

# Problems and Countermeasures in the Trademark Protection of University Name

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## Abstract

There are dual problems of in-domain protection and extra-domain protection for Chinese university name. This paper uses methods of case analysis, comparative analysis and normative analysis to get the following contents. In terms of domestic protection, there are three problems in legislation, law enforcement and justice in the protection of university name trademarks in China, which should be solved by improving the legal system of trademark protection, enriching the judicial and administrative force of trademark protection, and strengthening the self-protection ability of colleges and universities. In terms of its extraterritorial protection, Chinese universities need to improve the extra-domain protection system of trademarks by orderly promoting the registration of target countries and setting up agencies in foreign countries to deal with extraterritorial infringement.

## Keywords

University Name, Trademark Law, Territoriality, Extraterritorial Protection

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## 1. Background

The name of universities is a new subject encountered in the protection of extraterritorial laws in the process of the development of colleges and universities (Hu, 2016). On January 26, 2021, The China Keda Education Group Limited submitted a prospectus to the Hong Kong Stock Exchange, which mainly operates a private school in Guangdong Province-Guangzhou Vocational University of Science and Technology, and the company entity is registered in the Cayman Islands (Jiang, 2021a). In the process of rights protection, University of Science and Technology of China (USTC) found that the Guangzhou Vocational University of Science and Technology may have used the names of "Science and Technology" (or "Keda" in Chinese pronunciation) deliberately during the

pre-listing roadshow period, in an attempt to mislead on the investment market and help it go public and achieve its financing purpose. As the Agreement on Mutual Recognition and Enforcement of Civil and Commercial Judgments signed by the Department of Justice of the Mainland China and Hong Kong government is still in the process of legislation in Hong Kong, it is difficult to be considered effective. Therefore, if the USTC wants to protect its rights through judicial procedures, it still needs to litigate in Hong Kong local courts. Although the USTC has registered a number of trademarks in Mainland China, it has not registered any trademarks in Hong Kong. In order to maximize the rights and interests of the university, the USTC needs to collect sufficient materials, including courses, and activities held in Hong Kong, websites in Hong Kong, alumni groups in Hong Kong, and lists of alumni activities in Hong Kong, to prove that it has established a reputation in Hong Kong. Otherwise, under the legal framework of Hong Kong, it is difficult to effectively protect rights through trademark infringement lawsuits. This situation will inevitably increase the cost of rights protection. In addition, if the university has not carried out relevant teaching, communication and other business activities in the area, it will be difficult to prove its “established reputation” (Zhang, 2012). When the trademark is infringed by others, extraterritorial legal remedies will be more difficult.

Based on the above considerations, the USTC responded quickly. On January 28, the USTC issued a statement (Jiang, 2021b), which stressed that “USTC” is not only the abbreviation of University of Science and Technology of China, but also the registered trademark of University of Science and Technology of China. USTC enjoys the right to use the name and trademark in accordance with the law. Subsequently, the China Keda Education Group Limited changed its name to China Jing Da Education Group Holding Company Limited on February 10, 2021. In terms of the results, it is a successful case of using intellectual property legislation to solve the infringement of university name trademarks. Nevertheless, this incident not only reflected the existing problem of trademark protection of university name in China (the basis and way of legal protection, etc.), but also revealed a new problem of international protection of Chinese university name. This paper will sort out the challenges of trademark protection of university name and propose the countermeasures of trademark protection in China by referring to the legal protection practice of other universities in the world.

## **2. Legal Problems of Trademark Protection of University Name in China**

The trademark law protection of university name in China is one of the effective ways of legal protection, at the same time, there are some problems regarding legislation, judicial, law enforcement and extraterritorial protection.

Specifically, the problem in legislation lies in the lack of special provisions on the registration protection of university name and the protection of prior use. The problems in judicature are mainly manifested in the large differences in the type of university name litigation and the lack of unified judgment standards.

The problem of law enforcement lies in the lack of special procedures for trademark protection of university name. The problems in extraterritorial protection lie in the lack of correct understanding of the relationship between regional trademark rights and trademark right protection, and the lack of correct understanding of the development trend of international trademark protection rules.

### **2.1. Legislative Protection of University Name Trademark in China**

The combination mode of “trademark registration protection + applicable protection” is mostly adopted in the protection of university name trademarks in European and American countries. This mode not only determines the principle of trademark registration as the main way of university-name trademark protection, but also strengthens the protection of the prior users by increasing the use of protection principles. There are obvious differences in both aspects of the legislative protection of university name trademarks in China.

