

# **TRADEMARK SDA® FOLDER**

Compiled by Creation Seventh Day Adventists in  
Obedience to Yahweh's Instruction:

*“Cry aloud, spare not, lift up thy voice like a trumpet, and shew my people their transgression, and the house of Jacob their sins.” Isa 58:1*

## **SECTION I: SDA TRADEMARK RELATED DOCUMENTS**

- General Principles
- Magazine and Newspaper Articles
- Lawsuits Communications from G.C to other Independent SDA Ministries (From 1988)
- Replies from SDA Independent Ministries
- Lawsuits Communications from G.C to Creation 7<sup>th</sup> Day Adventists

**More than 20 years of Secretly SDA Persecution ignored by  
Many SDA Nominal Members**





OUR AMERICAN HERITAGE

# The Bill of Rights



As provided in the FIRST TEN AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES  
Effective December 15, 1791

## Preamble

The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

- 1 **Right to Freedom of Religion, Speech, Press, Assembly, Petition.**  
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
- 2 **Right to Keep and Bear Arms.**  
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.
- 3 **Rights on Quartering of Soldiers.**  
No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.
- 4 **Right against Unreasonable Search and Seizure.**  
The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- 5 **Right to Protection of Persons and Property.**  
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service, in time of War or public danger; nor shall any person be subject for the same offense, to be twice put in jeopardy of life or limb nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
- 6 **Rights of Persons Accused of Crime.**  
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defense.
- 7 **Right of Trial by Jury.**  
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.
- 8 **Right to Protection Against Excessive Fines, Bail, Punishment.**  
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.
- 9 **Rights not enumerated retained by the people.**  
The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.
- 10 **Rights reserved to the States and the People.**  
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.





## THE PROTESTANT MAGAZINE

WE ARE RESOLVED, WITH THE GRACE OF GOD, TO MAINTAIN THE PURE AND EXCLUSIVE PREACHING OF HIS HOLY WORD, SUCH AS IT IS CONTAINED IN THE BIBLICAL BOOKS OF THE OLD AND NEW TESTAMENT, WITHOUT ADDING ANYTHING THERETO THAT MAY BE CONTRARY TO IT.—*From the Protest at the Diet of Spires, April 19, 1529.*

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Vol. VII

November, 1915

No. 13

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CARNAL weapons cannot be used to any advantage in a spiritual warfare. When Peter cut off the ear of the high priest's servant, Christ rebuked him and healed the wound. When a church in alliance with the state employs the secular power to enforce its doctrines by punishing heretics, it repudiates the essential idea of Christianity. Those who would command fire to come down from heaven and devour the opposers, do not know what manner of spirit they are of.

ALL knowledge of spiritual things comes to us through revelation. Human wisdom cannot fathom the divine purpose. "The things of God none knoweth, save the Spirit of God." The Bible is the channel for the revelation of the things which could not otherwise be known to men. In it God speaks to his children and makes known the way of salvation. To exalt tradition above the Bible as being "more clear and safe" is to place man above God. To accept tradition in the room of the Bible means to make void the commandments of God. Back to the Bible is the call of Protestantism.



"And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to worship the first beast, whose deadly wound was healed." Verse 12.

NOTE.—The "first beast before him"—papal Rome (see preceding reading)—exercised the power of persecuting all who differed with it in religious matters.

What means will be employed to lead the people back into false worship?

"And deceiveth them that dwell on the earth by the means of those miracles which he had power to do in the sight of the beast." Verse 14, first part.

What will this power propose that the people shall do?

"Saying to them that dwell on the earth, that they should make an image to the beast, which had the wound by a sword, and did live." Verse 14, latter part.

NOTE.—The beast "which had the wound by a sword, and did live," is the Papacy. That was a church dominating the civil power, a union of church and state, enforcing its religious dogmas by the civil power, by confiscation, imprisonment, and death. An image to this beast would be another ecclesiastical organization clothed with civil power—another union of church and state—to enforce religion by law.

#### SUNDAY LAW ADVOCATES

Does the history of the United States show that religious organizations have attempted to secure legislation involving religion?

Organizations such as the National Reform Association, the International Reform Federation, the Lord's Day Alliance of the United States, the New York Sabbath Committee, and to a lesser degree, the Federal Council of the Churches of Christ in America, formed by professed Protestants, have for years worked to secure Sunday legislation.

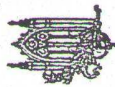
What, according to its constitution, is an avowed object of the National Reform Association?

"To secure such an amendment to the Constitution of the United States as will . . . indicate that this is a Christian nation, and place all the Christian laws, institutions, and usages of our government on an undeniably legal basis in the fundamental

# BIBLE READINGS

*for the Home*

A Study of 200 Vital Scripture Topics  
in Question-and-Answer Form  
Contributed by a Large  
Number of Bible  
Scholars



Revised 1949

REVIEW AND HERALD PUBLISHING ASSN.  
Washington, D.C.  
1951



## Creation 7th Day Adventist Church

### "They Were the Bravest, Most Committed Americans I Know"

Printed in *The New York Times*, March 28, 1993, section 4, page 14.

To the Editor:

In covering the tragic armed conflict between the Federal Government and the Branch Davidians at Waco, Tex., wire services have identified the cult as a "splinter group of the Seventh Day Adventist Church." Since the mass media also use David Koresh to preach their own gospel against "religious zealots," some might suspect the Seventh Day Adventists of a similar cultic trend.

As a priest of the Orthodox Church who writes on religion and culture, I am hardly a missionary for the Seventh Day Adventists. In the Vietnam War, however, I served as an Army medic with many S.D.A.s, as they were called. As conscientious objectors, these young men refused to bear arms but agreed to serve as medical personnel. Most of those I trained and served with were black Southerners.

Vegetarian, cheerful, stolidly faithful to their tradition, they were harassed mercilessly by drill instructors, who routinely insulted their beliefs. Some were chosen to participate in a "white coat" program, where they served as human subjects for what they thought was humanitarian research. Later, the program was identified as a facet of our germ warfare program. (Cynics point out the Seventh Day Adventists were chosen as guinea pigs because their beliefs forbid them to bring suit in civil court [see Adventist source quoted below].)

Most often, Seventh Day Adventists were sent to combat units, where without even a sidearm they crawled directly into enemy fire to patch the wounded and retrieve the dead. Their casualty rates were among the highest of the war. There are names of Seventh Day Adventists etched in the wall of the Vietnam Veterans Memorial. Their memory is seared into those hapless cynics who served with them. They were the bravest, most committed, most heroic Americans I have ever known.

Given that they openly confessed Jesus as Lord, a habit the mass media find annoying, I guarantee that Hollywood or the secular press will never tell their story as a counterweight to people like David Koresh. But to honor the memory of those whose faith led them to die, rather than take up arms, we can spare the Seventh Day Adventists in condemnation of cults.

Anthony Ugolnik  
Elijah Kresge Professor  
Franklin & Marshall College  
Lancaster, Pa., March 20, 1993

**"Now I want to state a little further upon the principle that no Christian, being a citizen of the kingdom of God, can of right start any procedure in connection with civil government. After it is started by the government itself, that is another question . . . I repeat therefore, that upon the principles which govern kingdoms and governments, the very principle of the law in heaven, or law in earth, a Christian cannot start any procedure in connection with civil government. And of all Christians, SEVENTH-DAY ADVENTISTS cannot do it. The very keeping of the Sabbath forbids it."**

A. T. Jones, 1895 *General Conference Bulletin*, page 28.

Historic SDA quotes regarding bringing suit in civil court



3-27-1997 3:46AM

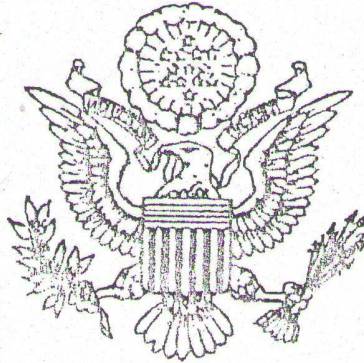
FROM GREATER NY CONF. 1516 6279272

P. 11

SENT BY:

3-26-97 : 6:06PM : GC GENERAL COUNSEL-

1516 6279272:# 2/ 7



Nº 1177185

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof.

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this tenth day of November, 1981.

COMMISSIONER OF PATENTS AND TRADEMARKS



3-27-1997 3:47AM  
SENT BY:

FROM: GREATER NY CONF. 1516 6279272  
3-26-97 ; 6:07PM ; GC GENERAL COUNSEL-

P. 12  
1516 6279272;# 3/ 7

Int. Cls.: 16, 36, 41 and 42

Prior U.S. Cls.: 38, 100, 102 and 107

United States Patent and Trademark Office

Reg. No. 1,177,185  
Registered Nov. 10, 1981

TRADEMARK  
SERVICE MARK  
Principal Register

### SEVENTH-DAY ADVENTIST

General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: RELIGIOUS BOOKS, MAGAZINES,  
PAMPHLETS, NEWSLETTERS, BROCHURES,  
ENCYCLOPEDIAS, DICTIONARIES, COMMENTARIES,  
FLIERS, BULLETINS, YEARBOOKS,  
BOOKLETS AND BIBLES, in CLASS 16 (U.S. Cl.  
38).

First use 1861; in commerce 1861.

For: ESTABLISHMENT AND ADMINISTRATION  
OF EMPLOYEE HEALTH CARE AND  
BENEFIT PROGRAMS AND MEDICAL INSURANCE  
PROGRAMS, in CLASS 36 (U.S. Cl. 102).

First use 1973; in commerce 1973.

For: EDUCATIONAL INSTRUCTION SERVICES  
IN ACADEMICS AT GRADE SCHOOL

HIGH SCHOOL AND COLLEGE LEVEL; FILM  
PRODUCTION AND DISTRIBUTION SERVICES,  
in CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: HEALTH CARE SERVICES—NAMELY,  
HOSPITAL, DENTAL, PHARMACEUTICAL,  
NURSING HOME, AND MEDICAL LABORATORY  
SERVICES; CONDUCTING RELIGIOUS  
OBSERVANCES AND MISSIONARY SERVICES,  
in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Ser. No. 261,134, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner





No 1177185

the mark of the beast, and of his image

THE UNITED STATES OF AMERICA  
CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof.

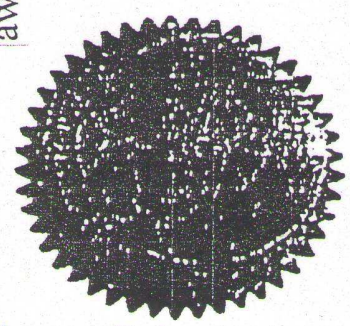
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this tenth day of November, 1981.

*[Handwritten signature]*

COMMISSIONER OF PATENTS AND TRADEMARKS

"I saw all that 'would not receive the mark of the beast, and of his Image, in their foreheads or in their hands,' could not buy or sell.[REV. 13: 15--17.] I saw that the number (666) of the **IMAGE BEAST** was made up;[REV. 13: 18.] ."

"God means that testing truth shall be brought to the front, and become a subject of examination and discussion, even if it is through the contempt placed upon it. The minds of the people must be agitated. Every controversy, every reproach, every slander, will be God's means of provoking inquiry, and awakening minds that otherwise would slumber." 5T 453.



"We are Seventh-day Adventists, and of this name we are never to be ashamed. As a people we must take a firm stand for truth and righteousness. Thus we shall glorify God." Letter 106, 1903.

NO name which we can take will be appropriate but that which accords with our profession and expresses our faith and **MARKS US** a peculiar people. The name **Seventh-day Adventist** is a standing rebuke to the Protestant world. Here is the line of distinction between the worshipers of God and those who worship the beast and receive **HIS MARK**. The great conflict is between the commandments of God and the requirements of the beast...." 1T 223, 224.

Int. Cls.: 16, 36, 41 and 42  
Prior U.S. Cls.: 38, 100, 102 and 107

Reg. No. 1,177,185  
Registered Nov. 10, 1981

United States Patent and Trademark Office

**TRADEMARK  
SERVICE MARK**  
Principal Register

"We are **Seventh-day Adventists**.... It is the name the Lord has given us."  
Letter 110, 1902. **SEVENTH-DAY ADVENTIST**

General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: **RELIGIOUS BOOKS, MAGAZINES, PAMPHLETS, NEWSLETTERS, BROCHURES, ENCYCLOPEDIAS, DICTIONARIES, COMMENTARIES, FLIERS, BULLETINS, YEARBOOKS, BOOKLETS AND BIBLES, in CLASS 16 (U.S. Cl. 38).**

First use 1861; in commerce 1861.  
For: **ESTABLISHMENT AND ADMINISTRATION OF EMPLOYEE HEALTH CARE AND BENEFIT PROGRAMS AND MEDICAL INSURANCE PROGRAMS, in CLASS 36 (U.S. Cl. 102).**

First use 1973; in commerce 1973.  
For: **EDUCATIONAL INSTRUCTION SERVICES IN ACADEMICS AT GRADE SCHOOL**

**HIGH SCHOOL AND COLLEGE LEVEL; FILM PRODUCTION AND DISTRIBUTION SERVICES, in CLASS 41 (U.S. Cl. 107).**

First use 1894; in commerce 1894.  
For: **HEALTH CARE SERVICES—NAMESLY, HOSPITAL, DENTAL, PHARMACEUTICAL, NURSING HOME, AND MEDICAL LABORATORY SERVICES; CONDUCTING RELIGIOUS OBSERVANCES AND MISSIONARY SERVICES, in CLASS 42 (U.S. Cl. 100).**

First use 1860; in commerce 1860.

Ser. No. 261,134, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner

"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 . . . and the triumph of Rome in this country is assured." GC 581.

"I saw the nominal [in name only] church and nominal [in name only] Adventists, like Judas, would betray us to the Catholics to obtain their influence to come against the truth. The **SAINTS then** will be AN OBSCURE PEOPLE, little known to the Catholics; but the churches and nominal Adventists who know of our faith and customs . . . will betray the saints and report them to the Catholics . . . ." *Spalding and Magan Collection*, page 1.





**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

NOTICE OF PUBLICATION UNDER SECTION 12(a)

1. Ser. No.: 261134  
2. Mark: SEVENTH-DAY ADVENTIST  
3. Applicant: General Conference Corporation of - Seventh-Day Adventists  
4. Publication Date: Aug. 18, 1981

The mark of the application above identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13 of the Statute or by rules 2.101 and 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$2.75 each for domestic orders, or at \$3.45 each for foreign orders from:

The Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

By direction of the Commissioner.

5. Send correspondence to:

Diller, Ramik & Wight, Ltd.  
Suite 675  
2550 M St., NW.  
Washington, D.C. 20037



TO:  Commissioner of Patents and Trademarks Washington, D.C. 20231	<b>REPORT ON THE <del>INFAX CORPORATION</del></b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT</b>
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In compliance with the Act of July 19, 1952 (66 Stat. 814; 35 U.S.C. 290) you are hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court:

DOCKET NO. Civil 87-0274	DATE FILED April 9, 1987	U.S. DISTRICT COURT District of Hawaii
PLAINTIFF GENERAL CONFERENCE Corporation of Seventh-Day Adventists,		DEFENDANT Seventh-Day Adventist Congregational Church John R. Marik
PATENT NO.	DATE OF PATENT	PATENTEE
1 1177185	11-10-81	Seventh-Day Adventist
2		
3		
4		
5		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT NO.	DATE OF PATENT	PATENTEE
1		<b>SOLICITOR</b>  <b>APR 20 1987</b>  <b>U.S. PATENT AND TRADEMARK OFFICE</b>
2		
3		
4		
5		

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK  74	DATE





# US PATENT & TRADEMARK OFFICE

## TRADEMARK TEXT AND IMAGE DATABASE

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- PTDLs



(1 of 2)

Check Status

**Word Mark** SEVENTH-DAY ADVENTIST

**Pseudo Mark** 7TH DAY

**Owner Name** (REGISTRANT)-GENERAL CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS

**Owner Address** 12501 OLD COLUMBIA PIKE SILVER SPRING MARYLAND 209046600 CORPORATION D.C.

**Attorney of Record** VINCENT L. RAMIK

**Serial Number** 73-261134

**Registration Number** 1177185

**Filing Date** 05/07/1980

**Registration Date** 11/10/1981

**Mark Drawing Code** (1) TYPED DRAWING

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ADVENTIST" APART FROM THE MARK AS SHOWN

**Register** PRINCIPAL-2(F)-IN PART

**Section 2 Limitation** IN PART AS TO CLASS 16

**Published for Opposition** 08/18/1981

**Affidavits** SECT 8.; SECT 15.; COMBINED SECT 8 AND SECT 15.

**Change in Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Type of Mark** TRADEMARK; SERVICE MARK

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**International Class** 016

**Goods and Services** Religious Books; Magazines; Pamphlets; Newsletters; Brochures, Encyclopedias, Dictionaries, Commentaries, Fliers, Bulletins, Yearbooks, Booklets and Bibles; DATE OF FIRST USE: 1861.00.00; DATE OF FIRST USE IN COMMERCE: 1861.00.00

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**International Class** 036

**Goods and Services** Establishment and Administration of Employee Health Care and Benefit Programs and Medical Insurance Programs; DATE OF FIRST USE:



1973.00.00; DATE OF FIRST USE IN COMMERCE: 1973.00.00

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**International Class**

041

**Goods and Services**

Educational Instruction Services in Academics at Grade School, High School and College Level; Film Production and Distribution Services; DATE OF FIRST USE: 1894.00.00; DATE OF FIRST USE IN COMMERCE: 1894.00.00

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**International Class**

042

**Goods and Services**

Health Care Services-Namely, Hospital, Dental, Pharmaceutical, Nursing Home, and Medical Laboratory Services; Conducting Religious Observances and Missionary Services; DATE OF FIRST USE: 1860.00.00; DATE OF FIRST USE IN COMMERCE: 1860.00.00

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(1 of 2)



**INFAX CORPORATION**

Office of the Clerk

United States District Court

U. S. Courthouse

101 W. Lombard Street

Baltimore, Maryland 21201

301-952-2600

ACS 922-2600

Joseph A. Haas  
Clerk

**SOLICITOR**

**MAR 30 1987**

March 25, 1987

Solicitor  
Department of Commerce  
United States Patent Office  
Washington, D.C. 20231

**U.S. PATENT AND TRADEMARK OFFICE**

Re: CIVIL ACTION NO. HM-87-674  
GENERAL CONFERENCE CORP. OF SEVENTH-DAY  
ADVENTISTS

VS.

TEN COMMANDMENTS UNIVERSAL SATURDAY  
SEVENTH-DAY ADVENTISTS TEMPLE

Dear Sir:

In accordance with the provisions of Title 15, United States Code, Section 1116, I wish to advise you that the above entitled case has been filed in our Court on March 24, 1987.

This is an action filed for unfair competition and trademark infringement under the trademark laws of the United States. Plaintiff is the owner of trademark registration Nos. 1, 177, 185 Registered Nov. 10, 1981.

Very truly yours,

JOSEPH A. HAAS  
Clerk

By: Lester E. Haines  
Deputy Clerk

cc: File

33



SN 254,421. Anything Goes, Ltd., New Orleans, La. Filed Mar. 17, 1980.

**ANYTHING GOES**

**Class 41—Education and Entertainment**  
For Entertainment Services—Namely, Discotheque and Nightclub Services (U.S. Cl. 107).  
First use Jun. 19, 1978; in commerce Jun. 19, 1978.

**Class 42—Miscellaneous Services**  
For Restaurant Services (U.S. Cl. 100).  
First use Jun. 19, 1978; in commerce Jun. 19, 1978.

SN 254,422. Anything Goes, Ltd., New Orleans, La. Filed Mar. 17, 1980.



No claim is made to exclusive use of "New Orleans" and "French Quarter" apart from the mark as shown in the drawing.

**Class 41—Education and Entertainment**  
For Entertainment Services—Namely, Discotheque and Nightclub Services (U.S. Cl. 107).  
First use Jun. 19, 1978; in commerce Jun. 19, 1978.

**Class 42—Miscellaneous Services**  
For Restaurant Services (U.S. Cl. 100).  
First use Jun. 19, 1978; in commerce Jun. 19, 1978.

SN 254,816. General Electric Company, Worthington, Ohio. Filed May 29, 1980.

**BZN**

**Class 3—Cosmetics and Cleaning Preparations**  
For Cubic Boron Nitride Abrasives for Use in Abrasive Tools (U.S. Cl. 4).  
First use Feb. 16, 1977; in commerce Feb. 16, 1977.

**Class 7—Machinery**  
For Tool Blanks and Inserts Made from Cubic Boron Nitride (U.S. Cl. 23).  
First use Dec. 16, 1976; in commerce Dec. 16, 1976.

SN 257,203. Golden Nugget, Inc., Las Vegas, Nev. Filed Apr. 8, 1980.

**WE'RE GOING TO MAKE ATLANTIC CITY FAMOUS. AGAIN.**

For the purpose of registration only, and not in derogation or diminution of any common law or other rights applicant may have, or may hereinafter acquire, applicant disclaims the words "Atlantic City" apart from the mark as shown.

**Class 41—Education and Entertainment**  
For Casino Services (U.S. Cl. 107).  
First use Aug. 25, 1979; in commerce Aug. 25, 1979.

**Class 42—Miscellaneous Services**  
For Bar, Cabaret, and Nightclub Services (U.S. Cl. 100).  
First use Aug. 25, 1979; in commerce Aug. 25, 1979.

SN 261,134. General Conference Corporation of Seventh-Day Adventists, Washington, D.C. Filed May 7, 1980.

**SEVENTH-DAY ADVENTIST**

**Class 16—Paper Goods and Printed Matter**  
For Religious Books, Magazines, Pamphlets, Newsletters, Brochures, Encyclopedias, Dictionaries, Commentaries, Fliers, Bulletins, Yearbooks, Booklets and Bibles (U.S. Cl. 38).  
First use 1861; in commerce 1861.

**Class 36—Insurance and Financial**  
For Establishment and Administration of Employee Health Care and Benefit Programs and Medical Insurance Programs (U.S. Cl. 102).  
First use 1973; in commerce 1973.

**Class 41—Education and Entertainment**  
For Educational Instruction Services in Academics at Grade School, High School and College Level; Film Production and Distribution Services (U.S. Cl. 107).  
First use 1894; in commerce 1894.

**Class 42—Miscellaneous Services**  
For Health Care Services—Namely, Hospital, Dental, Pharmaceutical, Nursing Home, and Medical Laboratory Services; Conducting Religious Observances and Missionary Services (U.S. Cl. 100).  
First use 1860; in commerce 1860.

SN 261,294. Your Write Selection, Inc., Dallas, Tex. Filed May 8, 1980.

**WRITE SELECTION**

**Class 35—Advertising and Business**  
For Custom Printing Services (U.S. Cl. 101).  
First use Apr. 7, 1980; in commerce Apr. 21, 1980.

**Class 42—Miscellaneous Services**  
For Retail Store Services in the Field of Stationery, Cards, and Gift Items (U.S. Cl. 101).  
First use Apr. 7, 1980; in commerce Apr. 21, 1980.

SN 261,799. The England Treadle Company, Wino

Priority claimed: 450,676, filed Feb. 1981, expires Feb. 1

**Class 7—Machinery**  
For Consumer A Washers, Clothes (U.S. Cls. 23 and 24

**Class 11—Electric**  
For Refrigerators

SN 265,898. Leo B 1980.

**Class 21—House**  
For Insulating B Bottles (U.S. Cls. 2 First use Apr. 7, 1

**Class 25—Cloth**  
For Trousers, Pant First use Apr. 23,

SN 265,900. Leo B 1980.

**Class 21—House**  
For Insulating B Bottles (U.S. Cls. 2 First use Apr. 7, 1

**Class 25—Cloth**  
For Trousers, Pant First use Apr. 23, 1



**B 70 10 Integrated Information System**—The needs of the Church can best be served by a coordinated cooperative effort to establish a single integrated personnel information system.

### **B 75 Access to Personnel Information and Placing Interorganizational Calls**

**B 75 05 Access Within Area of Administrative Responsibility**—A denominational organization shall be authorized to access personnel information or place calls for personnel serving within its own area of administrative responsibility including any or all of its subsidiary organizations. Direct accessing of information or the direct placing of calls shall not be permitted if it crosses any organizational lines excluded in the above provision but shall follow the procedure outlined in B 75 10 below.

**B 75 10 Access to Other Areas of Administrative Responsibility**—A denominational organization which wishes to access personnel information or place calls outside its own area of administrative responsibility shall do so by referring its request through the regular channels up to the first organizational level that includes, as one of its subsidiaries, the organization which it wishes to access for information (see also GC D 35). Only by following this procedure shall any organization access information or place a call outside its own area of administrative responsibility.

### **B 80 General Conference of Seventh-day Adventists Trademark**

**B 80 05 Statement of Philosophy**—The Seventh-day Adventist Church has an historical, evangelical, and proprietary interest in trademarks, service marks, and trade names (referred to collectively herein as "trademarks") developed by the Church and its related organizations. This policy shall apply to the General Conference of Seventh-day Adventists, the world divisions and departments of the General Conference of Seventh-day Adventists, and other services, organizations, and corporations listed as General Conference entities in the current *Seventh-day Adventist Yearbook* (referred to collectively herein as "General Conference"). This policy shall also apply to other Seventh-day Adventist entities or organizations

utilizing trademarks owned or controlled by the General Conference. It shall be the policy of the General Conference to obtain maximum legal protection under applicable law in harmony with procedures and guidelines listed below.

**B 80 10 Ownership**—All legal rights in any trademark utilized by the General Conference, as defined, shall be vested in the General Conference Corporation with use by a related or subsidiary entity subject at all times to approval and review by the General Conference Corporation.

**B 80 15 Registration and Fees**—Trademark registration shall be obtained through the General Conference Trademark Committee pursuant to an enabling action of the General Conference Corporation. Legal fees and other expenses incidental to maximizing trademark protection shall be paid in full by any department, subsidiary, or related organization of the General Conference initiating the process or utilizing the trademark with the understanding that ownership at all times shall be vested in the General Conference Corporation.

**B 80 20 Unauthorized Use**—It shall be the responsibility of the Trademark Committee to monitor and review any unauthorized use of the trademark, including recommendations to the General Conference Corporation with respect to any legal or other action that should be taken to protect the proprietary interests of the Church as well as its good name. Approval by the General Conference Officers shall be obtained prior to the implementation of any legal action.

**B 80 25 Other Trademarks**—Seventh-day Adventist entities other than the General Conference shall be entitled to maintain trademark ownership and registration for various marks in their own names so long as such application, ownership, and use does not conflict with existing trademarks, legal rights, and/or policy of the General Conference. The General Conference Trademark Committee shall provide assistance and direction to non-General Conference entities as necessary.

**B 80 30 Limitation of Rights**—Nothing in this policy shall be construed or interpreted as limiting any of the legal rights of the General Conference Corporation with respect to its ownership and use of any and all of its trademarks.



**B 80 35 Use of Existing Marks**—The use of any existing trademarks including, but not limited to, "Seventh-day Adventists" and/or "Adventist" or any derivative of such trademarks, including, but not limited to "SDA," are authorized as follows:

1. Church entities that have denominational status and are included in the current *Seventh-day Adventist Yearbook* shall have license to use these trademarks in their names and ministries unless specifically revoked by the General Conference Corporation. Such trademarks shall not be utilized in commercial endeavors.

2. Local churches and companies may use these trademarks in their names and ministries following approval of status by the local conference or mission. Such trademarks shall not be utilized in commercial endeavors.

3. Lay and professional groups may not utilize trademarks owned by the General Conference Corporation without its express written approval. Applications for such use shall be made to the secretary of the Seventh-day Adventist Trademark Committee of the General Conference. Use of such trademarks by lay and professional groups must be solely for noncommercial purposes. Granting such license to use trademarks owned by the General Conference Corporation shall be at the sole discretion of the General Conference based on the following conditions:

a. Recommendation by the local conference or mission that the lay or professional group requesting trademark usage be granted the license;

b. The activities of the lay or professional group shall be in harmony with the teachings of and specifically supported by the Seventh-day Adventist Church;

c. The organization's board and membership shall consist of Seventh-day Adventists in good and regular standing;

d. The anticipated use of the trademark shall not be in conflict with previously granted license(s); and

e. The trademark shall be utilized solely in noncommercial functions.

**B 80 40 Right to Revoke**—The General Conference Corporation shall maintain the right to revoke permission for the use of any trademarks by any denominational entity or lay group at any time, with or without cause.

## C DIVISION ADMINISTRATION

### C 05 Division Territories

**C 05 05 Africa-Indian Ocean Division Territory**—Benin, British Indian Ocean Territories, Burkina Faso, Burundi, Cameroun, Cape Verde, Central African Republic, Chad, Comoro Islands, Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kerguelan Islands, Liberia, Madagascar, Mali, Mauritania, Mauritius, Niger, Nigeria, Reunion, Rodrigues (Mauritius), Rwanda, Senegal, Seychelles Islands, Sierra Leone, Togo, and Zaire.

**C 05 10 China Territory**—China and its possessions.

**C 05 15 Eastern Africa Territory**—Botswana, Djibouti, Ethiopia, Kenya, Malawi, Somalia, Tanzania, Uganda, Zambia, and Zimbabwe.

**C 05 20 Euro-Africa Territory**—Algeria, Andorra, Angola, Austria, Azores (Portugal), Belgium, Bulgaria, Canary Islands (Spain), Czechoslovakia, Federal Republic of Germany, France, German Democratic Republic, Gibraltar, Italy, Liechtenstein, Luxembourg, Madeira Islands (Portugal), Malta, Monaco, Morocco, Mozambique, Portugal, Romania, San Marino, Sao Tome and Principe, Spain, Switzerland, Tunisia, and the Vatican City State.

**C 05 25 Far Eastern Territory**—Bangladesh, Brunei, Burma, Hong Kong, Indonesia, Japan, Kampuchea (Cambodia), Korea, Laos, Macao, Malaysia, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam, and islands of the Pacific north of the equator, west of the International Date Line, and south of 50 north latitude (excluding Kiribati north of the equator).

**C 05 30 Inter-American Territory**—Anguilla, Antigua, Bahama Islands, Barbados, Belize, Cayman Islands, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, French Guiana, Grenada, Guadeloupe, Guatemala, Guyana, Haiti, Honduras, Jamaica, Leeward Islands, Martinique, Mexico, Montserrat, Netherlands Antilles, Nicaragua, Panama, Puerto Rico, St Kitts/Nevis, St Lucia, St Vincent, Surinam, Trinidad and Tobago, Turks and Caicos Islands, Venezuela, Virgin Islands (US and UK), and Windward Islands.



# TRADEMARK - Guidelines

... reporting documents, shall be subject to external audit, whether conducted by the General Conference auditors or governmental auditing services as stipulated when funds are received from the government source.

5. Eligibility for Relief and Development Aid—*a.* All assistance for relief granted by ADRA is intended for communities, families, and individuals in need. Employees of the Seventh-day Adventist Church organization are considered the responsibility of the employing organizations.

*b.* Eligibility for assistance for development of minor and major health care and educational projects provided by ADRA International shall be determined through the ADRA Regional Committees.

6. Requests for Assistance—All requests for assistance shall be placed through regular ADRA channels. When aid is requested in the form of cash or materials purchased by ADRA International, it shall be granted on the basis of the requesting organization providing funds on a sharing basis as determined by the ADRA International board.

H 25 30 Reporting—1. The executive director of ADRA at the division level shall be responsible for reporting to the donor agencies and ADRA International.

2. A uniform system of reporting shall be used in the ADRA organization.

3. At the annual meeting of the board of directors, the following shall be presented:

*a.* A status report on the activities of the worldwide operation covering all projects and programs currently operative, irrespective of the source of funding and the area in which it is used.

*b.* A report on the submissions for assistance that have been made to donor agencies.

*c.* An annual financial statement.

*d.* Approval of the budget.

4. Copies of minutes of division ADRA agencies shall be filed with ADRA International.

H 25 35 Constitution and Bylaws—ADRA International shall operate and be administered in harmony with its Constitution and Bylaws which are approved by the General Conference.

H 25 40 Biblical Perspectives—The following Biblical perspectives are the basis for the church's activities in the areas of development and relief aid:

1. God sent Jesus Christ into a sinful and evil world in order to answer human need and show a new way of life that would demonstrate the principle of love in all human relationships: John 3:16; Luke 19:10; Luke 10:27.

2. Jesus Christ showed special concern for the very poor, the despised and the degraded. He condemned those who failed to respond to their situation: Luke 4:18; Luke 20:47; Luke 12:21.

3. The New Testament con-

demands the use of categories or groups of people as a basis for Christian involvement in meeting need: Mark 16:15; Col. 3:11; Rom. 3:23.

4. Jesus Christ, in His initiatives and in the commission to the church, regarded man as a whole, offering healing, teaching, and salvation so that the image of the Creator might be restored in man: Luke 4:40, 43; Col. 3:10; Luke 10:9.

5. The church is called to give itself to the world in a redeeming, healing ministry: John 12:5; James 2:15, 16; 1 John 3:16.

6. The end-time brings cruel and evil distortions in the social fabric, a condition deplored in the world and by its Lord, and to which the church responds by identifying the causes and seeking to relieve those harmed by injustice: James 5:1-6; Isa. 58:6, 7; Rev. 3:17.

7. Christianity acts as a catalyst in social and political change, yet the church does not seek political involvement or economic advantage through its ministry and mission: John 18:36; Acts 4:34; Amos 8:4.

## SAWS/Adventist Development and Relief Agency—Reorganization

**VOTED.** 1. To approve the reorganization of what is now known as the Seventh-day Adventist World Service under the new nomenclature Adventist Development and Relief Agency, Inc. (ADRA International).

2. To adopt as a provisional document the following revision of the SAWS/ADRA bylaws, and direct that it be listed for further consideration by the 1984 Annual Council. [Bylaws are omitted here.—Editors]

## Trademark—Seventh-day Adventist—Guidelines

**VOTED.** To adopt the following report of the *ad hoc* SDA Trademark Committee as guidelines and procedures for possible future insertion into the GC/NAD Working Policies.

1. *Guidelines*  
Church trademarks, such as "Seventh-day Adventist," "Adventist," and "Ministry," may be used only in connection with denominational ministries and non-commercial activities of approved lay and professional groups. Use of these trademarks shall be controlled by the General Conference of Seventh-day Adventists through its Trademark Committee. Church trademarks shall not be used in any manner that will jeopardize the church's tax-exempt status.

2. *Procedures*  
*a. Existing Entities:* Church entities that have denominational status and are included in the *Seventh-day Adventist Yearbook* at the time of adoption of this policy and procedure may use the trademarks in their names and ministries.

*b. New Denominational Administrative Entities:* New administra-

tive entities, such as missions, conferences, union conferences, and divisions that are approved by the General Conference Committee may use the trademarks in their names and ministries.

*c. New Denominational Institutions:* When new institutions apply for denominational status (see NAD C 47), the Retirement Plan Committee shall refer all applications of institutions using one of the trademarks to the Trademark Committee of the General Conference for clearance before the application is approved by the Retirement Plan Committee.

*d. Local Churches:* Local churches and companies may use the trademarks in their ministries once their status has been approved by the local conference or mission.

*e. Lay Groups:* Lay and professional groups must apply for written permission to the secretary of the Trademark Committee of the General Conference. The articles and bylaws of such groups must indicate that they are independent of the church and are not its agents. After receipt of written notice of General Conference approval, such groups may use the trademarks solely for noncommercial purposes.

*f. Revocation of Permission:* For cause the General Conference Committee may revoke permission of any denominational entity or lay group to use the trademarks. "For cause" includes, but is not limited to, conflict with the objectives or doctrines of the church as determined by the General Conference and commercial use by nonchurch groups.

## Internal Procedure of SDA Trademark Committee

*a. Requests for Use of a Church Trademark*

1) Trademark Committee considers request.

2) If Trademark Committee approves, it sends request to officers for consideration.

3) If officers approve, Trademark Committee notifies General Conference Corporation.

4) Trademark Committee sends written notice of approval to applicant.

*b. Evaluation of Unauthorized Use of a Church Trademark*

1) Trademark Committee evaluates problem, with input from Office of General Counsel and trademark counsel.

2) Trademark Committee reports to officers.

3) If officers so authorize, Office of General Counsel sends conciliatory letter stating the problem and offering to discuss possible solutions.

4) If response is negative, Trademark Committee and then officers again consider the problem. If officers so authorize, trademark counsel sends polite cease-and-desist letter.

5) If trademark counsel receives negative response, Trademark Committee and officers reconsider the situation for possible litigation or other action.

*c. Revocation of permission for use of a church trademark will follow the same basic procedure as outlined in subsection b. of this internal procedure, with final action on revocation, however, voted by the General Conference Committee.*

4. Divisions other than North America are requested to take appropriate actions in harmony with these guidelines.

## A Statement on Theological Freedom and Accountability

**VOTED.** To accept the following, A Statement on Theological Freedom and Accountability as a study document and give further study to the document and to the possibility of presenting it in the form of two documents for adoption by the 1984 Annual Council. Suggestions for additions, deletions, or changes should be addressed to the Vice-President, who is the advisor to the Education Department, before March 1, 1984. A committee appointed by the General Conference officers will then review the document together with the recommendations received and prepare it for presentation to the 1984 Annual Council. [A 12-page statement that followed offered guidelines applicable both to ministers and employees in teaching positions.—Editors]

## Central African Union—Reorganization

**VOTED.** To approve the request of the Africa-Indian Ocean Division to reorganize the territory of the present Central African Union as follows:

1. Reorganize the five local fields in Rwanda into three local fields.

2. Organize a new union for the territory of Rwanda with headquarters in Kigali.

3. Reorganize the two local fields in Burundi into a single field attached directly to the Africa-Indian Ocean Division.

## General

### Church Hymnal Committee Report

C. L. Brooks and Wayne Hooper gave details of the criteria governing the choice of materials to be included in the forthcoming *Seventh-day Adventist Hymnal*, among which were the following:

The selections were chosen for their suitability for congregational singing, their appeal to the youth of the church and the different cultures represented in our congregations, the soundness and full representation of doctrine, and for their recent composition (since 1941). Care was also taken to include the selections from the great music of Christendom and the best in early Advent hymns.

About 300 of the hymns in the present *Church Hymnal* have been retained, about the same number deleted, and 165 new ones have been added. The preparation of the



# Christian citizenship

By JOHN V. STEVENS, SR.

## The unholy alliance between church and state is the ultimate rejection of God's providential love.

People flee oppressive governments to find freedom. They crave citizenship in a congenial country where a citizen is free, with rights, responsibilities, and loyalties.

Christ recognized our duty to Caesar. Citizenship demands that loyalty be given to one's state.

But Christians have a higher citizenship also. "Our citizenship is in heaven" (Phil. 3:20, N.I.V.). Because of this, Peter, when ordered to stop preaching, replied, "We ought to obey God rather than men" (Acts 5:29). His ultimate loyalties were to heaven, not to Judea or Rome. He was, like Paul, an ambassador for Christ (2 Cor. 5:20), whose "kingdom is not of this world" (John 18:36).

He who is loyal to God's kingdom and is His ambassador will not entangle "himself with the affairs of this life; that he may please him who hath chosen him to be a soldier" (2 Tim. 2:4). An ambassador attends to the affairs of his own government, protecting the interests and rights of those visiting from his nation. In the same way we are to protect religious freedom by communicating with our legislators and by voting to put into office those who will uphold these liberties.

In the United States some political activists have forgotten the nature of Christ's kingdom. They believe religious laws will bring the blessings of heaven on this nation by developing an outward conformity to what they conceive to be God's will, even though it is void of inward faith and a willing spirit.

But enactment of such laws binds "consciences of men in regard to their religious privileges," marking "national apostasy" and bringing "national ruin" (*The SDA Bible Commentary*, Ellen G. White Comments, on Rev. 14:9-12, p. 977). A similar movement ended up crucifying Christ.

This is how the beast power developed in the early centuries. Professed Christians allied themselves with Rome's government, trampling rights of conscience of those who differed, even killing millions.

The modern church-state marriage promises to restore God's law. In reality it will do just the opposite. The fulfilling of the law is to love God supremely and one's neighbor as himself. How can love exist in the atmosphere of coerced conscience and forced religious behavior?

The unholy alliance between church and state is the ultimate rejection of God's providential love and is the acceptance of Satan as ruler and provider. Breaking those

shackles, following the Revolutionary War political leaders rose to prominence, dramatically shifting the nation to religious freedom and church-state separation. The United States, as predicted by God, experienced a unique development in history—a nation without a king and a church without a pope.

