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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92065178
Party	Plaintiff Philanthropist.com, Inc.
Correspondence Address	EVE J BROWN BRICOLAGE LAW LLC 1193 WALNUT STREET, SUITE #6 NEWTON, MA 02461 UNITED STATES ejbrown@bricolagelaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Eve J. Brown
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Signature	/Eve J. Brown/
Date	06/01/2017
Attachments	Amended Petition for Cancellation Consildated Cases.pdf(159506 bytes) Exhibits.pdf(4290618 bytes)

**United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Cancellation No. 92065178 (parent case)
Cancellation No. 92065255

Philanthropist.com, Inc.

v.

*The General Conference Corporation of
Seventh-day Adventists*

AMENDED PETITION FOR CANCELLATION

In accordance with the Board's May 1, 2017 order, Petitioner Philanthropist.com, Inc. ("Petitioner") respectfully submits this Amended Petition for Cancellation. Petitioner is a corporation organized and existing under the laws of South Carolina, with a principal place of business at 1177 Parish Way in Myrtle Beach, South Carolina 29577. To the best of Petitioner's knowledge, the current owner of the challenged registrations is The General Conference Corporation of Seventh-day Adventists, a corporation organized and existing under the laws of the District of Columbia, with a principal place of business at 12501 Old Columbia Pike, Silver Spring, Maryland 20904.

Petitioner has been and will continue to be damaged by U.S. Trademark Registration Nos. 1176153 and 1218657 for the mark ADVENTIST, and hereby petitions for cancellation of same pursuant to Section 14(3) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064(3). The ground for cancellation is that the word "Adventist" is a generic term, as detailed in the numbered paragraphs contained herein. Allowing a single corporation to monopolize a common dictionary word to the exclusion of the general public unfairly stifles

competition in a manner that is contrary to both the letter and spirit of the Lanham Act. Furthermore, excluding practitioners of the Adventist faith from using the term in connection with religious goods and services unconstitutionally infringes upon the fundamental First Amendment freedoms of speech and free exercise of religion.

Petitioner has standing to bring this proceeding before the Trademark Trial and Appeal Board because it has a direct commercial interest in the outcome. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000) (standing requires only proof that the party seeking cancellation is likely to be damaged by the registration, which can be shown by establishing a “direct commercial interest.”).

Petitioner has made a substantial, bona fide investment in the generic term Adventist by purchasing the domain name Adventist.com, which has a potential market value of \$1.2 million. *See* Affidavit of Greg Everett, filed as part of an adjacent UDRP dispute between the parties and attached hereto as Exhibit A. Soon after purchasing Adventist.com, Petitioner received a cease and desist letter from Respondent, alerting Petitioner to Respondent’s ownership of the challenged registrations and demanding that Petitioner immediately surrender ownership of Adventist.com. *See* Exhibit B for a true and correct copy of Respondent’s November 10, 2016 cease and desist letter to Petitioner.

In its letter, Respondent claimed that:

[Respondent] has obtained trademark/service mark protection for the name "Adventist®". These registrations and along with the continuous use of the mark since 1861, establish the Church's exclusive right to use the mark for various religious purposes. 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 domain name located at: ADVENTIST.com.

See Letter from Respondent, The General Conference Corporation of Seventh-day Adventists, to Petitioner, dated November 10, 2016.

In its November 10, 2016 letter, Respondent accused Petitioner of “intentionally trading on the goodwill of the Church by using a trademark that is confusingly similar” to the challenged marks. “The domain name ADVENTIST.com confuses and misdirects customers seeking the Church's website to Philanthropist.com's website,” Respondent asserted, threatening that “This activity is actionable under federal law.” Respondent then warned that it would “enforce its legal rights” against Petitioner by seeking remedies for trademark infringement and dilution, “including, but not limited to,” preliminary and permanent injunctive relief, money damages, attorneys' fees and “possible treble money damages.” Respondent further informed Petitioner that Respondent was contemplating “a number of options,” including seeking a ruling by the Internet Corporation for Assigned Names and Numbers (ICANN) that Petitioner’s Adventist.com domain be transferred to Respondent, and filing a federal lawsuit against Petitioner.

Respondent concluded its missive by reiterating that it “is prepared to file a lawsuit if necessary to protect its rights and business,” and that the only way to “avoid legal action” was to sign away Petitioner’s domain name within four days of receipt of the letter. “This letter,” Respondent stated, “is without prejudice to the rights of the General Conference Corporation of Seventh-day Adventists.”

Petitioner opted not to transfer ownership of its Adventist.com domain name to Respondent. Less than six months later, Respondent, true to its threats, filed a proceeding against Petitioner under ICANN’s Uniform Domain-Name Dispute-Resolution Policy (UDRP), asserting the challenged marks as grounds to seize Petitioner’s property. *See Exhibit C.* Petitioner expended thousands of dollars to defend itself in the ICANN proceeding, which was still pending when the instant cancellation proceeding was filed.

Petitioner ultimately won the right to retain ownership of Adventist.com. *See* ADR Forum Panel Decision, attached as Exhibit D. Accordingly, Petitioner remains the rightful owner of Adventist.com, and continues to possess a real commercial interest in the term. However, Petitioner's quiet enjoyment of Adventist.com is subject to and significantly diminished by Respondent's active threat to bring a federal action for trademark infringement against Petitioner – a threat that looms all the larger since Respondent proved that its threats were not idle by prosecuting its UDRP action.

Not only does Petitioner remain under threat of pending legal action by Respondent, but its Adventist.com domain name has depreciated by direct virtue of Respondent's pattern of aggressively litigating against anyone who owns it. As a professional domain name seller, the inability to sell Adventist.com or to realize a reasonable return on its investment has direct economic impact on Petitioner. This is especially true given the substantial amount of money that Petitioner invested to acquire the domain name.

By virtue of: (1) its ownership of Advenist.com; (2) Respondent's real and threatened legal action against Petitioner; and (3) the negative market impact Respondent's threats have had upon Petitioner's property, Petitioner has a specific commercial interest in this proceeding. Petitioner's belief that it has and will continue to be harmed by these registrations is not only reasonable, but has been proven to be justified. Respondent has already asserted a likelihood of confusion in another proceeding between the parties involving the same marks.

Moreover, Respondent has expressly threatened to bring additional legal action against Petitioner, and has unequivocally stated its intention to seek multiple remedies against Petitioner in federal court. Thus, Petitioner has the requisite "real interest in the issue" to create standing, and has shown that it is "not a mere intermeddler." *Jansen Enterprises Inc. v. Rind*, 85 USPQ2d

1104, 1107 (TTAB 2007); *see also* Ritchie v. Simpson, 170 F.3d 1092, 50 USPQ2d 1023, 1027 (Fed. Cir. 1999); Duramax Marine, LLC v. R.W. Fernstrum & Company, Opposition No. 91119899 (TTAB 2005) (standing is liberally construed and if not admitted or conceded requires only proof that the party seeking cancellation or opposing registration is likely to be damaged by the registration); Panda Travel, Inc. v. Resort Option Enterprises, Inc., Opposition Nos. 91174767 and 91174768 (TTAB 2009) (“Any person who believes that he would be damaged by the registration of a mark upon the principal register may, file an opposition stating the grounds therefor.”); Anthony's Pizza & Pasta International, Inc. v. Anthony's Pizza Holding Company, Inc., Opposition No. 91171509 and Cancellation No. 92045956 (TTAB 2009) (the existence of another dispute between the parties involving the same registrations evidences a petitioner’s standing before the Board); Texas Department of Transportation v. Richard Tucker, Cancellation Nos. 92030882 and Opposition No. 91165417 (TTAB 2010) (party had standing to cancel a registrant’s registration by virtue of being the defendant in another proceeding because the registrant had actually asserted its registration against the petitioner).

I. GROUNDS FOR CANCELLATION: THE MARKS ARE GENERIC

1. The word “advent” is commonly used to refer to the arrival of any notable person or thing. For example, the “advent” of smartphones. *See Exhibit E.*

2. In Christian theology, the word “Advent” is a religious term used to refer to the arrival of Jesus Christ. The anticipated future return of Jesus Christ, which lies at the core of most Christian belief systems, is commonly known as the “Second Advent” or the “Second Coming.” *See Exhibit F.*

3. “Advent” is also a generic and widely used term that refers to the season of the year leading up to Christmas. It is observed with various traditions and rituals by liturgical

groups such as Catholics, Lutherans, Anglicans, and Methodists. Common examples of Advent traditions include Christmas trees, Advent wreaths, and Advent calendars. *See Exhibit G.*

4. Adventism is an interdenominational movement comprised of numerous religious sects that believe that the Second Advent is imminent. Those who observe or practice Adventism are commonly referred to as Adventists. *See Exhibit H.*

5. The first sect to use “Adventist” to identify itself was the Millerites.¹ Today, the term “Adventist” identifies a large subset of Christian denominations, organizations, and groups, including the Evangelical Adventists, the Advent Christians, the Primitive Advent Christian Church, the Davidian Seventh-day Adventist Association, the Seventh Day Adventist Reform Movement, the True and Free Adventists, the Creation Seventh-Day Adventists, the United Sabbath-Day Adventist Church, and the Seventh-Day Adventists. *Id.*

6. Public use of the word “Adventist” to refer to a non-specific person or group that practices Adventism dates back to the Second Great Awakening, a Protestant religious revival movement that took place during the early 19th century and that led to the formation of multiple new Christian denominations, all referring to themselves generally as “Adventists.”

7. The relevant public, including those who practice Adventism and follow its teachings and traditions, use or understand the word Adventist primarily as referring to the broad category of followers of Adventism, and not to members of any specific church or organization.

8. Numerous third parties incorporate the word “Adventist” into their own trademarks and service marks in order to promote, sell, discuss, or share goods and services related to the study, practice, reflection, discussion, or critique of Adventism. Many of these groups, including groups that have splintered from Respondent’s church, have been threatened

¹ The Millertites, who were followers of William Miller in the 1830s, predate Respondent’s existence.

and/or harmed by Respondent asserting its trademarks against them, and/or have been deterred from purchasing Petitioner's domain name because of Respondent's litigiousness. See Exhibit I.

9. Respondent, as merely one of thousands of users of the word "Adventist" in connection with religious observances, charitable organizations and activities, educational institutions and materials, magazines, newsletters, encyclopedias, dictionaries, commentaries, bibles, films, books, hospitals, service providers, and community groups, is not entitled to the exclusive right to use the term with respect to these goods and services.

10. The word "Adventist" is necessary to the accurate identification of or reference to goods and services related to Adventism. Those who offer goods or services connected to the Adventist belief system need and are entitled to use the term "Adventist" descriptively in order to carry out their business, and to purchase, own, and maintain domain names containing the word Adventist, such as Adventist.com.

11. Continued registration of the term Adventist is and will be a source of damage to Petitioner and to the public, as it confers upon Respondent the erroneous presumption that Adventist is distinctive for Respondent's specific goods and services, when it is in fact a general term for anyone practicing or following Adventism.

12. The fact that Respondent is the largest Adventist denomination does not justify the appropriation from the public domain of the common name of a widespread religion, nor does it grant Respondent the exclusive right to its use or the right to prevent others from using it. Because "Adventist" is generic, any secondary meaning argued by Respondent is of no avail to them.

13. As a generic word with a primary significance to the public of the name of a religious belief system, "Adventist" cannot be subject to trademark protection, nor can it serve as

the exclusive trade name for any particular church. J. Thomas McCarthy, *Trademarks and Unfair Competition* § 12:1 (4th ed. 2010); *Christian Science Bd. of Directors v. Evans*, 105 N.J. 297, 304-305 (1987).