First, the Trademark Law of the People’s Republic of China (hereinafter referred to as “the Trademark Law”) lacks special provisions on the registration protection of university name. In China’s trademark legal system, the name trademark of the university only belongs to the ordinary trademark in the Trademark Law, and emphasizes the protection of the trademark with the same full name, while ignoring the key protection of the recognizable part and abbreviation of the university name. In fact, there are obvious differences between the legislative positioning of common trademarks and the actual function of university name, which also limits the function of trademark protection. As far as trademark registration is concerned, most of the names of universities contain words such as “China”, “university” and “college” cannot be exclusively owned by a certain university; As far as trademark infringement is concerned, the infringer often chooses the identifiable part of the full name of the university, the abbreviation, the conventional address, and the logo pattern that is easy to cause public confusion.

Among them, the Trademark Law of the university abbreviation protection scope is too narrow. As a result, the abbreviation has become the focus of the dispute over the trademark protection. Some universities have encountered the situation of applying for trademark registration by using the abbreviation of university name, but being rejected by other universities with similar abbreviation. For example, Nanjing University and Nanchang University have the same abbreviation, and the two universities are at loggerheads over who can properly be referred to as “Nan Da”. Even Nankai University in Tianjin once held a similar appeal. Another example is that Sun Yat-sen University is usually referred to as “Zhong Da”, but this abbreviation has been first registered by Nanjing University. In many cases, the so-called “abbreviation” of university name cannot form an exact one-to-one congruent relationship for the university to claim its trademark right, or it is difficult to prove such relationship. In this case, it is unfair to prevent the reasonable use of other universities, and it is also difficult in

practice. On the other hand, different universities are often located in different areas, so there is no confusion in using the abbreviation in the local area. However, well-known universities often have national reputation and influence, and the use of their abbreviations in other places may still lead to public misunderstanding. In addition, the legal protection of the right of prior use makes the abbreviation more likely to cause legal conflicts in the process of trademark registration.

Second, the Trademark Law lacks special provisions on the protection of prior use of university name. Many countries have adopted the principle of trademark registration and added the principle of use protection, which is also valued in the practice of university name trademark protection in European and American countries. According to the Lanham Act of the United States, when applying for a trademark, it is necessary to submit the proof of the earliest use of the trademark, without submitting a certificate of the fact that business reputation has been obtained through the use, that is, the prior use of the trademark produces trademark rights (Wang, 2001). Of course, trademark rights obtained through use must be registered in order to obtain legal protection of the Lanham Act, but the status of use protection system in the United States trademark protection has been beyond doubt. Germany adopts the principle of trademark registration protection in The Law on the Use of Trademarks and Other Marks, but also stipulates that “trademark protection arises from the use of trademarks in the commercial process”, that is, the use and registration are taken as the parallel way of obtaining trademark rights. Portugal’s Industrial Property Law grants the users of unregistered trademarks the right of priority application for 6 months, which also embodies the principle of use protection (Xie, 2012).

At the legislative level of existing Trademark Law in China, the support for the prior rights of unregistered trademarks has been reflected to a certain extent, which effectively supplementing the “registration” principle and the “application first” principle, and forming certain protection for unregistered trademarks. And it seems to be more suitable for the protection of university name trademarks. That is, the name of the university, especially the name of the well-known university, is often used with a long history and profound social and cultural value, but it may not be timely applied for trademark registration. In this case, the prior use is more important. However, the relevant legal provisions on the protection of prior use rights still limit the premise to “trademarks with certain influence”, whereas when registering a trademark, it only needs to distinguish between goods and services, and is not required to have “certain influence”. Therefore, there are certain requirements and relatively high threshold to fight against the general trademark right by exercising the prior right of use. In addition, laws do not have a clear standard for “having a certain influence”, and it is very likely to exclude university name trademarks that do not meet this standard from the scope of prior protection, which is not conducive to the protection of university name.

## 2.2. Judicial Protection of University Name Trademark in China

The judicial problems of the legal protection of university name in China are mainly manifested in the large differences in the litigation types of university name and the lack of unified judgment standards. Referring to the previous judgement of university name infringement cases by Chinese courts, the referee path can be mainly divided into the following three categories.

