific university needs the most support or makes the most sense that is where the licensing department should be housed, depending on which is the priority." Participant C said it this way, "It doesn't matter whether it is in athletics, administration, or legal. I would say "Who really cares about the issues?"" Participant C also said that they have

not seen enough consistency to confidently say athletics cares more about the issues and gives licensing more support than any other department within the campus. Participant A, although ultimately an advocate for an athletics housed licensing department, said that in reality “it doesn’t matter where [the licensing office] is sitting...it’s more about if they are 100% dedicated to licensing and when they are not, that is when [the licensing department] struggles and gets behind.”

Insufficient Resources

All participants were asked to describe their biggest challenge as a licensing director or licensing professional. The purpose of this question was to identify the deficiencies in the industry from a first-hand perspective and to identify the key ways the industry can improve. A few differing concerns arose, but one challenge quickly became the most prevalent: licensing directors have an extreme shortage of time and assets that prohibit them from accomplishing all of their licensing goals. Six out of the eleven participants explicitly stated that time management and lack of support from the administration presented the largest obstacles for accomplishing their licensing responsibilities. Participant F was very direct in his concerns about time management. He outlined a scenario of the myriad of topics he must deal with on a daily basis and having to decide which ones are going to get done and which ones are not. He said, “...it really is a matter of keeping the number of stuff that we have going on happening and moving forward without completely dropping the ball on every one of these things.” Participant H had similar comments stating their specific challenge is “trying to manage a program at a school where you have so many things going on...” Similar to Participant F and Participant H, Participant D said that when trying to apply new programs or ideas,

particularly those shared at industry tradeshows, “Some of them do [get implemented]. A lot of them don’t because I don’t have time when I get back to implement them.”

Participant A, who represents a licensing agency, said that is the most consistent concern the agency hears from clients: “We just don’t have the time. We wish we had someone to help out on staff.”

Relatedly, another concern was the lack of assets (causing a shortage of time) and support from administration for the program. Participant A gave light to a industry hardship stating that “in a lot of cases [Universities] don’t have but one person dedicated to the licensing program and then in some cases that one person may be spending 20% of their overall time dedicated to trying to grow the licensing program.” Participant A also said in more cases than not there are not enough resources given to the licensing department. Participant K heartedly agreed with Participant A stating that the collegiate licensing industry as a whole lacks in the “ability to get the resources and permission to go and build the program the way [licensing directors] need to.” Participant K also said licensing programs struggle in their ability to get administrations “to invest money into the program--Investing money meaning hiring people, spending money on a travel budget so people see what is really happening in the marketplace, professional development, maybe even putting some money into some marketing initiatives that promote licensing. Those are all things that people are very resistant to if they are not a licensing person themselves because they do not understand licensing and look at things from a budget only perspective.” Every participant was also asked to hypothetically structure a licensing department and to give detail about the personnel they would hire. Each participant stated they had to have a full-time licensing director and all added additional staff whether at

the full-time, part-time, or volunteer level. Many preferred a staff of at least two or more for one institution. While many were able to relay their thoughts on an ideal set-up, it was very apparent some were pessimistic about the opportunity to get a full staff. Participant J recalled schools that have requested additional staff and assets, but were denied because since licensing is such a unique field, the licensing director had trouble adequately communicating the need. Participant G echoed this thought saying that the biggest challenge by far is the education piece.

CHAPTER V: DISCUSSION

The results of this study reveal some interesting truths about the state of collegiate trademark licensing. Compared to the available literature on the topic, it appears collegiate trademark licensing has advanced over the past thirty years in terms of staff and organizational growth. Despite its progression, however, staffing and resources available to trademark licensing departments at institutes of higher education have been sluggish at best in keeping up with the continuous growth and expansion of the industry.