14. It is well settled that the policies against allowing monopolization of generic names, which lead to monopolization of supply, “should be applied at least as strictly to religious as to commercial products.” *McDaniel v. Mirza Ahmad Sohrab*, 27 N.Y.S.2d 525, 527 (1941) (“The plaintiffs have no right to a monopoly of the name of a religion....members of the same religion have an equal right to use the name of the religion”); *Purcell v. Summers*, 145 F.2d 979 (1944) (finding “Methodist” and “Episcopal” to be generic); *New Thought Church v. Chapin*, 159 A.D. 723, 724-25 (N.Y.App.Div.1913) (stating that there could be no monopoly over the teaching of a religious faith).

15. Continued registration of the challenged marks violates the public’s right to exercise their religion freely and the federal constitutional prohibitions against the establishment of religion. U.S. CONST., amend. I.

In light of the genericness of the term Adventist, and in light of Petitioner’s and the public’s real, genuine, and good faith interest in the cancellation of the challenged registrations, Petitioner respectfully requests that the registrations be canceled and that this Petition to Cancel be sustained.

The fee of \$300 has been submitted.

Respectfully submitted,

Dated: June 1, 2017

BRICOLAGE LAW, LLC

A handwritten signature in dark ink, appearing to read "Eve Brown", is positioned above a horizontal line.

Eve J. Brown
1080 Beacon Street, Ste. 4D
Brookline, MA 02446
(617) 651-1979
ejbrown@bricolagelaw.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon

Respondent's attorney of record at the following address:

Andrea D. Saunders
General Conference Corporation of Seventh-Day Adventists
Office of General Counsel
12501 Old Columbia Pike
Silver Spring, Maryland United States 20904
SaundersA@gc.adventist.org

Dated: June 1, 2017

BRICOLAGE LAW, LLC



Eve J. Brown

Exhibit A



General Conference Corporation)	
of Seventh-day Adventists)	
12501 Old Columbia Pike	)	Domain Name in Dispute:
Silver Spring, MD 20904-6600	)	ADVENTIST.COM
U.S.A.)	
)	
(Complainant)	)	Case Number:
	)	FA1612001706357
v.)	
)	
Greg Everett/)	
Philanthropist.com)	
P.O. Box 1269)	
Myrtle Beach, SC 29578)	
U.S.A.)	
)	
(Respondent))	
)	

AFFIDAVIT OF GREG EVERETT

I, Greg Everett, declare as follows:

1. I am the founder and owner of an online domain name marketplace at PHILANTHROPIST.COM. I am over the age of eighteen (18) and competent to execute this Affidavit. The following statements are true and correct based on my personal knowledge or information transmitted to me from records made at or near the time of the transactions referenced therein by person(s) with personal knowledge thereof.

2. Since 1999, I have engaged in professional domain name investing. My business entails identifying and purchasing generic or geographically-based domain names, researching and continually monitoring their market value, and brokering their secure sale to the public through my online marketplace at PHILANTHROPIST.COM.

3. The mission of PHILANTHROPIST.COM is to “provide a pleasant, professional and secure process for buying great domain names.” As of the date of this affidavit, there are over 8,000 domain names listed for sale on the site, ranging in asking price from \$250 to \$2,500,000. The domain names are organized into general categories such as Acronyms, Business, Political, Education, Family, Phrases & Sayings, Religion, Geography & Cities, and Wedding. Exhibit A contains screenshots from my website, showing examples of the domain names I currently have listed for sale.

4. It is now, and at all times has been, my genuine belief that ADVENTIST is a generic, non-proprietary dictionary word. The common generic and descriptive significance of the word was what led me to add ADVENTIST.COM to my marketplace portfolio. My purchase of ADVENTIST.COM was made in good faith.

5. I chose to bid on ADVENTIST.COM, which was offered for sale through a NameJet auction in June 2016, after engaging in thorough market research. My research revealed that ADVENTISTS.COM, owned by another well-known domain name investor, was priced to sell at \$3.5 million. This indicated that the singular version of the domain was likely to yield a high return on investment. I was one of 81 bidders, who placed a total of 129 bids. To the best of my knowledge, Complainant was not among the bidders or prospective purchasers for ADVENTIST.COM, nor does Complainant have a connection to or affiliation with the owner of ADVENTISTS.COM.

6. Five months after I had won the auction and purchased ADVENTIST.COM, Complainant sent me a cease and desist letter demanding that I immediately surrender the domain name to Complainant, for no consideration. A true and correct copy of Complainant’s cease and desist letter, threatening that if I did not transfer the domain name to them, they would sue me for profits, “treble money damages,” and attorneys’ fees, is attached to this affidavit as Exhibit B.

7. A true and correct copy of my response to Complainant’s cease and desist letter is attached as Exhibit C. As stated in my letter, I never had any intention of trading off Complainant’s goodwill, misleading Internet visitors, or taking advantage of Complainant’s mark in any way. To the contrary, I researched and purchased a generic domain name through a reputable domain name auction, added it to the “BUY NOW” pages of my pre-existing and clearly identified domain name marketplace, never approached or targeted Complainant, and have continued to take active measures to protect the domain name from bad faith acquisition and usage by Complainant.

8. It is true, as Complainant asserts, that ADVENTIST.COM is currently listed for sale for \$1.2 million. It is not true, however, that this price is unsupported by the market, particularly in light of ADVENTISTS.COM’s contemporaneous listing for \$3.5 million. As someone who has been in the domain name investing business for seventeen years, I attest that the very reason

domain name investing is profitable is because of the high rates of return on carefully and well-selected domain names. It is not unusual for desirable domain names to sell for millions of dollars. In the last five years alone, for example, PrivateJet.com sold for \$30,180,000, while 360.com sold for \$17 million, We.com sold for \$8,000,000, Z.com sold for \$6,784,000, and 37.com sold for \$1,960,800. My pricing of ADVENTIST.COM is reasonable, well-researched, and set in good faith.

Dated: December 28, 2016

By:

A handwritten signature in blue ink that reads "Greg Everett". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

GREG EVERETT

Exhibit B



SEVENTH-DAY
ADVENTIST[®]
CHURCH

General Conference
World Headquarters

Office of General Counsel

12501 Old Columbia Pike
Silver Spring, Maryland
20904-6600 USA
Telephone: (301) 680-6320
Fax: (301) 680-6329

November 10, 2016

VIA US MAIL & EMAIL

Philanthropist.com
PO Box 1269
Myrtle Beach, SC 29578
GEMEDIADOMAINS@GMAIL.COM

**FOR SETTLEMENT PURPOSES
ONLY, WITHOUT PREJUDICE**

RE: Trademark/Service Mark Infringement
False Designation of Origin
Unfair Competition
Dilution
ADVENTIST - U.S. Reg. Nos. 1,176,153 and 1,218,657

Dear Sir/Madam,

The Office of General Counsel for the General Conference Corporation of Seventh-day Adventists represents the Seventh-day Adventist Church ("the Church") in its legal matters, including protection of its intellectual property.

It has come to my attention that you are the registered owner of the domain name **ADVENTIST.com** (Domain ID: 2808793_DOMAIN_COM-VRSN). As you may or may not know, the Church has obtained trademark/service mark protection for the name "Adventist[®]". These registrations and along with the continuous use of the mark since 1861, establish the Church's exclusive right to use the mark for various religious purposes. 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 domain name located at: ADVENTIST.com.

Your use of **ADVENTIST.com** domain name is in violation of the Anticybersquatting Consumer Protection Act of 1999, which is embodied in 15 U.S. Code § 1125. You can find the ACPA at <https://www.law.cornell.edu/uscode/text/15/1125>. Furthermore, you

are intentionally trading on the goodwill of the Church by using a trademark that is confusingly similar to our registered marks and domain names. The domain name ADVENTIST.com confuses and misdirects customers seeking the Church's website to the Philanthropist.com's website. This activity is actionable under federal law.

The Lanham Act provides numerous remedies for trademark infringement and dilution, including, but not limited to, preliminary and permanent injunctive relief, money damages, a defendant's profits, provisions for the destruction or confiscation of infringing products and promotional materials, and where intentional infringement is shown, attorneys' fees and possible treble money damages.

The Church has a number of options to enforce its legal rights. It can submit the matter to the Internet Corporation for Assigned Names and Numbers to be resolved under its Uniform Domain Name Dispute Resolution Policy (the "Policy") and seek a ruling that the Domain Name be transferred to the Church. The Policy can be found at <https://www.icann.org/resources/pages/help/dndr/udrp-en>.

Second, the Church can file a lawsuit seeking: (i) preliminary and permanent injunctions, (ii) money damages, (iii) compensation equal to your profits, (iv) reimbursement for the Church's attorney's fees, and (v) a court order that you transfer the Domain Name to the Church and compensate the Church for damage to the Church's goodwill.

The Church prefers to resolve this matter without taking legal action, but it is prepared to file a lawsuit if necessary to protect its rights and business. You may avoid legal action by having an authorized representative sign this letter where indicated below and return the signed letter to me on or before November 25, 2016.

This letter is without prejudice to the rights of the General Conference Corporation of Seventh-day Adventists®.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jennifer Gray', is written over the printed name.

Jennifer Gray, Esq.
Associate General Counsel

JG/tb

The undersigned covenants to take the following actions immediately: (i) transfer any and all rights of the undersigned in and to ADVENTIST.com; and (ii) cease and desist from any and all use of www.ADVENTIST.com.

Owner: Philanthropist.com

Dated: _____, 2016.

By: _____

Title: _____

Exhibit C



General Conference Corporation)	
of Seventh-day Adventists)	
12501 Old Columbia Pike)	
Silver Spring, MD 20904-6600	)	Domain Name In Dispute
U.S.A.	)	ADVENTIST.COM
)	
(Complainant))	
)	
v.)	
)	
GREG EVERETT /)	
Philanthropist.com)	
PO Box 1269)	
Myrtle Beach, SC)	
29578)	
U.S.A.)	
)	
(Respondent))	
)	

**COMPLAINT IN ACCORDANCE WITH
THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP), adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999, and the Rules for Uniform Domain Name Dispute Resolution Policy (UDRP Rules) and the Forum Supplemental Rules (Supp. Rules), effective as of July 31, 2015. UDRP Rule 3(b)(i).

[2.] COMPLAINANT INFORMATION

[a.]	Name:	General Conference Corporation of Seventh-day Adventists
[b.]	Address:	12501 Old Columbia Pike, Silver Spring, MD 20904-6600
[c.]	Telephone:	(703) 836-6620
[d.]	Fax:	(703) 838-2021
[e.]	E-Mail:	bryce.maynard@bipc.com, bassam.ibrahim@bipc.com

Complainant's preferred method for communications directed to Complainant in the administrative proceeding: ICANN Rule 3(b)(iii).

Electronic-Only Material

[a.] Method: e-mail
[b.] Address: bryce.maynard@bipc.com
[c.] Contact: Bassam N. Ibrahim, Bryce J. Maynard

Material Including Hard Copy

[a.] Method: Fax
[b.] Address/Fax: Bryce J. Maynard
Buchanan Ingersoll & Rooney PC
1737 King Street Suite 500
Alexandria, VA 22314
Phone: (703) 838-6625
Fax: (703) 838-2021
[c.] Contact: Bryce J. Maynard, Bassam N. Ibrahim

Complainant chooses to have this dispute heard before a single-member administrative panel.
ICANN Rule 3(b)(iv).

[3.] RESPONDENT INFORMATION

[a.] Name: GREG EVERETT / PHILANTHROPIST.COM
[b.] Address: P.O. Box 1269
Myrtle Beach, SC 29578
USA
[c.] Telephone: +1.8433402953
[d.] Fax: +1.11
[e.] E-Mail: gemediadomains@gmail.com

[4.] DISPUTED DOMAIN NAME

[a.] The following domain name is the subject of this Complaint: ICANN Rule 3(b)(vi).

ADVENTIST.COM

[b.] Registrar Information: ICANN Rule 3(b)(vii).

