

Our Trademark Lawsuits

Prepare the Way for the Final Crisis

ALSO IN THIS ISSUE: THE MCGILL TRADEMARK LAWSUIT / EXCERPTS FROM THE LAWSUIT PAPER

Another General Conference trademark lawsuit is underway (see pp. 3-4). In these trademark lawsuits, our church is using the power of governmental laws and police power to enforce a church ruling.

I am sorry to have to tell you that this is exactly how one segment of the early Christian church, after having lowered its doctrinal standards for a lengthy period of time,—became the papacy!

Here is the evidence; read it for yourself:

“We must study the characteristics of the beast itself—the papacy.

“When the early church became corrupted by departing from the simplicity of the gospel and accepting heathen rites and customs, she lost the Spirit and power of God; and **in order to control the consciences of the people, she sought the support of the secular power.** The result was the papacy, a church that controlled the power of the state and employed it to further her own ends, especially for the punishment of ‘heresy.’ In order for the United States to form an image of the beast, **the religious power must so control the civil government that the authority of the state will also be employed by the church to accomplish her own ends.**”—*Great Controversy*, 443.

That is one of the most complete single-paragraph definitions of the papacy that is given in the Spirit of Prophecy.

We live in very sobering times.

As you read the quotations on this and the next page, you will recognize how these trademark lawsuits are going to encourage the Catholics and Protestants to also demand that the U.S. federal government enforce the one doctrine they hold in common: Sunday sacredness.

Our book, *First Centuries*, provides you with the most complete history of the early Christian Church ever produced by our people. In it, you will find a gradual downward progression:

- Church members and leaders lose their enthusiasm to defend and promote their beliefs.
- The church in one location tries to usurp control over local churches elsewhere.
- Fellowship with religious groups with other beliefs begins.
- Adoption of other beliefs and practices begins.

“The mingling of churchcraft and statecraft is represented by the iron and the clay. This union is weakening all the power of the churches. This investing the church with the power of the state will bring evil results. Men have almost passed the point of God’s forbearance.”

—4 Bible Commentary, 1168-1169

• Efforts to demand and enforce obedience to errant beliefs and practices intensifies.

• An appeal is made to the strong arm of the state, in order to help enforce decisions made by church councils.

I could elaborate on this; but a careful study of our book, *First Centuries*, will provide you with a detailed view of these gradual steps down.

“It was apostasy that led the early church to seek the aid of the civil government, and this prepared the way for the development of the papacy—the beast. Said Paul: ‘There’ shall ‘come a falling away, . . . and that man of sin be revealed.’ 2 Thessalonians 2:3. So apostasy in the church will prepare the way for the image to the beast.”—*Great Controversy*, 443-444.

“When the leading churches of the United States, uniting upon such points of doctrine as are held by them in common, **shall influence the state to enforce their decrees and to sustain their institutions,** then Protestant America will have formed an image of the Roman hierarchy, and **the infliction of civil penalties upon dissenters** will inevitably result.”—*Great Controversy*, 445.

“In the very act of enforcing a religious duty by secular power, the churches would themselves form an image to the beast.”—*Great Controversy*, 449.

Our denomination should not be going to the government to enforce its mandates. This is an extremely dangerous trend—and will eventually backfire on our people. When a church asks the government to become its protector, it will eventually become locked into submission to other requirements made by the government. Governments rarely give something without asking something.

“Thus again was demonstrated the evil results, so often witnessed in the history of the church from the days of Constantine to the present, of **attempting to build up the church by the aid of the state, of appealing to the secular power in support of the gospel** of Him who declared: ‘My kingdom is not of this world.’ John 18:36. **The union of the church with the state, be the degree never so slight,** while it may appear to bring the world nearer to the church, does in reality but bring the church nearer to the world.”—*Great Controversy*, 297.

Speaking about the time when papists and Protestants will unite to enforce Sundaykeeping, we are told

2 this:

“The power attending the [third angel’s] message will only madden those who oppose it. The clergy will put forth almost superhuman efforts to shut away the light lest it should shine upon their flocks. By every means at their command they will endeavor to suppress the discussion of these vital questions. **The church appeals to the strong arm of civil power.**”—*Great Controversy*, 607.

“No man, be he king, priest, or ruler, is authorized to come between God and man. **Those who seek to be conscience for their fellow men, place themselves above God.**”—*9 Testimonies*, 234.

It is only when a church cannot support its teachings from the Bible, that it must obtain the cooperation of the state to enforce obedience to its maxims.

