

## **Appeal**

Filed By: Jack L. D. Henmy IV

Against: The Supervisor of Elections

Date Appeal was Heard: October 7th 2012

*S. Benvenisty* delivers the opinion joined by *J. Cannon*, *L. Hebb*, and *J. Agnew*.

Mr. Henmy has submitted before this Commission an appeal of the Supervisor of Elections' decision to allow the Ignite Party to organize as a political party based on their political party's logo and colors. Mr. Henmy claims that the Ignite Party logo resembles copy righted images, as well as registered "live" trademarks and are thus in violation of 710.4(B)4 of the Student Government Statutes.

The strongest aspect of Mr. Henmy's appeal to the commission was the resemblance of the Ignite Party's logo, in both picture and color, to that of The Florida State University. The Ignite Party logo includes a torch, which is similar to the three torches included in Florida State University's logo. Additionally, the colors used by the Ignite Party, namely "paprika" also bare similarities to the "garnet" Florida State University is known for. Mr. Henmy believes that the similar logos might cause individuals on campus to mistake the Ignite Party for Student Government or vice versa.

During discussion, the commission, for purposes of this hearing, defined live trademarks as being any trademark resembling a person currently living and not relating to a current institution, such as a school, church, business etc. Based on this definition, we found that the Ignite Party's logo was not in violation of the student government statutes. In addition, we do not believe that the Ignite Party's logo bears a blatant resemblance to features of the Florida State University's logo that confusion could be reasonably expected.

The commission recognizes that our decision from the last week regarding the likeness of two political parties is similar to the appeal brought this week. However, there is a significant difference between comparing the logos of two student organizations competing against each other as political parties in the same election and comparing the logo of a student organization to that of a major state institution. It is not a like comparison

In conclusion, we find that the facts presented before us show that the Ignite Party logo submitted to the Elections Supervisor does not blatantly resemble any copyrighted material and is not in violation of Student Government Statutes.

Therefore the Supervisor did not err by recognizing the Ignite Party as a political party and allowing the party to organize as such for the coming election.

We hereby **SUSTAIN** the decision of the Supervisor of Elections.

*D. Ward* did not participate in the deliberation of this decision.