

## Associated Student Government Judiciary

### Campaign Violation Decision

March 13th, 2019



*Associate Justice Brandon Turner authoring for where the unanimous (5-0) decision rules.*

#### I. Introduction

On February 25<sup>th</sup>, 2019 the ASGJ received a campaign violation complaint against Maria Calderon, Shay Longmate, John Hedgecock, and Kirsten James of the ‘Together We AR’ campaign, filed by Drake Moudy. Mr. Moudy alleges a violation of the ASG Code, Title VII, Section 1, § H , § c, § i. This violation has received the classification ASGJ-2019-GE3.

#### II. Facts of the case

Drake Moudy filed the complaint on February 25<sup>th</sup>, 2019 at 10:06 a.m. It is alleged that “at approximately 2:30 p.m. on February 22, 2019 Together We AR posted video to Instagram violating the University’s and ASG guidelines regarding trademarked material that is not paid for by the individual or campaign.” The complainant alleges that footage in the video on Instagram featuring “the trademark ‘Wooo Pig Soovie’ and half of a Razorback (which may be trademarked based on trademark offices’ opinion) on a banner” is a violation of **ASG Code, Title VII, Section 1, § H , § c, § i**.

- **ASG Code, Title VII, Section 1, § H , § c, § i General Election Packet, Section IV, § C**
  - “Candidates must follow all University policies concerning the use of trademarks and licenses the University maintains.”
  - **§ i** has language that states: “Specific to ASG elections, the university prohibits the use of trademarks (words or logos), for political campaigns, including campus elections. University trademarks include images of Old Main as well as its silhouette since that building is incorporated into the academic/administrative logos of the university. This protection regarding the image and silhouette of Old Main extends to variations of the image as well. Other university trademarks can be found at in a presentation from the Licensing Office, available at <https://osa.uark.edu/registered-student-organizations/forms.php>”

The complainant submitted a screenshot of the Instagram video that shows the alleged trademark violation(s) as evidence that a violation occurred.

The complainant submitted a screenshot of an iPhone screen from the complainant’s phone that was provided as proof that a conversation occurred between Mr. Moudy and Ms. Calderon “to alert the candidate of elections violation in an attempt to correct the mistake.”

The complainant submitted a screenshot of a slide from the presentation found at: <https://osa.uark.edu/registered-student-organizations/forms.php>. This screenshot was provided as evidence to support that “University trademarks (words or logos) cannot be used in association with: political campaigns (including campus elections), parties or organizations.”

The complainant submitted a screenshot of a slide from the presentation found at: <https://osa.uark.edu/registered-student-organizations/forms.php>. This screenshot was provided as evidence to support that ‘Wooo Pig Sooie’ is an official trademark.

The complainant submitted a screenshot of the Instagram video that shows the alleged trademark violation(s) as evidence that a violation occurred. This screenshot was provided to show that at the time the complaint was filed, the video had been viewed by “at least 986 students.”

The defendant submitted a copy of the decision for ASGJ-2018-GE3, highlighting the sentence under “V. Decision” that reads, “Because university policy regards the use of university trademarks in the context of printed images and materials, the For The Hill campaign did not commit an elections violation by posting images of their campaign members around Old Main,” as evidence to support their argument that they were not guilty of violating the ASG Code, Title VII, Section 1, § H , § c, § i.

The defendant submitted a copy of the decision for ASGJ-2018-GE8, highlighting the sentence under “II. Facts of the Case” that reads, “pictures of the tent were posted to various social media accounts,” as evidence to support their argument that they were not guilty of violating the ASG Code, Title VII, Section 1, § H , § c, § i.

The defendant submitted a copy of the decision for ASGJ-2018-GE10, highlighting the sentence under “V. Decision” that reads, “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 evidence to support their argument that they were not guilty of violating the ASG Code, Title VII, Section 1, § H , § c, § i.

### **III. Discussion**

The court began its discussion by determining if the symbols found in the screenshot of the video posted to the Together We AR instagram account, submitted into evidence by the complainant, were registered trademarks of the University of Arkansas. Pursuant to the University of Arkansas Licensing Office presentation submitted into evidence, the Court was quickly able to identify that the ‘Wooo Pig Sooie’ listed within this complaint was indeed a registered trademark, and although the ‘Razorback’ logo was only shown in half of its totality, the ASGJ concluded that the licensing office would consider this to be the use of a university owned trademark.

The ASGJ moved from discussions on identification into whether or not these trademarks should be considered to be the ‘focus’ of this specific spot in the video. It should be noted under the **Facts of the case** of this opinion that the actual video in question was not submitted into evidence for the ASGJ to view, but rather only a screenshot of the alleged violation. This made it somewhat difficult for the justices to agree as to whether or not this banner containing registered trademarks was truly the

focus of this particular shot. Associate Justice English asked the defendants what the context of this shot was, and they replied that it was a pan shot across the trees that included the light pole and banner. The Court took into account that the defendants claimed the intent of the shot was, “to show what it’s like to walk across campus,” and we discussed the political psychology that may have led to that decision. However, the ASGJ could not fully take this assertion at face value because we were unable to watch the video as it was not in evidence for us to consider.

Ultimately, the evidence submitted to the ASGJ, in conjunction with the testimony provided by the defendants, witness, and the opening statement of the complainant, led the court to suggest that these university registered trademarks were, in fact, the focus of this video frame.

#### **IV. Conclusion**

The burden of proof in this case was to prove that a violation of **ASG Code, Title VII, Section 1, § H , § c, § i.** occurred beyond a reasonable doubt. The evidence consisting of the Licensing Office presentation, screenshots of the violation video frame in question, and testimony presented at the hearing was enough to suggest to the ASGJ that a violation was committed by the Together We AR ticket in improperly using university registered trademarks in campaign material during the 2019 General Election.

#### **V. Decision**

The improper usage of the university registered trademarks ‘Wooo Pig Sooie’ and half of a ‘Razorback logo’ in the Together We AR campaign video constitutes a violation of ASG Code, Title VII, Section 1, § H, § c, § i. This violation was committed by Maria Calderon, Shay Longmate, John Hedgecock, and Kirsten James. The ASGJ has determined the sanctions to be as follows: those named above shall be required to remove the video from the Together We AR instagram account and issue a formal written apology to the ‘Unity’ and “Spark the Change’ tickets for their improper usage. As the decision was ruled in favor of the Majority, the Majority rules. The decision stands as is.

### **IT IS SO ORDERED**

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**Authored by Justice Brandon Turner**

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**Joined by Justice Zana English**

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**Joined by Justice Pierce Teeuwen**

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**Joined by Justice Daniel Marsh**

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**Joined by Justice Semien Hagos**

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