



Original Article

University trademark: Suggestions for Vietnam's Universities from the Experiences in the United States and China

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Abstract: Amid increasing global competition in higher education, university trademarks serve not only as legal protection but also as strategic assets for institutional identity, branding, and revenue generation. While their importance is widely recognized in many countries, especially in the United States and China, research and practice in Vietnam remain in their early stages. So far, branding strategies of Vietnamese universities still largely emphasize admissions and marketing, with comparatively limited focus on intellectual property governance and long-term institutional identity. To address this gap, this article employs doctrinal and comparative methods to i) define the concept and roles of university trademarks, ii) analyze challenges in their protection and commercialization, and iii) draw lessons from the experiences of the United States and China. By advancing this analysis, the paper contributes to academic and policy discussions on integrating trademark management into university governance and internationalization efforts, thereby safeguarding legal rights, enhancing institutional reputation, and increasing the competitiveness of Vietnam's universities in the global higher education market.

Keywords: University trademark, University branding, IP governance, Higher education competitiveness.

1. Introduction

In today's knowledge-driven economy, universities are no longer limited to traditional roles as centers of teaching and research. They increasingly operate in a highly competitive

global market, where reputation, visibility, and uniqueness influence their ability to attract students and scholars and to secure funding and partnerships. In this environment, trademarks have become a vital tool. More than just legal protection against misuse, they represent

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institutional identity, convey brand values, and serve as strategic assets for commercialization and international engagement. Nevertheless, these topics have been less thoroughly researched than university patenting and licensing, academic patent quality, university-industry technology transfer, and university entrepreneurship [1].

In advanced higher education systems, such as those in the United States (U.S.) and China, university trademarks are systematically developed, protected, and even integrated into broader institutional branding and internationalization strategies. The most typical example is the U.S., which employs a market-driven approach that allows universities to actively commercialize and license their trademarks to support financial growth and global branding. In contrast, China adopts a regulation-focused approach, integrating trademark protection into state-led reforms to boost the international standing of its universities. Both demonstrate that university trademarks enhance institutional visibility and provide significant economic and reputational benefits. They are not merely secondary to university governance but are vital for maintaining reputation and generating long-term value.

Meanwhile, Vietnamese universities are still in the early stages of incorporating trademark management into their operations. Historically, only a limited number of universities have registered their names, logos, or symbols as trademarks, and trademark governance was often weakly integrated into broader university management structures. At present, many universities in Vietnam share similar or overlapping names. Commercialization of university trademarks remains limited, and many initiatives (e.g., brand identity systems) continue to focus primarily on admissions, communication, and marketing rather than on reputation management or long-term brand value. There are also disputes over institutional names, further underscoring the need for

systematic trademark protection and clearer governance mechanisms.

However, in recent years, there has been a notable increase in trademark filings, alongside a trend toward adopting internal regulations on intellectual property (IP) management, including rules governing the use of institutional names, logos, and related identifiers. Such movements indicate that Vietnamese universities are beginning to recognize the importance of organizational image and identity in higher education. This shift in perception can also serve as a foundation for a more comprehensive approach to university trademarks, including registering, protecting, and leveraging their value as part of a modern university management strategy.

Against this backdrop, this paper uses doctrinal and comparative legal analysis to examine the role of university trademarks. It begins by outlining their theoretical basis, origins, and functions, then analyzes the experiences of the U.S. and China to draw comparative lessons. Later, Vietnam's legal framework and current practices will be reviewed, and strategies for the effective protection and use of university trademarks will be suggested. The goal is to contribute to academic discussions and policy debates on enhancing the competitiveness of Vietnamese universities through improved trademark management.

2. Theoretical Framework: University Trademarks in Higher Education

Building on the distinct theoretical lens, the functions and challenges of university trademarks demonstrate why these marks cannot be understood simply through the framework of ordinary commercial trademarks.

2.1. Trademark and the Emergence of University Trademark

The history of trademarks dates back thousands of years, long before modern IP law. In ancient societies, branding cattle and marking pottery, bricks, and tiles indicated ownership,

origin, or the period of production [2]. During the Middle Ages, guilds used marks to identify origin, enforce rules, and safeguard buyers [3].

In the nineteenth century, trademarks gained economic importance as branded goods became more prominent [4]. By the late nineteenth century, international agreements, such as the Paris Convention (1883), established a framework for cross-border trademark protection. This laid the groundwork for later systems, such as the Madrid Agreement (1891), the Nice Classification (1957), and the TRIPS (1994), which promote global harmonization and enforcement of trademark rights.

Today, trademarks are a central pillar of IP law worldwide, not only protecting business identity and consumer trust but also serving as valuable commercial assets [5]. Initially, trademarks only symbolized the origin of trade for specific goods and later expanded to include services. Over time, this encompasses the quality of goods and the manufacturer's prestige.

Ultimately, trademarks represent origin, quality, and goodwill, helping consumers reduce search time and costs, facilitating effective communication [6]. For example, in the well-known U.S. case *James Burrough, Ltd. v. Sign of Beefeater, Inc.*, 540 F.2d 266, 274 (7th Cir. 1976),¹ the court held that trademark infringement did not impact the physical mark itself but protected the public's right to avoid confusion and the trademark owner's right to control their product's reputation [6]. Similarly, in the famous case of *Michael Jordan v. Qiaodan Sports Co., Ltd.* (2016)², the Supreme People's Court of China emphasized that trademarks are not merely private property but play a vital role in protecting the public from confusion and ensuring fair competition.

Notably, during the latter half of the twentieth century, there was "propertarianism",³ which redefined trademarks as privately owned commercial assets [7, 8]. Moving beyond their

traditional role of identification, trademarks today are business assets and lifestyle symbols. Accordingly, the standard for confusion has expanded in several jurisdictions to cover not only source but also sponsorship, affiliation, association, and even dilution [9].