The participants' testaments of "falling into licensing" are startling. A majority of the participants did not know anything about trademark licensing, including its foundation in trademark law, nor its marketing and financial objectives before becoming responsible for a program. While experiences from other job paths have served many licensing directors well in adapting to the field, a majority of licensing directors become responsible for programs without the in-depth knowledge needed to make informed decisions about available retail product. The scarcity of job-ready individuals entering the field severely stunts the growth and perceived importance of the industry. How can collegiate trademark licensing continue to evolve and demand respect from its peers, both internal and external, if those running the programs are not fully equipped to handle such a dynamic department? How can an industry advance if its professionals accidentally find themselves in the industry rather than ambitiously seeking to contribute to the field?

As many of the participants said, there is definite need for an educational aspect to trademark licensing both in the classroom and in the workspace. While it is unfortunate that licensing directors arrive in licensing director positions without the proper knowledge to deal with the multi-faceted industry, current licensing directors must

include educating the future generation of licensing directors and sport management professionals into their current, already extensive, list of job duties; a shift must occur in how the next generation of licensing directors learn about the industry. For the betterment and continued advancement of collegiate licensing, current trademark licensing directors and professionals must teach others, including students, other university departments, and higher administration about the purpose, need, and required skills to succeed in the industry.

Collegiate licensing is becoming more and more complicated as product distribution expands, continued discussions of the paying of student-athletes arise, and the amount of royalties being collected to support university missions grows. The industry is moving and facing new challenges at a rapid rate, but universities are not investing in the personnel and additional resources needed to properly keep up. The goals and responsibilities of trademark licensing departments are multi-faceted and it is unrealistic of university administrations to expect one person, either part time or full, to be an expert in each of licensing's main areas: legal, marketing, and financial. Other departments have specialists in each of these individual fields that cooperate with one another to maximize the skill sets of each to fully cultivate and achieve business objectives. Licensing departments, however, are often managed by just one person who are required to juggle a multitude of business disciplines. A continuation of educating about the importance and complexities of collegiate trademark licensing, licensing directors must show senior level administrators the need and urgency to field additional staff. To require the proper management of each of these disciplines to their highest potential without additional skilled staff and a supportive university administration is

unreasonable and key aspects of a licensing program will get overlooked due to lack of resources. By educating students at the collegiate level about the varying aspects of trademark licensing, licensing directors are preparing students to become the much-needed additional staff in the industry. Since the students will have some knowledge about the industry before securing a licensing position (unlike the respondents in this study) there will be a much smaller learning curve so they may more quickly contribute to their respective programs and industry as a whole. Licensing directors do the best they can with the limited resources and support available to them, but growth opportunities are tremendous with a little more resources and attention to the program.

One theme that has not changed since Gaston's dissertation in 1984 is the ambiguous opinions about where trademark licensing departments should be housed within the overall landscape of colleges and universities. Although the percentages many have shifted slightly, the same theme remains: there is not any consistency, even among licensing professionals, of where trademark licensing fits best. Some of the opinions expressed by the participants were very contrasting, yet all made valid points to support their opinions about where licensing should be housed. That, of course, is what makes classifying and subsequently supporting trademark licensing departments difficult. Since trademark licensing does not have an agreeable place to call home, licensing departments are often deprived of resources. And if those who know the industry more than most cannot agree on the best fit, how can one expect university administrations, often with much less expertise, make an informed decision about its allotted resources and placement?

Those who support trademark licensing to be housed within the athletic programs made a great point: athletic programs are the “billboard” or “front porch” of universities. For those that do not agree, why is it then that in 41 states, the top public paid employee is a college coach? (Highest-Paid Public Employee in Your State?, 2013). In 2013, John Calipari’s, the head basketball coach at the University of Kentucky, compensation with bonuses was \$5.4 million. The salary of the Kentucky Governor was \$151,643 (Highest Paid Public Employee in Your State?, 2013). In addition, high-paid college coaches typically earn far more than university presidents, so universities must feel that it is the athletic department, or their specific sports teams, that generate interest and bring prestige to a university. On the other hand, those who support trademark licensing being housed within university relations/business & finance/communications on the “University” side, also make a valid point: the goals of trademark licensing support the university as a whole and not just one department. The goals are to protect, promote, profit, and preserve the entire institution and not any one part. And although athletics can arguably be the “billboard” of the university, its budget typically only accounts for approximately 5% of the entire university budget (Fulks, 2014).

