

**TM**

*Trademark*

**R**

*Registered Trademark*

## **Why trademark?**

1. Protect our unique slogans and event names.
2. Prevent others from “trading on our goodwill.”
3. Giving appearance of Spanish Fork support or ownership.
4. Use <sup>TM</sup> to indicate trademark and intent to register.
5. Use <sup>®</sup> after trademark has been registered.



# Trademarks

Fanciful



# Exxon

Arbitrary



Suggestive



Unacceptable

Descriptive: creamy yogurt  
Generic: E-ticket

**STRONG**



# SLIM JIM

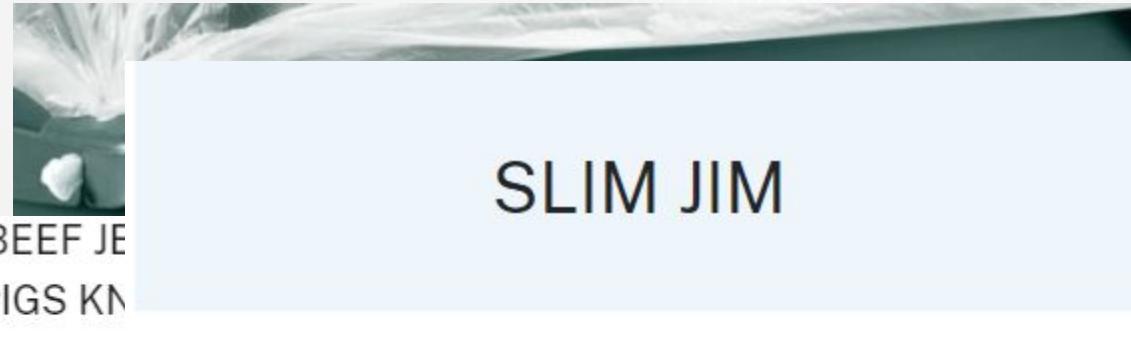
Wordmark [SLIM JIM](#)

Status LIVE REGISTERED

G & S: US 046: DRY SMOKED SAUSAGE, BEEF JE  
VINEGAR PICKLED SAUSAGE, PICKLED PIGS KN  
PIGS FEET, AND VINEGAR PICKLED EGGS ].

Serial 72346805

Owners Conagra G&S Sub 1, LLC (LIMITED  
LIABILITY COMPANY; DELAWARE,  
USA)



# SLIM JIM

Wordmark [SLIM JIM](#)

Status LIVE REGISTERED

Goods &  
services IC 020: Wastebaskets.

Class 020

Serial 73323001

Owners RUBBERMAID COMMERCIAL  
PRODUCTS LLC (LIMITED LIABILITY  
COMPANY; DELAWARE, USA)



No “likelihood of confusion” if they are different goods or services



**SPANISH FORK**  
PRIDE & PROGRESS

# Trademarks

Description	Cost
Registration fee	\$350
Legal fees for registration	\$800
Legal fees per round of argument (1 or 2)	\$1,500-\$3,000
<b>Total initial costs per mark</b>	<b>\$2,650 - \$4,150</b>
Maintenance (every 5 years)	\$1,000 - \$1,500

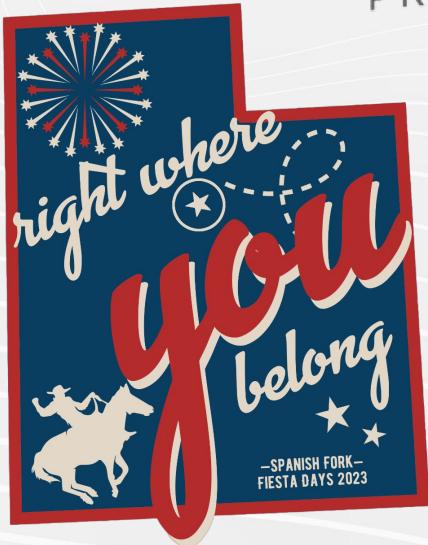


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# Trademarks



**SPANISH FORK**  
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**fit city**  
**#sfactiveandhealthy**



**DURANGO FIESTA DAYS**  
88TH ANNUAL  
88 YEARS OF TRADITION, FUN AND RODEO

**EVENTS**

BAREBACK \$100  
CALF ROPING \$111  
BREAKAWAY \$111  
MUTTON BUSTING \$25  
STEER WRESTLING \$111  
SADDLE BRONC \$100  
RIBBON ROPING \$100  
BARREL RACING \$84  
JR BARREL RACING \$25  
MIXED TEAM ROPING \$111  
TEAM ROPING \$111  
BULL RIDING \$100