First, infringement claims: There are three kinds of lawsuits concerning infringement of university name, including infringement of name right, infringement of trademark and anti-unfair competition. In practice, once a university realizes that its name is infringed, it will often use one or more of the cases to protect its rights. For example, the declaration of USTC points out that “USTC” is the abbreviation of the university’s name and the registered trademark of University of Science and Technology of China, and the USTC enjoys the private right to use the name and trademark in accordance with the law. The specific types of related cases include: Firstly, the lawsuit of confusion and infringement of university name trademark. In 2019, the people’s courts in Jiujiang, Xinyu and other places successively handled more than 10 trademark infringement cases involving the name “Tsinghua” brought by Tsinghua University. After the trial, the court held that the defendant who was suspected of using the word “Tsinghua” used relevant words in the name of his preschool institution without permission, which easily caused trademark confusion in the field of education, and ruled that Tsinghua University won the case. Secondly, the lawsuit on the sale of goods infringing on the exclusive right to use registered trademarks. In 2014, a company in Guangzhou used the word “Tsinghua” prominently on its bath equipment without the university’s consent or paying any licensing fees. After the trial, the court held that the relevant enterprises should bear the tort liability arising from the infringement of the exclusive right to use trademarks. Thirdly, the lawsuit of unfair competition about the university name trademark. In 2016, Shanghai University of Science and Technology sued Hujiang Education Technology (Shanghai) Co., Ltd. to the court on the grounds that the word “Hujiang” belonged to the former name of the university, and claimed that the word “Hujiang” was its “unregistered well-known trademark”. In the end, the Shanghai High Court made a judgment on this case, and found that the claim of “unregistered well-known trademark” put forward by the university was not established, and the company constituted unfair competition.

In comparison, the university name trademark infringement has the widest protection scope and the strongest relief strength, so it often becomes the primary means of protecting rights in universities. On the one hand, in the case of university name infringement, the focus of the court lawsuit is whether the unauthorized use of the university name “abbreviation” constitutes the name infringement. In this respect, the name right has obvious limitations, and it is difficult to effectively protect the abbreviation, graph and other forms of university name, which is easy to produce disputes in judicial practice. In addition, the

right of name is regional. In the registration of enterprise name, the name of non-local university is often not prohibited. For example, in one lawsuit, Xiamen University sued that Shanghai Xiamen University real estate company used “Xiamen University” to damage its name right. However, the court held that the abbreviation would not necessarily cause confusion to the general public outside the area of education and the university’s location, and did not uphold it (Yang & Wei, 2006). In addition, different from the general compensatory civil tort remedy, the trademark tort liability under the Trademark Law also contains the content of punitive damages (Liu, 2022). However, the relief strength of the name right is weak. As a personality right, the relief is mainly to eliminate influence and apologize, and it is inherently weaker than other civil rights such as intellectual property rights in obtaining economic compensation.

Second, the lawsuit of trademark objection of university name: According to relevant laws in China, if there is an objection lawsuit for the right of the university name trademark, there are at least four links: first, the objection procedure of the trademark authority, second, the review of the Trademark Review and Adjudication Board, third, the first instance of administrative litigation, fourth, the second instance of administrative litigation. In addition, according to the Chinese litigation system, it will even enter the retrial procedure. And if the original administrative decision or judicial judgment is revoked through retrial, the objection case will have to go back to the previous links and retrace the relevant procedures. In particular, in the objection procedure of trademark preliminary examination announcement, this objection procedure will give the administrative organ as long as one year’s time, which can be extended to one and a half years in special cases; Similarly, the Trademark Review and Adjudication Board also has one year in the review process, which can be extended to one and a half years under special circumstances. Therefore, it can be seen that based on the current procedure setting of the trademark objection request, an objection request may go through the trial of level 4 administrative or judicial organs before the final conclusion. The link setting is too complicated and the total time is too long, which may lead to high cost and low efficiency of rights protection. At the same time, it should also be considered that in judicial practice, there are often a certain number of objection cases that need to be reviewed and dealt with in relevant links at the same time, and the review power on individual cases is weakened, which further reduces the efficiency of safeguarding university name trademarks.

