

Trademark examiners will not approve registration of marks that are mere "descriptive" or "generic" terms. Dictionary words cannot be given exclusive appropriation, since they are in the public domain. However, should a common word acquire a secondary meaning by association with an organization in trade or commerce, the Trademark Office will grant registration. But the word may still be used by the public where it does not interfere with the commercial value.

"Any person who shall, without the consent of the registrant—reproduce, counterfeit, copy, or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, distribution, or advertising of goods or services or in connection with such use is likely to cause confusion, or to cause mistake or deceive, shall be liable to civil action . . ."

Therefore, any use of registered marks, whether selling papers, pamphlets, books, or other materials, is illegal under trademark law, and anyone who engages in the publication of such materials is subject to civil action by UF.

When UF registered the names and symbol, they forever prohibited their free religious use. If we go out in ministry to others, in whatever form, and we use the Concentric Circles or the names Urantia or Urantian to identify ourselves, we are in violation of trademark law. UF has stated that we can engage in purely local activity with this usage, but we cannot cross state lines in our ministries.

A legal leg to stand on: It is possible to challenge the use of a mark without recourse to legal suit. Under trademark law one can submit an action to a Trademark Trial and Appeal Board, in which one may ask for a ruling on the validity of a registration (Sec. 1067). If the decisions of this Board are not favorable, the decision can be appealed. Such a challenge may rest on three different grounds: a), the use of the words Urantia and Urantian as generic or descriptive designations, or b), the fact that the registrations

were obtained fraudulently, Sec. 1064 (3), or c), that use as commercial marks disparages belief, Sec. 1052 (a). There may also be justification for URANTIA Book students to pursue such appeal on grounds of interference with religious beliefs, for both the names and the Concentric Circles.

The Decelt: In reply to a trademark examiner's questioning of the word "Urantian" in application #1,013,544, the Foundation responded:

. . . the designation URANTIAN is not a dictionary word. It is a coined word—formed by, and from the name of, Applicant Foundation . . .

This is a false statement. The designation URANTIAN was *not* formed by UF; it was formed by the true authors and creators of

"Title of a book cannot be protected by a trademark, nor otherwise than by copyright."

Application of Cooper, 1958

The UB, and is contained in that work, prior to the existence of UF. On the contrary, UF received its name from The UB.

We can begin to see the importance of chronology regarding the Concentric Circles and the names Urantia and Urantian. When the copyright to the Book was obtained, UF established itself as the prior source of these words and symbol. If the Foundation had made known the true source of the symbol and words, it is very likely the Trademark Office would have rejected the applications on religious grounds.

Why did UF feel it needed trademark protection? What was their objective? Copyright law does not protect symbols and names contained in a copyrighted text; it only protects the form in which they are expressed. In 1951, before the Book was published, the Concentric Circles symbol was registered. UF may have determined that recourse to a trademark would afford protection of the symbol. Both UF and URANTIA Brotherhood used the symbol and words for twenty years without additional protection.

In 1970, this state of affairs changed dramatically. Over the next eight years, UF applied for eight additional registrations, covering all aspects of Urantia activities. Some believe it was the influence of Martin Myers which brought this unprecedented course of events.

The trademark ruse: Did the UF file proper applications for the use of the marks? Does UF have exclusive right to the use of the marks according to the law as ruled by our courts? Does their exclusive use of the marks interfere with our rights and freedom of religious expression under the First Amendment of the Constitution?

Apparently, no thought was given to the religious aspects of the symbol, or how believers might want to use it in their ministry. And as long as Urantian organizations were a small, intimate group of readers, no problems arose.

But another idea began to develop. How would UF protect the Book when the copyright expired? When the copyright expired, anyone could reproduce the Book with impunity. In the late sixties, UF began to reach beyond the limits of the copyright law by the use of trademark law.

If the word Urantia and the Concentric Circles were protected under the trademark law, no one would be able to reproduce the Book, or any other article, service, or membership which used those words or symbol to identify themselves. Thus, UF effectively used trademark law to circumvent the legal intentions and spirit of the copyright law.

This policy also leads to direct conflict with the second interest protected by trademark law. If some future group wanted to print an alternative form of The UB for reasons of cost, size, style, etc., they could not use the two most significant identifiers of the Book: the Concentric Circles, and the name. The Foundation has effectively appropriated unto itself the most intrinsic identifiers of the divine nature, constitution, and character of the Fifth Epochal Revelation.

God may have other ideas.