The Bill of Rights in our Constitution guaranteed freedom of religion to those who desired it and freedom from religion to those who did not want it. Government was not to be entangled with religion or religion with government. This brought peace, prosperity, and liberty. The Founders wanted to avoid any impression that political problems had to have religious solutions.

But these freedoms are now threatened. The government has clasped the hand of Rome—establishing official diplomatic ties, carrying out papal policies. We can see the time when "our country shall repudiate every principle of its Constitution as a Protestant [religious freedom] and republican government [civilian freedom]."—*Testimonies*, vol. 4, p. 451.

Recent decisions of the Supreme Court are cause for alarm. In 1982 the Court ruled in *United States v. Lee* that "to maintain an organized society that guarantees religious freedom to a great variety of faiths requires that some religious practices yield to the common good." In far-reaching implications in the 1983 *Bob Jones University v. United States*, the Court said, "The institution's purpose must not be so at odds with the common community conscience as to undermine any public benefit that might otherwise be conferred."

### A religious minority

The "common community conscience" was something religious dissidents fled when they left the Old World. As Sabbathkeepers, we are a religious minority and acutely aware of the evils of religion enforced by the state.

A month later, in *Mueller v. Allen*, the Court reinterpreted the three-part establishment test in harmony with the U.S. Catholic Conference request. The new interpretation lays the foundation for further government support for religious institutions and observances.

About the same time, in *Marsh v. Chambers*, the Court authorized tax-supported prayer in the Nebraska State legislature. "To invoke divine guidance on a public body entrusted with making the laws is not, in these circumstances, an 'establishment of religion' or a step toward establishment; it is simply a tolerable acknowledgement of beliefs widely held among the people of this country." More alarming, the three-part establishment test was completely ignored for the first time since its inception.

This past spring, the Pawtucket, Rhode Island, publicly funded crèche was found constitutional. *Lynch v. Donnelly* said the religious display inclusion was for the purpose of



October 1993 (Pastor Jan Marcussen)

6

donation of \$15. Or you may receive them free when you get 2 boxes or more of "National Sunday Law" to reach precious souls before they are dead.

11) I've heard that some who have started faithful SDA churches according to the encouragement of Elder Robert Folkenberg {which I quoted for you in my mid August letter}, hesitate to put up a sign saying "Seventh-day Adventist church," because they are afraid that a Roman catholic lawyer will send them a letter threatening to sue them. Shame on them. God gave His obedient people that name. When the Sunday law soon comes, will they be cowards and go along with it and receive the mark of the beast? **But I have some good news for you.**

After doing some deep research into the trademark and copyright laws, and going all the way to the top, I've learned that a trademark is for the slogan or name of a "product" which can be bought or sold -- like Pepsi Cola, or Cue Tips. Whoever tricked the General Conference into getting a trademark on the name "Seventh-day Adventist," has turned it into a "product" to be bought or sold! Do you comprehend that? But listen carefully now. The name "Seventh-day Adventist" that has been trademarked applies to the Conference Corporations, {the legal body which will cease to exist after the Sunday law when the papal controlled government takes them over. The good news is 1) Since you, and SDAs all over the world now know that it is illegal to trademark the name of a church, no one can legally win a law-suite for a sign with the name of God's church on it! {The only way the catholic lawyer got away with it the first time is because both the judge, the Hawiaan pastor, and maybe the General Conference men themselves were ignorant of the trademark laws. Either the catholic lawyer was ignorant of it too, or he tricked the dear General Conference men into turning it into a "product." Good news # 2) Since the General Conference lost millions of \$ in tithe and offerings after doing it, they have not been doing it any more. Good news # 3) On my CCA video #7, I showed you that the Catholic lawyer got up in a GC meeting and told them that they cannot sue people any more for using the name, because they lost the case to the homosexuals and the judge ruled that the name {of the SDA church} is generic, and is the name of a religion, {which cannot be trademarked.} {The judge caught what the trademark office should have caught}. Good news # 4) I have made a SDA sign for the SDA church which I pastor, AND I HAVE IT COPYRIGHTED {according to title 17, section 106 of the U.S. Copyright Code}, so that now, it is legally protected by law, and anyone in the world can get it from me to put up in front of your SDA church if you want to use it. Praise God! The word of God is not bound! The church of God is not bound! "If the Son therefore shall make you free, ye shall be free indeed." Jn. 8:36. King Jesus sets His dear SDA people free! Praise God! If you want a copy from me for your SDA church, just write and ask for my info letter on it. The signs will be very inexpensive. {If you want a copy of the trademark and copyright documentation which I have from Washington D.C. verifying what I have just told you about it, just send anything to help cover the cost and I'll send it right away. God's church is not the Micky Mouse Club. As an ordained SDA minister, I'm standing in loyal defense of God's SDA church against the papal attack (Rev. 12:17)}.

12) God is guiding His SDA church, and will take it through to the highest heaven. Praise God! God's prophet said, "I am encouraged and blessed as I realize that the God of Israel is still guiding His people, and that He will continue to be with them, even to the end." Mar. 203. Praise God again! "A wonderful Saviour is Jesus our Lord! A wonderful Saviour to me."

Anyone who gets a box of 100 "National Sunday Law" books for a donation of 49 cents each, to reach 100 precious souls will receive free shipping, plus any one video or audio on the life of Jesus, when you ask. They are in Spanish also. The postage will also be free to one address to anyone who gets 1000 for a donation of 39 cents each, 36 cents each for 2000, 35 cents each for 5000. 34 each for 10,000. 32-cents each for 50,000 or more. Call me if you're interested in a bulk mailing.

I'm scheduled to speak morning and evening:

Oct. 23, - Angwin, CA SDA church. Call 707-965-9382.

Nov. 6, - Spokane, WA SDA camp meeting. Call 406-295-5555.

If you think that this letter will help others, you may make copies of it.

Look what our Mighty God will do! "And now before the swaying multitude are revealed the final scenes, . . . As if entranced, the wicked have looked upon the coronation of the Son of God. . . Satan seems paralyzed as he beholds the glory and majesty of Christ. {Praise God!} He sees that his hellish plots have been powerless to destroy those who have put their trust in Jesus. He knows too well the power and majesty of the Eternal. . . The hour has come when Christ occupies His rightful position, and is glorified above principalities and powers. . . Then, in a voice that reaches the assembled multitudes of the righteous and the wicked, he declares, 'Behold the purchase of My blood! For these I suffered; for these I died; . . . And the song of praise ascends from the white-robed ones about the throne, 'Worthy is the Lamb that was slain to receive power, and riches, and wisdom, and strength, and honor, and glory, and blessing.'" 4SP 482-487. Praise God friend. Praise God! Dear Jesus loves you! He'll take you home.

Your brother in Christ, Pastor Jan Marcussen

I want to help win souls and save them from the lake of fire by getting 100 \_\_\_ 200 \_\_\_ 1000 \_\_\_ 2000 \_\_\_ 5,000 \_\_\_ 10,000 \_\_\_ 50,000 \_\_\_ 100,000 \_\_\_ "National Sunday Law" books for the suggested donation mentioned in this letter with free shipping to one U.S. address \_\_\_. I want you to take my gift of \$ \_\_\_ to bulk mail little NSL preachers for me to a city which I've checked above \_\_\_, or if any other in your own area, put rural route numbers, and how many homes in each one - (from your post master), with city, state, and zip on a separate sheet. Please send part 11 of the video series "Catholic Charismatic Attack (on God's SDA church)" for a donation of \$20. I want part 1 \_\_\_ 2 \_\_\_ 3 \_\_\_ 4 \_\_\_ 5 \_\_\_ 6 \_\_\_ 7 \_\_\_ 8 \_\_\_ 9 \_\_\_ 10



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Fluoristat is a trademark for a proven decay-preventive composition (active ingredient: sodium fluoride).



"The Mark of the Beast" Rev. 13:17; 14:11.

compare





# THE TRADEMARK CHURCH

PART TWO OF THREE

A4 Friday, April 10, 1987 The Honolulu Advertiser

Friday, April 10, 1987 Honolulu Star-Bulletin C-7

## BRIEFS

### Issue Church name

Conference Cor-  
nenth-day Adven-  
-land church has  
ong name. But  
s feel they are  
one.

ion of Seventh-  
-yesterday filed  
court alleging  
h-day Adventist  
Church in Kea-  
ted its federally

registered trademark.

Use of the tradename by the church and its pastor, John R. Marik, "has caused confusion and is likely to continue to cause confusion, mistake and deception in the minds of the public as to the correct source of defendants' ministry, activities, services, instructions, products and goods," the lawsuit says.

But Marik said the 12 members of his church feel the use of Seventh-day Adventist represents "a description of our faith" and not a description of a trade-name. He said the church has received several letters that threaten legal action but has replied that members are standing by their convictions and "following the Lord."

the date on the "Seventh-day Adventist" trade-  
page. It is November 10, 1981. From April to  
1981, Vincent Ramik worked with the General  
a plagiarism defense of E.G. White. He is a Ro-  
patent attorney in Washington D.C. At some  
association, he or they probably suggested that  
names "Adventist" and "Seventh-day Adven-

t you will voluntarily immediately terminate the use of  
-day Adventist" and that should put an equitable finality  
matter.

-we will receive your assurances that your activities in  
ard have ceased and we would appreciate confirmation to  
ect as soon as possible.

ly yours,

RAMIK & WIGHT, P.C.



L. Ramik

: Reg. No. 1,177,185

demarks were then applied for and approved in  
that year.

not think that the leaders may have the same  
ship in mind that Satan has for this emerging  
t he knows well that if, on one hand, he can  
hurch's doctrines—and then, on the other, forbid  
from calling themselves by that name,—he will  
eat victory!

## Neighbor Island News

### Seventh-Day Adventists file suit against a church in Kailua-Kona

The Seventh-Day Adven-  
-tists' corporation filed suit in  
federal court yesterday, asking  
that a Kailua-Kona  
church stop using the name  
"Seventh-Day Adventist."

The suit by the General  
Conference Corporation of  
Seventh-Day Adventists is  
against the Seventh-Day  
Adventist Congregational  
Church and its pastor John  
R. Marik, who says his  
church has about a dozen  
members.

According to the suit, the  
corporation has used the  
name "Seventh-Day Adven-  
-tist" since 1860 and has  
grown to a membership of  
more than 4.5 million in 200  
countries with about 10,000  
ordained ministers and about

25,000 churches.

The suit said the corpora-  
-tion is the owner of the U.S.  
Trademark and Service Mark  
registration of the name  
"Seventh-Day Adventist."

Marik said his group shares  
similar beliefs with the  
Seventh-Day Adventists, yet  
includes the term "Congrega-  
-tional" because the group is  
independent.

"We feel we have a right  
to use the name" as a de-  
-scription of his church, he  
said. "We feel the name is  
what the Lord wants it to  
have."

Marik said he'll consult  
with the members before  
deciding how to respond to  
the suit.

Int. Cls.: 16, 36, 41 and 42

Prior U.S. Cls.: 38, 100, 102 and 107

United States Patent and Trademark Office

Reg. No. 1,177,185

Registered Nov. 10, 1981

TRADEMARK  
SERVICE MARK  
Principal Register

SEVENTH-DAY ADVENTIST

General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: RELIGIOUS BOOKS, MAGAZINES,  
PAMPHLETS, NEWSLETTERS, BROCHURES,  
ENCYCLOPEDIAS, DICTIONARIES, COMMENTARIES,  
FLIERS, BULLETINS, YEARBOOKS,  
BOOKLETS AND BIBLES, in CLASS 16 (U.S. Cl.  
38).

First use 1861; in commerce 1861.

For: ESTABLISHMENT AND ADMINISTRATION  
OF EMPLOYEE HEALTH CARE AND  
BENEFIT PROGRAMS AND MEDICAL INSURANCE  
PROGRAMS, in CLASS 36 (U.S. Cl. 102).

First use 1973; in commerce 1973.

For: EDUCATIONAL INSTRUCTION SER-  
VICES IN ACADEMICS AT GRADE SCHOOL,

HIGH SCHOOL AND COLLEGE LEVEL; FILM  
PRODUCTION AND DISTRIBUTION SER-  
VICES, in CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: HEALTH CARE SERVICES—NAMELY,  
HOSPITAL, DENTAL, PHARMACEUTICAL,  
NURSING HOME, AND MEDICAL LABORATORY  
SERVICES; CONDUCTING RELIGIOUS  
OBSERVANCES AND MISSIONARY SER-  
VICES, in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Ser. No. 261,134, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner



We would like to have a friendly relationship with the Denomination. We realize that there is a tremendous work for all of God's people to do; each has a sphere of influence which is special; certain souls will be won to Christ by certain individuals; and likewise certain people will be reached for Christ by certain churches. There is plenty for all to do. Here in Kona we have our sphere, you have yours; there is no reason at all for competition. We are to be used by God to bring souls to Him, not to fill our churches. We are to teach our flocks to know and depend on Jesus, not our organizations. We can't speak for the denominational church, but we can speak for the congregational church. Our great concern is to have a living, personal relationship to our Lord, which will enable us to stand faithful to Him no matter what trouble comes. This means the following: We are more concerned with having the beam, taken out of our own eyes than in trying to remove a mote from someone else's. We want to know and love Jesus; we want Him to be our greatest treasure; we want that precious experience which the Bible and Spirit of Prophecy tells us of. We want that God given burden for lost souls placed heavily upon our hearts. And we want to be ready for Heaven.

We hope and pray that things will work out for peace between us. We want peace if it is possible to be secured without having to compromise our convictions and conscientious understanding in regards to God's testimony. We do not know what farther course you may pursue in this matter; but we are standing on the clear counsel of God.

Very sincerely yours,

*John R. Marik*

John R. Marik, Pastor  
Seventh-day Adventist Congregational Church

"I was shown in regard to the remnant people of God taking a name. Two classes were presented before me. One class embraced the great bodies of professed Christians. They were trampling upon God's law and bowing to a papal institution. They were keeping the first day of the week as the Sabbath of the Lord. The other class, who were but few in number, were bowing to the great Lawgiver. They were keeping the fourth commandment. The peculiar and prominent features of their faith were the observance of the seventh day, and waiting for the appearing of our Lord from heaven.

"The conflict is between the requirements of God and the requirements of the beast. The first day, a papal institution which directly contradicts the fourth commandment, is yet to be made a test by the two-horned beast. And then the fearful warning from God declares the penalty of bowing to the beast and his image. They shall drink the wine of the wrath of God, which is poured out without mixture into the cup of His indignation.

"No name which we can take will be appropriate but that which accords with our profession and expresses our faith and marks us as a peculiar people. The name Seventh-day Adventist is a standing rebuke to the Protestant world. Here is the line of distinction between the worshippers of God and those who worship the beast and receive his mark. The great conflict is between the commandments of God and the requirements of the beast. It is because the saints are keeping all ten of the commandments that the dragon makes war upon them. If they will lower the standard and yield the peculiarities of their faith, the dragon will be at peace; but they excite his ire because they have dared to raise the standard and unfurl their banner in opposition to the Protestant world, who are worshipping the institution of papacy.

"The name Seventh-day Adventist carries the true features of our faith in front, and will convict the inquiring mind. Like an arrow from the Lord's quiver, it will wound the transgressors of God's law, and will lead to repentance toward God and faith in our Lord Jesus Christ.

"I was shown that almost every fanatic who has arisen, who wishes to hide his sentiments that he may lead away others, claims to belong to the church of God. Such a name would at once excite suspicion; for it is employed to conceal the most absurd errors. This name is too indefinite for the remnant people of God. It would lead to supposition that we had a faith which we wished to cover up."

Ellen G. White

Do you know what would happen if you started manufacturing photo copy equipment—and called yourself the "West Coast Xerox Corporation"? You would be sued by Xerox Corporation.

And what would happen if you started a new local—or nationwide—religious organization, and called it the "Faith Baptist Church"? No one would sue you at all. Why?—Because (1) "Baptist" and "Faith" are expressions of your religious experience, (2) such terms are used repeatedly in the titles of various denominations, and (3) your name is slightly different than all the others.

One denomination is called "National Baptist Convention of America," while another is entitled "National Baptist Convention, U.S.A., Inc."

There is a "Church of Christ" and a "United Church of Christ." There is a "Methodist Episcopal Church, African," a "Methodist Episcopal Zion Church, African," and a "Methodist Episcopal Church, Christian."

Literally hundreds of other close similarities in denominational names could be cited.

Why are they so much alike? (1) Their beliefs are expressed in their name, and (2) divisions and splinter groups develop that retain the original name with only slight variation.

However, in our case, we have an explicit statement by our prophet that we are to call ourselves "Seventh-day Adventists."

Do you recall that I said earlier that each denominational name must be slightly different? Even that is not true when it comes to churches: Two of the larger denominations are the "Church of God (Anderson)" and the "Church of God (Cleveland)."

But those eleven people in Hawaii, in their tiny church building that no one would ever notice, will probably lose the case - simply because they lack the funding to defend themselves successfully in court. But if the case could be taken up through the courts, I believe they would win - for their name IS a distinctive name while STILL retaining their beliefs: "Seventh-day Adventist Congregational Church."

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LAW OFFICES

DILLER, RAMIK & WIGHT, P. C.

PATENT & TRADEMARK CAUSES  
MERION SQUARE SUITE 101  
7345 MCWHORTER PLACE  
ANNANDALE, VIRGINIA 22003

TELEPHONE  
703-542-8708

December 30, 1985

OF COMMUNICATION  
22-6100



General Conference of

# Seventh-day Adventists

CHURCH WORLD HEADQUARTERS 6840 EASTERN AVENUE NW, WASHINGTON, DC 20012 USA  
TELEPHONE (202) 777-6000 CABLE ADVENTIST WASHINGTON TELEK: 80 560

Pastor John Marik  
P.O. Box 271  
Kealahakua HI 96750

Dear Pastor Marik:

Thank you for your thoughtful and well intended reply of November 29, 1985 concerning your use of Seventh-Day Adventist Congregational Church.

December 5, 1985

Mr. John R. Marik, Pastor  
P. O. Box 271  
Kealahakua, Hawaii 96750

Dear Mr. Marik:

I have received your long letter concerning your independent congregation's use of the trademark "Seventh-day Adventist," and have referred it to the General Conference law office, where I understand the matter is now being handled.

Sincerely,

Robert W. Nixon  
Director

gng  
xc: Warren L. Johns

The difficulty, most unfortunately, is that your very testimony evidences existing confusion in the name ("Seventh-day Adventist") legally the property of only the General Conference. If you "continue as we have done", you foreclose an equitable, Christian solution to a very serious conflict. If, however, you live by your stated faith and conviction, perhaps you and your congregation will favorably consider changing your name to avoid the use of "Seventh-day Adventist". We would recommend and would favorably consider your using, for example, the name "Seventh-day Congregational Church".

We remain hopeful that this offer of compromise will meet with your acceptance, but should such not be the case we will proceed through litigation to obtain equitable relief.

We trust we shall receive an immediate and, hopefully, favorable reply.

Very truly yours,

DILLER, RAMIK & WIGHT, P.C.

Vincent L. Ramik

VLR: jr

with brother, and that before the unbelievers. Now, therefore, there is utterly a fault among you, because ye go to law one with another. Why do ye not rather take wrong? Why do ye not rather suffer yourselves to be defrauded? Nay, ye do wrong, and defraud, and that your brethren [that ye do it against]? Know ye not that the unrighteous shall not inherit the kingdom of God?" - 1 Corinthians 6:1, 5-9.

WE ARE NOT TO SUE  
ONE ANOTHER!

"Dare any of you, having a matter against another, go to law before the unjust, and not before the saints? . . . I speak to your shame. Is it so, that there is not a wise man among you? no, not one that shall be able to judge between his brethren? But brother goeth to law

PART THREE OF THREE

# THE TRADEMARK CHURCH







April 15, 1987

ALOHA!

Dear Friends In Christ:

We hope every one is well and happy in Christ! We are all well and rejoicing in the Lord. We feel unworthy of His blessings, but they keep coming! All He asks is that we obediently commit and surrender our entire life to the beckoning of His leading hand, trusting fully in Him for the preservation of our souls. Thanks be to our God that it is that simple.

Well, if you have not heard, last Thursday we received a phone call from the Honolulu Federal Court which notified us that the General Conference has filed a law suit against us. The reason is simple: We are an independent group of Seventh-day Adventists, and they do not want us to call ourselves the "Seventh-day Adventist Congregational Church"; because, they say, it is their trade name. Therefore, they are alleging that we are offensively infringing on the use of their trademark, with the intent to deceive others as to our true origin.

I think you can judge the matter for yourself. Here are several important points for consideration:

(1) Is the church ever to be considered a trade or business, such as a "trade name" would imply? Is not the Gospel free? Hence, how can it be looked upon as a trade needing a trade name, or be categorized as a business requiring a trademark? We cannot answer for the denomination, but our congregational church is neither a business nor a trade.

(2) The phrase, "Seventh-day Adventist" is not a name of any one church or entity; it is a description of a faith, a set of religious beliefs, and as such should in no way be subject to any copyright laws. For an example: There are many separate "baptist" churches. Again, we cannot answer for the General Conference, but our faith and beliefs are those of orthodox Seventh-day Adventists.

(3) That is the only name which has God-given approval for His commandment keeping people who are very shortly anticipating His return (see 1st. Testimony pages 223 & 224). We have chosen to obey God in this matter—the price be as it may.

(4) It would be a deception on our part, if we did not forthrightly identify ourselves as "Seventh-day Adventists". Our beliefs are the same as those endorsed by God in the writings of Ellen G. White, whom we also recognize as an inspired prophet for these last days. If we used another name and held these beliefs, how would the world receive our witness? We would be accused of deceit! We would have to admit that we were what we believe and teach, "Seventh-day Adventists". We want to be open and honest about our faith—we are not ashamed of who we are, we have a testimony to bear.

(5) How can a christian individual or church sue another believer or church in a court of law and stand before the tribunal of God as not guilty? (see 2nd Selected Messages page 153)

This has given you a little insight into this situation. Please pray with us that God will be glorified in this matter. We have eleven members, and we all firmly feel that we must obey God rather than man. We trust that God will do marvelous things.

May God bless you and guide you in the path that leads to eternal life in Christ Jesus.

Love in Christ from all of us here at Kona:

Pastor John, Dulcie ,and Church family

P.S. At your request we will be glad to send you copies of letters between the General Conference and us regarding this matter. Just write or call. Our phone number is: (808) 328-9490

"I was shown in regard to the remnant people of God taking a name. Two classes were presented before me. One class embraced the great bodies of professed Christians . . . The other class, who were but a few in number, were bowing to the great Lawgiver. They were keeping the fourth commandment. The peculiar and prominent features of their faith were the observance of the seventh day, and waiting for the appearing of our Lord from heaven . . .  
"No name which we can take will be appropriate but that which accords with our profession and expresses our faith and marks us a peculiar people. The name SEVENTH-DAY ADVENTIST is a standing rebuke to the Protestant world . . . The name SEVENTH-DAY ADVENTIST carries the true features of our faith in front, and will convict the inquiring mind. Like an arrow from the Lord's quiver, it will wound the transgressors of God's law, and will lead to repentance toward God and faith in our Lord Jesus Christ."—1 Testimonies, page 223-224.







*Seventh-day Adventist Congregational Church*

DILLER, RAMIK & WIGHT, P. C.

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ANNANDALE, VIRGINIA 22003

DMC  
8700

P.O. Box 271, Kealakekua, Hawaii 96750  
(808) 328-9490

TELEX  
097 HWA RAMIK  
CABLE  
RAMIK

November 22, 1985

Pastor John Marik  
P.O. Box 271  
Kealakekua, Hawaii 96750

Dear Pastor Marik:

It has now been approximately six weeks since you received our letter of September 25, 1985 and we have yet to receive a reply. We attempted to express the position of the Seventh-day Adventist Church as forthrightly and equitably as possible in the hopes that you would promptly end your use of the name Seventh-day Adventist and, as we stated, "put an equitable finality to this matter."

Perhaps you do not appreciate the severity of your activities, but we do emphasize that your utilization of "Seventh-day Adventist" disceptively impugns upon the good will of the Seventh-day Adventist Church and is completely contrary to established legal precedent and equity. Quite candidly, a court would undoubtedly restrain and/or preliminarily enjoin your use of "Seventh-day Adventist". While we hope not to be forced to take such legal action, such will be done unless we have your immediate assurance that your illegal and inequitable use of "Seventh-day Adventist" has ceased.

We strongly recommend that you advise us by return mail of your compliance with this demand.

Very truly yours,

DILLER, RAMIK & WIGHT, P.C.

  
Vincent L. Ramik

VLR: jr

November 29, 1985

The Seventh-day Adventist Denomination

Dear Sir(s):

We, of the "Seventh-day Adventist Congregational Church", are writing to you and all those concerned in reference to the following request of the "General Conference of the Seventh-day Adventist" denomination: That we no longer use or refer to ourselves as the "Seventh-day Adventist Congregational Church"(our corporate name under the laws and provisions of the State of Hawaii).

We are sorry that this situation has been such a cause of distress; this was certainly not our motives. We have had no intention or desire--neither do we now have--to confuse, mislead, or deceive anyone in regards to our congregational church and its reason for existing independently of the denominational church. We, just as you, are concerned about the prospect of people being confused. We do not at all want or wish that any Seventh-day Adventist visitor, who is from some other place and not knowledgeable of the difference, to be tricked or deceived into attending our church--being unaware of the fact that we are not associated with the Denomination.

We understand very well that our name and existence as an independent body of Seventh-day Adventists has been, is, and probably will continue to be an offense to the Denomination. This is not our desire, but this unfortunately is the way it is. We also do not, in the least, feel that we are in the wrong! And this is the reason why: Our faith and beliefs are those of a Seventh-day Adventist as is described in the Bible and the writings of Ellen G. White (who we also hold to be an inspired prophet of God). If we were to call ourselves by some other name, wouldn't the general christian community question our reason for not expressing what we really believe, wouldn't that be concealing our true identity, and wouldn't that give just cause for our Sunday-keeping brethren to consider our honesty in what we verily believe and who we truthfully claim to be?



We do not apologize for our convictions in regard to the counsel that God has given us as a people who are honoring the seventh-day Sabbath of the fourth commandment of the decalogue, and who very much long for and believe in the near advent of our Lord and Saviour Jesus Christ. Hence the name: "seventh-day" + "adventist". Please tell us what other name would describe our faith? We believe, and very much so, that the name "Seventh-day Adventist" is not a denominational name--it is a name or term which describes a particular Christian faith or body of beliefs. We also are convicted, even against our own judgment, that this name is especially approved and ordained by God as testified to in the inspired counsel given to Ellen G. White (Testimonies to The Church, Vol. #1, page 223, 224.) And contrary to our judgment, we have yielded to what we solemnly believe to be in harmony with the revealed will of God. We have sought to obey His counsel on this matter, and by His grace we must continue to do so; and this can be our only reply to our brethren of the Denomination.

Please consider our faith and conviction in this matter. We ask that you please read the inspired testimony mentioned above. Do we not have the liberty and the freedom to conscientiously follow what we, just as many other Seventh-day Adventists, believe to be the truth? Just because we are not under the authority of the Denomination, does that mean we have no right to live the message as given to those who wish to honor God's commandments and anticipate His soon second advent, does that imply that we can't seriously take to heart the counsel given in the writings of Ellen G. White? We believe that she was a prophet of God as many in the Denomination also do; but can anyone claim God's gift exclusively for himself or his church?

We would ask that you please be understanding; for these convictions involve our faith, beliefs, and conscientious study of the Word of God. The following statements from the Scriptures and the Spirit of Prophecy explain, clarify, and sanction our position on the use of "Seventh-day Adventist" as a description of our faith: 1) Revelation 12:17. God has a remnant which keeps His commandments and "have the testimony of Jesus Christ". 2) Revelation 19:10. "The testimony of Jesus Christ is the spirit of prophecy." 3) 1st Thessalonians 5:19, 20. We are not to despise the prophesyings. 4) 2nd Chronicles 20:20. "Believe in the LORD your God, so shall ye be established; believe his prophets, so shall ye prosper." 5) We recognize the writings of Ellen White to be of the "spirit of prophecy". 6) The Testimonies to The Church, Vol. #1, pages 223, 224. (A copy of this is enclosed with this letter). 7) Acts 5:28, 29. When forbidden to speak in the name of Jesus, "Peter and the other apostles answered and said, We ought to obey God rather than men".

We, along with others, are rather amazed at the intentions of the Denomination toward our little self-sustaining church. Not too long ago, we would never have considered that the Seventh-day Adventist Denomination could resort to such things as this --to appeal to a secular court of law to force others to conform to its wishes! Dear brothers and fellow Adventists, this is the very thing true Seventh-day Adventist have stood against for years! These are the tactics the enemy will use against every conscientious Sabbath-keeper. Where is the great principle of religious liberty? What should the SDA department of Religious Liberty say about this kind of action? Moreover, what does God say about it?

We are praying to our Heavenly Father about this; because you, our Denominational brethren are putting us into a straight place that we have not desired nor gone out of our path of duty to provoke. You give us no choice in the matters of our religious convictions and practice. Yes, we have one choice, that is to continue as we have done. Will you take this legal action all the way? Will you persecute us in this way? The day is coming when those who honor the Seventh-day Sabbath will all be persecuted. But how will anyone who has taken such a course against others be able to approach The Heavenly Father to plead for His grace and protection! God forbid, that any of us find ourselves in that horrifying situation! The counsel from both the Bible and the writings of Mrs. White are quite clear on the issue of taking a Christian brother to court: Even if that brother be in the wrong, the offended one(s) is to rather suffer himself to be defrauded. (1st Corinthians 6:1-8. Acts Of The Apostles, pages 304-306.) As it says, this is a reproach to the cause of Christ.

Another thing which we find strange, is the idea of the church and its message being a business. Since when has that come to be? Is the Church of God in business and the competition such that it needs a protected trade name? Does God not care for His Church as His very own? Surely God will prosper His faithful people; if they are wronged He will make it right. Why can we not let God decide what is right. If we of the congregational Adventists are in the wrong and you of the denominational Adventists are in the right, then will God not improve us and uphold you? We have ample testimony of God's dealings pertaining to this.

As already pointed out, we have never in any way sought to deceive or confuse any one in regards to our name. The word "congregational" is quite explanatory: It means we are not affiliated with the Denomination nor under its authority. People have been quick to recognize this and have asked us the meaning. We want people to know--we do not want any confusion. We have been very honest and candid with visitors. We want people to make their own choice as to where they are going to worship. It is true that some have preferred worshipping with us and some have not. Of those who have been to both churches but have decided to remain with us, that was their choice; and maybe you should ask them why.



L.A. Times  
Nov 27, 1988

# Tiny Church in Hawaii Battles Adventists Over Trademark Use

By RUSSELL CHANDLER,  
Times Religion Writer

It is only a 4-foot-by-8-foot sheet of plywood with hand-painted lettering on a rainbow background.

The board hangs in Kona, Hawaii, outside a small rented hall where a few souls quietly worship God each Saturday morning.

But the sign contains a forbidden name, and a legal battle over its use has stirred a tsunami of church reaction on the mainland. The case is now pending in the U.S. 9th Circuit Court of Appeals in San Francisco.

"What we are faced with is a Goliath vs. David situation," said a defendant in the unusual lawsuit, which pits the 5.5-million-member Seventh-day Adventist Church against an 11-member splinter congregation.

"The real issue is forcing us to change our name, not allowing any use of the words 'Seventh-day Adventist' because it is a registered trade name," Lily Anne Deniz, a member of the Seventh-day Adventist Congregational Church of Kona, wrote in an unorthodox court defense for the tiny group.

## Trademark Involved

A lawyer for the church corporation said that a trademark is a property right and the Kona congregation is not entitled to the church's "good name" because its members no longer subscribe to the denominational form of government and discipline.

Attorney Richard Johns said the Seventh-day Adventist Church does not want to be cast in the bully role of "a Goliath-and-David situation." But, he said, "the church believes 'Seventh-day Adventist' is a unique name that needs to be protected."

Until a court ultimately decides who is right, the little Kona congregation is being fined \$500 a day and its pastor, John R. Marik, is in hiding to avoid jail. The federal district court in Hawaii issued a warrant for Marik's arrest and found him and his flock in contempt last May when they refused to take down the sign, "Seventh-day Adventist Congregational Church," and to stop using "Seventh-day Adventist" and "SDA" in church correspondence and promotion.

At least six independent Adventist publications are churning out material supporting the Kona congregation. And protesters have organized a petition drive demanding that the denominational headquarters drop the litigation, which could easily cost \$100,000 from church members' tithes.

About the only thing both sides agree on is that around 1860 the church's prophet, Ellen G. White, mandated "Seventh-day Adventist" as the "God-given name" to identify the faithful until the second coming of Jesus Christ. The two basic

distinctives of Seventh-day Adventism are held that the Sabbath should be observed on the seventh day of the week, and that Jesus will return to Earth soon.

In 1981, the Seventh-day Adventist General Conference registered the words "Seventh-day Adventist" as a trade name with the U.S. Patent and Trademark Office. Although common in the commercial world, it is unusual for churches and religious organizations to seek trademarks. Court documents involving disputes over church trademarks are few and far between, according to attorneys familiar with church-state litigation.

The Kona case had its genesis in 1980 when Marik, a Seventh-day Adventist intern minister, began relating "dreams and visions," which he said came from God, to his congregation during worship services.

## Drew Some Objections

Local church authorities "frowned on that," Marik said in a telephone conversation from California, where he is holing up until the case is resolved.

The following July, Marik was fired for "insubordination." He and his mother, wife and daughter, along with a handful of followers, formed a separate congregation and rented a \$765-a-month suite on the second floor of a corrugated metal industrial building near Kailua Bay.

Church officials issued repeated—and unheeded—warnings to Marik to stop using the name "Seventh-day Adventist Congregational Church" because of the trademark. Finally, the denomination filed suit on April 9, 1987. Marik, who has no legal training, a month later filed a rambling paper defending himself and the church. Marik's congregation did not secure legal counsel until after the Hawaii District Court handed down a judgment and injunction against it on Dec. 8, 1987.

Essentially, Marik argued that the Bible forbids Christians to use secular courts to settle differences, citing I Corinthians 6:1-8, and that adding the word "Congregational" to the title of his church sets it apart from congregations affiliated with the Seventh-day Adventist General Conference, headquartered in Takoma Park, Md.

Additionally, Marik and Max Corbett, a Seventh-day Adventist lawyer in Houston who has taken Marik's case without fee, claim that Seventh-day Adventist is a generic

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# Runner

EDITOR

James D. Wang

ASSOCIATE EDITOR

Henry Y. Chang



"7000" Movement For  
The Modern People of Israel

TEN COMMANDMENTS OF GOD AND OBEY JESUS, THE LORD OF THE  
EVERLASTING GOSPEL TO EVERY NATION, KINDRED, TONGUE, AND  
SEPARING THE REMNANT TO MEET THEIR REDEEMER.

Jan-Feb-Mar 1989

**CALIFORNIA:** Tang Hung-Chia, One of the "7000", just arrived at Stanford University Medical Center where he is doing post-doctoral work in his specialty. He, as a surgeon, was the head of the ENT department of the regional hospital, Wuhu, Aihwei, People's Republic of China. He is very appreciative of the pastoral care of Dr. Nathaniel Y. Yen, Pastor of the SDA Mountain View Church. Dr. Tang was one of the students in the China Division College of which Dr. James D. Wang was the president during the war years. He and his wife desire to re-study the Third Angel's message in the International Sanctuary Research Center, Knoxville, Illinois after which they will return to the land of Sinim to finish the everlasting gospel work there.

**CALIFORNIA:** Elder Stanley West and his wife had conducted revival meetings last fall in churches in Chicago and other places in Illinois and then down to Tennessee. Prior to these meetings, he gave timely messages to the people attending the first campmeeting for "members" of the "7000" movement. Elder West wrote us after attending the 1888-celebration at Minneapolis, Minnesota: "...The weather was beginning to turn cold in November. We were caught in the snow in Minneapolis and did not arrive home till the middle of December. But, we thank the Lord who has used us to give out 2000 copies of The Great Controversy in many States in our missionary venture. Eternity alone will reveal the stars in your crown for those who will be there because of the financial help you have given in getting *The Great Controversy* to them. All praise to God..."

**PUERTO RICO:** It was reported that the GC has spent about \$250,000.00 (Tithe Money) to pay a Catholic lawyer to enforce the trademark law suit. The Los Angeles Times article has been circulated not only in California but also in many countries such as England, Israel, Holland, Rome, Mexico, etc.... "My aunt has been taking a neighbor to a series of the Revelation Seminar being held at the SDA Church. About a week ago the neighbor presented my aunt with the Los Angeles Times article and said to her: 'If this is what your church does to fellow Christian believers, (taking them to court, fining them, and jailing them over a name), I don't want to have anything to do with them.'"

**NORWAY:** "We read your advertisement in the *Sabbath Sentinel* about the "7000" Movement and wish to know more about the movement and how to join the movement..." The Gospel Center received many letters such as this one from ministers and members.

lish the gospel work is by calling sinners out of Babylon and by preaching Christ the Lord through "The Power of the Spirit." (Zec. 4:6) WHEN the disciples obeyed Jesus to "cast the net on the right side of the ship" they caught 153 great fishes. It is the duty of the church to preach Christ the Lord. Why does the modern church cast the net on the "wrong side?" "And every day the Lord added to their group those who were being saved." (Acts 2:47) The believers "brought the money and laid it at the apostles feet." (Acts 4:34) The secret to get more members and more money is to preach Christ. If needed, the Lord can just as easily instruct us as he did Peter to catch more fishes and open their mouths to get more dollars.

It looks like a hopeless task when the church launches a program to evangelize the whole world. As the world population increases fast and the percentage of Christians decreases in proportion, the outlook of finishing the Third Angel's work seems quite dark. But the darkness will be turned into bright light when the mighty angel will declare "She has fallen!" The remnant do not preach the Sabbath but the Lord of the Sabbath.

The Little Flock is not an offshoot of the SDA church. Today hundreds of the Seventh-day Adventists are leaving the church and forming "Small Companies" in many countries. They do not use the trademark, nor do they preach so-called "Adventist voice," "Adventist message," "Adventist lifestyle." The Little Flock has nothing to do with NCC, WCC, Catholicism, Evangelicalism, and Pentecostalism. They do not observe Christmas, Good Friday, Easter, and Sunday. They do not exchange their pulpits with other religious groups. They preach not themselves but Christ the Lord. They do not adopt Celebration Church programs, nor preach Social Gospel, nor waste so much money, manpower, material, time, etc. to make the Seventh-day Adventist Church known through a 55-foot float with 50,000 roses on New Year's Day at the Parade. What has that to do with the soon coming of Jesus Christ?

Dear Christian friends, please join the Little Flock to preach the Lord only. Nothing more. Nothing less.

## Are You A Member Of The LITTLE FLOCK?

THE RUNNER is published quarterly by the INTERNATIONAL SANCTUARY RESEARCH CENTER, 407 N. Hebard Street, Knoxville, Illinois 61448, USA. Tel: (309) 343-0515 or (309) 289-2614.

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### Good Samaritan

407 N. Hebard Street

Knoxville, IL 61448

USA

BULK RATE

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KNOXVILLE, IL

Permit No. 15

Vol. 41 #1

Jan - Feb - Mar  
1991



# THE TRADEMARK CHURCH

PART ONE OF THREE

*The enclosed nineteen pages of documents may come as a surprise to some, but a couple of years ago the General Conference Annual Council passed a resolution that no individual or group, anywhere in the world field, could describe themselves in print as "Adventists" or "Seventh-day Adventists" without church approval.*

Subsequent to that action, the wheels of progress have been moving. Already one group in California is being sued because they used for their periodical a name that had a partial resemblance to a denominational publishing association (the Review and Herald),—even though their publishing association has a totally different name, and their magazine ("The Pioneer Review and Sabbath Herald") has a title decidedly unlike that of any denominational journal. ("Adventist Review" is a much different name.)

At any rate, the very name by which we identify ourselves is also becoming the subject of litigation. The enclosed documents concern a lawsuit by the General Conference through the Washington D.C. law firm of Diller, Ramik & Wight, P.C. against a small church group of eleven members in Hawaii.

Vincent L. Ramik is handling the case. He probably is a very kindly man. It is also true, as noted in the "Adventist Review" of September 17, 1981, page 3 (see PG-1) that Ramik is a Roman Catholic.

We have fallen on sorry times when the General Conference hires a Roman Catholic lawyer to sue Seventh-day Adventist believers because they call themselves Seventh-day Adventists.

It is of interest that our church leadership considers that even the single word, "Adventist," to be a closed term that only an on-the-books member can call himself by.

