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July 27, 2018 @ 2:41pm » [Steve Driscoll](#)

Why Is Ohio State Called The Ohio State University?



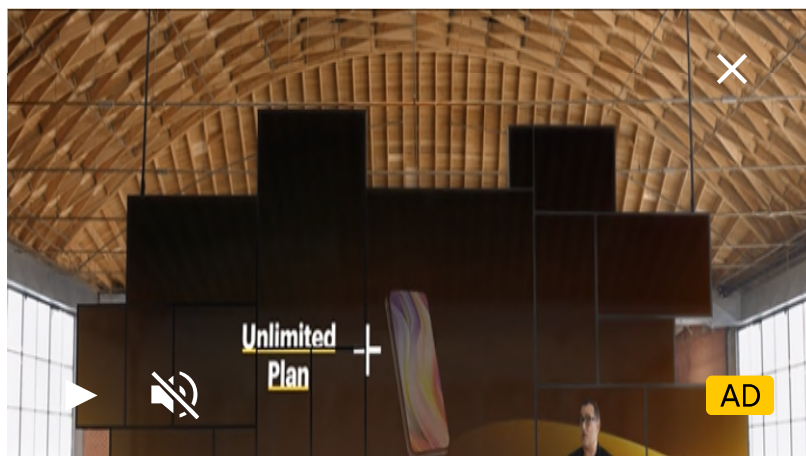
COLUMBUS, OH - SEPTEMBER 27: Ohio State Buckeyes fans cheer on their team against the Minnesota Golden Gophers on September 27, 2008 at Ohio Stadium in Columbus, Ohio. (Photo by Jamie Sabau/Getty Images)

If you're a college football fan or a fan of college sports, in general, it's safe to say that you've probably heard someone refer to Ohio State as "THE Ohio State

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University". Why is this? It's not like we say "THE Florida State University" or "THE University Of North Carolina" or "THE" anything else for that matter. Some think that it's just Buckeye fans being obnoxious, but there are actual reasons as to why fans of the scarlet and gray refer to the school in full fashion as "The Ohio State University".



The Ohio State University was initially known as Ohio Agricultural And Mechanical College.

The University was renamed in 1878 because the board of trustees thought Ohio Agricultural And Mechanical College didn't live up to the school's prestige. The president of the university thought that the new name would further separate the institution from other schools in Ohio. Some also believe that the "THE" was added on to show other colleges in the state who the top dog was.

While the school was renamed to The Ohio State University in 1878 it wasn't until 1986 that the nickname became known by the masses.



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In 1986 the school rebranded itself by making a change to its logo.

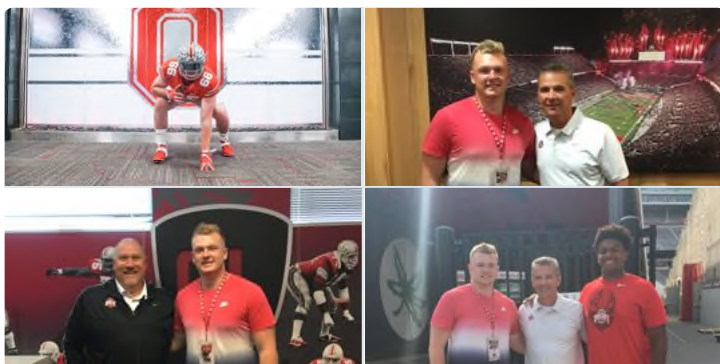
The motivation behind the new logo was for the school to shed the nickname of OSU. Obviously, there are other OSUs out there (Oklahoma State and Oregon State) and university officials wanted to avoid confusion. The “THE” (which was already in the official name of the school) was added to the logo to “reflect the national stature of the institution.”



Geirean

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Amazing day at THE Ohio State University! Thank you @OSUCoachMeyer @OhioStateFB @CoachStudOL @markpantoni @WestonZernechel @ParisJohnsonJr #GoBucks



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So to answer your question, no, Buckeye fans are not just being obnoxious. The Ohio State University is the correct and official name of the school. For those of you who think the name is a little pretentious, you're not exactly wrong, but Buckeye fans and officials think that the university is prominent enough to carry such a name.

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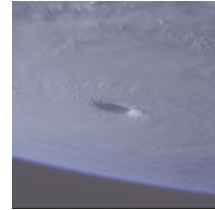
Blinded by The: A deep dive into Ohio State University's latest trademark application

AUGUST 22, 2019 · PERRY GATTEGNO

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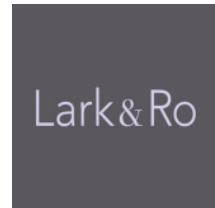
“The” is the most common word in the English language, so prevalent that I needed to use it twice to write this sentence. But [Ohio State University wants to trademark it](https://www.usatoday.com/story/sports/ncaaf/bigten/2019/08/14/ohio-state-university-files-trademark-word-the-school-apparel/2006567001/) (<https://www.usatoday.com/story/sports/ncaaf/bigten/2019/08/14/ohio-state-university-files-trademark-word-the-school-apparel/2006567001/>), recently filing a federal trademark application for the mark THE in connection with clothing. The application has elicited plenty of news coverage and



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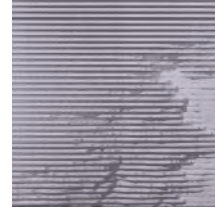
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Let's start at the beginning: [trademarks \(https://howbrandsarebuilt.com/blog/2018/08/06/definition-what-is-a-trademark/\)](https://howbrandsarebuilt.com/blog/2018/08/06/definition-what-is-a-trademark/) include *any* word, name, symbol, or device, or combinations thereof, that a person uses to (1) identify and distinguish goods and services from those manufactured and sold by others and (2) to indicate the source of the goods and services, even if that source is unknown. I emphasize *any* to say that "any" truly is *any*, even terms as de rigueur as the humble "the," if the proposed mark meets all other prerequisites. The takeaway is that the core function of a trademark is to identify the source of the item that bears it. In this case, the question is, when consumers of clothing see or hear the word "the," do they connect it with Ohio State University?