Third, the lawsuit for the recognition of well-known trademarks: The well-known trademark recognition procedure in the Trademark law cannot meet the protection needs of university name trademarks (Zheng & Wang, 2008). In China’s current judicial practice, trademark holders must prove that their inherent rights and interests such as the right to exclusive use of the trademark have been infringed before the trademarks can be recognized as well-known trademarks in individual cases. At the same time, the relevant well-known recognition results are only valid for individual cases and cannot be

generalized. Accordingly, the trademark that is recognized as a well-known trademark in the previous case does not necessarily be adopted as a well-known trademark in the current case. Therefore, if universities try to protect their names through well-known trademarks, they can only apply for individual cases, which is inconsistent with the value of “well-known trademarks” of university name, especially famous ones. More importantly, it does not meet the needs of the efficiency of university name protection.

### **2.3. Law Enforcement and Protection of University Name Trademark in China**

The biggest problem of trademark protection of university name in administrative law enforcement in China lies in the absence of special procedures and specialized agencies suitable for trademark protection of university name. The administrative protection of university name trademarks has the characteristics of timely and effective protection, flexible initiation, and low cost. However, the administrative protection sometimes seems to be at a loss in dealing with the more complicated and new university name trademark infringement problem.

First, the lack of effective pre-prevention in the process of trademark application. According to China’s current laws and regulations, there are a series of preconditions for obtaining trademark right, among which an important one is not to infringe on the prior right. This provision is more appropriate for enterprises as market subjects. Administrative subjects of trademark examination can effectively prevent enterprises from suffering losses due to the same or similar goods being falsely used by others or registered trademarks through controlling operation. However, this regulation is not suitable for the protection of university name trademarks. In practice, there are often cases of infringement of university name trademarks caused by squatting on non-educational and similar products. In these cases, the prereview procedure as a preventive measure is difficult to provide good protection for university name trademarks. In the previously revised Provisions on the Administration of Enterprise Name Registration, although the enterprise name registration authority has been given the right to correct the names that do not conform to the provisions, the relevant regulations mainly involve the supervision during and after the event, and there is still a lack of preventive norms in advance.

Second, the registration cost of all categories of university name trademark is relatively high. In order to prevent others from infringing on the trademark right, universities may consider registering the trademark in all 45 categories of the Nice Agreement on the International Classification of Goods and Services for Trademark Registration. At the same time, the implementation regulations supporting the Trademark Law stipulate that those who apply for trademark registration and handle other matters shall pay corresponding fees. The official cost of registered trademarks is RMB 300 for each category or item and is limited to ten categories or services; in 10 categories or more, each additional category or item is RMB 60. If universities want to carry out full-category registration to

achieve trademark protection of their names, they need to pay high fees for full-category registration, which will undoubtedly increase the burden of universities. For example, in 2002, Zhejiang University registered its name with all kinds of trademarks, spending nearly RMB 450K. Considering the consumption price level at that time, the burden was heavy.

Third, there are many difficulties in cross-regional rights protection in China. According to the Administration of Enterprise Name Registration Regulation revised in 2020, as long as the registration of a relevant enterprise name is in the same registration authority and does not duplicate the name in the same industry, it is considered that the registration of the relevant enterprise name will not cause confusion by the State Administration for Market Regulation. When the competent administrative authority of enterprise registration handles the registration of enterprise name according to this regulation, it may result in that the protection of university name trademark will be restricted by region. In other words, different business entities can legally register the same or similar business names as long as they are not registered by the same business name registration authority in the same region and are not registered repeatedly in the same industry. That is to say, it is feasible for an enterprise to register the name of a university outside the local area as its own enterprise name, which leaves a loophole for infringement such as registering the name of a university outside the local area as a trademark of its own enterprise's goods or services (Ma & Miao, 2011).

#### **2.4. The Extraterritorial Protection of University Name Trademark in China**

The extraterritorial protection of university name trademarks arises with the internationalization of higher education, and is closely related to the regionality of intellectual property rights (Lang, 2019).

The primary problem facing the extraterritorial protection of university name trademark in China is the lack of a correct understanding on the relationship between the region of trademark right and the protection of trademark right. The trademark of university name is regional, which means that the registration and protection of the same university name in different countries and regions is determined by the trademark legal system of each country and region. In this case, if a university name trademark is registered and protected in China, it does not mean that it is granted protected abroad, which gives rise to the problem of extraterritorial protection of university name trademark.

The regional principle of trademark right is the result of the historical development of trademark right law. The right is not a universal right, but many rights protected by various countries. In fact, the "right" of intellectual property itself should be global, while the "legal protection" of trademark right is regional. Whether and how intellectual property is protected depends on the intellectual property laws of different countries or regions.