In higher education, trademark protection was historically not a priority. When a university is established, it is granted an official name, which gives it a legal identity but not trademark protection. Meanwhile, trademark rights are obtained through registration with IP offices or, in jurisdictions that recognize unregistered marks, through consistent use. Thus, it requires strategic decisions involving registration, management, and enforcement.

As higher education expands and competes for students, research funding, and international recognition, trademarks are increasingly employed as strategic tools [10]. Over time, university trademarks expanded into multiple categories, such as: names (official names, nicknames, abbreviations), logos (seals, emblems, crests, and more), products (university-related goods), athletics (team names, nicknames, mascots, cheers, so on), programs (names of sponsored initiatives, conferences, magazines, library services, etc.), slogans (mottos, sayings, catchphrases, and similar), and even domain names [11]. Some literature also distinguishes between core and non-core marks, depending on their closeness to the university's primary identity [12].

In the U.S., the University of Houston is believed to have been the first university to obtain federal trademark registration for its institutional seal in 1971. Two years later, Ohio State University followed by registering its name and mascot [11]. Likewise, leading Chinese universities have started registering trademarks and managing their academic brands since the 1980s. The earliest registrations were for

morally primary. It faces criticism from scholars worldwide and is linked to the rise of individualism and capitalism. See P. A. Drahos, *Philosophy of Intellectual Property*. London: Routledge, 1, 1996. pp. 272.

¹<https://law.justia.com/cases/federal/appellate-courts/F2/572/574/451683/>

²<https://www.wipo.int/wipolex/en/judgments/details/605>

³ "Propertarianism" is more a creed and attitude than a property theory, emphasizing property interests as

university journal names from Northwest Polytechnic University, Sichuan University, Peking University, and others. In 1997, Tsinghua University became the first to register a trademark using its abbreviated name [12].

However, it is clear that trademark activity by colleges and universities has largely gone unnoticed compared to copyright and patent activity [13]. Even in the U.S., the industry did not become primary for the general public until the mid-to-late 1970s. In the 2010s, the U.S. collegiate licensing industry reached \$4.6 billion in value, up from \$100 million in 1981. After all, trademarks derive their value from the significance they hold within the market [11].

In fact, an expanded view of the function of trademarks aligns with the international framework established by the Paris Convention (1883) and the TRIPS Agreement (1994). Under the Paris Convention, a university, as a legal entity, can rely on national treatment and priority rights to secure protection for its marks overseas. Meanwhile, the TRIPS Agreement sets minimum standards of protection, broadens coverage to include service marks, and protects well-known marks against unauthorized use, even in unrelated markets. Together, these regimes situate university trademarks within a global legal system, enabling institutions to transform their identities into internationally recognized and enforceable assets.

In summary, a university trademark can be narrowly defined as words, insignias, logos, seals, or other identifiable marks that are officially registered (or registrable) with a trademark authority and used by the university to distinguish its educational services. More broadly, it can include all marks (registered or unregistered) that identify, represent, or originate from the university, its units, logos, designs, domain names, athletics, merchandise, or any ancillary use. These marks encompass all visual, textual, or symbolic signs that consumers, students, alumni, or the public recognize as representing the university, extending beyond educational services to include licensing,

sponsorship, endorsement, and collateral products or services [1].

2.2. *Functions and Challenges of Promoting University Trademarks*

University trademarks serve both the typical functions of trademarks and specific roles related to higher education governance and internationalization. Like ordinary trademarks, they identify the source of goods and services, assure consumers of quality, protect goodwill, and prevent marketplace confusion, thereby supporting licensing and revenue. This is especially important since many colleges and universities have similar names and abbreviations [12,15].

In disputes over whether there is a likelihood of confusion between the two names, trademark law is well-suited because it i) directly addresses confusion, protects reputation and goodwill, and ii) provides a well-established, internationally recognized legal framework. In the era of globalization and educational competition, this makes trademark law more effective than relying solely on higher education regulatory rules.

A strong trademark portfolio can help universities safeguard their reputation, market current and prospective activities, and monetize key intangible assets. There is a positive relationship between trademarks and patent applications from higher education institutions [1]. Beyond preventing confusion, trademarks support international visibility and institutional credibility [16]. It also benefits student recruitment, academic partnerships, and international education initiatives [12].

Furthermore, trademarks in higher education serve a symbolic and cultural purpose, representing heritage and values through seals, crests, or mascots that unify alumni and academic communities. This broader symbolic role is consistent with the emergence of the “third-generation university” model, which places greater emphasis on communication and cooperation with the socio-economic

environment rather than solely on teaching or research [17].

However, promoting and protecting university trademarks could also present challenges. From an institutional perspective, colleges and universities often lack the necessary resources and expertise to develop comprehensive IP strategies. Despite being encouraged to be more entrepreneurial, their context differs significantly from that of commercial enterprises. The costs of registration and enforcement also create significant financial burdens. At the same time, poor management has led some universities to lose their rights by failing to renew trademarks promptly [12].

Moreover, having a trademark does not guarantee financial returns. Complexities related to accounting and taxation, for which many jurisdictions lack clear guidance, further complicate the picture [11]. Differences in funding sources, the independence of admission, internationalization, market influences, cultural environments, and other social factors also contribute to the distinct local characteristics observed in university trademark issues. In some countries, universities depend heavily on external stakeholders, making strong brand development essential for survival. In others, where most institutions are publicly funded, public service missions tend to outweigh market-oriented branding considerations [12].

From the public interest's perspective, excessive commercialization of university marks can create tension. While trademarks help prevent consumer confusion, overly aggressive licensing strategies may damage the public's perception of universities as non-profit educational institutions, shifting focus from academic values to commercial interests. In the U.S., some universities have used trademarks to suppress unrelated speech with minimal risk of confusion. Others have sought to control products and benefits that were once freely available to the public, despite receiving substantial research funding [11,18].

