

Just a Name Or a ® Registered Trademark?

GC GENERAL COUNSEL EXPLORES
LEGALITIES OF USING THE NAME
“SEVENTH-DAY ADVENTIST CHURCH.”



BY SANDRA BLACKMER

Can anyone who says they're a Seventh-day Adventist use the church name in an official capacity? The General Conference Office of General Counsel—which provides legal counsel on issues such as employment, church assets, and protection of the church's name—says “No.” Adventist Review features editor Sandra Blackmer talks with general counsel Karnik Doukmetzian and associate general counsel Dionne A. Parker to explore the specifics of this increasingly complex issue.—Editors.

BLACKMER: What exactly does the term “registered trademark” mean?

PARKER: A trademark, registered or otherwise, includes any word, name, symbol, or device—or any combination—used or intended to be used in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. For example, the trademark “Adventist” is registered in specific areas such as missionary services, religious observances, education, and health care. So we have protection in those specific areas.

COMMENT: Ms. Parker does not mention “service marks,” but it is clear that she employs a mindset from the world as she applies the religious name “Adventist” (“Seventh Day Adventist”) to “identify and distinguish the goods of one manufacturer or seller from the goods manufactured or sold by others.” This forces the “church” into a “corporate business image” and requires a policy directed by commercial business principles contrary to the principles of Scripture. “**Take these things hence; make not my Father's house an house of merchandise.**” [John 2:16]

Also, notice what the co-founder of the Seventh-day Adventist Church penned, “Let the principle once be established in the United States that the church may employ or control the power of the state; that **religious observances** may be enforced by secular laws; in short, that the authority of church and state is to dominate the conscience, and the triumph of Rome in this country is assured.” [*The Great Controversy*, p. 581] Note also, what is written on page 201, “To protect liberty of conscience is the duty of the state, and this is the limit of its authority in matters of religion. Every secular government that attempts to regulate or enforce **religious observances** by civil authority is sacrificing the very principle for which the evangelical Christian so nobly struggled” [at the Diet of Spires in 1526].

And the light of a candle shall shine no more at all in thee; and the voice of the bridegroom and of the bride shall be heard no more at all in thee: for thy merchants were the great men of the earth; for by thy sorceries were all nations deceived.
[Revelation 18:23]

BLACKMER: Does the Adventist Church's registered trademark include just the church logo and the name “Seventh-day Adventist,” or does it involve more than that?

PARKER: The names “Seventh-day Adventist” and “Adventist,” and the church logo, are all registered trademarks. The acronym “SDA” is used with what's called common-law rights, meaning that the Adventist Church has been using it for a long period of time as a name that identifies our organization. So we have rights with that, as well.

COMMENT: No one will deny that the denomination has been using these names “for a long period of time.” However, the legal entity, establishing the Seventh-day Adventist Church, was not formed until 1863. This “legal organization” was founded with the specific purpose of “securing unity and efficiency in labor and promoting the general interest of the cause of present truth.” (General Conference Report, *RH*, May 26, 1863, pp. 204, 205) Nothing was mentioned about a need to prevent others from the use of the name.

It is important to understand that the “religion” predated the “legal organization,” and this should have been reason enough to prevent a viable trademark of the name. At the 1860 Battle Creek Conference of Sabbatarian Adventists, the decision was made to adopt an official name. James White made the suggestion that the name chosen “should be one which would be the least objectionable to the world at large.” (Battle Creek Conference Report, *RH*, Oct. 23, 1860, p. 179) Then the name “Seventh-day Adventists” (one of many already in use) was proposed as “a simple name and one expressive of our faith and position.” (*Ibid.*) It was adopted by those present at the conference, and E. G. White viewed it favorably writing, “the name Seventh-day Adventists 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 transgressor of God’s law, and will lead to repentance toward God, and faith in our Lord Jesus Christ.” (E. G. White, *TC*, No. 1, p. 224)

More importantly, the prophetess gave Divine authority to the action, stating that “We are Seventh-day Adventists. Are we ashamed of our name? We answer, ‘No, no! We are not. It is the name the Lord has given us. It points out the truth that is to be the test of the churches.’” [*Selected Messages Book 2*, p. 384]

I will close my comment on this question with an excerpt from the SDA Kinship decision in 1991.