At first blush, this is a risible assertion. Some terms simply can't perform that source-identifying function in the context that a trademark applicant wishes to protect. "The," a linguistic building block, needs to be available to everyone. Indeed, a laundry list of rules governs whether or not a proposed mark qualifies for protection, largely based around the concept of whether others need have terms available to call things what they are. Before digging into the legalese, it's hard to argue that a person in daily life would see the word "the" on any hat and immediately think "Ohio State." But analysis of trademarks doesn't look at the average person; it

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State is not seeking to reserve THE for all uses, only for “clothing, namely t-shirts, baseball caps and hats.” Ohio State wants to use THE on these specific items and claims that the term will indeed point consumers of *these specific items* to its university, as the source of those items. But why?

On a daily basis across the U.S., Ohio State may be most known for its football team, long a dominant force in one of the country’s most popular sports. As much as it pains this Northwestern alum to admit, the Buckeyes are really good. OSU has won eight national championships and 37 Big Ten titles, completing 10 undefeated seasons. In 2017, the *Wall Street Journal* valued the program at \$1.5 billion dollars, the highest in the nation. This level of singular football success has led to a self-proclaimed title as not just “an” Ohio State University but, particularly in the world of football, *THE* Ohio State University. What’s more, the formulation of this term and the phrase is precise and formulaic—it’s pronounced with a long “ee” vowel, rather than a short “uh,” emphasized more than the words “Ohio State” and always, always capped with the term “University.” Look no further than starting lineup announcements in professional football broadcasts (<https://www.sbnation.com/nfl/2018/9/9/17402796/player-introductions-primetime-football-nbc-sunday-night-football>), where former Buckeyes often

Accordingly, evaluating the registrability of the term THE in connection with Ohio State University must take into account the way that the word is used. Plenty of extrinsic evidence illustrates that the words "Ohio State University" aren't necessary to identify the school in the right context. Any football fan could tell you, as soon as they hear "*thee*," pronounced in that fastidious patois, that we're talking about Ohio State. That forms the basis of a strong argument that THE succeeds as a source-identifier, as trademarks must.

However, this finding just accepts that THE, in proper context, meets the threshold to serve as a trademark at all. The next question is whether any of the restrictions that prohibit registration of a particular mark may apply. The restriction most likely to arise here is *ornamentality*.

Purely ornamental marks merely perform a decorative function when placed on goods; they don't identify the source of the goods themselves. A mark with some ornamentality won't necessarily be rejected; like other marks, ornamental marks reside on a spectrum. If the mark identifies a source, it can be registrable despite some degree of ornamentality. The U.S. Patent and Trademark Office uses a four-factor test to judge whether a mark is an unregistrable, purely ornamental one. The factors are (1) the commercial impression of the proposed

distinctiveness.

COMMERCIAL IMPRESSION

Common expressions are normally not perceived as marks. Their commonness precludes the possibility that they point to a manufacturer/seller of the goods that bear them. On clothing, a smaller design feature is more likely to serve a trademark function than a larger one, which is likely to attract consumers on the basis of its expression rather than its identification of the clothing's source. This doesn't favor OSU, because the specimen submitted to illustrate use of the mark in commerce shows a t-shirt with a huge THE above a smaller university athletics logo. However, when evaluating words used on goods, the USPTO reviews whether purchasers will perceive the words as conveying a message rather than indicating the source of the goods. Comparing THE to indicate OSU's success versus, say, the phrase "I LOVE YOU" on bracelets reveals some daylight; the USPTO rejected the latter mark because it comprised "terms of endearment" rather than indicating a source. THE points to OSU, with a chaser of athletics elitism.



Ohio State's specimen for its THE application

TRADE PRACTICES

When a mark is an unusual expression of a term within a subject, it is more likely to identify a source of goods. The more unique or unusual in the context of its trade, the more likely a mark will avoid pure ornamentality. Unlike nicknames that many teams share, such as “Bulldogs,” or common geography like “Florida” (e.g., Florida, Florida State, Central Florida, etc.), no other major American college athletics programs refer to themselves as THE as readily Ohio State does. Those that do are often skewering OSU’s self-proclaimed singularity, as the [Carolina Panthers did](https://www.cbssports.com/nfl/news/look-panthers-players-make-fun-of-the-ohio-state-university/) (<https://www.cbssports.com/nfl/news/look-panthers-players-make-fun-of-the-ohio-state-university/>) a few years back, rather than claiming the same designation for themselves—further forging a straight line between “THE” and OSU.

Some marks are ornamental in one context but non-ornamental when used in connection with other goods and services. This is particularly relevant to Ohio State's mark, where the term THE on clothing may be fairly ornamental, but in connection with its football team points directly and uniquely at Ohio State.

EVIDENCE OF DISTINCTIVENESS

Some ornamental marks can acquire distinctiveness over time, making them registrable even if they weren't at first. This happens with 5 years' consecutive use, plus additional evidence illustrating consumer awareness that the mark refers to its source. OSU's application alleges first use in commerce of THE as early as 2005, so it easily clears the 5-year hurdle. OSU also could easily cobble together sufficient media mentions and consumer surveys to illustrate that "THE Ohio State University" has entered the vernacular.

In reviewing these factors, I believe that OSU should expect an initial rejection for ornamentality because of the nature of the specimen submitted, but that it will be able to lodge a successful rejoinder showing that consumers familiar with college football see "the" in that context

Yet problems still persist.

Had OSU's application named its goods and services as college football exhibitions, i.e., the hosting of sports competitions sponsored by the university, or had it limited its application to clothing sold in a college athletics context, it would have a much stronger case for registration. Its case that "the" points to OSU across *all* clothing is weaker than it would be to clothing or events tied to college sports. OSU may also want to provide a substitute specimen that shows THE as a less dominant portion of the apparel where it appears, or to re-file a new application for the entire phrase THE OHIO STATE UNIVERSITY, which represents the phrase as it is most often used. After all, even OSU's specimen shows THE on a t-shirt with the university's athletics logo, all rendered in OSU's iconic scarlet and gray. Not only would this more accurately reflect its use of its mark, but it would also allow them to limit their enforcement obligations to the entities from whom OSU may actually need protection—sports-related ones—rather than all clothing businesses.