These practices mark the rise of academic capitalism, as universities and academics

increasingly engage in market-like practices [19]. In this context, brand-building serves as a visible indicator of how far an institution's identity and core values are being reshaped by market imperatives rather than traditional academic norms [13]. Aggressive trademark enforcement by universities in developed countries exemplifies this shift [10, 20].

From the government's perspective, regulators must balance universities' autonomy in managing their brands with the need to uphold fairness and transparency and prevent monopolistic practices. There are jurisdictions that struggle to update IP frameworks for universities, which are neither purely commercial nor public [11, 21].

Traditionally, higher education institutions are expected to conduct research, provide education, publish findings, organize community service activities, and solicit donations. Yet trademark exclusivity can restrict others from teaching, researching, or offering educational services under similar identifiers. In some instances, even students and student-made merchandise have faced infringement claims. While universities are entitled to protect their IP, does it make sense for a higher education institution to sue its own students? [22].

Taken together, these dynamics demonstrate that university trademarks occupy a complex and multifaceted position at the intersection of educational mission, public interest, and market competition. This theoretical recognition provides the necessary foundation for examining how such complexities have been addressed in practice.

3. Global Practices on University Trademark: Experiences from the U.S. and China

3.1. The Market-oriented Model from the United States

American universities have been accustomed to converting their intangible identity into carefully managed IP portfolios that are licensed, monitored, and monetized. Unlike others, the U.S. market-oriented model frames

universities' symbols as economic assets that can be leveraged in ways similar to patents, copyrights, or real estate.

Culturally, universities in the U.S. are closely linked to intercollegiate athletics, where sports teams and mascots have long been embraced as sources of public entertainment and community identity. Alumni and fans were already buying unofficial merchandise [15]. Meanwhile, universities face ongoing pressure to diversify their income streams due to fluctuating state funding, increasing tuition resistance, and volatile endowments. In this context, entrepreneurial universities and their administrators, often trained to think like economists, have begun to view goodwill as an asset class that can be leveraged [13]. Even when new departments or research centers/units are launched, or when new services and products are introduced, there are trademarks to register [1].

Legally, the Lanham Act offers universities tools to act against unauthorized or confusing uses, while case law helps define the boundaries of expressive speech. This results in today's well-established system and multi-billion-dollar merchandise market, in which nearly every major U.S. university runs a licensing program that combines brand management, legal enforcement, and financial oversight [10].

Historically, the U.S. university merchandise industry took shape in the 1980s, when the U.S. Internal Revenue Service ruled that payments for the use of names, logos, and insignia were nontaxable royalties [11]. This was supported by the emergence of licensing consortia, including the International Collegiate Enterprise (ICE), the Collegiate Licensing Company (CLC)⁴, and the Licensing Resource Group (LRG).⁵ Together, these entities create a one-stop shopping regime that reduces transaction costs and enhances effectiveness. As private, profit-oriented entities, they are highly

motivated to actively seek potential infringement claims[10]. This division of responsibilities allows them to maintain overall control while outsourcing market logistics, creating a scalable system that works smoothly with national retail networks. To support this, in 1986, the Association of Collegiate Licensing Administrators was formed and later became the International Collegiate Licensing Association [11].

From an economic standpoint, the logic of this model is straightforward. Universities and colleges possess powerful brands that symbolize prestige, community, and identity. By licensing the marks, they capture a portion of that demand through royalties, typically ranging from 7% to 12% of the wholesale price, with annual guarantees or advances in some cases.[18] For the university, the marginal cost of this income is low: once a licensing office and agreements are in place, additional categories or licensees require relatively little administrative expansion. Importantly, the income is non-tuition-based, allowing universities to claim that licensing helps reduce pressure on students and taxpayers. In the U.S., institutions also justify the model by linking revenues to scholarships, athletic programs, or student services [16].

Operationally, U.S. universities structure their programs with notable consistency. Most establish a central Trademark and Licensing Office responsible for maintaining the registry of marks, reviewing proposed uses, and issuing licenses. Policies are usually published in clear language. For example, the use of tradenames requires prior written permission, and any implied endorsement is strictly prohibited. Even student organizations are bound by these rules. Although there may be royalty exemptions for internal giveaways, they must still purchase products from licensed vendors that meet quality standards and uphold workers' rights. This emphasis on licensed vendors ensures that even

⁴The company represents nearly 200 colleges, universities, conferences, bowls, the National Collegiate Athletic Association, and the Heisman Trophy. Official website: <https://clc.com/>

⁵ It now represents more than 180 academic institutions. Official website: <http://www.lrgusa.com>.

internal use preserves brand integrity and maintains a transparent supply chain [23].

In practice, several cases clarify how U.S. universities use the Lanham Act to fight infringement and prevent consumer confusion. The first university trademark dispute arose in 1982, when the University of Southern California, the University of California, Los Angeles, and the University of Pittsburgh sued Champion Products for selling athletic merchandise bearing their marks [8,14]. Similarly, in *Tex. Tech Univ. v. Spiegelberg*, 461 F. Supp. 2d 510, 523-24 (N.D. Tex. 2006)⁶, the Texas court determined that a retailer's sale of merchandise amounted to both trademark infringement and trademark dilution as the university's red-and-black color scheme on the products clearly indicates that the items are officially associated with Texas Tech-licensed products. In *Board of Supervisors of LSU v. Smack Apparel Co.*, 2008 WL 4981326 (5th Cir. Nov. 25, 2008)⁷, the court held that unlicensed T-shirts featuring LSU's colors and slogans could confuse consumers and thus infringe on the university's marks [18, 21].

