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California Polytechnic State University

The California State University

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FOR IMMEDIATE RELEASE

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State Court of Appeals Affirms California State University's Property Rights to the CSU Name

LONG BEACH -- The Court of Appeal of the State of California has issued a ruling that affirms the California State University's right to protect its name and derivative names of the 23 campuses from commercial use without the university's permission.

The state court's Second Appellate District, in San Luis Obispo County, overturned a lower court decision regarding a local retailer who was selling unlicensed merchandise bearing the name Cal Poly-the abbreviated name of the California Polytechnic State University, one of CSU's 23 campuses.

The appellate court instructed the lower court to issue an injunction against Bello's Sporting Goods to cease using the name of the university for commercial purposes.

In its statement, the appellate court said that "Bello's has no constitutional right to commercially exploit the value of the university's hard-won reputation."

"We're very pleased that the appellate court agreed with us - and the California Legislature - that our name is an asset in which we have important property rights," said Christine Helwick, CSU's general counsel. "The court has affirmed our right to protect the name of the university and its campuses from inappropriate use."

The ruling has relevance for all 23 CSU campuses and other institutions as well. Helwick said that CalTech, a private school, felt strongly enough about the issue to file a brief with the court in support of Cal Poly's position.

The Legislature had enacted a statute in 1982 protecting the names of the CSU schools and their abbreviations. This law was later amended to clarify that the name "Cal Poly" is included in that protection.

"It is the *unlicensed* use of the name that we are trying to prevent," CSU's trial attorney LeRoy Anderson explained. During settlement discussions before trial, Cal Poly offered to license the use of its name to Bello's, which would have allowed the retailer to continue selling merchandise with the Cal Poly name at a

profit. But Bello's rejected that offer.

Anderson said that Cal Poly also offered to purchase the Cal Poly merchandise at market price to prevent Bello's from suffering any financial burden. But the retailer rejected that offer as well.

The school never asked for any monetary damages from Bello's. "Our objective is not to hurt local business, but to protect the right to control use of our own name," Anderson said.

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The California State University is the largest system of senior higher education in the country, with 23 campuses, nearly 408,000 students and 45,000 faculty and staff. Since the system was created in 1961, it has awarded about 2 million degrees. The CSU is renowned for the quality of its teaching and for the job-ready graduates it produces. Its mission is to provide high-quality, affordable education to meet the ever-changing needs of the people of California. With its commitment to excellence, diversity and innovation, the CSU is the university system that is working for California. See www.calstate.edu.

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