In the American Bible Society paper, "Partners," published recently, is to be found a list of 63 of the most important Protestant denominations in the world. In the listing we find 8 "Baptist," 5 "Brethren," 4 "Church of God and 1 "Churches of God," 5 "Evangelical," 5 "Lutheran," 7 "Methodist," 2 "Pentecostal," 5 "Presbyterian Church," 4 "Reformed Church," and 3 "Congregational" denominations. But if we checked through those books which list Protestant denominations, we would find dozens of similar near-identities—among the more-than-a-thousand Protestant denominations.

Why is this small Hawaiian group so intent on considering themselves Seventh-day Adventists? In the following documentary, John Marik, their pastor will explain the reasons for their faith. Would it not be a tragedy if, when Jesus returns, there were Adventists who no longer dared call themselves by that name?

July 15, 1987

Dear Brother Vance:

I am sending you some information which maybe of some interest to you folk at Pilgrims' Rest. I have been on your mailing list for several years now and appreciate your concern for God's last day message. You probably haven't heard of me or our church group until now. I am the pastor of an independent S.D.A. congregation which is being sued by the General Conference. The reason being that, we continue to refer to our faith and theology as, seventh-day adventism; and call ourselves: "Seventh-day Adventist Congregational Church".

We are only a small congregation with eleven actual members and, maybe, twice as many non-members--some of which comprise our tape ministry. We are not off-shoots, liberalites (Fordites, et cetera), or legalists; we are conscientious, orthodox, and conservative in our views. We very much believe in the inspiration of the writings of Ellen G. White. We emphasize the need for a close personal relationship with Our Saviour as man's only hope of pleasing God and becoming an overcomer. We keep God's commandments and uphold His standards that Christ may be exalted as the Saviour of the world. We have not left the firm foundation and platform which God has built for His people.

You may ask: why are we independent? I won't go into a lot of detail at this time; we were simply forced out through church politics--as I am sure you at Pilgrims' Rest are quite aware of. Actually, there was a progressive revival and reformation as a direct result of the testimony of the True Witness to the Laodiceans, the proclamation of the "Three Angels' Messages", and the emphasis on living and practicing the truth. There was a several fold increase in church attendance, Bible and Spirit of Prophecy study groups, and other weekly meetings. Then the Conference stepped in, giving us no other choices except, to preach and teach as they wish or be on our own. We, individually and very prayerfully, made our decisions to stay or leave. The most conscientious and consecrated left.

We feel that it was definitely God's providence that we form an independent church. However, this had not been our original intention. We have not taught that others should necessarily leave the S.D.A. Denomination in favor of forming independent churches; nevertheless, that time may come.

Well, this is a little back ground to our situation. We would very much appreciate your prayers. What happens to us will no doubt affect others. We have committed all in the hands of God and are trusting in His mercy and deliverance.

May God bless you and your ministry.

Sincerely, a brother in Christ:

John Marik





General Conference of

## Seventh-day Adventists

CHURCH WORLD HEADQUARTERS: 6640 EASTERN AVENUE, NW, WASHINGTON, D.C. 20012  
TELEPHONE: (202) 732-0800 • CABLE: ADVENTIST, WASHINGTON • TELEFAX: 80-840

This letter was sent to us by God's Providence,  
being their mistake, it was meant for the other  
Pastor who is of the SDA denomination.

Pastor John Marik  
March 26, 1984  
Page 2

March 26, 1984

Pastor John Marik  
P.O. Box 271  
Kealahou, HI 96750

Dear Pastor Marik:

President Arakaki of the Hawaii Conference recently inquired about the progress here at the General Conference concerning the "Seventh-day Adventist Congregational Church," an offshoot group in Kona. He had advised me of the situation at the Annual Council last October and later sent me a photograph of the exterior of the building which has the rainbow sign incorporating the name of the church.

The matter has been referred to the Trademark Committee here at the General Conference. I will have to be quite frank with you. We are new in the business of enforcing our federal trademarks in "Seventh-day Adventist" and "Adventist," so we are treading carefully and deliberately. Each step is taken with counsel from our outside trademark counsel. But we now are at the stage where we are proceeding with several items dealing with "Seventh-day Adventist." In fact, your local situation is one of them. It has been cleared by the Trademark Committee and now must go to the General Conference Officers for approval of action. Then legal counsel--either our office or that of our outside counsel--will correspond with the offenders. The unknown question is when the Officers will authorize this additional step. I hope it will be within the next month or so.

In the meantime, if you can secure any additional information about the Kona offshoot group--including any bulletins or other literature showing the offensive usage of "Seventh-day Adventist"--I would appreciate original copies. Also, I would appreciate the name and addresses of the congregation's leader or pastor or whatever they call him or her.

When the next step or steps are authorized here, I will let President Arakaki and you know. If you have additional questions, please let me know.

Sincerely,

Robert W. Nixon

hw xc: Shigenobu Arakaki

The lengthy story of the apostate headquarters of the Hungarian Union of Seventh-day Adventists is available in our tractbook, "The Hungarian Union Apostasy" [TRB-110]. In that 116-page documentary, you will find evidence that the Adventist leadership, in that nation, not only locked out the faithful believers from the churches,—but they also devised ways to get the police to arrest them. This latter activity was done not only by false accusations, but also by lawsuits.

If you and I were not permitted by law to call ourselves "Adventist" and "Seventh-day Adventist,"—*how would we identify ourselves?* This is a great mystery. The introduction to this present documentary makes it clear that the leaders of the Baptists do not care whether we call ourselves "Baptist," and the leadership of the Pentecostals are not concerned whether we call ourselves "Pentecostal." *So why should the men in charge of the Seventh-day branch of the Adventists try to sue us if we call ourselves "Adventists"—when, in truth, we hold to the historic beliefs, not only of Adventists, but, deeper yet, of Seventh-day Adventists?*

The little group on the "big island" (the south island) of Hawaii that calls themselves "Seventh-day Adventist Congre-





General Conference of

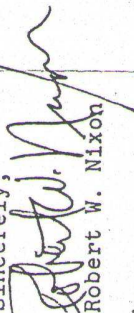
## Seventh-day Adventists

CHURCH WORLD HEADQUARTERS: 6840 EASTERN AVENUE, NW, WASHINGTON, D.C. 20012  
TELEPHONE: (202) 722-0800 • CABLE: ADVENTIST, WASHINGTON • TELEX: 80-500

Mr. John Marik  
April 3, 1984  
Page 2

In the meantime, would you do me the favor of discussing this matter with your congregation. If you really want to be Seventh-day Adventists in a Seventh-day Adventist congregation, isn't there some avenue through which you could discuss this matter with the Hawaii Conference? If you don't wish to be Seventh-day Adventists, wouldn't it be wiser to use another name?

Sincerely,



Robert W. Nixon

hw

April 3, 1984

Mr. John Marik  
P.O. Box 271  
Kealahou, HI 96750

Dear Mr. Marik:

On March 26 I wrote a letter to you concerning the use of "Seventh-day Adventist" in "Seventh-day Adventist Congregational Church" of Kona, Hawaii, of which you apparently are the leader or pastor. At that time I had misread an inquiry concerning the use of "Seventh-day Adventist" and had the misunderstanding that you were the pastor of the Kona Seventh-day Adventist Church. However, today I learned of my misunderstanding and send you this letter to explain the situation.

First, the General Conference Corporation has registered federal trademarks in "Adventist" and "Seventh-day Adventist." We are developing a procedure to evaluate problems in that area and shortly will be moving to enforce our trademark registrations.

An inquiry came from Hawaii concerning the use of "Seventh-day Adventist" by the "Seventh-day Adventist Congregational Church." We have presented that concern to the Trademark Committee, which has referred the situation through channels within the church for proper consideration and authorization. In due course, you should expect to receive an official letter from this office or from our trademark counsel concerning this matter. That communication will officially notify you of the church's trademark registrations and will ask you and your congregation to agree to cease using the term "Seventh-day Adventist" in the name of your church.

I apologize for sending you the letter of March 26. It was my mistake. But it does show the confusion that your congregation's use of "Seventh-day Adventist" can cause. I am embarrassed that it caused confusion here.

gationalists" have a truly distinctive name. Why should our leadership in Takoma Park try to sue eleven little folk in a tiny church on the Kona Coast of Hawaii?

Perhaps the reason lies in the question: Their battery of lawyers are taking on eleven nearly defenseless people, probably all or most of whom have a very low wage income. Far removed from the influential centers of Adventism, few would ever have heard of their plight (if this present documentary had not been sent out everywhere.)

But it is not the numbers but the legal precedent that counts: By winning a lawsuit against eleven people on a far-off island town, a precedent will have been established in the court systems of America . . . and later on, it will be far easier to win additional lawsuits against other folk elsewhere who are trying to peacefully worship God according to the dictates of their conscience and the teachings of the Bible and Spirit of Prophecy.

No, I just don't see it. Leadership may say that they are doing it to avoid confusion. But, in reality, the end result will be tragedy, bitter grief, and suffering brought into the lives of many humble Sabbathkeepers.

Who will answer for these things in the Judgment?

—Vance Ferrell





2728 PALI HIGHWAY, HONOLULU, HI 96817 • P.O. BOX 4037, HONOLULU, HI 96813  
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ANNANDALE, VIRGINIA 22003

TELEX  
007 814 RAMIK  
CABLE  
RAMIK

TELEPHONE  
703-642-8708

September 25, 1985

April 5, 1984

Pastor John Marik  
P. O. Box 271  
Kealahou, HI 96750

Dear John:

From time to time visitors to Kona have expressed their concern about the identify of our church in Kona in writing, by telephone, or in person-to-person conversation. Your using the trade name, "Seventh-day Adventist Community or Congregational Church", has brought confusion to the minds of some of our people. In the past, I have referred complaints to the General Conference, believing that they could do a better job in handling the problem. Seriously speaking, we all would appreciate it if you would not use the trade name - "Seventh-day Adventist".

We hope that everything is well with you and the family. May you always enjoy God's blessings, guidance and presence.

Sincerely,

Shigenobu Arakaki  
President

sj

Pastor John Marik  
P.O. Box 271  
Kealahou, HI 96750

Dear Pastor Marik:

We are writing you on behalf of the General Conference Corporation of Seventh-day Adventists whom we represent in matters involving proprietary intellectual property, including trademarks.

The Seventh-day Adventist Church has used the expression "SEVENTH-DAY ADVENTIST" in its ministry from 1860 to the present and has obtained federal registration for the mark "SEVENTH-DAY ADVENTIST" which is reflective of its exclusive ownership thereof. (See Reg. No. 1,177,185 attached.)

It has been brought to our attention that you are using "Seventh-Day Adventists" in your church name ("SEVENTH-DAY ADVENTIST CONGREGATIONAL CHURCH") and in your associated ministry. This use implies association with and/or approval of the Seventh-day Adventist Church. There is no association between the parties and, of course, your use of "Seventh-day Adventist" does not have the approval of the Seventh-day Adventist Church or the General Conference. We appreciate that your selection and use of "Seventh-day Adventist" may have been done innocently and without knowledge of the rights the Seventh-day Adventist Church has in the mark "SEVENTH-DAY ADVENTIST" under Sec. 43(a) (15 U.S.C. 1125[a]). Therefore, assuming that your selection and use of "Seventh-day Adventist" was done without the intent to create confusion, even though such confusion is manifested by your use of "Seventh-day Adventist", particularly as in your church name, we trust that upon receipt of this letter you will immediately cease and desist from utilizing the expression "Seventh-day Adventist" or any names or expressions equivalent thereto in association with your church, activities and/or ministry.

We have advised the General Conference Corporation that we consider your use of "Seventh-day Adventist" to be an infringement of the Seventh-day Adventist Church's trademark/service mark rights, and also to constitute unfair competition and false designation of origin. However, it is our

IT CANNOT BE SAID TOO OFTEN: THE PEOPLE OF GOD ARE NOT TO INSTITUTE LAWSUITS AGAINST ONE ANOTHER

"If a suit is instituted in earthly tribunals, and God suffers it to come to trial, it is that His own name may be glorified. But woe will be upon the man who give himself to do this work [initiate it] . . . The cause of God has been bruised and wounded by any such men connected with it, and the sooner they are separated from it the better.

"God calls for men of decided fidelity. He has no use in an emergency for two-sided men. He want men who will lay their hand upon wrong work and say, 'This is not according to the will of God.'" - Selected Messages, page 153.



# THE TRADEMARK CHURCH

PART FOUR

WM-170

*AS WE GO TO PRESS—This two-page study lengthened into four pages—and then into six! It began with a giant-against-David sense of hopelessness,—but ends with the realization that these persecuted Adventists might actually wind up winning these lawsuits brought against them by the General Conference—IF WE WILL WRITE OUR LETTERS!*

## SEEKING THE STRONG ARM OF THE STATE TO ENFORCE CHURCH DECREES

Subsequent to our publication of "The Trademark Church—Part 1-3," we have received a 26-page copy of legal papers submitted by both sides in the General Conference-initiated lawsuit against a local church of 11 members, located in a remote area of the State of Hawaii. Excerpts from that 26-page documentation are reprinted here. A copy of the complete set of documents may be obtained from this publisher. For further information on this lawsuit, see Part 1-3 of this present tract set. [WM-167-9].

Those nine members fellowship quietly in their own meeting house. They are remaining true to the Advent faith that we all share and do not deserve the persecutory measures that our General Conference leaders are bringing upon them. (Especially in view of the fact that the General Conference carries on all of its functions on title received from the local churches, through a percentage allocation from the local conferences. Our tithe should not be used to persecute fellow Adventists through Catholic and non-Adventist lawyers.)

This is both an unfortunate and a shocking situation. A

## EXCERPTS FROM PAPERS SUBMITTED BY THE PLAINTIFF

(The General Conference of Seventh-day Adventists)

1. Plaintiff, General Conference Corporation of Seventh-day Adventists, is a corporation duly organized and existing under and by virtue of the laws of the District of Columbia with its principal place of business at 6840 Eastern Avenue, N.W., Washington, D.C., 20012.

6. The amount in controversy in this action exceeds the sum or value of \$10,000, exclusive of interest and costs, and is between the citizens of different States, whereby this Court also has diversity jurisdiction under 28 U.S.C. 1332.

15. Long after Plaintiff's first use of its exclusive tradename, trademark and servicemark "SEVENTH-DAY ADVENTIST" for its ministry, churches, services, activities, instructions, goods, products and advertising, Defendants' Seventh-day Adventist Congregational Church and John R. Marik, individually and collectively, commenced their ministry by using the identical name "SEVENTH-DAY ADVENTIST" for their church.

19. As a direct and proximate result of Defendants' infringement, Plaintiff has suffered severe and irreparable injury, including without limitation, injury to its good will and reputation, and such injury will continue to be irreparable unless this Court preliminarily and then permanently enjoins Defendants' infringement and other unlawful acts. 11 U.S.C., Sec. 1116(a).

20. The acts of Defendants, taken individually and jointly, and described heretofore and in subsequent causes of action make their conduct and this case "exceptional" entitling Plaintiff to its reasonable attorney fees. 15 U.S.C., Sec. 1117. The acts of Defendants further entitle Plaintiff to recover Defendants' profits, all damages sustained by Plaintiff and the

*humble, God-fearing minority of Adventist believers will not receive a leadership decree, so it goes to the State to enforce them!*

If this method of attack on church members continues (suing them because they call themselves Seventh-day Adventists), many more faithful believers who have been unfairly disfellowshipped may have to go underground as they do in the Soviet Union: It will be necessary for them to meet privately and not identify themselves, lest they be hailed into court! You may be one of those affected by this someday.

Did our General Conference leaders learn these techniques on their trips to Russia, when they counseled at length with government leaders there? Several years ago, the General Conference set down a new ruling that if anyone initiated a lawsuit against the General Conference, or any church entity, he would be subject to disfellowshipment. Leaders in the General Conference who are suing local Adventist believers ought to be subject to the same penalty.

There is an organization called "Americans United for Separation of Church and State." Some of our respected leaders in Washington D.C. are trying to transform our world headquarters into a Church-State United for Separation of Small Churches from their Personal Beliefs. The ramifications of this lawsuit are immense. In his letter of March 26, 1984, Robert W. Nixon, a General Conference legal executive, disclosed that the plan was to win this first suit against the 11-member Hawaii Church,—and then go after other local groups (see WM-167, page 2).

No matter how right they think they may be,—the end does not justify the means they are using. And they are jesuitical to think and act as they do.

costs of this action. 15 U.S.C., Sec. 1117.

26. Defendants' conduct of selecting and commercially using the "SEVENTH-DAY ADVENTIST" name for Defendants' services and goods in direct competition with Plaintiff was done wilfully, wontonly and maliciously for the purpose of unjustly enriching themselves and injuring Plaintiff's good will and trade identity rights.

28. By using and displaying the name "SEVENTH-DAY ADVENTIST", Defendants have encouraged and induced third parties and the public into believing that Defendants' services and goods are those of Plaintiff.

31. Plaintiff has no plain, speedy or adequate remedy at law and will continue to suffer great and irreparable injury for which it cannot be fully compensated in money damages unless the Court enjoins Defendants individually and jointly from using the "SEVENTH-DAY ADVENTIST" designation.

39. Plaintiff and Defendants are in direct competition, employ the same channels of trade for their services and goods, and provide such to the same general class of potential and actual users, purchasers, third parties and the public at large.

41. By using Plaintiff's "SEVENTH-DAY ADVENTIST" name, Defendants have misappropriated the good will symbolized by Plaintiff's "SEVENTH-DAY ADVENTIST" tradename, trademark and servicemark and Defendants' conduct constitutes unfair competition, unfair methods of competition and unfair or deceptive acts or practices under the common law and the statutory law of Hawaii. 26 H.R.S., Sec. 480-2.

46. Defendants have made representations and statements in connection with advertising, promoting and selling their services and goods that are misleading, false, and fraudulent.



PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

a. That Defendants, each of them, be adjudged to have infringed upon Plaintiff's rights in its federally registered trademark and servicemark "SEVENTH-DAY ADVENTIST."

b. That Defendants, and each of them, be adjudged to have competed unfairly with Plaintiff and to have falsely designated, described and indicated their services and goods under federal law.

(a) from using, promoting or in any way displaying any name or mark which includes the term "SEVENTH-DAY ADVENTIST", or any term that is confusingly similar to "SEVENTH-DAY ADVENTIST", or is a colorable imitation thereof and of the tradenames, trademarks, and servicemarks owned by Plaintiff.

(3) from using the tradename, trademark and servicemark "SEVENTH-DAY ADVENTIST" or any colorable imitation thereof in any tradename or corporate name of any entity controlled by Defendants, or by any of them, and specifically from retaining the tradename, trademark and servicemark "SEVENTH-DAY ADVENTIST" in the name of the Defendants' church services, activities, advertising, goods and/or products;

(7) from applying for or registering any mark the same as or confusingly similar to Plaintiff's tradenames, trademarks and servicemarks with any governmental entity; and

f. That Defendants, each of them, deliver up to Plaintiff for destruction all labels, signs, prints, advertising materials and other literature in the possession of the Defendants, any and all agents thereof, or any of them, or under Defendants' control, bearing the term "SEVENTH-DAY ADVENTIST" and all plates, molds, matrices and other means of making the same.

h. For an award of the damages suffered by Plaintiff and the profits derived by Defendants, as determined by the accounting, and that the award of profits be trebled, all pursuant to 15 U.S.C., Sec. 1117 and other applicable law.

i. For costs of suit herein.

j. For an award to Plaintiff of its reasonable attorneys' fees in accordance with 15 U.S.C., Sec. 1117.

k. For such other and further relief as this Court may deem just and proper.

EXCERPTS FROM PAPERS SUBMITTED BY  
THE DEFENSE

(John Merik, on behalf of a nine-member local church)

2) The plaintiff is attempting to apply the fair trade laws, which govern the business, commerce, and industry of this free country, to something for which they were never intended. Again, we firmly contend that the underlying basis for this alleged complaint is not subject to secular or civil law, because it is a religious issue between two separate religious entities; and as such, it should have no place in a civil court of law.

3) The plaintiff who is making these allegations against us, the defendants, is in reality disregarding the laws of God, in whom they, as well as we, profess to honor and submit to. They very well know, that as Christians, we are forbidden to take such disputes to secular courts (see: First Corinthians 6:1-8). Here they are not only inconsistent with their acknowledged belief in the Bible, but they stand guilty before God. As a matter-of-fact they are the more guilty, because as Seventh-day Adventist Christians, they profess to give due respect to

the authority of the inspired writings of Ellen G. White—which we also acknowledge. Her counsel and warnings pertaining to this are unmistakably clear (see: Acts of the Apostles, pages 304-305, and 2-Selected Messages, page 153).

4) In addition, the plaintiff who is making these allegations against us, the defendants, is actually trampling upon our constitutional rights while contending for theirs. Note the first and ninth amendments.

5) The phrase "Seventh-day Adventist" is not theirs alone, as they would like to claim, for it describes a system or set of Bible-based Christian beliefs, doctrines, and standards. One, therefore, is not necessarily a Seventh-day Adventist because of what organization he may be affiliated with, but rather, he is a Seventh-day Adventist because of what he believes. Seventh-day Adventism is a particular faith, and those that conscientiously hold to that faith are Seventh-day Adventists. For an example, there are many different "Baptist" churches, but they all have a very similar faith.

6) We, the defendants have been openly candid as to our faith and origin. The phrase "Seventh-day Adventist" has been used with the word "Congregational" to clarify that we are not affiliated with the plaintiff. The name "Seventh-day Adventist Congregational Church" is not the same as "Seventh-day Adventist" or "Adventist" as used alone, but it does testify of a common profession of faith.

7) We cannot cease from representing ourselves as "Seventh-day Adventist", when we conscientiously believe that we are. We cannot testify that we are not "Seventh-day Adventist" when we live, hold, and practice that same faith. Again, please note the authoritative writings of Ellen G. White in regards to that name and its meaning (see: Testimonies to the Church, Volume 1, pages 223, 224).

9) The plaintiff's arguments are logical, but they are built on false and misconstrued premises. Firstly, it is assumed that a church is just another kind of a competitive, profit-making, enterprise. Now, is that really so? Is the church ever to be considered a trade or business, such as a "trade name" would imply? Does anyone dare charge a monetary fee for the spiritual blessings which attend the preaching of the Gospel, when God specifically says it is to be without money or price? (See: Isaiah 55:1.) Are not the gifts of God free? And those that would attempt to buy and sell them, are they not condemned? (See: Acts 8:20 and Second Kings 5:15, 16.) Hence, how can it be looked upon as a trade needing a tradename, or be categorized as a business requiring a trademark? The plaintiff's second and third assumptions are, that both we and they are competitive money making businesses. We cannot answer for the denomination, but our congregational church is neither a business nor a trade; we are nonprofit and noncompetitive. We are cooperating with God for the common salvation of men.

10) Seventh-day Adventist Christians believe in a living God who rules, judges, and chastens His people. Ask the plaintiff if they believe this. If they do, then they are bound by their own confession; and then, for them to rely on this secular court to solve their supposed grievances becomes a denial of their faith. If they do not confess to believe this, then they have again denied their faith. Now it follows, that if they are the ones who are doing the prosecuting; they, by their own actions, they are guilty of denying their professed faith. And if this be the case then how can they, the plaintiff, even begin to accuse us, the defendants, of wrongly using "Seventh-day Adventist" with respect to its intended purpose when they most assuredly do not!

PILGRIMS' REST — BEERSHEBA SPRINGS, TN 37305



## WRITE - WRITE - WRITE

Your letters are needed now! If you will not come to the aid of others who are presently being sued for calling themselves Seventh-day Adventists,—the day may come when no one will come to your aid when you are brought into court by a church-state syndicate to answer to the charge that YOU are doing the same thing!

Our church leaders are dragging Seventh-day Adventists into a federal court in Hawaii. Soon the Sunday Law will be enacted by Congress—and federal law will declare that those not sacredly keeping Sunday—will be brought into federal courts.

So you need to write,—but who should you write to?

You can write to the General Conference, and you can write to the lawyers, and you can write to Marik, and you can write to your conference and union religious liberty departments,—but most important, you should write to the U.S. District Court in Hawaii!

We telephoned that district court and, along with information already in hand, we now know this:

This is "Civil [case] No. 87-0274."

The plaintiff is "General Conference Conference of Seventh-day Adventists."

The defendants are "Seventh-day Adventist Congregational Church, and John R. Marik."

This civil suit has been filed in the "United States District Court, District of Hawaii."

The District Court Clerk is Anna F. Chang.

The Chief U.S. District Judge is Harold M. Fong.

The judge that will be handling this case has not yet been assigned, but we are told that it will probably be a "visiting judge" [from another U.S. district court on the mainland].

The Order setting the date of the "Rule 16 Conference" was prepared on April 9, 1987. The Rule 16 Conference met on Tuesday, July 28, and will next meet in a few weeks on Thursday, October 1.

At a later time the trial schedule will determine the name of the presiding judge, and also the opening date of the court trial.

So when you write to the District Court about this matter, you may wish to explain to them (1) that the defendants are merely fellow Seventh-day Adventist believers, (2) that it is against the faith and beliefs of Seventh-day Adventists to sue any fellow believers for any reason, (3) that it is part of the historic religious beliefs of our Church that believers in the Bible-Spirit of Prophecy teachings of our Church must always call themselves by the name "Seventh-day Adventist"—or consider themselves apostate from their God-given faith, and thus rejecting those beliefs and the God of those beliefs. Explain to the court (5) that Seventh-day Adventist believers do not consider that the name "Seventh-day Adventist" should therefore be patented by the Church as a whole, or by any part of it. (6) Discuss your personal conviction that, as long as they add a distinguishing term to the phrase to avoid confusion (such as "Congregational," etc.) that the name "Seventh-day Adventist" should be an open and free term available for unhindered usage by any professor of the beliefs given in the Bible and Spirit of Prophecy who wishes to use that term as expressive of their views. They should have that freedom for themselves, just as you, and every other believer, desires to retain that personal freedom also. (7) Explain that our church historically rejects foreswearing by a certain creed as proof of genuine Seventh-day Adventism; therefore there is no legislative body in the Church that should be able to define—or threaten—your or anyone else's right to use that hallowed name "Seventh-day

Adventist." (8) Explain that the God of heaven gave this name to His people, through His appointed prophet, Ellen G. White.

(9) Tell the district court that the preceding facts which, though the General Conference may not be telling the court,—will later result in a great turmoil among the believers if the judgment in this trial is awarded in favor of the plaintiff. (10) Explain to the district court that the General Conference is also hiding another significant point: the fact that literally thousands of Seventh-day Adventists in America and elsewhere in the world field call themselves "Seventh-day Adventists" on their church signs, and in their church literature,—and that a massive lawsuit by our General Conference against those groups will be forthcoming if the outcome of this Hawaiian trial provides them with the precedent to initiate those larger lawsuits.

[For your information, the German Reform Church is the largest SDA offshoot in the entire world. This writer lived in Sacramento, California for several years, where both of their primary splinter groups had significant representation and sectional headquarters at the time, and he is acquainted both with these offshoots and their politics and errors. The leadership is more political, and controlling of the lives of its members than is our own organization, and it teaches several doctrinal errors. (Write for a copy of our tract set that explains these matters, along with a brief history of the German Reform Church: "The German Reform Church" WD-1-2; also included in our tractbook, "Trends and Developments" TRB-310.) In the 1920s and 1930s, it split into dozens of splinter groups, and in 1951 at a major church meeting in Holland, the primary group split into two, each calling themselves by the same name (very confusing indeed!): "The Seventh-day Adventist Reform Movement." Carrying the full name, "Seventh-day Adventist" in its official denominational title, each of these groups has many members, and the entire structure has a history in the United States that goes back at least to the 1930s.]

When you write the District Court, it is of extreme importance that you not write in an offensive or demanding style! Be humble, but straightforward. Tell them the facts that our church leaders are not telling them. Tell them that you are a member of the church doing the suing (if that is the case). Your leaders are the ones filing these lawsuits.

Also explain to the court (11) that the General Conference statements that they have had "great loss" because of that small 11-member church off in a corner of the big island of Hawaii (the southern-most island in the Hawaiian Island chain),—are statements that simply are not correct! Our denominational leaders and their subsidiaries in Hawaii have experienced hardly any loss at all. How can they lose any significant amount of money because a dozen or so Advent believers meet weekly in their own private meeting house in a remote locality in the State of Hawaii? (There are only eleven actual members of that small church; several others also attend who are not on the official rolls.)

In reality, the costs of this court trial far outweigh any gain from winning the suit. The General Conference well knows that that nine-member church will be forced into total collapse, disruption, and bankruptcy as a result of a court action favorable to the General Conference.—And bankruptcy on the part of the 11-member church—will mean that the General Conference will have to pay the \$300,000, plus, court costs out of their own pockets! And all they have in their pockets is the tithe that the church members pay in. But, for some strange reason, the General Conference is willing to do this, knowing that each court victory will set a precedent, helping them in their battle as they initiate still more tithe-funded lawsuits against more Seventh-day Adventists elsewhere in



America. We did not have time to report it, but some of you are aware of the fact that our church headquarters in Kenya, Africa recently appealed to the Kenya federal government to jail individuals who were calling themselves "Seventh-day Adventists."

The problem is that the General Conference, subsidized solely by a percentage of our tithes remittances to our local churches, must have so much of it laying around—that they have the money to prosecute in federal courts faithful Adventist believers who are worshiping God peaceably in their own little churches. We do not advocate separation from the main body of Adventism, but we do believe that each and every Adventist—separated or not—should have the right to worship God, free from oppression and enforced bankruptcy.

**WHEN WRITING TO THE DISTRICT COURT IN HAWAII, you will need to refer to this file data (or they will not know what you are writing about, and will not route your letter to the proper place):**

**Civil No. 87-0274; General Conference Corporation of Seventh-day Adventists, v. Seventh-day Adventist Congregational Church, and John R. Marik.**

**Address your letter to:**

**U.S. District Court, P.O. Box 50129, Honolulu, Hawaii 96850.**

You may also wish to write your local conference and union Religious Liberty Departments. Here are some other names and addresses:

Lawyers inside the General Conference that are handling this case (number unknown): General Conference Law Office, 6840 Eastern Avenue NW, Washington D.C. 20012 (202-722-6000).

Lawyers outside the General Conference handling this case on behalf of the General Conference: Vincent L. Ramik, 7345 McWhorter Place, Annandale, VA 22003 (703-642-5705); Roy A. Vitousek, III, 1000 Bishop Street, 10th Floor, Honolulu, HI 96813 (808-521-9345) [His name is pronounced "Vih-TOO-sick"].

Shigenobu Arakaki, President, Hawaii Conference of SDA, P.O. Box 4037, Honolulu, HI 96813 (808-595-7591).

SDA Congregational Church, Box 271, Kealakekua, HI 96750 (808-328-9490).

#### **A SECOND GROUP BEING SUED**

*As we neared completion of the above, we received a telephone call from a member of a second local church that is in the process of being sued by the General Conference!*

Never before in history has our General Conference headquarters been so pugilistic as they have within the past three years or so. During that time, over 600 church members in the nation of Hungary were permanently shut out from the Adventist denomination, the entire North Pacific Union Conference was threatened with expulsion if they did not rescind their newly-established safeguards to insure that another Davenport loss would not take place, the leadership of Loma Linda University were told to move La Sierra College to the crowded LLU campus—and only a major outcry by the Southern California Conference membership was able to forestall it.

—All this as a result of direct activity by a small group of men at the summit of leadership in our General Conference headquarters.

This writer doubts that many of the leaders in our denomination—on any level including that of the General Conference—favor these actions, including this present series of court cases to crush small Adventist bodies that do not profess subservience to the General Conference.

Something has happened in the General Conference, and

I believe it is a small group of men who have gained control and are running with the bit in their mouths. You will recall that there was a strong urgency at the New Orleans General Conference Session to amend the policies—so that all General Conference departments should be abolished and their workers made more directly subservient to the top leadership. This action was approved. Now the law suits are beginning.

While preparing this page, the present writer received a telephone call from an Adventist believer in Huntsville, Alabama. The 100-member local church, of which he is a member, is in the middle of a lawsuit right now. The General Conference is suing them because they also have the name "Seventh-day Adventist" in their church name.

This small church of about 100 members calls itself the "Word of Faith Congregational Seventh-day Adventist Church."

Their pastor is Elder Morris Patterson. The mailing address is P.O. Box 3481, Huntsville, Alabama 35810 (the actual church address is 3505 Pulaski Pike NW). His home phone is 205-852-1206, and his office (church) phone is 205-851-9824.

**WHEN WRITING TO THE DISTRICT COURT IN HUNTSVILLE, ALABAMA, you will need to include this information:**

**Civil [case] No. 87-HM-5338-EN; General Conference Corporation of Seventh-day Adventists v. Word of Faith Congregational-~~Seventh-day~~ Adventist Church, Inc., and Morris E. Patterson.**

**Address your letter to:**

**U.S. District Court, Northern District of Alabama, 101 Holmes Ave, NE, Huntsville, Alabama 35801.**

The General Conference is suing them because they call themselves "Seventh-day Adventists."

*A section of this report is here omitted. It will tell you the story of WHY the Huntsville group chose to separate from the Church and start their own little missionary project that grew into a church.*

*If you wish to obtain a copy of this omitted material, write and request WM-170x1.*

The first letter from the General Conference, dated February 9, 1987, informed them of the threatened lawsuit. A second arrived on March 11. The summons arrived on August 3. It informed them that they had to file legal papers with the Federal District Court by August 23, in answer to 43 allegations (!) brought against them by attorneys on behalf of the General Conference. This they did.

This summer they wrote a letter to Elder Neal C. Wilson, appealing to him not to continue on with this unjust lawsuit. In that letter, they offered, reluctantly, to remove the "Seventh-day Adventist" from the name of their church. From what I understand, those faithful brothers and sisters in that small black church in Huntsville wept at the thought of removing that hallowed name, "Seventh-day Adventist," from their church name. But for the sake of peace, they considered doing it.

Several days ago, on Friday, September 4, a letter was sent from the General Conference attorneys containing a consent and settlement agreement. But that letter was not received until this week. Meanwhile, on Sunday night, September 6, the church board of that 100-member church met in formal meeting to reconsider the matter of dropping "Seventh-day Adventist" from their church name. The people felt deeply about the matter, and they voted to rescind their earlier

*This study is concluded on the next tract in this series [WM-171].*

**PILGRIMS' REST — BEERSHEBA SPRINGS, TN 37305**



# THE TRADEMARK CHURCH

PART FIVE

WM-171

*This study is here concluded from the previous tract in this series [WM-170].*

offer to drop that precious name linking them to Advent believers elsewhere in the entire world.

Then the letter arrived. This is essentially what it contained: The brethren in Huntsville were told that the General Conference would accept their submission—if they would sign the enclosed consent and settlement agreement. In brief, this involves a signed admission by the Huntsville church that they have been guilty of using the name "Seventh-day Adventist" illegally, and will henceforth no longer do this.

But the church decided that it would stand by its Sunday night decision. They also noted that to sign the consent and settlement agreement involved criminal admission that they had been wrong.

On September 18, the lawyers of both parties are to meet for the next stage in the lawsuit.

## A THIRD GROUP BEING SUED

*We have now learned that there is a third local church that is facing a lawsuit by the non-Adventist attorneys representing the General Conference.*

*A section of this report is here omitted. It will tell you the story of HOW and WHY this third church group were separated by the brethren from the Church.*

*If you wish to obtain a copy of this omitted material, write and request WM-170x1.*

Speaking with Ramik by phone, they were told that he had already handled 30 cases and won them, and then added, "If we take you to court, we will win you too." To another person being sued, Ramik said over the phone: "30 down, 127 to go."

Checking into this matter further, they learned of a lawsuit that took place in California some time ago. The Church of Scientology had given a man authority to start a local church in a certain community. They later withdrew that authority and tried to stop him from continuing on with his local church. He went to court and sued them for damages, claiming personal financial losses as a result of their claims that he could not use the name "Church of Scientology" as a name for his work—even though he had been severed (disfellowshipped) from the body and his local church had been ousted from the organized body, the Church of Scientology.

As you can see, this court trial has strong similarities to the cases now being brought into court in Hawaii, Alabama, and elsewhere. The man was ousted from the church; his local church was not connected with the main body;—yet he continued to use the ENTIRE church name to describe and define his own church operation.

The judge ruled that the man could not claim that the church had defrauded him, since it was a church body. BUT he could have used that name—the entire name! And so the court awarded him \$31 million in damages, and declared that the name—the entire name,—"Church of Scientology" was a generic name that could be used by the people; the church organization itself did not have control of that name and could not have it—for it was a name that anyone who believed themselves a Scientologist could use.

And then this couple telephoned Washington D.C. They wanted to learn more about the church patent name business,

since they had received letters threatening them with a lawsuit. They were referred to the Patent and Trademark Office, and finally got one of their top authorities on the phone.

After briefly explaining the threatened lawsuit over use of the name "Seventh-day Adventist," the expert was asked for counsel:

"Well," the man said, "I must tell you that if another organization, business, etc., already has that name, that you should change your name. Now, having said that, which I am supposed to tell you, let me tell you a few more things: We will trademark your dog's hind leg for \$200 if you request it. It's up to you after that to defend it and prove it in court. I don't think your church has a prayer of a chance to prove it in court. It must be established that the name means something to the public. But your church is not known. It is not one of the big denominations at all." [SDA surveys, printed in the "Adventist Review," indicate that the average American knows little about our church, its beliefs, or even its existence.]

Then the man said this: "Let them take you to court,—they'll make you all rich! The name 'Seventh-day Adventist' is just not a viable trademark. You got your name from the early Adventists, and the 'Seventh-day' from the Seventh-day Baptists.

"I know you Seventh-day Adventists; we have your church headquarters out here on the northwest corner of town. You people make nuisances of yourselves at the Capital on 'religious liberty.' Always fussing over 'religious liberty' that should be guaranteed to everyone.—If your church sues over this name-patent thing, they will be a laughing stock. Here they want their 'religious liberty' rights,—yet won't let the little guys have it! Such lawsuits will set their religious liberty lobbying back 150 years."

So then this couple telephoned the attorney general in the State in which they live and spoke with him. He said this: "It is impossible to trademark a church! Just adding one word changes it, so that there is no trademark infringement. Why, if there is no other Seventh-day Adventist church in a particular town—we'll call it Centerville,—you can call it the Centerville Seventh-day Adventist Church without trademark infringement!"

On another occasion, they spoke with another person in the Patent and Trademark Office, and were told that there is no such thing as trademarking a church and making it stick.

Earlier this year, in a telephone call with Ramik, this couple claim that Ramik told them this: "I will be going to Hawaii, and over there I will win a case like yours. And if I don't win that case I will call you back on August 27." He never called back. There was no court trial set for August by the Hawaiian District Court. Perhaps when he says that he has "won 30 already," he means that he has frightened 30 little groups into signing papers against using their common religious name. That is how Ramik has "won the case;"—frighten more faithful Adventists into submission before the case is even scheduled on the court docket. This would totally avoid court costs, and all the General Conference would have to salary from the tithe—is Ramik and the other non-Adventist lawyers—so they can travel around the countryside trying to get conscientious believers to renounce the faith of their spiritual forefathers, their own faith, and their children's faith.

What a work to salary from the tithe! I think we need to change some leaders in the General Conference.



In conclusion, the couple told me this: "We're beginning to wonder if Ramik has won any cases for the General Conference over this trademark issue. He says he has won 30 already; I don't know of one, and no one else does either. He is probably just threatening little groups here and there so that they knuckle under—without it ever going to trial. I'd like to ask the General Conference to give us the name of just one trademark case that they've won in court!"

It may well be that our leaders in the General Conference know that they are skating on thin ice in their attempt to gain a legal monopoly over that beautiful expression of religious faith: "Seventh-day Adventist." Coerce, get them to sign a paper relinquishing use of the name; go on to the next one: coerce, get them to sign a paper; go on to the next one . . . and hope none of them will be stubborn enough to let it go on through to a courtroom battle.

### PROBLEMS AND SOLUTIONS

If any of these groups (we presently know of only three that are moving toward a court trial [but two days ago, we only knew of one]) loses their case and the General Conference wins,—what next? In each case, the party being sued by the General Conference is the church itself, AND the pastor. In each instance, the church had already been incorporated. With this background information, we can give a fair prediction of what would probably occur: The church would declare bankruptcy, and the pastor would have to declare bankruptcy. In each of the three instances, the church is located in rented quarters and owns next to nothing. Bankruptcy proceedings will change nothing, and relatively little loss will be involved. Both Marik and Patterson have told this writer that they own very little, and so personal bankruptcy would not cause them too much damage.

Of course, the situation could have been different. The local church might have owned property, and the pastor might have owned a home. Then all this would have been lost—taken over to pay for the unjust court trial imposed by the General Conference.

Do understand that, if each of those local churches had not been duly incorporated,—then losing the suit might have stripped every one of its enrolled church members of their property also!

As you can see, it is a serious matter when the General Conference decides to sue individual Seventh-day Adventists here and there. It is somewhat akin to going into an area and desolating it with axe and fire.

Do these three groups have lawyers? The first, in Hawaii, has no attorney representing them and does not believe they should have one. When they had to first appear at the Federal Building in Honolulu for the first pre-trial meeting, Marik had no idea what he was supposed to do regarding forms to be submitted, etc. The problem continues on in that manner.

The second group, in Huntsville, also cannot afford an attorney, but realize that when they come to trial they will have to have one. One of the church members kindly offered

We understand from individuals close to the scene, and from John Marik himself, that he had visions and perhaps some differing concepts in connection with the founding of his church. The other two groups were separated because of political machinations, as detailed in WM-170x1.

But, whatever the problems or views may have been, our concern here is that Seventh-day Adventist believers should have the right to worship God in peace, without efforts by Church leaders to destroy their peace and steal their property, as was done in Hungary.

to work on the legal papers for them and so far has managed to shoulder the difficult task.

The third group have not yet had to make a decision regarding retaining an attorney, for they are not far enough along in the case.

Marik told this writer that he learned that it would cost \$4-7,000 just to retain a lawyer, and another \$5-10,000 per month thereafter for two years to keep him throughout the duration of a regular trial.

The group in Huntsville phoned several attorneys and were told that it would cost between \$5,000 and \$35,000 just to retain one. They were told that the retainer would pay for his initial legal work, and that each court appearance thereafter would be a sizable amount of money also.

Are any of these General Conference attorneys Seventh-day Adventist? **NO, NONE OF THEM ARE SEVENTH-DAY ADVENTIST!** Not one! The chief attorney, Vincent Ramik, is a Roman Catholic (see "Adventist Review," September 17, 1981, page 3 [also in PG-3, page 1]). Marik says the local attorney in Honolulu is not an Adventist; Patterson says the local lawyer in Huntsville is not an Adventist.

But then, a little thought will reveal the reason for this. —A faithful Seventh-day Adventist attorney could not tolerate doing dirty work such as this! He would either have to quite the job, or—staying with it—would so harden his heart that he would no longer be a genuine Christian.

Imagine walking into the pre-trial hearing when Marik appears to plead on behalf of his tiny 11-member church located somewhere out in nowhere in Hawaii. Surrounded by quick-talking attorneys and federal workers, Marik has absolutely no idea what it's all about or what he is supposed to be doing there. You are the attorney representing the General Conference, and you have been hired to see that he loses the case, is stripped of all his possessions to pay court costs and fines, is ruined in reputation, and reduced to hardship for years to come.

Because of this, the General Conference cannot locate any Adventist that will take the job—and the in-house lawyers in the General Conference apparently cannot face such a task.

**ONE OF THE BEST WAYS THAT YOU CAN HELP** is not merely writing letters to the brethren—but also **WRITING TO THOSE FEDERAL DISTRICT COURTS.**

Write as many letters as you wish,—but **SIT DOWN AND WRITE A LETTER** that will be sent to the Federal District Court to plead on behalf of those small church groups. *If the General Conference loses these cases, they will stop trying to do this nefarious work.*

In that letter, include Bible and Spirit of Prophecy quotations that would be applicable to the situation.

When you have concluded it,—*do not mail it!* Take it to a photocopy store and make several copies. Then send one to each of the district courts, and keep the original—so that, if and when, we tell you of more court cases that have been started by the General Conference, you can send copies of that letter to their district courts also.

The letter should only include principles,—not specific names and places of any particular court case. Leave about half-a-page of space at the top of page one. Then hand-write in on each letter you send out (1) the specific district court and its address, (2) the Civil [case] number of the court case, (3) the full name of the plaintiff (which in each case is "General Conference Corporation of Seventh-day Adventists"), and (4) the full name of the defense (the church and pastor they are suing).



# GENERAL CONFERENCE JAILS SEVENTH-DAY ADVENTIST

And the Lord sent Nathan to David. And he came unto him, and said unto him:

*"There were two men in one city; the one rich, and the other poor. The rich man had exceeding many flocks and herds. But the poor man had nothing, save one little ewe lamb . . .*

*"And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the way-faring man that was come unto him.*

*"But [instead he] took the poor man's lamb, and dressed it for the man that was come unto him."*

And David's anger was greatly kindled against the man; and he said to Nathan,

*"As the Lord liveth, the man that hath done this thing shall surely die!*

*And he shall restore the lamb fourfold, because he did this thing, and because he had no pity."*

And Nathan said to David,

**"THOU ART THE MAN!"**

—2 Samuel 12:1-7

Read the rest of the story; it is found in 2 Samuel 12. God through his servant predicted that war would never again leave the house of David. Till the end, he would suffer humiliation, defeat, strife, and problems. ~~Alien armies would come and take away portions of his territory. To put it in modern terminology, his organization would suffer division, revolt, multiple bankruptcies and seizures of property. Fire, apostasy, and desolation would come.~~

**This is our portion today.**

We tried to close our neighbor's little church, when we already had so many of our own. The blessing of the Lord cannot rest on a people that do that. Our future is not bright.

On Friday morning, December 16, 1989, at about 9:15 A.M. PDT, federal marshalls entered the home of John Marik in Yucca Valley, California (about 30 miles north of Palm Springs), and placed him under arrest.

That was a dark day in our denomination, the Seventh-day Adventist Church. It will later be seen as a turning point in the history of our movement. A small group of men—unfortunately the ones who dominate General Conference headquarters—have taken the advice of their Roman Catholic attorney, Vincent Ramik, and for several years now have spent tens of thousands of dollars per case on federal court lawsuits to stop small worship groups of Adventist believers from meeting together.

Friday, December 16, 1989, will go down in history as a day of infamy. Men in our own General Conference have arranged through the courtroom pleadings of their Catholic attorney, for severe U.S. Government penalties to be issued to those worshipping without General Conference approval.

They have placed a faithful Seventh-day Adventist in prison for publicly calling himself a Seventh-day Adventist!

This is no little matter! If you or I were to post a sign on our door declaring ourselves to be Seventh-day Adventists, we also would be harassed and sued by a Catholic attorney on behalf of the General Conference, and then thrust into prison by federal agents!

John Marik had a small church of eleven members (shortly after the lawsuit started, it dropped to nine). Three of the nine are John, his wife and daughter. So his "small lamb" was pretty small! They worshiped together in a small rented wooden clapboard building away off in the northwest corner of the southernmost island in the Hawaiian Islands.

They never advertised their meetings, other than tacking a small plywood sign over their out-of-the-way meeting house, which said in plain words that they were independent from regular Seventh-day Adventist churches: The sign said **Congregational Seventh-day Adventist Church.**

The word "congregational" means "local church rule," with no higher authority above it. That is simple enough. It was obviously a separate group. But such a situation was intolerable to certain men: it must either acknowledge their authority or be eliminated entirely. Everyone who would have the faith of Seventh-day Adventists must be under their supervision.

**Yet it is an inherent principle of genuine "religious liberty," that Seventh-day Adventist Christians have a right to be in General Conference churches, and a right not to be.** It just has to be that way. I believe you can understand why. (If you cannot, then frankly, my friend, you are a bigot.)

(For the record, this little Hawaiian group chose a separate path because of certain domineering tactics by the Hawaiian Conference. We cannot say that all should do as they did, but they should have a right







to worship as historic Adventists without doing so in denominationally-owned facilities. I should also mention that they believe our regular Bible-Spirit of Prophecy historic teachings, just as you and I do. They are not an offshoot.)

Then, at General Conference behest, the Catholic attorney wrote Marik a letter several years ago, informing him that his little group could no longer worship as Seventh-day Adventists and the sign, symbolizing the fact, must be taken down. Its removal would acknowledge to all their change of faith. If they did not do so, according to the letter they would soon receive an expensive lawsuit.

All this is carefully documented in our *Hawaiian Trademark Tractbooks*. Within these pages you will find the initial letters, the hurricane that followed, as lawsuit papers were filed and they were taken to court, plus hundreds of pages of papers submitted to the court by the attorneys for the General Conference, and the attorney for the nine church members. The positions of both sides are clearly stated, as well as the brilliant maneuver by the General Conference lawyers to totally eliminate a court hearing for Marik's group—so they never once had a chance in court to present their side before the verdict was handed down! When men are on the wrong side, they have to use desperate measures to win. (The tractbooks are described near the end of this tract.)

Following in the steps of Rome. The Vatican must have laughed when it heard that one of its sons was accomplishing so much for the mother church.

**Do you realize that if the General Conference wins on this case, you will no longer have the right to worship God, in a group with other Seventh-day Adventist believers, separate from a General Conference-authorized church group?**

You might wonder why you would ever want to do so. If the apostasy in our church continues, the day may come when you will have to worship separately! Dramatic changes are occurring in our denomination and they are taking place rapidly. We do not want to leave, but some of us may have to. There is no doubt that a growing number of faithful members are being kicked out for speaking up when they see wrong practices carried out.

**It is not a matter of whether we want to worship separately; the issue is whether we should have a RIGHT to worship with fellow Adventists anywhere and anytime we wish, free from harassment.**

This was the issue in England during the seventeenth century persecutions. Independent pastors (independent of the government-approved church) were imprisoned, their churches closed, the worshippers were chased away. The only way they could worship God in peace was in secrecy in their homes.

**We are returning to this right now in our church! No other denomination in America has so championed "religious liberty" and the right of the individual to worship free from outside and**

**governmental dictate,—as has our denomination.**

At the present time, no other denomination in America—except ours—is trying to coerce the federal government into enforcing its church policies and decrees to the extent that ours is! Only a few other church bodies in the United States are attempting to force denominational believers to worship only in church-authorized buildings and under church-paid pastors—or else receive a desolating lawsuit!

**The objective of these lawsuits is to force those small groups to renounce Seventh-day Adventism! That is the voice of the wolf, not the call of the shepherd. If the small groups oppose this mandate to renounce their faith, they will be made the subjects of a lawsuit intended to destroy them financially and imprison their pastor.**

In the book, *Great Controversy*, Ellen White referred to a time in the future when the fallen churches would make an image to the beast by coercing the federal government into enforcing their decrees. The result would be a National Sunday Law, with severe penalties attached (see chapter 25 in the book).

**Certain of our leaders are, in advance of that terrible crisis, trying to do the same thing! Without realizing it, they are conditioning the United States federal government in preparation for the same persecutions that took place in seventeenth-century England! They are hastening the Final Crisis!**

We are told in Revelation 13 that the time will come when all the world will wonder after the Beast, as a result of the coercive work of its image power. Prior to that crisis, we are now entering upon a time when all the churches are beginning to wonder at the things that Seventh-day Adventists are doing! They are astounded at our departures from our historic beliefs and our apostasies.

**When Jesus comes, will He find faith on the earth? Oh, Lord Jesus, come quickly!**

This entire situation is appalling. The Hawaiian lawsuit against John Marik and his tiny nine-member church has already cost the General Conference over \$300,000. In a letter dated April 10, 1989, Robert W. Nixon, a General Conference attorney, wrote on a General Conference letterhead that the sacred tithe is used to pay all costs of these various lawsuits by our denomination against individuals and small groups. He said: *"Second, you inquired whether tithe is used to pay church litigation. The treasury informs me that all litigation is paid from the annual appropriation made at the Annual Council, and that appropriation comes from tithe."*

**We deeply hope and earnestly pray that this present Hawaiian lawsuit will be settled against the General Conference. For only then can this terrible trademark schism in our church be resolved.**

As it is, faithful souls in the church are sorrowing, and worldlings outside of it are rejoicing. We are all losing because of these trademark lawsuits; there are no winners. By its attempt to control "ownership" of the name "Seventh-day Adventist" and symbol



important, who shall be Seventh-day Adventists,—the General Conference is losing much support. Individual believers are losing also.

Please pray! Please pray!

There is no doubt that if thousands of faithful Adventists would deluge General Conference headquarters with a demand that these lawsuits be stopped, **THEY WOULD BE STOPPED!**

I assure you that those faint-hearted brethren who will utter no protests in this time of crisis, are casting their vote on the side of wrongdoing.

The address of the General Conference is:

**General Conference of SDA  
12501 Old Columbia Pike  
Silver Spring, MD 20904  
[301-680-6000]**

We did not know where John Marik was living when he was arrested on the morning of December 16, 1989, but apparently an informer found out.

His wife was visiting relatives in the Beaumont area when the federal agents arrived. Since John was about to leave for a chiropractic appointment, he asked for and received permission to cancel the appointment. His chiropractor telephoned the present writer shortly thereafter.

John was immediately taken to the federal courthouse in Santa Ana, California. The public defender, Dean Stewart, sought to obtain his release on "personal recognition," but was unable to do so. Bond was set at \$25,000.

He remained at the Santa Ana federal building all day, and at 4 P.M. PDT was taken to the Detention Center in Los Angeles.

If bail can be posted, John would be released till a hearing, or possibly until the trial was completed. Of this we are not certain.

Sunday morning we received a telephone call from a friend on the West Coast who believes he may be able to get John out on partial bail. Time will tell. We will keep you up-to-date as developments unfold.

But yesterday we learned that the federal courthouse refused to accept partial bail; all \$25,000 must be given to them. It is now nearly five days after the arrest, and the parents of John's wife are trying to sell or mortgage their house in order to raise the money. They do not know if they will be able to do so.

**DO NOT underestimate this event! Certain of our leaders in the General Conference are, in this experience, hardening their hearts. They are becoming the more determined to carry on with these persecutions. Marik's little group is only the beginning, not the end. (Vincent Ramik bragged on the phone to one group in Indiana that he had already closed down 25 groups.)**

A couple days ago, a church member got through to Neal C. Wilson, President of the General Conference, told him of Marik's arrest and pled with him to call off the lawsuit. Elder Wilson paused in silence for a moment, and then replied that he wasn't going to, and then added, "Marik is going to destroy himself."

**Hardened? These men are becoming immobilized in their thinking! They imagine it is Marik's fault that he is in prison! He is the one who refused to renounce that hallowed name, "Seventh-day Adventist;" he is the one who refused to stop calling himself a Seventh-day Adventist; he is the one who refused to stop worshipping as a Seventh-day Adventist! They think that they have no responsibility in the matter, even though**

they have spent hundreds of thousands of dollars to put him in that prison! From January to May, 1988, their attorneys repeatedly demanded the federal court in Hawaii to take stiff action against Marik and his small group for refusing to obey the court decision—which their attorneys had written for the judge to sign! (All of this and more will be found in the *Hawaiian Trademark Lawsuit Tractbooks*.)

**THE MARIK FINE**—People are asking about the amount of the fine decreed by the U.S. federal judge in Honolulu, at the time that he issued the warrant for John Marik's arrest. Here is that information:

May 9, 1988 was the date of the contempt order by the federal court in Honolulu. The warrant and fine were both to be issued three days later, which would be May 12. As of May 12, 1988, a \$500-a-day fine was levied against the small group in Hawaii for publicly acknowledging themselves in writing to be Seventh-day Adventists, without having received the approval of a General Conference subsidiary to do so. Each day thereafter, an additional \$500 would be charged against them. The fine was issued "individually and collectively," therefore it is ONE \$500-a-day fine, not two \$500 fines a day. Assuming 30 days to a month, the fine would accrue at the rate of \$15,000 a month. From May 12, 1988 to May 12, 1990 would be 20 months. Therefore a close approximation of the total fine would be \$300,000 by the 12th of January. The fine will be due and payable on the day that they lose the trial. They will then file bankruptcy, and be totally wiped out. Another small group will have been wiped off the map, but this particular victory will alone have cost the General Conference over \$300,000.

A lady in our local church here reported in Sabbath School a couple months ago, that funds for foreign mission stations are drying up. The General Conference seems unable to send as much as before, so missionaries are being called home. Her son in Africa shared this information with her. We sorrow for the losses of our foreign missionaries. Foreign nations need the Sabbath message more than Sabbathkeepers need jailing. The General Conference has so many new types of expenses these days: bailing out nearly-bankrupt medical systems, hiring lawyers to wage war on Adventists, paying residual Davenport losses, finalizing on bankruptcy losses at Harris Pines.

Information on the *Hawaiian Trademark Tractbooks*:

**Trademark Lawsuits - to March 1989**—Over a period of time we wrote a number of tracts on this topic as developments unfolded. This tractbook contains these tracts. Released March 1989. This tractbook has 105 pages.

In addition, four other tractbooks are also available. These focus on legal papers:

**Key Defense Papers**—This tractbook contains trademark tracts to May 1988, and all key defense legal papers to May 1988. All of these legal papers, plus many more, are included in the 458-page tractbook below. Released May 1988. 188 pages.

**Legal Papers - to May 1988**—Nearly every legal paper submitted by both sides to May 1988 is to be found here, but no tracts are included. Released May 1988. 458 pages.

**Marik Appeal Papers**—First of the legal papers for Marik's trademark APPEAL trial. All appeal papers to August 1988. Released August 1988. 271 pages.

**Brief of Amici Curiae**—Submissions of three parties to Marik's appeal. Legal papers submitted to the court between July 25-August 8, 1988. Issued September 1988. 56 pages.

Figure the raw COST of each tractbook at 3 cents a page.

All of the blizzard of papers submitted by General Conference attorneys (they are all non-Adventist) cost the General Conference c. \$150 an hour to write, proof, typewrite, and take down to the federal building and file with the court clerk; plus telephone calls, court visits, discussions, and related matters.

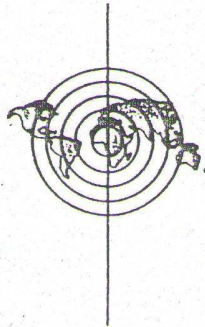
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BEERSHNERA SPRINGS, TN 37308



Office of General Counsel

Telephone (202) 722-6320



General Conference of

# Seventh-day Adventists

CHURCH WORLD HEADQUARTERS: 6840 EASTERN AVENUE NW, WASHINGTON, DC 20012 USA  
TELEPHONE: (202) 722-6000 • CABLE: ADVENTIST, WASHINGTON • TELEX: 440186

April 10, 1989

Mr.

Dear Brother :

Thank you for your recent letters concerning trademarks. Elder Wilson's office asked me to respond.

First, enclosed is a copy of the questions and answers we have released on the question. Perhaps you already have seen it in the January 12 issue of the Adventist Review.

Second, you inquired whether tithe is used to pay church litigation. The treasury informs me that all litigation is paid from the annual appropriation made at the Annual Council, and that appropriation comes from tithe.

~~If you have additional questions, please write.~~

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert W. Nixon". The signature is written in dark ink and is positioned above the typed name.

Robert W. Nixon  
Associate General Counsel



JOHN MARIK'S DREAM -  
Spark That Ignited Persecution in America

(In the winter of 1985-86)

Sometime near the end of 1985, in the winter, a timely and impressive dream was given to me from the Lord. It was reassuring to us, for it was understood that God would be with us for our deliverance. Yet it prophesied of a very sorrowful event: It solemnly portrayed a scene of a most severe and devastating judgement to be poured out by God upon this denomination. For some time before this, we had been receiving intimidating letters from the GENERAL CONFERENCE--demanding that we cease from calling ourselves "seventh-day Adventists"! To our astonishment and to the disbelief of many, they alleged that we were disregarding civil law in that we were using their registered trade name. Furthermore, it was becoming quite evident that they were intending to take legal action. Shortly after that, I was deeply impressed by the Holy Spirit to write a letter of explanation: Hoping to appeal to their conscience, we expressed that it was our conscientious convictions, and duty before God to testify before the world that we were indeed "Seventh-day Adventists". Regretfully though, the GENERAL CONFERENCE closed their ears to our plea for liberty and peace; from then on, we would only be receiving more threats and warnings from their apparently unsympathetic lawyers.

It was during these seemingly perplexing and discouraging circumstances that God mercifully gave me the following dream and its unfolding interpretation: Our little independent church was represented to me under the similitude of a pleasantly situated farm-like homestead, which had been securely located in a rural part of the country. By contrast, the denominational church was likened unto a complacent residential community, which had been conveniently but heedlessly located in a suburban area having close proximity to the major cities.

Now, God, having been pleased to show His favor toward us, gave us many precious tokens expressing His approbation--precious reminders reflecting the tender care of His love. Therefore, having been so richly blessed, we prospered abundantly--our (spiritual) pasture land was green and well watered. Nevertheless, Satan had stirred some of our related brethren, who dwelt in that community close to the city, to think and conspire evil against us. They were not just unhappy because we were existing independent of them, but they were very angry because we were faring so well while they were suffering so much misfortune. Some who had been moving out of envy and jealousy aroused others who were motivated by fear. The latter, being afraid that we were imposing a threat to their survival, became bent on our complete destruction. And this, they would relentlessly seek for a means to bring about.

In the process of time, we were warned of an approaching attack from these other brethren who were now our determined enemies. Being suddenly aroused to the sobering reality of an imminent confrontation, we were made to feel the urgency of the moment. But we were not unduly anxious, for we had found great



assurance in the promises of God. My brother Wayne (actually my wife's brother--who also typified the other church members) and I were together. With haste, we ran to an old weathered shed (of unused resources) which was used to store hunting equipment. Our intentions were to avail ourselves of a ready defense in the use of firearms; yet providentially, we were to be temporarily disappointed, but only so that God would be the more glorified in our deliverance. Consequently, we could only find ammunition (of Gospel Truth) and explosives (of condemning evidence); there were no fighting weapons! Then it came to our remembrance: We had never brought our guns with us to this country place, for we had purposely left them behind with our old lives when we had moved from the city (the denomination) to the country (our independent church).

At this point in time, there was somewhat of a temptation for us to lose courage. The seemingly disheartening discovery that we would not be able to defend ourselves, as we had originally hoped, was forcing us to be keenly aware of our helplessness. Certainly, our hope for deliverance could not rest on what we could accomplish! With anguish of heart, yet hoping in His mercy, we earnestly began to cry unto God to save us and deliver us from our persecutors. We were being made to feel our vital need for a stronger, more practical, faith in our Redeemer. Nevertheless, while notwithstanding the temptation to yield to doubt and despair, we obtained the victory by God's grace. Yet in our desperation and duty toward God, we could not long remain idle.

We were impressed to take the abundant supply of ammunition and explosives, which God in His generous providence had made available to us, and hastily fashion a rudimentary but potentially effective bomb. We had also been urged on by His Spirit to boldly venture out from our camp, to a place which was very close to but not perceived by our persecutors. It was here that we situated and completed the bomb. Yet all along, we were earnestly and anxiously hoping that the necessity for so drastic a measure would somehow never become a reality. Also to my mind, I had some doubts to the contrary: I was seriously questioning and wondering whether such a thing could ever be set off, for we did not even have a spark to ignite the fuse.

We were now to be greatly amazed at how quick is Heaven's intervention for God's trusting children. Having just completed our necessary task, but inwardly wondering how it was to work, I solemnly mentioned to my brother, "If this ever explodes, it will be extremely devastating." Then immediately following that statement, and to our startled amazement, the Lord caused a brightly glowing spark to appear from nowhere. The fuse was burning! Overcome with the fearful realization of what would quickly follow, and fearing the great ire that would be kindled against us, we fled. We were unable to fully comprehend what was actually happening. God took our feeble efforts, which we were forced to make for our own defense, and now greatly multiplied them for His purpose and glory.

Terrible was the explosion! It was with varied emotions and a silent awe that I beheld the scene which fatefully followed. Transported to a place immediately overlooking the quiet



residential community which prefigured the Seventh-day Adventist denomination, I could see houses, lawns, gardens, and trees; it seemed that it was near the summer's end; and it appeared as though the people that dwelt there had not a care, other than to enjoy their life of ease, comfort, and pleasure--seeming not to want in any temporal thing. Then as my eyes were lifted toward the sky, I beheld the impending judgment of an often slighted and offended God: Falling down through the sky, was coming a fallout of razor sharp shrapnel, descending like millions of elongated twisting corkscrews which had edges as jagged and sharp as freshly broken glass. Falling with this terrible approaching shrapnel, was an unaccountable downpour of rain. They were both falling simultaneously.

Oh, alas! Alas! What awful judgment is falling upon this careless and impenitent community! The sky is overcast. Terrible and deadly are the avenging weapons of Jehovah's wrath. They are falling everywhere. There is no place of safety for the rejectors of His grace. Men, women, and little children are exposed to the fury of His indignation.. But lo, there is yet a measure of grace! Mercy is still intermingled with His wrath. For even in all this, His indignation, there is the gentle rain of His grace--a very befitting token of the gentle work of His Holy Spirit upon the contrite heart. Praise God for His mercy in times of judgement.

Oh, God is a Fair and Righteous Judge: Showing mercy unto thousands and forgiving their sins, yet He will by no means clear the guilty--those who are guilty of the greatest offense--the despisers of His grace. Accordingly, it is the condition of the heart that determines what effect the spiritual rain and shrapnel would have upon the soul. If one was not able to receive the rain, the shrapnel would prove to be fatal. However, if one was able to receive and appreciate the rain, the shrapnel would not have the power to fatally wound; moreover, the more gladly that one would receive the rain, the less would be the power of the shrapnel to cause grief, pain, or vexation to his soul. So, unto those precious souls who have not despised His mercy nor dishonored His commandments, the rain would have a sweet, converting, and sanctifying influence. Having surrendered to the Holy Spirit, they would be made broken-hearted and yielding. But unto those wicked souls who have despised His cross and persisted in rebellion, the shrapnel would have exactly the opposite effect. Having grieved away His Spirit, they would only become the more hard-hearted and resisting. Their anger, rage, and malice would be intensified according to the pain of their affliction. Then being lead on by Satan's overmastering delusion, they would yet dare to presume that God still favors them as His privileged people. Being thus deceived, they would war against His faithful ones--believing it to be of service to God! Zealously, will they therefore persecute the very ones who, having joyfully received the rain, are now to be found rejoicing under God's tender approbation.

Now as I considered all this, my heart began to be afraid, fearing that we--and particularly I--would somehow be held accountable for the terrible damage done to the denominational community. For I perceived that those, to whom it was to feel the awful displeasure of God, would become exceedingly malicious. Not



considering that it was their own sin which brought down upon them the Divine retribution, they would endeavor to cast the blame upon us, saying that we were the cause of their severe misfortune and distress. Therefore being sorely grieved and infuriated, their ire would become all the more vehemently directed toward us, whom they had initially sought to merely intimidate and chase away. Therefore, I feared as I beheld the falling devastation. But Heaven would not suffer us to [bare] the burden of their guilt, nor to feel the fear of their indignation. Being assured of God's favor and protection, we could not long let this disturb our peace. It is the Divine tribunal that decrees the judgments to fall upon the merchandisers of His grace. In the providence of God, they are to be utterly confounded: Our little helpless country church was placed in the direct path of their apostasy, so that God would be glorified in our deliverance.

I am forcibly impressed to say: "The dream is certain, and the interpretation thereof sure" (Daniel 2:45).

Shall the God of Heaven and earth be glorified in the triumph of His beloved church? Yes! Let our Redeemer be praised! May the precepts of The Father's Holy Law be exemplified in the lives of His children. Yes, let the glorious standard of righteousness be raised above every earthly influence that Jesus Christ, the Saviour of the world, may be lifted up higher than the glorious white clouds! Let Him reign supreme, that all may behold their Only Hope, and that the sick and dying may find life! O let us bow down and worship our God in spirit and in truth. Amen.

In the Master's service--a child of God,  
John Marik  
September 20th, 1987  
[DLVER/DRM 12-16-87]



# 'They Were the Bravest, Most Committed Americans I Know'

To the Editor:

In covering the tragic armed conflict between the Federal Government and the Branch Davidians at Waco, Tex., wire services have identified the cult as "a splinter group of the Seventh Day Adventist Church." Since the mass media also use David Koresh to preach their own gospel against "religious zealots," some might suspect the Seventh Day Adventists of a similar cultic trend.

As a priest of the Orthodox Church who writes on religion and culture, I am hardly a missionary for the Seventh Day Adventists. In the Vietnam War, however, I served as an Army medic with many S.D.A.'s, as they were called. As conscientious objectors, these young men refused to bear arms but agreed to serve as medical personnel. Most of those I trained and

served with were black Southerners. Vegetarian, cheerful, stolidly faithful to their tradition, they were harassed mercilessly by drill instructors, who routinely insulted their beliefs. Some were chosen to participate in a "white coat" program, where they served as human subjects for what they thought was humanitarian research. Later, the program was identified as a facet of our germ warfare program. (Cynics point out

that Seventh Day Adventists were chosen as guinea pigs because their beliefs forbid them to bring suit in civil court.)

Most often, Seventh Day Adventists were sent to combat units, where without even a sidearm they crawled directly into enemy fire to patch the wounded and retrieve the dead. Their casualty rates were among the highest of the war. There are names of Seventh Day Adventists etched in the wall of the Vietnam Veterans Memorial. Their memory is seared into those hapless cynics who served with them. They were the bravest, most committed, most heroic Americans I have ever known.

Given that they openly confessed Jesus as Lord, a habit the mass media find annoying, I guarantee that Hollywood or the secular press will never tell their story as a counterweight to people like David Koresh. But to honor the memory of those whose faith led them to die, rather than take up arms, we can spare the Seventh Day Adventists in condemnation of cults. ANTHONY UGOLNIK

Elijah Kresge Professor  
Franklin and Marshall College  
Lancaster, Pa., March 20, 1993



## The New York Times Company

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The Times welcomes letters from readers. Letters must include the writer's name, address and telephone number. We regret that we cannot acknowledge or return unpublished letters. Those selected for publication may be shortened for space reasons.











# Gays, Trademarks, the Church and Religious Liberty

By Richard Lee Fenn

The *why* of homosexuality is not an issue here. I don't know why gay people are gay. Are homosexuals "born or bred" (*Newsweek*, Feb. 24, 1992)? Is it a result of genetics? Bad dads? Smothering mothering? Other overwhelming psychosocial factors? Who really knows? Gay people themselves say they don't know: "For some unknown reason we are gay."

The origin of homosexuality? Unh-unh. But I will deal with its *practice*.

As for me and my churchhouse, we still believe that a substantial collection of Scriptures from Genesis to Revelation<sup>1</sup> really does hold homosexual behavior to be a grievous sin — a sin for which unrepentant members of the Seventh-day Adventist Church shall be subject to discipline.

Religious liberty is also on the agenda here. Religious liberty for gays and lesbians. Religious liberty for the church itself.

## Fraudulent Misuse

So how come the Marik group can't use the name "Seventh-day Adventist," but the homosexual organization can? What gives rise to this seemingly confusing contradiction?

It all started when the Seventh-day Adventist Church moved to protect its own name from fraudulent misuse.

- The "Trademark" case: In Hawaii, the church asked a U.S. Federal District Court to enjoin an admittedly minuscule but nonetheless widely publicized congregation of disfellowshipped Seventh-day Adventists from using the denomination's name.

- The "Kinship" case: In California, the church petitioned a Federal court for injunctive relief against Seventh-day Adventist Kinship International, Inc., a self-described support organization for gay and lesbian Adventists. Simply stated, the church did not want its name used as an integral part of the name of an organization that approves behavior the church views as grievous sin.

As I reported in "The State of Religious Liberty" (*GLEANER*, Jan. 6, 1992), both matters have been closed as far as court action is concerned.

- "Trademark:" A Federal judge signed an order prohibiting John R. Marik and the members of his congregation from using the name "Seventh-day Adventist" in the name of their church.

- Kinship:" Federal Judge Mariana R. Pfaelzer ruled that SDA Kinship may continue to use the denomination's name because such use is a *generic description* of

the religion of Kinship's members.

## Group Vs. Church

"SDA Kinship," said Judge Pfaelzer, "is entitled to use the term 'Seventh-day Adventist' to identify the religion of the group's membership. Arguably, the use of the name 'Seventh-day Adventist' in conjunction with 'Church' would require a different result. But that question is not before the Court since SDA Kinship has never used the name 'Seventh-day Adventist Church.'"

The "Kinship" decision will not be appealed, church leaders have announced.

Here's the way things stand, as I see them:

- "Trademark" holds that Marik and congregation may not use the name "Seventh-day Adventist" because theirs is not a Seventh-day Adventist church.

- "Kinship" says that the homosexual support group may use the church's name because (1) such use is merely a generic description of its own members who, after all, are members of the Seventh-day Adventist Church or, lacking member status, are at least practitioners of the religion; and (2) Kinship does not purport to be either a Seventh-day Adventist church or *the* Seventh-day Adventist Church.

## Anonymous Letter

My article elicited a response from a pseudonymous letter writer. Ordinarily I consign to File 13 any mail from persons whose courage of conviction is so lacking they cannot sign what they say.

But this letter I did not trash. I found it reasonable in tone and thoughtful in content. Indeed, it raises pertinent questions. Some excerpts and observations:

LW: I do not understand why the Kinship issue belongs in a religious liberty category. Of course it would be nice for those of us who have discovered we are gay to also have the liberty to be religious, particularly in the denomination of our choice: Seventh-day Adventist.

RLF: As in the "Trademark" case, "Kinship" related to the church's freedom to determine who may and who may not use the name of the church. Said Judge Pfaelzer: "It is clear that enjoining SDA Kinship from using the name 'Seventh-day Adventist' or 'SDA' would not prevent it from practicing the religion." She added: "Enjoining the defendant would not implicate the free exercise clause."

Judge Pfaelzer was telling the gays that had she ruled for the church, they could not have claimed a violation of the Free Exercise clause of the First Amendment.

Thus, while holding for Kinship on the issue of genericness, she certainly did not disturb the church's freedom to determine what a Seventh-day Adventist is and who can be a member of the Seventh-day Adventist Church.

So, LW, you do have the freedom to be religious. You've always had it.

LW: What is your mysterious intent? Is it possible you are surprised that people exist who love the teachings of Scripture enough to take the name Seventh-day Adventist even though for some unknown reason we are also gay?

RLF: No mystery intended. I believe the church can and should discipline sexual immorality — straight as well as gay. Such discipline needs be administered swiftly, fairly, firmly, and — try to believe me on this — lovingly.

LW: I'm using a pseudonym on this letter because I am still frightened of being disfellowshipped to take the openness risk. I still want the protection of membership to give me a church home and the legitimacy of Sabbath protection in my work.

RLF: Abel's brother was anxious about being disfellowshipped too. "Why the fallen face?" the Lord asked Cain. "If you do well, will you not be accepted? And if you do not, sin lurks at your door. Sin desires you, but you must master it."<sup>2</sup> Gay or straight, to any temptation to immoral behavior, just say no.

The church has well-defined standards of belonging as a member. You really can't cry "no religious liberty in the church" if, because you decline to meet those standards of membership, the church says, "While you are most welcome to attend and to worship, your own choices preclude your being a member."

You say you want Sabbath protection in your work. Surprise! You've got it. Your right to accommodation is not based on church membership, but on your own religious belief and practice; and it is totally unrelated to your sexual orientation. So if your boss is giving you a hassle about not working on the Sabbath, please contact me. You can use your real name; in fact, you'll have to. Don't worry, though: I won't know whether you're gay or straight. It wouldn't matter anyway.

Of course gays and lesbians have religious liberty.

So does the church.

*Pastor Fenn is director of the Department of Public Affairs and Religious Liberty, North Pacific Union Conference of Seventh-day Adventists in Portland, Ore.*

<sup>1</sup>Genesis 1:26-28, 2:20-25, 19:5-7; Exodus 20:14, 16, 17; Leviticus 18:22, 20:13; Deuteronomy 23:17; Judges 19:22, 23; 11 Kings 23:1-3, 7; Matthew 5:8, 6:13; John 8:3; Romans 1:26, 27; 1 Corinthians 6:9, 10:13; Galatians 5:19-25; 1 Timothy 1:8-10; James 4:17; 11 Peter 2:9; Revelation 22:14, 15.

<sup>2</sup>See Genesis 4:6, 7.



# GENERAL NEWS

## The State of Religious Liberty

By Richard Lee Fenn

**Editor's Note:** In the following article, the author comments on questions of religious freedom and issues which affect the climate of separation of church and state and the honoring of First Amendment rights in the Pacific Northwest.

### Liberty Campaign

The campaign to raise a \$130,000 offering in 1992 continues. These funds will help send *Liberty* magazine to every major state government official, every state legislator and every attorney in the Northwest. They will also provide adequate funding for government relations programs in Juneau, Alaska; Boise, Idaho; Helena, Mont.; Salem, Ore.; and Olympia, Wash. The \$130,000 will also help build a defense-fund reserve should a case require litigation.

### International Issues

The demise of the Union of Soviet Socialist Republics as a Communist superpower and the rise of religious fervor among the people of the republics is allowing the North Pacific Union Conference the unbelievable opportunity to send many teams of missionaries to Russia. Joyous bear hugs all around! We've only just begin.

Sectarian war rages in Yugoslavia, but new freedoms emerge in neighboring Albania. The beginning of the end of government-enforced apartheid and church-sanctioned ethnic separation in South Africa is in sight.

The church of Rome's "supreme bridge builder (Pontifex Maximus) enjoys unchallenged influence on the world scene.

Peace talks have begun between Arabs and Israelis.

### National Issues

The economy flounders, as the government seems unable or unwilling to do much about its sickly state.

A popular swing continues to rightist, majoritarian statism. A super-conservative United State Supreme Court is headed by a chief justice who says the wall of separation between church and state "is based on bad history. It should be frankly and explicitly abandoned." The coercive political power of the religious right, as a coalition, does more for John Paul II's agenda in America than his own Roman prelates.

Despite these realities, we've seen noteworthy defenses of religious liberty: Virginia's Supreme Court upset Jerry Falwell's bid for public funding for his church-operated university. Citizens of the Washington State defeated a term-limitation initiative.

### Northwestern Issues

We have been blessed with favorable settlements in several religious discrimination cases in Idaho, Oregon and Washington. We await outcomes in matters pending before the U.S. Equal Employment Opportunity Commission in Seattle and the Montana Human Rights Commission in Helena. When we are able to assist a church member with an on-the-job problem, we help maintain the proper way of doing business in America: *It is still possible for a Seventh-day Adventist to hold a job and keep the Sabbath.*

### Use of Church Name

A U.S. District Court in California has ruled that Kinship International, a gay-lesbian organization of Seventh-day Adventists, may use the church name because, the court held, the members of the group are

Seventh-day Adventists. But the judge rejected Kinship's arguments that application of trademark laws would be a violation of religious liberty.

According to published reports, Judge Mariana R. Pfalzer said that "enjoining SDA Kinship from using the name 'Seventh-day Adventist' or 'SDA' would not prevent it from practicing the religion."

The General Conference will not appeal the decision. But the GC Committee has called the world church to inform members that Seventh-day Adventists still believe "homosexual practices are grievous sins for which members shall be subject to church discipline."

One wonders if the court's decision might have been stronger for the church if the church could have shown that no person belonging to Kinship International is in fact a member of a Seventh-day Adventist congregation.

### 'Trademark Case'

The so-called "Trademark Case" is closed. A U.S. District Court judge in Honolulu, Hawaii, has signed an order in favor of the General Conference which prohibits John R. Marik and the members of his dissident congregation from using the name "Seventh-day Adventist" or "SDA" in the name of their organization.

### Help Needed

Again, I appeal to Seventh-day Adventist throughout the Northwest to give liberally for *Liberty* when your church marks Liberty Sabbath. We in the NPUC PARL are committed to the preservation of religious freedom in America, particularly in Alaska, Idaho, Montana, Oregon and Washington. Please help us!

## ADRA Makes Plans For Wider Food Distribution

The Adventist Development and Relief Agency (ADRA) is sending emergency help to victims of recent fighting in Yugoslavia and the famine in the Sudan, as well as continuing aid to more than seven impoverished countries.

The organization plans to feed one million people in seven developing countries in 1992, according to David Taylor, ADRA's director for food supported development.

### Yugoslavia

ADRA Germany airlifted medicines and medical supplies; and truckloads of food, clothing, blankets and medical supplies are

being distributed to both Croatian and Serbian citizens affected by the unrest in Yugoslavia. Money has also been sent to help some 20,000 Yugoslavian refugees in southern Hungary.

### Sudan

ADRA is handling feeding and health projects in the area of Khartoum, capital of Sudan, to fight the effects of famine.



Seventh-day Adventists, the Remnant News  
Roy Lemke, Editor

# THE IMAGE OF THE BEAST IN 1995...

"Jesus answered, **MY KINGDOM IS NOT OF THIS WORLD: IF MY KINGDOM WERE OF THIS WORLD, THEN WOULD MY SERVANTS FIGHT**, that I should not be delivered to the Jews: but now is my kingdom not from hence. Pilate therefore said unto him, Art thou a king then? Jesus answered, Thou sayest that I am a king. To this end was I born, and for this cause came I into the world, **THAT I SHOULD BEAR WITNESS UNTO THE TRUTH**. Every one that is of the truth heareth my voice." *John 18:36-37.*

Jesus' kingdom is not of this world. Therefore, Jesus' servants do not fight for dominion in this world, nor do they fight for protection in this world (Jesus did not fight to protect himself or his family or his church, but he put himself in God's hands and by "the faith of Jesus" in his heavenly Father's word, he submitted himself even unto the death of the cross). All those who "follow" Jesus will do the same. Jesus did not call down fire from heaven; neither did he take up arms to protect himself, but he submitted his life to God more and more, praying more and more as the day approached, agonizing with God for the strength to remain faithful to the calling that God had given him (his death on the cross for the sins of the people).

God's people render unto Caesar the things that are Caesar's, and they render unto God the things that are God's. It is obvious from the Scriptures that the kingdoms of this earth know nothing about God's kingdom of **TRUTH** and **RIGHTEOUSNESS** by faith:

"Pilate saith unto him, **WHAT IS TRUTH?**" *John 18:38.*

It is obvious that no kingdom on earth today knows the answer to that question any more than Pilate knew the answer to that question. Politicians are not theologians and have no business ruling over religion.

"But unto the Son [Jesus] *he saith*, Thy throne, O God, *is* for ever and ever: a sceptre of **RIGHTEOUSNESS is the sceptre of thy kingdom.**" *Hebrews 1:8.*

It is obvious that a wishy-washy world leader who would convict and crucify an innocent man on a cross because an angry mob of religious hypocrites and bigots threatened his job security knows nothing about Christ's kingdom of **RIGHTEOUSNESS**.

In Switzerland today, the Seventh-day Adventist church (nothing more) has joined themselves to the state government of Switzerland's court system (creating the "mark of the beast") in order to crucify Jesus anew in the life of a member of the Seventh-day Adventist Church, the Remnants by suing, fining, and requiring a prison term for a Remnant believer, Fredy Hertig. In Germany the Seventh-day Adventist church (nothing more) has joined itself to the German government's court system in order to create the "mark of the beast" in Germany. By accepting the name of the beast (the beast's character of persecution of God's people), the Seventh-day Adventist Church (nothing more) has followed in the footsteps of the error of David Koresh in Waco, the error of the militia in Oklahoma City, the error of the Jewish nation in crucifying Jesus, and the error of Saul in persecuting and killing the faithful Christians in the New Testament. Whether the ones killed are innocent sheep, or whether they are guilty "beasts" makes no difference. The only true church that God recognizes is his church of **TRUTH** and **RIGHTEOUSNESS** which seeks only to carry the everlasting gospel into all the world, the books of record of which are recorded in heaven and not on this earth in any denomination:

"Through all ages and in every nation those that believe that Jesus can and will save them personally from sin are the elect and chosen of God."

Those who do not believe *Matthew 1:21* are not God's church: "And she shall bring forth a son, and thou shalt call his name JESUS: for he shall save his people from their sins." *Matthew 1:21.* Those who do not believe



July 16, 1995

12:00 A.M.

Page 1

## OUR NAME

Seventh-Day Adventist, the Remnant

They are the Seventh-Day Adventist, the Remnant. This is the name given to us by Jesus himself. The Remnant, because the Lord said, this church will not fall. Jeannie gave us this assurance in Chapter 45 in D & V. Because of this name, a fight has begun by the SDA Incorporated church, or so called the old Laodecia. This corporation has tried to take our name from us. They used the courts to disown us from the name. In the court in Darmstadt was on the 7th of June 1995, at 12:30 A.M., there was a court date set against us, by the church. Ps. 124, quoted by Han Mundem.

Dear Brothers and Sisters in Christ:

It was Sabbath, the 27th of May of this year, as we have received from the courts, the results of the trial - Seventh-Day Adventists /Baumann - Hitzke, The accusation of the SDA church, through the court against us. We are giving you this report, for your information. They wanted to make a fight, out of the name, against us, which Jesus himself gave us -THE REMNANT. This is the way they wanted to treat us, like brother Hertig, in Switzerland. They were threatening us with court procedures and expected us to drop that name willingly, without a court hearing. The court has looked at the accusations, and has asked us to appear at a court date. And bring along evidence and reason for our name change. And we were requested to bring an attorney that was recognized by the court. and to bring him with us. It was a legal force against us. But we didn't have an attorney that would qualify for that requirement. We only had six working days to accomplish this request by the court. So we called for help from our God, and we prayed to Jesus. And told him, "If you want us to do this (fight for the name), that we should put all our name on all the literature, then you have to be our attorney, and fight for us". And the Lord answered us. "Be not afraid, and stand fast, and see what a refuse our Lord is and what wonder he will do for us. The Lord will fight for you, and you should be silent." Exod. 14:13-14

One day went by, and we still didn't have an attorney, and then the Lord reminded us of our guest. He lives in Frankfort, and he has received all the messages from Jeannie Sautron, and knows the entire contents of her writings, right from the beginning. This man found us an attorney the very next day. The name of the attorney is Dr. Grafe. He said he was available for us. God used this man mightily to defend us in the court. And he answered all the questions concerning all our beliefs, to the courts asked questions.

On the 6th of June, one day before the court date, God gave us a question - "Lord what will you do for us tomorrow?" The answer was - He used a Bible verse Isa. 44:28. And according to this



Page 2

scripture, we understood that God will use this judge, just like God used the Persian King to rebuild the city of Jerusalem.

Brother and sister Baumann and us, all four of us represented ourself, in court, at the requested time. And we could hardly believe our ears, how all the judges were in favor of us in their conversation. We were sitting real quiet and all three judges defended us, and our name. As the attorney, from the Old Laodicea, was trying to draw attention to certain points in our beliefs and convictions. He was trying to attack us in our beliefs. Mr. Baumgard, the head of the judges, was upset with them and asked them, "What do you actually want here, if you don't stop these accusations, you will have to pay all the court costs. Because the fight against this name, comes under the jurisdiction of business matters, besides that, in our land we still have the law that you have the freedom of press and conscience, that you are not allowed to touch or attack.

The accusations by the SDA, the Old Laodicea, presented to the court has proven itself, a tool of God, that has led us to our victory. It was similar to the cloud by day and the light by night, that protected the children of Israel when they were leaving Egypt. The material they used, was the red books of D & V 1 thru 4, and the yellow pamphlets 48 & 49 from D & V. The head of the judges, Mr. Baumgart, leafed through the booklet and suddenly said, "What do I see here! I see a little star, and then he read aloud, Seventh-Day Adventist - The Remnant, and under the star was a foot note, which said, "the SDA - The Remnant, are not in agreement with the evangelical SDA Church or the corporate structure". And the judge said, this disclaimer should be on all the material you print from now on. So there will be no misunderstanding between the two organizations. And then the judge turned to us and asked, "Are you in agreement with this request?" And in the future you will have peace. He gave us a few minutes to discuss it among ourselves, and then gave us permission to use the two sided pamphlet, with the 10 commandments, until the years end, Dec. 31, 1995, to give out those pamphlets. (These pamphlets did not have a disclaimer on them, but he gave them time to disburse them.) After that all your material will have to have the disclaimer. Then the attorney from Old Laodicea asked permission to counsel with the headquarters in Ostfildern, by telephone, but he could not reach any one at the headquarters, so they gave their report by letter to the court, on the 9th of June. It was included in the court procedure. And they had two days to appeal to the higher court. Which they failed to do, therefore we have received our name and have kept the name the SDA - The Remnant. Therefore we have been declared by the courts, that we have nothing to do with the SDA Incorporated church, and are a free church, with all the rights of any other public church. But all our literature has to have the disclaimer, that is legible and visible. And all the remnant that don't belong to the old church anymore, must write out the name SDA in total, (but if you use the abbreviation, the disclaimer must be included.) We now have a name, recognized by the courts of our land and we are forever thankful that we have a wonderful Father and Saviour. He has fulfilled his word, as he has promised us. And we hardly can believe it has happened. He has torn up the nets, and we are free. He has used the judges, just like the King was used in rebuilding Jerusalem. He also commended our attorney, Mr. Grafe, that he was very efficient to gather all the information that he presented to the court concerning our belief, in religious matters, to defend our separation from the old structure, in front of the court. Our Lord Jesus has done it all

for his little flock



Page 3

And we were able to quietly sit back and watch the Lord work in our behalf. Our hearts are full of great love and thankfulness, for our Lord and Saviour Jesus Christ. He has given us so much mercy and forgiveness, that he has shown us in our time of despair. Praise the Lord My soul, and don't forget what the Lord has done for us. He that forgives all your sins and heals all your shortcomings. He that saves your life from damnation., and crowns you with mercy and long suffering, Ps. 103:1-4.

Who is the Lord? It is the Lord Jesus Christ, our Saviour, our Bridegroom, our King. He is the Lamb of God. He is our sponsor and our High Priest. He is our attorney. His name is wonderful Counsellor. He is our strength. He is our hero. Our Everlasting Father. He is the peacemaker, so that his reign may be mighty and that peace has no end, on the throne of David and in his kingdom. That he is preparing and strengthens it with justice and right doing, from now on and throughout eternity. Such things will be done through our Lord ~~God~~ Sabbath, Isa 9:5-6. Amen!

P.S.

We all would like to thank our brothers and sisters for all their prayers - for God has heard the prayers of his children.

Your brother Kurt Hitzke

Translated by Paul Fritz, typed by Lois Smith



## First Lao Pastor Ordained in Sydney

Pastor Khamsay Phetchareun, minister of the Cabramatta church, NSW, is the first Laos-born Adventist to be ordained

Pastor Phetchareun was a refugee in a Thai camp when he discovered Adventism. He is originally from the northern Laotian village of Naxiengdy.

He entered teachers college as a science student, where, he says, he studied the discipline without ever conducting a practical experiment. In fact, students in the school spent much of their time searching for food in the surrounding countryside.

After graduating, he spent five years as a teacher in Vientiane, Laos, before escaping to a refugee camp in Thailand.



Laos-born Pastor Khamsay Phetchareun at the time of his ordination in Sydney.

It was while in the camp that he met a former friend who had become a Christian and was then ministering to the 1000 and more Christian refugees within the camp. He worked as an assistant minister to his friend in the camp's non-denominational church. Over the years he baptised hundreds of converts to Christianity.

After discovering a discarded Lao-language pamphlet advertising an Adventist correspondence course, he became interested in the Seventh-day Adventist Church. He visited the mission compound in Bangkok seeking more information and befriended Judy Aitken, an American working in the camps as the director of South-East Asian Projects. She introduced him to the distinctive truths of the Adventist message.

He became an Adventist before eventually making his way to Australia. In Sydney, he worked as the coordinator of the Cabramatta Migrant Evangelistic Centre that was to become the Cabramatta church.

He married his wife, Darañee, a Vietnamese of Thai birth, who—without papers, passport or country was virtually stateless—after she came to Sydney in 1988. Two years later Pastor Phetchareun began a theology degree at Avondale College, NSW, graduating with credit. During this time he continued his work in the Cabramatta district in the Greater Sydney Conference, to which he returned full time after graduating.

Those participating in the ordination were Janelle Craig and Judy Aitken, Pastors Eddie Piez (who sponsored Pastor Phetchareun as a refugee), Adrian Craig (Greater Sydney Conference president), Eric Winter, Bill Sleight, Robert Craig and Peter Joseit; and Peter Brewin.

## Church Wins Trademark Ruling

The US Trademark Trial and Appeal Board (TTAB) of the Patent and Trademark Office has found the trademark and service mark "Seventh-day Adventist," used by the Seventh-day Adventist Church for some 130 years, is valid. The TTAB decision came because of efforts by a third party to cancel the registered trademark, based on allegations of fraudulently claiming first use and genericness.

The February 15 ruling unanimously disposed of the fraud issue, stating that the church believed when it filed the application for registration, that its rights to "Seventh-day Adventist" as a trademark and service mark were superior to those of any other group that might have used the same or similar designation in connection with their activities.

Because "there is no proof of fraud here . . . that portion of petitioners' claims must fail," the report said. The church's use of the name dates to 1863 when the church was first established.

In a majority ruling on the "genericness" claim, the TTAB said: "We find that the petitioners have not established by a preponderance of the evidence that the registered trademark is generic. To the contrary, we find that the evidence of records shows that for over 130 years, the primary significance of the designation 'Seventh-day Adventist' has been to identify the source of origin of religious publications and services emanating from the respondent [the Seventh-day Adventist Church]."—ANN

## Easter Attraction Continues

King's Castle Exhibit, already twice displayed and attracting almost 22,000 visitors, is opening again in San Diego, California, USA, to coincide with Easter. The project, hosted by the Clairmont Adventist church, features a full-sized replica of the Mosaic temple and scale models of the Solomon and Ezekiel temples, complete with furniture, priestly garments and animals historically used in the sacrificial system. Trained guides explain the display.—ANN

### Baptism by Ice

Arctic winters are not enough to keep Pastor Vasili Joukov from baptising new members, even though his baptistry is a hole cut in the ice of a frozen river or lake in Murmansk, Russia.

Every weekday at 6 am Pastor Joukov and six others run from their homes to a nearby lake where there is a log cabin change room, the official Murmansk "Walrus" clubhouse. There they put on swimming suits, walk barefoot across the snow to the lake where they break through the layer of ice and submerge themselves.

After this they stand in a circle and pray for the Holy Spirit to work in their lives. Such training keeps Pastor Joukov in good physical condition, something vital if you plan, as he has done, to spend up to 20 minutes (and 14 candidates) in the frozen water. Last year some 80 people were baptised through the group's efforts.—ANN



was in Catholic schools. Now only four of the nine justices are Protestants. Of the other five, three are Roman Catholics and two are Jews.

In the 207-year history of the Supreme Court only 16 of the 108 justices have been non-Protestants.

This shift certainly points to a growth of religious pluralism in American society. Both anti-Catholicism and anti-Semitism were facts of American life well into this century. Today American society is both more religiously diversified and more tolerant of other faiths, at least of those that have been here for many years.

It is no longer possible, if it ever was, to predict decisions by justices based on their religious affiliation. For example,

the formation of a planning committee composed entirely of youth and young adults to plan next year's congress.

Chaired by Rojas, this group of Native Americans will also work together to coordinate an outreach program to reach 200 of the Native American nations in North America.

"What we're starting here at Holbrook I hope will spread throughout North America," says Daniel Guiboche, a Native American pastor from Manitoba. "The time to inspire youth and teach them is when they are young."

or relationship, and using others. The seminars on abuse, substance abuse, and importance.

engaged in service work community. They led up a historical old building. rehorse, a tra University and s, the youth tional significance. came here were

John Dinkovic is probably right in stating it easier for the president to or Catholic to the Supreme it would be to appoint "a fundamentalist or avowed

(Washington Post, Aug. 4, 1996).

The key is whether an individual is judged religion (or absence of religion) or by legal t and ideology. When Catholic justices Brennan voted for abortion rights, it was clear that was a liberal understanding of human rights, church affiliation. When this is the case, we be concerned that a church teaching may "c justice's decision.

## NEWS COMMENTARY

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## BREAK

University, Washington, D.C.—Adventist News Network.

### Oakwood College Board Elects New President

The Oakwood College board of trustees elected Delbert W. Baker as college president on September 5. President-elect Baker will assume his new duties by December 31.

Baker, currently director of diversity and special assistant to the president at Loma Linda University in California, replaces Benjamin Reaves, who became a General Conference field secretary in charge of leadership training and development.



Delbert Baker

He is married to the former Susan Lee and has three sons.

### Adventist Church Wins Trademark Case

On August 20 the United States Court of Appeals for

the Federal Circuit rejected a challenge to the church's trademark registration of its name Seventh-day Adventist.

The court dismissed an appeal, filed by Virginia L. Stocker, from an earlier decision of the U.S. Patent and Trademark Office's trademark trial and appeal board that denied petitions to cancel the church's registration.

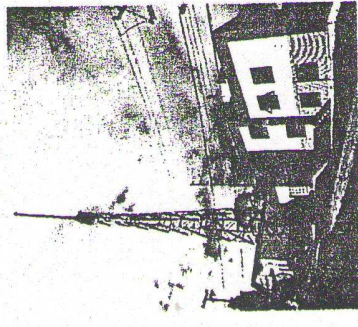
"We are very pleased that the trademark trial and appeal board confirmed the validity of the church's registration," says Walter E. Carson, an associate general counsel of the General Conference. "The court's ruling allows the church exclusive use of the name 'Adventist' and 'Seventh-day Adventist' and protects the name from misuse by individuals and unaffiliated groups," Carson says.

The GC trademark policy authorizes use of "Seventh-day Adventist" by church entities, such as conferences and institutions listed in the current *Seventh-day Adventist Yearbook*, and by local churches and companies of believers that are recognized by a local conference or mission.

### New Name Selected for Southern College

It's official. The new name of Southern College of Seventh-day Adventists in Collegedale, Tennessee, is Southern Adventist University.

The college's board of trustees voted to change on September 8, following their joint decision to change the school's status from a university. The board chose the new name officials conducted a survey of more than 2,000 faculty members, and alumni. Seventy-two of those responding to the survey favored the Southern Association of Colleges and Schools approval for Southern to become an accredited institution, which confers the master's as it degree, this past March.



### New Radio Dedicater

Brazil's television Adventist radio operations with dedicated ceremonies from the Adventist Church and leaders too festive even Located

PUTTING GOOD NEWS ON AIR: Novo Tempo provides inspirational programming for Curitiba.



## SDA Church Moves Against Homosexual Support Group

The Seventh-day Adventist (SDA) Church has asked the United States District Court for the Central District of California to issue injunctions to prevent a support group for homosexuals from using the church's name.

The church petitioned the court to stop Seventh-day Adventist Kinship International, Inc., from using the church's name in any of its activities, services, advertising, and publications after SDA Kinship International refused to do so voluntarily, reports Robert W. Nixon, General Conference communication director.

SDA Kinship identifies itself as a "support group for Seventh-day Adventist gay men and lesbians and their friends."

The church claims that under federal and state law, it holds trademarks for "Seventh-day Adventist," "Seventh-day Adventists," and "SDA."

Official SDA Church standards classify homosexual and lesbian practices, adultery, sexual abuse of spouses and children, and incest as "obvious perversions of God's original plan" for the proper association of the sexes.

The *Seventh-day Adventist Church Manual* lists homosexual practice and other perversions as "grievous sins for which members shall be subject to church discipline," though local congregations are instructed that "every effort should be made to restore [erring members] to a satisfactory experience."

### WORLD CHURCH

**ADRA Aids Typhoon Victims in Philippines.** Typhoon Nina disrupted the lives of nearly 300,000 families last November when it swept through the island of Luzon in the central Philippines.

An estimated 150,000 homes were completely destroyed and another 1.5 million dwellings suffered damage, reports John Sipkens, Adventist Development and Relief Agency's Philippines director. The Central, Southern, and South-Central Luzon missions set up emergency housing projects and food distribution programs. Adventist agencies have donated 500,000 pesos (US\$23,809) in disaster aid, Sipkens said.

### European Students Complete Pakistan Project.



As a result of efforts made by several Trans-European Division students, new church and school buildings were dedicated in Quayampure, Pakistan, on January 4.

Volunteers from nine European countries (pictured below) sacrificed their Christmas vacation to take part in the project, says Jim Huzzey, division youth director.

**Jerusalem Center Safe.** Even though the Seventh-day Adventist Study Center is located in the Arab east Jerusalem sector where political disturbances recently erupted, the center has suffered no damages or difficulties, reports William H. Shea, associate director for the General Conference Biblical Research Institute and the study center.

As a safety precaution, one seminar scheduled for February had been rescheduled for August, but plans for March classes have not been changed. Most disturbances in Israel have centered around the Nabulus region in the north and the Gaza Strip, both considerable distances from Jerusalem, Shea said.

The *Washington Post* reported on January 20 that the Israeli army closed off seven Palestinian refugee camps in the occupied Gaza Strip territory. Israeli officials blamed striking Palestinian merchants for any food shortages, and the government has barred some foreign relief shipments.

The army has stopped food shipments donated by groups considered unacceptable by the government, the report said.

### NORTH AMERICA

**Evangelistic Co-op Brings 273 Baptisms.** A cooperative evangelistic effort in four mid-Atlantic cities resulted in 273 baptisms between May 1 and December 31, 1987, reports William Scales, director of the North American Division Ministerial Association.

Allegheny East Conference spearheaded the Real Truth Evangelistic Co-op Program with seven separate crusades conducted in four cities: Philadelphia, Pennsylvania; Richmond, Virginia; Baltimore, Maryland; and Washington, D.C.

**Hadley Gains Accreditation.** Hadley Memorial Hospital, an Adventist hospital in Washington, D.C., recently received a renewal of accreditation with the Joint Commission on Accreditation of Hospitals, reports Albert L. Dudley, hospital president.

The nationally recognized accreditation reflects the hospital's ability to provide quality health care on a level matching or surpassing standards set for more than 80 percent of America's hospitals.

**Oregon Church Helps Transplant Patient.** The Adventist Church in Forest Grove, Oregon, gave an unusual Christmas gift to a needy member, Twila Bozeman. The church raised nearly \$1,200 toward a bone marrow transplant for Bozeman, reports Jay Prall,



# Buddhist monks in rapturous entrancement

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**Michael Hirsley**  
Religion writer

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ugee camps in India and Nepal. Up to 100 are expected to come to Chicago, one of 14 host cities.

Like other Tibetan monks who have toured the U.S. in recent years, the Gyuto choir also wants to heighten awareness and empathy for their national culture. They claim that the Chinese are destroying it by means as subtle as politics and as brutal as murder.

Earlier this year, four Tibetan monks from another monastery in India worked for an entire month at the Field Museum, to "paint" a mandala—a symbolic wheel of life—using colored sand pebbles.

Just as the audience at the library's top-floor Wintergarden was surprised that the monks began chanting without any introduction, visitors at the Field Museum were stunned to learn that the intricately detailed sand mandala was scooped up and dumped into Lake Michigan.

Similarly, monks in India create room-size sculptures from butter, then dismantle the effort and use the material for purposes such as treating cuts, said Thupten Dadak, a former Gyuto monk who now lives in the U.S.

The monks' approach to art and music is consistent with Buddhist emphasis that material pleasures and life itself are temporary, while karma—actions for good or bad—carry throughout reincarnations.

The Gyuto monks have repeatedly experienced culture clash during their U.S. tour. They arrived in Tucson in September to the horrifying news of the slayings of nine Thai Buddhists, including six monks, near Phoenix.

The visitors, who feel it is wrong to kill even insects, "believe in the enduring karma of those who were killed," Dadak translated for Bishop Tulku. "And the people who killed have caused bad karma for themselves."

While karma includes vocation, good or bad karma comes from deeds, Tulku said. "For example, being a doctor is that person's karma. If the doctor works to benefit others, for happiness and not to cause suffering, the doctor is a religious person with good karma."

The monks, who have no television at



Tibetan monks chant during a performance by the Gyuto Tantric University choir this week at the Wintergarden of the Harold Washington Library Center.

home, don't watch much here. "Language is a problem, but they sometimes watch the news," Dadak said. They came to Chicago with warnings that "the wind could blow them around," he said, "but what has impressed them most are the tall buildings."

And all across America, Tulku explained through translator Dadak, "they have been amazed at how much computers can do."

"But it is also upsetting to learn the cost to humans losing jobs," he said.

After their initial, brief demonstration at

the library, the monks were introduced. They moved to the center of the indoor garden and chanted for 10 minutes.

This time, the audience stood in a circle around them. A few closed their eyes to meditate. And when the last sound was uttered, there was applause.

Tulku's comments on computers revealed that part of American culture has reached him. By their applause, audience members showed that part of Tibetan culture had reached them.

# Adventist suit won by gay group

By Michael Hirsley  
Religion writer

Leaders and counsel of the Seventh-day Adventist denomination decided Thursday not to appeal after losing a 4-year-old trademark infringement lawsuit against Seventh-day Adventist Kinship International Inc., a support group for gays and lesbians in the denomination.

U.S. District Judge Mariana Pfalzner ruled recently that "as used by SDA Kinship, the terms 'Seventh-day Adventist' and its acronym, 'SDA,' are generic and are not entitled to trademark protection."

The denomination had sought an injunction against the group and monetary damages.

"We're happy about the results," said Robert Bouchard, chairman of the SDA Kinship litigation committee formed to deal with the lawsuit. "We felt all along that since we are Seventh-day Adventists or former members, the name describes who we are."

Bob Nixon, an attorney for the church, said, "We decided not to appeal because of the limited scope of the decision." He said the ruling was "very narrowly drawn" and would not necessarily affect other cases.

The denomination has sued other organizations for trademark infringement. One suit, against a breakaway church in Hawaii, is unresolved. Others were settled out of court in the denomination's favor, and Kinship is the first decided in favor of the defendant, Nixon said.

Seventh-day Adventist church policy lists a wide range of "grievous sins" that could be grounds for censure, discipline of "disfellowship" or dismissal of members. Among them are business fraud, use of drugs or tobacco, gambling, worship of idols and sex outside marriage, including homosexual behavior.

But disfellowship is done at the local level, said Ron Lawson, a church researcher and Kinship member, and the majority of Kinship's 500 members are still church members.

In her ruling, Pfalzner found that the term Seventh-day Adventist was generic because it referred to a religion as well as a church and that "Seventh-day Adventism, the religion, pre-existed the Seventh-day Adventist Church."

Because the defendant did not use the name "Seventh-day Adventist Church" or the distinctive lettering of the church's signs, she said the group was entitled to use the name "to identify the religion of the group's membership. Arguably, use of the name 'Seventh-day Adventist' in conjunction with church would require a different result."

The Seventh-day Adventist Church has some 5 million members around the world, including 750,000 in the United States. It is an American-founded and an American-based church. Its members recognize Saturday as the Sabbath, interpret the Bible literally, practice adult baptism by immersion and believe the just will have immortality bestowed upon Jesus' Second Coming.

And they believe the Second Coming is imminent. They have believed that for nearly 150 years, tracing their origin to the prophecies of William Miller, rising from his failed prediction that the world would end with Christ's coming sometime in the year leading up

# Christ pick as leader

about as the healing of this hurt takes place." Monday by more than 5,000 votes, Kinnaman fell 87 votes of confirmation.

A special committee spent all Tuesday in meetings before voting on Nichols, 64, who will be as president until another election is presented at the 1993 General Assembly in St. Louis.

Immediately after Nichols was elected as acting president, the church delegates approved an item that will allow a 2-year period of study and reflection on homosexuality and reflection on homosexual ministers.

Because of the study, Nichols intended to give his views about homosexuals, saying only that he would try to "effect some understanding and agreement on this issue."

Nichols said he would lead the church through healing times by



Rev. C. William Nichols has been chosen acting president of the Disciples of Christ.

Disciples' denomination based in Indianapolis, grew out of an early-19th Century movement to unify non-Catholic Christians. The church historically has allowed for varied positions and has remained varied

# Protestants, Catholics alike in views on Jesus, survey says

By George W. Cornell

NEW YORK (AP)—A common observation these days is that ordinary churchgoers seem more inclined toward Christian unity than their institutional leaders.

Further indications of that have cropped up in a comparative survey of the views of Roman Catholics and various Protestants about Jesus. On many key points, their concepts are quite alike.

Differences sometimes are greater within denominations than between them. In some cases, oddly, Catholics' attitudes seem more typically Protestant than those of Protestants.

Protestants, for instance, historically have emphasized a personal relationship with Jesus, but a report of the survey in U.S. Catholic magazine says: "Catholics today are slightly more apt than some Protestants to acknowledge a personal relationship with Jesus. ... Catholics have become chummy"

Though Catholics have most emphasized Christ's presence in the bread and wine of communion, the survey found a higher proportion of Lutherans, 45 percent, took that view than Catholics, 42 percent.

Majorities of Protestant and Catholic respondents considered God present in a combination of the gathered worshipping community and in the act of partaking of the communion elements.

The survey was conducted by editors of eight publications with questionnaires mailed to 6,000 readers. About 1,800 were returned. Periodicals taking part were: The American Baptist, The Lutheran, The Church Herald (Reformed Church in America), The Disciple, Messenger (Church of the Brethren), Presbyterian Survey, United Church News and U.S. Catholic.

On basic doctrine, overwhelming majorities of all groups believed Jesus is the son of God and fully human, that he was resurrected from



# Christian citizenship

By JOHN V. STEVENS, SR.

## The unholy alliance between church and state is the ultimate rejection of God's providential love.

People flee oppressive governments to find freedom. They crave citizenship in a congenial country where a citizen is free, with rights, responsibilities, and loyalties.

Christ recognized our duty to Caesar. Citizenship demands that loyalty be given to one's state.

But Christians have a higher citizenship also. "Our citizenship is in heaven" (Phil. 3:20, N.I.V.). Because of this, Peter, when ordered to stop preaching, replied, "We ought to obey God rather than men" (Acts 5:29). His ultimate loyalties were to heaven, not to Judea or Rome. He was, like Paul, an ambassador for Christ (2 Cor. 5:20), whose "kingdom is not of this world" (John 18:36).

He who is loyal to God's kingdom and is His ambassador will not entangle "himself with the affairs of this life; that he may please him who hath chosen him to be a soldier" (2 Tim. 2:4). An ambassador attends to the affairs of his own government, protecting the interests and rights of those visiting from his nation. In the same way we are to protect religious freedom by communicating with our legislators and by voting to put into office those who will uphold these liberties.

In the United States some political activists have forgotten the nature of Christ's kingdom. They believe religious laws will bring the blessings of heaven on this nation by developing an outward conformity to what they conceive to be God's will, even though it is void of inward faith and a willing spirit.

But enactment of such laws binds "consciences of men in regard to their religious privileges," marking "national apostasy" and bringing "national ruin" (*The SDA Bible Commentary*, Ellen G. White Comments, on Rev. 14:9-12, p. 977). A similar movement ended up crucifying Christ.

This is how the beast power developed in the early centuries. Professed Christians allied themselves with Rome's government, trampling rights of conscience of those who differed, even killing millions.

The modern church-state marriage promises to restore God's law. In reality it will do just the opposite. The fulfilling of the law is to love God supremely and one's neighbor as himself. How can love exist in the atmosphere of coerced conscience and forced religious behavior?

The unholy alliance between church and state is the ultimate rejection of God's providential love and is the acceptance of Satan as ruler and provider. Breaking those

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*John V. Stevens, Sr., is director of the Religious Liberty Department of the Pacific Union Conference.*

shackles, following the Revolutionary War political leaders rose to prominence, dramatically shifting the nation to religious freedom and church-state separation. The United States, as predicted by God, experienced a unique development in history—a nation without a king and a church without a pope.

The Bill of Rights in our Constitution guaranteed freedom of religion to those who desired it and freedom from religion to those who did not want it. Government was not to be entangled with religion or religion with government. This brought peace, prosperity, and liberty. The Founders wanted to avoid any impression that political problems had to have religious solutions.

But these freedoms are now threatened. The government has clasped the hand of Rome—establishing official diplomatic ties, carrying out papal policies. We can see the time when "our country shall repudiate every principle of its Constitution as a Protestant [religious freedom] and republican government [civilian freedom]."—*Testimonies*, vol. 4, p. 451.

Recent decisions of the Supreme Court are cause for alarm. In 1982 the Court ruled in *United States v. Lee* that "to maintain an organized society that guarantees religious freedom to a great variety of faiths requires that some religious practices yield to the common good." In far-reaching implications in the 1983 *Bob Jones University v. United States*, the Court said, "The institution's purpose must not be so at odds with the common community conscience as to undermine any public benefit that might otherwise be conferred."

### A religious minority

The "common community conscience" was something religious dissidents fled when they left the Old World. As Sabbathkeepers, we are a religious minority and acutely aware of the evils of religion enforced by the state.

A month later, in *Mueller v. Allen*, the Court reinterpreted the three-part establishment test in harmony with the U.S. Catholic Conference request. The new interpretation lays the foundation for further government support for religious institutions and observances.

About the same time, in *Marsh v. Chambers*, the Court authorized tax-supported prayer in the Nebraska State legislature. "To invoke divine guidance on a public body entrusted with making the laws is not, in these circumstances, an 'establishment of religion' or a step toward establishment; it is simply a tolerable acknowledgement of beliefs widely held among the people of this country." More alarming, the three-part establishment test was completely ignored for the first time since its inception.

This past spring, the Pawtucket, Rhode Island, publicly funded crèche was found constitutional. *Lynch v. Donnelly* said the religious display inclusion was for the purpose of



## Funds voted to support church efforts in Euro-Asia Division

At the April Pacific Union Conference quinquennial session \$100,000 was pledged to help take advantage of church growth and evangelism opportunities in the Euro-Asia Division (formerly the Soviet Union Division).

The first project underwritten by the Pacific Union was to print 25,000 children's Bibles in the Russian language. The Bibles were printed in Sweden and delivered in September to Zaoski, Tula Region, Russia, where the Adventist seminary is located.

When the Fullerton, California, church learned of the project they also contributed \$3,000 toward the Bible project and another \$3,000 to help toward a church building project.

The Pacific Union executive committee voted at its November 20 meeting to use the remaining \$54,000 to underwrite three additional projects and additional evangelistic work.

The projects include \$15,000 to purchase a church in Leovo, another

\$15,000 for completing the Children's Bibles project, \$20,000 to purchase a building to house a union office building and the remaining \$3,400 for Soviet evangelism.

The new Leovo church already has 61 members and 41 children as well as 10 people taking Bible studies.

## Union committee votes to explore reorganization of publishing program

A revolutionary plan to explore consolidation of the publishing ministries and the Home Health Education Services of several union conferences of North America was approved at the November Pacific Union Conference executive committee meeting.

After several years of experimenting to find ways to make them more effective and self-sustaining, publishing and literature ministries leaders and administrators have concluded that the subsidy for literature distribution is too high for the amount of literature being distributed, said Thomas Mostert, Jr., Pacific Union Conference president.

"In today's market there are many effective ways to disseminate our literature and we should be exploring those ways," Mostert told the committee.

So a task force developed a plan which was adopted by the committee. It is expected to make the publishing program self-sustaining in two years under leadership of Harold (Bud) Otis, former Review and Herald Publishing Association president.

In addition Otis and his team will be expected to develop new products and marketing methods. Former union publishing director Earl Labr will continue as an associate to Otis.

Local conferences plan to consolidate their literature programs under union direction with a fixed financial commitment equivalent to one percent of tithe during 1992 and 1993. Five conferences have already committed to the plan.

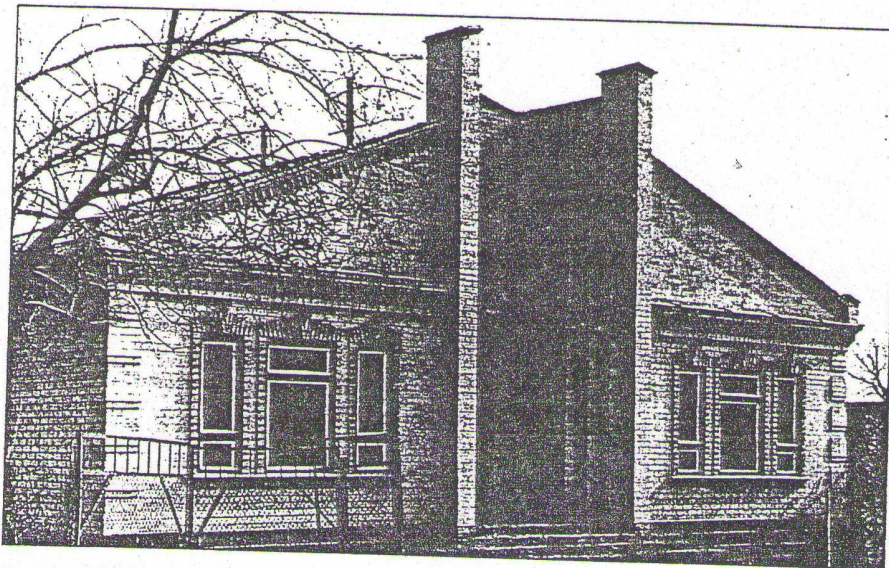
With the advanced communication technology now available, the Pacific Union has offered to provide HHES services to other unions of North America. Discussions are in progress.

## Judgment signed in Hawaiian trademark infringement lawsuit

Judge Harold M. Fong of the Federal District Court in Honolulu on November 14, signed a judgment in favor of the General Conference Corporation and against John R. Marik and his congregational church in Kona, reports Robert W. Nixon, associate director of the General Conference General Counsel office.

"The judgment enjoins Marik and the members of the congregational church from using the church's trademarks, 'Seventh-day Adventist' or 'SDA' in the name of their organization or in any way that would lead people to think they are connected with the Seventh-day Adventist Church," Nixon explained.

"Several weeks ago Marik approached trial counsel for the General Conference and offered to settle the dispute," Nixon said. "After Marik signed settlement documents Judge Fong signed the judgment."



Pacific Union Conference executive committee members voted to appropriate \$15,000 to purchase this building in Leovo, Ukraine, for use as an Adventist church. The Leovo Adventist congregation has 61 members and 41 children worshipping weekly. Union committee members also voted funds to purchase a union office building, complete a Children's Bibles project and support Soviet evangelism.



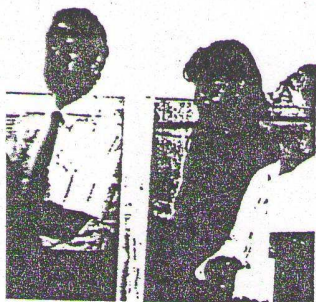
**WORLD CHURCH**

**New Believers in Papua New Guinea.** About 300 people in the village of Amanab, Papua New Guinea, are preparing for baptism as a result of the ministry of Global Mission pioneer Gideon Apen, reports General Conference president Robert S. Folkenberg.

Apen entered the region to spread the Adventist message in places where the church has no work. His contact with Amanab started when he gave two men a ride to a hospital. Two years later, without any further contact, one of the men invited him to come to the village.

Apen stayed with his host for three weeks. During this time a relative of the host died. In conducting the funeral, Apen shared the gospel of Jesus Christ, the villagers asked to hear more, and six months later he established the first congregation. Today there are three Adventist churches in Amanab.

**South African Outreach Brings 40 Baptisms.** Adly Campos, a North American Adventist who recently started her own evangelistic association, conducted an



Pastor Anton van Vyck (wearing tie) baptizes new believers from the Family Well-Being meetings.

## Calgary Highlights Children's Ministry

**W**hen five Adventist churches in Calgary, Alberta, Canada, cosponsored an evangelistic outreach series, children's ministries became a key part of the outreach, reports Brian Wahl, youth pastor of the Calgary Central Adventist Church.

While the adults participated in the series, 170 children enjoyed a wide variety of spiritual activities. Students from Chinook Winds Adventist Academy presented the musical "Secret of My Success" on opening night. Children participated in both "Mystery Maker" and "Friends Forever" vacation Bible School curriculums.

The youth also got to meet members of Chinook's search-and-rescue team, and a seeing-eye dog when a representative of the Canadian National Institute for the Blind shared what it is like to be sightless.

Academy students interfaced with visitors by inviting them to participate in a musical program presented at the close of the meetings in one of the sponsoring churches.

In response to the closing-night appeal, 40 children accepted Jesus Christ as their personal Saviour and 12 children requested baptism, Wahl says. More than 150 volunteers supported the children's ministry, and another 100 volunteers supported the adult meetings.

The prophecy seminar was conducted by Leo and Tamara Schreven from the It Is Written ministry. More than 1,100 persons attended the opening meetings. To date, more than 78 persons have been baptized.

outreach series in Cape Town, South Africa, focused around the theme "Family Well-Being."

In the series Campos placed the Adventist message in the context of building strong Christian families. In addition to 40 baptisms (see photo), 125 persons completed the coursework presented by Campos, and 58 couples renewed their marriage vows, says Cape Town pastor Martinus Pretorius.

**SDAs Commemorate Sunnyside's 100th Anniversary.** Civic, political, and

church leaders in Australia participated in a special service commemorating the 100th anniversary of Sunnyside, the Australian home of Adventist pioneer Ellen G. White from 1895 to 1900.

From 1891 to 1900 White lived in Australia to encourage the church's fledgling work there. It was at Sunnyside (see photo) that she wrote the manuscript for *The Desire of Ages*. More than 350 visitors attended the November 18 ceremony, including the mayor of the city of Lake Macquarie, John Kilpatrick.



Speaking of Mrs. White, Kilpatrick said, "We in Lake Macquarie are richer for her faith, her work, and her vision."

### SDAs to Share Health Principles on Korean TV.

The Korean government has authorized Adventist Church leaders to broadcast a health-oriented program on Korea's Christian TV System, a national television network, reports Adventist News Network. The broadcast schedule begins this month.

**Swiss Court Restricts Use of Church Name.** A Swiss court has prohibited two former Adventists from using "Seventh-day Adventist Church, the Remnant," "Lay Members of the Remnant of the Seventh-day Adventist Church," or "Free Church of Seventh-day Adventists" in publications and meetings.

The court said those uses violate Swiss trademark laws by usurping the name of the Seventh-day Adventist Church and producing confusion in the minds of unbiased third parties, reports General Conference president Robert S. Folkenberg.

**To New Positions.** Sven Hagen Jensen, former church ministries director of the Middle East Union, was recently elected union president. Jensen replaces Svein

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SUNNYSIDE PHOTO BY JOHN STILLEY PHOTO



CALVIN B. ROCK

# Protecting Our Good Name

**I** have been a frank critic of the activities of the General Conference Trademark Committee. However, after the tragedy in Waco I changed my mind. How successful are this committee's activities?

The Trademark Committee was organized to respond to local conference requests for legal protection from identification with groups whose activities have obvious potential to harm the church's image or bring material liability.

Groups that have been addressed include a number of congregations that attempted to use the church's name after they had been dismissed from conference membership, unaffiliated corporations that attempted to use the church's name in their business activities, and Kinship, a homosexual group. All instances of misuse of the church's name have been resolved in our favor, with the exception of that which involved the latter organization.

In no instance of which I am aware has the church sought punitive damages or compensation. Our effort, in even the most obviously embarrassing cases, has been to restrain groups, usually by means of injunction, from trading on or profiting by the use of the name "Seventh-day Adventist."

Indeed, because of the prior connection of some of its participants to the Adventist Church, Waco did bring us negative publicity. However, we must pray that even that event has been used by God to instruct us and consequently glorify His name.

**S**ince Seventh-day Adventist individuals, families, and businesses all have secular matters that should be discussed and dealt with at times other than the Sabbath hours, should the church congregation also consider that the presentation, discussion, and possible resolution of some portions of their affairs should be reserved for the days of the week other than Sabbath?

I assume you are referring to secular issues or matters relating to church business. If so, the answer is clearly yes. However, because pastors, boards, and congregations do not

all differentiate between the sacred and the secular in the same way, we Adventists differ on many issues, and this is one of them.

*The denomination issues no list of acceptable Sabbath discussions.*

Some congregations conduct votes regarding church offices and other business, and permit announcements concerning basketball games, socials, etc., at the divine worship service. Others care for these items only at business meetings, in printed announcements, or in verbal descriptions at meetings other than on the Sabbath or at least other than the divine worship service.

The denomination issues no list of acceptable Sabbath discussions. It is left to each church to be guided by its understanding of the principles of God's Word and the counsel of Ellen White.

A huge challenge in many churches (in spite of appeals in newsletters and bulletin announcements) is the lack of attendance at church business meetings. In these situations pastors and boards know that restricting decisions to such sessions ensures that a small segment of the membership will make the decisions with which the entire group must live. In these cases, unless certain plans and actions are at least explained at the divine worship hour, many members remain unconcerned and uncaring about church operations.

As unfortunate as that is, my inclination is to risk the noninvolvement of the majority rather than the loss of God's blessings because of improper Sabbathkeeping.

Uninvolved, uncaring, uninformed members are a tragedy and can effectively impede church progress. But the promises of God upon proper Sabbath observance are more valuable, dependable, and lasting than any good gained by courting the participation of the majority in borderline discussions on the sacred Sabbath hours.

*Calvin B. Rock is a general vice president of the General Conference. He holds doctoral degrees in ministry and religious ethics.*





# What's in a Name?

Attorney Walter Carson talks about why the name of the Adventist Church must be protected.

BY BILL KNOTT

**H**IS BROW FURROWS AS HE stares out the conference room window at the clouds piling up in the blue Maryland sky.

"Whenever the church leadership concludes that we have to use the legal system to defend the good name of the church, we get a lot of mail," he says slowly. "Not only is there a cultural distrust of the court system in America, but Adventists have even greater reasons for being wary of litigation.

"Our serious approach to Scripture, particularly Matthew 18 and 1 Corinthians 6, means that we will always have reservations about using the court system under even the most clear-cut circumstances."

For Walter Carson, a lawyer working in the Office of General Counsel at church headquarters, the issues that swirl around the uses and misuses of the name of the Seventh-day Adventist Church are weighty and troubling.

"We receive letters that inform us that by applying for and receiving trademark protection for the name of the church, we have fulfilled prophecies from the book of Revelation," he adds. "In the thinking of these sincere members, we have applied for protection to 'the beast' and have formed an image to it. Trying to protect the good name of the church through the legal system from those who would abuse it is just another evidence to these members of how the church has corrupted itself."

Carson has worked in the General Conference Office of General Counsel for 21 years and is the department's "go-to" person on issues of trademark protection and intellectual property rights. Along with other members of the six-member staff, he has been involved in several pivotal cases that



SEVENTH-DAY  
ADVENTIST CHURCH

have affected the opportunity of dissident groups to use the name "Seventh-day Adventist" to describe themselves. A February 1996 decision by the U.S. Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office confirmed the church's trademark registration of the name "Seventh-day Adventist" and allows the church exclusive use of the name "Adventist" as well.

"The perspective that my colleagues and I share along with church leadership is that these are really matters of stewardship," says Carson. "When the name 'Seventh-day Adventist' was taken by Sabbathkeeping Adventists as their official name, there were a host of implications for the future, some of which were comprehended by those who voted the action.

"To that point, title to property had only been held by individuals: beginning in 1863, it could be held by a legal corporation functioning as an arm of the church. Without a formal organization or an officially-approved ministerial force, disaffected or self-appointed preachers could represent themselves as being fully Adventist.

"Both of those issues are still with us, as some of the litigation we are involved in will show," he adds. "Can a dissident group or breakaway pastors legitimately use the name 'Seventh-day Adventist' to describe a ministry when they have removed themselves from the worldwide fellowship of the church that bears that name? We think not."

At issue in the U.S. District Court of New York at present is a case involving an unincorporated group that separated itself from the Immanuel Seventh-day Adventist Church in Brooklyn. Taking the name "Emmanuel Seventh-day Adventist Church," the group has also filed a



suit to claim tithes and offerings belonging to the established Adventist congregation organized with the Greater New York Conference. Conference leaders are responding to the civil case in a state court, while the General Conference has filed suit on the trademark infringement issue in Federal court.

"Some Adventists might feel that we would do well to ignore these abuses," Carson says. "They are content to say, 'Let God work out the problems.' But there is a moral—and even monetary—value to the name of the church, as suits like this one show. A name may not be tangible, but it has a distinct value in the marketplace of ideas. The damaging publicity that attended the Waco tragedy some years ago, in which the Koresh group was incorrectly linked with the Seventh-day Adventist Church, created great confusion in the public mind.

"A name, particularly the name of a faith community, identifies it and its value system as distinct from all others. Those who would co-opt that name or trade on its potential for goodwill are acting unethically and illegally. They confuse the public, the media, and, at times, even our own members."

Carson expresses mild amusement at the contradictory attitudes that some Adventists have toward their denomination's involvement in litigation.

"When the church files a lawsuit to protect the rights of an Adventist employee who has been discriminated against or fired for Sabbathkeeping, there is little except applause. Similarly, when this office has filed amicus (friend of the court) briefs in high-profile legal cases that affect the constitutional rights of Adventists and other religious adherents, this is perceived as a legitimate activity by most, if not all, Adventists.

"But protecting the good name of the church through litigation troubles many Adventists," he says, noting that an average of nearly 10 situations arise each year that require some response from his office. "Our first response is to

attempt a brotherly approach to those who are no longer acting brotherly. We ask them to discontinue their use of a name that they no longer bear as a result of their choices. Most of the time, the only response we receive to our request is 'We'll do what we want.'

"Both Matthew 18 and 1 Corinthians 6 address the negative influence of adversarial, brother versus brother lawsuits," Carson notes (see "Courting

*Our goal is to  
resolve all  
differences at the  
lowest level possible.*

Trouble," page 8, for a fuller discussion). "But both also imply a time when the dissenting brother is no longer acting like a brother who recognizes the authority of the church to resolve issues, and is a candidate for a different kind of response from the church.

"These decisions are made carefully and, I would add, prayerfully, with full

counsel from the General Conference leadership. Our goal is consistent with the biblical counsel to resolve all differences at the lowest level possible and thus preserve the opportunity for improved relationships in the future."

Carson anticipates more cases involving the name of the church to emerge in the months ahead. "The explosion of information and business represented by the growth of the Internet will bring many complex issues to the fore," he says. "We aren't yet clear on how the laws protecting the use of the church's name will apply to electronic media or to the various websites that describe themselves as Adventist. Our goal is to faithfully apply the principles of our work so that the name Seventh-day Adventist continues to have a clear, unambiguous meaning to the public and in the minds of all who hold this church dear." ■

*Bill Knott is an associate editor of the Adventist Review.*



*During the visit of the Church-State Study Commission to Italy, the members joined in a general papal audience in St. Peter's. Afterwards three members of the commission spoke briefly with the Pope—(from left) Pierre Lanoes, religious liberty secretary of the Southern European Division; Roland R. Hegstad, editor, Liberty; and Leif Kr. Tobiassen of Andrews University. The Pope is here seen presenting a souvenir medal to Dr. Tobiassen.*

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*Review and Herald, May 30, 1968*



# General Conference trademark policy

Should the church  
sue to keep its name  
clean?

**Q**

uestions have been asked regarding efforts by the General Conference to protect the name of our church through the use of the trademark laws. Unfortunately, much disturbing misinformation has been circulated among our membership, and this is causing considerable confusion and misapprehension. In order to correct any erroneous impressions, the General Conference Trademark Committee has prepared the following responses to many of the general questions that have been raised.

*Q: Is it true that the General Conference has federally registered trademarks for the name "Seventh-day Adventist" and various programs of our church?*

**A:** Yes. The General Conference Corporation of Seventh-day Adventists, on behalf of the entire denomination, has registered under the United States trademark laws the name "Seventh-day Adventist" and a variety of the church's programs and services such as "Adventist Health System," "Christian Lifestyle Magazine," "Breathe-Free" and "Pathfinder," to name just a few. Such registrations reserve to our denomination the exclusive right to use those names to identify our organizations, institutions, churches, programs, services, and publications.

*Q: Why is it necessary for the church to*

*register its name for federal trademark protection?*

**A:** The name of any organization is one of its most valuable assets. It is by the name "Seventh-day Adventist" that the public identifies the church's goodwill, reputation, and integrity and the quality of its mission, programs, and services. The name of our church, to an even greater extent than other organizations, has special significance. The pen of inspiration tells us that when our church was organized as a denomination in 1863, the name chosen to identify our denomination was ordained by God and is intended to serve as a unique identification of this church, united as a single body to proclaim the gospel to the world.

The master counterfeiter is diligently seeking to create disunity and fragmentation, and to dilute the special significance of God's message to His people and to this world. A deliberate misappropriation and misrepresentation of the church's good name is a contribution to his effort. However burdensome it may be to our church leadership, as faithful stewards of the church and the Lord's work we have no choice but to act responsibly in order to protect the good name of the church.

An additional reason for the church's protection of its name is the legal consequences to the church of ignoring unauthorized use of its name by organizations that are not part of the denomination. An organization that uses the name of the church implies to the public that it is a part of and accountable to the denomination, and is subject to its control and direction. If in fact there is no connec-



tion, the use of the name is a misrepresentation or a fraud upon the public. If such an organization does not meet its business obligations to a third party, the law may allow that third party to collect on those debts directly from the denomination.

*Q: Is it true that the trademark laws are for the protection only of commercial and business enterprises?*

**A:** No. While the trademark laws, as is the case with most laws, are phrased in terms generally familiar to the business world, their application is not restricted to the realm of commercial and business matters. It is well recognized that any noncommercial, nonprofit organization, including a church, is equally entitled to the benefit and protection of the trademark laws. Many other churches have registered their names—Unified Free Will Baptist, Presbyterian Church (USA), and the Evangelical Methodist, to name just a few.

*Q: Who may use the registered trademarks of the church?*

**A:** Any entity with recognized denominational status, as listed in the current issue of the *Seventh-day Adventist Yearbook*, and local churches or companies that are recognized by and accepted into the fellowship of Seventh-day Adventist believers by the local conference or mission are allowed to use the name "Seventh-day Adventist" to identify their organizations and ministries.

*Q: May organizations or institutions that are independently operated and organized by Seventh-day Adventist laypeople utilize the church's registered trademarks to identify their organization or entity?*

**A:** Only if they have met the requirements of the General Conference trademark policy and have been granted express written approval from the General Conference Trademark Committee may such a group use a registered trademark of the church.

*Q: When a possible unauthorized use of the church's name or other trademark is brought to the attention of the General Conference, how is it handled and what actions are taken?*

**A:** Trademark matters are first referred to

the secretary of the Trademark Committee, who is an attorney with the Office of General Counsel for the General Conference. He initially reviews and investigates possible unauthorized trademark use to determine if there is or ever has been a connection between the organization in question and any recognized denominational entity. If there is no such connection, a determination is made whether the usage of the church's trademark is in fact subject to trademark protection. After review by the General Conference Trademark Committee to determine what action would be appropriate, an initial letter is sent to the organization requesting it to voluntarily cease using the trademarked name. The local conference may be requested to assist with counseling the individuals. If a satisfactory response is not received, the General Conference's special trademark counsel is requested to send a more firmly worded official notice to the organization to advise them to discontinue the use of the registered trademark.

If no satisfactory response to the trademark counsel's letter is received after a reasonable period of time, the matter is again brought before the Trademark Committee for further consideration. Only as a last resort will the Trademark Committee recommend that intervention by a court be sought to correct the problem. If this is deemed necessary, the matter is then referred to the General Conference officers for authorization. Approximately 90 percent of the church's trademark problems are resolved without seeking the intervention of a court.

*Q: What is the nature of relief that the church will request of a court?*

**A:** The church's primary objective is to protect its good name by correcting any misrepresentation and unauthorized use of the name tending to confuse the public. The primary means by which this is done is for a court to issue an injunction ordering the organization to discontinue using the name as a means of identification on its signs, advertisements, or any other written materials produced by the organization. Quite incidental to the request for injunctive relief and as a standard component of any petition filed in court, it is routine procedure to request all the relief to which one could be entitled for the particular claim, including monetary damages and/or attorney's fees.

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**It is well recognized that any noncommercial, nonprofit organization is equally entitled to the protection of the trademark laws.**

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As it is the church's primary purpose to persuade the infringing party simply to cease using the church's name, the church will always reserve the right to waive its rights to any monetary relief.

*Q: Isn't there a risk that this may violate someone's freedom of religion or freedom of speech?*

**A:** No. The Seventh-day Adventist Church actively supports the biblical principle of freedom of religion. One of our most treasured rights in this country is the right to believe and practice our religion according to the dictates of conscience. The freedom to believe is absolute. However, the practice of religion cannot be done at the expense of or in violation of the rights of another. Speech that is false and misleading is never protected by the First Amendment of the Constitution of the United States. It is well established that there is no violation of the freedom of religion in preventing anyone no longer connected with a church from appropriating the name and goodwill of that church.

*Q: How do you reconcile this practice with Paul's counsel in 1 Corinthians 6:6-8, in which he admonished the people of Corinth against taking disputes among the brethren before the unjust for resolution?*

**A:** Paul's counsel is based on the assumption that both sides, as fellow believers, ought to be willing to lay their disputes before another believer for resolution. Obviously the counsel is frustrated if one of the parties to the dispute is either disinterested in considering a resolution of



## John Marik refused to move, stating that he had not been specifically shown in vision to move.

the matter or is simply not a part of the community of believers. To relieve this frustration it is necessary to rely on Christ's counsel in Matthew 18:15-17, in which He advises if a brother who has wronged you continues to ignore repeated and progressively firm requests to resolve a dispute, he be considered a "heathen man and a publican."

Paul counseled the Corinthians not to take a dispute before the "unjust." While the American judicial system may not be perfect, it cannot be characterized as being unjust, non-Christian, or pagan. Would it be sufficient to find a Christian judge? The courts will not get involved in church ecclesiastical disputes; they will decide only questions that can be resolved using recognized neutral principles of law, such as the trademark laws.

*Q: Would it not be better for the church to simply suffer the loss rather than to seek a legal remedy from the civil authorities?*

*A:* At times the leaders of our church are forced to make agonizingly difficult decisions over issues that are not easily reconciled in this modern world, using counsel given in a different time and cultural climate. Surely one would not criticize the church if it took swift and appropriate legal action to prevent the church's real property from being taken by fraudulent means, even by a member. Why then should any less responsible stewardship be required or expected in protecting a far more valuable asset of the church—its very identity and goodwill?

In addition to the more general questions that have been raised regarding the church's general trademark policies and practice, many individuals, as a result of misinformation, have focused specifically on the church's trademark litigation against John Marik and his group in Hawaii. Unfortunately, much opinion

has been based on erroneous assumptions regarding the law and the legal process, and on blatant misrepresentations and distortions of the facts of this case. The following highlights some of the most significant errors and distortions regarding this case.

John Marik, a former pastor and Seventh-day Adventist, and a small group of former Seventh-day Adventists established a corporation in Hawaii called the "Seventh-day Adventist Congregational Church." For several years the leadership in the Hawaii Conference patiently endeavored to bring this group back into the fellowship of the Seventh-day Adventist Church. After their efforts proved futile, they sought the assistance of the General Conference, and the matter was referred to the General Conference Trademark Committee. After fruitless efforts to persuade John Marik to change the name of his church, it was deemed necessary to seek the intervention of a court to resolve the matter. An injunction was issued by the U.S. district court in Hawaii requiring John Marik and his group to discontinue the misleading use of the name "Seventh-day Adventist" to identify their independent church. John Marik refused to comply with the order of the court. Consequently, he and his congregation were held and remain in contempt of court. The matter is presently on appeal before the U.S. Court of Appeals for the Ninth Circuit.

*Q: Why is the General Conference taking these Seventh-day Adventists, our fellow believers, to court?*

*A:* To begin with, these people are no longer Seventh-day Adventists. They left the church of their own free will and consequently have been disfellowshipped by their former local church. John Marik, their pastor, was a ministerial intern for a short time in the Hawaii Conference. He was originally assigned to the local church in the town of Captain Cook. It was felt that a more experienced pastor would better serve that church, and in order to broaden John Marik's experience, he was reassigned to a larger church under the tutelage of a senior pastor. John Marik refused to move, stating that he had not been specifically shown in vision to move. After much prayerful yet unsuccessful effort to gain his cooperation, the conference was forced to terminate his employment as a

pastor. He subsequently left the Seventh-day Adventist Church and decided to start his own church. Repeated efforts to bring him and his group back into fellowship were without success.

*Q: Why has the church used the trademark laws against an organization that is not involved in any commercial activity?*

*A:* Some may not be aware, but the trademark laws are not intended for the protection only of commercial activities. It is well established that nonprofit charitable and religious organizations are entitled to trademark/service mark protection.

*Q: Why is the General Conference Corporation the only plaintiff in this action?*

*A:* The General Conference Corporation, as the nonprofit property-holding corporation of the General Conference, is the sole registered owner of the trademark and therefore under trademark law is the only party that needs to be named as a plaintiff in requesting this injunction on behalf of the entire Seventh-day Adventist Church.

*Q: Is it true that the General Conference has sought to deprive the group in Hawaii of any or all of the following: personal letters, research papers, Spirit of Prophecy compilations, books, magazines, out-of-print rare books, Spirit of Prophecy books, Bible commentaries, three-volume indexes, correspondence with friends about the lawsuit, H.M.S. Richards' Helps Bibles, any other books, Bibles, etc.?*

*A:* No. This is the most blatant distortion of the facts of this case and is simply not true. It is not the intent of the General Conference, nor has it ever been its intent and purpose, to deprive anyone of his personal property, nor would the law even allow it. The sole objective has been to prevent the unauthorized use of the church's name on any sign, advertisement, or other material that may have been specifically produced by John Marik and his group as a means of misidentifying their church as being a Seventh-day Adventist church. In fact, the General Conference would encourage this group to keep and diligently use the Spirit of Prophecy writings. A reading of all the court documents as well as a correct understanding of trademark law will bear this out.



**Q:** *Is it true that counsel for the church attempted to conceal certain motions from or to take advantage of the ignorance of the defendant, John Marik, when he had no attorney?*

**A:** No. In addition to receiving (contrary to his assertion) the motion for the judgment on the pleadings, John Marik was notified separately on two other occasions of the existence of the motion and of the hearing on the motion. The court as well as counsel for the General Conference Corporation bent over backward in attempting to assist and accommodate John Marik because of his lack of knowledge of trademark law and court procedure. He was repeatedly encouraged to obtain counsel, directed to specific portions of the court's rules, and granted several extensions of time to respond and prepare his defense or to obtain counsel. John Marik and his group are now represented by Max Corbett, a lawyer from Texas.

**Q:** *What is a "judgment on the pleadings"?*

**A:** A judgment on the pleadings is a means of summarily resolving a matter in which there are no factual issues in dispute. Both sides are given full opportunity before and during a hearing to present and argue the case.

**Q:** *Did the attorneys for the General Conference write the order signed by the judge?*

**A:** It is routine procedure for both sides in court to submit a proposed order. Depending on the discretion of the judge, either version may be used or modified as the order of the court. In this case the judge considered the proposed order of the attorneys for the General Conference to be appropriate and therefore signed it.

**Q:** *What has John Marik and his congregation done to deserve arrest and imprisonment and an extensive fine?*

**A:** The U.S. district court has found John Marik and his congregation in contempt of court for willful violation of a specific court order. It is the opinion of the church's attorneys that John Marik and his congregation knowingly brought this upon themselves, possibly to draw attention to themselves as alleged "victims." This unseemly result could have been easily prevented by any one of

several simple steps that could have been taken by John Marik or his attorney.

At the time of the contempt hearing John Marik's attorney had already appealed the case to the U.S. Court of Appeals for the Ninth Circuit. However, the court was never requested to stay (refrain from enforcing) the order and injunction while that appeal was pending, as is routinely done when such a matter is appealed to a higher court. A court will enforce its judgment if a stay has not been expressly requested. On several occasions during the course of the contempt hearing the court reminded counsel for John Marik and his congregation that such a stay had never been requested, and the judge even delayed signing the order for three days in order to allow John Marik's counsel to rectify the situation. Nonetheless, nothing further was done, and the court was bound to enforce its judgment by issuing the contempt order.

In addition to requesting a stay of the court's judgment, John Marik could have complied with the court's order to cease misrepresenting his group as being part of the Seventh-day Adventist denomination. Furthermore, during the three-day waiting period, counsel for the General Conference, in an effort to resolve the contempt issue, made an offer of an interim resolution, which was completely ignored by the defendants. Because the authorities do not know John Marik's whereabouts, he has not been arrested or imprisoned.

**Q:** *Is it accurate to interpret Judge Smith's comments in court as sympathetic to the position of John Marik and his group?*

**A:** No. Judge Smith's comments in their entirety, including his comments off the record, indicate considerable frustration with the intractable and uncompromising position taken by John Marik and his group.

**Q:** *In what other trademark actions is the church presently involved?*

**A:** The only other trademark case pending is the General Conference's complaint against the homosexual support group Seventh-day Adventist Kinship International (see the February 4, 1988, issue of the *Adventist Review*). This matter is currently in the pretrial discovery phase.

**The U.S. district court has found John Marik and his congregation in contempt of court for willful violation of a specific court order. It is the opinion of the church's attorneys that they knowingly brought this upon themselves.**

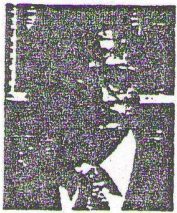
**Q:** *I have also heard of other trademark actions in Texas, Alabama, and Indiana. Whatever happened to these actions?*

**A:** There has been no trademark action initiated by the General Conference in Texas. There was a dispute over church real property within the Southwest Region Conference that may have been misconstrued as being a trademark matter. The trademark action in Huntsville, Alabama, was settled by mutual consent of the parties after the defendant voluntarily agreed to discontinue using the name "Seventh-day Adventist" as part of the name of his church.

A question was initially brought to the General Conference Trademark Committee regarding a possible unauthorized use of the name "Seventh-day Adventist" by a group in Newburgh, Indiana. However, after an initial contact and investigation of the matter, it was found that this group had become a part of and is now officially recognized as a member church by the Lake Region Conference.

The only other trademark matter that has been taken before a court by the General Conference involved a Samoan group in southern California. That matter was resolved after the Samoan group voluntarily changed the name of its church. ■





# The Trademark Controversy—1

The very first Sabbath I spent in the Washington, D.C., area, a brother confronted me with "the trademark problem." Not sufficiently briefed on the issue, I hemmed and hawed my way through the encounter. I've since had a chance to reflect at greater length on the matter, and now venture a few thoughts.

## The Nature of the Problem

To those as unbriefed as I was that Sabbath day a couple years ago, just a word of explanation. The General Conference has gone to court in the United States, seeking to establish the church's exclusive right to the use of its official name, *Seventh-day Adventist*.

Some Adventists feel that the church's name should be common property for any person, group, or organization that wishes to use it—that no one should have an exclusive right or monopoly over religious symbols, including names. Thus they believe that the church is wrong in going to court to control the misuse of its name. Moreover, based on 1 Corinthians 6, they hold that the church is wrong in taking its own members—or former members—to court, period.

How should we view the issue?

## Looking Back

It is instructive to get a feel for the historical circumstances that led to the development of the Seventh-day Adventist name and organizational structure in the first place.

Before 1860, the group of Millerite Adventists who came to embrace the seventh day as the Sabbath had no formal name or organization by which to distinguish themselves from other Millerites—or from any other religious group, for that matter. And in the short term, this posed no problem. Strong leaders like Joseph Bates and James and Ellen White held the scattered band together.

But the rapid increase in membership during the 1850s placed a heavy strain upon this loose, informal arrangement. Problems arose, and "the need of the church for a name and a corporate existence" came into sharp focus.<sup>1</sup> The *Seventh-day Adventist Encyclopedia*, from which the above quote is drawn, was first published in 1966 and revised in 1976, and was not influenced by the present controversy. Yet its description of the reasons for the move to organize and adopt a name appears uncannily relevant to the situation that confronts us now.

According to the article, we were led into organizing and adopting a name because of "the legal problems of holding church property (originally owned by individuals); the growing need for selecting, directing, and supporting the ministry; and the necessity of controlling personal ambition, fanaticism, and offshoot movements."<sup>2</sup> The 1850s, the article goes on to say, saw "self-appointed preachers who went out with more zeal than ability and consecration, and without being responsible to any church body"<sup>3</sup>—for we had none.

## A Lesson Lost

Incredibly, at this late date and with so much history behind us, there are still those who would like to operate independently in the name of the church, without any formal ties to the church, and without any direction or control by the church. The lesson of history is lost on them.

Perhaps the most obvious possible motive of such people is to gain advantage by wrapping themselves in the mantle of the church, riding upon its prestige, respect, and goodwill—built up through years of labor, enormous sacrifice, and dedicated public service.

I consider this approach a violation of

elementary ethics, as well as a betrayal of public trust.

The public has a right to know the exact identity of any group or entity operating in its midst. Society demands that there be just one IBM, just one Ford Motor Company, just one baseball team called the Toronto Blue Jays, just one church organization called the Southern Baptist Convention, just one Roy Adams in the phone book with my address. We deliberately frustrate this need for precision and discrete identity if we allow a multiplicity of distinct entities to operate under identical names or designations. This could not possibly be in the public interest.

Moreover, to adopt the name of an already existing and established entity without its permission, compliance, or blessing amounts at the very least to public mischief. Ultimately, it comes down to an act of fraud upon the public in whose mind the established name already has a distinct connotation and currency. It constitutes willful misrepresentation and theft of reputation.

But what if a new group arises, believing in the Second Advent and espousing the integrity of the seventh-day Sabbath? Doesn't it have the right to adopt the name *Seventh-day Adventist*, without regard or relation to the existing entity by that name? Or what if a group from within the church, without denying the Sabbath or the Second Advent, breaks away from the parent body? Does it not have the right to retain the church's name? I will take up this issue in the next segment.

<sup>1</sup> *Seventh-day Adventist Encyclopedia* (1976), p. 1042.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, pp. 1042, 1043.

(Continued May 31)

ROY ADAMS





# The Trademark Controversy—2

We concluded part 1 with the following questions: What if a group should arise that believes in the Second Advent and espouses the integrity of the seventh-day Sabbath—doesn't it have the right to adopt the name *Seventh-day Adventist* without regard or relation to the existing entity by that same name? And what if a group from within the church, without denying the Sabbath or the Second Advent, should break away from the parent body—does it not have the right to retain the church's name?

The answer is no on both counts, and for the following reason:

As the *Seventh-day Adventist Encyclopedia* brings out, the name *Seventh-day Adventist* does not automatically describe any person or group that espouses the Sabbath and the Second Advent—no more than does the term *Southern Baptist* refer to any and every Christian group or person in the southern part of the U.S. (or elsewhere) that believes and practices baptism by immersion. The term *Seventh-day Adventist*, like the term *Southern Baptist*, is a specialized expression, used in a restricted sense. In other words, it is not generic. "The full title 'Seventh-day Adventist' . . . is the official name of a specific Christian denomination with a specific body of doctrines, of which the Sabbath and the Second Advent form only a part."<sup>\*</sup>

In criticizing the church, some refer to Mark 9:38-40. Here one of the disciples reported to Jesus that they had prohibited a man from casting out devils in Jesus' name "because he was not following us" (verse 38, RSV). To this Jesus replied: "Do not forbid him; for no one who does a mighty work in my name will be able soon after to speak evil of me. For he that is not against us is for us" (verse 39, 40, RSV).

The issue of trademark is clearly different from this situation in the text. The Ad-

ventist Church forbids no one to preach or teach in the name of Jesus—nor does it have any jurisdiction or special claim over the use of that name. In fact, it recognizes the right of everyone to use the divine appellations in preaching or teaching or exorcisms or whatever.

Since the Reformation, however, the various branches or sectors of Christen-

*A number of cases of fraud and embezzlement that have been argued successfully in court in recent years involve well-known religious figures of other denominations. These should be a warning to us.*

dom have adopted a wide variety of names by which to identify and distinguish themselves from other groups. Fraught with legal and other complications, it is an altogether different situation from that which confronted those early disciples.

### Avoiding Needless Risk

I find it simply incredible that well-meaning Adventists in the complex world of the twentieth century can argue

that the Seventh-day Adventist Church ought to allow its official name to be used, with impunity, by any and every person or group choosing to do so. Would these same people suggest that the church also allow its name to be used by gays and lesbians as part of their official name?

The pressure on the church to capitulate on this issue manifests an insensitivity to the enormous legal liability that such permission or concession could involve. Under the principle of ascending liability, the church could be extremely hardpressed in such a situation to defend its inculpability in the event of a lawsuit against an independent body bearing its title, naming both the church and that independent body as codefendants.

I do not question the sincerity of those who criticize the leaders of the church for seeking redress with respect to the abuse of its name. Such critics, however, hardly realize the full implications of the issue. Should the Adventist Church give heed to their advice, the entire financial structure of the church would be put at risk.

A number of cases of fraud and embezzlement that have been argued successfully in court in recent years involve well-known religious figures of other denominations. These should be a warning to us. Those who love the church should do all in their power to protect it from potential litigation arising from crimes, misdemeanors, negligence, or willfulness on the part of independent groups operating under the name of the church, but outside its control, direction, or guidance.

But should the church appeal to the secular authorities in the first place? Should Christians take fellow Christians to court? We will address these questions in a separate editorial on June 14.

<sup>\*</sup>*SDA Encyclopedia* (1976), p. 1324.

ROY ADAMS



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# TRADEMARK PROTECTION

BY CALVIN B. ROCK

The name Seventh-day Adventist carries special meaning. If its significance is to be retained, the church must protect it from those who would misrepresent it. Deliberate theft of this name requires the same quality of protection we would exercise were we responding to any other invasion of property interests, including forgery and the theft of funds.

The problem of unauthorized use of the church's name has emerged in a variety of formats. It has become so serious that the General Conference has created a Trademark Committee structured to carefully and prayerfully implement procedures for protecting the church's interest in its name in the context of Christian understanding. We regard the use of the church's name by a group that is not a duly recognized component of the Seventh-day Adventist Church organization as a fraud upon the public. To usurp the church's name by taking money from the public in the name of the church, or by giving the impression that the church sanctions the group's goals and philosophy, often creates confusion as to the church's mission as well as its fundamental principles and beliefs.

## Protected Under U.S. Law

The church's trade names are registered and protected under United States law. When unauthorized use is discovered, the process of reviewing the issues and proceeding to protect the name is done with deliberate care and Christian charity. If it is determined that there is an unauthorized use that could mislead the public, the procedures require that an appropriately worded request be forwarded to the individual to cease and desist. After much time and patience, if the request is ignored or rejected, a more firm and direct reminder is sent, usually by the attorney retained as special

counsel to represent the church in trade name matters.

If after further time cooperation is not gained through voluntary understanding, the church has no choice but to utilize the injunctive relief established by federal law to protect its property—the good name of the church. The church does not sue the offending organization for the purpose of obtaining damages or punitive judgments; it simply asks that the courts restrain the organization from unauthorized use of its name.

## Unacceptable Use of the Church's Name

The adversary of all that is good is the master counterfeiter. A deliberate misappropriation of the church's good name, for whatever alleged rationale, is a contribution to his efforts. It is regrettable that the patient, protracted process by which the church encourages groups and individuals to voluntarily cease and desist is sometimes ignored. But Christ has observed, "By their fruits ye shall know them" (Matt. 7:20), and taking property rights without permission, and misrepresentation to the public, are outside the scope of acceptable legal conduct as well as Christian behavior.

As in the matter of dismissing church members for unbecoming behavior, we all are pained to take such measures, but if after carefully following all of the lengthy steps outlined above cooperation is not achieved, we know of no other means to protect the interests of God's cause. □



*Calvin B. Rock, a general vice president of the General Conference, is chairman of the Trademark Committee.*



**AIRFARES:** Continental Airlines abandoned an attempt to raise fares after several airlines declined to go along. Continental, the nation's fifth-largest carrier, said last week that it would implement a \$20 increase on roundtrip flights up to 500 miles and increases of \$30 and \$40 for longer trips. United Airlines, American Airlines and TWA maintained similar increases Monday. America West, Delta and US Airways were among airlines that rescinded their increases Monday. Southwest Airlines had not raised fares and Northwest Airlines had raised them only in selected markets. A similar push by Continental in February also failed. The airline led a successful \$20 industry-wide fare hike in January.

**CHURCH CLASH:** The headquarters of the Seventh-day Adventist Church asked a federal judge in Miami to bar a West Palm Beach church it considers "a hate group" from using the denomination's trademark name. Ads run nationally by the Eternal Gospel Church of Seventh-day Adventists denounce Catholics and most Protestants for worshipping on Sunday, comparing them to Satanists and pagans. Jeffrey Tew, a lawyer for the national denomination that claims about 10 million members, called the offshoot church "a hate group." The name "Seventh-day Adventist" was registered as a trademark in 1980. But lawyers for the West Palm Beach church say the term is a description of the religion. The term comes from two basic tenets of the church: honoring Saturday as the Sabbath and anticipating the Second Coming of Christ.

**LENTEN BEEF:** The Roman Catholic bishop of Fall River, Mass., has changed his mind and agreed to allow his diocese to eat meat this Friday. Bishop Sean O'Malley drew controversy last week when bishops in Boston and Providence, R.I., issued dispensations to allow for the traditional St. Patrick's Day meal of corned beef and cabbage. O'Malley said he balked at the dispensation, traditional in this heavily Irish area when St. Patrick's Day falls on a Friday, because modern Catholics aren't asked to make Lenten sacrifices as severe as those made in decades past. Most Catholics are encouraged to abstain from eating meat on Fridays during the six-week season of Lent that precedes Easter.

## ALSO MONDAY...

► **TERRORISM SUIT:** U.S. relatives of a Jewish settler couple killed in 1996 by Palestinian militants filed a \$250 million federal lawsuit in Providence, R.I., against Yasser Arafat, the Palestine Liberation Organization and the Islamic group Hamas. The lawsuit claims Palestinian officials were responsible for the shootings of Yaron and Efrat Ungar because they allowed Hamas to operate training facilities in the West Bank and Gaza Strip and encouraged terrorism in the region.

► **HOME ALONE:** A couple in Rockford, Ill., were charged with leaving their five children at home alone while they spent a week in New Orleans at Mardi Gras, police said. Xavier Lewis, 35, and Donna Harris-Lewis, 28, were free on \$50,000 bond after being charged with child abandonment. The children range in age from 13 to 4.

## Haitian immigrants land on Fla. beach



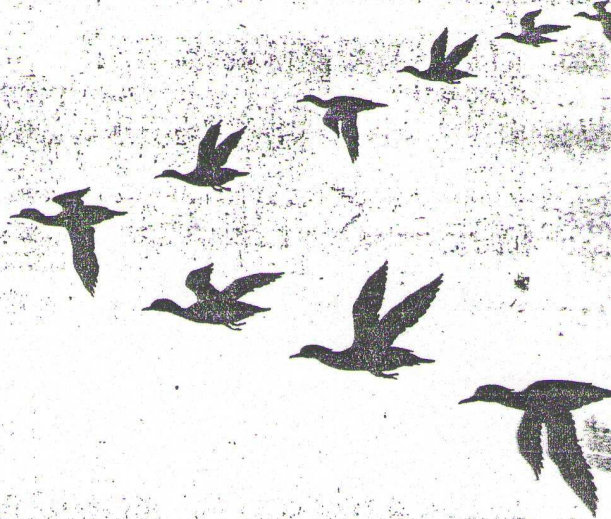
By Judy Sloan Reich, Sun-Sentinel, via AP

**Almost made it:** A police officer talks to Haitians who came ashore Monday.

As many as 30 Haitian immigrants came ashore in a small cabin cruiser and tried to scramble to freedom when they reached the beach, authorities in Fort Lauderdale said. Most were picked up by police officers who descended on nearby Hugh Taylor Birch State Recreation Area and surrounding neighborhoods, police said. About 10 got away; the rest were turned over to the Immigration and Naturalization Service. Cuban immigrants who reach land can stay, but Haitian and others are considered illegal and face return to their native country. The suspected smugglers were not immediately identified.

Written by John Bacon with staff and wire reports

USA Today, March 14, 2000



# Migratory to instinct

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# A Hell Without the Flames

BY B. B. BEACH, DIRECTOR FOR INTER-CHURCH RELATIONS, GC PUBLIC AFFAIRS AND RELIGIOUS LIBERTY

**A** report just issued by a Church of England commission declares that while "hell" may exist, it's probably empty. The report recommends a major shift in Anglican thinking by affirming that eternal *death*, not eternal *punishment*, awaits unrepentant sinners.

The "Mystery of Salvation" report notes that throughout the ages the "imagery of hellfire and eternal torment and punishment . . . has been used to frighten men and women."

As a result, Christians often "have professed appalling theologies which made God into a sadistic monster. . . . Hell is not eternal torment, but is the final and irrevocable choosing of that which is opposed to God so completely . . . that the only end is total nonbeing."

In part, that's what Adventists have been saying for more than a century, but we're still in the minority. We hold that there is no biblical basis for an everlasting hellfire of torment for the damned, but that evil and evildoers will simply be annihilated forever.

However, the report leaves other questions for debate. It doesn't address "immortal soulism" or pre-Advent and final judgments. It is difficult, if not impossible, to reach a coherent position regarding "hell" and the destiny of "the lost" without first establishing a correct biblical understanding of the nature of humans and God.

If humans at conception receive an *immortal* soul, then annihilation becomes impossible. The soul would live forever.