That enforcement piece may end up being the whole game. Trademark owners have an affirmative obligation to enforce their trademark rights. Failure to police them sufficiently can result in the loss of those rights. This process, known as acquiescence, is a defense to

to enforce its rights enough times that it implied consent for others to use the mark again. This presents a gigantic stumbling block for OSU in the current iteration of its application, because the description of goods claims “the” across *all* clothing. In order to maintain its rights in THE, Ohio State will have to enforce its rights—that is, monitor use, engage in licensing or consent negotiations, send cease-and-desist letters, and ultimately file lawsuits for injunctive relief against infringers—against any clothing manufacturer or seller that employs the word “the.” This will be a major undertaking.

Trademark owners aren’t required to engage in constant, daily enforcement of all possible infringers to maintain their marks. However, Ohio State’s relative fame and resources, along with the pervasiveness of the word “the” in everyday business, suggest that OSU won’t get the benefit of the doubt without consistent, evenhanded enforcement, allowing potential infringers to point to other examples of the word THE appearing on clothing and argue that Ohio State acquiesced to its use.

So, is trademarking THE worth all the trouble, even if possible? I’d argue not. Ohio State doesn’t require a trademark to market and sell its apparel. Copyright and perhaps design patent protection may be available, as is some limited common law trademark right to enjoin non-authorized users from acting as if they are connected to OSU. The

nuge ranbase, enormous resources, valuable manufacturing and distribution relationships, and a host of other economic and market factors that put it in prime position to profit off the brand it has established in the term “the.” Its 14 years of use of “the” prior to applying for this trademark shows that it operated just fine without a federal registration. To be sure, the application has attracted a lot of attention for Ohio State just ahead of the 2019 college football season, and maybe that’s the whole point.

[Perry Gattegno](#)


<https://www.linkedin.com/in/perry-gattegno-a5b38230/>) leads the Trademarks and Branding practice at Litwin Law in Chicago and is the co-founder of [Derby Fantasy Wins League](http://www.derby-fwl.com/) (<http://www.derby-fwl.com/>). He focuses on clearance of trademarks for branding and naming agencies, trademark prosecution for entrepreneurs and businesses, and intellectual property strategy and counseling for all. A recovering journalist, he retains a soft spot for a good story. He likes short sentences and hates legalese.

Notes:

- ⁱ Language that the USPTO often uses to adjudicate disputes on this issue: “[T]he proper test is not a

terms or their commercial impression' such that persons who encounter the marks would be likely to assume a connection between the parties... the emphasis must be on the recollection of *the average purchaser* who normally retains a general, rather than specific, impression of trademarks." It has also defined the "average purchaser" as the "least sophisticated of a particular class of consumers;" British judges have referred to the same standard as a "moron in a hurry."

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Can You Legally Claim the Most Common Word in the English Language?

Ohio State is trying to trademark the word "The"



David Wyld [Follow](#)

Aug 22, 2019 · 7 min read ★



Source: Photo by Dana Lewin on Unsplash

Ah, legal battles.

In America, we're oddly fascinated by them. Organizations of all types routinely spend millions — and sometimes tens of millions of dollars on lawsuits, both in cases brought by them and against them. Our uniquely American, litigious society

makes for both interesting rulings, great TV shows and movies, way too much advertising, and yes, an added cost of doing business for all of us.

And yet, the law does work. Even if the process is slower and more costly than it should be, the American legal system is still regarded as the gold standard around the world (although we could probably do with fewer injury attorneys advertising on TV, that's a story for another day).

Companies go to great lengths to protect their brand — from corporate identity to brand names and product lines — companies know that image is everything.

Not only will organizations defend their turf from a branding perspective, but many will also go after anything and anybody that tries to produce knockoffs, one-offs, and sorta-like items that might infringe on their turf. Companies will often go beyond protecting their names and their imagery — seeking to defend the littlest details of their identity, such as the colors and fonts they use in their lettering and the appearance of the smallest features in their logos and labels.

In the annals of federal law, many volumes have been generated by parties seeking to defend what they've been doing or to stop others from doing what they have been doing under American trademark law. And with the continual growth of global competition, digital media, and competitive pressures, there's bound to be more litigation in the future.

Trademark issues are just one of the many legal complications presently facing organizations. Executives need to be aware of how complicated — and nuanced — trademark disputes can be.

Recently, a trademark issue involving a high profile organization drew attention well beyond the world of business. (It even made SportsCenter on ESPN.)

Far from being just another routine trademark application, this involved one of America's top (and largest) universities with one of the highest-profile athletic

programs in all the land. And as we all know, college sports — and in particular, college football — have become very big business!

This trademark case will undoubtedly have high stakes — money, institutional pride, and intense rivalry from peer institutions. In short, this became the perfect trademark storm... “The” being the operative word.

. . .

If you’re a student, faculty member, alumnus, or just a fan of Ohio State, you likely refer to the school by its formal name, The Ohio State University.

Other universities have tried (and some succeed) at adding a “the” to their names, like The University of Texas and a whole host of state flagship universities. In fact, the University of Miami is often referred to by its unofficial nickname of “The U.”



Source: The Urban Dictionary (<https://www.urbandictionary.com/define.php?term=the%20u>)

However, there’s really no other case where the is so closely tied to a college’s identity than at The Ohio State University. So now, the university’s leadership — and its sports marketing folks— are seeking to trademark the word “the.” Ohio State would like to be able to market itself, and certainly, sell some caps, t-shirts, and other memorabilia emblazoned with “The” as the one-word identifier for the school.

It’s simple. It’s clean. It’s unique.