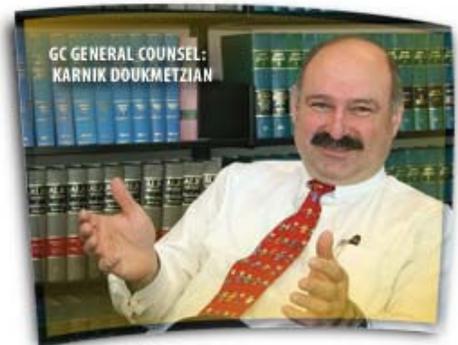
But the name “Seventh-day Adventist” was clearly in use prior to its adoption at the Battle Creek Conference, as evidenced by a letter published in the Review and Herald in 1859. 14 Review and Herald 103 (Aug. 18, 1859). The court finds, therefore, that Seventh-day Adventism, the religion, pre-existed the Seventh-day Adventist Church. (*Gen. Conference Corp. of Seventh-day Adventists v. Seventh-day Adventist Kinship, Int’l, Inc.*, No. CV 87-8113, 1991, page 13)

BLACKMER: Who has the legal right to use these trademarks?

PARKER: Any entity listed in *The Seventh-day Adventist Church Yearbook*. This includes the General Conference, divisions, unions, local conferences, local churches and companies, educational institutions, health-care institutions, and so forth. Lay and professional groups, however, must apply to the GC Office of General Counsel for a license to use the name “Seventh-day Adventist” and then wait for approval from administration.

DOUKMETZIAN: One thing to point out is that the General Conference Administrative Committee—the group that gives the ultimate approval for licenses to use the church name—doesn’t issue licenses to use the church logo. That use is restricted to official organizations, which don’t need additional permission.

To put trademark use into perspective, if someone were to take the golden arches of McDonald’s and put them up in a building and open up a business, it wouldn’t be long until McDonald’s would react to that, even if that person used only the logo—the golden arches. On the other side of that coin is the *name* “Mc-Donald’s.” You can’t open up a hamburger place and call it McDonald’s, although there have been a number of cases in which people have tried. If someone passes themselves off as McDonald’s, it impacts the company brand, its reputation, and the quality of the products McDonald’s is selling.



COMMENT: I find this comparison of McDonald’s hamburger fast-food restaurant with what is professedly “God’s Church” to be absurd, and even abhorrent. If our SDA pioneers knew of this

worldliness of administration, they would certainly not regard this “new order” to be Christ’s Church and neither do we.

PARKER: The same is true if somebody tries to pass themselves off as part of the official Seventh-day Adventist Church when, in fact, they’re not.

COMMENT: The fact is that few if any of the “independents” or small congregations using the name “Seventh Day Adventist” have tried “to pass themselves off as part of the official Seventh-day Adventist Church.” Certainly, the Creation 7th Day Adventists have never done so, and no legal document has recorded such deception, but to the contrary. According to the Judge:

“While the use of the mark was certainly knowing, there is no evidence that the Defendant intended to confuse the public into believing that his church was one of the Plaintiffs’. Rather, the proof supports the conclusion that they chose the name based on a divine revelation.” [*Order Granting in Part and Denying in Part the Plaintiff’s Motion for Summary Judgment*, p.22]

DOUKMETZIAN: It affects not only doctrinal issues but also charitable donations. If I’m attending a Seventh-day Adventist church, I expect certain rules and procedures to regulate what happens to the money I put into the offering plate. I also know there are specific doctrines held by the Adventist Church. But if there’s another organization that calls itself the Seventh-day Adventist Church but is not part of the organized church, I don’t know where my money is going or how it’s going to be spent. They also may be advocating or following doctrines different from those of the official church. It’s very important to protect the reputation of the church so people know they’re getting what they think they’re getting. The misuse of the church trademarks can cause a lot of confusion for the public.

COMMENT: What if the organization employing the name “Seventh Day Adventist” does not pass “the offering plate,” as is the case with the Creation Seventh Day Adventists? How are you going to give them your money? Besides, if you are so unstudied and apathetic that you do not know what church you are giving your money to, why would you be so particular about how it is being used?

On the subject of doctrines, “the official church” has deviated from original doctrine embraced and taught by the SDA pioneers. The religion practiced at the formation of the Seventh-day Adventist Church is not the same religion observed by the “new order” of “the official church.”

BLACKMER: Such as when a self-supporting but Adventist-run school uses the trademarks?

