

How to Protect Your Group from a Trademark Lawsuit

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This is not like the good old days. Times are different now. Unfortunately, there are men in the General Conference who are determined to crush any little Adventist worship group which is not submissive to them. Even more incredible, other church leaders do not try to stop it; and, when church members learn about it, they generally yawn and turn away. Few seem to sense the moral degeneracy that is taking place.

Basic to the entire conflict is this fact: The General Conference objective is to take our God-given name, “Seventh-day Adventist,” from us. Our objective is to retain personal and public possession of this name.

What can you and your little worship group do to protect yourself from a trademark lawsuit while publicly keeping the name? Here is information you should carefully consider.

1 - You can individually call yourself a “Seventh-day Adventist.”—You have personal freedom to call yourself by the name. You have that as a First Amendment right. In addition, the Kinship decision ruled that you can call yourself a “Seventh-day Adventist,” even though you are a former member and no longer on the church rolls.

2 - You can identify your group as “Seventh-day Adventist” in its public notices, legal papers, ads, and flyers.—Kinship was doing this, and the Kinship Court ruled they could continue to do so. They were granted the right to use the name both in their title and in their advertising. The Kinship group was flagrantly mailing flyers to students in Adventist colleges and universities, encouraging them to get involved in gay activities.

3 - The Kinship decision did not give your group the right to use the word, “Church,” on your sign and public notices.—According to that decision, you can call your group “Seventh-day Adventist”; but it specifically did not rule on “Seventh-day Adventist Church.” If you are a church group and wish to use the name, along with the word, “Church,” on your title, you should expect to be sued, whether or not a suit actually occurs. (However, if sued, you are more likely to win your case if you include “Independent,” in your title, and the disclaimer immediately below it. Unfortunately, the Perez group did not do this. It would have made their defense stronger if they had.)

4 - Therefore, do not use the word, “Church,” on your sign. Instead, simply identify yourselves as Seventh-day Adventist believers. *You must grasp the point that all this controversy and crisis is not about the word, “Church”; it is about the hallowed phrase, “Seventh-day Adventist”!* That is the phrase that Ellen White said we must ever identify ourselves as! That is what we must keep.

5 - It is not wrong to be in agreement with the Lanham Act.—The Lanham Act (the U.S. trademark law, enacted by Congress in the 1940s) was specifically enacted to avoid one, and just one, problem: “*confusion of identity.*” You can be in full compliance with the Lanham Act, without violating your conscience or Spirit of Prophecy principles. *In fact, you will be more honest if you do!* When you call yourself “[Local identifier, such as “Forest Hills”] Seventh-day Adventist Church,” the public can think you are part of the mainline Adventist denomination, which you are not. You are not telling the full facts. Here is how to solve this:

6 - Place the word, “Independent,” in your title and on every public notice in which you use your name.—By doing this, you are telling the truth; and it is not wrong to tell the truth!

7 - Place a carefully written disclaimer below your group name in all public notices.—This disclaimer clearly states that you are not subservient (obedient) to the General Conference, its subsidiaries, and its non-Scriptural policies. You are making another true statement.

Let us now consider how you will publicly present your group:

[1] **Do not place a sign out front.**—If you do not use the contested phrase (“Seventh-day Adventist”) on any group signs, legal papers, or advertising (including church bulletins), you are not subject to a General Conference trademark suit.

[2] **Do place a sign out front;**—and, on it, write this simple, legally strong statement (you may wish to write it in full caps):

**Independent
Seventh-day Adventist Believers
Worship Here**

An alternate title would be:

**Forest Hills [etc.] Independent
Seventh-day Adventist Believers**

Worship Here

1 - What makes this title outstanding?—The independence and individuality expressed here are key factors. The statement of independence (separateness) shows non-confusion; the individuality links you to your First Amendment religious rights. You are just a group of individual believers.

“Independent” - Your group is separate from all other organizations, including the denomination. Is not that a true statement? Then tell people.

