

The Florida Trademark Lawsuit: 1

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Another trademark lawsuit has been initiated by the General Conference. Ironically, in about a month after it was filed in the court, Robert Folkenberg, the individual who approved it, began his journey out of the presidency.

The group being sued is in south Florida. They are primarily Hispanics, and on fire for the Lord. They worship in two congregations, one in West Palm Beach and the other in Orlando.

They are intensely in earnest, and provide all the funds needed to meet their own needs.

However, this lawsuit is another matter.

From the very beginning of the General Conference trademark litigation, Vincent Ramik, a Roman Catholic attorney has been in charge of locating small groups of Seventh-day Adventist believers who are not submissive to the General Conference—and then harassing them with threatening letters, if they do not stop calling themselves “*Seventh-day Adventists*.”

Whether or not he realizes it, Ramik is serving the Vatican well. He is a faithful son of the church. And he is paid top wages, by the General Conference, to carry on his persecutive activities.

The General Conference has been able to use the trademark law as a means of inquisition. A similar method was employed in Spain in earlier centuries. If you did not acknowledge the headship of Rome, you were financially stripped and made to suffer in other ways also. The trademark law is being used, by our denomination, to accomplish similar results.

If you would like to have a clear understanding of the background of these suits, we refer you to our 8½ x 11, 80-page *The Story of the Trademark Lawsuits* (\$7.00 + \$1.50; 2 copies, \$6.50 each + \$2.00). Since August 1987, we have published 48 tracts on these trademark lawsuits, and also printed over a thousand pages of legal papers (still available in our trademark tractbook series).

However, there was a need to nicely overview and summarize the entire history, which we did in our *Story of the Trademark Lawsuits*, released in 1997.

On March 17 and November 5, 1997, Kermit L. Netteburg, a General Conference staff member (his title is “Assistant to the President for Communication”), wrote letters to Pastor Raphael Perez, pastor of the Eternal Gospel SDA Church, instructing him to stop using the name “*Seventh-day Adventist*,” “*Adventist*,” and “*SDA*.” Each letter mentioned at the bottom that a copy was being sent to Walter E. Carson.

Carson is currently the General Conference in-house attorney, supervising the trademark suits. He coordinates between top church leaders and Ramik, who, in turn, work with local attorneys in a large city with a federal courthouse, nearest to the congregation being sued. With all those lawyers at work on each case, costs quickly spiral. The Hawaii lawsuit cost the denomination over \$5 million, but the rewards were great: They wanted to stop nine (9) people from worshiping together under the name, “*Seventh-day Adventist*.” Robert Nixon, the in-house attorney in charge of those suits at that time, replied to an inquiry that the sacred tithe was the fund which paid Ramik and his string of local attorneys.

On March 17, 1998, Vincent Ramik wrote Pastor Perez a three-page letter, in which he told him that those three words or phrases (“*Seventh-day Adventist*,” “*Adventist*,” and “*SDA*”) were commercial names, belonging to the General Conference for its business.

(As we have stated before, the *Lanham Act*—the congressional law which provides trademark protection—was only made to protect businesses. There was no mention in it about religions and churches.)

“As I am sure you know, the General Conference Corporation of Seventh-day Adventists through the Seventh-day Adventist Church has used the name SEVENTH-DAY ADVENTIST and the legally equivalent acronym SDA since at least as early as 1860 to the present, and has obtained U.S. Reg. No. 1,177,185 for the goods and services set forth therein.”—*Ramik letter, March 17, 1998*.

As I am sure Ramik knows, the General Conference did not exist in 1860, and could not have used it then. The truth is that the name, “*Seventh-day Adventist*,” was used by the individual members and local congregations (all of which were independent of one another and any central authority) from 1850 on through to 1863, when the General Conference first

came into corporative existence. There was no centralized “*Seventh-day Adventist Church*” until that year.

Vincent Ramik, a practicing Roman Catholic, has been instructed by Walter Carson, on behalf of Robert Folkenberg and the General Conference, to use the power of the State to enforce its decrees.

Ramik quotes part of the *Lanham Act* as the government authority for his threats and intrusion in these two congregations in Florida:

“Any person who shall, without the consent of the registrant . . . (a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive . . . shall be liable in a civil action by the registrant for the remedies hereinafter provided.”—*15 U.S.C. S1114, quoted in Ramik’s March 17, 1998, letter.*

I am sorry to have to tell you, but this action on the part of the General Conference is very serious. Read this:

“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 Catholic hierarchy, and the infliction of civil penalties upon dissenters will inevitably result.”—*Great Controversy, 445.*

We have here a blueprint for the events which will take us into the National Sunday Law.

Yet our leaders are copying a portion of it. Using the U.S. trademark law as the vehicle for persecutive activity, they are overtly trying to use “the state to enforce their decrees and to sustain their institutions,”

This is terrible! Our leaders are taking us gradually down into an abyss. They are attempting to use the strong arm of the federal government to eradicate humble worshipers whom they consider to be in “competition.” But, in reality, they are opening Pandora’s box!

When the Israelites sought the help of Assyria to protect them,—it ultimately led to an invasion by the Assyrians, which destroyed the northern kingdom.

By the way, I am also sorry to tell you that it is the above quoted action, by the Protestant world, which will constitute their second, even worse, fall into Babylon. (The first occurred in 1844 and soon after.) Surely, our people would want to avoid the traits which mark Babylonianism!

The definition of Rome is the Church using the State for its own ends. We should be living far from that policy. Instead, our people—and our leaders—should be building high the wall of separation between Church and State in our land. It is when that

wall is torn down—by the enactment of the National Sunday Law—that the great Final Crisis will begin.

Our leaders are doing that—which even the Sundaykeeping churches fear to do at this time! They are trying to use the power of the State to destroy splinter worship groups.