The secondary problem facing the extraterritorial protection of university



name trademarks in China is the lack of correct understanding of the development trend of international trademark protection rules. Trademark rights were once considered as regional rights in nature, but in modern legal system, they have broken through their regionalism and started to obtain internationalism. This trend is realized through bilateral and multilateral treaties, making it a worldwide economic norm (Morris, 2019). Therefore, in addition to Trademark Law, the source of law should also include Paris Convention for the Protection of Industrial Property rights, Madrid Agreement for the International Registration of Trademarks, Agreement on Trade-Related Intellectual Property Rights and other international conventions.

### **3. Countermeasures for Trademark Protection of University Name in China**

#### **3.1. Improve the Legal System for Trademark Protection of University Name**

First, set up the “no registration” protection of the university name trademark. The trademark protection system of university name in China relies on the trademark registration system (Huang, 2022). As the content of the registration system, “no registration” should be one of the special mechanisms for the trademark protection of university name (Liu, 2021). The main reasons are as follows: Firstly, it can guarantee the public credibility of registered university name trademarks. At present, trademark registration procedures have a number of relatively complete systems such as examination, objection, public announcement and so on, which has granted the parties the credibility of trademark rights. After the introduction of the “no registration” rule, the public credibility of trademarks will be reverse strengthened. Second, it can improve the stability of university name trademark right ownership. The registered university name trademarks are relatively sustainable, and prohibition of registration is one of the reasons for the formation of trademark sustainability. Third, it will help stabilize and increase the value of state-owned assets. Through the legislative design of “no registration”, it can be economically to realize the special protection of university trademark, which is a state-owned asset.

Based on the consideration of social public interests, China’s laws provide special protection for the names of specific subjects in trademark registration and other cases through relevant prohibitive clauses, but the scope of specific subjects does not explicitly cover universities. Specifically, the article 11 of the Trademark Law makes specific provision: the marks which is similar to official mark cannot be used as trademarks, seemingly put an end to the squatting of state organs. However, the scope of its protection does not explicitly include the name of public welfare institutions, which is a defect of the legal system related to the name protection of universities. We can explore further amendments to the Trademark Law, or issue relevant legislative and judicial interpretations to explicitly put the names of universities, especially public universities, which be-

long to the national public welfare institutions, into the scope of special protection through exclusion rules.

Second, introduce the defensive protection provisions of university name trademarks. The registration of defensive trademark is a way to protect the trademark right from infringement. Defensive trademark is to register the same or similar trademark in other categories beyond the scope of main goods and services. It can actively and effectively expand the scope of trademark protection, and also has special value in the protection of the university name trademarks. However, the purpose of the registration of defensive trademark is to protect, not to actually use. In response to the reality of university trademark protection, the Trademark Law and other legal documents shall increase the relevant provisions of defensive trademark registration, set the entry, make the university name trademarks and their abbreviation clearly included in the permitted scope of defensive trademark registration, and set exclusion rules for “three years of no use will be revoked”, so as to promote defensive trademark rules to play a positive role in the field of university name trademark protection. In addition, considering the defensive trademark registration practice, to seek better protection, the registrants often take the strategy of multi-category or even full-category registration in addition to the core product and service categories. But full category registration is expensive. Therefore, it is suggested to introduce preferential fee policies for multi-category registration of public welfare institutions such as universities, so as to reduce the cost of legal protection (Sun & Wei, 2012).

Third, refine the protection of prior use. China adopts the trademark registration system, but based on the principle of fairness, under the basic framework of the registration and acquisition system, China also introduces the trademark prior use system to a certain extent. However, the prior use right of unregistered trademark is not unlimited, which is also clear in the Trademark Law. Because this kind of prior use right is not the subversion to the trademark registration system. So, some stringent restrictive conditions have been added, and the most typical is “have a certain influence”, which brings trouble to the protection of some university name (Lin, 2020). To solve the above problems, on the one hand, China can issue relevant judicial interpretations and guidelines in a timely manner, which will clearly define the threshold of “having certain influence”. For example, on the basis of clearly putting time, region, economic value and other factors into necessary consideration, put the factors of media, especially the influence of network media, and the audience scope into consideration, which will facilitate the adjudicator to judge whether the right of prior use is formed or not. On the other hand, China can also specify the exception of the precondition of “having certain influence” and expand the scope of protection under the trademark prior use system. Specifically in the field of university name trademarks, disputes related to the protection of university name trademarks should be included in the exclusion rules. In this case, whether the disputed university name trademark has “certain influence” or whether it can be proved that “certain influence”, the interests of the earlier users of the trademark should

be protected.