Notably, in *University of Alabama Bd of Trustees v. New Life, Inc.*, No. 09-16412 (11th Cir. 2012),⁸ the court acknowledged that realistic paintings of football games, including depictions of uniforms and colors, are expressive works protected under the First Amendment. However, the same imagery could be considered trademark infringement if it misleads consumers about sponsorship. This case set an essential difference between expressive use and commercial exploitation [18, 24].

However, the U.S. model also faces tensions. With strong support for trademark protection, U.S. universities are no longer content to protect only their names and athletic insignia. They are now seeking (and gaining) trademark rights for a variety of marks. Some of them are far from the

fundamental, public-serving mission of colleges and universities [11]. For example, Ohio State University's registration of the word "THE" for clothing illustrates how aggressive branding tactics can turn even common words into protectable assets [20].

Meanwhile, there is a growing trend toward expanding trademark protection for the use of university marks and adopting a broader standard for likelihood of confusion in the U.S. [10, 18]. This creates a risk of trademark abuse, which does not serve the public interest. Not to mention the heavy-handed enforcement against students or alumni groups, which raises questions about whether universities should sue their own stakeholders. Even in the U.S., where widespread utilitarian principles are applied in IP exploitation, critics contend that trademark commercialization risks undermining the academic mission, turning universities into corporate actors more concerned with brand value than intellectual exploration [22].

In summary, the U.S. market-oriented model aligns with core incentives and values in American higher education. It monetizes what universities already have, through a system that is legally sound, economically sensible, and culturally meaningful. In practice, the adoption across public and private universities, both large and small, shows its attractiveness and stability. While there are potential risks of overreach and commercialization, the model's ability to fund scholarships, safeguard reputation, and connect alumni communities ensures its ongoing dominance.

3.2. *The Regulation-driven Model from China*

Unlike the market-oriented approach of the U.S, China developed a different model shaped by state regulation and public governance considerations. In the Chinese context, the

⁶ Available at: <https://case-law.vlex.com/vid/texas-tech-university-v-889825521>

⁷ <https://law.justia.com/cases/federal/appellate-courts/ca5/07-30887/07-30887-cv0.wpd-2011-02-25.html>.

⁸ <https://law.justia.com/cases/federal/appellate-courts/ca11/09-16412/09-16412-2012-06-11.html>.

regulation-driven model treats universities' names, seals, and emblems as tightly controlled, state-linked assets primarily protected by government regulation, administrative approval, and institutional oversight, rather than by consumer demand or retail distribution, as seen in the U.S. market-oriented system. According to Notice No. 6 [2020] from the General Office of the Ministry of Education on Issuing the "Interim Measures for the Naming of Institutions of Higher Education", Chinese universities and colleges should carefully oversee, appropriately use, and legally safeguard the intangible assets embodied in their names. The name should remain stable, and, generally, there should be a 10-year interval between name changes.

Culturally, most well-known Chinese universities are government-funded and regulated institutions that serve national development goals. Top universities like Tsinghua, Peking, and Fudan University are more than just educational institutions. They are national symbols representing intellectual excellence and the country's future. Meanwhile, more than 80% of the university names in China's "985" and "211" programs feature handwriting by political figures and celebrities. These names and logos have become iconic symbols of their cities' cultural identity and social status, carrying significant historical importance that cannot be replaced [25]. As such, university-related products, such as T-shirts, postcards, and stationery, are often favored by consumers, not just the alumni. In scenic spots across China, shops publicly sell these goods without permission. On Taobao and e-commerce platforms, several illegal products feature university trademarks [12].

Historically, local businesses have repeatedly and unlawfully infringed on the full and abbreviated names of reputable universities. Some also register them as trademarks or link their products to universities by using the university mailbox as the product's contact address on the packaging [26]. In the 1990s and

early 2000s, as China's economy opened and IP law evolved, a surge of trademark squatting swept across various sectors. Opportunistic actors registered the names of well-known universities for unrelated products or services, aiming to extract payments or deceive consumers [27].

In response, both the universities themselves and the Chinese state took action. The focus was not market exploitation but regulatory protection: trademarks were to be secured across multiple classes, unauthorized uses were to be prosecuted, and a university's name was to be treated not as a merchandising opportunity but as a cultural asset that needed careful management. This approach is aligned with broader policy frameworks that regard universities as custodians of state assets.

Legally, under the Law of the People's Republic of China on the State-Owned Assets of Enterprises (2008), university intangible assets, including their names, as well as land use, are subject to oversight by state asset supervision commissions or related administrative offices. Similarly, according to the Ministry of Education Notice No. 55 (2013) on Issuing the Provisional Regulations on the Management of State-owned Assets of Universities and Institutions Directly Under the Ministry of Education (amended in 2015), all assets owned by state-owned universities are considered state assets. These assets are subject to administrative oversight, approval procedures, and reporting requirements. The University Charter (章程) must also be approved and amended by a government agency, illustrating that the school operates within an administrative structure rather than as a fully self-regulating market entity.

Notably, the right to name is one of the key methods for protecting university names in China. Yet in cases of university name infringement, court disputes often center on whether the unauthorized use counts as a name infringement, creating several limitations. In 2006, for example, Xiamen University sued Shanghai Xiamen University Real Estate for

using its abbreviation to infringe on its name rights⁹. However, after review, the court ruled that, outside the education sector and at the university's location, the abbreviation might not cause public confusion, and therefore, the lawsuit was not supported [25].

Meanwhile, in 2019, amendments to the PRC Trademark Law explicitly prohibit bad-faith applications without an intent to use (Article 4). At the same time, Articles 19 and 44 provide Chinese universities with stronger tools to combat squatters. These reforms, along with the broader state emphasis on protecting the reputation of universities in the “211” and “985” projects [12], have shaped an environment in which the brand of an institution like Tsinghua or Peking University is treated as a matter of public interest.