[i.] Registrar's Name: eNom, Inc.
[ii.] Registrar Address: 5808 Lake Washington Blvd.
Ste. 300
Kirkland, WA 98033 USA
[iii.] Telephone Number: (425) 974-4689
[iv.] E-Mail Address: legal@enom.com

[c.] Trademark/Service Mark Information: ICANN Rule 3(b)(viii).

Complainant General Conference Corporation of Seventh-Day Adventists is a non-profit organization which holds title to the assets of the Seventh-Day Adventist Church, one of the largest religious bodies in the world, with over 19 million members worldwide. The

Seventh-Day Adventist Church has a presence in over 200 countries and operates numerous schools, hospitals, publishing houses, and aid organizations around the world.

Among its many other assets, Complainant holds title to the intellectual property rights owned by the Church, including the famous and distinctive ADVENTIST mark which is the basis of this Complaint. Complainant and its predecessors in interest have used the ADVENTIST mark without interruption in connection with religious services, missionary services, educational services, and a wide array of related goods and services since at least as early as 1863.

Complainant and its related companies own over 25 federal trademark registrations for marks consisting of or containing ADVENTIST, including U.S. Reg. Nos. 1,176,153 and 1,218,657 for the mark ADVENTIST. Copies of the Certificates of Registration for these marks are attached hereto as Exhibits 1 and 2. These registrations are sufficient to establish Complainant's rights in the ADVENTIST mark. *See Blue Ridge Fiberboard, Inc. v. Domain Administrator/Domain Asset Holdings, LLC*, No. FA 1602001661150 (NAF Mar. 29, 2016); *Vivendi Universal Games v. XBNetVentures Inc.*, No. FA 198803 (NAF Nov. 11, 2003) ("Complainant's federal trademark registrations establish Complainant's rights in the BLIZZARD mark.").

As a result of Complainant's longstanding continuous and substantially exclusive use of the ADVENTIST mark, Complainant's efforts to advertise and promote the mark, the widespread unsolicited media coverage of the mark and the services offered thereunder, Complainant's successful efforts to promote the mark, and other factors, consumers throughout the United States and around the world have come to recognize the ADVENTIST mark and to associate it exclusively with Complainant's goods and services.

Complainant also owns numerous domain names containing the ADVENTIST mark, including <adventist.org>, which is virtually identical to the <adventist.com> domain name at issue in this dispute. Complainant uses this domain name to host the official web site of the Seventh-Day Adventist Church, which provides information concerning the Church and the services it offers around the world. A printout of the web site at <adventist.org> is attached as Exhibit 3. Complainant registered this domain name in 1996, well prior to Respondent's acquisition of the infringing <adventist.com> domain name.

All of the trademark registrations of Complainant referenced in the above paragraphs were registered long prior to Respondent's acquisition of the <adventist.com> domain name. Therefore, Respondent had constructive notice of Complainant's ADVENTIST marks and registrations at the time it acquired the domain name at issue.

[5.] **FACTUAL AND LEGAL GROUNDS**

This Complaint is based on the following factual and legal grounds: ICANN Rule 3(b)(ix).

[a.] Respondent's Domain Name Is Legally Identical to Complainant's Registered ADVENTIST Trademark. ICANN Rule 3(b)(ix)(1); ICANN Policy ¶ 4(a)(i)

Respondent has registered the domain name <adventist.com>, which incorporates and is nearly identical to Complainant's registered ADVENTIST mark. Respondent has merely added the generic top-level domain ".com" to Complainant's mark. However, the addition of this generic term is irrelevant under the Policy and does not distinguish Respondent's domain name from Complainant's mark. *See Magnum Piering, Inc. v. Mudjackers & Wilson*, D20001525 (WIPO January 29, 2001) (holding that confusing similarity under the Policy is decided upon the inclusion of a trademark in the domain name); *Oki Data Americas, Inc. v. ASD Inc.*, D2001-0903 (WIPO November 6, 2001) (finding that incorporating complainant's mark is sufficient to establish identical or confusing similarity for purposes of the Policy); *Busy Body, Inc. v. Fitness Outlet Inc.*, D20000127 (WIPO April 22, 2000) (finding that the addition of a top-level domain is without legal significance).

Thus, the domain name <adventist.com> is clearly confusingly similar to Complainant's registered ADVENTIST mark.

[b.] Respondent Has No Rights or Legitimate Interests in the Domain Name <adventist.com>. ICANN Rule 3(b)(ix)(2); ICANN Policy ¶ 4(a)(ii)

(i.) Respondent's use of, or demonstrable preparations to use, the domain name has not been in connection with a bona fide offering of goods or services

Respondent also lacks any legitimate rights or interests in the <adventist.com> domain name. First, Respondent is not using the <adventist.com> domain name in connection with a bona fide offering of goods or services. Instead, Respondent is attempting to sell this domain name for a price well exceeding its costs in acquiring the domain name. The <adventist.com> domain name currently redirects to a page on Respondent's primary web site at <https://philanthropist.com/purchase/adventist.com>, on which Respondent offers to sell the domain name for \$1.2 million dollars (Exhibit 4).

This use of the <adventist.com> domain name is obviously not a bona fide offering of goods or services in light of Complainant's established prior rights in the ADVENTIST mark. *See Blue Ridge Fiberboard, Inc. v. Domain Administrator/Domain Asset Holdings, LLC*, No. FA 1602001661150 (NAF Mar. 29, 2016) ("While Respondent may have a legitimate business in reselling domain names, Respondent does not have the right to sell a domain name containing another's registered trademark.").

(ii.) Respondent (as an individual, business, or other organization) is neither commonly known by the domain name nor has it acquired trademark or service mark rights in the domain name;

Second, there is absolutely no evidence that Respondent is commonly known by the domain name <adventist.com>, nor that Respondent has acquired any trademark or service mark rights in the domain name.

The WHOIS information for the disputed domain name lists Respondent's company as "philanthropist.com," and the web site currently displayed at <adventist.com> also prominently displays the "philanthropist.com" name and mark. The <adventist.com>

domain name is only used on this page to identify the domain name being offered for sale, and there is nothing on Respondent's web site which would indicate that it has ever used the <adventist.com> domain name as a trademark or trade name. This is sufficient to establish that Respondent does not have any trademark rights in the <adventist.com> domain name. *See Yahoo! Inc. v. veyselkubat*, No. FA 1610001698998 (NAF Nov. 28, 2016) ("Previous panels have inferred that a respondent is not commonly known by a domain name from the WHOIS information and lack of contradicting evidence in the record.").

Furthermore, Complainant has neither authorized nor licensed Respondent in any way to use or exploit Complainant's ADVENTIST mark, to appropriate the domain name at issue, or to otherwise associate itself with Complainant.

Finally, even if Respondent had used <adventist.com> as a trademark, Complainant clearly has prior rights in the ADVENTIST mark. Complainant and its predecessors in interest have used the ADVENTIST mark in commerce for over 150 years, during which time the mark has become extremely well-known and famous among the general consuming public. Complainant's ownership of over 25 trademark registrations and its long-standing use establishes Complainant's priority in the ADVENTIST mark as a matter of law.

(iii.) Respondent has not made a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Finally, Respondent has not made a legitimate non-commercial or fair use of the domain name <adventist.com>. The web site at this domain name currently provides an advertisement offering to sell the domain name for over \$1 million dollars. This would obviously provide a huge financial windfall to Respondent, so the use of this domain name cannot be considered a "legitimate noncommercial or fair use." *See Blue Ridge Fiberboard, Inc. v. Domain Adminsitrator/Domain Asset Holdings, LLC*, No. FA 1602001661150 (NAF Mar. 29, 2016) ("Panels have found an offer to sell a disputed domain name to the public, when it contains a registered trademark, not to be...a legitimate noncommercial or fair use").

Therefore as Respondent i) is not using the <adventist.com> domain name in connection with a *bona fide* offering of goods or services; ii) has never been known by the domain name or acquired any trademark rights in the domain name; and iii) has not made a legitimate noncommercial or fair use of the domain name, it is clear as a matter of law that Respondent does not have any "legitimate rights or interests" in the domain name.

[c.] Respondent has Registered and Is Using the Domain Name in Bad Faith. ICANN Rule 3(b)(ix)(3); ICANN Policy ¶ 4(a)(i); 4(a)(iii).

Finally, the evidence indicates that Respondent has registered and is using the domain name <adventist.com> in bad faith. There are a number of ways in which bad faith can be established, including through circumstances indicating that the domain name has been registered "primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or

service mark or to a competitor of that complainant, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name.” ICANN Policy Paragraph 4(b)(i)). “Panels have held that a respondent’s offer to sell a domain name for an amount in excess of the out-of-pocket costs associated with the acquisition of the domain name constitutes bad faith registration and use.” *Kellogg North America Co. v. George Clark/420 Group*, No. FA 1610001697761 (NAF Nov. 7, 2016).

In the present case, the record is clear that Respondent acquired the <adventist.com> domain name with the sole intention of selling the domain name for an exorbitant price. The listing currently displayed on Respondent’s web site offers to sell the domain name for \$1.2 million dollars. While this is an offer to the general public rather than a direct offer to Complainant, it is still sufficient to demonstrate Respondent’s bad faith. *See Dana Bissett v. Above.com Domain Privacy*, No. FA 1609001693416 (NAF Oct. 7, 2016) (finding bad faith where “Respondent is attempting to sell the domain name to the general public for an excessive cost”); *Station Casinos LLC v. Domain Administration/DVLPMT Marketing, Inc.*, No. FA 1601001655034 (NAF Feb. 4, 2016) (finding bad faith where “Respondent generally offered the at-issue domain name for sale by displaying on offer to sell the domain name on the [website]”).

Furthermore, it is apparent that the reason Respondent is demanding such an exorbitant price for the <adventist.com> domain name is due entirely to the association of this domain name with Complainant’s ADVENTIST mark. The listing refers to <adventist.com> as a “hand-picked premium domain name” and states that “business brandability is very high for adventist.com” (Exhibit 4). Obviously, this “business brandability” is based upon the extremely high level of consumer recognition of the mark, due to the efforts of Complainant and its predecessors over the last 150 years to promote the mark and to associate the mark with Complainant’s goods and services.

Moreover, as Complainant is the legitimate owner of rights in the ADVENTIST mark, it is likely that Respondent’s goal in acquiring the domain name was to sell the domain name to Complainant at an excessive price. This obviously constitutes bad faith registration and use for purposes of the Policy. *See Caesars License Company, LLC v. Gary Vandiver*, No. FA 1512001654269 (NAF Jan. 29, 2016) (finding bad faith registration and use where “given the clear reference in the domain names to Caesars’ and its Horseshoe mark and casino, Respondent plainly knew that the only party likely to buy them was Caesars”).

In conclusion, Complainant has established that (i) Respondent’s <adventist.com> domain name is identical or confusingly similar to Complainant’s registered ADVENTIST mark; (ii) Respondent has no rights or legitimate interests in the domain name; and (iii) Respondent registered and is using the domain name in bad faith. Having met the requirements set forth in ICANN Rule 3(b)(ix), Complainant respectfully requests that the domain name <adventist.com> be transferred to Complainant.

[6.] REMEDY SOUGHT

The Complainant requests that the Panel issue a decision that the domain name <adventist.com> be transferred to Complainant. ICANN Rule 3(b)(x); ICANN Policy ¶ 4(i).

[7.] OTHER LEGAL PROCEEDINGS

Complainant has not commenced any other legal proceedings in connection with or relating to the domain name that is the subject of this Complaint. ICANN Rule 3(b)(xi).

[8.] COMPLAINT TRANSMISSION

Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with ICANN Rule 2(b) and to the Registrar of the domain name, in accordance with NAF Supp. Rule 4(e). ICANN Rule 3(b)(xii); NAF Supp. Rule 4(c).

[9.] MUTUAL JURISDICTION

The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to the location of the principal office of the concerned registrar. ICANN Rule 3(b)(xiii).