The licensing professionals interviewed for this study indicated they have a strong relationship with their peers around the country and rely heavily on one another once in the field to make sound business decisions for their university. In terms of sustainable growth, frequent and positive communication between licensing directors and other professional is promising for the industry. Best practices are often shared, creating continuity and ease of doing business. Licensing directors more specifically mentioned their great cooperation with other “brand managers” on campus, but dissented by saying

that it is often difficult to get everyone to collectively agree on branding matters based on individual departmental interest. Licensing directors also mentioned they have to be very diplomatic in their conversations with other departments as many had trouble convincing others to buy-in to licensing objectives. Therefore, collaboration between "brand managers" is determined to be disjointed at best. Universities must find a way to extinguish the continually increasing disconnect between "university" and "athletics."

Based on the literature available regarding organizational structure, particularly the research of Jim Collins and Packianathan Chelladurai as well as the explained functions of trademark licensing, the researcher suggests the following structure for large licensing departments, particularly those institutions in the "Power 5." The suggested structure is based on the current 4 P model of collegiate trademark licensing departments, concentrating on functions of Protect, Promote, Profit, and Preserve and serves to taper or resolve some of the hardships and concerns expressed by the participants of this study. The most resounding and discouraging theme presented by the participants was the lack of interest and preparedness of collegiate licensing professionals before they enter the industry. Ways in which licensing directors become heads of their program are often not intentional and can lead to misdirection or lack of leadership of the program. The shortage of assistance, support, and assets, but also specialized skillsets contributes to the misdirection and stunted growth of programs because there simply is not enough help for all the tasks and objectives required. Before collegiate trademark licensing departments can get "the right people in the right seats of the bus," dedication to opening additional seats on the bus is necessary. Administrations need to hire additional staff to support licensing objectives and should seek specialized persons for each of the four P's. After

opening up additional seats on the bus, licensing departments must seek to fill each seat with the right person with relatable knowledge to the position in which they are hired, or “the right people in the right seats” (Collins, 2001). Functions of Protect (legal), Promote (marketing), and Profit (financial) all have unique skillsets that should be treated as independent objectives with full-time positions. The person headed with “Preserve” should be the Licensing Director, with specialized marketing, legal, and financial positions as direct reports. Each of these three positions may have part-time or volunteer help if needed. Understandably all these positions will communicate and interdepend, but “organizing should ensure that the division of labor is rational and consistent with the selected goals and programs of activities, which in turn promotes efficiency” (Chellardurai, 2014, p. 59). It is irresponsible to entrust or expect one person to masterfully accomplish each one of these functions. Additionally, the person(s) charged with the licensing responsibilities must have exceptionally strong leadership skills and ability to communicate as “upward movement requires adept leadership with terrific cooperation from all other groups in the academic community, a willingness to restructure internally, strong working relations with outside business and governmental groups, [and] a capacity to rise above internal rivalries to gain a sense of the common good” (Rothblatt, 2008). For the advancement of collegiate licensing and its ‘professionals’ ability to achieve program goals with effectiveness and efficiency, there must be a realistic and tactful division of labor and job duties.

Perhaps the misconception and lack of resources is attributed to the title and collegiate “trademark licensing departments” is too finite for the actual responsibilities given to the department. Perhaps collegiate trademark licensing should really be viewed

as an external marketing team or a consumer products division of the university, which better encompasses the duties of the department. Traditional marketing departments at universities tend to focus on the internal branding of the university and/or its athletic teams. They seek to bring fans to games and give them a great experience while they are on campus. In contrast, licensing departments use merchandise as a brand extension of those efforts and allow fans to market and promote their favorite universities and teams without direct effort from the brand owner. For this reason, if a department chooses to have the ‘licensing’ department or ‘consumer products division’ report within athletics, the researcher recommends the department report to the External Relations or Branding/Communications officer with a system for strong communication with the ‘internal’ marketing team.

