

東海大學校名、標誌及商標管理辦法

THU Regulations on the Use and Management of the University Name, Emblem, and Trademarks

104年6月10日第9次行政會議通過
Approved by the 9th Administrative Affairs Meeting on June 10, 2015
105年9月21日第14次行政會議通過
Amended and approved by the 14th Administrative Affairs Meeting on September 21, 2016
110年1月13日第1次行政會議修訂通過
Amended and approved by the 1st Administrative Affairs Meeting on January 13, 2021
110年8月18日第6次行政會議修正通過
Amended and approved by the 6th Administrative Affairs Meeting on August 18, 2021
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113年11月27日第113-08次行政會議修正通過
Amended and approved by the 8th (of 2024) Administrative Affairs Meeting on November 27, 2024

第一條 東海大學(以下稱本校)為有效運用及管理本校中英文校名全稱或簡稱、具有表彰本校形象之標誌(以下統稱標誌)及商標,特訂定本辦法。

Article 1 Tunghai University (hereinafter referred to as THU) hereby establishes these Regulations to ensure the effective use and management of THU's full and abbreviated names in both Mandarin and English, as well as its emblems and trademarks that represent THU's image (hereinafter collectively referred to as THU Trademarks).

第二條 學校的商標得以文字、圖形、記號、顏色、聲音、立體形狀或其聯合式所組成。前項商標,應足以使商品或服務之相關消費者認識其為表彰商品或服務之標識,藉以與他人之商品或服務相區別。

Article 2 Trademarks may consist of words, devices, symbols, colors, sounds, three-dimensional shapes, or any combination thereof.

Said trademark must be capable of being recognized by relevant consumers as an indication of the source of goods or services and distinguishing goods or services of one undertaking from those of other undertakings.

第三條 本校商標註冊及管理,由總務處統籌辦理;涉及校名、標誌及商標使用、權利金管理等,由產學與育成中心統籌辦理。

Article 3 The Office of General Affairs shall be responsible for trademark registration and management. Matters involving the use of the THU name, emblem, and trademarks, as well as the management of royalties, shall be managed by the THU Industry Collaboration and Incubation Center.

第四條 為有效管理本校校名、標誌及商標權益及規劃發展策略,設東海大學商標使用管理委員會(以下簡稱本委員會),本委員會置委員5至9人,由總務長、主任秘書、研

發長、產學與育成中心主任、保管組組長、教師代表及校內外專家學者等共同組成之，研發長為召集人。

委員經由校長聘任之，任期一年，得連任之。

Article 4 To effectively manage THU Trademark rights and strategic development, THU shall establish a Trademark Use and Management Committee (hereinafter referred to as the Committee). The Committee shall consist of five to nine members, including the Dean of General Affairs, Chief Secretary, Dean of Research & Development, Director of the THU Industry Collaboration and Incubation Center, Chief of the Property Management Section, faculty representatives, and internal or external experts and scholars. The Dean of Research & Development shall serve as convener.

Members shall be appointed by the President for a term of one year and may be reappointed.

第五條 本委員會每年至少召開一次會議，必要時得召開臨時會。

本委員會之決議，應有過二分之一委員之出席，出席委員過半數之同意行之。

會議期間為討論或審議重要事項，得邀請相關人員列席。

Article 5 The Committee shall convene at least once per year, convening additional meetings as necessary.

A resolution shall require the attendance of more than half the members, with approval by over half of those present.

When discussing significant matters, relevant personnel may be invited to attend meetings.

第六條 本委員會任務如下：

一、本校校名、標誌及商標權益保護及策略規劃。

二、本校商標註冊及申請變更、移轉或維護事項之審議。

三、有關校名、標誌及商標授權、爭議事項之審議。

四、本校衍生事業、附屬機構、產學合作或技術移轉涉及校名、標誌及商標使用相關事項之審議。

五、其他相關事宜。

Article 6 The Committee's duties are as follows:

I. Protection and strategic planning of THU Trademarks.

II. Review of trademark registration, amendment, transfer, or maintenance.

III. Review of licensing and disputes related to THU Trademarks.

IV. Review of the use of THU Trademarks by affiliated businesses, subordinate units, industry-academia collaborations, or technology transfers.

V. Other related matters.

凡欲使用本校校名、標誌及商標者，應經本校同意或授權。未經同意或授權，擅自

使用者，本校得依商標法及相關規定主張權利，並禁止其使用。

本校校名、標誌及商標授權為非專屬授權，授權使用對象及申請程序如下：

一、校內各行政教學單位、附屬機構、學生社團、教職員工生，得以善意且合理之方式使用本校校名、標誌及商標於不涉及商業利用之業務、學術或其他公益活動，除名片、文書應用免報備外，應填具申請表向本校產學與育成中心申請，經同意授權範圍後使用。本款申請案採隨到隨審制，由產學與育成中心辦理審查。

若有與授權使用性質不符或涉及商業行為，產學與育成中心得終止授權。

二、各地校友會或系友會、政府機關、學校、研究機構、法人及合法設立登記之事業單位或其他欲使用本校商標於不涉及商業利用之業務、學術或其他公益活動者，應檢附申請表及使用計畫書向本校產學與育成中心提出申請，並經本委員會審查通過，簽請校長核定後，校名、標誌及商標授權無償使用。

三、凡涉及商業利用之申請者，應檢附申請表及使用計畫書向產學與育成中心提出申請，經本委員會審查通過，簽請校長核定後，與本校簽訂授權合約書；校內各行政教學單位、社團，經本委員會審查通過，簽請校長核定後，以書面方式通知其決議結果。惟本校附屬機構如因時效急迫性等相關因素，得敘明原因並簽請校長同意後，提送本委員會備查。

Article 7 Anyone seeking to use THU Trademarks must obtain prior consent or authorization from THU. For uses without prior consent or authorization, THU shall assert its rights under the Trademark Act and related regulations and prohibit such use.

Licensing for THU Trademark non-exclusive. The application process for authorization is as follows:

I. Internal administrative or academic units, subordinate units, student organizations, faculty and staff, and students may use THU Trademarks in good faith and for reasonable, non-commercial academic, operational, or public interest purposes. Applications are not required for use on business cards or official documents. For all other uses, an application form must be submitted to the THU Industry Collaboration and Incubation Center. Applications are reviewed by the Center on a rolling basis.

Authorization may be terminated if the use is inconsistent with the nature of the license or involves commercial activities.

II. Alumni associations at the school or departmental level, government agencies, educational institutions, research institutions, legal entities, or legally registered enterprises wishing to use THU Trademarks for non-commercial academic or public-interest purposes must submit an application form and use plan to the THU Industry Collaboration and

Incubation Center. Authorization is subject to review by the Committee and approval by the President and is granted free of charge.

- III. Applicants intending to use THU Trademarks for commercial purposes must submit an application form and use plan to the THU Industry Collaboration and Incubation Center. Upon review and approval by the Committee and subsequent approval by the President, the applicant must sign a licensing agreement with THU. Internal teaching units and student organizations shall be notified of the decision in writing after Presidential approval. If a subordinate unit requires urgent use, it may request expedited approval from the President, with the case submitted to the Committee for record.

第八條 校名、標誌及商標授權使用原則如下：

- 一、授權對象使用本校校名、標誌及商標，不得與監製、製造、出產、品質管制、管理、保證、推薦或其他近似之文字或圖樣連用。
- 二、授權對象使用本校校名、標誌及商標，依個案情形得與下列意義之文字或圖樣連用：
 - (一) 產學合作、產學合作成果
 - (二) 育成進駐、輔導廠商
 - (三) 專利技術移轉、授權
 - (四) 指導、規劃、設計
- 三、非屬前二款規範，但與本校有實質合作關係，且無影響本校校譽之虞的文字，應簽請校長核定後使用。

Article 8 Principles for licensing THU Trademarks:

- I. Licensees may not associate THU Trademarks with words or graphics suggesting supervision, manufacture, production, quality control, management, endorsement, recommendation, or similar intents.
- II. Depending on the context, licensees may associate THU Trademarks with the following words or graphics:
 - A. Industry-academia collaboration or outcomes
 - B. Incubation services or THU-mentored enterprises
 - C. Patent technology transfer or licensing
 - D. Consulting, planning, or design
- III. Presidential approval will be required for any terms not listed above but indicate a substantial cooperative relationship with THU in a way that does not impact the University's reputation.

第九條 使用本校校名、標誌及商標之被授權者應符合相關商品標示、消費者保護、營利、稅制等法令規定之品質要求及安全標準，且應負商品安全及商品侵權責任，並不得違反法律之強制或禁止規定、公共秩序、善良風俗等情事；如有違反，本校得立即終止授權並要求相關產品停止公開及販售，已收取之權利金及回饋金不予退還，由此衍生之民、刑事及行政責任義務概由被授權者負責，本校並得要求被授權者賠償相關損失。

Article 9 Licensees must comply with applicable laws and regulations concerning product labeling, consumer protection, commercial activities, and taxation when using THU Trademarks. Licensees shall bear full responsibility for product safety and infringement, and may not violate mandatory or prohibitory legal provisions, public order, or good morals. If the event of violations, THU may terminate the license immediately and demand withdrawal of the products from the market. Royalties or other fees already collected will not be refunded. The licensee shall also be solely liable for any resulting civil, criminal, or administrative consequences and shall compensate THU for any related losses.

第十條 本校校名、標誌及商標授權使用所得回饋金、權利金等收益，依其下列比率分配之：15%由學校統籌運用；85%則由東海大學研發成果專帳專戶統籌運用。

Article 10 Revenue from THU Trademark licensing, including royalties and other fees, shall be allocated as follows: 15% for THU use and 85% for THU's dedicated account for research and development outcomes

第十一條 商業使用申請經審查核准後，申請單位應於本校書面通知期限內與本校產學與育成中心簽訂授權合約書。

有關授權之申請、審議、權利金及其他相關事項，依授權合約書另定之。

Article 11 Once approved for commercial use, licensees shall sign a licensing agreement with the THU Industry Collaboration and Incubation Center before the deadline specified by THU in writing.

Other matters related to licensing applications, reviews, royalties, and conditions shall be governed by a separate licensing agreement.

第十二條 本校校名、標誌及商標等權益受侵害或涉及相關權益爭議時，由本校權責單位依法處理。

Article 12 THU's responsible unit will comply with laws and regulations to manage any infringements of THU Trademarks or related disputes.

第十三條 本辦法經行政會議通過後施行。

Article 13 The Regulations herein shall be promulgated upon approval by the Administrative Affairs Meeting.