

Urantia Foundation's TRADEMARKS **How They Obtained Them and What They're Doing with Them**

From The Synergist, Summer, 1989
Issues related to Urantia Foundation's suit against CUBS

Here are the facts about Urantia Foundation's trademarks as recorded in the official records of the US Patent Office (the government agency which issues service marks and trademarks) along with some analysis:

In July of 1971, more than 15 years after The Urantia Book was published, Urantia Foundation applied to the US Patent Office to register the word "Urantia" as a service mark (a trademark registration was subsequently applied for and granted under similar circumstances) subject to the exclusive control of Urantia Foundation to identify its "religious educational services." In this application the Foundation correctly stated the purpose of the Urantia Foundation as being ...

... the promotion, improvement, and expansion among the peoples of the world in the comprehension and understanding of Cosmology and the relation of the planet on which we live to the Universe, of the genesis and destiny of Man and his relation to God, and of the true teachings of Jesus Christ; and for the inculcation and encouragement of the realization and appreciation of the Fatherhood of God and the Brotherhood of Man in order to increase and enhance the comfort, happiness and well-being of Man, as an individual and as a member of society, through the fostering of a religion, a philosophy, and a cosmology which are commensurate with Man's intellectual and cultural development.

[Note that this statement is taken verbatim from the Foundation's Declaration of Trust, Article 2.1.]

APPLICATION DENIED

The trademark examiner refused the application for two reasons: First, that the Foundation's statement of purpose in the application ...

... fails to identify religious educational services ...

Upon denial of the original application the Foundation submitted an amended application substituting the word "instructing" for "promotion, improvement, and expansion among" at the beginning of the statement of purpose, thus identifying the "religious educational service" necessary to qualify for the registration of a service mark. The amended application's statement of purpose began as follows:

... instructing the peoples of the world in the comprehension and

understanding of Cosmology ...

But this alteration of the true statement of purpose solved only one of the problems that was preventing approval of the application. Upon reading the phrase "through the fostering of a religion," the examiner had quite correctly concluded that the term "Urantia" was symbolic of the "religion" or religious movement the Foundation was created to "foster" and had therefore denied the Foundation the exclusive use of the name explaining that it belongs to all who practice the religion. Specifically, the examiner advised the Foundation that ...

... names of religions, as such, are not subject to exclusive appropriation. The name itself is not considered to be a service, and anyone practicing a particular religion has the right to use that name.

To circumvent this problem Urantia Foundation's amended application included a statement claiming that ...

Urantia is not the name of a religion.... The Trustees direct the work of the Foundation which, fundamentally, is that of teaching Cosmology--the relation of our planet to the Universe of which ours is a part; the genesis and destiny of Man and his relation to God; and the true teachings of Jesus Christ.

No mention was made of the sole source of these teachings -- The Urantia Book -- or that the Book is represented by the Foundation as being an Epochal Revelation. To reveal this information would have supported the trademark examiner's original determination that "Urantia" was indicative of a religion. It would have also run afoul of another rule which operates to exclude from registration terms (including book titles) "which are primarily descriptive of the nature of the product rather than its source."

Another material fact that would have influenced the examiner's decision had it not been withheld, was that the word "Urantia" did not originate with the Foundation and had a significant meaning long before the Foundation was created.

It should also be noted that, in all of its service mark, trademark and collective mark applications, the Foundation failed to mention the fact that Urantia is actually the name of our planet. This information, had it been known to the trademark examiner, should have precluded registration on the basis of another rule which restricts trademarking words "which are primarily geographically descriptive terms."

THE FOUNDATION'S AMENDED APPLICATION

The Foundation's amended application went on to say that ...

The word Urantia, when displayed on educational materials ... which are used by the Foundation in its teaching, identifies that teaching service ...

Applicant also publishes and sells full-length books [books?], on which the

word Urantia is displayed. Here the word serves both as a trademark and as a service mark.

Thus, by failing to mention or even denying what appear to be several material facts, the Foundation obtained approval of its service mark application and a subsequent trademark application and gained exclusive control and ownership over the use of the word "Urantia".

The Center for Urantia Book Synergy, Inc. emphasizes that it would have no cause to challenge the trademark and service mark registrations of the Foundation if we did not feel that they were being improperly used to restrict or prohibit the legitimate and worthwhile outreach activities of individuals and organizations who are dedicated to the service of Christ Michael and the dissemination of his Gospel of the Kingdom in the form of the Fifth Epochal Revelation. Had the Center for Urantia Book Synergy, Inc. not been sued, we would never have approached this issue from a legal viewpoint.

Furthermore, the Center for Urantia Book Synergy, Inc. does not challenge the motives of the Foundation's early leadership in seeking to protect the terms "Urantia" and "Urantian" from inappropriate use by those whose activities might truly be detrimental to The Urantia Book. It should be obvious, however, that there is a vast difference between use of the name of the Fifth Epochal Revelation itself, The Urantia Book, by dedicated believers, and the exploitative use of the term "Urantia" alone for commercial purposes.

The Foundation's lawsuit against C.U.B.S. represents an attempt at censorship and control that cannot be tolerated. Urantia Foundation is not exempt from the laws of the United States and the regulations of the US Trademark Office. C.U.B.S.' contention that Urantia Foundation is not legally entitled to the exclusive ownership of the word "Urantia" is a regrettable consequence of the Foundation's own activities.

WE'RE ALL UrantiaNS

Readers of The Urantia Book around the world may also be surprised to learn that they too may be subject to prosecution by the Foundation if they refer to themselves as "Urantians". For example, if you and a group of readers form an organization to disseminate The Urantia Book and call it Urantians For World Peace, the Urantia Foundation could sue you on the basis of trademark infringement.

How?

The manner in which the exclusive right to appropriate the word "Urantian" was obtained casts an even greater cloud on the credibility of the Foundation than the means by which they obtained control of the word "Urantia".

On June 29, 1973, Trustee Martin W. Myers, now President of Urantia

Foundation, delivered a speech to the First Western Urantia Conference entitled, UNITY, NOT UNIFORMITY: A Talk Dealing With The Urantia Book, The Official Organizations of The Urantia Movement, And Unity, Not Uniformity.

The transcript of this speech was subsequently published by Urantia Foundation. The title of the published paper, as well as references within, specifically refer to the "Urantia Movement" and on numerous occasions during the course of this speech Mr. Myers referred to persons involved in this movement (such as you) as "Urantians". For example, he draws upon the very first [Urantia Brotherhood] President's Triennial Report [1957!] to the General Council of Urantia Brotherhood, by William S. Sadler, Jr.:

"... A Urantian could be a sectarian religionist; he could be a religionist who is primarily dedicated to the propagation of The Urantia Book ...

How then can we, as Urantians, avoid not only churchification but also sectarianization? ...

... Our primary objective, as Urantians, is the service of God, and the Book is an important Means to that great End...."

Indeed, since the earliest days of the movement, prominent adherents to The Urantia Book have frequently referred to themselves and others within the movement as "Urantians." In fact, this has been the only term that devotees of The Urantia Book have commonly used to individually or collectively identify themselves with the Urantia Movement.

Nevertheless, in December of 1973, just a few months following the aforementioned public statements spoken by Martin Myers and published by the Foundation, Urantia Foundation filed an application to register the name "Urantian" as a trademark subject to the Foundation's exclusive control. The sworn declaration of the Foundation claimed that the Foundation was the "owner" of the trademark sought and that

... no other person, firm, corporation, or association, has the right to use said mark ...

Once again, the trademark examiner expressed reservations about the legality of the Foundation's application -- this time its attempt to register the term Urantian -- citing Rule 2.61(b) of the regulations governing trademark registrations in a negative response to the Foundation's application. The Patent Office specifically asked the Foundation ...

... whether the designation "Urantian" has any known meaning?

This inquiry was apparently attendant to a provision in United States trademark law which prevents the registration of a term or symbol "which, from the nature of the fact it is used to signify, others may employ with equal truth, and therefore have the right to employ for the same purpose."

You may be shocked to learn that, in spite of the Foundation's previous

publications which clearly indicate the use and meaning of the word "Urantian", and in spite of the word's long-standing common usage within the movement, Urantia Foundation evaded the examiner's question and again failed to mention the material fact it must have thought would have a substantial bearing on the legality of its attempt to gain exclusive control of the word "Urantian". The Foundation's response:

In response to the Examiner's inquiry, the designation UrantiaN is not a dictionary word. It is a coined word -- formed by, and from the name of, Applicant Foundation -- which has been adopted and is employed by Applicant to identify publications [at this point, newsletters] published and distributed by Applicant.

The examiner, who no doubt had a dictionary at his disposal, didn't ask if "Urantian" was a dictionary word. He specifically asked the Foundation if the word had "any known meaning."

WHAT END COULD POSSIBLY JUSTIFY THESE MEANS?

The Foundation's response avoided a direct answer to the question while suggesting that the word was just a term the Foundation "coined" for its newsletter. Interestingly, the newsletter was first published only a few days prior to the date of the Foundation's original application to exclusively appropriate the term "Urantian" and after the expression had been extensively used by movement leaders and other believers for more than 16 years.

Therefore, as a direct result of the Urantia Foundation's concealment of the well-known meaning of "Urantian," and its claim that it had "coined" the word, the trademark application was approved and the word "Urantian" became an exclusive trademark of Urantia Foundation.

Consequently, the Foundation can, at its discretion, threaten or prosecute believers who use the term "Urantian" in connection with their personal or organizational outreach activities.

The action taken by Center for Urantia Book Synergy, Inc. in its efforts to carry on its goals to spread the Revelation and maintain its identity -- specifically its counter suit to cancel the registered marks of the Urantia Foundation -- was taken with considerable regret, and is in no way an attempt to undermine the Foundation in its legitimate efforts to fulfill its mission as authorized in the Declaration of Trust which established the Foundation and defines its responsibilities and authority.

The Center for Urantia Book Synergy, Inc. asserts, however, that the Foundation has gone far beyond the legal interpretation of its directives in its attempts to restrict the dissemination of The Urantia Book. It has exceeded its rightful authority in attempting to restrict or deny the rights of dedicated people involved in the Urantia Movement, now and in the future, to identify with and freely utilize the title of the Revelation, The Urantia Book, and the term "Urantian". It is doubtful whether the trade and service

marks which they now employ to restrict and control legitimate outreach activities of independent organizations like Center for Urantia Book Synergy, Inc. are valid and in compliance with the law.

Is it true you are attempting to "destroy the Urantia marks" as Urantia Foundation states in its November 18, 1988 letter to the General Councilors of Urantia Brotherhood?

Not at all. Urantia Foundation filed the lawsuit against Center for Urantia Book Synergy, Inc. To date, we are simply defending our right to continue using the name of the Fifth Epochal Revelation, The Urantia Book (our sacred scripture), in our name, just as believers in the Fourth Epochal Revelation, Jesus, are free to use the terms Jesus, Christ, Christian, etc., in their organizational names without reprisal. It is also important to note that we do not use the term 'Urantia' independently, but solely as a book title.

Although the facts of this case leave grave doubts about the legality of the registered marks 'Urantia' and 'UrantiaN', due to alleged misrepresentations in the Foundation's trademark applications, C.U.B.S. is open to and praying for settlement of all matters without resort to trial. We are not anxious to see the mark's registrations cancelled. Urantia Foundation can avoid that risk for the foreseeable future by withdrawing the lawsuit it initiated against Center for Urantia Book Synergy, Inc. and affirming the right of any group of believers to use the title of The Urantia Book in their organization's name.

"...Falsehood is not a matter of narration technique but something premeditated as a perversion of truth....The shadow of a hair's turning, premeditated for an untrue purpose, the slightest twisting or perversion of that which is principle -- these constitute falseness...." [555:1/48.6.23]