Recommendations

The following recommendations for the continued advancement of collegiate trademark licensing departments as it relates to their organizational structure:

- a. Collegiate trademark licensing departments must have at least one full-time person dedicated to the program, although more than one is ideal.
- b. Licensing directors must be included in campus wide branding initiatives and guest speak and/or teach academic classes to educate the future leaders in the licensing industry.
- c. Universities must find an appropriate balance of “University” and “Athletics” for the sake of brand uniformity and sustainable growth. Currently these “two sides” are competing, but they must find a way to cooperatively co-exist.

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APPENDIX

APPENDIX A

FORM B

IRB # _____

Date Received in Office of Research _____

I. IDENTIFICATION OF PROJECT

1. **Principal Investigator (PI) or Co-Principal Investigators (Co-PI):**

- **Principal Investigator**
Katrina M. Phelps
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robh@utk.edu

2. **Project Classification:** Original Research Project
3. **Project Title:** Structural Analysis of Collegiate Trademark Licensing Departments
4. **Starting Date:** Upon IRB approval
5. **Estimated Completion Date:** December 31, 2014
6. **External Funding:** N/A

II. PROJECT OBJECTIVES:

The objective of this research is to examine the experiences of professionals in the collegiate licensing industry to conclude a desired organizational structure for licensing departments at major colleges and universities to maximize efficiency and revenue. The following research questions will guide the study: 1) What are the most popular structures of collegiate licensing departments? 2) How do licensing directors (or similar job duties) interact with other brand managers on campus? 3) What challenges do licensing directors face within their current organizational structure? 4) How can the licensing department structure be improved to make it more efficient and profitable?

III. DESCRIPTION AND SOURCE OF RESEARCH PARTICIPANTS

1. All participants will have at least five years experience in the collegiate licensing industry as either a Licensing Director (or similar duties) at a major institution, on behalf of a major licensing agent, or as a licensee who works with major institutions.
2. All participants will be 18 years of age or older.
3. All participants will not have a special relationship to the researchers beyond professional acquaintance.
4. Approximately 12-15 participants will be interviewed until redundancy in the information is reached.

IV. METHODS AND PROCEDURES

Potential participants will be identified through the International Collegiate Licensing Association (ICLA) directory as well as through the researcher's professional network. The researcher will e-mail potential participants, explain the study, and ask for the interview. The researchers will make appointments with each person who agrees to participate in the study. Interviews will last approximately 30 minutes. The researcher will interview the participant via telephone from a location that will allow for privacy. Consent forms will be obtained prior to the interviews.

The interviews will be semi-structured with questions developed to guide the research (see Appendix A). Follow-up questions will be based upon the ensuing conversation. The participants will be asked about their experiences in the collegiate licensing industry, with special attention to their experiences working within certain organizational structures. The researcher will digitally record each interview. The interview will then be downloaded and transcribed.

Each participant will be mailed or e-mailed a copy the transcript. They may either return the transcript with corrections or may contact the researchers to discuss any corrections that need to be made. The participant will have fourteen days to review the transcript for any errors. The researchers will then conduct a content analysis of the transcripts to identify themes that seem to characterize collegiate licensing professionals experiences.

V. SPECIFIC RISKS AND PROTECTION MEASURES

There are minimal risks involved in the research. Participants may recall experiences in the past that were negative in nature and that may cause stress and discomfort. All participants' names and school affiliations will remain confidential. Themes will be reported only in group. Participants will be assigned a pseudonym, which will be used for any direct quotation used. Each participant will be read the Informed Consent Form (see Appendix B) before the interview commences. The researcher will read the Informed Consent Form aloud, and record a verbal approval from the participant prior to beginning the interview. The consent for each interview will be stored separately from the interview responses. The researcher will also e-mail each participant a copy of the consent form and ask the participants to sign and return via mail or e-mail a copy.

