

Opinion of the Court

**THE JUDICIAL BRANCH OF THE STUDENT
GOVERNMENT ASSOCIATION OF THE
UNIVERSITY OF TENNESSEE-KNOXVILLE**

Case No. 2017-12

MORGAN-MICKEY-HUNTER CAMPAIGN, PLAINTIFFS v. BANKS-MARSH
CAMPAIGN, DEFENDANTS

Decided on Summary Judgement on 12 April 2017

I

This case arises out of the grievance submitted by the plaintiffs, the Morgan-Mickey-Hunter campaign,, regarding the use of a trademarked design or logo on campaign material, a phone wallet, by the political party, Banks-Marsh. The defendants used another campaign material, a sticker, to cover the trademarked “checkerboard pattern” on their campaign materials which is trademarked under the United States Patent and Trademark Office registration number 2616220.

II

After further review, the court has ruled that this is not a violation of Section F, Section 3, Subsection E(2) of the election packet because a sticker was used to cover the checkerboard graphic. The defense argued the design was legal unless deconstructed by the removal of the sticker on the phone wallet. Likewise, the defendant consulted the Election Commission for approval upon placing the sticker on the phone wallets, both purchased prior to the ruling of *Case No. 2017-3*.

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THEREFORE, the court finds that the defendant made every reasonable effort to cover up the checkerboard design with the sticker, and every reasonable effort to ask the Election Commission for guidance. The court does not find the defendant in violation of the election packet. The case is dismissed.

It is so ordered.

MORGAN delivered the opinion of the court. GORE, HOWELL (C.J.), THOMAS, and WRIGHT joined.