



Metropolitan Transportation Authority

State of New York

December 11, 2019

Mr. Michael Kearns
County Clerk
Erie County Clerk's Office
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kearns:

I am reaching out once again as I have received no notice that in your capacity as Erie County Clerk, a position elected by the people, you intend to comply with federal trademark law. This is a straightforward trademark infringement situation where the appropriate response is to stop the infringement.

MTA has a registered trademark for "If you see something, say something" (US Patent and Trademark Office Serial Number 78696607). This illegitimate and inappropriate use of the slogan encourages citizens to report individuals to ICE without basis. Your use of the mark without MTA authorization is not only inconsistent with our policies, but with our values. Furthermore, the DHS policy clearly states:

The "If You See Something, Say Something[®]" campaign respects citizens' privacy, civil rights, and civil liberties by emphasizing behavior, rather than appearance, in identifying suspicious activity. Factors such as race, ethnicity, and/or religious affiliation are not suspicious. The public should only report suspicious behavior and situations (e.g., an unattended backpack or package, or someone breaking into a restricted area). Only reports that document behavior that is reasonably indicative of criminal activity related to terrorism will be shared with federal partners.

Both the MTA and DHS strictly prohibit use of the slogan in messaging unrelated to terrorism, as doing so harms the national campaign by diluting its effectiveness.

I repeat once again: Cease and desist from your unauthorized use of "If you see something, say something." You are infringing our mark, plain and simple.

Please respond no later than 4:00 PM today with clear indication that you will comply with this demand. If you fail to comply with this demand, we will have no choice but to take further legal action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark R. Heavey".

Mark R. Heavey
Director
Marketing & Advertising

cc: L. Freundlich, Esq., M. Pasquini, W. Schwartz

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Capital Construction
MTA Bus Company