

Associated Student Government Judiciary



ASGJ-2018-GE10

March 12, 2018

Associate Justice Pierce Teeuwen authoring for the Majority decision where the majority rules (5-0).

I. Introduction

The Majority has ruled that election violation complaint ASGJ-2018-GE10, submitted by Jack Dennis and filed against the candidates of the Make Your Mark ticket – J.P. Gairhan, Abigail Walker, Isamar Garcia, and Luke Humphrey – does not constitute a violation. The parties involved have been found not guilty of violating Section IV, § C of the Official Statement on Elections. The presence of properly used trademarks in a video, alongside footage of a candidate, in this case, is not significant enough to create a violation, particularly because the use of trademarked images in the footage is in compliance with university policy. This verdict was made on the basis of evidence and testimonies provided by the Complainant, Witnesses, and the Defendants during the time of the formal ASG Judiciary hearing held March 12th, 2018, in Arkansas Union 640, after ASGJ quorum was met.

II. Facts of the Case

The court was asked to determine whether the Make Your Mark campaign violated Section IV, § C of the Official Statement on Elections.

The complainant, Jack Dennis, submitted the claim, along with a photo of the Instagram post by J.P. Gairhan, which he stated to be posted on March 6, 2018 at 10:45 am. There were three visible trademarked logos visible during the video. J.P. Gairhan, is wearing a shark suit with the group known as “Sharkansas.” The video is a snapchat story containing J. P’s reaction to his appearance on the “Jumbo-Tron” in Bud Walton Arena.

The video shows trademarks being properly used by the University of Arkansas athletics department. Jack Dennis’ argument is that the video itself is not in violation of using the Trademarks, but the violation occurs when the hashtag #MakeYourMarkansas is used in tandem with the video is where the violation occurs.

The defendant’s argument is that the trademarks were not used to campaign, but instead are only in the background of the video.

III. Discussion

Our discussion began with what is the subject of the video. We found it to be Defendant Gairhan in a shark costume reacting to being on a large screen. Since the argument of the complainant is that the video itself is not a violation of use of trademarks, only when it is in conjunction with the caption of the video, then this idea concedes that the subject of the video is

not about trademarks but rather defendant and we found that adding #MakeYourMarkansas did not bring the Trademarked logos into the equation that was not already in use.

It also was noticed that that the Instagram video is a video of a video. It was compared to a statement provided by an associate justice: “If you have a bigger bed, you have more bed room, but less bedroom.” He called it food for thought.

IV. Conclusion

Since the logic follows that the trademarked logos themselves were used properly, there is not sufficient evidence to create a violation. The use of trademarked images in the footage is in compliance with university policy. Therefore, the Make Your Mark campaign did not violate the Official Statement on Elections, Section IV § C.

V. Decision

The presence of properly used trademarks in the video, alongside footage of a candidate, in this case, is not significant enough to create a violation, particularly because the use of trademarked images in the footage is in compliance with university policy. As the decision was ruled in favor of the Majority, the Majority rules. The decision stands as is.

IT IS SO ORDERED

Authored by Justice Pierce Teeuwen

Joined by Justice Julianna Tidwell

Joined by Justice Zana English

Joined by Justice Brandon Turner

Joined by Proxy Cassidy Curtis