This is also supported by the Anti-unfair Competition Law (2019 amendment), which enhances university trademark protection by banning misrepresentation of affiliation or sponsorship, giving universities more grounds to contest unauthorized schools or training centers. Taken together, these laws create a better regime in which university names are heavily guarded. Yet the emphasis is on regulatory enforcement rather than on private commercialization.

Overall, this regulation-driven model was developed in response to China's historical issues with counterfeit culture, trademark squatting, and the socialist tradition of viewing universities as public institutions under state supervision [27]. It emphasizes the integrity of the name, avoiding misrepresentation and maintaining control over implied endorsements. Consequently, permission to use these marks is granted selectively, often through technology transfer offices or asset management companies for educational, collaborative, or narrowly defined purposes. Commercial merchandising exists but remains tightly regulated. Although

Chinese universities actively produce and sell branded merchandise on campus, these activities are typically carried out through school-run enterprises (校办企业).

In fact, leading Chinese universities have historically begun registering trademarks and overseeing their academic brands since the 1990s.[28] By 1999, 15 top universities had reported completing their first trademark application. As of 2022, Peking University holds the most trademarks (619). The remaining top four include Huazhong University of Science and Technology, Beijing Institute of Technology, and Tianjin University, each with over 500 trademarks [12].

Regarding enforcement, Tsinghua University is known as the most active plaintiff in the trademark-protection war. In 2017, for example, the university filed a lawsuit against a company named Yangzhou Tsinghua Solar Water Heater under the Trademark Law and the Anti-Unfair Competition Law¹⁰. The first instance recognized “Tsinghua” as a well-known trademark and ordered the defendant to pay 3 million RMB in damages. In 2019, the university sued a kindergarten that registered “Tsinghua” as part of its name.¹¹ The court ruled in favor of Tsinghua, reaffirming that its name is a protected public symbol, not a free-for-all for commercial use. Up to 2022, the university has participated in 34 civil litigations, one administrative litigation, and served as a third party in one administrative litigation [12].

However, the number of judicial actions taken by Chinese universities against trademark infringement is generally limited. Until 2022, only 11 leading universities have taken part in legal actions related to trademark infringement, either as civil plaintiffs, administrative plaintiffs, or third-party parties. Apart from Tsinghua University, the remaining 10 universities have been involved in very few lawsuits. This outcome shows a context

⁹<https://news.sina.cn/sa/2006-03-14/detail-ikknscsi9806556.d.html>

¹⁰http://www.cnipr.com/sj/zx/201707/t20170718_212095.html

¹¹<https://news.cctv.com/2019/05/12/ARTI14McBLdqMgtFh8sWIoRh190512.shtml>

in which Chinese university trademark protection primarily focuses on defending against infringement, but is less effective at protecting rights after they are violated [12].

As a result, the trademark strategies of top Chinese universities are often criticized for poor choice of applications, a lack of focus on core trademarks, and insufficient initiative in legal measures. In fact, not all of them have a dedicated trademark management office. Instead, trademarks are often overseen by legal affairs or administrative departments, resulting in neglect and a lack of systematic, comprehensive oversight [12, 27].

At the same time, there is a lack of guiding and model cases, suggesting that judicial practice in this area remains fragmented. Although Chinese courts have handled some trademark infringement cases involving university names, only two have been highlighted as typical examples across different regions. These are the Harbin Institute of Technology v. Fujian Harbin Institute of Technology Development Co., Ltd. case, and the Tsinghua University v. Nanning Cultural Company case, selected by the Fujian Provincial and Guangxi Autonomous Region Higher People's Courts as one of the top ten IP judicial protection cases in 2021 and 2013, respectively [25]. This leaves universities and lower courts without a clear, stable framework for consistent application of trademark protection standards.

Overall, China's regulation-driven approach reflects a broader strategy of using IP as a tool for governance and statecraft rather than as a commercial commodity market. The model persists because it embodies deeper values: emphasizing integrity over profit, and credibility over consumerism.

In conclusion, although both the U.S. and China face issues with counterfeiting and bad-faith trademark registration, the main forces shaping their university trademark systems differ. In the U.S., the licensing system mainly developed as a market-based response to widespread unauthorized merchandising after consumer demand had already appeared. In

contrast, China's regulation-based approach grew as a proactive administrative strategy to prevent systematic bad-faith registration and misrepresentation during registration and approval processes. Ultimately, what sets the two systems apart is not just institutional preference but the political and economic frameworks within which universities function.

4. Legal context and practice of university trademark in Vietnam

Unlike the U.S. and China, where university trademark regimes have evolved into relatively coherent market-oriented or regulation-driven models, Vietnam's approach remains underdeveloped and fragmented.

Legally, Vietnamese universities, as independent legal persons, possess full standing to register and own trademarks. University names, logos, and emblems are therefore protected, in principle, through the general trademark regime under the Law on Intellectual Property. According to the Law on Higher Education 2012, as amended in 2018, university names and related signs are administered as institutional identifiers. Although Article 2.3 of the guiding decree No. 99/2019/ND-CP requires that the names of newly established universities not duplicate or cause confusion with existing institutions, this provision is primarily intended for administrative and systemic management purposes. There are no sector-specific provisions that regulate the governance, use, or protection of university names as a distinct category of public or institutional assets. For public universities, regulations governing the management of public assets only indirectly influence the commercial use of IP rights and do not affect their legal status or the ability to register and own these rights. In fact, managing universities' IP assets, in general, is a relatively new issue in both theory and practice [29].

