

A hand in a dark suit jacket is shown from the wrist up, pointing upwards with the index finger. The years 2021, 2022, 2023, 2024, and 2025 are overlaid on the hand, with 2024 being the largest and most prominent. The background is a blurred outdoor scene with trees and a bright sky.

BUSINESS IN 2024

WEEKLY WEBINAR SERIES

A stylized logo consisting of a central vertical bar with six horizontal bars extending outwards, resembling a star or a snowflake.

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Your Host



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TODAY'S AGENDA

Gabe Oberfield – (12:00PM-12:05PM)

- Intros / Agenda

Roger Bearden – (12:05PM-12:15PM)

- NYS Legislative / Budget Updates

Joanna Silver – (12:15PM-12:20PM)

- Becoming a University in New York

Terria Jenkins – (12:20PM-12:30PM)

- Intellectual Property Implications of Colleges Becoming Universities

Jennifer Tsyn – (12:30PM-12:45PM)

- Delays Continue in NYS Liquor Licensure, and
- The Entities and Individuals that Need to Be Disclosed in an NYS Application for a Liquor License

G. Oberfield – (12:45PM)

- Questions / Wrap Up

NYS Legislative / Budget Updates



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Becoming a University in New York



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Before January 26, 2022

- **UNIVERSITY** = *A higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, degrees in two or more professional fields, and **doctoral programs** in at least three academic fields.*
- New York was the only state in the U.S. requiring the creation and operation of doctoral programs in order for an IHE to be a university.

Effective January 26, 2022

- **UNIVERSITY** = *A higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences.*
- Removed doctoral programs and degrees in two or more professional fields from the definition of university.

How Does a College Become a University?

- Review of Inventory of Registered Programs
- Resolution passed by Board of Trustees to file a petition to amend IHE's charter
- Petition and \$60 fee filed with NYSED
- Review of petition by NYSED's Office of Counsel
- Board of Regents meeting consent agenda (no meeting in August)
- Prospective effective date?
- Trademark, branding, marketing, etc.

Intellectual Property Implications of Colleges Becoming Universities



Terria P. Jenkins

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College to University Conversion

- Great Opportunity to *Assess, Confirm and Refresh*
 - Take stock of what you have and what you will need
 - Take stock of current rights and protections
 - Present a fresh perspective of your Institution's Brand in parallel with the name change

Brand and Brand Assets:

- Brand: Your Institution's Unique Experience
- Brand Assets:
 - Trademarks; Source Identifiers of Goods
 - Service Marks: Source Identifiers of Services
 - Slogans
 - URL or Domain Names: Internet Address of your website(s)
 - Social Media Handles and Identifiers
 - Organization and Team Nicknames
 - Non-traditional Marks

College to University Conversion

- Does a name change automatically result in update and protection of my brand assets?
- As we confirm our organizational status as a University, what is the status of rights in our brand assets?
- Are these brand assets protected in the right geographical locations? (State, National and International)
- Are my marks protected for the correct good and services?

Benefits of U.S. Federal Registration

- **Nation-wide rights** – there is a presumption of nation-wide rights as of the application filing date whether or not there is actual use in the state or locality.
- **Nation-wide constructive notice of trademark rights** -whether a party reviews the U.S. registry or not.
- **Nation-wide priority** as of the dates of use listed in the registration.
- **Legal presumptions** – these give advantages in enforcing rights in the marks, the trademark owner automatically has these claims, the opponent would need to disprove these presumptions (difficult):
 - registered owner is, in fact, the exclusive owner of the trademark
 - the mark is a valid trademark or service mark
 - the mark is in use on goods or services.
- **Right to sue in federal court**, and in certain cases, obtain treble damages and attorneys' fees (a registration gives access to greater recovery in many instances).
- **Right to use the registration symbol.**
- **Discourages confusingly similar uses of your trademark.**

Key Takeaways

- Holistic Approach: Name change and branding should be reviewed and refreshed in parallel
- May want to review related matters such as IP and Use Policies
- We can assist with both!
- Thank You!

Delays Continue in NYS Liquor Licensure, and The Entities and Individuals that Need to Be Disclosed in an NYS Application for a Liquor License



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Your Questions



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New York Employment Law: The Essential Guide

NYS Bar Association Members can buy the book from the bar [here](#).

Non-NYS Bar Association Members can purchase through Amazon [here](#).

Thank You

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It is not to be considered as legal advice.
Laws can change often, and information may become outdated.

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