

## **2024 WPTLA PRESIDENT'S SCHOLARSHIP ESSAY CONTEST**

Federal law prohibits the issuance of a trademark to those seeking to trademark words and phrases that identify living presidents without their consent. Steve Elster wished to register the phrase "Trump Too Small" with the United States Patent Office but was refused based on the restriction on trademark registration that bans registration of trademarks that use the name of a president or famous person without their consent. Elster has appealed on the basis that the restriction violated the First Amendment by denying the right to free speech.

### **Question:**

**Does Federal law violate the First Amendment when it denies trademark protection for marks that use the names of political or famous people without their consent?**

In your essay, you should take a position as to whether or not the First Amendment is violated by denying trademark protection to words and phrases containing the names of political or famous people without their consent.

### **Supporting Material:**

As supporting material you may use any of the briefs or petitions cited in the Supreme Court case Vidal v. Elster, No. 22-704.