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June 20, 2014

Sent via email to ccampbell@duanemorris.com

Christiane S. Campbell, Esq.
Duane Morris
30 S. 17th St.
Philadelphia PA 19103-4196

Re: **Chatham College Independent Alumnae Assn.**

Dear Ms. Campbell:

I am responding to your June 9 letter sent to my client, the Chatham College Independent Alumnae Association (CCIAA). We appreciate that you take seriously the status and claims of these alumnae. Assuming you have a protectable interest in the trademark "Chatham," as you know the CCIAA has a legitimate right - under the "fair use" doctrine and the First Amendment - to express their opposition to your recent policy change to admit male undergraduates.

Further, their name is absolutely accurate. They are in fact Chatham College alumnae, who are stressing their independence from the College. As you correctly noted in your letter, the CCIAA's June 4 minutes note that they will have "no ties whatsoever to Chatham." Put another way, how else can they identify themselves as independent Chatham alumnae, without using the word "Chatham"?

Your concern is that there is a likelihood of confusion, and/or that third parties will mistakenly believe there to be some "sponsorship, affiliation, or connection" between your client and mine. This argument is misplaced. It appears to be grounded in Section 43 (A) of the Lanham Act, which proscribes the use of a trademark that is "is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person." However, where the CCIAA is stressing its independence, there can be no such confusion.

As you yourself noted, we have clearly disassociated from the University. There is no likelihood of confusion now, and we will ensure that in all future communications that the Chatham College Independent Alumnae Association will never imply "sponsorship, affiliation, or connection" with the University. We will further ensure that we will not use any design or logo used by your client.

As you also know, CCIAA is an extension of “Save Chatham,” which organized on February 18 in response to announcement that Chatham was considering coeducational status for the Chatham College for Women. The Save Chatham organization quickly grew on Facebook and other social media to over 2000 alumnae and other supporters against this change. Despite this well-grounded opposition, your Board of Trustees approved coeducation status on May 1. In that 72 day period, Chatham did not object to the use of “Save Chatham.”

Since then, the CCIAA has continued to advocate for Chatham’s historical mission as an all-women’s undergraduate college. We disagree that their aims are “contrary to Chatham’s mission and interest.” These women are proud to be Chatham alumnae. They were attracted to your school because of your reputation for educational excellence, your liberal arts focus, and distinguished history – as well as its all-women status. They were disappointed with your decision to make the undergraduate college coeducational, to be sure; but it would be inaccurate to say the CCIAA’s goals are contrary to your mission and interest. In fact, CCIAA desires to maintain professional relations with the University despite their difference of opinion on the undergraduate coeducational issue.

From a legal standpoint, we note that Chatham University made a trademark claim on June 6, after the CCIAA went public. Only since then have you objected to our use of “Chatham.” Your filing is ambitious in the scope of its intended protection. Specifically, you sought protection of the mark “Chatham” not only for “Educational services,” but for “alumni organization services.” To the extent the request for trademark protection interferes with my client’s right to independently use “Chatham” to accurately identify themselves, we reserve the right to contest your trademark application.

However, we trust that further contest or litigation will not be necessary, and that you will respect our use of “Chatham” in a way that does not cause a likelihood of confusion, or imply “sponsorship, affiliation, or connection” with your University. I believe we can agree that both our clients do not want anyone to confuse one entity with the other, or to believe they are affiliated.

I invite you to contact me if you have remaining concerns. Please make sure that all contact on behalf of the Chatham College Independent Alumnae Association, Alexa New, Sarah Stulga, Rachel Lunsford, and Kelly McKown, is in care of the undersigned.

Sincerely,

NACHT, ROUMEL, SALVATORE,
BLANCHARD & WALKER, P.C.

s/Nicholas Roumel

Nicholas Roumel, Attorney

Copies to: CCIAA