Before 2025, the management of IP-related activities in higher education institutions was guided primarily by Decision 78/2008/QĐ-

BGDDT. While this framework does not explicitly address university trademarks, it reflects a broader policy orientation that leaves decisions on IP identification, management, and commercialization largely to each institution. Accordingly, universities are authorized to independently create specialized departments, establish procedures for identifying and declaring IP assets, and handle their assignment and commercialization (Article 4). Meanwhile, Article 12 grants the head of a higher education institution the authority to decide whether to commercialize the university's IP assets, based on the principle of maximizing the exploitation under the most favorable conditions.

Notably, the enactment of the Law on Higher Education 2025 and its implementing decrees has provided a more modern governance framework indirectly relevant to university trademarks. Article 27(3)(e) of the Law strengthens university autonomy by recognizing the right of higher education institutions to “register copyrights or protect, exploit, and develop intellectual property assets.” This reinforces the legal basis for universities to independently administer their IP assets, including trademarks.

Meanwhile, Decree No. 125/2026/ND-CP, which governs scientific, technological, and innovative activities, grants higher education institutions the authority to proactively issue and enforce regulations on managing IP assets and research, conduct valuations, use development funds for related costs, monitor IP use and transfer, and perform socio-economic evaluations of tech transfer and exploitation activities. (Article 10). Although primarily designed for research-generated assets, these regulations also support trademark registration, renewal, enforcement, and commercialization.

Regarding the names of higher education institutions, Article 3(2) of Decree No. 91/2026/ND-CP introduces a substantially more detailed regime. In particular, university and college names must not create confusion and may not infringe protected trademarks, trade names, or other prior lawful rights of

organizations or individuals. This marks a clearer legislative interface between higher education administration and trademark law. The Decree also requires universities to register and publicize domain names for transparency and unified governance.

Taken together, the 2025-2026 reforms have further recognized the registration, protection, exploitation, and development of IP assets within higher education institutions. This broad formulation is significant as it confirms that universities may own and manage IP rights as part of their autonomous governance. The lack of explicit reference to university trademarks suggests that the new framework views IP assets primarily as research commercialization tools rather than as part of institutional brand governance. In practice, such a general approach may tend to prioritize research-generated assets (such as patents and copyrights), while institutional trademarks comparatively receive less attention.

For example, while Decree No. 91/2026/ND-CP addresses naming control in considerable detail, it does not impose any parallel obligation to register trademarks for university names, nor does it provide guidance on trademark maintenance, enforcement, licensing, or the prevention of reputational misuse. As a result, university names are more clearly regulated as administrative and digital identifiers than as strategic intangible assets. Trademark protection, therefore, remains largely dependent on the initiative, resources, and governance capacity of each institution.

In practice, there is still a pronounced gap between symbolic branding and legal protection. Although Vietnamese universities have actively promoted university branding and introduced formal brand identity systems in recent years, these initiatives have primarily focused on visual consistency and external communication rather than on legal protection [30]. They have rarely been supported by systematic trademark strategies. Historically, few Vietnamese universities have actively registered trademarks, established dedicated units for trademark

management, or regularly monitored and enforced unauthorized use [31].

By 2024, only 40 trademark protection certificates of higher education institutions had been granted. This figure remains strikingly low when compared to the total number of higher education institutions currently operating in Vietnam [29]. While the structural risk of confusion remains relatively high, disputes over the misuse of university names or emblems are infrequent, which is best understood in the context of Vietnam's historical and institutional background. Unlike China, Vietnam does not have a network of long-established universities with deep, localized identities that have remained consistent over centuries. Most Vietnamese universities have undergone repeated mergers, splits, and renamings, leading to fragmented brand continuity and limited long-term goodwill.

For a long time, the brand image of Vietnamese universities, as reflected in their logos, tended to be more inward-looking rather than outward-looking. Meanwhile, the mindset of "good wine needs no bush" has persisted and remains a barrier, keeping large universities in Vietnam (mainly public ones) passive in the race for identification and resources, not to mention commercialization [32]. As a result, very few universities proactively detect and report trademark fraud or infringement.

As alumni consumerism and university merchandise culture have only recently emerged, university and college marks are still mostly confined to internal or symbolic use. There is also no mature public market for university merchandise as in the U.S., nor are there systematic waves of trademark squatting involving university names like those in China. Vietnamese universities have had little external incentive to adopt structured trademark governance. In other words, the relative lack of university trademark protection in practice does not stem from legal incapacity, but from limited institutional activation and enforcement.

To date, the earliest known trademark dispute between universities in Vietnam took place in 2010. It involved a complaint from Dong A University (Da Nang) against Dong A University of Technology (Bac Ninh) to the Intellectual Property Office on the trademark "Dong A University," which Dong A University (Da Nang) registered in September 2005 and was granted protection for in December 2008 [33].

Unlike in China, Vietnamese law does not recognize an independent "right to name" for legal persons that can be invoked to protect university names as reputational assets. While doctrines of unfair competition exist, their application to disputes over university names is limited by the requirement of demonstrating competitive conduct in a market sense. As a result, universities seeking to prevent the misuse of their names or emblems, such as Dong A University (Da Nang), must rely primarily on trademark registration. Yet there have been no updates about the case. This also underscores a common situation in Vietnam: While the risk of disputes over identical names and reputational damage among universities is relatively high, no such disputes have been recorded.

Despite these traditional weaknesses, recent developments suggest gradual improvement. There has been positive progress in the registration of university and college trademarks in Vietnam. There is also an increasing number of internal regulations on the management of their IP assets, including the use of their trademarks. This reflects a shift in awareness driven by modern university governance, accreditation needs, and the desire to boost institutional visibility in a competitive educational environment. By November 2024, there were about 600 trademark applications from universities and roughly 193 from colleges. Some institutions have renewed their trademarks, with some owning several [33].

