

Complaint Form
IUSG Election Commission

Date Complaint Submitted: 3/2/19
Complaint Submitted By: Vision IUSG
Complaint Submitted Against: Bridge IU
Date & Time of Violation: ~ 6:30 p.m., 2/28/19

Description of Violation:

Section 509 of the Procedural Election Code States:

*Any ticket, candidate, or any person acting on behalf of any ticket or candidate found to have violated a **publicly disseminated university policy**, including the policies of the Student Life and Learning Office, University Information Technology Services (UITs), and those found in the Code of Student Rights, Responsibilities, and Conduct, for the purpose of promoting a candidate or ticket shall constitute a violation of this Code.*

Bridge IU's logo (Photos 1 and 2) is in violation of Indiana University's logo and branding policy. The use of IU trademarked materials is deceptive and misleading to students who are unfamiliar with IUSG, the campaign process, and what affiliation and endorsements that campaign has in relation to Indiana University.

Brand.iu.edu explains how IU's trademarks are protected and how they cannot be used by unlicensed groups for profit:

Our trademarks are protected under federal and international law, and their use is licensed through and controlled by the Office of Licensing and Trademarks to protect the university. It is IU's policy to charge a royalty for the use of university trademarks on products that are sold to anyone outside of the university or will be resold by IU for a profit (e.g., for a fundraiser). The revenue generated through the licensing program funds scholarships for IU's campuses.

Brand.iu.edu further describes when and how official IU logos can be used:

(<https://brand.iu.edu/design/logos-lockups/marketing-lockups.html>):

If you are part of an academic or professional organization that's affiliated with the university (university student organizations), you should use the official Self-Governed Student Organization (SGSO) mark on your marketing materials. It's designed to be used with your organization's logo, not instead of it.

brand.iu.edu also describes how groups not affiliated with IU can use IU branding,

(<https://brand.iu.edu/design/logos-lockups/marketing-lockups.html>):

Non-Registered groups should not use IU branding in their organization name, events, or paraphernalia.

Vision IUSG believes that by using IU in the name and the IU Trident, which is trademarked under federal law, Bridge IU will potentially lead to significant confusion and/or misinterpretation among students who might assume that the campaign is endorsed by IU or given advantages by IU. The United States Patent Office explains trademark infringement as:
(<https://www.uspto.gov/page/about-trademark-infringement>):

Trademark infringement is the unauthorized use of a trademark or service mark on or in connection with goods and/or services in a manner that is likely to cause confusion, deception, or mistake about the source of the goods and/or services.

If the Election Commission considers executive tickets affiliated with IU Student Government or IU (and thus, subject to rules that govern student organizations), we understand Bridge IU's use of the Trident and the words "IU" to also violate Division of Student Affairs policies.

The Division of Student Affairs web-page describes how student organizations can advertise.
(<https://studentaffairs.indiana.edu/student-involvement-leadership/student-organizations/resources/advertising.shtml>):

Please Note: student organizations are not able to use any IU trademarked materials, including the Block IU, without permission from IU's Office of Licensing and Trademarks.

The IU promotional style guide explains how groups should use branding, specifically the trident, if associated with the university, which the Bridge IU logo is clearly in violation of.
(<https://indiana.edu/~landtm/licensing/pdf/IUPromotionalStyleGuide.pdf>):

When a trident is used as a stand-alone element with a width of 5/8 inch or larger, a clear area equal to the height of the "U" in the trident must surround the mark. ...the trident can be used alone when the above staging requirements are met...

We do not submit this complaint in contempt or to "play dirty." We submit this complaint because:

- a) There is no precedent (found online) for IUSG campaigns to use trademarked IU imagery in their campaign material;
- b) The last time a campaign used a trademarked material ("Empower **IU**"), similar complaints were made under the retrospective complaint system in place before Spring 2019;
- c) Bridge IU uses **two** IU trademarked materials (the Trident and "IU");

- d) The use of the Trident is exclusively found on campus in affiliation with Indiana University sponsored, endorsed, and funded groups;
- e) Bridge IU meets none of the three criteria listed above;
- f) Vision IUSG firmly holds that the use of the Trident and "IU" will misinform students on the university's affiliation with Bridge IU and executive campaigns in general;
- g) Vision IUSG understands the Election Commission's switch to 48 hour compliant rule to, in part, encourage learning and discourage campaigns from violating the Election Code throughout the campaign (which this logo would do);
- h) Vision IUSG believes in running a clean campaign and supporting a fair playing field;
- i) A campaign's violation of university policy is *not* fair and, furthermore, Bridge IU's specific violation (use of trademarked materials) distinctly sets their campaign apart from all others in an unfair and misleading manner (as opposed to setting a campaign apart in terms of qualities and characteristics of the candidates, policy platform, expertise, or other personal/professional characteristic of the people and ideologies of the campaign).

Attachments:

Photo 1:



Photo 2:

