

SDA Trademark Wars

UPDATE!

The following letter is presented unedited, and represents a perspective several years old. Since the time of its writing, the Seventh-day Adventist Church's legal persecutions have continued unabated. The Creation 7th Day Adventist Church has most recently been persecuted, culminating in jail time for members. For the latest updates on the trademark litigations, please visit [SDA Trademark Alert](#).

A Davidian Perspective by Don Adair

P. O. Box 450
Salem, S. Carolina 29676

TRADEMARKING THE NAME OF "SEVENTH-DAY ADVENTISTS"

The General Conference Corporation of Seventh-day Adventists, not the General Conference Seventh-day Adventist church, has trademarked their name "Seventh-day Adventist" (registered No. 1,177,185). This Corporation has non-religious holdings, such as hospitals, insurance businesses, book stores, schools, lumber mills, printing plants, etc. and also churches. They claim that the purposes of their trademark is to protect their good name; but it includes more than this. That is why their Corporation has added these words to their registered trademark: "conducting religious observances and missionary service (under) class 42 (U.S. cl. 100)." Thus, their real motive is not to stop anyone from tarnishing their good name, but to stop anyone from using it, and from holding religious services on the Sabbath day! Those members who protest are told that it is the Corporation, not the church, that is suing other Seventh-day Adventists. Their objective, therefore, is two-fold - an open objective and a hidden one.

That is, in pretended righteousness they say their open objective is to protect their good name from being used by SDA "offshoots" and Davidian "upshoots". But their hidden objective is to protect their money-extortion program from being disrupted by the shaking. By their declaration of war against the SRod through the help of worldly lawyers to trademark their name, they hope they can

stop Davidians from saying that they are Seventh-day Adventists. But they are "blind", and openly crucify Christ afresh!

SDA HIRE WORLDLY LAWYERS - CRUCIFY CHRIST AFRESH!

"When troubles (by the shakings) arise in the church we (General Conference leaders of the SDA church) should not go for help to lawyers not of our faith {to trademark the SDA name}. . . They show that they have chosen the world as their judge, . . . Christ is crucified afresh, and put to open shame" *3 Selected Messages*, pg. 299:1, 2--by EGW (boldings, braces were added).

"Matters have been presented before me that have filled my soul with keen anguish. I saw {SDA}men linking up arm in arm with {worldly} lawyers, but God was not in their company. Having many ideas regarding the work {to set up 'celebration' churches and stop Davidians}, they go to the {worldly} lawyers for help to carry out their plans {to trademark their name}. I am commissioned to say to such that they are not moving under the inspiration of the Spirit of God. 'Is it not because there is not a God in Israel, that ye go to inquire of Beelzebub the god of Ekron?' 2 Kings 1:3. Men in responsible position {SDA leaders} are uniting with those in the church and out of the church, whose counsel is misleading." *8 Testimonies*, pg. 69:2,3--by EGW (bolds, braces added).

The "blind" General Conference leaders of God's church do not see that Satan led them to crucify Christ afresh, by fostering these two outstanding blasphemous abominations.

1. He led them to set up a money-extortion program to defile the Sabbath.
2. And he led them to defend this Sabbath-breaking program by using God's tithe money to hire worldly lawyers to trademark the name of His church Seventh-day Adventists.

SDA USE TRADEMARK TO STOP WORK OF SEALING 144,000

Ever since the first SRod book was printed in 1930, the SDA leaders have tried to silence Christ's third rebuke by casting Davidians out of their churches to stop Elijah's message-angel of sealing the 144,000 and those "with" them. And now, by their trademark war, which they hope will silence forever the "cry" of the SRod, and terminate its work, they have exposed their desire to crucify Christ by worldly lawyers. A faithful Seventh-day Adventist lawyer, however, would

remember Jesus' words, "Woe unto you, lawyers!", and he would refuse to work for the General Conference leaders to go to law and trademark the name of God's last true remnant church Seventh-day Adventists. That, of course, is why the General Conference Corporation was forced to hire worldly lawyers to do a work that Jesus strictly condemned! And these lawyers may have advised them to close down an "offshoot" independent SDA church, by which to set a precedence. They did this in Hawaii in 1987:

SDA USE TRADEMARK NAME TO CLOSE HAWAII CHURCH

The Seventh-day Adventists' corporation filed suit in federal court yesterday, asking that a Kaiua-Kona church stop using the name 'Seventh-day Adventist.'

