



BOISE STATE UNIVERSITY

University Policy #10030

Commercial Filming and Photography

Effective Date

January 2015

Responsible Party

Office of Communications and Marketing, (208) 426-1577
Trademark Licensing and Enforcement, (208) 426-1358

Scope and Audience

This policy applies to all potential Filming and Photography users of Boise State University properties.

Additional Authority

University Policy 1090 (Intellectual Property)

1. Policy Purpose

To clarify the circumstances under which Filming and Photography on Boise State University properties is allowed, including when a permit is required and whether fees will be assessed.

2. Policy Statement

Boise State University is a unique place with several notable features. Often, visitors and other interested parties memorialize their time on campus by taking pictures and videos. At the same time, film and photograph are often important tools for Boise State employees and their work. For these reasons, filming and photography are permitted at Boise State so long as it does not interfere with normal university operations, conflict with Boise State's values or pose a security

or safety risk, and so long as the necessary University approvals as set out herein have been obtained.

3. Definitions

3.1 Campus Image

A still or moving image that readily identifies Boise State property by architecture, landmarks, signage, the presence of prominent individuals, the inclusion of a logo, clothing or athletic uniforms, or any other means.

3.2 External Use

Any capturing of Campus Images, other than for News Reporting, intended for commercial or non-commercial purposes for which Boise State will not own the copyright in the created work. Such use requires Boise State's permission. Examples include but are not limited to theatrical release or other

commercial distribution of any type; industrial use (e.g., trade show); commercial advertisements; public service announcements; non-Boise State student filming and music videos.

3.3 Internal Use

Any Campus Image captured by a Boise State employee, student or entity, or contractor to a Boise State department or unit for which Boise State exercises artistic or creative control, intended to be used for Boise State academic, informational, promotional or other efforts. Such use may require Boise State's permission. This includes Boise State student filming or photography for academic use.

3.4 News Reporting

The capturing of still or moving images for news broadcasts and publications, in any format.

4. Responsibilities and Procedures

4.1 External Use

4.1.1 Permission

a. Requests for External Use permits:

(i.) Can be made by visiting licensing.boisestate.edu.

- (ii.) Must include: project name/description; specific dates and locations of Filming/Photography; production company name and names of responsible representatives; and campus services requirements, such as parking and police assistance.
- b. Boise State reserves the right and sole discretion to (dis)approve External Use permit requests and fees. When considering such requests, Boise State considers:
 - (i.) Whether the resulting film/image could implicate sponsorship or affiliation between the university and the requesting party;
 - (ii.) Whether such filming could adversely affect the reputation or goodwill of Boise State, its students, faculty, staff or other affiliates; and
 - (iii.) The impact the proposed filming might have on daily university business operations.
- c. Campus visitors do not need permits for incidental, unobtrusive personal filming or photography. However, such filming or photography may not be used for commercial, marketing or other promotional purposes without express written permission from a) the Associate Vice President for Marketing and Communications and b) the Director of Trademark Licensing and Enforcement. Commercial and/or marketing and promotional purposes shall include those for commercial businesses, non-profit entities, and other organizations and individuals.
- d. If attending an event at Boise State, additional terms and conditions relating to filming or photography may apply, for example, the terms and conditions.

4.1.2 Fees

- a. Approved External Uses are charged a permit fee as negotiated and agreed upon by a) the Associate Vice President for Marketing and Communications and b) the Director of Trademark Licensing and Enforcement.
- b. Permit fees are set on a case by case basis, at the discretion of the University, subject to the following:
 - (i.) Whether the request is from a commercial business versus a local community-based non-profit;

- (ii.) Whether the final product will be used for commercial, non-profit, or education use; and/or
 - (iii.) The involvement required of Boise State, including the number of different locations and access requested; and/or
 - (iv.) Length of time for which filming permit is requested.
- c. At the sole discretion of Boise State, and on a case-by-case basis, External Uses may be granted a waiver of the permit fee.

4.1.3 University Identification and Appropriate Use of Campus Images

- a. No still or moving image of trademark icons, widely recognizable landmarks, or highly sensitive locations of Boise State may be used for any commercial purpose without express written permission from the Office of Trademark Licensing and Enforcement, as may be specified in the filming permit issued, or by separate license agreement.
- b. Identifying Boise State as the location of External Use filming or photography is prohibited unless it has been pre-approved by the Office of Trademark Licensing and Enforcement. The request may be approved when the proposed identification, in the sole discretion of Boise State, is deemed to be in the University's interests. Such requests should clearly specify how the identification will be made and in what context. Such identification shall include, but not be limited to, the inclusion of Boise State trademarks. If approval to identify Boise State is given, such approval must be stated in the permit or by separate license issued by the Office of Trademark Licensing and Enforcement.
- c. Questions regarding the suitability of proposals or requests to identify Boise State should be referred to Boise State's Office of Trademark Licensing.

4.1.4 Indemnity

Those who undertake filming without proper or necessary permission indemnify Boise State and are liable for damages caused to people and Boise State property.

4.2 Internal Use

- a. Boise State employees and students do not need permits for incidental Filming or Photography while creating works to be used for academic work, or administrative purposes. However, such activities must be done unobtrusively without interrupting campus programs,

classes, or activities and may not require special campus services (Location Manager, traffic control, etc.).

- b. If the Internal Use is intended for commercial or third party use, a permit request should be made. Such requests for Internal Use Filming or Photography permits must include at a minimum: project name/description; specific dates and locations of Filming/Photography; names of responsible representatives; and campus services requirements.
- c. If the Internal Use filming or photography is undertaken by a contractor, a written agreement should be executed prior to commencement of filming and should include provisions for liability insurance and appropriate clearances and waivers. All contracts should be reviewed by the Office of Trademark Licensing and the Office of General Counsel.
- d. Fees: Generally, absent a commercial element, Internal Use filming and photography is eligible for permit fee waiver.

4.3 News Reporting

- a. No permit is required nor are fees charged for News Reporting of Boise State events or activities.
 - b. It is recommended that news organizations contact Boise State's Office of Marketing and Communications before commencing News Reporting to ensure that any logistics related to such News Reporting can be accommodated.
 - c. Approved filming or photography for News Reporting may never be used for commercial purposes without the express written permission of the Office of Trademark Licensing and Enforcement.
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Revision History