

1 TRE/OGC/PolRev&Dev/ADCOM/Corp/SecC/TreC/GCDO03AC/03AC to LRE(DIV)

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3 252-03G TRADEMARK PROTECTION PROCEDURES
4 (SEVENTH-DAY ADVENTIST TRADEMARK POLICY) -
5 POLICY AMENDMENT
6

7 VOTED, To amend BA 35 50, Trademark Protection Procedures, to read as follows:
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9 BA 35 50 Trademark Protection Procedures—It is the responsibility of every
10 organizational entity, at all levels of the Seventh-day Adventist Church, to ~~exercise protection of~~
11 ~~the Seventh-day Adventist name.~~ protect the name Seventh-day Adventist (or its equivalent in
12 other languages). Any unauthorized use of the name (see BA 35 05) shall be reported to the
13 officers of the division. The division, in cooperation with the reporting entity, shall attempt to
14 obtain a simple remedy. If this is not successful, the division shall advise the General
15 Conference Corporation of the matter who, through its counsel, will work with the division to
16 resolve the issue.

17
18 If all attempts to bring resolution fail, and it is determined that legal action is required to
19 protect the name Seventh-day Adventist, the reporting entity, in cooperation with the division
20 and in consultation with the General Conference Corporation Counsel may recommend redress
21 through the courts.

22
23 Prior to the initiation of legal action, the appropriate administrative committees of each
24 entity involved in legal proceedings to protect the name are to officially record approval. Unless
25 another organization agrees in writing to bear legal costs, the entity initiating legal action will be
26 responsible for such costs. Information regarding the matter should be disseminated to church
27 members and other interested parties in order to keep them informed regarding the case and
28 eliminate or reduce criticism of the church for initiating legal action.

29
30 ~~appropriate division and counsel taken regarding steps to be followed. If a simple remedy is not~~
31 ~~successful in correcting the misuse, and the appropriate church committee/board subsequently~~
32 ~~takes action approving a course that will lead to litigation, if necessary, the following steps shall~~
33 ~~be taken:~~

34
35 1. ~~When the trademark interests in the Seventh-day Adventist name are threatened in~~
36 ~~a division, the division officers shall consult with the local conferences/missions, union~~
37 ~~conferences/missions, and/or institutions affected. After appropriate consultation, the division~~
38 ~~administrative committee shall notify the General Conference Administrative Committee and the~~
39 ~~Office of General Counsel that the division is ready to recommend Trademark Protection~~
40 ~~Procedures as outlined below. The General Conference Administrative Committee shall~~
41 ~~recommend to the General Conference Corporation that procedures be authorized which may~~
42 ~~result in legal action.~~

1 2. In all cases approved by the General Conference Corporation, the Trademark
2 Protection Procedures shall include the following steps:

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4
5 a. ~~A division officer will send (or authorize) a letter asking the church or entity to cease and
6 desist from using the Seventh-day Adventist name and requesting a written response indicating
7 compliance. The letter shall indicate that failure to give this response within 30 days may result
8 in legal proceedings to obtain injunctive relief. A copy of the letter, and the response (if there is
9 one) from the church or entity will be sent to the local conference/mission and union
10 conference/mission presidents and to the General Conference Office of General Counsel.~~

11
12 b. ~~If a letter of compliance is not received in response to the letter sent under
13 paragraph 2. a. above within 30 days, a letter will be sent from the General Conference Office of
14 General Counsel asking the church or entity to cease and desist from using the Seventh-day
15 Adventist name and requesting a response. A copy of this letter and the response (if there is one)
16 from the church or entity will be sent to the local conference/mission and union
17 conference/mission presidents and to the appropriate division officer.~~

18
19 c. ~~If a letter of compliance is not received in response to the letter from the
20 General Conference Office of General Counsel within 30 days, a letter will be sent from an
21 attorney who is not a denominational employee stating that the only way to avoid litigation for
22 injunctive relief is to send a letter immediately indicating that the church or entity will cease and
23 desist from using the Seventh-day Adventist name. A copy of this letter and the response (if
24 there is one) from the church or entity will be sent to the local conference/mission and union
25 conference/mission presidents and to the appropriate division officer.~~

26
27 d. ~~If a letter of compliance is not received in response to the letter from the
28 attorney, referred to in paragraph c. above, within 30 days, a final letter will be sent (or
29 authorized) by a division officer, indicating that the church does not wish to initiate legal action,
30 but that this is the final opportunity to comply. The letter will include a further request that the
31 church or entity cease and desist from using the Seventh-day Adventist name, so that the church
32 does not need to go to litigation. A copy of this letter and the response (if there is one) from the
33 church or entity will be sent to the local conference/mission and union conference/mission
34 presidents and to the General Conference Office of General Counsel.~~

35
36 e. ~~If a letter of compliance is not received in response to the final letter sent
37 under paragraph 2. d. above within 30 days, the division administrative committee shall request
38 the General Conference Office of General Counsel, through the General Conference
39 Corporation, to authorize the initiation of legal proceedings as provided for in BA 35-20 and BA
40 35-25.~~

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42 3. The cost of litigation to protect a trademark shall be carried by the

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1 ~~organization initiating such litigation, unless another organization has agreed to carry part or all~~
2 ~~of the cost. Such agreement shall be in writing prior to the initiation of litigation and shall be~~
3 ~~supported by appropriate committee actions.~~

4
5 4. ~~An information packet will be made available to concerned members who~~
6 ~~question why the Church is taking aggressive steps to protect the trademarked name of the~~
7 ~~Church. The packet will include:~~

8 ~~A letter from an appropriate General Conference officer.~~

9
10 ~~A copy of articles on the subject printed in denominational journals.~~

11
12 ~~A copy of the General Conference *Working Policy* BA 35.~~

13
14 ~~A copy of the filing, if legal action has been initiated.~~