"The suit by the General Conference Corporation of Seventh-day Adventist is against the 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 Adventist' since 1860 and has grown to a membership of more than 4.5 million {1987} in 200 countries with about 10,000 ordained ministers and about 15,000 churches.

"The suit said the corporation is the owner of the U.S. Trademark and Service Mark registration of the name 'Seventh-day Adventist.'" *Honolulu Star*, April 10, 1987 (bolds, braces added).

It was Judge Foley in Honolulu who ruled in favor of the General Conference SDA Corporation; which revealed what they intended to do anyone using their name, Seventh-day Adventists:

DEFENDANTS ARE HEREBY ORDERED

1. to deliver up to Plaintiff for destruction all labels, signs, prints, advertising materials, literature, packages, wrappers and other materials in the possession or custody of the Defendants, or any of them, or under their control, bearing the term "SEVENTH-DAY ADVENTIST", or is a simulation reproduction, counterfeit, copy, colorable imitation, abbreviation (including, without limitation, the abbreviation "SDA" and colorable imitations of "SDA"), or other designation thereof, and all plates, molds, matrices and other means of making the same; and

2. to file with this Court and to serve on the Plaintiff within thirty (30) days after service of this Judgment and permanent Injunction, a written report under oath setting forth in detail the manner and form in which the Defendants have complied with this injunction. DATED: Honolulu, Hawaii, November 30, 1987

/S/Roger D. Foley
Judge of the Above-Entitled Court

The Seventh-day Adventist Corporation won their lawsuit against these SDA believers in Hawaii who had a small church, and closed it down. Later in 1988 they were challenged by three adventist organizations: (1) The Davidian Seventh-day Adventists in Missouri; (2) The General Association of Davidian Seventh-day Adventists at P. O. Box 450, Salem, So. Carolina 29676, which is also Mt. Carmel Center at 282 Davidian Way, Tamassee, So. Car. 29686; and (3) the "Universal Publishing Association" in New York. They filed in California an "**Amicus Curie brief**" in the United States Court of Appeals for the Ninth Court. The hearing took place on May 11, 1989, and concluded with an opinion on Oct. 6, 1989:

CONCLUSION OF THE HEARING IN A CALIFORNIA COURT

"General Conference Corporation of Seventh-day Adventists,
"Plaintiff--Appellee,
"V.

"Seventh-day Adventist Congregational Church;
John R. Marik,
"Defendants-Appellants."

On October 6, 1989 an "OPINION from the United States Court of Appeals for the Ninth Circuit" was issued' and lawyers for the "Defendants-Appellants" issued their summary:

"CONCLUSION

"The judgment on the pleadings in favor of plaintiff is REVERSED, and the cause is REMANDED to the district court for further proceedings."

The "opinion" of the California Court ruled in favor of the "defendants" (SDA independent church in Hawaii), which "reversed" the "pleadings in favor of" the General Conference.

SDA TRADEMARKED NAME WAS TEMPORARILY REVERSED

The fact, however, that the name Seventh-day Adventist, being trademarked by the General Conference Corporation, was challenged and temporarily defeated (REVERSED), does not necessarily mean that they will abandon the use of their trademarked name to sue other Seventh-day Adventists. They can still take action, because their case was "REMANDED" to the district court for further proceedings." If they should proceed through the "district court" (which they will in all probability do), they have a good chance of winning the case, and be permitted by law to close down all the churches that use their name. That, of course, is exactly what they did.

SDA CONTINUE CLOSING CHURCHES IN OTHER STATES

In the mean time, the General Conference Corporation continued to close down other independent churches who use the name Seventh-day Adventist; and the extent of what they intended to do is noted in the orders of Judge Foley in Honolulu. They first attacked small groups to see what lawful means they would employ to defend themselves, and what arguments they might use, one of which is this: "the name Seventh-day Adventist cannot be trademarked, because it is generic." By winning these lawsuits, it would make it easier for them to have a better chance to win against other larger groups. And then, by the use of the "arm of the law," they could close down any organization, or association, or church, if they do not stop using the name Seventh-day Adventist. Since, however, their trademark name was not yet cleared by the courts, they could not expect to win every case.

