

Ask the Experts

Don't Let Go of Your Logo: Preventing Unauthorized Use and Protecting Your Rights

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California special districts and other local agencies rely on their logos to establish an identity and build trust with the public. So, the unauthorized use of a district's logo—whether by political campaigns, businesses, or members of the general public—can create confusion and lead to legal complications. But what counts as an unauthorized use of your district's logo, and what can you do to protect it?

Government Seals vs. Government Logos

It is important to distinguish upfront between government seals and government logos. Seals are official insignia used to authenticate documents and other formal government materials. In contrast, a government logo is a broader visual representation that an agency may use for branding, marketing, and public recognition. Both are worth protecting, but government seals often carry greater legal significance and are therefore granted greater legal protection. For example, use of an agency's seal in campaign materials with intent to deceive voters is a

misdemeanor (Cal. Election Code § 18304), and forging a government seal can be punished as a felony. (Cal. Penal Code § 472.)

Unauthorized Uses of District Logos

Unauthorized use of a special district's logo is protected in different ways depending on the way in which it is misused.

- **Political Campaigns and Elections** – The use of district logos in campaign materials might not be subject to the specific criminal sanctions that apply to government seals, but they are still a form of government property and subject to the general rule prohibiting use of public resources for campaign activities. (Cal. Gov. Code § 8314.)
- **Businesses and Commercial Use** – Commercial use of a district's logo without permission can potentially mislead consumers and risk damaging the district's reputation. That law recognizes trademark rights for precisely this reason and a district's logo is entitled

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to the same protection as any trademark. Officially registered trademarks are granted greater legal protections, but every trademark holder must still guard against its misuse. Some agencies restrict use of their insignia to official business only to guard against implying an affiliation with any private business.

- **Other Unauthorized Uses** – Community organizations, advocacy groups, or individuals might use the logo for advocacy or public messaging. Even where such uses are clearly unauthorized, districts should tread cautiously. These cases can implicate free speech protections under the First Amendment and the line between fair use and misleading representation is not always clear-cut.

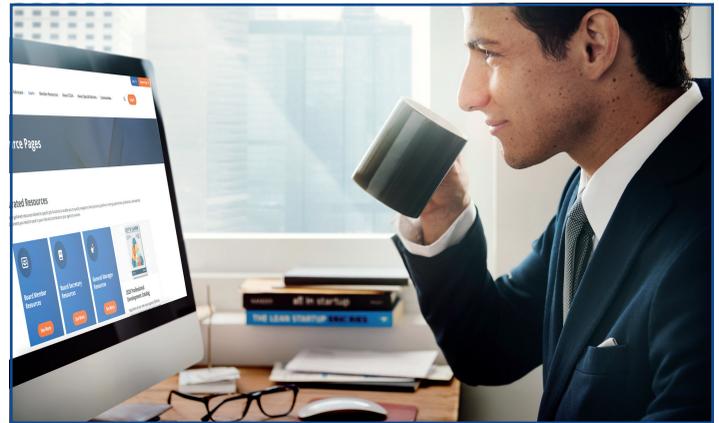
Protecting District Logo Rights

Districts have several options to safeguard their logos from unauthorized use.

- **Trademark Registration** – If a district’s logo is not already registered as a trademark, it should consider applying for trademark protection at the state or federal level. Registration strengthens legal claims against unauthorized users and provides additional enforcement mechanisms.
- **Adopt a Logo Use Policy** – Districts should establish clear, written policies governing the appropriate use of their logos. Specify who is authorized to use the logo, for what purposes, and any conditions or restrictions on use. Consider designating a custodian to oversee the use of the logo and ensure that only approved uses occur.
- **Actively Monitor and Guard Against Misuse** – Districts should actively monitor the use of their logos, including online and in political materials. Also consider proactive measures such as digital watermarking that can make it easier to establish when misuse has occurred. If an unauthorized use occurs, promptly demand that it cease. Legal counsel can assist with a letter demanding the immediate removal of the logo; referencing applicable laws and legal consequences for non-compliance.
- **Legal Action** – If the unauthorized use of the district’s logo continues despite warnings, districts may pursue legal remedies, including filing complaints for trademark infringement, false endorsement claims, or unfair competition.

Conclusion

A special district’s logo can be a valuable public asset, but only if steps are taken to protect against unauthorized use. Fortunately, there are a variety of legal tools available when facing possible misuse by political campaigns, businesses, or advocacy groups.



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