As Vietnam continues to expand university autonomy, the combination of legal status and greater managerial freedom has effectively moved trademark decision-making closer to the

institutional level. As a result, university trademarks in Vietnam now sit at the intersection of expanded institutional autonomy and regulatory silence, occupying a space that is neither market-driven nor regulation-driven, but shaped instead by fragmented governance and uneven institutional engagement. The question, therefore, is not whether university trademarks should be protected, but how they should be governed and utilized in a manner consistent with Vietnam's institutional context.

5. Towards Effective Protection and Exploitation of University Trademarks in Vietnam

Viewed through the comparative experiences of the U.S. and China, the Vietnamese case shows that the effectiveness of university trademark protection depends not only on the availability of legal rights but also on active institutional, economic, or regulatory forces. In the U.S., university trademarks have become valuable assets through market-based licensing systems supported by alumni consumerism and college sports culture. In China, however, the impact of university trademark protection stems from a regulation-centered approach that treats university names as state-controlled intangible assets subject to strict administrative oversight. Vietnam, on the other hand, takes an intermediate stance, with neither strong market incentives nor a clear regulatory system having developed. As a result, Vietnam's university trademarks are recognized as legal rights, but are applied only weakly in practice.

However, without proper trademark governance, the expansion of third-generation functions will increase the risk of misrepresentation, unauthorized affiliation, and reputational damage for universities. These risks are also emphasized in areas like executive education, joint programs, spin-offs, and technology transfer [31]. From this perspective, the principal value of university trademarks in Vietnam lies in their reputational infrastructure rather than in direct revenue. This aligns with the

current state of Vietnam's trademark licensing market, which remains limited in size and sophistication.

As such, an "effective exploitation" of university trademarks in Vietnam should not be equated with large-scale commercial licensing or revenue maximization. Instead, it should emphasize how trademarks enhance institutional visibility, credibility, and distinctiveness. In this context, university trademarks serve more as legal symbols of trust and authenticity rather than as consumer products.

At the same time, Vietnam should avoid imitating either the U.S. market-driven model or the Chinese regulation-based approach. The lack of a developed university merchandise market limits the potential for widespread trademark commercialization, while the absence of political and institutional consensus makes a strong administrative governance system unlikely in the near future. A more practical approach is to activate university trademarks through internal governance mechanisms to increase institutional autonomy. This does not require extensive legislative changes; rather, it involves integrating trademark management into existing university governance structures, such as legal affairs, science and technology management, or technology transfer offices.

In this context, relying solely on the publication of brand identity manuals or internal usage guidelines is not enough. Vietnamese universities must go beyond superficial branding and systematically identify, register, maintain, and enforce their core trademarks that represent institutional identity. This involves not only internal compliance but also external governance practices that publicly specify authorized uses and create channels for monitoring and addressing unauthorized use.

Under these circumstances, university autonomy is key. However, the lack of sector-specific guidance risks leading to fragmented and inconsistent practices. To address this tension, university trademarks should be guided as governance tools rather than revenue sources, emphasizing consistent use, internal approval

processes, and alignment with institutional goals for accreditation, internationalization, and innovation. Soft-law measures, like ministerial guidance or best-practice frameworks, could be used to further enhance coordination without jeopardizing autonomy.

In this regard, Vietnam could learn from China's experience by encouraging universities to recognize their names and core trademarks as strategically important intangible assets [34]. Such guidance might promote practices, while leaving the decisions on utilization and commercialization to individual institutions. In the long term, if Vietnam's trademark licensing market matures and universities build sufficient governance capacity, selectively adopting licensing practices informed by U.S. experience could be beneficial.

Ultimately, Vietnam's approach to protecting and utilizing university trademarks favors a governance-focused model that highlights reputation management, institutional differentiation, and risk mitigation. This strategy neither endorses market consumerism nor relies on strict regulation. By integrating university trademarks into the broader framework of third-generation universities, Vietnam can boost competitiveness and visibility while maintaining its core academic mission. In this way, the success of university trademarks should be judged not by licensing revenue but by their role in enhancing institutional credibility, strategic capacity, and sustainable higher education governance.

6. Conclusion

This paper shows that university trademark governance is primarily influenced by institutional context rather than by legal capacity alone. Currently, Vietnam has a unique middle ground: its universities have full legal authority to protect and use trademarks, but lack the market conditions similar to U.S.-style licensing and the regulatory frameworks seen in China. As Vietnam's higher education system moves toward more autonomy and expanded roles, the

effective use of university trademarks should follow an autonomy-focused path with state guidance, emphasizing systematic registration, controlled use, and reputation protection.

At the level of soft-law governance, Vietnam could selectively learn from China by encouraging universities to treat their names and core trademarks as critical intangible assets. Over time, as market conditions and institutional capacity improve, selective and carefully calibrated licensing practices based on U.S. experience may become possible. Ultimately, Vietnam's challenge is not to choose between foreign models but to sequence and adapt them to enhance competitiveness, credibility, and sustainable university governance.

References

- [1] M. Squicciarini, V. Millot, H. Demis, Universities' trademark Patterns and Possible Determinants. *Econ Innov New Technol*, 21 (5-6.), 2012, pp. 473, 504.
- [2] S. A. Diamond, The Historical Development of Trademarks Sidney A. Diamond Memorial Edition: Articles and Reports. *Trademark Report*, 73(3), 1983, pp. 222-47.
- [3] B. G. Paster, Trademarks - Their Early History (Part I), *Trademark Report*, 59(8), 1969, pp. 551-72.
- [4] D. M. Higgins, Forgotten Heroes and Forgotten Issues, *Business and Trademark History during the Nineteenth Century*, *Bus Hist Rev*, 86(2), 2012, pp. 261-85.
- [5] O. A. Rogstad, *Property Aspects of Intellectual Property*, 1st ed. Cambridge University Press, 2018.
- [6] P. A. Drahos, *Philosophy of Intellectual Property*. London: Routledge, 1996, pp. 272
- [7] L. Grinvald. Shaming Trademark Bullies. *WIS REV*, 2011, pp. 625-88.
- [8] R. C. Dreyfuss, Expressive Genericity: Trademarks as Language in the Pepsi Generation. *Notre Dame Law Rev*, 65(3), 1989, pp.397-424.
- [9] D. Solomon, M. Marcowitz-Bitton, Intellectual Property Securitization. *Cardozo Arts Entertain Law J*, 33(1), 2015; pp. 125.
- [10] R. L. Newsom, Cease and Desist: Finding an Equitable Solution in Trademark Disputes between High Schools and Colleges Note. *Boston Coll Law Rev*, 52(5), 2011, pp.1833-1870.