However, “the” is also the most commonly used word in the English language. On average, 7% of all the words we use anywhere — in text, speech, writing, etc. — is one word: the.

So, the interesting legal question becomes can, could, should one entity control that word with trademark protection?

Ohio State University files to trademark the word 'THE'



Ohio State — excuse me, The Ohio State University — has recently filed an application to trademark the word “THE.”

Officially classified as a grammatical article, not only is “the” the subject of intense sports talk controversy and rivalry among college fan bases, it may be leading to a court battle over the meaning of the word.

Perhaps not since President Bill Clinton famously opined on the meaning of “is” has so much controversy been ignited by such a simple word!

How did all of this start? Well, it all started very quietly when Ohio State filed Application Number 88571984 with the U.S. Patent and Trademark Office. The university's trademark application might have gone unnoticed, save for the work done by Josh Gerben, a prominent lawyer in Washington, DC who specializes in trademark law.

Source: <https://twitter.com/JoshGerben/status/1161417568604827654>

DP Show Debate: Should Ohio State Be Allowed to Trademark "The"? ...

Clinton Grand Jury Part 4



. . .

It will be interesting to see how all of this plays out legally as Ohio State's trademark application makes its way through the administrative review process. However, the public reaction to the university's move has been largely skeptical so far. USA Today sports columnist Nancy Armour wrote in an opinion piece titled *Ohio State Has Market Cornered on THE Dumbest Ideas*:

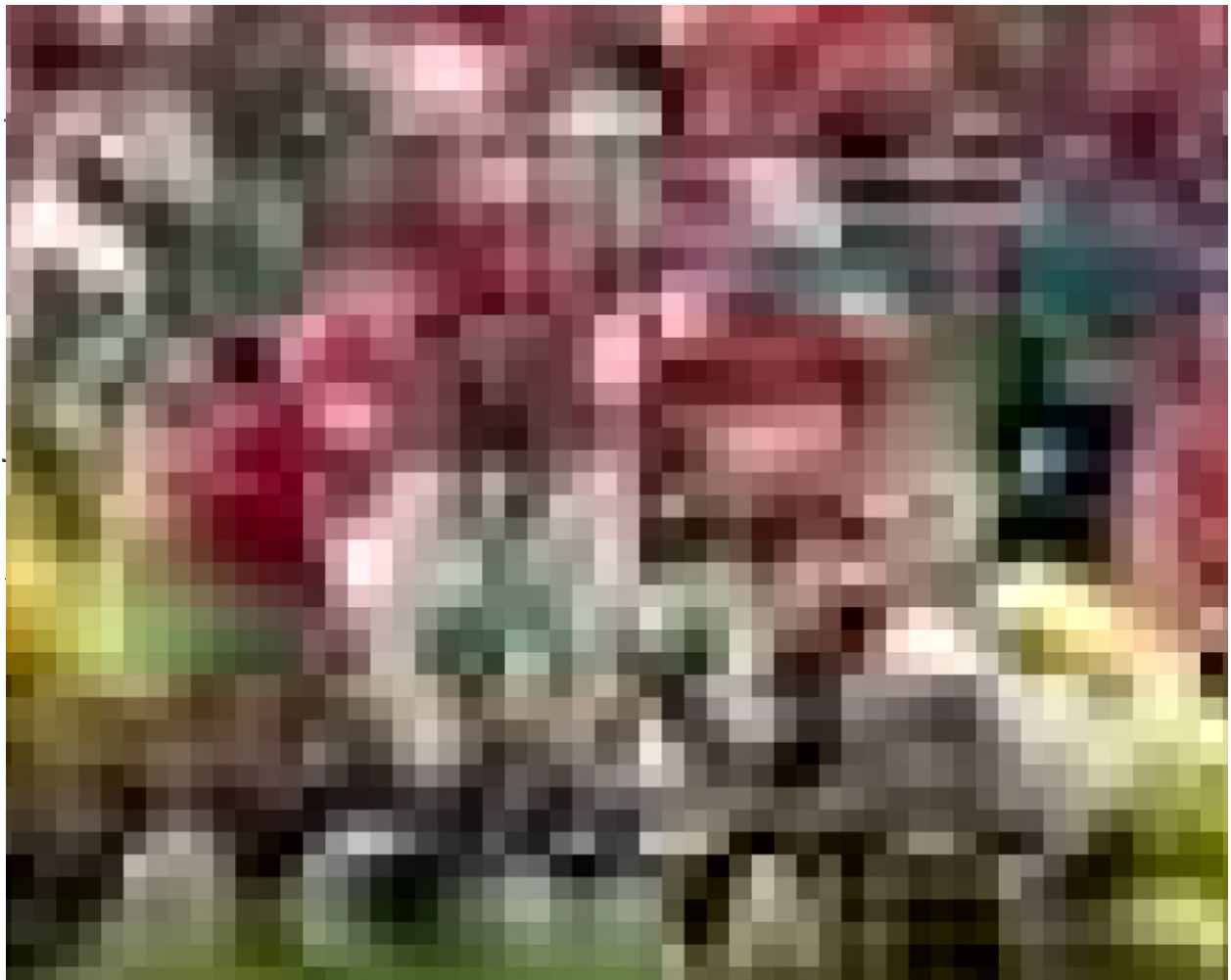
This is pure pretentiousness by Ohio State, which apparently thinks putting "the" in front of its name proves that it is vastly superior to all other schools. Sure, alums and Ohio State fans will love it, and will no doubt be snatching up sweatshirts, hats and anything else with a "THE" on it. To everyone else, however, it's a source of endless hilarity — at Ohio State's expense. It might be a sound business decision, though even that is up for debate, but it makes Ohio State look smug. And just a tad insecure...

Source: Wikimedia Commons (Scott Stuart [CC BY-SA 2.0 (<https://creativecommons.org/licenses/by-sa/2.0/>)])

As with most things in the American legal system, there's a constant tension between what people want to do and what they should be allowed to do.