“Ministers who deny the obligation of the divine law will present from the pulpit **the duty of yielding obedience to the civil authorities as ordained of God.**”—*Great Controversy*, 592.

“When the Protestant churches **shall unite with the secular power to sustain a false religion**, for opposing which their ancestors endured the fiercest persecution; **when the state shall use its power to enforce the decrees and sustain the institutions of the church**—then will Protestant America have formed an image to the papacy, and there will be a national apostasy which will end only in national ruin.”—*7 Bible Commentary*, 976 (*Signs*, March 22, 1910).

“**The lack of divine authority will be supplied by oppressive enactments.**”—*Great Controversy*, 592.

“God never forces the will or the conscience; but Satan’s constant resort—to gain control of those whom he cannot otherwise seduce—is compulsion by cruelty. Through fear or force he endeavors to rule the conscience and to secure homage to himself. To accomplish this, **he works through both religious and secular authorities, moving them to the enforcement of human laws** in defiance of the law of God.”—*Great Controversy*, 591.

“When men indulge this accusing spirit, they are not satisfied with pointing out what they suppose to be a defect in their brother. If milder means fail of making him do what they think ought to be done, they will resort to compulsion. Just as far as lies in their power they will force men to comply with their ideas of what is right. This is what the Jews did in the days of Christ and what the church has done ever since whenever she has lost the grace of Christ. Finding herself destitute of the power of love, **she has reached out for the strong arm of the state to enforce her dogmas and execute her decrees.** Here is the secret of all religious laws that have ever been enacted, and the secret of all persecution from the days of Abel to our own time.

“Christ does not drive but draws men unto Him. The only compulsion which He employs is the constraint of love. **When the church begins to seek for the support of secular power**, it is evident that she is devoid of the power of Christ—the constraint

of divine love.”—*Mount of Blessing*, 126-127.

It is a seemingly incredible fact that, throughout the history of the United States of America, *our General Conference has been one of the first religious bodies to ever try to use federal laws to enforce the decision of a church council.* This is what we have done in our trademark lawsuit policy. There are many other denominations with similar names, yet they do not go to war in the courts against one another. *By this trademark activity, we are emboldening the Protestants and Catholics to unite in a concerted drive to use the U.S. federal government to enforce their mandates regarding first-day worship.*

“Protestants little know what they are doing when they propose to accept the aid of Rome in the work of Sunday exaltation. While they are bent upon the accomplishment of their purpose, Rome is aiming to re-establish her power, to recover her lost supremacy. **Let the principle once be established in the United States that the church may employ or control the power of the state; that religious observances may be enforced by secular laws; in short, that the authority of church and state is to dominate the conscience**, and the triumph of Rome in this country is assured.”—*Great Controversy*, 581.

“Those who honor the Bible Sabbath will be denounced as enemies of law and order, as breaking down the moral restraints of society, causing anarchy and corruption, and calling down the judgments of God upon the earth. Their conscientious scruples will be pronounced obstinacy, stubbornness, and contempt of authority. They will be accused of disaffection toward the government. **Ministers who deny the obligation of the divine law will present from the pulpit the duty of yielding obedience to the civil authorities as ordained of God.** In legislative halls and courts of justice, commandment keepers will be misrepresented and condemned. A false coloring will be given to their words; the worst construction will be put upon their motives.

“As the Protestant churches reject the clear, Scriptural arguments in defense of God’s law, they will long to silence those whose faith they cannot overthrow by the Bible. Though they blind their own eyes to the fact, they are now adopting a course which will lead to the persecution of those who conscientiously refuse to do what the rest of the Christian world are doing, and acknowledge the claims of the papal sabbath.

“**The dignitaries of church and state will unite to bribe, persuade, or compel** all classes to honor the Sunday. **The lack of divine authority will be supplied by oppressive enactments.** Political corruption is destroying love of justice and regard for truth; and even in free America, **rulers and legislators, in order to secure public favor, will yield to the popular demand** for a law enforcing Sunday observance. Liberty of conscience, which has cost so great a sacrifice, will no longer be respected. In the soon-coming conflict we shall see exemplified the prophet’s words: ‘The dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ.’ Revelation 12:17.”—*Great Controversy*, 592.

THE MCGILL TRADEMARK LAWSUIT

Millions of dollars were spent by the General Conference in the 1980s and mid-1990s on lawsuits against tiny church groups which were using the phrase “Seventh-day Adventist Church” on their church sign.

Now another million or so will be spent on expensive lawyers, in an effort to issue federal forbiddings and penalties against another small group.