Participants will be informed they have the right to withdraw from the study at any time, without penalty. They may withdraw orally during the interview or by phone, or via e-mail or letter to the researcher. All of their information (i.e. recordings, transcripts, forms) will be destroyed by the researcher immediately after the study is completed.

The researcher will have access to all notes, transcripts and recordings. Anyone else asked to review the notes will sign a Pledge of Confidentiality (see Appendix C). This information will be kept on a flash drive, which will be either in the researchers' personal possession, or under lock and key in Room M023 of the Brenda Lawson Athletic Center. The recordings will be deleted from the digital recorder as soon as they are downloaded onto the flash drive. The computer used to open the flash drive will be password protected, and kept under locked and key in the researchers' office located in BLAC M023. The informed consent forms and verbal consent voice files will be kept separate from the transcripts and recordings. The signed consent forms will be under lock and key HPER 354.

VI. BENEFITS

There are no direct benefits to the participants other than providing information to determine more desirable organizational structures for collegiate licensing departments.

VII. METHODS FOR OBTAINING "INFORMED CONSENT" FROM PARTICIPANTS

The researcher will read the Informed Consent Form aloud, and record a verbal approval from the participant prior to beginning the interview. The consent for each interview will be stored separately from the interview responses. The researcher will also e-mail each participant a copy of the consent form and ask the participants to sign and return via fax, mail or e-mail a copy.

VIII. QUALIFICATIONS OF THE INVESTIGATOR(S)

Dr. Hardin is an Associate Professor of Sport Management in the Department of Kinesiology, Recreation, and Sport Studies at the University of Tennessee. His primary research interest is administration in collegiate athletics. He has published several manuscripts in this area as well as had numerous conference presentations. He holds a

Student Advisor: Dr. Robin L. Hardin

Signature _____ Date _____

Principal Investigator: Katrina Phelps

Signature _____ Date _____

XII. DEPARTMENT REVIEW AND APPROVAL

The IRB departmental review committee has reviewed and approved the application described above. The DRC recommends that this application be reviewed as:

☒ **Expedited Review -- Category(s): 7**

OR

☐ **Full IRB Review**

Chair, DRC: Steven N. Waller, Ph.D.

Signature _____ Date _____

Department Head: Jeffrey T. Fairbrother, Ph.D.

Signature _____ Date _____

**Protocol sent to Research Compliance Services for final approval on
(Date) _____**

**Approved:
Research Compliance Services
Office of Research
1534 White Avenue**

Signature _____ Date _____

Ph.D. in Communications from the University of Tennessee and is trained in research methods.

Katrina Phelps is currently a Masters student specializing in Sport Management in the College of Education, Health, and Human Sciences. She holds a Bachelor's degree from the University of South Carolina in Marketing and Management. She is also the Assistant Licensing Director for the University of Tennessee system.

IX. FACILITIES AND EQUIPMENT TO BE USED IN THE RESEARCH

Telephone interviews will also take place from a location that allows for privacy. The researcher will record each interview with a digital recorder. The interviews will be downloaded and transferred to a flash drive for storage, which will be either in the researchers' personal possession or under lock and key in Room M023 in the Brenda Lawson Athletic Center, and deleted from the recorder.

X. RESPONSIBILITY OF PRINCIPAL/CO-PRINCIPAL INVESTIGATOR(S)

By compliance with the policies established by the Institutional Review Board of The University of Tennessee, the principal investigator(s) subscribe to the principles stated in "The Belmont Report" and standards of professional ethics in all research, development, and related activities involving human participants under the auspices of The University of Tennessee. The principal investigator further agrees that:

1. Approval will be obtained from the Institutional Review Board prior to instituting any change in this research project.
2. Development of any unexpected risks will be immediately reported to the Research Compliance Services section.
3. An annual review and progress report (Form R) will be completed and submitted when requested by the Institutional Review Board.
4. Signed informed consent documents will be kept for the duration of the project and for at least three years thereafter at a location approved by the Institutional Review Board.

XI. SIGNATURES

When you submit your Form B applications for review note that all signatures must be original. As your Form B application moves through the review process, you should maintain two identical Form B applications both of which contain original signatures. As PI or Co-PI, you should keep one copy of the Form B with original signatures and submit the other Form B with original signatures for review.

Use the following format to prepare your signature section (as needed, add signature lines for all Co-Principal Investigators, collaborating and student investigators, faculty advisors, and additional department heads and DRC chairs).

Interview Guide-Licensing Agents/Licensees

1. Demographics: Age, family structure, length of position, education, past jobs
2. Did you envision your career to be in licensing?
3. How did you get to where you are?
- Tell me your story
4. Can you explain your role within the agency?
5. Can you go into detail about how your agency/business is structured?
6. Where do you report?
7. Who are your main clients?
8. Do you feel appropriate assets are given to the licensing programs at the institutions you represent or work with? Why or why not?
9. Can you explain your relationship with other "brand managers" on campus including the communications office, marketing staff within athletics, equipment managers, etc.?
10. What is your biggest challenge as a licensing agent/licensee working with institutions of higher education?
11. Have you heard any concerns from licensing directors about their structure within their respective university systems?
12. If you were able to develop a new licensing program at your institution, how many full-time persons would you have? Can you explain their roles and expertise?
13. What advice would you give other colleges or universities who may be starting a licensing program for the first time?
14. Any final thoughts or anything you want to share that I have missed?

Appendix B

INFORMED CONSENT STATEMENT

Structural Analysis of Collegiate Trademark Licensing Departments

INTRODUCTION

You are invited to participate in this research study which purpose is to examine the experiences of collegiate licensing professionals as it relates to reporting and organizational structures in trademark licensing departments at major universities.

PARTICIPANTS' INVOLVEMENT IN THE STUDY

You will be participating in an approximately 30 minute interview and will be asked a series of questions focused on your experiences as an expert in collegiate licensing. The interviews will be digitally recorded to ensure accuracy of your responses.

RISKS

There are minimal risks involved in the research. Participants may recall experiences in the past that were negative in nature and that may cause stress and discomfort. All participants' names and school affiliations will remain confidential. Themes will be reported only in group. Participants will be assigned a pseudonym, and that will be used for any direct quotation used. Each participant will be read the Informed Consent Form (see Appendix B) before the interview commences. The researcher will read the Informed Consent Form aloud, and record a verbal approval from the participant prior to beginning the interview. The consent for each interview will be stored separately from the interview responses. The researchers will also e-mail each participant a copy of the consent form and ask the participants to sign and return via mail or e-mail a copy.

Participants will be informed they have the right to withdraw from the study at any time, without penalty. They may withdraw orally during the interview or by phone, or via e-mail or letter to the researcher. All of their information (i.e., recordings, transcripts, forms) will be destroyed by the researchers immediately after the study is completed.

The researchers will have access to all notes, transcripts and recordings. Anyone else asked to review the notes will sign a Pledge of Confidentiality (see Appendix C). This information will be kept on a flash drive, which will be either in the researchers' personal possession, or under lock and key in Room M023 in the Brenda Lawson Athletic Center. The recordings will be deleted from the digital recorder as soon as they are downloaded onto the flash drive. The computer used to open the flash drive will be password protected, and kept under locked and key in the researchers' office located in Brenda Lawson Athletic Center Room M023. The informed consent forms and verbal consent voice files will be kept separate from the transcripts and recordings. The signed consent forms will be under lock and key HPER 354.

_____ (Place your initials here)

BENEFITS

The primary benefit of participating in this research study is to provide greater insight into the experiences of collegiate licensing professionals.

CONFIDENTIALITY

Every attempt will be made to keep the information in this study confidential. Data will be stored securely and will be made available only to persons involved the study unless participants specifically give permission to do otherwise. No reference will be made in oral or written reports, which could link participants to the study. Pseudonyms will be used in all references to the participants. All recordings and transcripts will be destroyed at the conclusion of the study.