- [11] H. Jacob Rooksby, University: Trademark Rights Accretion in Higher Education, *Harv J Law Tech*, 27(2), 2014, pp. 349-420.
- [12] L. Yuan, M. Tingjie, University trademarks: strategies of top Chinese universities. *Humanit Soc Sci Commun*, 9(1), 2022, pp. 254.
- [13] J. H. Rooksby, C. S. Collins, Trademark Trends and Brand Activity in Higher Education. *Rev High Educ*, 40(1), 2016, pp.33-61.
- [14] M. Sunder, M. Biagioli, editors. *Local and Global Dimensions*. In: *Academic Brands*. Cambridge: Cambridge University Press, 2022 .pp. 67-124.
- [15] D.A. Anderson, Licensing of College and University Trademarks Commentary. *J Coll Univ Law*, 8(1) 1981, pp. 97-101.
- [16] C. K. Withers, Sin Qua Non: Trademark Infringement, Likelihood of Confusion, and the Business of Collegiate Licensing Notes. *J Intellect Prop Law*, 11(2) 2003, pp. 421-56.
- [17] B. Pietrzyk-Tobiasz, Trade Mark As A Branding Tool For Third Generation University. *Toruńskie Stud Międzynarodowe*,1(17), 2023, pp. 77-86.
- [18] S. Frank, Showing Your School Spirit: Why University Color Schemes and Indicia Do Not Deserve Trademark Protection Note. *Boston Univ Law Rev*, 92(1), 2012, pp. 329-68.
- [19] Sheila Slaughter, L. Larry Leslie, *Academic capitalism: politics, policies, and the entrepreneurial university*. The Johns Hopkins University Press, 35, 1997, pp. 135-140.
- [20] J. Boyle, J. Jenkins, Mark of the Devil: The University as Brand Bully. *Fordham Intellect Prop Media Entertain Law J*, 31(2), 2020, pp. 391-466.
- [21] K. E. Knauf, Shades of Gray: The Functionality Doctrine and Why Trademark Protection Should Not Be Extended to University Color Schemes Symposium: Sports Law: Alumni Analysis and Perspectives. *Marquette Sports Law Rev*, 21(1), 2010, pp. 361-80.
- [22] M. C. Shull, Biting the Hand That Feeds: How Trademark Protection Might Threaten School Spirit Comment. *Marquette Sports Law Rev*, 21(2), 2010, pp. 641-66.
- [23] A. E. Manas. Harvard as a Model in Trademark and Domain Name Protection Notes and Comments. *Rutgers Comput Technol Law J*, 29(2), 2003, pp. 475-502.
- [24] T. Derik Sanders, Out of Bounds: Defining the Boundaries of Trademark and Artistic Expression in *University of Alabama v. New Life Art*. *SMU Sci Tech Rev*, 16(1), 2013, pp. 227-35.
- [25] 宋伟, 王茹楠, 我国高校校名商标司法保护的实践与反思. *电子知识产权*, 09, 2022, pp.62-70.
- [26] 胡乐乐, 论高校校名权益的注册商标保护. *中国地质大学学报(社会科学版)*, 16(1), 2016, pp. 135-43.
- [27] 顾佳媛, 从商标注册策略谈高校标识法律保护. *安徽警官职业学院学报*, 5(21), 2022, pp.17-43.
- [28] 郭芳, 高校校园文化商标的使用与保护. *中华商标*, 07, 2021, pp. 75-8.
- [29] T. L. D. Phuong, et al., Protection of Industrial Property Rights for Trademarks and Inventions at Higher Education Institutions and College in Vietnam - in Comparative Relationship with Thanh Hoa University, China. *J Neonatal Surg*, 14(21), 2025, pp. 136-43.
- [30] Đ. X. Khoa, P. M. Hùng. Quản trị thương hiệu trường đại học. *Tạp Chí Khoa Học*, 47, 2018, pp. 12-9.
- [31] D. T. V. Anh, N. D. Huu, T. T. Tam, Implementing intellectual property rights at universities: Evidence from Vietnam. *Edelweiss Appl Sci Technol*, 8(6), 2024, pp. 7865-77.
- [32] T. M. Hương, Nhận diện thương hiệu ở Việt Nam qua logo và slogan. *Kỷ yếu Hội thảo Quốc tế lần thứ tư*. NXB Khoa học xã hội, 2015. p. 132-44.
- [33] T. T. C. Nhung, N. P. Khôi, Một số kiến nghị hoàn thiện quy định về điều kiện bảo hộ nhãn hiệu tại các trường đại học, cao đẳng. *Tạp Chí Pháp Luật Và Thực Tiễn*, 61, 2024; pp. 69-82.
- [34] P. T. T. Hằng, N. T. Hùng, mô hình quản lý sở hữu trí tuệ ở trường đại học - bài học kinh nghiệm từ Đại học Thanh Hoa, Trung Quốc. *Tạp Chí Khoa Học Và Giáo Dục*, 03(47), 2018, pp.84-94.