**ADDED MONEY \$1500 PER EVENT**  
**TEAM ROPING \$3000**  
**INCENTIVE TEAM ROPING \$1400,**  
**RIBBON ROPING \$650**

PHIL BREVIK & MELVIN HAGA MEMORIAL ROPING  
FOLLOWING TEAM ROPING JULY 27 @ BUFFALO'S ARENA

**BUCKING B RODEO**

More Information :  
DURANGO FIESTA DAYS on FACEBOOK,  
email dursngofiestadays@outlook.com or  
call 970-749-4960 or 505-860-7191

**DURANGO FIESTA DAYS**








Often marks change



**SPANISH FORK**  
FIESTA DAYS RODEO



**Tip: Register the words.**

**Slido:** In general, is registering our trademarks worth the cost?

**Slido:** How much budget should we plan on?

- a. 1 mark \$5,000
- b. 2 marks \$10,000
- c. 3 marks \$15,000
- d. 4 marks \$20,000
- e. 5 marks \$25,000



SPANISH FORK





# How much budget should we plan on?

- ⓘ Click **Present with Slido** or install our [Chrome extension](#) to activate this poll while presenting.





# In general, is registering our trademarks worth the cost?

- ⓘ Click **Present with Slido** or install our [Chrome extension](#) to activate this poll while presenting.



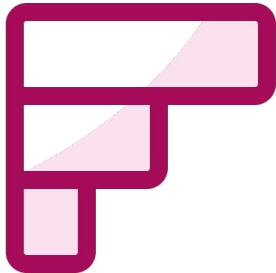


Progress Pride Flag, Daniel Quasar

**Slido:** Which slogans and events should we register? Please rank in order of importance.

1. Spanish Fork: Pride and Progress
2. Spanish Fork Fiesta Days
3. Spanish Fork Fiesta Days Rodeo (Spanish Fork Fiesta Days Rodeo joined the PRCA in 1942)
4. Wings and Wheels
5. fitcity
6. Others: Main Logo?





**Which slogans and events  
should we register? Please rank  
in order of importance.**

- ⓘ Click **Present with Slido** or install our [Chrome extension](#) to activate this poll while presenting.



# Social Media Use by Public Officials

1. Social Media is a useful tool
  - a. Official City accounts
  - b. Candidates
  - c. Community pages
  
2. Not all comments are positive
  - a. Contrary POV
  - b. Negative
  - c. Offensive
  - d. Obscene



# Social Media Use by Public Officials

## Speaker Analysis

1. Is the Government speaking?
2. Official City communication
3. Communication from City official or employee in official capacity
  - a. According to policy, with knowledge, or according to custom
4. City official or employee in their personal capacity
  - a. "Under color of law"



*Looking for good news about the economy.*  
Photo: AP, Ross D. Franklin



*MAGA, Again?*  
Photo: Philadelphia Inquirer, Heather Khalifa



*Getting the word out about Pride and Progress*



# Social Media Use by Public Officials

## “Under Color of Law” Analysis

Factors:

- a. Why was the account created?
  - i. CouncilmemberX@google.com
  - ii. www.voteforcandidateXspanishforkcouncil.org
- b. Used in individual's official capacity?
- c. Account used as tool of governance?
  - i. Providing information to the public regarding official activities
  - ii. Soliciting public input on policy issues
  - iii. Trappings of official's office -title, official images, handle includes title or city, linked to official pages, official contact info



# Social Media Use by Public Officials

## Forum Analysis

1. Traditional Public Forum
  - a. Public streets and parks
2. Designated Public Forum (broad spectrum of expressive activity)
  - a. Public auditorium
  - b. Graffiti wall
3. Limited Public Forum - Council Chambers - open for
  - a. specific purpose
  - b. limited time
  - c. limited subject
4. Nonpublic Forum
  - a. Government proprietor (golf course)
  - b. Non-public portion of City offices