CONTACT INFORMATION

If you have questions at any time about the study or the procedures, (or you experience adverse effects as a result of participating in this study,) you may contact Katrina Phelps, at the Office of Trademark Licensing, Brenda Lawson Athletic Center, M023 1551 Lake Loudoun Blvd. Knoxville, TN 37996-2700, or by telephone at (865) 974-7543. If you have questions about your rights as a participant, contact the Office of Research Compliance Officer Sonya Sullivan at ssulli20@utk.edu or (865) 974-3466.

PARTICIPATION

Your participation in this study is voluntary; you may decline to participate without penalty. If you decide to participate, you may withdraw from the study at any time without penalty and without loss of benefits to which you are otherwise entitled. If you withdraw from the study before data collection is completed your data will be returned to you or destroyed.

PARTICIPANT'S AGREEMENT

I have read all of the information provided above, and I have asked any questions that I may have at this time. I voluntarily agree to participate in this research study, and I am aware that I may withdraw at any time without penalty and without loss of benefits to which I am otherwise entitled. I have received a copy of this form.

Signature of Participant

Date

Investigator Signature

Date

Appendix C

Structural Analysis of Collegiate Trademark Licensing Departments

Pledge of Confidentiality

As a contributing member of this research project, I understand that I will be hearing recordings and reading confidential interviews. The information on has been revealed by research participants who participated in this project on good faith that their interviews would remain strictly confidential. I understand that I have a responsibility to honor this confidentiality agreement. I hereby agree not to share any information with anyone except the primary researchers and contributing members of this project. Any violation of this agreement would constitute a serious breach of ethical standards and I pledge not to do so.

Signature

Date

THE UNIVERSITY of TENNESSEE
KNOXVILLE

Office of Research & Engagement
INSTITUTIONAL REVIEW BOARD (IRB)

1534 White Ave.
Knoxville, TN 37996-1529
865-974-7697
fax 865-974-7400

September 22, 2014

Katrina Marie Phelps,
UTK - Kinesiology Recreation & Sport Studies
M020 Brenda Lawson Athletic Center
Campus

Re: UTK IRB-14-09596 B

Study Title: Structural Analysis of Collegiate Trademark Licensing Departments

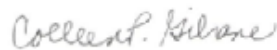
Dear Ms. Phelps:

The Administrative Section of the UTK Institutional Review Board (IRB) reviewed your **application** for the above referenced project. It determined that your application is eligible for **expedited** review under 45 CFR 46.110(h)(1). The IRB has reviewed these materials and determined that they do comply with proper consideration for the rights and welfare of human subjects and the regulatory requirements for the protection of human subjects. Therefore, this letter constitutes full approval by the IRB of your application as submitted. Approval of this study will be valid from September 22, 2014 to September 21, 2015.

In the event that subjects are to be recruited using solicitation materials, such as brochures, posters, web-based advertisements, etc., these materials must receive prior approval of the IRB. Any revisions in the approved application must also be submitted to and approved by the IRB prior to implementation. In addition, you are responsible for reporting any unanticipated serious adverse events or other problems involving risks to subjects or others in the manner required by the local IRB policy.

Finally, re-approval of your project is required by the IRB in accord with the conditions specified above. You may not continue the research study beyond the time or other limits specified unless you obtain prior written approval of the IRB.