[10.] CERTIFICATION

Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the National Arbitration Forum and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

GENERAL CONFERENCE
CORPORATION OF SEVENTH-DAY
ADVENTISTS

/Bryce J. Maynard/
Bryce J. Maynard
Bassam N. Ibrahim
Attorneys for Complainant

Date: December 8, 2016



General Conference Corporation)	
of Seventh-day Adventists)	
12501 Old Columbia Pike	)	Domain Name in Dispute:
Silver Spring, MD 20904-6600	)	ADVENTIST.COM
U.S.A.)	
)	
(Complainant)	)	Case Number:
	)	FA1612001706357
v.)	
)	
Greg Everett/)	
Philanthropist.com)	
P.O. Box 1269)	
Myrtle Beach, SC 29578)	
U.S.A.)	
)	
(Respondent))	
_____)	

RESPONSE

Respondent received a Written Notice of Complaint and Commencement of Administrative Proceeding on December 9, 2016. The Notification stated that Complainant had submitted a Complaint for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999 (“UDRP” or “Policy”), and the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), effective July 31, 2015, and the FORUM Supplemental Rules (“Supp. Rules”), effective July 31, 2015.

I. RESPONDENT INFORMATION

Name: Greg Everett/Philanthropist.com
Address: P.O. Box 1269
Myrtle Beach, SC 29578
Telephone: (843) 340-2953
E-Mail: gemediadomains@gmail.com

II. RESPONDENT'S AUTHORIZED REPRESENTATIVE

Name: Eve J. Brown, Esq.
Address: Bricolage Law, LLC
1080 Beacon Street, #4D
Brookline, MA 02446
Telephone: (617) 651-1979
E-Mail: ejbrown@bricolagelaw.com

III. RESPONDENT'S PREFERRED PANELISTS

Respondent chooses to have this dispute heard before a three-member administrative panel.

The names and contact details of Respondent's three preferred candidates are as follows:

Name: Honorable Neil Anthony Brown QC
Address: Owen Dixon Chambers
205 William Street
Melbourne, VIC 3000
Australia
Telephone: + 61 3 9225 7222
E-mail: nabrownqc@vicbar.com.au

Name: Honorable Daniel B. Banks Jr., (Ret.)
Address: 1412 Governors Place
Huntsville, AL 35801
USA
Telephone: (256) 533-4908
E-mail: danny@dannybanks.com

Name: Diane Thilly Cabell
Address: Asheville NC 28803
USA
Telephone: (603) 373-0062
E-mail: diane@cabell.us

IV. RESPONSE TO FACTUAL AND LEGAL ALLEGATIONS MADE IN THE COMPLAINT

This Response specifically addresses the statements and allegations contained in the Complaint. As detailed below, Complainant has failed to establish the three elements required by ICANN Policy paragraph 4 to obtain an order that a domain name should be cancelled or transferred; namely, that:

- The disputed domain name is identical or confusingly similar to a trade mark or service mark in which Complainant has valid rights;
- Respondent has no rights or legitimate interests in the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

Not only does the Complaint fail, but it was brought in demonstrable bad faith in an attempt at reverse domain name hijacking, constituting an abuse of this administrative proceeding.

Accordingly, Respondent respectfully requests that the Panel deny the Complaint and find Complainant guilty of violating Paragraph 15(e) of the Rules.

A. Complainant Does Not Own Valid Rights in the Term ADVENTIST

Respondent does not dispute that Complainant currently owns two United States trademark registrations for the word ADVENTIST, and that the disputed domain name, ADVENTIST.COM, is identical to Complainant's marks. However, Respondent strongly disputes the validity of Complainant's registrations. Respondent is currently preparing to challenge those registrations on the basis of genericness before the United States Trademark Trial and Appeal Board. Respondent's aim in doing so is to prevent Complainant from continuing to wield its ill-gotten registrations as threats in Complainant's attempts to wrongfully acquire free domains and to deprive legitimate businesses of the use of common words.¹

¹ Complainant has a storied history of aggressively enforcing both its registered marks and a slew of unregistered words that it claims to own, including such common terms and phrases as BIBLE

Respondent submits that ADVENTIST is a dictionary term, used as far back as 1843 to refer to a member of any Christian denomination that believes that the second advent of Jesus Christ is imminent. Adventism is commonly known as a branch of Protestantism. The word is closely tied to the Latin, ADVENTUS, meaning the “coming of the savior,” and to the word ADVENT, which can have several meanings, both secular and non-secular, including “the arrival of any notable person, thing, or event” (such as the “advent” of computers), or “the first season of the Christian church year, leading up to Christmas and including the four preceding Sundays.” *See* entries for “Adventist” in the Merriam-Webster Dictionary, available at:

<https://www.merriam-webster.com/dictionary/adventist>; Encyclopedia Britannica, available at:

<https://www.britannica.com/search?query=Adventist>; Dictionary.com, available at:

<http://www.dictionary.com/browse/adventist?s=t>; and Google.com at

<https://www.google.com/#q=adventist+definition>.

ADVENTIST has been trademarked in several forms and variations by a number of different entities not owned or licensed by Complainant. *See* Annex 1. It is also used in the names of multiple third party organizations, and is incorporated into the domain names of dozens of websites not owned or operated by Complainant. *See* Annex 2. The word cannot be inherently distinctive, as it is composed of a generic word and is descriptive of one who believes in an advent, or the forthcoming arrival of someone or something of consequence.

Nothing in the Complaint proves that consumers identify the word with Complainant's

STORY, CYCLE OF LIFE, DIALOGUE, EVIDENCE, FAMILY BIBLE STORY, I LOVE BEING FREE FROM SMOKING, IT IS WRITTEN, LIBERTY, MINISTRY, PLANNING FOR THE CYCLE OF LIFE, POWERPOINTS, QUIT NOW, and WOMEN'S MINISTRIES. *See* Annex 3, which is a true and correct copy of the “Trademark and Logo Usage” page of Complainant’s own website, and which warns the public “not to utilize” any of the above “trademarks.”

specific church, rather than as a term merely describing a general belief system or outlook. Prior arbitration panels and trademark administrative tribunals have repeatedly found that common dictionary terms may not be exclusively owned by any single complainant. *See* DINERS CLUB INTERNATIONAL, LTD. V. WEBSITENAMES.COM, FA 0106000097737 (Nat. Arb. Forum Aug. 2, 2001) (finding that because the term "*carte blanche*" is a common dictionary term, it cannot be an exclusive term in which only the complainant may assert rights); CRS TECH. CORP. V. CONDENET, INC., FA 93547 (Nat. Arb. Forum Mar. 28, 2000) (finding that the word "*concierge*" was not associated with just one source to the extent that only that source could claim a legitimate use of the mark in connection with a website).

In the specific context of denominational words, use of the same name is often used among different places of worship in different locations. For example, there are hundreds of independently organized congregations in towns across America, each known individually as the "First Congregational Methodist Church," "Church of Christ," or "Calvary Baptist Church." In some cases, these words are used in conjunction with clarifying verbiage that indicates the church's specific location. Examples include "Episcopal Diocese of Massachusetts" or the "First Congregational Church of Hyde Park."

Similarly, the word ADVENTIST is used in the names of a multitude of independent congregations and organizations, including Complainant's organization, the "Seventh-Day Adventists," but also including the "Seventh-Day Adventist Reform Movement," "Davidian Seventh-Day Adventist Association," "Creation Seventh-Day Adventist Church," "True and Free Adventists," "United Sabbath-Day Adventist Church." *See* THE HANDBOOK OF DENOMINATIONS IN THE UNITED STATES, 12th edn. Although various Adventist divisions share many of the same beliefs, their theologies differ with regard to the natures of death, immortality, and punishment, as

well as how and when to observe a Sabbath and the particulars of certain rites and teachings. *See* <https://en.wikipedia.org/wiki/Adventism>.

In addition to Adventist churches, there are a plethora of Adventist-related groups that own and operate websites with Adventist-themed titles. There are several that are critical of Adventism; for example, the Former Adventist Fellowship (formeradventist.com), exAdventist Outreach (exadventist.com), NonSDA (nonsda.org), and the Seventh-Day Sabbath (seventh-day.org). There are websites that satirize Adventism; e.g., Barely Adventist (barelyadventist.com). There are even a wide variety of Adventist-specific dating sites, including Adventist Singles (thesingleadventist.com), Adventist Singles Connection (adventistsinglesconnection.com), Adventist Contact (adventistcontact.com), and Adventist Match (adventistmatch.com).

It is clear from the sheer number of ways that ADVENTIST is used, and the wide range of individuals and entities using it, that the word does not indicate one specific church. Instead, it connotes a general theology that any observer, scholar, critic, or commentator of the religion would need to use in order to identify and discuss the corresponding belief system. In other words, it refers to a type of belief, not to a particular organization. *See* Word of Faith Int'l. Center v. Brendhan Hight c/o Mdnh Inc., FA0903001251581 (Nat. Arb. Forum May 1, 2009) (finding that the term "Word of Faith" was not distinctive or exclusive to the Complainant and that a "mere showing that the Complainant's trade name includes these words does not establish such distinctiveness or exclusivity such that [the term] is recognized by any relevant consumer as distinguishing the goods or services of the Complainant in the relevant marketplace.").

Thus, the word ADVENTIST is generic, rendering Complainant's claim of trademark rights invalid and insufficient to divest Respondent of his domain name. *See* Rollerblade, Inc. v. CBNO and Redican, D2000-0427 (WIPO Aug. 24, 2000) ("genericness, if established, will defeat a claim of trademark rights, even in a mark which is the subject of an incontestable registration").

Finding differently would have chilling consequences on those practicing, studying, or engaging in discourse about a historically and culturally significant movement.

B. Respondent Has Legitimate Interests in The Disputed Domain Name

Respondent is a professional domainer. He owns approximately 10,000 generic and geographically-descriptive domain names, over 8,000 of which are offered for sale through his online domain name marketplace. He has been engaging in the legitimate business of investing in and monetizing generic words and phrases for the past seventeen years. *See* Annex 4, the Affidavit of Greg Everett and corresponding exhibits.

Respondent's ownership and use of the disputed domain name is part of a well-established practice whereby Respondent, like many known and reputable sellers of domain names, identifies, researches, values, bids on, markets, and sells domain names containing ordinary words and phrases that Respondent speculates may be useful or desirable to purchasers. The desirability of a particular domain name often depends on its ability to rank high in Internet searches, and whether it contains words or phrases that are of considerable interest, debate, controversy, use, or discussion.

In this case, the impressive number and variety of individuals, entities, organizations, interest groups, and for-profit companies operating under names that contain the word ADVENTIST indicate that the domain name ADVENTIST.COM could reasonably be expected to be attractive to any number of potential purchasers, all of whom would have justifiable reasons to own it. For example, anyone who practices Adventism, disagrees with its teachings, has left the religion, wants to educate the public about it, wants to connect with others affiliated with it, or wants to explore its history might want to -- and have a right to -- house a website on ADVENTIST.COM. It is its wide applicability that makes the domain name potentially profitable, and thus a solid investment for Respondent.

Numerous panels have concluded that a respondent has a legitimate right to register and use a domain name for the purpose of offering for sale commonly-used descriptive or dictionary terms. *Heart of Success, Inc. v. Private Registrant/A Happy Dreamhost Customer*, FA1608001689461 (Nat. Arb. Forum October 10, 2016); see also *Abstract Holdings International LTD. v. Sherene Blackett*, FA FA1111001415905 (Nat. Arb. Forum January 4, 2012) (“The buying and selling of generic domain names is a bona fide offering of goods”); *Franklin Mint Fed. Credit Union v. GNO, Inc.*, FA 860527 (Nat. Arb. Forum Mar. 9, 2007) (concluding that the respondent had rights or legitimate interests in the disputed domain name because respondent was a generic domain name reseller); *Alphalogix Inc. v. DNS Servs.*, FA 491557 (Nat. Arb. Forum July 26, 2005) (“Respondent is in the business of creating and supplying names for new entities, including acquiring expired domain names. This is a legitimate activity in which there are numerous suppliers in the United States.”); *Fifty Plus Media Corp. v. Digital Income, Inc.*, FA 94924 (Nat. Arb. Forum July 17, 2000) (upholding the respondent’s rights in the domain name where the respondent was an Internet business that dealt in selling descriptive and generic domain names).

