

**WILLIAMS & ANDERSON PLC**

TWENTY-SECOND FLOOR  
111 CENTER STREET  
LITTLE ROCK, ARKANSAS 72201

HAROLD J. EVANS  
hevans@williamsanderson.com

DIRECT DIAL  
(501) 396-8461

(501) 372-0800

TELECOPIER  
(501) 372-6453

October 22, 2012

VIA ELECTRONIC MAIL  
CONFIRMATION BY MAIL

Democratic Legislative Campaign Committee  
1401 K. Street NW, Suite 201  
Washington, DC 20005

Re: Unauthorized Use of Trademarks

Dear Sir or Madam:

This firm represents the University of Arkansas on its intellectual property matters. You are possibly unaware that the name, mascot, seal and logos associated with the University of Arkansas are trademarks which have been officially registered with the United States Patent and Trademark Office. Please see <http://tess.uspto.gov> for copies of the registrations. The University has instituted a licensing program to authorize the commercial or other use of these trademarks.

Through the licensing program, the University of Arkansas protects and controls its trademarks. Such control is especially warranted when use of these trademarks by others implies obvious reference to the University and when the clear intent of the user is to capitalize on the goodwill and reputation developed by the University. No one is authorized to produce products or distribute advertising bearing the trademarks without express written permission of the University or the Collegiate Licensing Company (CLC), the University's domestic licensing agent. Any unauthorized use of the trademarks of the University of Arkansas is considered trademark infringement and unfair competition.

Notwithstanding this, it has come to our attention that you are using the University of Arkansas name, including "U of A," and a RAZORBACK hog design in connection with a political mailing directed at an Arkansas state representative race. Please see the enclosed images. Allowing businesses or political organizations to share in the University's good will through the use of the institution's name and the RAZORBACK hog design bestows little benefit on the University but rather serves to dilute the distinctiveness of the trademarks as exclusive symbols of the University. Such

**WILLIAMS & ANDERSON PLC**

October 22, 2012

Page 2

dilution is actionable under both federal and state law and the University may be entitled to injunctive relief as well as damages.

For the above reasons, the University requests that you discontinue use of the University of Arkansas name and the RAZORBACK hog design in any political advertising. If you have any questions about this, please contact Scott Varady at (479) 575-5401, or the undersigned. Your cooperation will be greatly appreciated by the University of Arkansas.

Sincerely,

WILLIAMS & ANDERSON PLC



Harold J. Evans

Hje/jsc

Enclosures

cc: Mr. Brian Pracht  
Mr. Scott Varady



Brian G. Svoboda  
PHONE: (202) 434-1654  
FAX: (202) 654-9150  
EMAIL: bsvoboda@perkinscoie.com

700 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005-3960  
PHONE: 202.654.6200  
FAX: 202.654.6211  
www.perkinscoie.com

October 31, 2012

Harold J. Evans  
Williams & Anderson PLC  
Twenty-Second Floor  
111 Center Street  
Little Rock, AR 72201

**Re: DLCC Issue Advocacy Communication**

Dear Mr. Evans:

On behalf of our client, the Democratic Legislative Campaign Committee ("DLCC"), we write in response to your October 22, 2012, letter. As you may know, the DLCC is a nonprofit political organization that sells no goods or services. The communications referenced in your letter were, accordingly, noncommercial in nature. They supported specific proposals to strengthen state education funding, including for the University of Arkansas, and criticized opposition to these proposals. Such discussion of legislative issues is not subject to a trademark dilution claim under federal law, *see Mattel, Inc. v. MCA Records, Inc.*, 296 F.3d 894, 898 (9th Cir. 2002), *cert. denied*, 537 U.S. 1171, 123 (2003), nor under state law, *see Ark. Code Ann. § 4-71-213(c)(2)*.

Thus, the DLCC's communication complied with all applicable laws. Moreover, the image you identified was not the University's intellectual property, but rather a commercially acquired image that was distinct from the University's actual logo. Nonetheless, having distributed the communication you referenced, the DLCC has no plans to refer to the University or use the image in question in any future communications. We trust this letter responds to your concerns.

Very truly yours,

Brian G. Svoboda  
Jonathan S. Berkon  
Counsel for the Democratic Legislative Campaign Committee

24894-0001/LEGAL25031388.2

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DALLAS · DENVER · LOS ANGELES · MADISON · NEW YORK  
PALO ALTO · PHOENIX · PORTLAND · SAN DIEGO · SAN FRANCISCO · SEATTLE · SHANGHAI · TAIPEI · WASHINGTON, D.C.

Perkins Coie LLP