And contrary to what some liberals think, God is not a divine therapist who will succeed in healing, given enough time, even the worst reprobates. Neither is God, as others suggest, a cruel and unrelenting disciplinarian. What's true, though, is that "sin, when it is finished, bringeth forth death" (James 1:15).

Annihilation is not only biblical; it is logical and, in a singular way, merciful. God will not force humans to exist forever in a moral and spiritual atmosphere that they find uncongenial.

## NEWS COMMENTARY

## NEWS BREAK

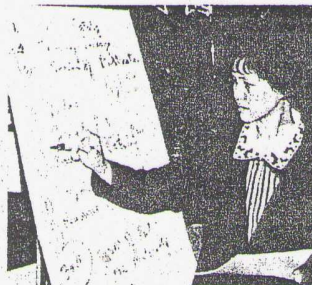
### GC Undergoes Paradigm Shift

A paradigm shift? What's that? When organizations undergo a change in direction, focus, mission, or procedures, the process is called a paradigm shift. That's what is happening at the General Conference today, and the impact of the changes may soon be felt in local churches.

Church administrators and departmental personnel from around the world met for four days in the Interdepartmental Strategic Planning and Networking Committee (ISPAN) March 24-27. They envisioned initiatives to help more members strengthen their devotional lives, exercise spiritual gifts in Christian outreach, provide Christian education for their children, increase their understanding of stewardship as spiritual truth that permeates the whole life, and other objectives.

The ISPAN committee recommended 17 initiatives that were submitted to the GC Strategic Planning and Budget Committee, which selected eight for further study.

Among the eight selected are proposals to make the published works of Ellen G. White available in more languages and at more affordable prices around the world, provide a training support system to help pastors and church elders mentor church members, create ways for larger numbers of Adventist youth to share their beliefs



**PLANNING PROCESS:** Linda Koh, Asia-Pacific Division women's ministries director, leads a discussion group about new initiatives for the church.

and serve humanity, and develop training materials to aid Adventist schools in evangelism.

The eight proposals will be studied at the next Annual Council.

### SDA Church Wins Exclusive Rights to Name

The Seventh-day Adventist Church now has exclusive rights to the use of the name "Seventh-day Adventist" in the United States.

The U.S. Patent Office's appeals board ruled that the church's rights to "Seventh-day Adventist" as a trademark and service mark dates back to 1863, when the church officially organized. This board ruled that the church's claim is superior to those of any other group that might have used the same or similar designation.

The board refused claims by independent groups that the name is generic. "To the contrary, we find that the



## Religion in the News

**Cuban Roman Catholic leaders** believe a new era of religious tolerance has begun in Cuba. "We have greater freedom to express our faith," said one leader who is helping to map out a new strategy for ministry. More than 14,000 Adventists live in Cuba.

**Sin book wins book of the year.** *Not the Way It's Supposed to Be: A Breviary of Sin* is *Christianity Today's* pick for 1996. Author Cornelius Plantinga, Jr., says people aren't willing anymore to call sin by its right name. He calls for "pinning the sin label on the scandals, fraud, corruption, and violence that beset contemporary America."

**Churches will be taxed** for their properties if Colorado voters OK it in the November balloting. Most nonprofits—including schools and hospitals—would be taxed. We have more than 10,000 Adventists in Colorado, three hospitals, and numerous churches and schools.

**Increased religious lobbying efforts** in the United States might get the go-ahead if a Senate bill passes. It would allow religious groups to spend up to 20 percent of their annual income on lobbying and 5 percent on political contributions. The IRS now limits such lobbying to a "substantial part" of their income. The bill would define the IRS's rule.

—Compiled from *Religious News Service reports*.

### NEWS BREAK

evidence of records shows that for a period of more than 130 years the primary significance of the designation 'Seventh-day Adventist' has been to identify the source of religious publications and services emanating from respondent [the SDA Church]," the board said.—*Adventist News Network*.

### R&H Launches Bible Commentary on CD-ROM

The Review and Herald Publishing Association's new *Seventh-day Adventist Bible Commentary* on CD-ROM is making Bible study quicker and simpler, says Robert Kinney, Review and Herald president.

The IBM-compatible software turns a home computer into a complete Bible reference library, enabling users to cross-reference commentary entries, compare Bible translations, and research maps.

The program also includes an updated version of the *Seventh-day Adventist Encyclopedia* and an archive of Holy Land photographs. "This is an invaluable resource for pastors, theologians, and those who want to do serious Bible study," Kinney says. For more information, call (800) 765-6955.

### What's Coming!

Apr. 27	Hands Across the World Offering for Global Mission
May 2	National Day of Prayer
May 4	Adventist Community Services Sabbath
May 11	Disaster and Famine Relief Offering
May 25	Global Baptism Day

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# Church Wins in Vanuatu Decision

*Verdict heads off possible takeover.*

BY BRUCE MANNERS, EDITOR, SOUTH PACIFIC DIVISION RECORD

The chief justice of Vanuatu ruled, on September 19, in favor of the Seventh-day Adventist Church over a group based at the Pango church in Vanuatu. The Pango group had applied to register themselves as the Seventh-day Adventist Church of the republic of Vanuatu.

In his judgment, the chief justice, Charles d'Imecourt, said:

"1. I declare that the plaintiff church [the Seventh-day Adventist Church] is the true Seventh-day Adventist Church in Vanuatu.

"2. The defendants [the Pango group] and any of them are hereby restrained from using the plaintiff's name, whether it be Seventh-day Adventist Church, SDA Church, or Seventh-day Church, and or any similar variation thereof, in perpetuity.

"3. The defendants shall pay the plaintiff's costs; such costs to be taxed or agreed."

## Brief History

Chief Justice d'Imecourt began his judgment (words within quotation marks are direct quotes from the judgment) with a brief history of the conflict, beginning with the application by the church to the Vanuatu commissioner of financial services, Julian Ala, to be "incorporated as a company limited by guarantee under the Companies Act" on December 19, 1995.

Mr. Ala wrote on March 21, 1996, advising that he had received "representations from two groups purporting to represent the Seventh-

day Adventist Church in Vanuatu." He requested a copy of the certificate of registration as a religious body from the church.

"On March 27, 1996, Mr. Ala wrote again that he would not proceed with any registration of any entities bearing the name Seventh-day Adventist

*Claims of  
breakaway  
faction have no  
legal basis.*

Church until the issue as to who is the true and correct user of the name is determined by the court."

After a description of the briefs given by the church and the Pango group, Chief Justice d'Imecourt noted that evidence given by Pastors Calvin Townend (president of the Western Pacific Union Mission) and Errol Wright (president of the Vanuatu Mission) "was not challenged and the defendants called no evidence. It was accepted that the plaintiffs did indeed represent the 'mother church' and that they themselves were a breakaway faction. Nor was it disputed that the plaintiff had great goodwill and commercial attractive force."

He noted that "the defendants merely submitted that the plaintiff's application had no legal basis" and

relied upon the decision of the Court of Appeal in England, in a 1982 case, *Kean v. McGivan*. (In this appeal the decision to allow a small political party in England to use the name of another small political party founded two years earlier was upheld because there was "no trade in the widest meaning of the word; no commercial activity carried on.")

"That case merely turns on its own facts," said Chief Justice d'Imecourt, "and can be clearly distinguished from the present case."

He thanked the church's Vanuatu barrister (attorney), Susan Barlow, for her "helpful submissions" and referred to several cases he found of assistance in coming to his judgment.

## Precedents Noted

He quoted from Lord Parker (United Kingdom) in a 1915 case: "I believe that the principle of law may be very simply stated, and that is, that nobody has any right to represent his goods as the goods of somebody else."

In another United Kingdom decision, in 1961, the Costa Brava Wine Company was not permitted to use the word "champagne" on its wines. The judge in that case said, "I think that Mr. Crylls and his company intended by using the name 'Spanish Champagne' to attract the goodwill connected with the reputation of 'champagne' to the Spanish product."

Chief Justice d'Imecourt said, "The word 'trade' or 'trader' has now come to have a very wide meaning, and persons involved in professional, literary, and artistic



occupations have been included. The protection has also been extended to charitable and quasi-charitable organizations (whether incorporated or unincorporated), including churches, and precedents abound around the world."

He quoted from a case "very similar to the present case" in New South Wales involving a dispute between members of the Holy Apostolic and Catholic Church of the East in Sydney. The judge said: "As a matter of general principle, I cannot see any reasons a religious organization should not have the same protection as to the goodwill in its name as is afforded by the law to commercial organizations. Surely, while religious organizations may not have ordinary commercial goodwill, they have something closely analogous thereto in that their reputation will be damaged by people

falsely ascribing as an adjunct to them the organization which is holding itself out by a deceptively similar name."

**Final Comments**

Chief Justice d'Imecourt noted that the church is a "reputable worldwide organization" involved in charitable work benefiting vast numbers of people. "They have invested their time and money in charitable enterprises that have benefited and continue to benefit Vanuatu. . . .

"The defendants, on the other hand, are seeking to break away from the mother organization and seek to use the plaintiff's name or a very close resemblance of it, the only purpose of which, surely, is to benefit from the considerable goodwill and attractive (commercial) force in the name of the plaintiff church. This, in my view, would mislead the public

into believing that they are one and the same organization."

He then commented that this could mean financial resources being taken from the church, which may cause the church to withdraw its help and assistance to Vanuatu.

"Like the learned judges in the case of Holy Apostolic and Catholic Church *supra*," said Chief Justice d'Imecourt, "I see no reason 'an element essentially indistinguishable from commercial goodwill should not be attributed to a charitable organization and be equally entitled to protection from the law.'"

*Reprinted from the South Pacific Division Record, Oct. 5, 1996.*

N E W S B R E A K

**NAD Changes Educational Stance**

**T**he Adventist Church faces an enormous challenge in providing affordable education for its youth.

That's the assessment of Richard Osborn, North American Division vice president for education, who presented a report on Adventist education at the NAD year-end meetings November 3-7 (see *Review*, Dec. 19).

Osborn's presentation was the final report of the NAD Commission on Mission and Organization. The commission, which also dealt with church structure and finances, developed a series of recommendations to help local churches, conferences, and unions plan for the future educational needs of Adventist youth.

Osborn said the essential recommendation voted was the broadening of the church's philosophy of Christian education.

The new concept brings a systems approach to Christian education that affirms Adventist schools, Sabbath school, Pathfinders, Adventist Youth organizations, summer camps, and youth programs as viable sources of Christian education.

"When we think of Christian education we mainly

think of Adventist schools," says Osborn. "As we consider the number of Adventist students in public schools, it compels us to revisit our idea of Adventist education and recognize that Christian education comes from many sources."



Richard Osborn

Among the challenges cited by the commission are (1) a growing demand for more day academies, (2) large numbers of small schools that spread resources, (3) maintenance of consistent educational quality in all schools, (4) a need for greater cooperation among colleges, and (5) low morale among teachers—who are often perceived as being treated as "second-class" denominational employees.

Among the recommendations voted was a request that each union establish a commission on how many academies its area should have.

**I**n other business the North American Division executive committee:

■ Voted to designate 1997 as the Year of Health and Healing. The committee also approved a strategic plan to promote the church's health message throughout the year.

The initiatives call on local conferences to focus their camp meetings and major convocations on health



# Anything Good On? Actually, Yes.

BY ANDY NASH, ADVENTIST REVIEW ASSISTANT EDITOR

**M**ost television—like most movies, music, video games, and Web sites—is garbage. Add to this a new television ratings system that actually encourages garbage: What show, after all, wants to be rated TV-G? Not many. For kids, there's little decent left; for adults, it's no different. "Adult programming" is a joke; there's no such thing. If the sex, violence, and bad language affect your 8-year-old's brain, they'll affect your brain—maybe even more so.

Many Christians correctly speak out against indecent shows. But what do we do when the rare *decent* one comes along? Register our support? Or keep quiet, saving our comments for combat?

Take Monday night's *7th Heaven*—a one-hour family drama so wholesome, so well done, that it's a wonder the Mormons didn't produce it. "TV's fastest-growing series" (appearing on the new WB network) features a real-world

family of seven facing real-world issues: heartbreak, peer pressure, the dangers of gangs, the effects of lying.

In a recent themed episode, "I Hate You," 11-year-old Simon discovers the hate of the Holocaust when he interviews a survivor; teenage sisters Mary and Lucy dismiss their brother's new girlfriend—"Hate her," says Mary;

"Hate her," echoes Lucy—because she's too perfect; and 6-year-old Ruthie, modeling the hate she hears, tells Mom she hates her for making her wash the walls

she colored. Apologizing later, Ruthie is distressed to find that Mom still hurts. "I want your heart to feel better right now," she pleads. By show's end, viewers all ages have no choice but to hate hate.

True, television is market-driven, and even good shows like *7th Heaven* have a way of degenerating. That's why it's important to support them *now*, while they're still good. WB's fax number is 818-977-6479.

## NEWS COMMENTARY

### NEWS BREAK

#### GC to Enter Trademark Case in New York

The General Conference has authorized its attorneys to file a trademark infringement lawsuit against an independent New York congregation for that body's improper use of the Seventh-day Adventist Church's name.

The unincorporated body separated from the Immanuel Seventh-day Adventist Church in Brooklyn, New York, and goes by the name *Emanuel* Seventh-day Adventist Church. This group has asserted claims against tithes and offerings belonging to the established Adventist Church that is recognized by the Greater New York Conference. The claims were subsequently brought to civil court.

The GC became involved because of the independent body's continued use of the former church's name, though the group uses a slightly different spelling. GC officials are concerned about the integrity of the Seventh-day Adventist name and wants to prevent confusion with its unauthorized use. The Greater New York Conference made unsuccessful attempts to clear the matter.

#### NET '98 Team Names Music Committee Chair

Organizers of the NET '98 satellite evangelistic series recently named Kenneth Logan, minister of music at the



Kenneth Logan

Pioneer Memorial church at Andrews University, as music committee chair.

Logan, a professor in Andrews University's Music Department, says that "NET '98 will reflect in its music its special mission to communicate to young adults the fresh appeal of Jesus for this age. At the same time, the music will

respect the generational and cultural diversity of its audience in seeking to illuminate timeless truths of God's character.

"We will seek to have a variety of music in a tasteful mix of new and time-affirmed styles," he says.

#### GC Offers New Youth Sabbath School Guide

This month Adventist teenagers around the world will receive the newly redesigned *Cornerstone Connections* Bible study guides for youth Sabbath schools.

With a lesson topic on personal identity, Adventist youth will set out on a solid, Bible-based approach to everyday challenges for teens facing the new millennium, says editor Gary Swanson.





addict and often use only condemnation and prayer.

—Name Withheld

### Trademark Case

Last week I spent considerable time on the Sabbath school lesson on 1 Corinthians 5 and 6. In this passage, Paul, under inspiration, strongly disapproved the practice of members taking other members to court. He said, "Dare he take it before the ungodly for judgment?" (1 Cor. 6:1, NIV). Then I picked up the January NAD Edition and read "GC to Enter Trademark Case in New York" (Newsbreak). Does Paul's advice still hold? Would it not be better to "be wronged," to "be cheated," as Paul suggests (verse 7, NIV)?

—Lucille Lewis

YOUNTVILLE, CALIFORNIA

I disagree with the involvement of the court systems to solve disagreements within the church. This matter should have been taken to the Lord. One has to get out of the driver's seat, give it to the Lord, and be willing to accept God's providence, especially when it does not agree with one's idea of the solution.

—John Fender

FOLEY, ALABAMA

### "Close Personal Relationship"

I keep reading and hearing about the importance of a "close personal relationship with Christ." It is seen as imperative if we are to be serious Christians en route to the kingdom.

I also keep wondering what this "close personal relationship" means. Does it involve a mystic quality? When one prays, does Jesus seem to be almost physically present, listening and responding as if He were right there by one's side?

Maybe I'm lacking something. I'm a conscientious person who wants to do

God's will, but am not deeply religious like some people I know. When I pray, nothing mystical is involved, no feeling of a semighostly presence in the room to comfort, reassure, and enlighten. I believe God hears me because the Bible says He does.

Is a close and personal relationship automatically present if people read the Bible or other religious literature frequently and pray for help in matters great and small? Do some people then gain an impression that God is leading them whatever their subsequent decisions may be? What kind of impression? A hunch? Something more than that? What?

Sometimes I wonder how often people talk about this relationship because it is the approved and religiously correct thing to say. But usually I suspect that some Christians really do have an experience that hasn't been mine. Assuming the latter to be true, could we hear from someone who has discussed this phenomenon with a number of committed Christians who claim this experience? Please explain as explicitly and concretely as possible just what a close personal relationship is.

—Reo M. Christenson

WEST CARROLLTON, OHIO

Please send responses to *Close Personal Relationship*, *Adventist Review*, 12501 Old Columbia Pike, Silver Spring, MD 20904. We'll print several in a future issue.—Editors.

COVER PHOTO: WHILE SERVING AS A GLOBAL MISSION PIONEER, AUGUSTINA PASUANG (STANDING LEFT) INTRODUCED THE VILLAGE CHIEF, CALVEN TIMBANGCANG (STANDING MIDDLE), TO CHRIST. CALVEN AND AUGUSTINA WERE MARRIED, AND ARE NOW SERVING AS A GLOBAL MISSION PIONEER TEAM. THEY ARE PICTURED WITH KALIMANTAN MISSION PRESIDENT DJOKO SOEWARSO (RIGHT), THEIR OWN CHILDREN, AND SOME NEIGHBORHOOD CHILDREN.

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### Building Up the Church

Is your congregation looking a little flabby?



## ■ YEAR-END MEETING REPORT—II

# NAD Leaders Reaffirm Perth Document

*Silver Spring, Maryland*—More than 200 top Adventist Church leaders gathered here for the North American Division (NAD) year-end meetings November 3-6 overwhelmingly reaffirmed the Perth Declaration calling for all members to support and recommit themselves to the Adventist message and mission.

The Perth Declaration, drafted and voted by the General Conference's Annual Council in Perth, Australia, in early October, has become one of the most significant appeals by church leaders in recent years (see the November 7 *Review* for the full text).

The concise, 10-paragraph declaration reaffirms "the fundamental truths that bind us together as a people," including confidence in Christ as "our righteous Redeemer" and the Seventh-day Adventist Church as "a prophetic movement."

It also contains two paragraphs that detail the work of various dissident groups within the church that seek to undermine the church—particularly through their use of printed material and videos—and appeals to them to "set aside divisive side issues and join with the organized church in affirming the fundamentals of our message."

When NAD president A. C. McClure introduced the document to the year-end meetings, he asked GC president Robert S. Folkenberg to comment on the document's origin. Elder Folkenberg told com-

mittee members that in the face of steadily strengthening attacks on the church "we don't have the option of silence anymore. We've lost that one. And both extremes, left and right, need our attention.

"We must take the high ground," continued Folkenberg, "letting people know where we stand; and being wise, compassionate, and *clear* to those who undermine our fundamentals . . . so that the role and function of the church are not held hostage to those individuals who feel the freedom to be destructive to it."

While NAD Executive Committee members overwhelmingly reaffirmed the Perth Declaration, many felt that it didn't go far enough in identifying individuals and organizations that have openly attacked the church. After reaffirming the declaration on Monday, November 4, McClure told the committee that time would be allotted later to discuss the need for a stronger response.

When McClure reopened the discussion Wednesday, Dakota Conference president Don Shelton proposed a statement outlining particular behaviors and naming specific ministries and individuals as being destructive to the church and its mission.

"We can no longer sit on the side," Shelton said. "When individuals are tearing down God's church, it's time to do something about it."

Mid-America Union president Joel Tompkins affirmed his concern "for the many honest Seventh-day Adventists. When they get all this junk in the mail, they think it comes from the church because it's presented in that manner. Somebody has got to stand up and say, 'No, this didn't come from the church. It came from dissidents.'"

Committee members, after more than an hour of discussion, appeared divided on whether or not to name people and organizations and thus referred Shelton's statement and the possible formulation of a stronger response than the Perth Declaration to NAD officers for further study.

## Other NAD Year-end Actions

In other business, the North American Division Executive Committee:

✓ **Approved Ministerial Training Recommendations** calling for an integrated 10-year Ministerial Training Curriculum that includes college, seminary, and field experience.

✓ **Endorsed a Revised Stewardship Reaffirmation Statement** approved by the 1991 General Conference Spring Meeting. The document recommends that division leaders develop a strategic stewardship plan, conduct a church ministries stewardship advisory during the 1990-1995 quinquennium, and create an evaluation system.

The statement also recommends, in the face of a dramatic decline in the number of church stewardship leaders during the past decade, that unions and conferences develop a network of trained stewardship specialists and provide training and certification for stewardship coordinators, pastors, and specialists.

✓ **Endorsed a proposal for an Adventist evangelistic association** based at the Adventist Media Center in Newbury Park, California. In this "bold" move, the association would employ seven full-time evangelists and assign them to the center's media ministries such as *It Is Written*. The evangelists would be associates on the broadcasts and conduct evangelistic efforts in local conferences.

## GENERAL CONFERENCE

**Hawaii Judgment Favors GC.** The Federal District Court in Honolulu, Hawaii, has issued a judgment in favor of the General Conference following a request by John Marik and his congregational church to conclude the dispute over their right to use the Adventist Church's name.

"The judgment enjoins Marik and the members of the congregational church from using the church's trademarks 'Seventh-day Adventist' and 'SDA' in the name of their organization or in any way that would lead people to think they are connected with the Seventh-day Adventist Church," explained Robert W. Nixon, associate in the Office of General Counsel of the General Conference.

Attorney Nixon says that Marik approached the trial counsel for the General Conference several weeks ago and offered to settle the dispute. After Marik signed the settlement documents, the federal judge signed the judgment November 14.



# Sue Unto Others?

GINA SPIVEY BROWN and  
LORETTA PARKER SPIVEY



**GINA:** There are times when legal action is necessary, even among Christians.

Should an Adventist who has a grievance against another member take that person to court? The text we use to discourage such legal proceedings is 1 Corinthians 6:1-7: "Dare any of you, having a matter against another, go to law before the unjust, and not before the saints?" (verse 1).

However, many fail to read the eighth verse: "Nay, ye do wrong, and defraud, and that your brethren." Many Christians have been taken advantage of simply because they refuse to sue "their brothers." But are people who defraud another believer really our brothers?

Jesus said our brothers and sisters are those "who do the will of my Father" (Matt. 12:50).

Here are three points to consider:

1. A brother or sister wouldn't treat me in such a way that I would have to take him or her to court (see Luke 17:1, 2).

2. The law was made for the unjust and for sinners, that is, for those who break the law and come under its condemnation (Rom. 3:19).

3. There are Christian lawyers and judges in our system whom we can expect to judge righteously and impartially. Even those who are unrighteous can still be used for God's glory (see the story of the unrighteous judge in Luke 18:1-7).

The bottom line is this: there are many people in this world who call themselves Christians but don't reflect Christ in their words or deeds. So should the Christian who has been defrauded seek and receive legal assistance in times of need, even if the person being sued is a "Christian"? Yes!

Every possible step should be taken to avoid legal action in every situation with every person. But once all avenues are exhausted and the situation must be resolved, the Christian should not be made to feel like a villain because of exercising his or her legal rights.

Doug Llewelyn, of the famous TV show *The People's Court*, said it best: "If you have a problem with someone, don't take the law into your own hands; take that person to court."



**LORETTA:** It sends an inconsistent message when Christians sue each other.

Gina, please allow me to begin by quoting someone whose writings and life I respect—even though we rarely agree. "The ultimate question is: Do we trust God?"

Any idea who said that?

You did! And I agree. We can't trust God for everything and sue our brother or sister at the same time. It's a shame that we Christians have allowed the "Take 'em to court" attitude to permeate our perspective.

Take a look at my three points:

1. Is "brotherhood" contingent upon good and positive actions? Jesus had every right to say that those who do the will of His Father are His brothers and sisters. However, I'm not so sure that you (or I) have the right to make that determination—lest we fall into the category of the Levite and the priest in the story of the good Samaritan (see Luke 10:30-37).

2. Some things are just "family business." We, the church, don't have a separate legal system. If we sue each other, we as members of God's family allow others outside of the family to handle "our business." It sends a horrible message to those whom we're supposed to evangelize. How can I preach and teach about God's miracle-working powers and yet not trust Him to work in every situation?

3. God is judge. And His Word is clear: "But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; that ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust" (Matt. 5:44, 45).

And finally, if you have a problem with someone, don't take that person to court. Take a stand—and take the individual to Jesus in prayer. He promised: "Call unto me, and I will answer thee, and shew thee great and mighty things, which thou knowest not" (Jer. 33:3).

*What do you believe? And why? Gina and Loretta challenge you to read your Bible, know what you believe, and take a stand . . . for Jesus.*



## "Seventh-day Adventist" Not Always a Trademark

by *Kenneth Edward Piner*



*Kenneth Edward Piner is president of the senior class at Columbia Union College. He is an assistant in the college's public relations office.*

In an October 3, 1991, decision, Seventh-day Adventist Kinship International, Inc. won the right to use the Seventh-day Adventist (SDA) name in its title. The ruling was the result of a suit filed by the General Conference of Seventh-day Adventists on December 7, 1987, claiming that SDA Kinship's use of the name "Seventh-day Adventist" constituted federal trademark infringement. SDA Kinship was incorporated in 1981 as a ministry for gay and lesbian Adventists, their families and friends.

U.S. District Judge Mariana Pfaelzer, of the Central District of California, wrote in her decision, "The Court finds that, as used by SDA Kinship, the term 'Seventh-day Adventist,' and its acronym 'SDA' are generic, and are not entitled to trademark protection."

Robert Bouchard, former president of SDA Kinship and chair of its litigation committee, said that in ruling that the Seventh-day Adventist name was generic, Judge Pfaelzer picked the "most sweeping" decision. It shows, Bouchard says, that

the church "didn't have the right to trademark the name in the first place."

Robert Nixon, associate in the office of general counsel for the General Conference, offered a different view. "Our major thrust is to protect the name of the church." The decision is a narrow one, he said, that is "limited to a usage by Kinship, or a usage like Kinship's," and "still leaves the Seventh-day Adventist Church fully protected."

The church did not appeal the decision, Nixon said, "mainly because it [the decision] was so narrow." He added, "We didn't think it did that much damage." Furthermore, Nixon said that the church felt an appeals court would have sent the case back to the district court for further consideration by the same judge, putting the church "back in the same ball park." However, Nixon said, "We still don't like Kinship using the name."

Bouchard said members of Kinship were quite surprised that the General Conference didn't appeal the case. He said that "a district court



opinion is only persuasive" when used in other cases. In addition to the expense consideration, Bouchard said the possibility of the General Conference losing an appeal and perhaps setting an even wider precedent, could be the reason for no further appeal.

Nixon, on the other hand, said that would not necessarily be the outcome of an appeal. The appellate court could affirm the circuit court's opinion, strengthen or weaken the circuit court's decision, or reverse the original decision. He said that not all written decisions from appellate courts are published, so they may not set precedent, but they are available for persuasive purposes. Nixon emphasized that the General Conference's only two reasons for not appealing were the low damage, and the possibility of having the case sent back to Judge Pfaelzer.

Whatever might have happened to an appeal, Mike McLaughlin, president of SDA Kinship, said he feels "vindicated" by Judge Pfaelzer's decision. "It was very hard on us [Kinship] emotionally to go through the last five years since it started," McLaughlin said. "It's like a burden has been lifted and we can get back to business."

Sherri Babcock, public relations director for SDA Kinship, said, "I was thrilled when the verdict came through. I had been doing a lot of praying about it." Since the General Conference filed the suit, "I felt like my family was trying to kick me out"

and that the church was trying to ostracize her, Babcock said.

McLaughlin said that the litigation took the energy of the organization away from its mission of outreach to gay and lesbian Adventists and Christians. According to McLaughlin, the case has had a personal as well as financial impact on Kinship.

McLaughlin said that Kinship spent approximately \$10,000 on the defense of the case; Nixon said the General Conference spent more than \$200,000 over the five year period. Kinship's costs were considerably lower because the National Gay Rights Advocates accepted Kinship's case and arranged for the prestigious firm of Fulbright & Jaworski to defend them pro bono.

Nixon—in November of 1985—was the first person from the General Conference to contact Kinship regarding its desire that Kinship stop using Seventh-day Adventist as part of their name. He initially approached Ron Lawson, who was serving as Kinship's appointed church liaison.

Lawson said Nixon asked for Kinship to quietly change its name because the church had a trademark on "Seventh-day Adventist." Lawson said, "I took it to a few of the key officers and we decided that it wasn't the sort of issue that could be decided by the officers."

The officers presented the request to Kinship members at their Kampmeeting during the summer of

1986. "It was a very emotional time; the meetings went on for a long time," Lawson said. "Our name is terribly important for us." The request, he said, "was basically interpreted as the church saying to us... 'We don't want to be associated with you.'" He said the result of Kinship's discussion was "a firm decision that we could not change our name."

The General Conference pursued the issue in court and Kinship did offer to settle the case if certain proposed conditions were met. Those conditions included, among others, having balanced articles on homosexuality appear in the *Adventist Review* and *Ministry* magazine, as well as the inclusion of information on homosexuality in the sex-education classes within the church's educational system.

Nixon said that the General Conference felt the settlement would have been unacceptable. "It would appear that the church was working hand in hand" with Kinship, and "Kinship's philosophy of homosexual practices is unacceptable to the church."

Following the decision, McLaughlin wrote an open letter to General Conference President Robert Folkenberg encouraging interaction between the two organizations. Assistant to the President B. E. Jacobs responded to McLaughlin's letter for Folkenberg, saying that it would be impossible for the General Conference and Kinship to interact as McLaughlin desired.



LAW OFFICE  
**DILLER, RAMIK & WIGHT**

PATENT & TRADEMARK CAUSES

SUITE 101

7246 NEWHOLSTER PLACE

ANNANDALE, VIRGINIA 22002-2647

TELEPHONE  
(703) 642-8700  
FACSIMILE  
(703) 642-8117

E-MAIL  
DRW@PATENTLAWFIRM.COM

February 8, 2005

Certified/Return Receipt

Davidian SDA  
P.O. Box 7540  
Santa Rosa, CA 95401

Re: Domain Names  
"7thdayadventistchurch.org"  
"seventhdayadventistchurch.net"  
"seventhdayadventistchurch.info"  
"7thdayadventist.info"  
Service Mark Infringement  
False Designation of Origin  
Unfair Competition  
Federal Dilution  
State Law Dilution  
Cybersquatting/Cyberpiracy

Dear Sir/Madam:

We represent the Seventh-day Adventist Church and the General Conference Corporation of Seventh-day Adventists. The General Conference Corporation of Seventh-day Adventists is registrant of the marks ADVENTIST and SEVENTH-DAY ADVENTIST, as is evidenced by U.S. Reg. Nos. 1,177,185; 1,176,153 and 1,218,657.

Though not federally registered, the Church's acronym SDA has been held by the United States District Court for the Southern District of Florida (Case No. 98-2940-CIV-King) to have acquired "secondary meaning through the continuous usage thereof from 1860 forward . . . and, as such, the names SEVENTH-DAY ADVENTIST and Plaintiff's acronym SDA must be protected fully as if the names were strong at inception." (Finding 24.) The Florida court in the same Finding stated "the mark SEVENTH-DAY ADVENTIST and Plaintiff's acronym SDA have become famous and synonymous with the good will and quality of the Seventh-day Adventist Church. Plaintiff has expended considerable effort and expense over the last 139 years in promoting its mark SEVENTH-DAY ADVENTIST and Plaintiff's acronym SDA and the products and services associated therewith, and consequently the mark is entitled to broad protection."



The registration and/or use by the Seventh-day Adventist Church of its ADVENTIST and SEVENTH-DAY ADVENTIST marks establishes the Church's exclusive right to use these marks, 15 U.S.C. § 1115(a); *Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc.*, 758 F. Supp. 512, 522 [19 USPQ2d 1481] (E.D. Mo. 1991), *aff'd*, *Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc.*, 989 F.2d 985 [26 USPQ2d 1378] (8<sup>th</sup> Cir. 1993). This exclusive right empowers the Seventh-day Adventist Church to prevent third parties from using any name or mark that is likely to cause confusion, such as your domain name/website uses of the Church's marks and Church name. 15 U.S.C. §§ 1114, 1116; *Green Products Co. v. Independence Corn By-Products Co.*, 992 F. Supp. 1070, 1075 (N.D. Iowa 1997).

In the course of our trademark/service mark enforcement monitoring of the internet we encountered the above-captioned domain names. Of these, "seventhdayadventistchurch.info" specifically identifies "davidiansda.org" as "Registrant Organization" while the registrant is said to be "Export" (see WHOIS of Network Solutions). "Export" is believed to be "Adon Export" who is so identified as the registrant of "seventhdayadventistchurch.net," though again the registrant organization is "davidiansda.org". Each of "7thdayadventistchurch.org" and "7thdayadventist.info" domain names identify registrant as Adon Export, though in neither of the latter is there reference specifically to "davidiansda.org". However, when any one of the four latter-mentioned domain names is logged onto, one reaches directly or is linked to "davidiansda.org".

The use of the Seventh-day Adventist Church's registered ADVENTIST and SEVENTH-DAY ADVENTIST marks and/or the Church's name in the above-captioned domain names constitutes any one or all of infringement, false designation of origin, unfair competition and dilution, all under Title 15 of the U.S. Code, as well as dilution under the anti-dilution laws of the State of California and/or Nevada. These domain names provide immediate initial likelihood of confusion because each provides immediate association with and/or sponsorship by the Seventh-day Adventist Church as the source of services/products associated therewith. These domain names also constitute cybersquatting/cyberpiracy under 15 U.S.C. § 1125(d)(1)(A) pursuant to the Anti-Cybersquatting Consumer Protection Act (ACPA). The very incorporation into the captioned domain names of the entirety of the Church's ADVENTIST and SEVENTH-DAY ADVENTIST marks and names creates likelihood of confusion. Since your domain names are confusingly similar to and dilutive of the common law and registered trademarks of the Seventh-day Adventist Church, your registration of these domain names, having clearly occurred with a "bad faith intent to profit from" the marks of the Seventh-day Adventist Church, constitutes cyberpiracy in violation of 15 U.S.C. § 1125(d).

We trust that it will be unnecessary to enjoin by way of civil action your inequitable and illegal usage of the Seventh-day Adventist Church's name and the Church's ADVENTIST



and SEVENTH-DAY ADVENTIST marks, and upon receipt of this letter we trust that you will immediately cease and desist from using the latter expressions or any names, marks or phrases equivalent thereto in association with your domain name/website/home page/advertising and any and all of your activities.

Therefore, we are respectfully requesting you to immediately:

1. Cease and desist all use of "7thdayadventistchurch," "seventhdayadventistchurch," "7thdayadventist" and any other words or phrases similar thereto and likely to be confused with the marks ADVENTIST and SEVENTH-DAY ADVENTIST and the Seventh-day Adventist Church name.
2. Agree to take any actions and/or execute any documents necessary to transfer the above-captioned domain names to the Seventh-day Adventist Church. The Seventh-day Adventist Church will agree to pay any transfer fee required by the domain registrar and will reimburse you for the registration fee paid for the current registration period, provided the transfer occurs within thirty (30) days of your receipt of this letter.
3. Cease and desist all usages of ADVENTIST, SEVENTH-DAY ADVENTIST and SDA and any other confusingly similar marks which are likely to be confused with and constitute an infringement of the trademarks/service marks of U.S. Reg. Nos. 1,177,185, 1,176,153 and 1,218,657.

We ask that you confirm compliance with these demands by removing all four domain names/websites from the Internet, as well as removing SEVENTH DAY ADVENTIST from existing or future website source codes, within seven (7) days from the date of your receipt of this letter.

Further confirm your compliance and agreement to all demands made herein, including the transfer of the domain names to the Church, by signing the duplicate of this letter and returning the same to our office, also within seven (7) days from the receipt thereof.

This letter is written without prejudice to all further rights of the Seventh-day Adventist Church, including but not by way of limitation, rights to injunctive relief to obtain the cessation of your objectionable use of all of the Church's name, trademarks, service marks,



trade names, logos and/or acronyms heretofore specifically defined or any confusingly similar therewith.

Very truly yours,

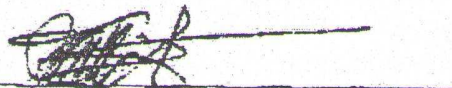
DILLER, RAMIK & WIGHT



Vincent L. Ramik

Agreed to and signed this 23<sup>rd</sup> day of February, 2005.

Davidian SDA



Name:

Title:



OFFICE OF GENERAL COUNSEL  
(301) 680-6320



General Conference of

# Seventh-day Adventists

CHURCH WORLD HEADQUARTERS 12501 OLD COLUMBIA PIKE, SILVER SPRING, MARYLAND 20904 USA  
TEL: (301) 680-6000 • TLX: 440186 • FAX: (301) 680-6329 • CBL: ADVENTIST, WASHINGTON

6 November 1996

Rogue Valley Historic Seventh-day Adventist Church  
P.O. Box 34  
Talent, OR 97540

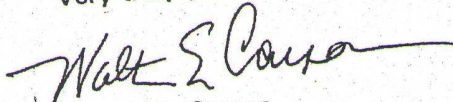
Dear Sir:

It has come to my attention that you are identifying your Church as the Rogue Valley Historic Seventh-day Adventist Church. The General Conference Corporation of Seventh-day Adventists has registered the name Seventh-day Adventist with the U.S. Trademark Office. I have enclosed a copy of that registration for your information.

To prevent the likelihood of confusion, I am requesting that you discontinue using Seventh-day Adventist in the name of your religious organization; and to drop any further reference to Seventh-day Adventist in your communications. I am sure you do not want to intentionally violate applicable law.

Please acknowledge in writing, within 10 days, receipt of this letter together with assurances of your intent to comply with my request. Thank you for your assistance.

Very truly yours,

  
Walter E. Carson

Enclosure ✓

*The promised enclosures were not  
in the envelope with this letter.*

**"It is not the true church that  
makes war with those who keep  
the commandments of God and  
have the testimony of Jesus  
Christ."**

ST 04-21-89

*Ellen White*



OFFICE OF GENERAL COUNSEL  
(301) 680-6320



General Conference of

# Seventh-day Adventists

CHURCH WORLD HEADQUARTERS 12501 OLD COLUMBIA PIKE, SILVER SPRING, MARYLAND 20904 USA  
TEL: (301) 680-6000 • TLX: 440186 • FAX: (301) 680-8328 • CBL: ADVENTIST WASHINGTON

6 November 1996

Dear Sir:

It has come to my attention that you are identifying your Church as the Rogue Valley Historic Seventh-day Adventist Church. The General Conference Corporation of Seventh-day Adventists has registered the name Seventh-day Adventist with the U.S. Trademark Office. I have enclosed a copy of that registration for your information.

To prevent the likelihood of confusion, I am requesting that you discontinue using Seventh-day Adventist in the name of your religious organization; and to drop any further reference to Seventh-day Adventist in your communications. I am sure you do not want to intentionally violate applicable law.

Please acknowledge in writing, within 10 days, receipt of this letter together with assurances of your intent to comply with my request. Thank you for your assistance.

Very truly yours,

Walter E. Carson

*Rogue Valley Historic S.D.A. Church*



DEAR JAN,

TRIED TO CALL FOR "LIVE" TALK BUT WILL TRY FAX TO GET THROUGH. AS PER FAX PREVIOUSLY SENT, YOU CAN SEE WE ARE UNDER "CONFERENCE-ATTACK" AS TO OUR USING THE NAME SEVENTH-DAY ADVENTIST.

I NEED TO KNOW ABOUT YOUR COPYRIGHTED SIGN.

PRESENTLY, WE ARE DISPLAYING THE NAME OUTSIDE: ROGUE VALLEY HISTORIC SEVENTH-DAY ADVENTIST CHURCH. THIS HAS SENT THEM BALLISTIC



# McMAHON FEARNLEY

BARRISTERS & SOLICITORS

LLOYD M. McMAHON LL.B.  
ROY W. FEARNLEY B. JURIS., LL.B.  
BRETT H. McMAHON B.A., LL.B. (MGRS).

ASSOCIATES

JOHN J. KOTSIFAS B.SC., B.EC., LL.B.  
ERIC T. CHOO B.SC., LL.B.

P.O. Box 76  
MARKET STREET  
266 QUEEN STREET  
MELBOURNE 3000  
TELEPHONE: (03) 9570 0955  
FAX (03) 9570 0666

15 November 1996

Messrs, Ray de Carlo, Maurice Peterson,  
Russell Standish and Colin Standish  
157 Gaston Crescent  
Armstrong Hills  
WAROONA, 6215 WA

Dear Sirs,

**Re: The Free Seventh-day Adventist Church of Australia/Western Australia**

We act on behalf of the Seventh-day Adventist Church. As you are aware, the Church has developed and acquired substantial and distinctive reputation and goodwill. That reputation and goodwill attaches to its name.