“Seventh-day Adventist” - You are retaining the one (just one) phrase our prophet said we must (absolutely must) retain!

“Believers” - *“Seventh-day Adventist”* is the name of your faith. You are saying that it constitutes your set of religious beliefs. That is true also.

“Worship” - You are telling the world that this is a worship center. Your group has First Amendment rights to worship in peace.

2 - Do not substitute “Congregational” for “Independent” in your title.—Although “congregational” means a local church which has self-rule, most people today are not well-acquainted with the term. In addition, all Southern Baptist churches are congregational, yet they are closely connected to a central body in Nashville. “Independent” far more clearly declares your separation from General Conference control.

3 - Do substitute “Self-supporting” for “Independent.”—In the English language, they do not have the same meaning. “Self-supporting” means you provide your own source of financial income. The Apostle Paul was self-supporting; the Apostle Peter was not. The denomination has some self-supporting workers. They work for a living, give Bible studies on the side, and attend conference workers meetings. In contrast, “independent” means separate from other organizations.

4 - The word, “Historic,” in your title is not adequate, by itself, to indicate your separate status. Instead, say “Independent” or “Historic Independent.”

[3] Immediately, beneath your sign, print this disclaimer; it should be the same size as the above title or only slightly smaller:

**Not part of, or affiliated with,
The General Conference of Seventh-day
Adventists
headquartered in Silver Spring, Maryland
or any of its subsidiaries**

1 - We are now operating in crisis mode.—The situation today is not like it was a decade ago or even five years ago. The General Conference is planning to take the little groups out, one by one. You should be preparing for this. Either you hide your name totally from public view or you write it in such a way as to protect yourself.

2 - What makes this disclaimer so useful?—

Consider this:

“Not part of or affiliated” - You say it twice. You are neither submissive to nor supportive of the General Conference, its worldly policies, and its lawsuits.

“General Conference . . . Maryland” - You clearly identify the organization which is carrying out the trademark lawsuits as an organization you are definitely, totally unconnected with.

“Any of its subsidiaries” - Your group has no organic connection to any lower-level entities of the General Conference.

3 - Why use both the word and the disclaimer?—Is it not redundant to use both on the sign? You are using both to buttress your legally separate status, to fend off a lawsuit or win it if you are taken to court. You want a strong legal defense, and the inclusion of both in your public notices provides it. Theoretically, only one should be necessary, but we live in a time of legal warfare. An aggressive predator is seeking to destroy you.

[4] What is your legal name?—I suggest you list it this way:

**Forest Hills [etc.] Independent Seventh-day
Adventist Believers**

[5] What name will appear on your newspaper ads?—In any advertising, either do not include the name in your title (only a post office box) or, if you want to identify your religious faith, write something like this:

**Published by
Independent Seventh-day Adventists
[address or phone number]**

or

**Published by
Forest Hills [etc.]
Independent Seventh-day Adventists
[address or phone number]**

1 - Place the disclaimer immediately beneath your sign, ads, and any public papers (including your worship bulletins).—Print the same disclaimer, mentioned earlier. It should be placed immediately below your title.

2 - Many, many media outlets will not accept advertising if you only provide an address.

What if you are sued anyway? If you do all these things, and you are still sued, I believe the faithful will come to your help, financially;—and, all together, we will take this case to the Supreme Court and win this case! Doing all this, we have made it powerfully strong! We are just waiting for such a powerful test case, and the General Conference is not likely to give it to us.

Therefore, if you do all this, I do not believe the General Conference would dare sue you.

I am in contact with several small groups which, when I told them of this, said they were planning to change their sign immediately. You may wish to do so

also. And if you were one of many who feared to post a sign, using this information I believe you can now do so.

It is important that we remember this: Our prophet has counseled us to be cautious in our public statements. We should obey the Spirit of Prophecy injunctive, not to make raids on Catholics. In your ads, give the truth, the full truth about the Bible Sabbath; and, where Rome fits into the change of the Sabbath, mention it. But do not make an attack on the pope and the papacy as your up-front message on the radio, television, or media ads. We were specifically commanded by our prophet not to do this. **You will flaw your ability to resist a successful suit if you violate Spirit of Prophecy counsel on this point.**

We must give the final warnings, and we may have to name Rome in order to do it,—but we were counseled not to make Rome the keynote of our message.