On behalf of the General Conference (at that time headquartered in Takoma Park, Maryland), five times in 1980 and 1981, a Roman Catholic trademark attorney, Vincent Ramik, filed a trademark for the phrase “*Seventh-day Adventist*,” and other phrases at the United States Patent and Trademark Office in Washington, D.C. (The complete list is on pp. 4-5 of the latest lawsuit paper; see bottom of next page for a copy.)

A thoughtful reading of any of these General Conference lawsuit papers (see p. 4) reveals that **they consider the variations of “Seventh-day Adventist” to merely be commodities which they use to make money. Anyone else using those commercial terms is merely competition which the government should help put out of business.**

Some readers will recall that, in the mid-1990s, I researched all the names of entities owned by subsidiaries of the General Conference. Only one (a clinic on the island of Guam) identified itself as “Seventh-day Adventist”! “Modern” local Adventist churches regularly drop “Seventh-day Adventist” from their church names. **The General Conference wants to own the name, which it is increasingly ashamed to use, while forbidding any of the faithful to use it.** Is this a carefully devised plan of Satan? (Read 2SM 384-386 and 1T 223-224 for Ellen White’s view of the matter.)

In the providence of God, in the multi-million-dollar battle in the Los Angeles trademark lawsuit, the judge’s decision was that anyone could call himself a “*Seventh-day Adventist*,” whether or not he had ever belonged to the denomination. (Interestingly enough, that Los Angeles ruling was based on the free-speech clause in the First Amendment, not its religious liberty clause.)

But in a later Miami lawsuit, the phrase “*Seventh-day Adventist Church*” was reserved by the federal court for the General Conference and its subsidiaries.

But now, in 2006, at great expense to the denomination, another trademark litigation has begun.

Walter “Chick” McGill has a small group in Guys, Tennessee which meets for weekly worship meetings. The sign in front of his building is worded, “*Creation 7th Day Adventist Church*.” This latest, very expensive lawsuit is focused on removing that sign.

But, in addition, as has been included in all previous trademark lawsuit papers that Ramik has filed for the General Conference (and he has been in charge of them all), if it wins the lawsuit, not only must McGill’s sign be taken down,—but even the group’s personal papers, magazines, and books containing the name “*Seventh-day Adventist*”

must be surrendered to an agent of the denomination, so they can be burned. This would, of course, include *Reviews*, denominational books containing the name, and even private papers and letters.

How did these trademark lawsuits get started, what is involved in them, and how willing has the General Conference been to use the ultimate weapon, imprisonment in a federal penitentiary, as a means of silencing those it considers in rebellion to its ordinances? **The two best books on the subject are these:**

***The Story of the Trademark Lawsuits*, 80 pp., 8½ x 11, \$7.00 + \$2.50.** This provides the best overview of the entire history of this terrible tragedy, from 1981 to the early 1990s—and includes several General Conference trademark lawsuits.

***The Florida Trademark Trial*, 102 pp., 8½ x 11, \$7.50 + \$2.50.** This provides rather complete coverage of the Florida lawsuit.

In July, we published ***Another Trademark Lawsuit [WM-1338]***, which first brought to your attention the first part of an enlarged plan to get rid of that Tennessee sign. **It consisted, for the first time, of an international effort to control that name which is so precious to every believer in the historic beliefs of Seventh-day Adventists—through a world court in Europe!** (In October, we released ***SDA Creation Church Loses WIPO Case [WM-1351]***.)

This is an insidious expansion of this studied effort to control our name! Prior to this time, the General Conference only used the U.S. federal courts to enforce its mandates. Now it has appealed to an international court to do the same. (After they have coerced Congress to enact the National Sunday Law, the Catholic/Protestant coalition may use the World Court to extend it to Europe. You will find in my Spirit of Prophecy, hardback compilation, ***The End of Time***, that after the NSL is enacted in America, it will next go to other Christian nations, before spreading to non-Christian ones.)

When in June 2006, the *WIPO Arbitration and Mediation Center* in Switzerland ruled in favor of the General Conference, the General Conference prepared a 20-page letter by Ramik through a Memphis-based attorney’s office. On September 27, a copy of it was received by Chick McGill. It lists seven counts of wrongdoing (including, as usual, possession of publications containing the phrase “*Seventh-day Adventist*”).

At the end of the legal paper is a request to the court to place Jefferey Teu (pronounced “two”) as lead attorney in this case. Teu was the high-priced Miami lawyer who successfully prosecuted a small Miami church in the mid-1990s.

In the legal paper, McGill was told that he had 20 days in which to present a written reply, or a default judgment would be issued against him and his little group.

