

## The Hong Kong University of Science and Technology

# POLICY ON THE USE OF THE UNIVERSITY'S TITLES, NAMES AND LOGOS<sup>1</sup>

## 1. PREAMBLE

- 1.1 The Hong Kong University of Science and Technology (“HKUST” or the “University”) is established under The Hong Kong University of Science And Technology Ordinance, Chapter 1141, Laws of Hong Kong (the “Ordinance”). In addition to protection under intellectual property rights laws in Hong Kong and elsewhere, unauthorized use of any of the University’s titles or any closely resembling title constitutes an offence under Hong Kong law. Section 24 of the Ordinance provides:

*“(1) No person shall incorporate or form, or be a director, office bearer or organizer of, work in connection with, or be a member of, any body of persons, corporate or unincorporate, that, without the written consent of the Council---*

*(a) holds itself out to be---*

- (i) The University or any part thereof; or*
- (ii) in any way connected or associated with the University; or*

*(b) uses the title “The Hong Kong University of Science and Technology” or “香港科技大学” or a title in any language which so closely resembles the title “The Hong Kong University of Science and Technology” or “香港科技大学” as to be capable of misleading any person into believing that the body or persons is---*

- (i) the University or any part thereof; or*
- (ii) in any way connected or associated with the University.*


*(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of HK\$10,000.”*


- 1.2 In addition to the use of the University’s titles and names identified in Section 24 of the Ordinance, the University has over the years used and/or has been identified, referred to and/or known under or by reference to other titles or names abbreviated from and closely resembling its official titles and names, including “HKUST” and “UST” in English, “香港科大”, “港科大” and “科大” in Chinese, in Hong Kong and elsewhere. Under this Policy, the University’s official titles and names, and the other closely resembling titles and names are collectively referred to as the “**University’s Titles and Names**”.

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<sup>1</sup> Capitalised words and phrases appearing in this Policy are defined terms. Defined terms are defined either where they are first used or in Appendix 1.

1.3 Further, the University has over the years used and/or has been identified, referred to

and/or known under or by reference to two logos, namely, the **HKUST Emblem** “”

and the **Red Bird Logo** “” in Hong Kong and elsewhere. In this Policy, the two logos are collectively referred to as the “**University’s Logos**”.

1.4 In this Policy, the University’s Titles and Names and University’s Logos and their derivatives are collectively referred to as “**HKUST Marks**”.

1.5 The HKUST Marks are valuable assets of the University attached to which are the University’s high quality and standards as an international research university. All reputation and goodwill generated under the HKUST Marks through the University’s excellence in education, research, innovation and entrepreneurship that support knowledge transfer, belong to and are vested in, and have always belonged to the University exclusively. Unauthorised or improper use of the HKUST Marks or any of them may prejudice, adversely affect or damage the valuable reputation and goodwill of the University, and may bring the University into disrepute.

1.6 This Policy governs the Use of the HKUST Marks by all members of the University including:

- **Constituent Units**
- **Organisations of staff, student, alumni and/or former employees**
- **Individual University members including staff, students, alumni, former employees, Court, Council and Convocation members**
- **Subsidiaries and collaborative campus(es) of the University**

Based on this Policy, relevant guidelines may be drawn up by the University detailing with the permission and delegation procedures, and the terms and conditions of use (the “**Use of Title Guidelines**”).

## **2. GUIDING PRINCIPLES**

2.1 Subject to the compliance with the normal internal review and approval process within each Constituent Unit, a Constituent Unit and its employees (and authorized persons) may use HKUST Marks in their Ordinary Course of Business. Responsibility for approving the use of HKUST Marks in the Ordinary Course of Business is delegated to the President and the President’s delegated officers. Before the right to use HKUST Marks be granted, the University has to take into consideration the nature of business in which the HKUST Mark(s) would be used. As a matter of principle, the use shall be subject to the specific terms as defined by the University.

- 2.2 Staff, students, alumni and/or former employees' groups or associations may use the University's Titles and Names as part (but not the whole) of their organisation's name provided that prior written approval has been sought from and registration has been completed with the relevant University offices. Such use shall be subject to specific terms and conditions confining the scope and restrictions of the permission to be granted to each association.
- 2.3 Individual University members including staff, students, alumni, former employees, Court, Council and Convocation members may use the University's Titles and Names (but not other HKUST Marks) solely as a factual reference to identify their capacity, attendance and/or affiliation with the University, in a manner that does not, in the University's sole opinion, imply University endorsement.
- 2.4 Wholly-owned subsidiaries of the University may use the HKUST Marks if a proper licence agreement prepared by the Legal Office has been signed.
- 2.5 Any use of HKUST Marks falling outside the scope expressly permitted under this Policy shall not be allowed unless exceptional and prior written approval from the Council has been obtained. For example, partially-owned subsidiaries, joint ventures and/or collaborative campuses of the University may use the HKUST Marks only under the terms and conditions of a written licence agreement as approved by the Council.

### **3. GENERAL CONDITIONS IN THE USE OF HKUST MARKS**

- 3.1 Any permitted use of HKUST Marks, whether under this Policy, through a permission or otherwise, is subject to the following conditions, any applicable laws, and the limitations specified in the Use of Title Guidelines and/or any permission for use:
- (a) All use of HKUST Marks shall follow the University's Brand Guidelines.
  - (b) HKUST Marks shall not be altered or combined with another organisation's name, title or logo save with the Council's prior written permission.
  - (c) The use of HKUST Marks must not, at any time and in the University's sole opinion, be in a manner that is inconsistent with the University's brand identity, values, vision, mission, integrity or reputation, and/or in such a way that may prejudice, damage or otherwise negatively impact the University's image or reputation or bring the University into disrepute, or in any other way that the University deems undesirable. Such situations include, but are not limited to, use of HKUST Marks in a manner or in connection with materials which may, in the University's sole opinion, (i) violate or be at risk of violation of any of the University's policies, rules or regulations; (ii) violate or be at risk of violation of any law or legal regulation, (iii) offend, disparage, discriminate or incite exclusion or segregation of a person or group on the basis of gender, ethnic or country of origin, religion, race, disability, sexual orientation or any other identification or difference, (iv) be considered as harmful, misrepresentative, fraudulent, deceiving, disrespectful, defamatory, bullying,

harassing, indecent, obscene or pornographic, or (v) incite or facilitate violence or any other criminal act.