Through his Affidavit and through his easily verifiable history of domain name investing, Respondent has rebutted Complainant’s argument and shown that he possesses rights and legitimate interests in ADVENTIST.COM. Respondent purchased the domain name for its generic and descriptive significance and for its commercial viability, which are valid and appropriate good faith reasons for ownership.

C. The Domain Name Was Not Registered or Used in Bad Faith

The fact that Respondent has shown rights and legitimate interests in the domain name is enough, in itself, to refute a bad faith allegation. See *Lockheed Martin Corp. v. Skunkworx Custom Cycle*, D2004-0824 (WIPO Jan. 18, 2005) (finding that the issue of bad faith registration and use

was moot once the respondent had proven rights or legitimate interests in the disputed domain name); Vanguard Group Inc. v. Investors Fast Track, FA 863257 (Nat. Arb. Forum Jan. 18, 2007) (“Because Respondent has rights and legitimate interests in the disputed domain name, his registration is not in bad faith.”); Schering AG v. Metagen GmbH, D2000-0728 (WIPO Sept. 11, 2000) (finding that the respondent did not register or use the disputed domain name in bad faith where the respondent registered the domain name in connection with a fair business interest); Mule Lighting, Inc. v. CPA, FA 95558 (Nat. Arb. Forum Oct. 17, 2000) (finding no bad faith where the respondent operated an active domain name marketplace that had been in use for many years and where there was no indication that respondent had any intent to cause confusion with the complainant); John Fairfax Publ’n Pty Ltd v. Domain Names 4U, D2000-1403 (WIPO Dec. 13, 2000) (finding legitimate interests and no bad faith registration where the respondent was a professional seller of generic domain names).

Even if Respondent had not shown rights and legitimate interests in ADVENTIST.COM, Complainant has failed to show any evidence that Respondent acted in bad faith. Respondent has not violated any of the factors listed in Policy ¶ 4(b), or engaged in any other conduct that would constitute bad faith registration and use pursuant to Policy ¶ 4(a)(iii). See Societe des Produits Nestle S.A. v. Pro Fiducia Treuhand AG, D2001-0916 (WIPO Oct. 12, 2001) (finding no bad faith on the part of the respondent where, as in the present case, the respondent had not engaged in a pattern of conduct depriving others of the ability to obtain domain names corresponding to their trademarks, was not a competitor of the complainant seeking to disrupt the complainant's business, and was not using the domain name to divert Internet users for commercial gain); Lumena s-ka zo.o. v. Express Ventures LTD, FA 94375 (Nat. Arb. Forum May 11, 2000) (finding no bad faith where the domain name involved a generic term, and where there was no direct evidence that the respondent registered the domain name with the intent of capitalizing on the complainant’s

trademark interest). Nor has Complainant set forth any facts showing that Internet users typing the word ADVENTIST into their search engines must be seeking Complainant's particular church, and not one of the multitude of other Adventist churches, organizations, dating sites, informational sites, or third-party Adventist-related ventures mentioned earlier in this Response.

To the contrary, the disputed domain name is comprised entirely of a common term that has many associations and meanings apart from its use by Complainant. Respondent therefore had a right, as the highest bidder, to purchase the name at auction. *See Zero Int'l Holding v. Beyonet Servs.*, D2000-0161 (WIPO May 12, 2000) ("Common words and descriptive terms are legitimately subject to registration as domain names on a 'first-come, first-served' basis."); *Target Brands, Inc. v. Eastwind Group*, FA 267475 (Nat. Arb. Forum July 9, 2004) (holding that the respondent's registration and use of the disputed domain name was not in bad faith because the complainant's registered trademark, although identical to the respondent's domain name, consisted of a generic word).

Simply listing a domain name for sale in order to generate revenue does not constitute bad faith, nor does the fact that the price of the domain is high. *IUNO Advokatpartnerselskab v. Angela Croom*, D2011-0806 (WIPO July 4, 2011) (recognizing that registering domain names for the purpose of selling them for profit is a lawful trade that generates millions of dollars per year); *Chuan Sin Sdn. Bhd. v. Internet Admin (not for sale), Reflex Publishing Inc.*, D2014-0557 (WIPO May 29, 2014) ("Respondent's business involves registering and using generic terms as domain names. Owning a portfolio of generic domain names is not evidence of bad faith."); *Nova Holdings Limited, Nova International Limited, and G.R. Events Limited v. Manheim Equities, Inc. and Product Reports, Inc.*, D2015-0202 (WIPO April 23, 2015) (reasoning that, where a respondent is in the business of selling domain names for profit, the fact that the price of a disputed domain name is high is not an indication of bad faith).

Where, as here, the domain name is offered for sale to the general public, on a general marketplace website expressly dedicated to selling generic domain names, and where there has been no attempt whatsoever to target Complainant or to capitalize on any goodwill associated with Complainant, Complainant fails to meet the burden of proof of bad faith registration and use under Policy ¶ 4(a)(iii). See *Dinah, S.L. v. WebQuest.com Inc.*, D2005-0573 (WIPO August 25, 2005); *Telephone and Data Systems, Inc. v. Protected Domain Services*, D2011-0435 (WIPO May 10, 2011); *JCM Germany GmbH v. McClatchey Jr.*, D2004-0538 (WIPO Sept. 17, 2004) (holding that the respondent did not violate Policy ¶ 4(b)(i) by attempting to sell the disputed domain name for profit because the respondent did not register the domain name with the intent to sell it to the complainant or one of its competitors.).

In short, the Policy demands a showing of improper motive on the part of a respondent in order to justify confiscating the respondent's property and conferring it, *gratis*, to the complainant. A trademark owner – even one, unlike Complainant, who owns legitimate rights in a validly registered mark – is not authorized by the Rules to demand that a registrant who purchased and is using a domain name in good faith surrender that domain name free of charge.

For these reasons, Complainant fails to prove that Respondent acted in bad faith, and paragraph 4(a)(iii) of the Policy has not been satisfied.

D. Complainant Has Attempted Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if the complaint was brought in bad faith in an attempt at Reverse Domain Name Hijacking, the panel shall declare in its decision that the complaint constitutes an abuse of the administrative proceeding. Reverse Domain Name Hijacking is defined under the Rules as "using the UDRP in bad faith to attempt to deprive a registered domain-name holder of a domain name".

Here, Complainant is guilty of attempted Reverse Domain Name Hijacking because:

- Complainant knew, or should have known, that it could not have the exclusive rights to the word ADVENTIST because it is generic and/or it has become heavily diluted by common law use by other entities; and

- Complainant knew, or should have known, that it could not prove the three essential UDRP elements. For example, it is well-settled precedent that proof of targeting is required to establish bad faith. There exists no such evidence in this case. Complainant also relied heavily on the mere fact that Respondent is in the business of selling domain names, despite well-documented rulings that such activity of itself is entirely legitimate. Further, Complainant was already in communication with Respondent when it filed this complaint and was well aware of the facts and evidence contained in this Response. Complainant had laid out its grievances in a cease and desist letter to Respondent, to which Respondent expediently responded. Prior to filing this action, Complainant was in receipt of Respondent's detailed and thorough 32-page letter setting forth all facts negating Complainant's case, together with substantial supporting case law, citations, and documentation. Despite having this information, and instead of continuing to engage in a dialog with Respondent (in which Respondent had manifestly shown he was willing to participate), Complainant filed the instant complaint.

This is a classic Reverse Domain Name Hijacking case. Also known as a "Plan B" case, it is a thinly veiled attempt to use the Policy to acquire a desired domain name by fiat rather than pay fair market value to purchase it via proper sales channels. This stratagem has been described by prior panels as "a highly improper purpose" that should be proscribed. See, *e.g.*, *Patricks Universal Export Pty Ltd. v. David Greenblatt*, D2016-0653 (WIPO June 21, 2016) (upholding complainant's "Plan B" approach as a justifiable basis for a finding of Reverse Domain Name Hijacking); *Nova Holdings Limited, Nova International Limited, and G.R. Events Limited v. Manheim Equities, Inc. and Product Reports, Inc.*, D2015-0202 (WIPO April 23, 2015) (use of

UDRP proceeding as a tactic for wresting a domain from a *bona fide* purchaser for value called "a highly improper purpose").

Complainant has attempted, through this proceeding, to obtain a domain name for free that it could have legally purchased. ADVENTIST.COM was offered for sale, at auction, to the public. Respondent bid. Complainant did not. Respondent paid good value for the domain name. Complainant then demanded that Respondent surrender it for no consideration.

Just like with any other commodity, those desirous of a certain domain name are expected to find the rightful owner and pay the value. Sometimes the price is higher than one is willing or wants to pay; however, a high price is not justification for allowing the domain name to be purchased by another, and then misusing arbitration resources in order to forcefully commandeer it.

Complainant has made an aggressive attempt to obtain a valuable name for its corporation through improper means. In bringing this action, Complainant exhibits a fundamental misunderstanding of the purpose behind the Policy. The Policy was designed to combat cybersquatting, or the practice of targeting and exploiting trademark owners in order to extort unreasonable amounts of money from rightful owners. It was never intended to enable trademark claimants to seize domain names lawfully purchased in good faith by registrants with demonstrably legitimate interests.

By filing a Complaint that it must have known was fundamentally flawed, Complainant has violated the Policy and abused the administrative process, imposing upon Respondent and the Panel unnecessary and irrecoverable expense.

V. OTHER LEGAL PROCEEDINGS

As of the date of this Response, there are no pending legal proceedings between the parties other than the instant dispute. However, Respondent has engaged counsel in order to prepare and

file a petition to cancel Complainant's United States trademark registrations for ADVENTIST on the basis of genericness. Respondent's standing before the Trademark Trial and Appeal Board arises, in part, from the instant dispute.

VI. RESPONSE TRANSMISSION

Respondent asserts that a copy of the Response, as prescribed by FORUM's Supplemental Rules, has been sent or transmitted to Complainant, in accordance with Rule 2(b).

VII. PRAYER FOR RELIEF

Respondent respectfully requests that the Panel deny the remedy requested by the Complainant and order that the disputed domain name REMAIN WITH Respondent.

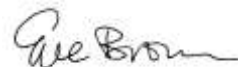
In addition, Respondent requests that the Panel find that Complainant has committed Reverse Domain Name Hijacking by falsely alleging that Respondent has no rights or legitimate interests in the domain name and that Respondent registered and uses the domain name in bad faith, despite Complainant's actual knowledge that these claims were unsupportable.

VIII. CERTIFICATION

Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Dated: December 29, 2016

Respectfully Submitted,



Eve J. Brown
ATTORNEY FOR RESPONDENT

Exhibit D



DECISION

General Conference Corporation of Seventh-day Adventists v. GREG EVERETT /

PHILANTHROPIST.COM

Claim Number: FA1612001706357

PARTIES

Complainant is **General Conference Corporation of Seventh-day Adventists** ("Complainant"), represented by **Bryce J. Maynard** of **Buchanan Ingersoll & Rooney PC**, Virginia, USA. Respondent is **GREG EVERETT / PHILANTHROPIST.COM** ("Respondent"), represented by **Eve J. Brown** of **Bricolage Law, LLC**, Massachusetts, USA.

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is **<adventist.com>**, registered with **eNom, Inc.**

PANEL

The undersigned certify that they have acted independently and impartially and to the best of their knowledge have no known conflict in serving as panelists in this proceeding.