Sincerely,



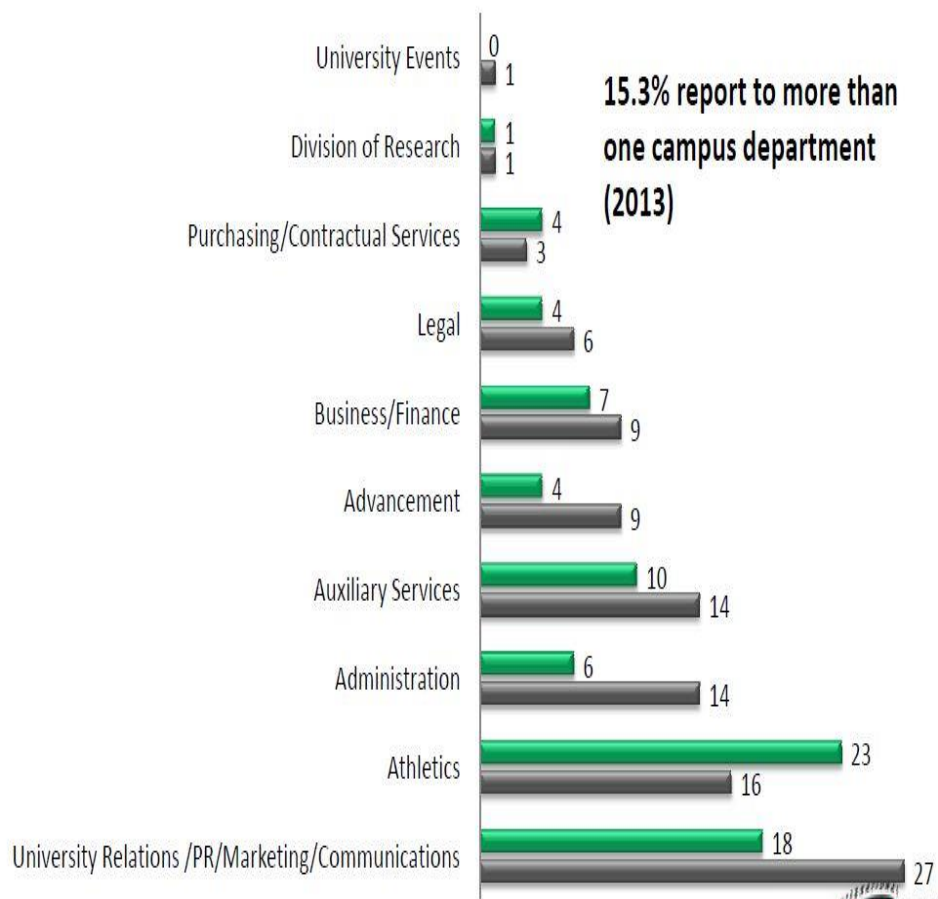
Colleen P. Gilrane, Ph.D.
Chair
UTK Institutional Review Board

APPENDIX B

Licensing Program Report Status

Where does your licensing program report at your institution? Please select all that apply.

■ 2013 ■ 2012



APPENDIX C

Table 1.1

Participant Table

Participant	Participant Category	Years in the Industry
A	Licensing Agency	5+ 10+
B	Licensing Director (Power 5)	
C	Licensee	25+
D	Licensing Director (Power 5)	5+
	Licensing Director (Non-Power 5),	
E	Licensing Expert (Professional Organization)	5+
F	Licensing Director (Power 5)	20+
G	Licensing Director (Power 5)	5+
H	Licensing Director (Power 5)	5+
I	Licensing Director (Power 5)	10+
J	Licensing Agent	15+
K	Licensing Director (Power 5)	15+

VITA

Katrina Phelps is the Assistant Licensing Director for the University of Tennessee System where her job duties include management of the licensing programs for the University of Tennessee, the University of Tennessee at Chattanooga, the University of Tennessee at Martin, and the University of Tennessee Health Science Center in Memphis, Tennessee.

Originally from Lusby, Maryland, Ms. Phelps attended Patuxent High School where she became interested in fashion design, sports and business. A cum laude graduate of the University of South Carolina in December 2011, Ms. Phelps holds a Bachelors of Science in Marketing and Management with a minor in Sport & Entertainment Management. Before taking her full-time position with the University of Tennessee, Ms. Phelps worked briefly with the Washington Redskin Cheerleaders, IMG College-Gamecock Sports Properties, and the University of South Carolina Trademark & Licensing Office. It was there that she learned and found great interest in trademark law and licensed product development.