You and your associates are now incorporating the name of the Church into your literature. The Church strongly objects to this misappropriation of its name. Such activities are false, misleading and deceptive. Accordingly, we request your written undertaking, within 7 days, on behalf of yourself and your associates to immediately cease using the Church's name and to cease to make or organise any activities under the umbrella of the Church's name or any misleading similar variant.

If we do not hear from you, the Church will commence legal proceedings against you and your associates. Such proceedings will involve the institution of an Application for Interim Interlocutory and Permanent Injunctive relief together with a claim for Damages.

Yours faithfully,

McMAHON FEARNLEY





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Office of the Solicitor

Pending Litigation Address:  
P.O. Box 15887  
Arlington, Virginia 22215

All Other correspondence:  
Box 8  
Washington, D.C. 20231

June 6, 1996

Mr. William L. Perry  
Route 1, Box 378-A  
Reinholds, PA 17569

Steven Scheck, Esq.  
106 N.W. Second Avenue  
Gainesville, FL 32601

Vincent L. Ramik, Esq.  
c/o Diller, Ramik & Wight, P.C.  
7345 McWhorter Place, Suite 101  
Annandale, VA 22003

Re: STOCKER v. GEN CONF CORP SEVENTH DAY  
Fed. Cir. Appeal No. 96-1355  
Cancellation No. 17,554;18,038

Dear Sirs:

The Patent and Trademark Office has received notice of the docketing of the above-identified appeal in the Federal Circuit.

The Commissioner may wish to file an amicus brief in the appeal. Accordingly, I would appreciate very much being served with copies of your respective briefs. Briefs may be mailed to:

Nancy J. Linck  
Solicitor  
P.O. Box 15667  
Arlington, Virginia 22215

or may be hand-delivered or sent by a commercial delivery service to:

Nancy J. Linck  
Solicitor  
2121 Crystal Drive  
Suite 918  
Arlington, Virginia 22202

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy J. Linck".

NANCY J. LINCK  
Solicitor  
P.O. Box 15667  
Arlington, Virginia 22215  
703 305-9035





SEVENTH-DAY ADVENTIST CHURCH IN CANADA  
ÉGLISE ADVENTISTE DU SEPTIÈME JOUR AU CANADA

*National Headquarters  
Siège Social*

1148 King Street East  
Oshawa, Ontario L1H 1H8  
Telephone: (905) 433-0011  
Fax: (905) 433-0982

May 15, 2003

H. B.  
[deleted]  
Toronto, Ontario  
M9W ...

Dear Mr. B:

Re: Illegal Use of Church Name

It has come to our attention that you have been publishing items under the name of the Seventh-day Adventist Church without church approval. We kindly ask that you refrain from doing so.

We understand that you have published documents stating that they are of the "Behold for Jesus Christ Ministry of the Seventh-day Adventist Church." We are not aware of any such ministry of our church.

The Seventh-day Adventist Church takes very seriously any use of its name without its authorization. The name is an important identifier of our church to the community and for that reason we cannot sanction its use by those purporting to represent the church when in fact they are not.

We trust that you will abide by our request in not using the terms, "Seventh-day Adventist Church," or "Adventist Church", or "Adventist", in your publications – and that you will destroy those documents in your possession and/or control that you have so labelled.

Thank-you for your anticipated co-operation.

Sincerely,

Barry W. Bussey  
Legal Counsel

cc: Derrick Nichols  
Dirk Zinner  
Ledford Morris





**GENERAL ASSOCIATION  
OF  
DAVIDIAN SEVENTH-DAY ADVENTISTS**

MT. CARMEL CENTER  
P.O. BOX 119  
MOUNTAINDALE N.Y. 12763  
U.S.A.  
(914) 434-5282

June 19, 1996

The Remnant Church of  
Creation 7th Day Adventists  
PO Box 284  
Spring City TN 37381-0284

Dear Interested Party and Contributor:

“Let thy mercy, O Lord, be upon us, according as we hope in thee.” Ps. 33:22.

Christian greetings.

We are certain that by now you are wondering what is taking place with the Trademark case. Thus it is the purpose of this letter to try and bring you up-to-date on the progress of the appeal.

As you no doubt are aware, the notice of appeal was sent from our office on April 12, 1996 and was recorded on Monday the 15th, (the deadline by the U.S. Court of Appeals). Mr. Steven Scheck is handling the case on our behalf. He has since filed for an extension of the actual appeal. The original appeal deadline was April 30, 1996, the new deadline is June 30, 1996. Mr. Scheck has just completed the appeal and is forwarding a copy to us. He hopes to file it a few days ahead of the due date.

There are two other developments. The first being that the conference lawyer, Vincent Ramik, filed a motion to dismiss the appeal based on a technicality. He claimed that the “notice of appeal was filed incorrectly in that Mr. Ramik was not notified of the intention to appeal. To counter this motion, Mr. Scheck received an affidavit from Mr. William Perry (the original petitioner) and the association who physically filed the notice of appeal, stating that the notice was handled “pro se” (without an attorney), and that we simply followed the instructions of the U.S. Court of Appeals office. We were able to provide the name and number of the person who gave the instructions to us on how to file the notice. Mr. Scheck has since responded to Mr. Ramik. It appears that the problem is resolved.

The second matter involves the trademark and patent office, who is considering filing an Amicus Brief--a friend of the court. We do not know much about the



intentions or reasons for their even contemplating this. However, it certainly indicates the patent and trademark office has taken note of the case. It could very well be in our favor. We will have to wait and see what they decide to do. We will keep you informed.

Overall, we can say that the case is progressing well. Please keep praying that God's will be done, that His truth can be vindicated, and that our beloved church comes to the realization of their folly. May the prayers of the saints awaken them. Again, let us thank you for your financial assistance, and your prayers.

Sincerely for Christ's sake, and religious liberty,

A handwritten signature in black ink, appearing to read 'A. Hibbert', with a horizontal line extending to the right.

A. Anthony Hibbert, Ph.D.  
Chairman  
Executive Council



GENERAL  
CONFERENCE  
OF THE  
SEVENTH-DAY  
ADVENTIST  
CHURCH

NORTH AMERICAN DIVISION

September 15, 1997

Raffael Perez, Pastor  
Eternal Gospel SDA Church  
P. O. Box 15138  
West Palm Beach, FL 33416

Dear Mr. Raffael:

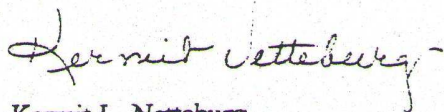
We have received information that the Eternal Gospel SDA Church has placed advertisements in *The Washington Times*, *The Miami Herald*, and *The New York Daily News*. We checked with both the Florida Conference of Seventh-day Adventists and the Southeastern Conference of Seventh-day Adventists in an attempt to contact the leadership of the Eternal Gospel SDA Church through the appropriate denominational channels. We learned from those conferences that the Eternal Gospel SDA Church is not part of the Seventh-day Adventist denomination. We learned from those conferences that the Eternal Gospel SDA Church is an independent church without any formal ties to the Seventh-day Adventist denomination. I understand from informal channels that you are the leader of this church. Can you confirm for me that the Eternal Gospel SDA Church is not part of the Seventh-day Adventist denomination?

If that is true, I need to ask you to stop using the initials "S. D. A." in your name. The advertisement that appeared in *The Washington Times* produced a great deal of confusion. There were several angry letters to the editors of *The Washington Times* — letters that accused the Seventh-day Adventist denomination of being intolerant and bigoted. Obviously, the use of the initials, "S. D. A." by Eternal Gospel SDA Church has resulted in significant confusion with the Seventh-day Adventist denomination.

You may not be aware that the Seventh-day Adventist denomination has trademarked our name in order to prevent just such confusion and misunderstanding in the minds of members of the public. The advertising of the Eternal Gospel SDA Church is leading to the kind of misunderstanding and confusion that we have sought to avoid. For that reason, I must ask you to either cease using the term "S. D. A." in your name.

I would appreciate hearing from you as soon as possible. This is a matter of great urgency to the Seventh-day Adventist denomination.

God bless you,



Kermit L. Netteburg  
Assistant to the President for Communication

4m

c: Walter E. Carson, Seventh-day Adventist Church attorney

**Office of the President**

12501 Old Columbia Pike, Silver Spring, MD 20904-6600 ■ Tel: (301) 680-6406 ■ Fax: (301) 622-7712 ■ E-mail: 102555.1534@compuserve.com



GENERAL  
CONFERENCE  
OF THE  
SEVENTH-DAY  
ADVENTIST  
CHURCH

NORTH AMERICAN DIVISION

September 15, 1997

Raffael Perez, Pastor  
Eternal Gospel SDA Church  
P. O. Box 15138  
West Palm Beach, FL 33416

Dear Mr. Raffael:

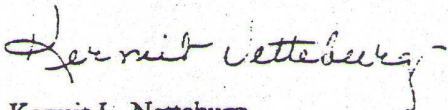
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I would appreciate hearing from you as soon as possible. This is a matter of great urgency to the Seventh-day Adventist denomination.

God bless you,



Kermit L. Netteburg  
Assistant to the President for Communication

4m

c: Walter E. Carson, Seventh-day Adventist Church attorney

**Office of the President**

12501 Old Columbia Pike, Silver Spring, MD 20904-6600 • Tel: (301) 680-6406 • Fax: (301) 622-7712 • E-mail: 102555.1534@compuserve.com



## Eternal Gospel SDA Church

October 22, 1997

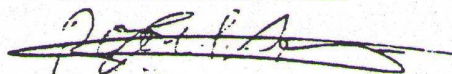
Kermit L. Netteburg  
General Conference of the  
Seventh - Day Adventist Church  
North American Division

Dear Mr. Netteburg

As I mentioned to you over the phone, I have received your letter dated September 15, 1997, whereby you requested me to stop using the initials "S.D.A." in my name. May you please send me your official registered trademarked name for the denomination, so that I may not use it anymore.

I would appreciate hearing from you as soon as possible

Your Brother in Christ



Raphael L. Perez  
Pastor



November 5, 1997

Raffael Perez, Pastor  
Eternal Gospel Church  
P. O. Box 15138  
West Palm Beach, FL 33416

Dear Pastor Perez:

Thank you for your letter dated October 22 in which you have shared with me your willingness to stop using the initials "SDA" in the name of the Eternal Gospel Church. I would like to point out that the letter which came to me used as a letterhead, "Eternal Gospel SDA Church." I hope that you will be diligent and vigilant in finding where the initials are being used — or other uses that might cause the misperception that the Eternal Gospel Church is a Seventh-day Adventist Church.

The Seventh-day Adventist denomination has officially registered the name, "Seventh-day Adventist," and the single word, "Adventist." In addition, the trademarking of the term "Seventh-day Adventist" includes the use of the initials "SDA."

I hope that we can work together amicably towards a solution where the Eternal Gospel Church can carry forward its mission and the Seventh-day Adventist Church can carry its forward its mission, without either of us causing confusion for the other.

God bless you,



Kermit L. Netteburg  
Assistant to the President for Communication

lm

c: Walter Carson, Esquire



LAW OFFICE

**DILLER, RAMIK & WIGHT, P. C.**

PATENT & TRADEMARK CAUSES

SUITE 101

7345 MCWHORTER PLACE

ANNANDALE, VIRGINIA 22003-5647

TELEPHONE  
(703) 642-5705

FACSIMILE  
(703) 642-2117

March 17, 1998

Pastor Raffael Perez  
Eternal Gospel SDA Church  
P.O. Box 15138  
West Palm Beach, Florida 33416

Re: SEVENTH-DAY ADVENTIST  
SDA  
U.S. Reg. No. 1,177,185  
Service Mark Infringement  
False Designation of Origin  
Unfair Competition

Dear Mr. Perez:

We are writing to you on behalf of the Seventh-day Adventist Church and the General Conference Corporation of Seventh-day Adventists whom we represent in matters involving proprietary intellectual property, including trademarks and service marks.

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. Needless to say, the 138 years of substantially exclusive and continuous use of SEVENTH-DAY ADVENTIST and SDA is reflective of the exclusive ownership of these names by the Seventh-day Adventist Church.

Mr. Kermit L. Netteburg had written to you on several occasions, the last being November 5, 1997. We had hoped that your "willingness to stop using the initials 'S.D.A.'" would be followed by concrete action to this end. However, the advertisements Mr. Netteburg brought to your attention in his letter of September 15, 1997 have not ceased, and the continuance thereof maintains subsisting "a great deal of confusion."

U.S. Reg. No. 1,177,185 was contested in Cancellation Nos. 17554 and 18038 (Stocker and Perry v. General Conference Corporation of Seventh-day Adventists) and the U. S. Trademark Trial and Appeal Board in its Opinion of February 15, 1996 stated:



In every instance made of record, the relevant public is exposed to the registered mark with the result that the primary significance of SEVENTH-DAY ADVENTIST to them is as an indicator of the source or origin of respondent's (Seventh-day Adventist Church) various goods and/or services.

...the evidence of record leads us to conclude that the primary significance to the relevant public of SEVENTH-DAY ADVENTIST is that of a trademark/service mark when used in connection with religious books and/or services.

This decision is, of course, equally applicable to the acronym "SDA" which is legally equivalent to and means the same as -- SEVENTH-DAY ADVENTIST -- .

Your use of ETERNAL GOSPEL SDA CHURCH in your advertisements, your letterhead, your telephone listing and your associated ministry implies an association with and/or approval of the Seventh-day Adventist Church. There is no association between the parties, and your use of SDA or SEVENTH-DAY ADVENTIST does not have the approval of the Seventh-day Adventist Church or the General Conference Corporation.

Pursuant to 15 U.S.C. §1114:

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.

Even in the absence of a registration, 15 U.S.C. §1125(a) affords remedy by way of "a civil action by any person who believes that he or she is or 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 enjoin 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 from using the latter expressions or any names, marks or expressions equivalent thereto in association with your advertising, activities and/or ministry.



We have advised the Seventh-day Adventist Church and the General Conference Corporation that we consider your use of SEVENTH-DAY ADVENTIST and SDA to be actionable under the Sections of Title 15 mentioned earlier herein. 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.

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

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 or SDA, profits, damages and any attorneys' fees necessitated by your activities.

Very truly yours,

DILLER, RAMIK & WIGHT, P.C.

  
\_\_\_\_\_  
Vincent L. Ramik

Enclosed: U.S. Reg. No. 1,177,185

Agreed to by: \_\_\_\_\_

Date: \_\_\_\_\_

For: Raffael Perez, Eternal Gospel SDA Church



LAW OFFICE  
**DILLER, RAMIK & WIGHT**

PATENT & TRADEMARK CAUSES

SUITE 101

7345 MOWHORTER PLACE

ANNANDALE, VIRGINIA 22003-5647

TELEPHONE  
(703) 642-5708  
FACSIMILE  
(703) 642-3117

E-MAIL  
DWRPATENTLAW@AOL.COM

September 16, 2002

Secretary of State  
State of Montana  
Montana State Capitol  
P.O. Box 202801  
Helena, MT 59620-2801

Re: TROY SEVENTH-DAY ADVENTIST CHURCH  
Troy, Montana  
Corporate Name

**NOTICE OF CONTEST**  
**Pursuant to Section 35-1-310, MCA**


Dear Sir:

The undersigned, on behalf of the General Conference Corporation of Seventh-day Adventists and the General Conference of Seventh-day Adventists, herewith contests the registration of the name TROY SEVENTH-DAY ADVENTIST CHURCH recorded as a "Business Entity" in the records of the Montana Secretary of State.

The NOTICE OF CONTEST is in the form of an affidavit accompanying this letter executed by the undersigned upon information and belief setting forth facts, opinions and arguments in support of striking the contested name from the records of the Secretary of State. An order from the Secretary of State to the latter effect, including any and all future uses of SEVENTH-DAY ADVENTIST or legal equivalents thereof, such as SDA, is herewith respectfully requested.

Very truly yours,

DILLER, RAMIK & WIGHT

  
\_\_\_\_\_  
Vincent L. Ramik

VLR/rja

Enclosure: Affidavit



**NOTICE OF CONTEST  
PURSUANT TO SECTION 35-1-310  
of the MONTANA CODE, ANNOTATED (2001)**

GENERAL CONFERENCE CORPORATION )  
 OF SEVENTH-DAY ADVENTISTS and )  
 GENERAL CONFERENCE OF )  
 SEVENTH-DAY ADVENTISTS )  
 )  
 v. )  
 )  
 TROY SEVENTH-DAY ADVENTIST )  
 CHURCH and LES BALSIGER )

The undersigned, Vincent L. Ramik, Esq., upon information and belief, herewith declares that all facts, opinions and arguments presented in this affidavit are correct.

1. I am an attorney-at-law licensed to practice in the Commonwealth of Virginia and before the Federal Courts of the United States and the U.S. Patent and Trademark Office, and I have represented the General Conference Corporation of Seventh-day Adventists and the General Conference of Seventh-day Adventists in the capacity of intellectual property counsel for more than twenty (20) years.

2. I prepared an application on behalf of the General Conference Corporation of Seventh-day Adventists to federally register the name SEVENTH-DAY ADVENTIST which was filed in the United States Patent and Trademark Office on May 7, 1980 and registered on November 10, 1981 under Reg. No. 1,177,185. A certified copy of Reg. No. 1,177,185 is attached as Exhibit A and indicates thereon status and title.

3. The constituency of the General Conference of Seventh-day Adventists and the General Conference Corporation of Seventh-day Adventists is set forth in the 1999 Yearbook (Exhibit B) of the Seventh-day Adventist Church, specifically pages 17-20 and 25, 26, respectively. The outreach of the Seventh-day Adventist Church in the United States is clearly reflected in the Yearbook of Exhibit B between pages 167 and 231. The Montana Conference (Exhibit B, pp. 198-199) of the North Pacific Union Conference was organized in 1898. As of June 30, 1998 (Exhibit B, page 166) the North American Division of the Seventh-day Adventist Church included 4,718 churches. In Montana the three (3) geographically closest Seventh-day Adventist Churches to Troy, Montana are:



- (a) Libby Seventh-day Adventist Church  
88 Airfield Road  
Libby, Montana 59923,
- (b) Trout Creek Seventh-day Adventist Church  
East Highway 200  
P.O. Box 1361  
Trout Creek, Montana 59874, and
- (c) Bonners Ferry Seventh-day Adventist Church  
Highway 95 & Mile Post 6  
P.O. Box 509  
Bonners Ferry, Idaho 83805

The ministry, mission, outreach and specific services of the Seventh-day Adventist Church under its SEVENTH-DAY ADVENTIST name appear between pages 385 and 592 of Exhibit B and include academies, primary and secondary schools, universities, seminaries, health food companies, hospitals, medical centers, clinics, nursing homes and retirement centers, radio and television broadcasting studios, and publishing houses which print over one hundred (100) SEVENTH-DAY ADVENTIST English language publications (Exhibit B, pp. 569-572).

4. SEVENTH-DAY ADVENTIST of Reg. No. 1,177,185 is registered for the goods and services set forth therein, and the Lanham Act (Title 15, Chapter 22), Section 32 (15 U.S.C. § 1114) prohibits others from using the name SEVENTH-DAY ADVENTIST or a name equivalent thereto upon identical or related goods or services if such use is likely to cause confusion, mistake or deception among the public.

Likelihood of confusion, mistake or deception is likely between SEVENTH-DAY ADVENTIST and TROY SEVENTH-DAY ADVENTIST because of the following factors:

(a) The strength and unique nature of the name SEVENTH-DAY ADVENTIST cannot be questioned, as is evidenced by usage thereof by the Seventh-day Adventist Church from 1860-1861 forward in conjunction with the goods and services expressed in Reg. No. 1,177,185 (Exhibit A) and reflected in the Seventh-day Adventist Yearbook (Exhibit B).

(b) The sound, appearance and meaning of the two names are not only similar, but they are virtually identical, noting in particular that "TROY" is a geographic designation of the city of Troy located in the State of Montana. Thus, when the two



marks are compared "as a whole" or "in their entireties", as is required under Federal law and as is done by the Secretary of State of the State of Montana, the two names are virtually identical in sound, appearance and meaning.

(c) The intent of the Seventh-day Adventist Church in adopting the name SEVENTH-DAY ADVENTIST is evident from the Yearbook (Exhibit B, pp. 5-8) and from common knowledge of which administrative notice should be taken by the Secretary of State.

Upon information and belief, TROY SEVENTH-DAY ADVENTIST CHURCH was registered before the Montana Secretary of State by Les Balsiger, a past member of the Seventh-day Adventist Church who was disfellowshipped from the Troy Seventh-day Adventist Church of the Seventh-day Adventist Church. The Troy Seventh-day Adventist Church of the Seventh-day Adventist Church was closed several years ago and Les Balsiger is presently using the name TROY SEVENTH-DAY ADVENTIST CHURCH at least in phone listings appearing in the telephone companies of Citizens Communication Company and Hagadone Directories, Inc. (respective Exhibits C and D). The phone number listed in Exhibits C and D is believed to be that of a phone in Les Balsiger's residence. Such use of TROY SEVENTH-DAY ADVENTIST CHURCH by Mr. Les Balsiger is without approval, consent or license from the General Conference Corporation of Seventh-day Adventists and/or the General Conference of Seventh-day Adventists and clearly indicates the wrongful intent of registrant/user Les Balsiger.

(d) It is believed that Les Balsiger does not have a bona fide church and certainly is not licensed by the General Conference Corporation of Seventh-day Adventists to use SEVENTH-DAY ADVENTIST for a church, but should it be Les Balsiger's intention to so proceed, his activities under the name TROY SEVENTH-DAY ADVENTIST CHURCH would constitute infringement of U.S. Reg. No. 1,177,185 pursuant to 15 U.S.C. § 1114(1)(a), which reads in part:

"(1) 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."

(e) Presently the Seventh-day Adventist Church has no church in Troy, Montana, but it has churches in geographic proximate market areas, as set forth in paragraph 3 hereof.

(f) The nature and quality of the goods or services of the Seventh-day Adventist Church are apparent from this record, and obviously conducting services in 43,848 SEVENTH-DAY ADVENTIST Churches worldwide (Exhibit B, page 4), including every state of the United States, is reflective thereof.

Having been disfellowshipped by the Seventh-day Adventist Church, obviously the nature and quality of any goods or services offered or intended to be offered by Les Balsiger under the name TROY SEVENTH-DAY ADVENTIST CHURCH are in conflict with and are contrary to those of the Seventh-day Adventist Church.

(g) The level of sophistication of potential purchasers of the goods or services offered by the parties is extremely varied. However, a potential purchaser seeking to reach a church of the Seventh-day Adventist Church and looking in a telephone directory (Exhibits C and D) would be immediately deceived by the name TROY SEVENTH-DAY ADVENTIST CHURCH. One reading TROY SEVENTH-DAY ADVENTIST CHURCH in a telephone directory listing could only but assume it is a church of the Seventh-day Adventist Church, irrespective of the level (high or low) of sophistication of such potential purchaser/user.

(h) The objection presented by this contest is indeed timely having occurred immediately upon the undersigned being advised of the telephone listings of TROY SEVENTH-DAY ADVENTIST CHURCH appearing in the telephone directories of the latter-noted telephone companies, and the objections raised with respect thereto by Mr. John Loor, Jr., President of the Montana Conference of the Seventh-day Adventist Church, on March 5, 2002 (Exhibits E and F).

There has been no acquiescence to the use of the name TROY SEVENTH-DAY ADVENTIST CHURCH by the Seventh-day Adventist Church and it certainly would not be inequitable to prohibit its registration to Les Balsiger.

(i) The telephone listing of TROY SEVENTH-DAY ADVENTIST CHURCH is not "fair use", under either state or federal law, the latter requiring:



non-trademark use of a term "used fairly and in good faith." (Section 1115(b)(4) of the Lanham Act). Fair use must "not lead to customer confusion as to the source of the goods or services." Zatarians, Inc. v. Oak Grove Smokehouse, Inc., 698 F.2d 786, 791 (5<sup>th</sup> Cir. 1983).

The very intent of a telephone directory listing is to tell the public who the lister is, namely, an identifier of source.

There is nothing "fair" in deceiving the public through the latter-noted telephone listings.

Obviously, the Seventh-day Adventist Church has not "abandoned" the name SEVENTH-DAY ADVENTIST and "parodies" are not involved.

5. The Trademark Trial and Appeal Board of the United States Patent and Trademark Office in its majority decision (Exhibit G) of *Stocker and Perry v. General Conference Corporation of Seventh-day Adventists* in Cancellation Nos. 17,554 and 18,038 of April 25, 1994 concluded:

-- "that the primary significance to the relevant public of SEVENTH-DAY ADVENTIST is that of a trademark/service mark when used in connection with religious books and/or services."

The United States District Court, Southern District of Florida in *General Conference Corporation of Seventh-day Adventists and General Conference of Seventh-day Adventists v. Raphael (Rafael) Perez, d/b/a Eternal Gospel SDA Church, et al.*, Case No. 98-2940-CIV-KING, in its decision (Exhibit H) of April 27, 2000 held:

37. The Court finds that "SEVENTH-DAY ADVENTIST" has not become generic. The Plaintiff's surveys, as well as its use of the name, convince the Court that most of the public identifies "SEVENTH-DAY ADVENTIST" as the name of the Plaintiff Church and not a religion. Whether "SEVENTH-DAY ADVENTIST" is generic when used to refer to a religion, does not answer the question of whether it is generic when used as a church name by the Defendant Church. See Christian Science Bd. v. Evans, 520 A.2d at 1360 (Garibaldi, J. dissenting). The



A copy of this Notice of Contest with Exhibits has been deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Les Balsiger, P.O. Box 1888, 903 Lime Creek Road, Troy, Montana 59935.

*Vincent L. Ramik*

Vincent L. Ramik  
DILLER, RAMIK & WIGHT  
7345 McWhorter Place, Suite 101  
Annandale, Virginia 22003-5647  
Telephone 703-642-5705  
Fax 703-642-2117

Acknowledged before me at Annandale, VA, this 16<sup>th</sup> day of Sept, 2002.

*Walter R. Holloman*

Notary Public  
My Commission Expires: COM EXP DATE  
3/31/06



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 ERROR TX REPORT \*\*\*  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

Postage	\$ .49
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.65
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.49</b>

Postmark  
Here

COMPLETED

0374  
18003250642

07/24 10:52  
00'21

0  
NB

*Name Ferrell*  
*FAX: 931-692-3013 ←*  
*(3574)*  
*Jan M.*

*FAX: 618-627-2712*  
 STOP

Sent To *Diller, Ramik, & Wight, P.C.*  
 Street, Apt. No.,  
 or PO Box No. *7345 McWhorter Place Suite 101*  
 City, State, ZIP+4  
*Annandale, VA 22003-5647*

PS Form 3800, June 2002 See Reverse for Instructions

**Creation Seventh Day Adventist Church**

1162 Old Highway 45 South  
 Guys, Tennessee 38339-5216  
 731-239-8000  
[www.7th-day-adventist.org](http://www.7th-day-adventist.org)

July 22, 2005

Diller, Ramik, & Wight, P.C.  
 7345 McWhorter Place, Suite 101  
 Annandale, VA 22003-5647

Dear Sirs:

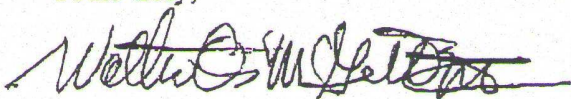
I have been informed that a certified letter sent from your firm is awaiting my receipt via signature at the Guys Post Office in Guys, Tennessee.

I have been traveling in a ministerial capacity since the middle of June, and my itinerary requires my presence in various parts of the Northwest and British Columbia until the first week of October.

Since you regularly represent the Seventh-day Adventist Church in cases of trademark conflicts, I assume you have sent me a "cease and desist" demand letter similar to the recent one posted to the DavidianSDA.org owner. This is a serious matter and important, not only to your client, but also to me, our constituency, and the Church world-wide.

The nature of my ministry does not allow for an alteration of pre-arranged engagements and commitments. Please do not conclude that I have been avoiding your service under any willful neglect. May this letter suffice to delay our dialogue until my return home in October.

Yours truly,



Walter O. McGill III, Pastor



**Creation Seventh Day Adventist Church**

1162 Old Highway 45 South  
Guys, Tennessee 38339-5216  
731-239-8000  
www.7th-day-adventist.org

October 21, 2005

Certified/Return Receipt

Diller, Ramik, & Wight, P.C.  
7345 McWhorter Place, Suite 101  
Annandale, VA 22003-5647

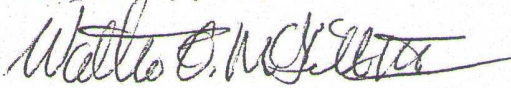
Dear Sirs:

I am in receipt of your cease and desist demand letter dated October 17, 2005, requiring me to dispense with all uses of the terms SEVENTH-DAY ADVENTIST and SDA in my religious activities (specifically listing certain Internet domain names in question). I am truly sorry for the apparent confusion on your part regarding our denomination and the Davidian SDA.org owner. For example, I have not communicated with you via email (April 5, 2005) as you suggest in the cease and desist letter. And further, we only own one of the domain names listed as contraband (viz., "7th-day-adventist.org"), and obviously, such name does not infringe on any known law (either divine or civil), as you suggest.

I have prayed for wisdom from my Heavenly Father. Since my use of the purportedly contraband term is "fair use", I cannot cease and desist according to your demands, (further considering that my Father in Heaven requires me to employ the name that He gave me in my exercise of faith, including personal and corporate worship and evangelistic efforts—"religious observances and missionary services"). I must also inform you that my heart is sealed with respect to my decision, and this upon pain of death, for I must never violate the dictates of my conscience.

I am truly sorry for any inconvenience or other encumbrance that my position may present for you and/or your client.

Respectfully yours,



Walter O. McGill III, Pastor  
Creation Seventh Day Adventist Church

cc: Walter Carson, Office of General Counsel  
General Conference of Seventh-day Adventists  
12501 Old Columbia Pike  
Silver Spring, MD 20904-6600

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
ANNANDALE VA 22003	
<b>OFFICIAL USE</b>	
Postage	\$ 0.37
Certified Fee	\$ 2.30
Return Receipt Fee (Endorsement Required)	\$ 1.75
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.42
7005 1820 0000 2299 3516	
0834 OCT 03 Postmark Here	
10/21/2005	
Sent To <u>Diller, Ramik, &amp; Wight, P.C.</u>	
Street, Apt. No.; or PO Box No. <u>7345 McWhorter Place, Suite 101</u>	



LAW OFFICE  
**DILLER, RAMIK & WIGHT**

PATENT & TRADEMARK CAUSES

SUITE 101

7345 MCWHORTER PLACE

ANNANDALE, VIRGINIA 22003-5647

TELEPHONE  
(703) 642-5705  
FACSIMILE  
(703) 642-2117

E-MAIL  
DRWPATENTLAW@AOL.COM

October 17, 2005

Certified/Return Receipt

Walter O. McGill III

Pastor

Creation Seventh Day Adventist Church

1162 Old Highway 45 South

Guys, Tennessee 38339-5216

Dear Mr. McGill:

We sent a cease and desist letter to you on July 12, 2005 via Davidian SDA which was returned to us "Unclaimed." Thereafter, we e-mailed the same cease and desist letter to you and completed and submitted your on-line form for preapproval. Presumably, preapproval was not granted even though on September 8, 2005 we e-mailed you again requesting confirmation of the receipt of our e-mailed cease and desist letter.

You told us by letter dated July 22, 2005 that you would "return home in October." We have enclosed another cease and desist letter and ask that you immediately comply therewith.

Very truly yours,

DILLER, RAMIK & WIGHT



Vincent L. Ramik

VLR/rja  
Enclosure



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Diller, Ramik, & Wight, P.C.  
 7345 McWhorter Place, Suite 101  
 Annandale, VA  
 22003-5647

2. Article Number (Transfer from service label) **7004 1350 0005 3936 2406**  
 Domestic Return Receipt  
 PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *R. J. Andreano*  
 B. Received by (Printed Name)  Add  
 C. Date of Delivery  Add  
*R. J. Andreano*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

102595-02-M-15

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Diller, Ramik, & Wight, P.C.  
 7345 McWhorter Place  
 Suite 101  
 Annandale, VA  
 22003 5647

2. Article Number (Transfer from serv) **7005 1820 0000 2299 3516**  
 Domestic Return Receipt  
 PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *W. Bellm*  
 B. Received by (Printed Name)  Add  
 C. Date of Delivery  Add  
*W. Bellm*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

102595-02

United States Postal Service

**Sorry We Missed You We'll Deliver for You**

Item is at:  Post Office (See back)  We will redeliver or you or your agent can pick up. See reverse.

Available for Pick-up After: *7/16/05*  
 Date: \_\_\_\_\_

Today's Date: *7/16/05*  
 Sender's Name: \_\_\_\_\_

For Delivery: (Enter total number of items delivered by service type)  
 For Notice Left: (Check applicable item)  
 Express Mail (We will attempt to deliver on the next delivery day unless you instruct the post office to hold it.)  
 Certified  
 Recorded Delivery  
 Firm Bill

Return Receipt for Merchandise Delivery Confirmation Signature Confirmation  
 Amount Due \$ \_\_\_\_\_

Article Requiring Payment  
 Postage Due  COD  Customs \$ \_\_\_\_\_

Final Notice: Article will be returned to sender on *7/30/05*  
 PS Form 3849, November 1999

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Walter Carson, Officer Gen Con  
 General Conference of SDA's  
 12501 Old Columbia Pike  
 Silver Spring, MD  
 20904-6600

2. Article Number (Transfer from service label) **7005 1820 0000 2299 3523**  
 Domestic Return Receipt  
 PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *Fred Thorne*  
 B. Received by (Printed Name)  Add  
 C. Date of Delivery  Add  
*Fred Thorne*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

102595-02-



LAW OFFICE  
**DILLER, RAMIK & WIGHT**

PATENT & TRADEMARK CAUSES

SUITE 101

7345 MCWHORTER PLACE

ANNANDALE, VIRGINIA 22003-5647

TELEPHONE  
(703) 642-5705  
FACSIMILE  
(703) 642-2117

E-MAIL  
DRWPATENTLAW@AOL.COM

October 17, 2005

Certified/Return Receipt

Walter O. McGill III

Pastor

Creation Seventh Day Adventist Church

1162 Old Hwy. 45

Guys, TN 38339

Re: Domain Names  
"7thdayadventistchurch.org"  
"seventhdayadventistchurch.net"  
"seventhdayadventistchurch.info"  
"7thdayadventist.info"  
"7th-day-adventist.org"  
Service Mark Infringement  
False Designation of Origin  
Unfair Competition  
Federal Dilution  
State Law Dilution  
Cybersquatting/Cyberpiracy

Dear Mr. McGill:

This follows receipt of your e-mail of April 5, 2005 and my e-mail reply thereto.

As I am sure you now know, we represent the Seventh-day Adventist Church and the General Conference Corporation of Seventh-day Adventists. The General Conference Corporation of Seventh-day Adventists is registrant of the marks ADVENTIST and SEVENTH-DAY ADVENTIST, as is evidenced by U.S. Reg. Nos. 1,177,185; 1,176,153 and 1,218,657.

Though not federally registered, the Church's acronym SDA has been held by the United States District Court for the Southern District of Florida (Case No. 98-2940-CIV-King) to have acquired "secondary meaning through the continuous usage thereof from 1860 forward . . . and, as such, the names SEVENTH-DAY ADVENTIST and Plaintiff's acronym SDA **must be protected fully as if the names were strong at inception.**" (Finding 24.) The



Florida court in the same Finding stated “the mark SEVENTH-DAY ADVENTIST and Plaintiff’s acronym SDA have become famous and synonymous with the good will and quality of the Seventh-day Adventist Church. Plaintiff has expended considerable effort and expense over the last 139 years in promoting its mark SEVENTH-DAY ADVENTIST and Plaintiff’s acronym SDA and the products and services associated therewith, and consequently **the mark is entitled to broad protection.**”

The registration and/or use by the Seventh-day Adventist Church of its ADVENTIST and SEVENTH-DAY ADVENTIST marks establishes the Church’s exclusive right to use these marks, 15 U.S.C. § 1115(a); *Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc.*, 758 F. Supp. 512, 522 [19 USPQ2d 1481] (E.D. Mo. 1991), *aff’d*, *Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc.*, 989 F.2d 985 [26 USPQ2d 1378] (8<sup>th</sup> Cir. 1993). This exclusive right empowers the Seventh-day Adventist Church to prevent third parties from using any name or mark that is likely to cause confusion, such as your domain name/website uses of the Church’s marks and Church name. 15 U.S.C. §§ 1114, 1116; *Green Products Co. v. Independence Corn By-Products Co.*, 992 F. Supp. 1070, 1075 (N.D. Iowa 1997).

In the course of our trademark/service mark enforcement monitoring of the internet we encountered the above-captioned domain names. Of these, “seventhdayadventistchurch.info” specifically identifies “davidiansda.org” as “Registrant Organization” while the registrant is said to be “Export” (see WHOIS of Network Solutions). “Export” is believed to be “Adon Export” who is so identified as the registrant of “seventhdayadventistchurch.net,” though again the registrant organization is “davidiansda.org”. Each of “7thdayadventistchurch.org” and “7thdayadventist.info” domain names identify registrant as Adon Export, though in neither of the latter is there reference specifically to “davidiansda.org”. However, when any one of the four latter-mentioned domain names is logged onto, one reaches directly or is linked to “davidiansda.org”.

The use of the Seventh-day Adventist Church’s registered ADVENTIST and SEVENTH-DAY ADVENTIST marks and/or the Church’s name in the above-captioned domain names constitutes any one or all of infringement, false designation of origin, unfair competition and dilution, all under Title 15 of the U.S. Code, as well as dilution under the anti-dilution laws of the State of California and/or Nevada. These domain names provide immediate initial likelihood of confusion because each provides immediate association with and/or sponsorship by the Seventh-day Adventist Church as the source of services/products associated therewith. These domain names also constitute cybersquatting/cyberpiracy under 15 U.S.C. § 1125(d)(1)(A) pursuant to the Anti-Cybersquatting Consumer Protection Act (ACPA). The very incorporation into the captioned domain names of the entirety of the Church’s ADVENTIST and SEVENTH-DAY ADVENTIST marks and names creates likelihood of confusion. Since your domain names are confusingly similar to and dilutive



of the common law and registered trademarks of the Seventh-day Adventist Church, your registration of these domain names, having clearly occurred with a "bad faith intent to profit from" the marks of the Seventh-day Adventist Church, constitutes cyberspiracy in violation of 15 U.S.C. § 1125(d).

We trust that it will be unnecessary to enjoin by way of civil action your inequitable and illegal usage of the Seventh-day Adventist Church's name and the Church's ADVENTIST and SEVENTH-DAY ADVENTIST marks, and upon receipt of this letter we trust that you will immediately cease and desist from using the latter expressions or any names, marks or phrases equivalent thereto in association with your domain name/website/home page/advertising and any and all of your activities.

Therefore, we are respectfully requesting you to immediately:

1. Cease and desist all use of "7thdayadventistchurch," "seventhdayadventistchurch," "7thdayadventist" and "7th-day-adventist," including the specific domain names "7thdayadventistchurch.org," "seventhdayadventistchurch.net," "seventhdayadventistchurch.info," "7thdayadventist.info," "7th-day-adventist.org" and any other words or phrases similar thereto and likely to be confused with the marks ADVENTIST and SEVENTH-DAY ADVENTIST and the Seventh-day Adventist Church name.
2. Agree to take any actions and/or execute any documents necessary to transfer the above-captioned domain names to the Seventh-day Adventist Church. The Seventh-day Adventist Church will agree to pay any transfer fee required by the domain registrar and will reimburse you for the registration fee paid for the current registration period, provided the transfer occurs within thirty (30) days of your receipt of this letter.
3. Cease and desist all usages of ADVENTIST, SEVENTH-DAY ADVENTIST and SDA and any other confusingly similar marks which are likely to be confused with and constitute an infringement of the trademarks/service marks of U.S. Reg. Nos. 1,177,185, 1,176,153 and 1,218,657.
4. Irrespective of your use of any domain name, cease and desist linking such domain name/URL/home page/website to the official website of the Seventh-day Adventist Church ([www.adventist.org](http://www.adventist.org)) or to any website of an organization or entity related to the Church, such as the Ellen G. White Estate website ([www.whiteestate.org](http://www.whiteestate.org)).