In view of this, one must inquire, Which is the “true church”? Is it composed of those people doing the persecuting or those people who shun such activities?

Fortunately, we are judged individually, and there are many faithful believers, both in and out of the denomination, who are true to God. We can be thankful for that. The situation is becoming dangerous when denominational leaders deliberately turn to the power of State courts and their policing action—in an attempt to eliminate those who call themselves Seventh-day Adventists.

The Spirit of Prophecy warned us not to hasten the Final Crisis. But there are church leaders who are foolishly doing just that! They are selling us short. When the crisis comes, government officers will arrive at the doors of the General Conference and declare:

“You earlier wanted us to police the churches for you; now we come to you—demanding that your institutions obey the newly enacted National Sunday Law! We cooperated with you in the trademark lawsuits, now you are going to cooperate with us: This denomination is going to observe the state-enforced day of worship, and you are going to issue a statement to your members instructing them to observe it. If those orders are not issued, we will imprison you! Adventists are marked men; they are to obey the law of the land.”

Our leaders are actually inciting the government to interfere in the private worship of the people and their evangelistic work.

In his letter to Perez, Ramik continues his high-handed demand that faithful Seventh-day Adventists abandon their faith:

“Even in the absence of a registration, 15 U.S.C. S1125 (a) affords remedy by way of ‘a civil action by any person who believes that he or she is likely to be damaged’ by third party usage of a trademark or service mark ‘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.’

“We trust that it will be unnecessary to enjoy by way of civil action your inequitable and illegal usage of SEVENTH-DAY ADVENTIST or SDA, and that upon receipt of this letter we demand that you immediately cease and desist using the latter expressions or any names, marks or expressions equivalent thereto in association with your adver-

tising, activities and/or ministry.”—*Ramik letter, dated March 17, 1998.*

Ramik’s demands, accompanied by veiled threats of litigation leading to fines and possible imprisonment, would require that those Advent believers in south Florida deny their faith. They would be required, henceforth, to never again call themselves Seventh-day Adventists—either in their worship services, their expressions of personal belief, or their missionary outreach. —This is worse than Russia today!

“Accordingly, on behalf of the Seventh-day Adventist Church, we specifically demand that you immediately:

“Cease all use of SEVENTH-DAY ADVENTIST and/or SDA;

“Cease all use of SEVENTH-DAY ADVENTIST and/or SDA in conjunction with your advertising, your telephone directory, your letterhead and any and all other business and ministerial activities presently performed directly by you or on your behalf utilizing either or both aforesaid Church’s trademarks and service marks, and otherwise

“Avoid all usage of SEVENTH-DAY ADVENTIST and/or SDA likely to be confused with these marks as used by the Seventh-day Adventist Church.”—*Ibid.*

They were then told to sign away their rights as Advent believers, or else.

“We ask that you confirm compliance with these demands by signing the enclosed duplicate letter and returning the same to our office.”—*Ibid.*

Two copies of the letter we have quoted from were sent to Perez. He was instructed to sign one and return it immediately to Ramik.

Ramik, in effect, says, “As long as you are living in the United States, you will stop being Seventh-day Adventists or we will destroy you!”

“This letter is written without prejudice to all further rights of the Seventh-day Adventist Church and the General Conference Corporation, including but not by way of limitation, rights to injunctive relief to obtain the cessation of your use of SEVENTH-DAY ADVENTIST and/or SDA, profits, damages and any attorneys’ fees necessitated by your activities.”—*Ibid.*

All this leaves us heartsick. What has come to our denomination, that it tries to do this to the believers?

Ironically (or in retribution), 26 days before the lawsuit paper against Folkenberg and the General Conference (both of which approved the lawsuit) were filed in Sacramento by James Moore, they filed a lawsuit in Miami against Raphael Perez and his twin congregations.

We will have more to say about this lawsuit in coming days.

At this juncture, we need to tell you that Perez had a difficult time finding an attorney. The first one was supposed to be a trademark attorney; but, due to things which happened, he appeared to be involved in a deal with the General Conference and was trying to get Perez to sign papers abandoning the name!

The second one was not a trademark attorney and seemed to be safe; but, resulting from a phone call to Ramik, he told Perez he was frightened to take the case. Why? We do not know.

Then Perez found a team of two attorneys which work together. They know trademark litigation and are both Jews. They were intrigued when Perez presented his situation to them. One of the attorneys was a Sabbathkeeper, and both were extremely interested in handling the case. They offered to lower their fees from \$500 an hour to \$175 an hour (for the two of them working together).

Perez’ present attorneys told him two important things:

1 - He would need to raise \$75,000 over the next several months.

2 - He should try to get as many testimonial letters as possible from Seventh-day Adventists who were opposed to the General Conference lawsuits.

These letters should come from Adventists everywhere: outside the church and inside, from independent ministry leaders and other believers. Perez was told that they especially wanted letters from Adventists who currently held membership in the General Conference denomination.

PEREZ NEEDS MONEY, AND HE NEEDS LETTERS.

The letters should NOT be venomous. They should state principles, reasons why you do not believe the General Conference should be suing small groups which are not in the sisterhood of General Conference-controlled churches. But do not write sharp attacks against the leaders as evil men, denounce the church as Babylon, make attacks on Rome, etc. All that is not useful, and it could void the value of your letter.

It would be well if hundreds of letters were sent.

Donations and letters should be sent to —

Eternal Gospel Church
of Seventh-day Adventists
Raphael Perez, Pastor
P.O. Box 15138
West Palm Beach, FL 33416

In the next mailing, I hope to send out a rather complete set of principles dealing with such suits. I would have released it in January—but the Folkenberg crisis intervened.

Surely, more fervent prayer is needed! — *Vance*