



# City of Phoenix

OFFICE OF THE CITY ATTORNEY

BRAD HOLM  
City Attorney

September 29, 2016

Donald J. Trump for President, Inc.  
c/o Timothy Jost, Treasurer  
725 Fifth Avenue  
New York, NY 10022  
trump@redcurve.com

Timothy Jost, Treasurer  
c/o Red Curve Solutions  
138 Conant Street, 2nd Floor  
Beverly, MA 01915

Re: Cease-and-desist demand—Donald J. Trump for President, Inc.’s unauthorized use of City of Phoenix bird, badge, police department uniforms, and on-duty employee images in campaign advertisement

Dear Mr. Jost:

The Donald J. Trump For President, Inc. campaign has violated federal and state law by using copyrighted materials in a campaign advertisement. Specifically, the ad contains images of multiple active-duty City of Phoenix police officers in uniform and at work. *See* <https://newrepublic.com/political-ad-database/donald-trump-movement/OS8yMC8xNjpNb3ZlbWVudA>; original air date: September 20, 2016. For the reasons set forth below, Phoenix demands that the campaign, the candidate, and all of their affiliates and agents immediately (today) take down the ad from every medium, cease using the ad under any and all circumstances, and desist violating Phoenix’s intellectual-property rights in copyrighted materials.

*First*, Phoenix has not approved—and will not approve—the creation or use of any media bearing the faces and likenesses of its on-duty police officers in any political advertisement for any political candidate. The officers were unaware that they were photographed and videotaped, and they did not consent to the use of their on-duty images in any Trump (or other) campaign advertisement. The officers depicted in the ad were in uniform precisely because they were on duty performing work for Phoenix at the time. In

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this context, the ad unmistakably and wrongfully suggests that Phoenix and the officers support or endorse Mr. Trump's campaign. That is not the case. Neither Phoenix nor the Police Department support or endorse any candidate for President of the United States or any other political office.

*Second*, Phoenix has not consented to the Trump campaign's use of Phoenix's legally protected intellectual property. The Police Department's uniforms—specifically the badge and insignia patches—belong to Phoenix and constitute protected intellectual property of the City. Phoenix owns the exclusive right to use these distinctive designs under federal and state law, including the U.S. Copyright Act. Phoenix strictly regulates the use of its intellectual property. And Phoenix does not allow any person, entity, or political campaign to appropriate or otherwise use its protected materials or replicas for *any* private purpose such as a campaign ad.

As owner of this intellectual property, the City of Phoenix hereby orders the Trump campaign to immediately cease and desist from your unauthorized use of Phoenix Police Department uniforms, bird emblem, police badge, police insignia patch, and all other imagery of official City of Phoenix materials and on-duty employees. All images, all videotape, and all other material bearing the City of Phoenix's name or intellectual property that you possess—or that you may have distributed to third parties—must be taken down and removed from every medium (television, radio, websites, Internet, etc.) and must not be duplicated or further distributed. All existing copies of photos, videotape, and other images must be immediately removed from the public domain.

The Phoenix City Manager has authorized me to pursue all legal remedies necessary to stop the Trump campaign from using the City's intellectual property. The available remedies include both legal and equitable relief. Please contact me immediately and advise me of the steps that you are taking to comply with this letter's demands. I trust that further action will not be necessary.

Respectfully,



Brad Holm  
City Attorney