In 1991 a lawsuit was brought against a homosexual organization who called themselves "*TheSeventh-day Adventist Kinship International, Inc.*" But the General Conference Church Corporation lost that case, because the court ruled that the "Kinship" is a social not a worship group. Obviously, they use the name Seventh-day Adventist is to invite the lesbians and homosexuals in that church to join their "Kinship" group.

W. L. PERRY FILES PETITION AGAINST TRADEMARK NAME

And though most members did nothing about their name being trademarked, there was a retired SDA brother in Pennsylvania named W.L. Perry, who fought hard against the Seventh-day Adventist Church Corporation, along with an SDA attorney Max A. Corbett. Bro. Perry filed a petition for a hearing to take place in Virginia against the SDA trademark. The following is a summary of some major points in the petition which he submitted to the court:

SUMMARY:

- 1. The name Seventh-day Adventist is GENERIC.**
- 2. Records show the trademark name signifies a category or class of religion which cannot be trademarked.**
- 3. It is customarily associated with an expression or practice of a religion.**
- 4. The SDA Church Corporation had never before objected to their name being used by other groups and ministries; not until 1981 when they trademarked their name. And then it was not until 1987 that they sued in the Hawaii case.**
- 5. No alternative name exists which adequately describes an adherent to the beliefs of "Seventh-day Adventism" in publication names, religious observances or missionary services.**
- 6. And the list goes on with other minor points.**

Those attending the hearing in Pennsylvania on June 7, 1993 to oppose the trademark name was Bro. Tony Hibbert, who represented the Davidians of the New York association; and the author of this book [Don Adair], who represented the Davidians of the Salem Association; also Bro. Burec, who represented the Seventh-day Adventist Reform Movement. At the hearing we each submitted depositions and religious literature using the name Seventh-day Adventist. The court and the Attorney for the SDA Church Corporation were impressed with the Salem Association's published books *Shepherd's Rod Series* and *Symbolic Code Series*, compared with the few loose tracts submitted to the court by others.

TRADEMARK ISSUE GOES BEFORE THE APPEAL BOARD

Later, the General Conference Church Corporation continued to pursue the trademarking of their name at another court. This time Bro. Perry decided to approach the problem from another angle. By the information he received from attorneys who were advising him, he petitioned the Trademark Commission for cancellation of the part of the trademarked name that included "religious publications, religious observations, and missionary services." At the time this

petition was registered to go before the "Trademark Trial and Appeal Board," the laws governing trademarks were different, which held it up. It was not until February of 1996 that the three judges on the appeal Board rendered a decision: One judge was Judge G.D. Hohein; he voted in favor of Bro. Perry's petition to cancel the trademark name of Seventh-day Adventist. And the other two judges were Judge R.F. Cissel and Judge T.J. Quinn; they voted against the cancellation of the trademark name. Their decision, however, could be appealed before a higher court of the "Federal Circuit Court of Appeals."

DAVIDIANS NOTIFIED OF DEADLINE TO FILE AN APPEAL

The filing date for this appeal had to be submitted before April 15, 1996; but we were not told about this news until two weeks before the deadline! It was Bro. Burec who represented the *Seventh-day Adventist Reform Movement* in Virginia that sent us paperwork about the news, and informed us by phone of the need to appeal right away before the 15th of April. We were also told that we should hire the law firm in Washington D.C. to file our appeal, because they had won the "Kinship" case and would know what to do; but they wanted a \$25,000 retainer fee. It was during this time that I went on a field trip to Virginia (April 5-11, 1996); so Sis. Marilyn Adair called the other Davidian associations to see if the money could be raised for the appeal. And Bro. Tony Hibbert said that he would make the appeal. He asked everyone to send him money to hire a lawyer in Florida who would file our appeal for a lot less money than \$25,000, and we sent him money.

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SDA CORPORATION WON TRADEMARK NAME BY LAW

Later, I read in a SDA publication that the General Conference Corporation had won their trademark case on Dec. 16, 1996! This surprised me, because Bro. Hibbert told Davidians he had a lawyer filing an appeal; but I learned he was not a trademark attorney. Some Davidians said he did not file the appeal properly, or did not file it at all; and others said Bro. Hibbert tried to get an extension of time to refile the appeal, but the court refused. So I talked to him on the phone, and he said it was true. He also said that his lawyer returned their money, and he would return our money, which he finally did. Now we knew that they can use the "arm of the law" to prosecute anyone who uses their name.

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"BLIND" SDA LEADERS DO NOT REALIZE WHAT THEY DID

As for the legally trademarked name granted to the General Conference Corporation, now they have another weapon to fight against the SRod message, besides their lies, to have Davidians cast out of the church. Now they can legally restrict the religious freedom of all Seventh-day Adventists, and deny them their right to use that name to keep them from studying the SRod message for themselves and receive the seal. But they are "blind" and do not realize the terrible consequences which must result from a judicial decision in their favor, and the impact it will have in favor of the "man" whose number is "666"! They do not see that while they are warning the Protestant Churches to beware of the man 666, they are unwittingly using their trademarked name to initiate the basic principle of religious intolerance. And this they have done by opening the way for the major Sunday churches to follow their unscrupulous example, and restrict the religious freedoms of the minority churches.

And this will make them responsible for the healing of the "deadly wound" on the leopard-like beast! The General Conference Corporation, therefore, cannot see that the trademarking of their name has set a precedence of religious intolerance, which will one day "spread into Babylon"(Protestant Churches in confusion); and continue to spread after these leaders have died in the slaughter of Ezekiel 9. Then the false prophet, will influence the voting public to "make an image to the beast" by giving the man "666" the dictatorial power to restrict all religious freedoms in America, and force everyone by a death decree to worship the devil's image-beast, or be killed!

SDA TRADEMARKED NAME REVIVES RELIGIOUS BIGOTRY

But why would the General Conference Corporation commit such a terrible crime? crucify Jesus by their trademark name, and also heal the "deadly wound." And why would they try to revive the papal spirit (religious intolerance)? while they warn other churches by the third angel's message not to worship the "beast and his image"! Because they are "blind", which leads them to erroneously conclude that they must protect their money-extortion program at all costs; even if they must disobey Sis. White's admonition not to hire worldly lawyers to trademark their name, making them guilty of crucifying Christ

afresh. But why? because they are "deceived", and believe that the "ends justifies the means"! They think God will bless their extortion money if they use it to preach the third angel's message; and trademark their name to obstruct the sealing work and silence Jesus' third rebuke, which strictly condemns their Sabbath-breaking extortion-program!

And now that the SDA leadership have their name trademarked, they will intensify their Laodicean war against Jesus' third rebuke by persecuting the Davidians, which they think is right for them to do. Instead, they are "all wrong", because they are like Saul of Tarsus who believe that they are only persecuting Davidians; but they have crucified Jesus afresh, and are persecuting Him in the form of Truth The Shepherd's Rod message! Unlike Paul, however, who repented, they refuse to "repent" of believing that they need no more truth. As a result, they are warring against the marking and sealing of the 144,000.

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THE SALEM DAVIDIANS ACQUIRE THEIR OWN TRADEMARK

Now that the General Conference Corporation has won their trademark case, they will, of course, use the "arm of the law" to enforce the full penalty of the law upon all Seventh-day Adventists who would dare use their name. And especially does this Goliath Corporation expect to continue their war against the sealing of the 144,000, by inflicting if they can, even more severe penalties upon the Davidians. It was for this reason that we at the Salem Headquarters did what little we could during the time of the appeal, by acquiring trademarks of our own in the State of So. Carolina; which we had copyrighted in Washington, D.C. at the Library of Congress.

Our first trademark is on the left side above. It clearly identifies us as "THE GENERALASSOCIATION OF DAVIDIAN UPSHOOTS cast out of the church of." The name of that church is at the bottom "SEVENTH-DAY ADVENTISTS." As for the trademark on the right side above, this is how we would use it: If anyone in the SDA church should try to trap us into saying we are Seventh-day Adventists (to bring us to court), by asking us this question: "Are you a Seventh-day Adventist," then we can tell them this: "I believe the Sabbath, the 2300-dayprophecy, three angel's messages, the Spirit of prophecy by E.G. White, and dress and health reform, etc., therefore "I can't believe I'm not a Seventh-day Adventist!"

GOLIATH COMES AGAINST DAVIDIANS WITH A SWORD

It may be in 1997 that the giant Goliath General Conference Corporation, will find some way to bring against us the "arm of the law." But they cannot come against us in the name of the Lord, for they have hired lawyers of the "world" to trademark the name of His church, which crucified us with a "sword" in the name of a court of law to enforce their trademark name. And what defense will we Salem Davidians have? Certainly not our trademarks or copyrights and logos.

End of A Davidian Perspective by Don Adair