DOUKMETZIAN: If a self-supporting school were to include the name “Adventist” in its name, they would receive a letter from Dionne saying, “You’re not part of the officially recognized Seventh-day Adventist system; you don’t have the right to use this name. Please cease and desist.” Most people amicably concede at that point.

COMMENT: How divisive does it get? This “image beast” is telling its own adherents they are not “officially” part of the system of their membership. Even the Kinship Court debunked that notion. In the legal decision cited above, the court found members of a religion have rights to use the name of the religion they practice.

DOUKMETZIAN: There are times, though, when we have to go beyond that. Sometimes they ask permission to use the church trademark. At that point Dionne reviews the situation to determine how it would impact the church: What is it they do or advocate, and what are their functions and goals? That information is then forwarded to the General Conference Administrative Committee, and a decision is then made whether to grant them a license to use the trademark and how that mark is to be used.

PARKER: They also have to provide a letter of recommendation from their conference, a statement of their mission and objectives, and affirmation that their board members are members of the church in regular standing.

COMMENT: This procedure is directly opposed to the principles of Scripture and the Spirit of Prophecy.

BLACKMER: Are there restrictions as to how and where the church trademarks can be used?

DOUKMETZIAN: They can't be used to generate profit. And when a registered trademark such as the logo is used, it must be used with the appropriate recognitions. For example, the letter "R" with a circle around it [®] showing that it's a registered trademark.

COMMENT: Another requirement borne from business policy and corporate image enhancement.

BLACKMER: But it can be used by appropriate entities on letterhead, Web sites, signs, the sides of conference-owned moving vans?

DOUKMETZIAN: In general, yes.

PARKER: We run into sticky points with ministries that may be supported by the local church. For example, there's a church that was running a healthful living center, but when the woman working with the program decided to take it over and run it herself, problems arose. When the ministry was under the umbrella of the church, they didn't need a license agreement. Once it moved away from the church, the church didn't want the organization to use the church's trademark anymore. So we had to ask the woman to stop using the trademark, even though in the past she had been able to do so.



DOUKMETZIAN: A church member may feel, "Well, I'm a member of the church, therefore, I should be entitled to use the name 'Adventist,'" but that's not necessarily the case. An individual cannot use the name of the church in promoting his or her own business, for example.

COMMENT: A ministry is not supposed to be a "business." It is the LORD's business, and therefore not intended for personal gain. Anyone who is a member must have all the rights afforded other members.

BLACKMER: How frequently do you deal with a situation in which an individual or a group is using the trademark inappropriately?

DOUKMETZIAN: Almost every day.

PARKER: Right now we probably have more than 60 open issues.

COMMENT: This is unbelievable. The cost of such "police action" must be staggering.

DOUKMETZIAN: Dionne does a regular search—both in corporate name and domain name registrations. We get reports every time someone registers a corporate name or uses a name or a domain name with any of the variations or names that we monitor.

PARKER: We also have a company that provides us with trademark monitoring worldwide, so we keep a pretty good finger on the pulse of what's going on in terms of using the church's name. The church's name is also well-known outside of North America, but trademarks, in general, are not as well-protected in other world regions.

COMMENT: These people operate as a modern-day “Papal inquisition.”

BLACKMER: How do you enforce trademark restrictions?

DOUKMETZIAN: More and more governments are putting rules and laws in place to protect trademarks. As the world shrinks and corporations expand around the world, they want to protect their name and reputation so that someone else is not trying to pass themselves off as the corporation. The same thing applies to the church.

We’ve had some high-profile cases in which individuals have broken off from the official church and started their own churches using the “Seventh-day Adventist” name, and we’ve had to enforce the church’s rights. At times we’re misunderstood when we go into the court system to enforce that right, but that’s the ultimate step for us, a step we don’t take lightly. We’d much rather resolve these issues well before they get to that point. But if individuals or organizations insist even after we have counseled with them, we need to do the best we can to protect the church’s name from misuse and confusion.

COMMENT: This policy is a flagrant violation of the keeping of Sabbath, because God’s children trust Him for protection and not the world. Look at just one reference from the Spirit of Prophecy.

The world and unconverted church members are in sympathy. Some when God reproves them for wanting their own way, make the world their confidence, and bring church matters before the world for decision. Then there is collision and strife, and Christ is crucified afresh, and put to open shame. Those church members who appeal to the courts of the world show that they have chosen the world as their judge, and their names are registered in heaven as one with unbelievers. (3SM, pp. 302, 303)

PARKER: Litigation is always a last resort. In the four years I’ve been here we’ve filed three lawsuits; two of them settled almost immediately. We have a pretty good track record that speaks loudly to the fact that we really try not to sue people. But at the same time, we’re very firm about making sure we protect the church’s name.

COMMENT: The only one unresolved is the lawsuit against Creation Seventh Day Adventists. They do not actually “try not to sue people,” but the fact is that most who are attacked by them do not have money to fight or are afraid of the image of the corporation, or both. All who stand up to them will be sued.

BLACKMER: Some people might say, “Why are you spending all that money taking people to court?” How would you respond?

DOUKMETZIAN: If we didn’t, the cost to the church—financial and otherwise—would be much greater.

COMMENT: Is this true? At best, this is a “don’t know thought.” What does God have to say about it? “**Heal the sick, cleanse the lepers, raise the dead, cast out devils: freely ye have received, freely give.**” [Matt. 10:8]

Common sense dictates that if the Adventist Church has not been financially burdened (or “otherwise”) in the nearly 20 years that Creation Seventh Day Adventists have been operating (see the legal record), such cost as he claims should not be expected in the future.

PARKER: With trademarks, if you don’t protect your rights, you lose them. If we can’t identify ourselves as Seventh-day Adventists and be distinct from the world—which is what we’re supposed to be doing—then we’re going to have a problem. If we call ourselves Seventh-day Adventists and we believe X, but these people over here call themselves Seventh-day Adventists and they believe Y, we’ve lost our identity and created confusion and misunderstanding with the public.

COMMENT: The Scriptures and the Spirit of Prophecy have instructed us how to protect our name and avoid confusion. That is, by living a Christian life of purity before the world. If the leadership of this organization was practicing apostolic Christianity, there would be no confusion.

PARKER: A perfect example of this is the Baptist Church. The Baptists didn't do anything to protect their name, and pretty much anybody now can start a Baptist church and believe anything they want, and there's nothing that the National Baptist Convention can do about it because they never made the effort when they should have to protect their name.

COMMENT: Has this caused a problem for the National Baptist Convention, the Southern Baptist Convention, the American Baptist Convention, or the Free-will Baptists and the Missionary Baptists? Of course not! These organizations, though part of the "harlot daughters," are more "Christian" in their view of religious liberty than the General Conference of SDA.

BLACKMER: Is there anything else you would like to add?

DOUKMETZIAN: I want to emphasize that we follow the Matthew 18 principle. We go to the people who are using the trademarks inappropriately or without authorization and try to reason with them. It's only when everything else fails that we take the extreme step of taking them to court. It's not what we want to do; but, ultimately, it's the last recourse we have. The kind of publicity the church wants is not what we get when a news crew shows up in a courthouse when we're trying to enforce the church's right to protect its name. But sometimes we have no other recourse.

COMMENT: They want you to believe that they are following Scriptural principles when they are deceiving themselves as well as others. What does the Bible teach about the "unauthorized" use of Christ's name?

And John answered and said, Master, we saw one casting out devils in thy name; and we forbad him, because he followeth not with us. And Jesus said unto him, Forbid him not: for he that is not against us is for us. (Luke 9:49, 50)

The proposition here is not the Matthew 18 principle. Even the most unstudied of professed Bible students is aware of no verse that includes the civil courts as a step of gospel order. Rather, the Scriptural question is "why do ye not rather take wrong? why do ye not rather suffer yourselves to be defrauded?" [1 Corinthians 6:7]

The only principle of Matthew 18 being employed in this course of action is that of the wicked servant in verses 28-35. In the course of the action against the Creation 7th Day Adventists, not one attempt has been made to reason with us despite our requests, and not one doctrinal paper has been published that did not come from our sources. Their first and only correspondence throughout has been authored, not by Adventist leadership, nor even Adventist members, but from the secular lawyers under their hire.

One last piece of information is germane to our discussion. It was on May 25, 2010 in Jackson, TN when the "news crew show[ed] up in a courthouse when [they were] trying to enforce the church's right to protect its name" against the Creation 7th Day Adventists. That is evidently why they chose to publish this article very quickly for "damage control" in case the news spread nationally. You can search *all* of the Adventist publications and not find one article on the lawsuit styled as *Gen. Conf. Corp. v. McGill et al.* They have not wanted you to know about this one.

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