The Honourable Neil Anthony Brown QC, Jeffrey Samuels and Debrett G. Lyons (chair) as panelists.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the FORUM electronically on December 7, 2016; the FORUM received payment on December 7, 2016.

On December 8, 2016, eNom, Inc. confirmed by e-mail to the FORUM that the <adventist.com> domain name is registered with eNom, Inc. and that Respondent is the current registrant of the name. eNom, Inc. has verified that Respondent is bound by the eNom, Inc. registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On December 9, 2016, the FORUM served the Complaint and all Annexes, including a Written Notice of the Complaint, setting a deadline of December 29, 2016 by which Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent's registration as technical, administrative, and billing contacts, and to postmaster@adventist.com. Also on December 9, 2016, the Written Notice of the Complaint, notifying Respondent of the e-mail addresses served and the deadline for a Response, was transmitted to Respondent via post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts.

A timely Response was received and determined to be complete on December 29, 2016.

On December 13, 2016, pursuant to Respondent's request to have the dispute decided by a three-member Panel, the FORUM appointed as The Honourable Neil Anthony Brown QC, Jeffrey Samuels and Debrett G. Lyons (chair) as panelists (the "Panel").

Having reviewed the communications records, the Administrative Panel finds that the FORUM has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent"

through submission of Electronic and Written Notices, as defined in Rule 1 and Rule 2.

RELIEF SOUGHT

Complainant requests that the domain name be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant

Complainant asserts registered trademark rights in ADVENTIST and alleges that the disputed domain name is legally identical to its trademark.

Complainant alleges that Respondent has no rights or legitimate interests in the disputed domain name.

Complainant alleges that Respondent registered and used the disputed domain name in bad faith.

B. Respondent

Respondent concedes the identity of the trademark and the disputed domain name but challenges the validity of the registrations founding the claim to trademark rights.

Respondent claims to have a legitimate interest in the disputed domain name because "Adventist" is a dictionary word with meanings not exclusively linked to Complainant.

Respondent denies having registered the disputed domain name in bad faith for the same reason.

Respondent submits that the Complaint fails and that there should be a finding of reverse domain name hijacking made against Complainant.

FINDINGS

The factual findings pertinent to the decision in this case are that:

1. Complainant is a not-for-profit organization which holds title to the assets of the Seventh-Day Adventist Church ("SDAC"), a religious organization;
2. those assets include the trademark ADVENTIST (the "trademark") which has been used in connection with religious services, missionary services, educational services, and related matters since 1863;
3. the trademark is the subject, *inter alia*, of United States Patent & Trademark Office ("USPTO") Regn. No. 1,176,153, registered on November 2, 1981;
4. the SDAC promotes itself via a website at www.adventist.org;
5. Respondent is a domain name reseller;
6. the domain name was created on September 25, 1998 by a third party and acquired by Respondent at auction on June 28, 2016;
7. the domain name is for sale on a website controlled by Respondent at www.philanthropist.com for USD1,200,000; and
8. there is no commercial agreement between the parties.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold enquiry – a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark.

Paragraph 4(a)(i) of the Policy does not distinguish between registered and unregistered trademark rights. A trademark registered with a national authority is evidence of trademark rights.ⁱ Annexed to the Complaint is a copy of the USPTO registration for the trademark cited earlier and so the Panel finds that Complainant has trademark rights.

Respondent states its intention to challenge the validity of that (and another) registration before the United States Trademark Trial and Appeal Board (“TTAB”) in keeping with its argument that the word “Adventist” is generic.

It is not the mandate of this Panel to investigate matters already determined by the USPTO and absent evidence of a decision of the TTAB that the trademark be removed from the Principal Register, the Panel finds that trademark rights have been established for the purposes of paragraph 4(a)(i) of the Policy.ⁱⁱ

To the extent that the descriptive or generic characteristics of a trademark might show a respondent to have acted in good faith or to have a legitimate interest in a disputed domain name, UDRP panelists are agreed that these are matters to be left for consideration under the other elements of the Policy.ⁱⁱⁱ

The Panel is satisfied that the disputed domain name is legally identical to Complainant's trademark since the domain name takes the trademark and adds the non-distinctive gTLD, ".com" ^{iv}. Respondent concedes the identity of the disputed domain name and the trademark.

The Panel finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

Rights or Legitimate Interests

Complainant is required to make out a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name, after which the onus shifts to Respondent to rebut that case by demonstrating those rights or interests^v.

Paragraph 4(c) of the Policy states that any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate rights or legitimate interests to a domain name for purposes of paragraph 4(a)(ii) of the Policy:

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

Complainant need only make out a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name, after which the onus shifts to Respondent to rebut that case by demonstrating those rights or interests.

The publicly available WHOIS information identifies Respondent as “GREG EVERETT / PHILANTHROPIST.COM” and carries no suggestion that Respondent might commonly be known by the disputed domain name. Respondent does not advance any such argument.

There is no evidence that Respondent has relevant trademark rights and there is no evidence that Complainant has authorized Respondent to use the trademark. The domain name is legally identical to Complainant’s trademark and is for sale.^{vi}

Panel finds that Complainant has established a *prima facie* case and so the onus shifts to Respondent to establish a legitimate interest in the domain name.

The next question is whether the disputed domain name has been used in connection with a *bona fide* offering of goods or services prior to notice of the dispute. Respondent states that it is a generic domain name reseller, and submits that the sale of domain names comprising generic terms is a *bona fide*

offering of goods or services. Respondent claims to have registered over 10,000 such domain names, 8,000 of which are currently for sale at www.philanthropist.com.

Panel accepts that Respondent is a domain name reseller and the reasoning of many panels that the business of registering and selling domain names for their generic value is a legitimate business practice protected under the Policy.^{vii}

It might be questioned how strictly Respondent does just that. The substance of the Response is found in an Affidavit made by Greg Everett (“the Everett Affidavit”) who describes himself as the founder and owner of the online marketplace at www.philanthropist.com. Exhibit A to that Everett Affidavit contains a handful of domain names said to be representative of the 8,000 names for sale there. Of them, the Panel observes in passing <thenationalnewspaper.com> and <maryclaire.com>.^{viii} More interestingly for present purposes the Panel notes <presbyterian.com>.

The Everett Affidavit is a wordy document entailing the single premise that “advent” is an ordinary dictionary word and that “Adventist” has a broader meaning than solely that of an adherent to the SDAC.

The Response states:

“The word cannot be inherently distinctive, as it is composed of a generic word and is descriptive of one who believes in an advent, or the forthcoming arrival of someone or something of consequence.

...

Nothing in the Complaint proves that consumers identify the word with the Complainant’s specific church, rather than as a term merely describing a general belief system or outlook”.

The Panel assumes that this is what Respondent understands when it claims to register only generic terms.

The principal issue for the Panel is not the legitimacy of Respondent's business model, but whether Respondent has a legitimate interest in the disputed domain name. Put another way, the legitimacy (or otherwise) of Respondent's business does not, of itself, create rights or a legitimate interest in a domain name corresponding with the trademark of another.

The Everett Affidavit is essentially argumentative. It does not exhibit evidence in the way required by a Court. At best it collates unauthenticated abstracts from other sources and contains links which might enable the Panel to follow its own research. From that perspective it is a largely inadequate document in so far as it aims to prove use of the word "Adventist" in ways having no unique association with Complainant.

Ignoring that shortcoming, the Panel notes that many of the dictionary definitions of the word "Adventist" relied upon by Respondent give the SDAC as the second definition. Many of the website references said to show general use of the word in fact refer to the SDAC or to members of the SDAC.

So, for example, referring to the Everett Affidavit, the *Merriam – Webster Dictionary* defines "Adventism" as "(1) the doctrine that the second coming of Christ and the end of the world are near at hand, but (2), the principles and practices of Seventh-Day Adventists." The *Collins English Dictionary - Complete & Unabridged 2012 Digital Edition* defines "Adventist" as "a member of any of the Christian groups, such as the Seventh-Day Adventists that hold that the Second Coming of Christ is imminent." Further, *Dictionary.com* defines "Adventist" as "(1) ... a member of any of certain Christian denominations that maintain that the

Second Advent of Christ is imminent, (2) of or relating to Adventists.” Panel notes that this is then followed by a so-called “contemporary example”, being: *“The daughter of 7th Day Adventist missionaries, Heidi Nelson was raised with the expectation that she would do well.”*

The Encyclopedia Britannica lists an “Adventist” as:

“...[a] member of any one of a group of Protestant Christian churches that trace their origin to the United States in the mid-19th century and that are distinguished by their emphasis on the belief that the personal, visible return of Christ in glory (i.e., the Second Coming) is close at hand, a belief shared by many Christians. While most Adventist groups remain relatively small, the Seventh-day Adventist Church has become a significant global body, with congregations in more than 200 countries and a membership of more than 14 million.”

In terms of the Policy, these definitions are not without ambiguity. A legitimate interest might exist when a word is “generic” in the sense that it relates to, or is characteristic of a whole group or class. However, the position is quite different if the word principally connotes to the public a single enterprise.

The Everett Affidavit cites a legal article authored by Jenna DiJohn entitled *“Examining the Outer-Limits of Trademark Law in the Religious Context and Potential Implicit Bias for Non-Secular Litigants: Eller v. Intellectual Reserve, Inc.”*^{ix} in which she refers to the 2010 Sixth Circuit Court in *GENERAL CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS and GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS, an Unincorporated Association v. WALTER MCGILL, d/b/a CREATION 7TH DAY ADVENTIST CHURCH et al.*, where it was held that “if the consumer sees the mark and identifies it with the religious beliefs, the mark is generic; on the other

hand, if the mark is associated with the religious organization itself, the mark has not become generic”.

Taking the submissions of both parties as the Panel finds them, on balance the "evidence" is that the word has a broader meaning than just the SDAC. If the argument was that the word connoted the SDAC above all else, then the Complaint does not go far enough to show that.

The Panel finds that Respondent has shown a legitimate interest in the domain name since its conduct falls under the paragraph 4(c)(i) of the Policy. With that finding the complaint fails and Panel need do no more.^x In this case and for the sake of absolute clarity, Panel has chosen to go on and make the paragraph 4(a)(iii) analysis.

Registration and Use in Bad Faith

Complainant must prove, on the balance of probabilities, both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

Further guidance can be found in paragraph 4(b) of the Policy, which sets out four circumstances, any one of which is taken to be evidence of the registration and use of a domain name in bad faith if established. The four specified circumstances are:

‘(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, respondent has intentionally attempted to attract, for commercial gain, internet users to respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.'

The Panel finds that there is no evidence whatsoever that Respondent was primarily actuated by a motive described in any of subparagraphs (ii) to (iv) above. However, Panel has paid attention to paragraph 4(b)(i) since it is a touchstone of whether or not Respondent registered the domain name in bad faith. In that regard (a) Respondent admits that its business is such that it acquired the domain name for the purpose of selling, renting, or otherwise transferring the domain name registration, and (b) Respondent would do so for valuable consideration in excess of the out-of-pocket acquisition costs.

It therefore remains to consider whether Respondent had these intentions apropos Complainant "who is the owner of the trademark or service mark or to a competitor of Complainant". That intention must, on the evidence, be Respondent's *primary* motivation in order for it to be caught by paragraph 4(b)(i).

In the alternative, if Complainant sought to prove independently from the four scenarios set out above that Respondent registered the domain name in bad faith, then it must do so on the balance of probabilities. Arguably, that might involve a lower evidentiary threshold than establishment of Respondent's *primary* motive under paragraph 4(b)(i).

In redacted form with citations removed, Complainant's submissions are that:

"... the record is clear that Respondent acquired the <adventist.com> domain name with the sole intention of selling the domain name for an exorbitant price. The listing currently displayed on Respondent's web site offers to sell the domain name for \$1.2 million dollars. While this is an offer to the general public rather than a direct offer to Complainant, it is still sufficient to demonstrate Respondent's bad faith.

Furthermore, it is apparent that the reason Respondent is demanding such an exorbitant price for the <adventist.com> domain name is due entirely to the association of this domain name with Complainant's ADVENTIST mark. The listing refers to <adventist.com> as a "hand-picked premium domain name" and states that "business brandability is very high for adventist.com". Obviously, this "business brandability" is based upon the extremely high level of consumer recognition of the mark, due to the efforts of Complainant and its predecessors over the last 150 years to promote the mark and to associate the mark with Complainant's goods and services.

Moreover, as Complainant is the legitimate owner of rights in the ADVENTIST mark, it is likely that Respondent's goal in acquiring the domain name was to sell the domain name to Complainant at an excessive price."

Respondent states that:

“...the impressive number and variety of individuals, entities, organizations, interest groups, and for-profit companies operating under names that contain the word ADVENTIST indicate that the domain name ... could reasonably be expected to be attractive to any number of potential purchasers, all of whom would have justifiable reasons to own it. For example, anyone who practices Adventism, disagrees with its teachings, has left the religion, wants to educate the public about it, wants to connect with others affiliated with it, or wants to explore its history might want to – [use the domain name].”

The Panel might wonder whether the classes of potential purchases exemplified above would have an interest in the domain name at the listed price. Put another way, although the offer is to the public at large it could be asked whether Complainant is the most viable purchaser.

Nonetheless, Respondent states at www.philanthropist.com that it sells domain names at prices from USD250 to USD2.5 million. The Panel considers that whilst the price placed on the domain name might be a marker of a respondent's intentions, it can only be one factor, for otherwise the measure of bad faith would simply rise and fall with the asking price for a domain name.^{xi}

The proper starting point must be the observation made many times by UDRP panelists that once a respondent is shown to have a legitimate interest in a domain name it follows that a complainant will struggle to show bad faith, especially bad faith registration.

Complainant's submission is that Respondent had constructive knowledge of the

USPTO registration of the trademark (and, thus, of Complainant's trademark rights). Constructive knowledge is generally insufficient to show bad faith. In any event, even if it were assumed that Respondent had actual knowledge of Complainant and its trademark at the time of registration of the domain name, that knowledge would not impute bad faith to Respondent unless registration was made with the intention of targeting Complainant.

The Everett Affidavit states that Respondent did not target Complainant and that its genuine belief at all times was that "Adventist" is a generic, non-proprietary dictionary word.

This is not a case of "willful blindness" to Complainant's possible rights. The Everett Affidavit states that proper research was undertaken so that Respondent had satisfied itself that the word "Adventist" was generic.^{xii}

The Response states that:

"Complainant [has not] set forth any facts showing that Internet users typing the word ADVENTIST into their search engines must be seeking Complainant's particular church, and not one of the multitude of other Adventist churches, organizations, dating sites, informational sites, or third-party Adventist-related ventures mentioned earlier in the Response."

Had Complainant done so, the Panel assumes that a different analysis might have been demanded of it. The Panel finds that this is a "close case" on the issue of bad faith. Upon review of all the evidence and bearing in mind that Complainant bears the burden of proof, the Panel finds that the disputed domain name was not registered in bad faith.

Accordingly, the Panel finds that Complainant has failed to establish the third element of the Policy.

Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that if, after considering the submissions, the Panel finds that the Complaint was brought in bad faith or was brought primarily to harass the domain name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

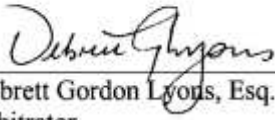
Respondent alleges that Complainant has acted in bad faith and engaged in reverse domain name hijacking by initiating the proceeding. It states that it was in contact with Complainant leading up to the dispute and that Complainant is trying to avoid purchase of the domain name at market value.^{xiii}

Complainant's failure to satisfy all elements of the Policy does not, of itself, call for a finding of reverse domain name hijacking. In view of the Panel's analysis above, and in particular the existence of fair questions concerning Respondent's right or legitimate interest in the domain name, as well as whether the domain name was registered in bad faith, the Panel does not consider this a case of attempted reverse domain name hijacking.

DECISION

Having failed to establish at least one of the three elements required under the ICANN Policy, the Panel concludes that relief shall be **DENIED**.

Accordingly, it is Ordered that the <adventist.com> domain name **REMAIN WITH** Respondent.


Debrett Gordon Lyons, Esq.
Arbitrator

Debrett G. Lyons (chair)
The Honourable Neil Anthony Brown QC
Jeffrey Samuels
Panelists

Dated: January 23, 2017

ⁱ See *State Farm Mut. Auto. Ins. Co. v. Periasami Malain*, FA 705262 (Nat. Arb. Forum June 19, 2006) (“Complainant’s registrations with the United States Patent and Trademark Office of the trademark, STATE FARM, establishes its rights in the STATE FARM mark pursuant to Policy, paragraph 4(a)(i).”); see also *Mothers Against Drunk Driving v. phix*, FA 174052 (Nat. Arb. Forum Sept. 25, 2003) finding that the complainant’s registration of the MADD mark with the United States Patent and Trademark Office establishes the complainant’s rights in the mark for purposes of Policy paragraph 4(a)(i).

ⁱⁱ See, for example, *Medpay Systems, Inc. v. AffiniPay*, Claim Number: FA1404001553796 ((Nat. Arb. Forum July 7, 2014) holding that “It is of no relevance whatsoever to the establishment of trademark rights that the registration might be the object of a pending, yet undecided, cancellation action. Provided the registration remains on foot at the time of this decision, it is enough to prove rights no matter what might later become of it.”

ⁱⁱⁱ See *Precious Puppies of Florida, Inc. v. kc*, FA 1028247 (Nat. Arb. Forum Aug. 10, 2007) examining respondent’s generic terms arguments only under Policy ¶ 4(a)(ii) and Policy ¶ 4(a)(iii) and not under Policy ¶ 4(a)(i); see also *Vitello v. Castello*, FA 159460 (Nat. Arb. Forum July 1, 2003) finding that the respondent’s disputed domain name was identical to complainant’s mark under Policy ¶ 4(a)(i), but later determining the issue of whether the disputed domain name was comprised of generic terms under Policy ¶¶ 4(a)(ii) and 4(a)(iii).

^{iv} See *Rollerblade, Inc. v. McCrady*, D2000-0429 (WIPO June 25, 2000) finding that the top level of the domain name such as “.net” or “.com” does not affect the domain name for the purpose of determining whether it is identical or confusingly similar; see also *InfoSpace, Inc. v. domains Asia Ventures*, FA 198909 (Nat. Arb. Forum Nov. 10, 2003) dealing with the disputed domain name <dogpileuk.com> where the integer “uk” was added to the DOGPILE trademark.

^v See *Do The Hustle, LLC v. Tropic Web*, D2000-0624 (WIPO Aug. 21, 2000); see also *Hanna-Barbera Prods., Inc. v. Entm’t Commentaries*, FA 741828 (Nat. Arb. Forum Aug. 18, 2006); see also *AOL LLC v. Gerberg*, FA 780200 (Nat. Arb. Forum Sept. 25, 2006).

^{vi} See, for example, *University of Rochester v. Park HyungJin*, FA1410001587458 (FORUM Dec. 9, 2014) (“The Panel finds Respondent’s willingness to sell this <perifacts.com> domain name in excess of out-of-pocket registration costs weighs against Respondent’s case for rights or legitimate interests in the domain name.”).

^{vii} See, for example, *Fifty Plus Media Corp. v. Digital Income, Inc.*, FA 94924 (Nat. Arb. Forum July 17, 2000).

^{viii} The “National” being the name of newspapers in a number of places around the world and “Marie Claire” being the name of an internationally published woman’s magazine.

^{ix} See <http://via.library.depaul.edu/cgi/viewcontent.cgi?article=1012&context=jatip>

^x See *Creative Curb v. Edgetec Int’l Pty. Ltd.*, FA 116765 (Nat. Arb. Forum Sept. 20, 2002) finding that because the complainant must prove all three elements under the Policy, the complainant’s failure to prove one of the elements makes further inquiry into the remaining element unnecessary; see also *Hugo Daniel Barbaca Bejinha v. Whois Guard Protected*, FA 836538 (Nat. Arb. Forum Dec. 28, 2006) deciding not to inquire into the respondent’s rights or legitimate interests or its registration and use in bad faith where the complainant could not satisfy the requirements of Policy ¶ 4(a)(i).

^{xi} See, for example, *Pocatello Idaho Auditorium Dist. v. CES Mktg. Group, Inc.*, FA 103186 (FORUM Feb. 21, 2002) finding that “[w]hat makes an offer to sell a domain [name] bad faith is some accompanying evidence that the domain name was registered because of its value that is in some way dependent on the trademark of another, and then an offer to sell it to the trademark owner or a competitor of the trademark owner”.

^{xii} See, for example, *Intocable, Ltd. v. Paytotake LLC*, WIPO Case No. D2016-1048, for a similar analysis.

^{xiii} See, for example, *Labrada Bodybuilding Nutrition, Inc. v. Glisson*, FA 250232 (FORUM May 28, 2004) finding that complainant engaged in reverse domain name hijacking where it used “the Policy as a tool to simply wrest the disputed domain name in spite of its knowledge that the Complainant was not entitled to that name and hence had no colorable claim under the Policy”.

Exhibit E

Definition of advent in English:

 en.oxforddictionaries.com/definition/advent

advent

noun

- 1The arrival of a notable person or thing.
‘the advent of television’
- 2The first season of the Church year, leading up to Christmas and including the four preceding Sundays.
 1. 2.1Christian Theology The coming or second coming of Christ.

Origin

Old English, from Latin *adventus* ‘arrival’, from *advenire*, from *ad-* ‘to’ + *venire* ‘come’.

Pronunciation

advent

/ˈadvɛnt/ /ˈadv(ə)nt/

Definition of Advent

 [merriam-webster.com/dictionary/Advent](https://www.merriam-webster.com/dictionary/Advent)

Middle English, borrowed from Medieval Latin *adventus*, going back to Latin, “arrival, appearance,” from *adven-*, variant stem of *advenīre* “to arrive” (from *ad-* [ad-](#) + *venīre* “to come,” going back to Indo-European **g^wem₂-ie-*) + *-tus*, suffix of action nouns — more at [¹come](#)

First Known Use: 12th century

advent

 dictionary.com/browse/advent

[ad-vent]

[See more synonyms on Thesaurus.com](#)

noun

1.

a coming into place, view, or being; arrival:

the advent of the holiday season.

2.

(usually initial capital letter) the coming of Christ into the world.

3.

(initial capital letter) the period beginning four Sundays before Christmas, observed in commemoration of the coming of Christ into the world.

4.

(usually initial capital letter) [Second Coming](#).

Second Coming

noun

1.

the coming of Christ on Judgment Day.

Also called Advent, [Second Advent](#).

Origin

First recorded in 1635-45

Related forms

post-Advent, adjective

Dictionary.com Unabridged

Based on the Random House Dictionary, © Random House, Inc. 2017.

[Cite This Source](#)

Examples from the Web for advent

Contemporary Examples

Historical Examples

- Otherwise, there was little chance of many bids for the place, but his *advent* changed the outlook.

[Ditte: Girl Alive!](#) Martin Andersen Nexø

- But with the *advent* of the white man and the destruction of the game all this was changed.

[The Sacred Formulas of the Cherokees](#) James Mooney

- With the *advent* of better times it is often very difficult to enrol them once again in the ranks of industry.

[Crime and Its Causes](#) William Douglas Morrison

- She had tried it a day or two after her *advent* and found it locked.

[Floyd Grandon's Honor](#) Amanda Minnie Douglas

- He found himself regarding the *advent* of Doctor Sarson as possessing some secondary significance.