In this instance, there are going to be millions of dollars at stake, and sadly, none of it will benefit the student-athletes. Regardless, the case of The Ohio State University will be interesting to watch moving forward.

If the university is allowed to trademark the most common word used in the English language, it could have implications into the world of corporate branding and identity.



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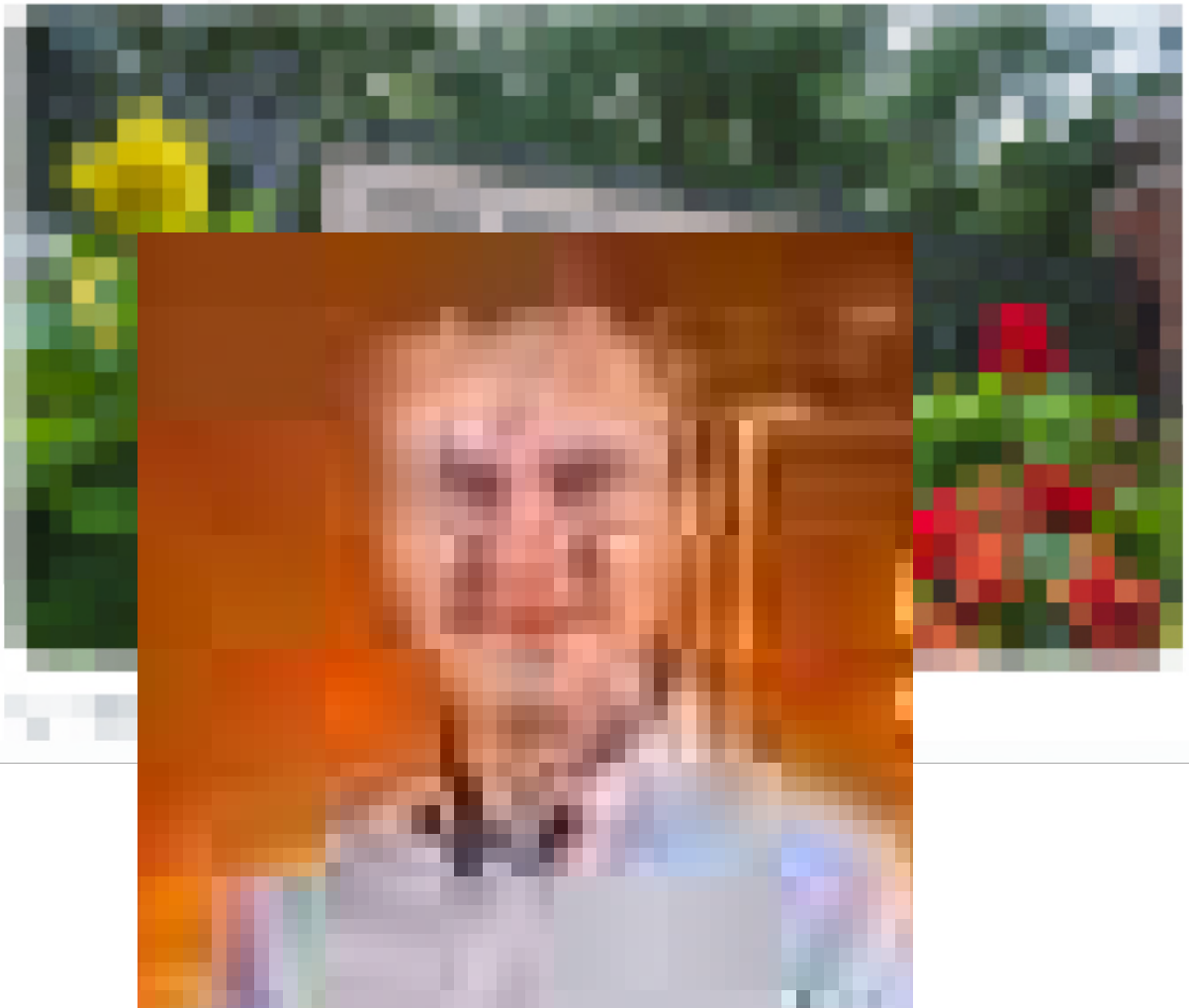


source: <https://twitter.com/UMich/status/1161756458550129152?s=20>

In an age where there's (almost) no such thing as bad publicity, The Ohio State University certainly made a splash.

If you're a Buckeye fan, you can sport brand new gear featuring the "THE" moniker. So, whether those three letters end up being protected under U.S. trademark law or not, get ready to see a whole lot of "The's" in the stands when Ohio State football takes the field this season.





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In Defense of Ohio State's Application to Register THE as a Trademark (<https://www.trademarkandcopyrightlawblog.com/2019/08/in-defense-of-ohio-states-application-to-register-the-as-a-trademark/>)

Posted on August 15th, 2019 (<https://www.trademarkandcopyrightlawblog.com/2019/08/in-defense-of-ohio-states-application-to-register-the-as-a-trademark/>) by Jenevieve Maerker (<https://www.trademarkandcopyrightlawblog.com/author/jenevieve-maerker/>)

(<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio1.jpg>) The picture (<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio1.jpg>) you see is of a shirt from my husband's closet – a gift I gave him a few years ago. He is a big Ohio State Buckeyes fan, and this is sort of an inside joke for OSU football fans. The word THE superimposed on the shape of the state of Ohio, in scarlet and gray, instantly calls to mind Ohio State. For some reason I have never grasped, Buckeyes like to refer to their school as THE Ohio State University, with huge emphasis on the word “the.” This is particularly noticeable at the beginning of NFL football games, when former OSU players always introduce themselves as, for example, “Ezekiel Elliott, THE Ohio State University.” I saw someone wearing a shirt like this once, thought it was funny, and searched online until I found where I could buy it – a company called [Lamp Apparel \(https://lampapparel.com/\)](https://lampapparel.com/). It didn't occur to me at the time that I might be supporting trademark infringement.



Fast-forward to this week, when [news \(https://www.espn.com/college-football/story/_/id/27384520/ohio-state-seeks-trademark-word-the\)](https://www.espn.com/college-football/story/_/id/27384520/ohio-state-seeks-trademark-word-the) outlets (<https://www.nbcnews.com/news/education/ohio-state-university-wants-trademark-n1042106>) around the country have been reporting with [thinly disguised mirth \(https://www.washingtonpost.com/sports/2019/08/14/ohio-state-university-wants-trademark-its-](https://www.washingtonpost.com/sports/2019/08/14/ohio-state-university-wants-trademark-its-)

favorite-word/?noredirect=on) on the fact that Ohio State just filed an [application](http://tsdr.uspto.gov/#caseNumber=88571984&caseType=SERIAL_NO&searchType=statusSearch) to register the word THE as a trademark for t-shirts, baseball caps, and hats. “How can anyone own the most common word in the English language?” people ask. Of course, a trademark only prevents third parties from using the mark to identify the source of the relevant goods, not from using the word at all. But people who find it pretentious to emphasize the “the” in the first place find it even more pretentious to file a trademark application. The teasing from rivals both in-state and out was swift:



Good morning from THE first university in the state of Ohio. 😊



10:20 AM · Aug 14, 2019 · Twitter Web App



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4:28 PM · Aug 14, 2019 · TweetDeck

<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/ohio9.png>

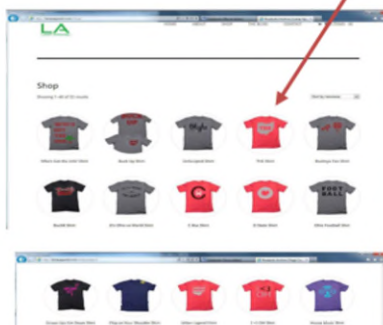
I have attempted to track down the origins of the emphasis on THE, but the Internet abounds with conflicting explanations. An [OSU admissions officer](https://undergrad.osu.edu/buckeyes_blog/?p=19519) says that she tells parents of prospective students that it stands for “tradition, honor, and excellence.” Some people point out that “the” is part of the university’s official name, since the name was legislatively changed in 1878 from “Ohio Agricultural and Mechanical College”:



<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio4.png>

(This explanation seems a bit thin to me, since I attended [THE University of Texas at Austin](https://www.utexas.edu/) (<https://www.utexas.edu/>) , and yet nobody pronounces it that way.) One person suggests (<https://www.quora.com/Why-do-NFL-players-from-Ohio-State-University-emphasize-the-when-announcing-where-they-attended-college>) that it arose as a way to distinguish OSU from Ohio University, the other state-supported college (see evidence of rivalry above), in the wake of a trademark dispute over the right to use the word OHIO alone. That dispute did happen – in 1997, OSU opposed OU’s application to register a [stylized OHIO with a bobcat design](http://tsdr.uspto.gov/#caseNumber=75152074&caseType=SERIAL_NO&searchType=statusSearch) (http://tsdr.uspto.gov/#caseNumber=75152074&caseType=SERIAL_NO&searchType=statusSearch) for clothing and athletic events. The schools settled the dispute two years later with an agreement that OSU could continue using OHIO alone in ways consistent with its prior uses, but I haven’t found any indication that this dispute underlies OSU’s emphasis on THE. In any event, it is definitely a thing, and it’s particular to Ohio State.

That’s why, when Lamp Apparel started selling shirts like the one I bought a few years ago, OSU reasonably concluded that the company was trading on its goodwill, and filed suit for trademark infringement in 2017 in the U.S. District Court for the Southern District of Ohio. The complaint alleged ownership of a number of registered and common-law trademarks associated with Ohio State that Lamp was allegedly violating. Although the complaint did not mention the THE mark specifically, variations of the shirt my husband owns appeared in several photographs included in the complaint:



(<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio10.png>)

The infringement lawsuit was resolved just four months after it was filed, via a consent injunction in which Lamp agreed to cease distributing the products depicted in the complaint. Again, while the THE mark was not specifically mentioned in the injunction, it is presumably included among the “products depicted in the complaint,” and Lamp indeed no longer sells it. While OSU managed to put an end to that instance of infringement, its claim with respect to the THE shirt was not as straightforward as it might have been – hence the school’s understandable desire to obtain a federal registration to support enforcement of its mark.

The recently filed application, however, may face some roadblocks. For starters, the school may face a “merely ornamental” refusal, on the ground that the specimen shows the mark used only as decoration on the goods, and not as an indicator of source:



(<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio7.png>)

In addition, the application may be refused on grounds of likelihood of confusion with a prior application

(http://tsdr.uspto.gov/#caseNumber=88416806&caseType=SERIAL_NO&searchType=statusSearch) filed by Marc Jacobs (https://www.marcjacobs.com/the-marc-jacobs/the-collection/?gclid=EAIaIQobChMI5KzX_veD5AIVBV6GCh2EwgSZEAAAYASAAEgJAvPD_BwE&gclidsrc=aw.ds) on May 6, 2019 to register the mark THE for various items of clothing, including t-shirts, hats, and caps:



(<https://www.trademarkandcopyrightlawblog.com/wp-content/uploads/sites/9/2019/08/Ohio8.png>)

Of course, Ohio State's application claims use since 2005, and Marc Jacobs' claims use only since 2018, so OSU may be the senior user. We will follow with interest the progress of Ohio State's application, and its attempts to enforce trademark rights in the quirky insignia of fandom and school pride.

If you're looking for further thoughts on college football trademarks in the run-up to the first games of fall, check out our [prior post](https://www.trademarkandcopyrightlawblog.com/2015/01/college-football-crowns-an-undisputed-champion-but-rights-to-the-trademark-college-football-playoff-remain-in-dispute/) (<https://www.trademarkandcopyrightlawblog.com/2015/01/college-football-crowns-an-undisputed-champion-but-rights-to-the-trademark-college-football-playoff-remain-in-dispute/>) on IP issues surrounding the first COLLEGE FOOTBALL PLAYOFF in 2015 – won by, naturally, THE Ohio State University Buckeyes.

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TAGS: [Trademark](https://www.trademarkandcopyrightlawblog.com/tag/trademark/) (<https://www.trademarkandcopyrightlawblog.com/tag/trademark/>) , [Ohio State](https://www.trademarkandcopyrightlawblog.com/tag/ohio-state/) (<https://www.trademarkandcopyrightlawblog.com/tag/ohio-state/>) , [U](https://www.trademarkandcopyrightlawblog.com/tag/u/) (<https://www.trademarkandcopyrightlawblog.com/tag/u/>) , [Ohio University](https://www.trademarkandcopyrightlawblog.com/tag/ohio-university/) (<https://www.trademarkandcopyrightlawblog.com/tag/ohio-university/>) , [The](https://www.trademarkandcopyrightlawblog.com/tag/the/) (<https://www.trademarkandcopyrightlawblog.com/tag/the/>)

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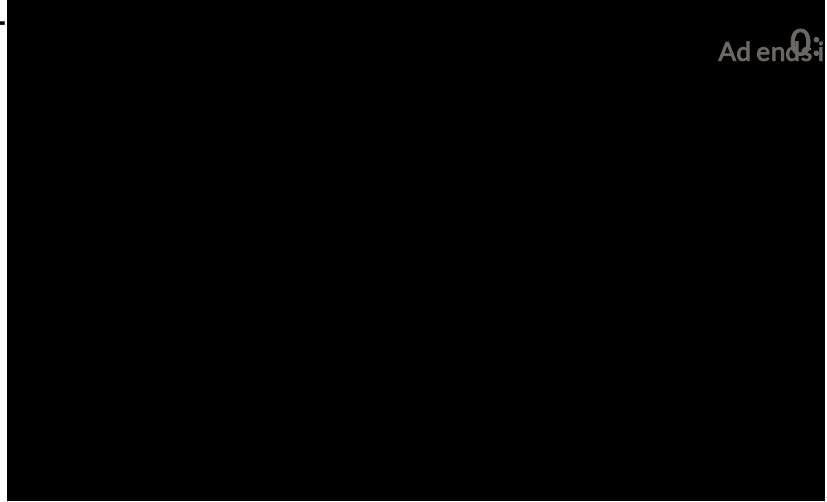
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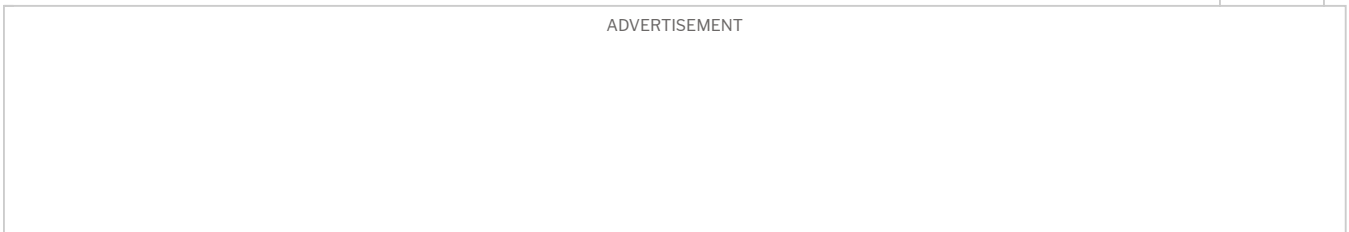
Ohio State University files a trademark application for the word 'THE'

Posted: 10:44 AM, Aug 14, 2019 **Updated:** 11:21 AM, Aug 14, 2019

By: Alex Hider

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The application for the trademark was filed on Aug. 8.

The school is officially known as "The Ohio State University," and the article at the beginning of the name has become a point of pride for students, alumni and fans of the Ohio State Buckeyes.


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 The school is currently selling a line of clothing focusing on the word "THE." Ohio State is using that clothing line as the basis for its trademark application.

"Like other institutions, Ohio State works to vigorously protect the university's brand and trademarks," a school spokesperson told [The Columbus Dispatch](#) in a statement. "These assets hold significant value, which benefits our students and faculty and the broader community by supporting our core academic mission of teaching and research."

The Patent Office can now decide to accept or reject Ohio State's filing.

Alex Hider is a writer for the E.W. Scripps National Desk. Follow him on Twitter @alexhider.

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US

Ohio State University wants to trademark the word 'The'

LIVE TV



By **Allen Kim**, CNN

🕒 Updated 12:29 PM ET, Thu August 15, 2019



The Ohio State University fans feel very strongly about the "the."

(CNN) — The Ohio State University is attempting to trademark the word "the," according to an application with the US Patent and Trademark Office.

[Application](#) No. 88571984 was filed Thursday, and the school seeks to use the word "the" mainly on t-shirts, baseball caps and hats.

The application was discovered by Josh Gerben, a trademark lawyer.

"This application has issues out of the gate," Gerben said in a video posted to Twitter. "In order for a trademark to be registered for a brand of clothing, the trademark must be used in a trademark fashion. In other words, it has to be used on tagging or labeling for the products. In this case, just putting the word 'the' on the front of a hat or on the front of a shirt is not sufficient trademark use."

The filing, made on August 8th, indicates [#OhioState](#) is offering a brand of "THE" clothing

Not sure how 'The U' will feel about this one.

My analysis 📌: [#BuckeyeNation](#) [#MiamiHurricanes](#) pic.twitter.com/1UvL0AOnlc

— Josh Gerben (@JoshGerben) [August 13, 2019](#)

Gerben says he expects that the initial application will be refused by the US Patent and Trademark Office, but the school has a chance to fix it and get it right.

"This only would apply for usage of 'The' in ways that clearly signify association with Ohio State and its brand, like for example a scarlet and grey T-shirt with 'The' on the front," Chris Davey, senior associate vice president of university communications for the Ohio State University, wrote in an email.

The school has also filed for trademarks for the names of football coaches Urban Meyer and Woody Hayes for use on clothing, toy figurines and bobblehead dolls.

Founded in 1870, [the school was originally called](#) the Ohio Agricultural and Mechanical College. It officially became The Ohio State University in 1878.



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The Guardian



This article is more than **6 months old**

Ohio State University, home of Buckeyes, applies to trademark the word 'the'

College was originally known as The Ohio State University
Move likely to be related to school's popular football team

~~Ohio State Press~~ Ohio State University wants to trademark the word “the” when used as part of the school’s name on university merchandise. The Columbus Dispatch reports the school submitted a trademark application this month to the US Patent and Trademark Office.

“Like other institutions, Ohio State works to vigorously protect the university’s brand and trademarks,” Davey told the Dispatch in a statement. “These assets hold significant value, which benefits our students and faculty and the broader community by supporting our core academic mission of teaching and research.”

The application requests a standard character trademark for the title “The Ohio State University”, which was the school’s former name and is often used by students and fans of its athletic teams. It would cover various items including t-shirts, baseball caps and hats. The trademark would be seen as particularly valuable due to Ohio State’s popular college football team. The Buckeyes have won eight national titles, the last of which came in 2014. The team’s home, Ohio Stadium, has a capacity of 102,082, the seventh largest in the world. The college’s athletic budget comes in at just over \$109m a year, and the football team alone is thought to generate income of around \$90m per year.

The school has previously secured other trademarks, including names of football coaches Woody Hayes and Urban Meyer. An Ohio State spokesman said last fall that the university had 150 trademarks in 17 countries and other applications pending.

When disinformation is rampant...

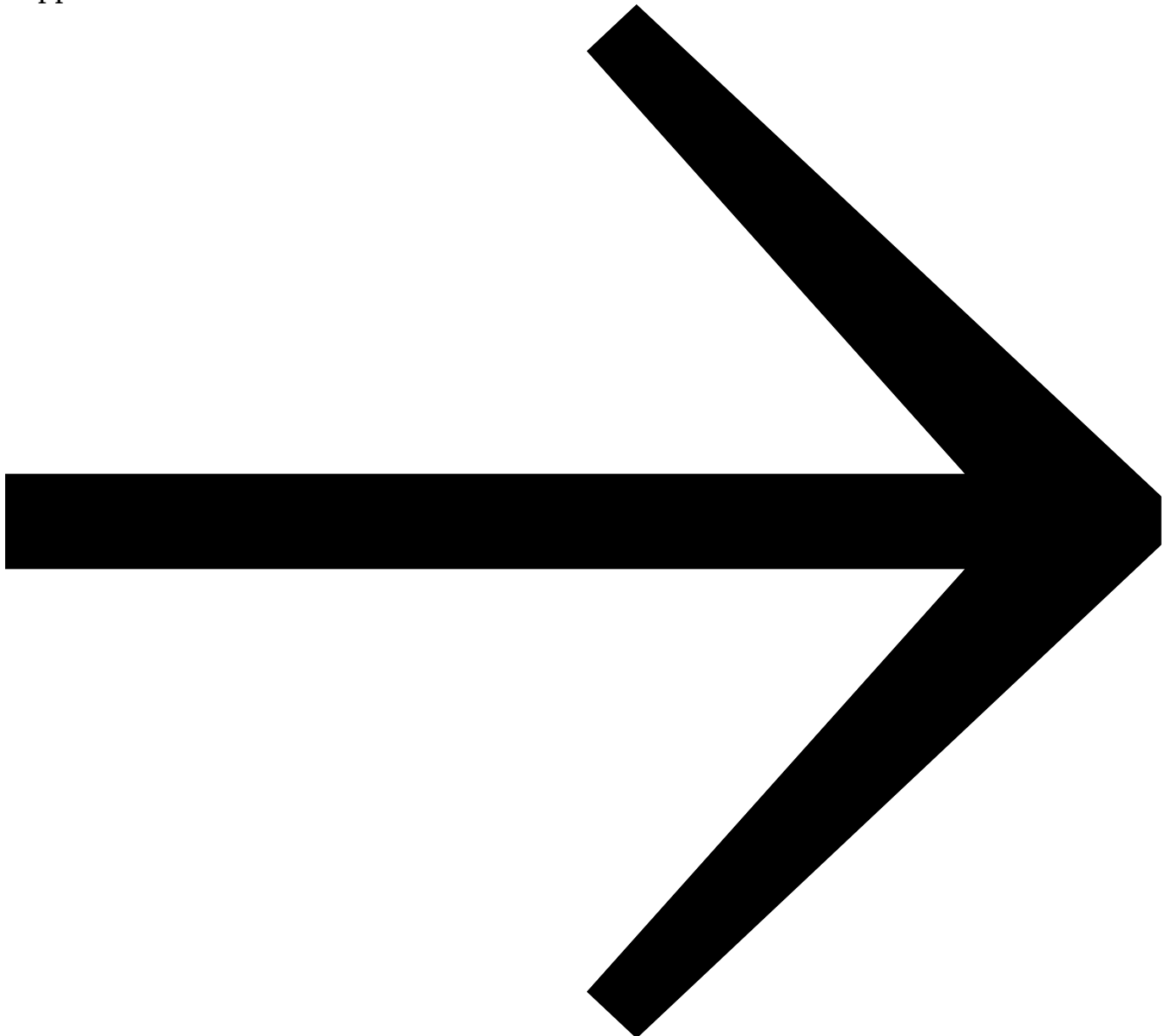
... it can swing an election and undermine democracy. In 2020 that threat is real. Academics and experts warn that this year’s election will see a wave of disinformation from domestic actors who have learned from foreign interference in 2016. This year’s tsunami of fake news may well be homegrown as agents seek to sow lies and stir division.

Hyper-partisan news sources, factories of disinformation and a deluge of fake news on social media are no basis on which to inform the American public in 2020. There has never been a greater need for a robust, independent press guided first and foremost by the truth. With your support we can continue to provide fact-based reporting that provides clarity in the face of confusion.

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