# Social Media Use by Public Officials

- Phyllis Randall, Chair of Loudoun County Board of Trustees
  - Removed constituent from her facebook page
  - Page named “Chair Phyllis J. Randall”
  - Notified public of upcoming Loudoun Board meetings, and subjects to be discussed
  - Inform of important public safety issues
  - Invited public to participate in public boards and commissions
  - Invited public to public meetings
  - Revised floodplain zones and the Zika virus
- She invited public discourse and many constituents commented on the posts.
- Federal appeals court ruled that the page was a public forum, and ruled that blocking Davison, who began posting about alleged municipal corruption, “amounted to viewpoint discrimination”



# Social Media Use by Public Officials

- Cheri Toalson Reisch, Missouri State legislator
  - Opened Twitter account when running for office
  - After elected used it to update on her work and accomplishments
  - Sporadic communication
  - Emphasized her suitability for public office
  - Akin to a campaign newsletter
- Prerogative to select her audience and present her page as she sees fit
- Private account
- Not a violation to block a constituent who retweeted criticism of her



# Social Media Use by Public Officials

- What pages/accounts do you have?
- How do you use them? Do you:
  - Communicate upcoming meetings
  - Discuss important issues
  - Have your position on the page
  - City logo
  - City Councilmember or Mayor?



# Social Media Use by Public Officials

- If account intentionally opened for public discourse and no limits set, courts will find a designated public forum (open for wide variety of expression)
- If content-based regulations are reasonable, viewpoint neutral, fits the parameters established, courts may find limited public forum



# Social Media Use by Public Officials

- Example: Spanish Fork Parks and Recreation page (fictional)
  - News of programs
  - Signup instructions
  - Results of leagues/tournaments
  - Questions
- Public posts comments about horrible councilmember, poor snow plowing, or zoning for apartments
- Messages may be edited, screened, and curated for the purpose of the page  
BUT NOT
- Comment: “Parks & Rec focuses too much on sports. Not enough emphasis on the arts.”
- Why? Comment relates to the limited purpose public forum
- Tip: Clearly indicate this is a limited purpose forum for Parks and Recreation



# Social Media Use by Public Officials

- **Tip:** Create Social Media Comments Policy on your account
- Prohibit unprotected speech (threats, obscenity)
- Subject matter limitations
- Prohibit links to third-party websites
- Prohibit solicitations/advertisements
- Remove comments that violate
- Block only repeat offenders
- Turn off comments if only one-way communication is desired



# Social Media Use by Public Officials

Spanish Fork City  1d · 

Snow is in the forecast!

Please remember that City ordinance prohibits parking on the street during and immediately after a snowstorm. The City is often unable to safely plow your street until all parked vehicles and trailers are removed.

Vehicles that are parked on the road during snowplow operations are subject to citations. Please get your vehicles moved before the storm!... See more



15 4 comments 5 shares

 Like  Comment  Share

15 4 comments 5 shares

 Like  Comment  Share 

 Blaine Johnston  
Are they actually going to enforce the no parking. We have cars sitting on the street for days now.  
The minute I leave my trailer on the street I get an orange tag on it.  
It was there 8 hours.  
1d Like Reply 

 Jonathan Orr  
When they only plow the center of the street, how important is it to move vehicles off the road?  
23h Like Reply 

 Spencer Andrus  
When will 300 S/ Flonette Ave between 1150 E and 1360 E get plowed? I feel sorry for all the parents and bus drivers who have to drive through the snow and ice just to drop their kids off at school.  
1d Like Reply

 Blaine Johnston  
Spencer Andrus probably not. They have their own agenda.  
I was shocked to see them out at 5 am.  
Left for work, several cars parked on the street.  
So much for the city's notice  
1d Like Reply



# Social Media Use by Public Officials

## Government Speech

- City speaks for itself
- Official communications
- Press releases
- City's social media accounts (if comments closed or policy)
- City signs
- City monuments (*Pleasant Grove v. Summum*)
- City flags (*Shurtleff v. Boston*, third flagpole became public forum)
- City's parade - if carefully curated



# Social Media Use by Public Officials

## **Take home:**

Private social media accounts

- May become public forum if opened for public comments
- Used for City business
- Targeted removal of comments may violate the First Amendment
- May also become public records subject to disclosure under GRAMA



**SPANISH FORK**  
PRIDE & PROGRESS

# Needs

- Current Staffing (same level since 2018)
  - 1.5 Civil Attorneys
  - 1.5 Prosecutors
  - 2 Legal Assistants
- Future Staffing (1-3 years)
  - 2 Civil Attorneys
  - 2 Prosecutors
  - +1 FTE attorney
  - Additional PT Legal Assistant or convert PPT Legal Assistants to FT