- (d) Each user acknowledges and agrees that all goodwill generated from and associated with the use of the HKUST Marks shall inure to the benefit of and be solely owned by the University.
- (e) HKUST shall have the right to ask any permitted user, whether specific approval is required or not under this Policy, to cease any use at any time which in its sole opinion is or is at risk of being in breach of this Policy, the abovementioned principles or is otherwise in its view objectionable, misleading or undesirable, and the user shall promptly cease such use.
- (f) The University does not warrant or represent that a permitted use of the HKUST Marks under this Policy will not infringe the intellectual property rights of other persons, nor shall the University have any responsibility or liability with respect to any such use.

### 3.2 Registrations

- (a) No person or Constituent Unit, except the Legal Office, shall apply for or register any marks, company names, business/trade names (for any goods, services, businesses or activities), or domain names consisting of or incorporating or similar to any of or any part of the HKUST Marks.
- (b) Any person or Constituent Unit shall upon demand by the University assign without charge or cost any application or registration made in breach of this paragraph 3.2 to the University.

### 3.3 Creating new marks, company names, business/trade names, or domain names

List(s) of HKUST Marks and domain names approved for use by the Constituent Units is maintained by the Legal Office. Any new marks, company names, business/trade names (for any goods, services, businesses or activities), or domain names created to be used by the University shall be submitted by the relevant head of the Constituent Unit to the Vice President designated by the President and head of the Legal Office for approval.

## 4. **ENFORCEMENT OF RIGHTS**

- 4.1 HKUST Marks are valuable institutional assets. Uses of HKUST Marks that are unauthorised or which are otherwise contrary to or in breach of this Policy amount to infringement by the individual(s) or person(s) involved and if considered appropriate, will be investigated and enforced by the University by all means, including without limitation, disciplinary action and/or other legal action(s) against such individual(s).
- 4.2 Enquiry and suspected cases of infringement, misuse or unauthorised use of HKUST Marks should be directed to the Legal Office.

- 4.3 Any inaction, failure or delay by the University to investigate any misuse or to enforce any terms in this Policy shall not be construed as a waiver and shall not affect the University's right to investigate such misuse or to enforce such terms.

## **5. APPROVAL PROCESS**

Any required approvals may be granted, withheld, or retracted in the University's absolute discretion. If approval to use HKUST Marks is not expressly granted in writing (e.g. by Council/Senate/committee resolution, a signed permission or by email as may be required), then the proposed use is disapproved and may not proceed. Records shall be kept and maintained by both the approving authority and the requesting individual, person or group.

## **6. REVIEW AND AMENDMENT**

- 6.1 This Policy is binding upon all members of the University and shall survive the termination of studentship, employment, or Council/Court/Convocation membership, as the case may be.
- 6.2 This Policy may be reviewed and amended from time to time by the Council and the updated terms shall be binding upon all parties/users upon notice being issued to the parties/users through email or other means, or otherwise published to the relevant users, members of the University or the public. The interpretation of this Policy and decision under this Policy by the Council shall be final, conclusive and binding upon all parties/users.

## APPENDIX 1

### DEFINITIONS

- “Brand Guidelines”** means the HKUST Brand Guidelines for the time being in force (and as maybe updated from time to time), a copy of which can be found at the web page of Public Affairs Office ([https://pao.ust.hk\\*](https://pao.ust.hk*)).
- “Constituent Unit(s)”** means the Schools<sup>2</sup>, offices, laboratories, centers, institutes, Mainland representative offices of the University, and other official units established by the Court, Council and/or Senate of the University. For the avoidance of doubt, Constituent Units do not include any subsidiaries, cooperative campuses and/or students, employees, former employees and/or alumni organisations.
- “Objects”** means the objects of the University as specified in Section 4 of the Ordinance.
- “Ordinary Course of Business”** means the following:
- i. in respect of academic Constituent Units (including Schools, research and knowledge transfer units), refers to the carrying out of teaching, research and knowledge transfer activities and ancillary services, activities or purposes thereof that are directly related to the University’s Objects, including the development of joint academic or research courses, degrees, awards, projects, programs, institute or laboratories; and
  - ii. in respect of non-academic Constituent Units, refers to the specific administrative or designated activities of that particular Constituent Unit and ancillary services, activities or purposes thereof that are directly related to the University’s Objects, including the organisation of joint events with collaborators, promotion of the University, invitation and acceptance of donations to support or further the University’s activities.

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<sup>2</sup> For the purposes of this Policy, includes the University’s School of Science, School of Engineering, School of Business and Management, School of Humanities and Social Science, Interdisciplinary Programs Office, HKUST Fok Ying Tung Graduate School, HKUST Jockey Club Institute for Advanced Studies, and other academic or research school, institute or office as established by the University from time to time; and, where applicable, their constituent Departments or Divisions.

**\*Remarks**

From 18 September 2023 onwards, Public Affairs Office has been renamed as Global Engagement and Communications Office.

References to PAO in this Policy shall mean Global Engagement and Communications Office. The website of GECO is now updated as <https://geco.hkust.edu.hk/>.