



**ELECTRONIC FRONTIER FOUNDATION**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

September 30, 2014

Legal Administrator  
Deloitte Touche Tohmatsu  
555 Mission St.  
San Francisco, CA 94105

**BY EMAIL:** administrator-131@legal-notification.com

Dear Legal Administrator:

I write in response to your September 24 email to the Sunlight Foundation complaining about the use of several logos associated with Deloitte Touche Tohmatsu (“Deloitte”). The Electronic Frontier Foundation represents the Sunlight Foundation in connection with this matter.

Your letter requests that the Sunlight Foundation remove Deloitte logos from several of Sunlight’s pages. Please be advised that our client will not comply, and has no obligation to do so. Your complaints are not supported by law and plainly seek to interfere with protected speech.

No person could possibly be confused as to whether Deloitte endorses the Sunlight Foundation or its activities. The Sunlight Foundation is a nonpartisan nonprofit that advocates for open government globally and uses technology to make government more accountable to all. As part of that work, it collects and posts online information about political contributions, including political contributions Deloitte has made. Those postings often include the logos of the corporations in question, to help the public identify those corporations. It is well-settled that the First Amendment fully protects the use of trademarked terms and logos in non-commercial websites that comment upon corporations and products. *See, e.g., Mattel, Inc. v. Walking Mountain Prods.*, 353 F.3d 792, 806-08 (9th Cir. 2003); *Koch Indus., Inc. v. Does*, 2:10CV1275DAK, 2011 WL 1775765 (D. Utah May 9, 2011). Our client’s site is a clear example such protected expression. It is also fully noncommercial and, as such, outside the reach of the Lanham Act. *See Bosley Med. Inst., Inc. v. Kremer*, 403 F.3d 672, 679-80 (9th Cir. 2005).

We sincerely hope Deloitte will have the good sense not to trouble a court of law with this matter. However, if you do intend to file suit, please be assured that our client is prepared to defend itself against these spurious claims.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Corynne McSherry'.

Corynne McSherry  
Intellectual Property Director

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