On the next page, you will find some excerpts from this 20-page legal document. Frankly, it breathes the spirit of Rome in the Dark Ages.

EXCERPTS FROM THE LAWSUIT PAPER

[We have added underlining of interesting points. In the original, everything in italics was in full caps.]

"5. This is an action for injunctive relief and damages based on Defendant's [McGill group's] willful infringement of Plaintiffs' [General Conference's] trademarks, service marks, and tradenames 'Seventh-day Adventist,' 'Adventist,' 'General Conference of Seventh-day Adventists,' and 'SDA' (hereinafter collectively 'Plaintiffs' Marks'). As set forth more particularly below, Defendant has infringed on Plaintiffs' Marks by the unauthorized use of Plaintiff's Marks within Defendant's unincorporated associations, while offering services similar to those offered by the Plaintiffs."—p. 3

"13. . . Registration number 1,176,153 protects the 'Adventist' trademark and service mark on religious books, magazines, pamphlets, newsletters, brochures, encyclopedias, dictionaries, commentaries, fliers, bulletins, booklets and bibles [sic.]; for establishment and administration of employee health care and benefit programs and medical insurance programs; for film production and distribution services; for health care services—namely, hospital, dental, pharmaceutical, nursing home, and medical laboratory services. Registration number 1,218,657 protects the 'Adventist' service mark for educational instruction services in academics at grade school, high school and college levels, and for religious observances and missionary services."—pp. 5-6.

"19. By reason of extensive, exclusive and continuous use and promotion of Plaintiffs' Marks, Plaintiffs' Marks have come to be readily recognized and known by the public at large to signify and designate Plaintiffs as the exclusive source or origin of Plaintiffs' religious observances as well as their goods and services provided by those operating under Plaintiffs' Marks throughout the United States . ."—p. 7.

"36. As a direct and proximate result of Defendant's acts, practices and conduct, Plaintiffs have been and will continue to be damaged and injured, including damage to their reputation and goodwill, resulting in diminished goodwill and reputation, and causing irreparable damage to Plaintiffs."—p. 10.

"38. . . The threat of future injury to Plaintiffs' iden-

tity, reputation and goodwill requires injunctive relief to stop Defendant from engaging in the unlawful acts, practices and conduct heretofore mentioned, and to ameliorate and mitigate Plaintiffs' injuries."—p. 11.

"40. Defendant will not suffer any material harm if an injunction is issued, as he is free to offer his religious observances, goods and services under a trade name that is not confusingly similar to Plaintiffs'."—p. 11.

"41. Public interest favors an injunction in order to stop Defendant's violations of federal and state law caused by defendant's unlawful acts, practices and conduct complained of herein above."—p. 11.

"47. Defendant's acts constitute unfair competition, false designation of origin and false or misleading descriptions or representations of fact in interstate commerce, fraud, or unfair or deceptive trade practices . ."—p. 12.

"58. The use by Defendant of Plaintiffs' Marks as part of Defendant's trademarks and/or service marks constitutes an unfair method of competition, and unconscionable, unfair and deceptive acts or practices in the conduct of Defendant's trade or commerce, in violation of the Tennessee Consumer Protection Act . ."—p. 14.

"Prayer for Relief:

"Wherefore, premises considered, Plaintiffs' pray for the following relief: [They are praying, not to God, but to the State.]"—p. 17.

". . [Many, many items are listed which the government should do to this little group, including financial penalties, attorneys' fees, and detailed government seizure and destruction of personal and group property of the hapless Adventist believers.]"—pp. 18-19.

"3. . . Defendant be directed to deliver to the Clerk of this Court for destruction all signs, advertisements, stationery, letterhead, and any and all other materials [books, magazines, personal papers, tapes, videos, etc.] in the possession or under the control of Defendant bearing the designation *Seventh Day* [sic.] *Adventist, Adventist, General Conference of Seventh-day Adventists* or *SDA*, whether alone or as a part of a longer or composite identifier . ."—p. 18.

FOR YOUR OWN COPY OF THIS 20-PAGE LAWSUIT PAPER—Send \$2.50 + \$2.50 and we will mail you one. You may be able to write the General Conference legal department for a copy. Tell us whether they send it to you. (They are ostensibly suing this little group to protect you, as a church member; so you should have a right to view the specific demands which the General Conference wants the federal government to enforce, by arrest and imprisonment if not obeyed.) Address: General Conference Office of General Counsel, 12501 Old Columbia Pike, Silver Spring, Maryland 20904-6600.