



SEVENTH-DAY
ADVENTIST[®]
CHURCH

General Conference
World Headquarters

Office of General Counsel

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November 1, 2011

VIA CERTIFIED MAIL

Pastor Joel Laswell
P.O. Box 4285
Battle Creek, MI 49016-4285

**FOR SETTLEMENT PURPOSES
ONLY, WITHOUT PREJUDICE**

Re: "Battle Creek Gospel Fellowship of Historic Seventh-day Adventists"
Trademark/Service Mark Infringement
False Designation of Origin
Unfair Competition
Dilution
SEVENTH-DAY ADVENTIST - U.S. Reg. No. 1,177,185
ADVENTIST - U.S. Reg. Nos. 1,176,153 and 1,218,657

Dear Pastor Laswell:

The General Conference Corporation of Seventh-day Adventists, Office of General Counsel represents the Seventh-day Adventist Church ("the Church") in its legal matters, including protection of its intellectual property. In 1981, the Church obtained trademark/service mark protection for "ADVENTIST[®]" and "SEVENTH-DAY ADVENTIST[®]" as evidenced by U.S. Reg. Nos. 1,177,185, 1,176,153, and 1,218,657, copies of which are enclosed; and has obtained common law intellectual property rights in the name SDA[™]. These registrations and the continuous use of these marks since 1861, establish the Church's exclusive right to use these marks. This right allows the Church to prevent third parties from using any similar name or mark that is likely to cause confusion, such as the name currently being used by your group: "Battle Creek Gospel Fellowship of Historic Seventh-day Adventists."

It is our understanding that your church is a self-supporting church and is functioning apart from the local Seventh-day Adventist[®] conference. Since your group is not a member of the sisterhood of Seventh-day Adventist[®] Churches, your use of our Church's trademarks to identify your religious organization is unauthorized.

Surely you are aware of the century-old usage of SEVENTH-DAY ADVENTIST[®] by the Seventh-day Adventist[®] Church, however you may not be aware that in *General Conference Corporation of Seventh-day Adventist et al. v. Raphael Perez et al.*, 97 F. Supp. 2d 1154 (S.D. Fla. 2000), Judge James Lawrence King Jr. determined the name/mark SEVENTH-DAY ADVENTIST[®] and equivalents thereof are "famous."

The Trademark (Lanham) Act, 15 U.S.C. § 1125 (c) (i) states is pertinent part:

Mr. Joel Laswell, Pastor
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The owner of a famous mark shall be entitled ... to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the famous mark, and to obtain such other relief as is provided in this subsection.

Judge King held SEVENTH-DAY ADVENTIST[®] has acquired "secondary meaning through the continuous use 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.) In the same Finding the court stated "the mark SEVENTH-DAY ADVENTIST[®] and Plaintiff's acronym SDA has become famous and synonymous with the good will and quality of the Seventh-day Adventist[®] Church... and consequently the mark is entitled to broad protection."

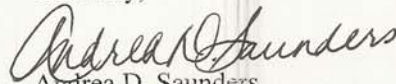
Your use of our Church's registered mark is a violation of state and federal law because it is the same or confusingly similar to, and dilutive of, the Church's marks. The name of your organization "Battle Creek Gospel Fellowship of Historic Seventh-day Adventists" constitutes any one or all of infringement, false designation of origin, unfair competition and federal dilution, under the trademark Lanham Act, as well as dilution under most anti-dilution laws of the individual states of the United States. The name of your religious organization causes immediate initial likelihood of confusion because a person immediately associates your name directly with sponsorship by the Seventh-day Adventist Church[®].

We have brought this matter to your attention in order to request that you immediately cease and desist from using the registered mark of the Seventh-day Adventist[®] Church; and that you change the name of your organization to something that is not infringing on the Church's intellectual property rights. In choosing your new identification, please understand that ADVENTIST[®] in any form is also unavailable for use in identifying your religious organization.

Kindly confirm your compliance with these demands by removing all uses of ADVENTIST[®], SEVENTH-DAY ADVENTIST[®], and SDA[™] from any signage, literature, domain names, websites, brochures, and from any other place, location or other use. Further, please confirm your compliance with the demands made in this letter by responding to my office within thirty (30) days of receipt of this letter.

This letter is written without prejudice to all further rights of the Seventh-day Adventist[®] Church including, but not by way of limitation, the right to ADVENTIST[®], SEVENTH-DAY ADVENTIST[®], and SDA[™] in any manner in association with your activities.

Sincerely,


Andrea D. Saunders
Associate General Counsel

Enclosures

Int. Cls.: 41 and 42

Prior U.S. Cls.: 100 and 107

United States Patent and Trademark Office

Reg. No. 1,218,657

Registered Nov. 30, 1982

SERVICE MARK
Principal Register

ADVENTIST

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

For: EDUCATIONAL INSTRUCTION SER-
VICES IN ACADEMICS AT GRADE SCHOOL,
HIGH SCHOOL AND COLLEGE LEVELS, in
CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: RELIGIOUS OBSERVANCES AND MIS-

SIONARY SERVICES, in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Owner of U.S. Reg. Nos. 1,171,760, 1,172,224,
1,176,153 and 1,177,185.

Sec. 2(f).

Ser. No. 312,118, filed May 22, 1981.

CARLISLE WALTERS, Examining Attorney

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

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

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

United States Patent and Trademark Office

Reg. No. 1,176,153

Registered Nov. 3, 1981

**TRADEMARK
SERVICE MARK**
Principal Register

ADVENTIST

The 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, 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: 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, in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Ser. No. 261,132, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner