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December 21, 2021

Via Electronic Mail to david@afft.org

David R. Osborne, CEO
Americans for Fair Treatment
1200 NW 63rd Street, No. 5000
Oklahoma City, OK 73116-5706

Re: Philadelphia Federation of Teachers
Americans for Fair Treatment Trademark Issues

Dear Mr. Osborne:

Please be advised that this law firm represents the Philadelphia Federation of Teachers ("PFT"). I am writing because the Americans for Fair Treatment ("AFFT") recently added an article on a web page about the PFT on the AFFT website at <https://americansforfairtreatment.org/2021/11/18/philadelphia-federation-of-teachers-education-is-political/> (the "PFT Page"). The article is dated November 18, 2021. A copy of the PFT Page is enclosed.

The PFT understands that the AFFT is not a friend to the PFT or any other union. The AFFT article on the PFT Page criticizes the PFT's political activities. In the last sentence of the article, the AFFT conflates the political activities of the PFT, the American Federation of Teachers ("AFT") and the National Education Association ("NEA") with "divisiveness in the classroom," which is a baseless claim that engenders the very divisiveness it decries.

Indeed, the AFFT website contains several other pages that target teacher unions, including pages at <https://americansforfairtreatment.org/2020/11/19/analysis-unions-and-the-politicization-of-teachers/> and <https://americansforfairtreatment.org/2021/12/17/former-nea-general-counsel-nea-is-effective-not-because-it-cares-about-children-but-because-it-has-power/> and <https://americansforfairtreatment.org/2021/11/12/unions-are-big-business/> .

The PFT is not adverse to debating the AFFT regarding the pros and cons of union membership on the facts. However, the PFT Page prominently bears the PFT red shield trademark ("PFT Mark") next to the headline. The use of the PFT Mark in this manner implies that the article and the PFT Page are endorsed by the PFT.

Your bio on the AFFT website states that you are an attorney. As an attorney, you should be aware that, among other things, any use of a trademark or service mark owned by one person in connection with another person's services may imply an endorsement by the trademark owner of the other person's goods or services. In this case, of course, the AFFT is criticizing PFT, and the PFT does not endorse AFFT or its position.

Accordingly, the PFT demands that by **December 31, 2021** the AFFT either remove the PFT Mark from AFFT's PFT Page, or modify the graphic and its attribution so that it is clear that the PFT is not endorsing the AFFT or the article. If you do not have experience with the application of fair use in the trademark context, I expect that you can identify counsel who can help you with this review.

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Please review this letter with your trademark counsel. You or your counsel may contact me if you would like to discuss, and, I hope, to confirm that AFFT will cease any use of the PFT Mark in a manner that wrongly implies an endorsement of AFFT by PFT. While I hope that this letter will conclude this matter, the PFT reserves all of its rights under the law and at equity.

Very truly yours,

Frederic M. Wilf

Frederic M. Wilf
Managing Partner
Wilftek LLC

c. Deborah R. Willig, Esq.

Enclosure

MEMBERSHIP

PHILADELPHIA FEDERATION OF TEACHERS: "EDUCATION IS POLITICAL"

By Suzanne Bates November 18, 2021 News



In an [October letter to new teachers](#), the Philadelphia Federation of Teachers made it clear they are determined to double down on political spending and advocacy, despite the challenges teachers face because of their activism.

"Education is political," the letter said, "and the future of public education is contingent upon our ability to effectively advocate for legislation and elected officials that recognize the critical importance of investing in public education. Your contribution to the political program allows us to continue our political work."

Teachers unions like PFT continue to push their agenda of making education more political, even in a climate where parents have become increasingly concerned about what is taught in the classroom, and as teachers struggle to get students caught up academically after a school-year disrupted by Covid-19.

The political rhetoric and activism of PFT, their parent union the American Federation of Teachers (AFT), and the largest teachers union, the National Education Association (NEA), reflects back on teachers, making it more difficult to keep divisiveness out of the classroom.