If you want to print a newspaper ad with the Sabbath message, then do so. We will send you a complete Sabbath Bible study in full-page format, already typeset, for a donation, plus, if you request them, nine others!

Ellen White was careful to place the facts about the papacy inside her book, *Great Controversy*, not on the front of it. She never once advocated our making public attacks on Rome. Read what she has to say about this matter:

“It is true that we are commanded to ‘cry aloud, spare not, lift up thy voice like a trumpet, and show My people their transgression, and the house of Jacob their sins.’ Isa. 58:1. This message must be given, but while it must be given, we should be careful not to thrust and crowd and condemn those who have not the light that we have. We should not go out of our way to make hard thrusts at the Catholics. Among the Catholics there are many who are most conscientious Christians and who walk in all the light that shines upon them, and God will work in their behalf. Those who have had great privileges and opportunities, and who have failed to improve their physical, mental, and moral powers, but who have lived to please themselves and have refused to bear their responsibility, are in greater danger and in greater condemnation before God than those who are in error upon doctrinal points, yet who seek to live to do good to others. Do not censure others; do not condemn them.

“If we allow selfish considerations, false reasoning, and false excuses, to bring us into a perverse state of mind and heart, so that we shall not know the ways and will of God, we shall be far more guilty than the open sinner. We need to be very cautious in order that we may not condemn those

who, before God, are less guilty than ourselves.

“Let everyone bear in mind that we are in no case to invite persecution. We are not to use harsh and cutting words. Keep them out of every article written, drop them out of every address given. Let the Word of God do the cutting, the rebuking; let finite men hide and abide in Jesus Christ. Let the spirit of Christ appear. Let all be guarded in their words, lest they place those not of our faith in deadly opposition against us and give Satan an opportunity to use the unadvised words to hedge up our way.

“There is to be a time of trouble such as never was since there was a nation. Our work is to study to weed out of all our discourses everything that savors of retaliation and defiance and making a drive against churches and individuals, because this is not Christ’s way and method.”—*Testimonies, Vol. 9, pp. 243-244; Counsels to Writers and Editors, 63-64 (1909).*

“Brethren, I feel hurt when I see that so many decided thrusts are made against the Catholics. Preach the truth, but restrain the words which show a harsh spirit; for such words cannot help or enlighten anyone. The *Echo* is a paper that should be circulated largely. Do not do anything that would hinder its sale. There is no reason why it should not be as a light shining in a dark place. But for Christ’s sake heed the admonitions which have been given in regard to making scathing remarks about the Catholics. Many Catholics read the *Echo*, and among the number there are honest souls who will accept the truth. But there is such a thing as shutting the door in their faces as they are about to enter. Put more cheering testimonies of thanksgiving into the *Echo*. Do not hedge up its way, and prevent it from going to all parts of the world by making it a medium for hard expressions. Satan rejoices when one word of bitterness is found on its pages.”—*Letter 20, 1896; Counsels to Writers and Editors, 64-65.*

“There is need of a much closer study of the Word of God; especially should Daniel and the Revelation have attention as never before in the history of our work. We may have less to say in some lines, in regard to the Roman power and the papacy, but we should call attention to what the prophets and apostles have written under the inspiration of the Spirit of God. The Holy Spirit has so shaped matters, both in the giving of the prophecy, and in the events portrayed, as to teach that the human agent is to be kept out of sight, hid in Christ, and the Lord God of heaven and His law are to be exalted.”—*Letter 57, 1896; Counsels to Writers and Editors, 65.*

“We should not, upon entering a place, build up unnecessary barriers between us and other

denominations, especially the Catholics, so that they shall think we are their avowed enemies. We should not create a prejudice in their minds unnecessarily, by making a raid upon them . . . From that which God has shown me, a great number will be saved from among the Catholics.”—*Manuscript 14, 1887; Evangelism, 573-574.*

“Be cautious in your labors, brethren, not to assail the prejudices of the people too strongly. There should be no going out of the way to attack other denominations; for it only creates a combative spirit and closes ears and hearts to the entrance of the truth. We have our work to do, which is not to tear down but to build up. We are to repair the breach that has been made in the law of God. It is the nobler work to build up, to present the truth in its force and power and let it cut its way through prejudice and reveal error in contrast with truth.

“There is danger that our ministers will say too much against the Catholics and provoke against themselves the strongest prejudices of that church. There are many souls in the Roman Catholic faith who are looking with interest to this people; but the power of the priest over his charges is great, and if he can prejudice the people by his stay-away arguments, so that when the truth is uttered against the fallen churches they may not hear it, he will surely do it. But as laborers together with God, we are provided with spiritual weapons, mighty to the pulling down of the strongholds of the enemy.”—*Letter 39, 1887; Evangelism, 574.*

“Elder S is arousing a good interest by his meetings. People of all classes come out to hear, and to see the life-size images that he has of the beasts of Revelation. A great many Catholics come to hear him. Much of his preaching is in the words of the Bible. He uses as few of his own words as possible. So if his hearers war against what he says, they war against the Word of God.”—*Letter 352, 1906; Evangelism, 577.*

“None need to feel that the Catholics are beyond their reach.”—*Manuscript 14, 1887; Evangelism, 577.*

“The French Reformers, eager to see their country keeping pace with Germany and Switzerland, determined to strike a bold blow against the superstitions of Rome, that should arouse the whole nation. Accordingly placards attacking the mass were in one night posted all over France. Instead of advancing the reform, this zealous but ill-judged movement brought ruin, not only upon its propagators, but upon the friends of the reformed faith

throughout France. It gave the Romanists what they had long desired—a pretext for demanding the utter destruction of the heretics as agitators dangerous to the stability of the throne and the peace of the nation.

“By some secret hand—whether of indiscreet friend or wily foe was never known—one of the placards was attached to the door of the king’s private chamber. The monarch was filled with horror. In this paper, superstitions that had received the veneration of ages were attacked with an unsparing hand. And the unexampled boldness of obtruding these plain and startling utterances into the royal presence aroused the wrath of the king. In his amazement he stood for a little time trembling and speechless. Then his rage found utterance in the terrible words: ‘Let all be seized without distinction who are suspected of Lutheresy. I will exterminate them all.’—*Ibid., b. 4, ch. 10.* The die was cast. The king had determined to throw himself fully on the side of Rome.

“Measures were at once taken for the arrest of every Lutheran in Paris. A poor artisan, an adherent of the reformed faith, who had been accustomed to summon the believers to their secret assemblies, was seized and, with the threat of instant death at the stake, was commanded to conduct the papal emissary to the home of every Protestant in the city. He shrank in horror from the base proposal, but at last fear of the flames prevailed, and he consented to become the betrayer of his brethren. Preceded by the host, and surrounded by a train of priests, incense bearers, monks, and soldiers, Morin, the royal detective, with the traitor, slowly and silently passed through the streets of the city. The demonstration was ostensibly in honor of the ‘holy sacrament,’ an act of expiation for the insult put upon the mass by the protesters. But beneath this pageant a deadly purpose was concealed. On arriving opposite the house of a Lutheran, the betrayer made a sign, but no word was uttered. The procession halted, the house was entered, the family were dragged forth and chained, and the terrible company went forward in search of fresh victims. They ‘spared no house, great or small, not even the colleges of the University of Paris . . . Morin made all the city quake . . . It was a reign of terror.’—*Ibid., b. 4, ch. 10.*—*Great Controversy, 224-226.*

Other passages could be cited, but these should clarify the matter. We have an important work to do; and we should not needlessly close up the way, as the believers in France did.

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