### **3.2. Enrich the Judicial and Administrative Methods of Trademark Protection of University Name**

First, strengthen the regulation of registration and counterfeiting of university name trademarks. At present, the relevant provisions of Chinese laws cannot fully meet the requirements of the protection of university name trademarks. When the infringer causes infringement damage to universities by registering on other products and entities or falsely using the university name trademark, the “same or similar” stipulation restricts the realization of legal fairness benefit. Therefore, when dealing with the trademark application of the name of the university, the Trademark Office should adhere to the existing comprehensive review, and at the same time, expand the scope of “similar goods” to regulate the malicious squatting of university name trademarks outside of category 41 and its conventional related fields.

Second, in view of the existence of “playing the edge ball”, such as register the words and graphics similar to the university name trademarks, in the practice of university name protection, it is suggested to perfect the judgment standard of “identical trademark”. In practice, if there are the following situations: the text content and order are exactly the same, or there are only small differences in type, font, arrangement, spacing, color number and so on. These situations are deemed to be “trademarks identical” or “trademarks similar” and the registration will be denied on the grounds of possible “confusion”, so as to effectively regulate the “edge ball” falsely using of the university name.

Third, promote the connection between judicial protection and administrative protection. China’s trademark protection is a judicial and administrative “dual track system”. In some cases, both administrative power and judicial power can regulate and solve malicious squatting of university name trademarks. In particular, the procedure of exercising executive power is more simple and convenient, which has its practical advantages (Liu, 2013). But at the same time, there are overlapping functions, jumbled procedures and low efficiency between administrative organs and judicial organs. The key to the connection of judicial protection and administrative protection is to clarify the boundary of judicial power and administrative power and the relationship between them. To be specific: 1) In the stage of trademark preliminary examination and announcement, administrative authorities shall be the leading department, and relevant rules of administrative examination shall be clarified. In other words, if the university name trademark is involved in the objection, it should first file the objection process to the Trademark Office, and then sue to the court, and explore administrative litigation and reconsideration to solve the legal disputes of trademark authorization in practice. At the same time, considering that trademark administration is weaker than judicial means in transparency, standardization and fairness, judicial review can be brought into the trademark administration system. When the name trademark application is rejected or not announced, the

university has the right to bring a lawsuit to the court. For the situation of non-registration, invalidation, cancellation and so on, the university can also bring a lawsuit to the court. 2) At the stage of registration has been approved, because the administrative procedure of the trademark has come to an end, civil disputes caused by malicious squatting and the fraudulent use of the university name trademark shall be adjudicated by the judicial organ as the leading department. At the same time, the judicial organ can independently identify the well-known trademark of the university name and its abbreviation. 3) In trademark infringement cases, if the infringement of public welfare is obviously greater than the private benefit damage caused by the infringement of the right to exclusive use of the trademark, the administrative authorities should intervene to impose administrative penalties on the infringer, and promptly file a case for investigation of the suspected trademark infringement, and transfer the case to the judicial department for handling according to the law, so as to maximize the maintenance of the legal benefit.

### **3.3. Strengthen the Self-Protection Ability of University Name Trademark**

First, perfect the specialized research and response institutions of trademark protection in universities. Universities should first learn from the practical experience of intellectual property protection in European and American universities and relevant famous universities in China. Then, according to the needs of their own trademark management and intellectual property protection work, universities can establish a corresponding scale of trademark affairs management organization or intellectual property management department, or refer to the famous foreign universities called the trademark administration office. Similarly, based on human resources, material resources, financial resources and other objective factors, universities can also employ a third-party agency to act as the agent for the protection of their name trademarks.

Second, clarify the obligations of relevant subjects in the protection of university name trademark. To be specific: 1) Improve the management ability of university name trademark. For example, establish and improve the coordination mechanism of the university name trademark management. For those universities that have established intellectual property management committees, relevant functions can be further optimized. On the basis of making clear the trademark management objectives consistent with the strategic objectives of universities, establish the whole process mechanism, including the university name trademark design, acquisition, application, protection and relief. 2) Improve the ability of high-efficiency application of university name trademarks. Universities should strengthen the coordination between internal departments, refine the division of tasks, and actively promote the rational and efficient use of university name and trademark. After comprehensive analysis and evaluate the value and market prospect of different trademarks, universities implement hierarchical and classified management. 3) Strive to improve the university name trademark

protection standards. By strengthening the standard use of all kinds of university name trademarks, universities can ensure that the value of university name trademarks can be constantly enhanced in the process of use, promotion and dissemination. On the other hand, it is necessary to effectively manage the assets of university name trademarks and bring them into the intangible assets management system. At the same time, universities should establish their own university name trademark monitoring system to timely detect and monitor trademark infringement risks, including squatting and fraudulent use of the name abbreviation. In addition, it is also necessary for universities to formulate effective risk avoidance plans. For example, when confronted with trademark disputes, universities should launch multi-dimensional response mechanism and comprehensively use multiple legal means such as trademark infringement lawsuit, trademark dilution lawsuit and anti-unfair competition lawsuit to protect their rights. In this way, it will be convenient to solve trademark disputes in a timely manner and stop the infringement of university trademarks. 4) Carry out the training and appointment of intellectual property management personnel in universities. Through the practice of trademark affairs administration, universities can implement the academic achievements of intellectual property rights and cultivate their intellectual property management talents. 5) Accumulate and exchange experience in protecting university name. In view of the new situations and problems in the practice of the protection of university name trademarks, universities should timely report to the intellectual property department of the government and education authorities, strengthen inter-university cooperation in university name trademark protection, promote and exchange relevant experience accumulation with other universities, so as to jointly shape the good ecology of the protection of university name trademarks.

### **3.4. Perfecting the Extraterritorial Protection System of University Name Trademark**

Universities should consider their long-term development strategies, especially their future global business expansion and cooperation development needs, and improve the global intellectual property protection pattern as soon as possible, so as to prevent the infringement of university name outside the region and to protect global trademark rights and interests to the greatest extent.

First of all, the scope of protection of trademarks is regional. Trademarks registered in China are limited to the scope of protection within China, and do not necessarily obtain legal and administrative protection in the place of overseas activities (Liu, 2000). If the name trademarks of Chinese universities want to be guaranteed in foreign countries, they must be registered in the target country in an orderly manner, namely the international trademark registration. In practice, universities with relevant requirements can achieve overseas registration in two ways: one is to apply for registration one by one in each target country, the other one is the international registration of trademarks among member states of the Madrid Agreement.

Secondly, imitate the famous universities and set up agencies in foreign countries in time to deal with extraterritorial infringement. Universities should establish a trademark early warning mechanism and entrust a third party or agency to monitor global trademark dynamics. In this way, universities can timely detect the registration of their university name trademarks in foreign countries, and take decisive measures to prevent the infringement of trademarks before they are officially approved and registered by foreign government departments.

Thirdly, strengthen the research on the trademark extraterritorial infringement and actively defend their rights. On the one hand, universities should fully understand the legal system of the countries or regions where disputes occur, and learn the laws and regulations of relevant countries or regions, and choose appropriate paths to protect their rights according to law. On the other hand, they should strengthen the understanding and analysis of relevant administrative forces, civil forces, civil and commercial conflict and dispute resolution habits in the countries or regions where disputes occur, and promote the proper resolution of university name trademark disputes outside legal channels.

Finally, prepare to respond to the dispute of extraterritorial infringement. In daily life, universities should strengthen the collection, collation and reserve of evidence that the university name has established a reputation outside the internal. For example, organized courses, activities held, established websites, advertisements and leaflets distributed, graduate fellowship activities, running universities or cooperative exchanges, especially videos, pictures, news reports, written records, and tax lists that can prove these activities (Mei & Wang, 2013).

#### 4. Conclusion

Generally speaking, at present, the protection of university name trademarks in China is still in its infancy, and there are still some imperfections in terms of entity and procedure, as well as domestic and foreign protection. On the other hand, the practices of foreign governments and some well-known universities have their merits both in terms of legislative theory and in terms of practical operation. Some experiences are helpful to improve the trademark protection of university names in China. Based on the relevant analysis, the author puts forward some countermeasures and suggestions on perfecting legal provisions, strengthening judicial and administrative practices, and strengthening extraterritorial protection.

It can be predicted that university names will attract more and more attention for their protection because of unique economic, social and cultural values. Solving the problem of legal protection of university names, especially the extraterritorial protection of university names, has become a practical problem that universities, even the government and society need to pay attention to, and it has also become a theoretical problem that legal persons need to solve.

#### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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