Dear old ‘Hahvahd’ is much more than a name

It's one of many trademarks Harvard zealously protects

By Tracy Jan
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Harvard University has sought for decades to protect and profit from its good name, one of the most recognizable brands in the world.

Now it is also claiming the rights to a growing number of common phrases, trademarking the famously familiar (“Ask what you can do”) and the seemingly mundane (“Lessons learned”). An application is pending for “The world’s thinking.” It also has dibs on the Harvard “H.”

No one begrudges Harvard for seeking to safeguard its name; it has targeted a college in Singapore that not only was calling itself Harvard Business School but also selling the rights for the name all over Asia.

But some Harvardians are puzzled by how, exactly, a college can claim domain over everyday language.

“Universities should not be in the business of locking words down,” said Harvard computer science professor Harry Lewis, who stumbled upon the remarkable array of trademarks while surfing the university’s website in the spring. “We're in the business of enlightening the world. To lock down common English phrases seems to be antithetical to the spirit of what universities are
supposed to be about.”

The school rationalizes its unusual protectiveness of all things Harvard, no matter how seemingly tangential, as a defensive measure, said Rick Calixto, director of the Harvard Trademark Program, perhaps the most robust trademark office among colleges.

Calixto said Harvard registers commonplace phrases “for the same reason McDonald’s registered ‘I’m lovin’ it,’” referring to the slogan from the chain’s international ad campaign. “Since we’re spending so much time and money to promote this phrase, we just want to make sure someone doesn’t say we can’t use it,” he said.

There’s the random (“A self-guided walking tour of Harvard Yard”) and the truly oblique (“Power of ideas at work” and “Managing yourself,” application pending). All are slogans and taglines Harvard uses to promote its various schools.

The line, “Ask what you can do,” from John F. Kennedy’s famous inaugural speech, is used by Harvard’s Kennedy School of Government to tout everything from the school’s emphasis on public service to its fund-raising efforts. Officials at the John F. Kennedy Presidential Library and Museum in Dorchester were surprised when a reporter informed them Harvard has trademarked a key part of the historic speech. The museum director declined to comment.

Most of the other taglines are associated with the publishing arm of Harvard Business School. “Lessons learned” is the title of a book series about innovation, leadership, and conflict. “Memo to the CEO” refers to a business school blog and a series of guides.

The university also has its sights set on the grandiose phrase, “The world’s thinking,” and has filed a trademark application even as it remains uncertain how the phrase will be used.

“You need to reserve something in case you intend to use it,” Calixto said. “We’re strategically protecting it for use at some point down the line.”

Most trademark directors at other Ivy League Schools were astounded to hear of the lengths to which Harvard goes.

Yale has only half a dozen trademarks, including the university name and its bulldog mascot leaning on the letter “Y.” Princeton, too, has only a handful, most of them designs or Latin phrases. Columbia, which has a harder time casting a wide net on trademarks because of the Columbia Sportswear clothing company, sticks to its name, symbolic crowns, and lion mascot.

Calixto said the phrases are just a small percentage of Harvard’s 100-plus trademarks. A university website warns against infringement and details worldwide enforcement efforts.

Harvard pays a company to monitor every trademark office in the world. Another company watches every domain name registration. Lawyers and licensing agents are on the constant lookout, and there are the faculty, students, staff, and alumni who are vigilant about the unauthorized use of the Harvard brand (and its offspring).

Securing each trademark costs from $500 to $1,000 in the United States and thousands more overseas, Calixto said. Legal disputes run up the costs. Harvard pays for the effort with the more than $1 million in royalties it earns each year.
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from licensing its trademarks to such entities as bookstores and mall kiosks selling Harvard apparel; about a third of royalties go toward scholarships, he said.

Calixto acknowledged that Harvard focuses primarily on pursuing companies that misuse the Harvard name and has not resorted to legal challenges over common phrases.

Violators trying to capitalize on the Harvard name have included foreign clothing companies and dubious academic programs. Last fall, trademark enforcers cracked down on a Costa Rican university pitching bogus Harvard MBA classes at a discount. Harvard also won a lawsuit against a Filipino jeans manufacturer for printing “Harvard Jeans USA, Cambridge, MA, Established 1936” on jeans and T-shirts without a license.

The university has also gone after its own. It has an application pending for “The Hahvahd Tour,” after ordering the brief shutdown of a rogue student-run tour group in 2006.

Just how far will Harvard go to build a lexical empire?

“We wouldn’t make an exclusive claim to ‘veritas,' ” Calixto said, referring to Harvard’s motto. The Latin word, meaning “truth,” appears on the Harvard shield, as well as that of Yale.

“It’s also a software company,” Calixto said. ■

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