



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Marijuana, Trademarks, and the First Amendment on Campus

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Last month, the U.S. District Court for the Southern District of Iowa ruled that preventing a public university student group from printing shirts promoting the reform of marijuana laws on trademark grounds was a violation of the students' free speech rights because the decision was applied in a "viewpoint discriminatory manner."

Two students from Iowa State University's (ISU) chapter of the National Organization for the Reform of Marijuana Laws (NORML) claimed that ISU administrators violated their First Amendment rights when ISU revoked approval of the group's t-shirt (which included ISU's trademarked logo) advocating marijuana legalization. After revoking its approval to the group, ISU revised its trademark policies, which allow all student groups to use the university's logos under certain conditions, to prohibit associating ISU trademarks with drugs and other "unhealthy behaviors."

In this case, the court found that the university "took action specifically directed at NORML ISU based on their views and the political reaction to those views so that Defendants could maintain favor with Iowa political figures." In holding that the university be permanently prohibited from applying its trademark policy in a "viewpoint discriminatory manner," the Court found that ISU may no longer prevent NORML ISU from producing licensed apparel on the sole basis that their designs included images that "suggested promotion" of illegal drug use.

The lawsuit was coordinated by the Foundation for Individual Rights in Education (FIRE), and has been widely hailed by free speech advocates in both the legal and education realms. For its part, the university has expressed its intention to appeal the Court's ruling.

Client Tip: *Public college and university administrators would be wise to remember that the First Amendment's right to freedom of speech protects the espousal of controversial, and even offensive viewpoints. Accordingly, limitations to speech on campus should be considered only in exceptional circumstances. A copy of the court's opinion can be found [here](#).*