[The Vanished Messenger](#) E. Phillips Oppenheim

British Dictionary definitions for advent

/ˈædvɛnt; -vənt/

noun

1.

an arrival or coming, esp one which is awaited

Word Origin

C12: from Latin *adventus*, from *advenīre*, from *ad-* to + *venīre* to come

Advent

/ˈædvɛnt; -vənt/

noun

1.

(Christianity) the season including the four Sundays preceding Christmas or (in Eastern Orthodox churches) the forty days preceding Christmas

Second Coming

noun

1.

the prophesied return of Christ to earth at the Last Judgment

Collins English Dictionary - Complete & Unabridged 2012 Digital Edition

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Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009, 2012

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Word Origin and History for advent

n.

"important arrival," 1742, an extended sense of Advent "season before Christmas" (Old English), from Latin *adventus* "a coming, approach, arrival," in Church Latin "the coming of the Savior," from past participle stem of *advenire* "arrive, come to," from *ad-* "to" (see [ad-](#)) + *venire* "to come" (see [venue](#)). In English, also sometimes extended to the Pentecost.

Online Etymology Dictionary, © 2010 Douglas Harper

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advent in Culture

Second Coming definition

The return of [Jesus](#), prophesied in the [New Testament](#), to judge the living and the dead and bring about the final triumph of good over evil. The writings of the [Apostles](#) in the [New Testament](#) express the belief that the Second Coming will happen soon and suggest that it may happen within a generation of their own time. (See [Judgment Day](#).)

Note : Several [Christian](#) denominations, such as the [Seventh-Day Adventists](#) and the [Jehovah's Witnesses](#), are founded on a similar belief about the imminence of Jesus' return.

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noun

noun: **advent**; plural noun: **advents**

1. the arrival of a notable person, thing, or event.

"the advent of television"

antonyms: [disappearance](#)

- the first season of the Christian church year, leading up to Christmas and including the four preceding Sundays.

noun: **Advent**

- Christian Theology

the coming or second coming of Christ.

noun: **Advent**

Exhibit F

Second Coming

 [britannica.com/topic/Second-Coming](https://www.britannica.com/topic/Second-Coming)

Written By:

[The Editors of Encyclopædia Britannica](#)
[See Article History](#)

Alternative Titles: Parousia, Second Advent

Similar Topics

Second Coming, also called Second Advent, or Parousia, in [Christianity](#), the future return of [Christ](#) in glory, when it is understood that he will set up his kingdom, judge his enemies, and reward the faithful, living and dead. Early Christians believed the [Advent](#) to be [imminent](#) (see [millennium](#)), and most Christian theologians since then have believed that the visible appearance of Jesus may occur at any moment and that Christians should be ever ready for it. Such believers find evidence for the Second Coming in the Gospels (Matthew 24,25; Mark 13; Luke 21:5–26; John 14:25–29), in the Book of Revelations, and in other biblical and traditional sources. *See also* [Last Judgment](#).

Learn More in these related articles:

a general, or sometimes individual, judging of the thoughts, words, and deeds of persons by God, the gods, or by the laws of cause and effect.

[Read More](#)
[Adventist](#)

member of any one of a group of Protestant Christian churches that trace their origin to the United States in the mid-19th century and that are distinguished by their emphasis on the belief that the personal, visible return of Christ in glory (i.e., the Second Coming) is close at hand, a belief...

[Read More](#)
[millennialism](#)

the belief, expressed in the book of Revelation to John, the last book of the New Testament, that Christ will establish a 1,000-year reign of the saints on earth (the millennium) before the Last Judgment. More broadly defined, it is a cross-cultural concept grounded in the expectation of a time of...

- **Contributor:** [The Editors of Encyclopædia Britannica](#)
- **Article Title:** Second Coming
- **Website Name:** Encyclopædia Britannica
- **Publisher:** Encyclopædia Britannica, inc.
- **Date Published:**
- **URL:** <https://www.britannica.com/topic/Second-Coming>
- **Access Date:** May 31, 2017



(requires login).

Exhibit G

What is Advent?

 gotquestions.org/what-is-Advent.html

11/9/2014

:



Question: "What is Advent?"

Answer: Advent is the season of the year leading up to [Christmas](#). It is observed with various traditions and rituals by Catholics and other [liturgical](#) groups such as Lutherans, Anglicans, and Methodists. In recent years, Advent celebrations of one type or another have been added to many evangelical services as well.

The word *advent* itself means “arrival” or “an appearing or coming into place.” Christians often speak of Christ’s “first advent” and “second advent”; that is, His first and second comings to earth. His first advent would be the [Incarnation](#)—Christmastime.

The Advent season lasts for four Sundays. It begins on the fourth Sunday before Christmas, or the nearest Sunday to November 30. Advent ends on Christmas Eve and thus is not considered part of the Christmas season. The Advent celebration is both a commemoration of Christ’s first coming and an anticipation of His second coming. As Israel longed for their Messiah to come, so Christians long for their Savior to come again.

The Eastern Orthodox Church does not observe Advent per se, but they do keep a long fast before Christmas. In the West, Advent has developed a more festive tone, although many churches also keep a fast and focus on prayer and penitence akin to what takes place during the [Lenten](#) season (sometimes, Advent is even called “Little Lent”). Advent is seen as a time to prepare one’s heart for Christmas and for the eventual return of Christ (and the judgment He will bring to the world).

Churches that observe Advent usually decorate their sanctuaries in the liturgical color of Advent, purple (or in some cases royal blue). Some churches change the color to rose on the third or fourth Sunday of Advent to signify a greater emphasis on the joy of the season.

One of the most common Advent traditions involves the use of evergreen wreaths, branches, and trees. On the first Sunday of Advent, churches and homes are decorated with green to symbolize the eternal life that Jesus brings. An Advent wreath—an evergreen circle with four colored candles surrounding a white one in the middle—is placed in a prominent spot. The candles are then lighted one at a time, on successive Sundays. The first candle is the candle of “hope” or “expectation.” The three remaining candles on the perimeter are given various meanings depending on the church. On Christmas Eve or Christmas Day, the center white candle is lighted; this is the “Christ Candle,” a reminder that Jesus, the [Light of the Word](#), has come.

[Advent calendars](#), used to count down the days till Christmas, are popular in many homes. An Advent calendar contains a number of covered “windows” that are opened, one a day, until Christmas Day. Each open window reveals a picture related to the season or a poem or a Bible verse or a treat of some kind. Many parents find that an Advent calendar is a good way to teach their children the true meaning of Christmas—although there are secular versions of the calendars, too.

Should Christians observe Advent? This is a matter of personal conviction. Here is the biblical principle: “One person considers one day more sacred than another; another considers every day alike. Each of them should be fully convinced in their own mind. Whoever regards one day as special does so to the Lord” ([Romans 14:5–6](#)).

There is certainly nothing wrong with commemorating Jesus' birth and anticipating His return—such commemoration and anticipation should be an everyday part of our lives. Are Christians required to observe Advent? No. Does observing Advent make one a better Christian or more acceptable to God? No. Can celebrating Advent be a good reminder of what the season is truly all about? Yes, and therein lies its greatest value.

[What is an advent calendar? How does an advent calendar relate to Christmas?](#)

[Questions about Christmas](#)

[GotQuestions.org Home](#)

Article

 umcdiscipleship.org/resources/all-about-advent

The season of Advent has been with us since the fourth century, although it has not been a part of the liturgical observance of all denominations and churches. With the mixing of Christmas and Advent during the weeks leading up to Christmas Day, there is often confusion of the two. Here are the basics of Advent:

When. Advent marks the beginning of the church year. It begins with the fourth Sunday before Christmas Day and ends Christmas Eve. If Christmas Day falls on a Sunday, Advent will last four full weeks. If Christmas Day falls on any other day of the week, Advent will last less than four weeks. If Christmas falls on a Monday, Tuesday, or Wednesday, all of Advent will be in December. If Christmas falls on any other day of the week, Advent will begin in November.

What. Advent comes from the Latin word, *adventus*, meaning "coming." It is a season to prepare for the coming of Christ in various meanings: the promised coming of the Messiah to the Jews, the coming of Jesus being born in Bethlehem, the promised return of the risen Christ in final victory, and the continual coming of Christ into the lives and hearts of believers.

Liturgical Context. Advent, which marks the beginning of the liturgical year, is part of the cycle of seasons that includes Advent, Christmas, and Epiphany, all related in some fashion to the coming of Jesus. That cycle is followed by Lent, Holy Week, Easter, and the long Pentecost season.

History. Advent began in France in the fourth century. In various times and locations of the church, Advent has been observed for three, four, and six weeks leading to Christmas. Some churches today are experimenting with incorporating Advent themes and symbols in worship during the weeks prior to the actual start of Advent in the hope that they can avoid the conflict of Advent versus Christmas observance during the immediate weeks prior to Christmas. (See "[A Modest Proposal for Advent/Christmas Peace.](#)")

Color. The color for Advent has traditionally been purple. Some churches have adopted blue for Advent. In practice, however, as churches increasingly incorporate the symbols and decorations of Christmas during Advent, more and more we see red, green, and gold appearing. *The United Methodist Book of Worship* upholds the traditional color of purple for Advent, signifying penitence and royalty; but it also allows blue, the color of hope.

Themes, Images, Symbols, and Practices. There are a number of historic and traditional themes observed during Advent:

- Preparing to celebrate the coming of Christ:
 - The coming of the Messiah to the Jews.
 - The coming of Jesus into the world at Bethlehem.
 - The second coming of Jesus in final victory.
 - The continual coming of Jesus into the hearts and lives of believers.
- A time of penitence and fasting, austerity, seriousness, reading of Scripture, hearing and proclaiming the Word in sermon and song; waiting and longing for the Messiah's coming.
- Symbols: Chrismon tree with its white monograms, the Jesse tree, Advent calendars, trumpets (for Isaiah), the messianic rose, star of Jacob, and *fleur-de-lis*. Modern innovation includes the use of an Advent wreath with four candles and themes around hope-peace-love-joy, John-Elizabeth-Joseph-Mary, or some other pattern.

- Our *Book of Worship* (p.238) calls for the following themes for the Sundays of Advent:
 - First Sunday: the final return of Christ in victory; the Second Coming
 - Second and Third Sundays: John the Baptist, his role, his words, his teachings
 - Fourth Sunday: the events immediately preceding Jesus' birth

Hymns and Songs. *The United Methodist Hymnal*, *The Faith We Sing*, and the Discipleship Ministries worship website provide many excellent hymns and songs for Advent worship. Consider these:

Discipleship Ministries website: Christmas & Advent Music and Lyrics

The United Methodist Hymnal

- 195-216, *United Methodist Hymnal*
- 184, "Of the Father's Love Begotten"
- 626, "Let All Mortal Flesh Keep Silence"
- 706, "Soon and Very Soon"
- 717, "Battle Hymn of the Republic" (st. 1,3,5)
- 718, "Lo, He Comes with Clouds Descending"
- 719, "My Lord, What a Morning"
- 720, "Wake, Awake, for Night Is Flying"
- 722, "I Want to Be Ready"
- 724, "On Jordan's Stormy Banks I Stand"
- 729, "O Day of Peace That Dimly Shines"
- 730, "O Day of God, Draw Nigh"

The Faith We Sing

- 2085, "He Came Down"
- 2089, "Wild and Lone the Prophet's Voice"
- 2090, "Light the Advent Candle"
- 2091, "The King of Glory Comes"
- 2092, "Like a Child"
- 2093, "The Snow Lay on the Ground"
- 2095, "Star-Child"
- 2154, "Please Enter My Heart, Hosanna"
- 2187, "Now It Is Evening"
- 2192, "Freedom Is Coming"
- 2284, "Joy in the Morning"
- 2232, "Come Now, O Prince of Peace"

The Intrusion of Christmas. Advent is a season rich in tradition, symbolism, art, music, and liturgical practice. It has its own unique themes as well as those that point the way to Christmas. And yet, we annually confront the pressures and questions of "Why can't we put up the Christmas tree in the sanctuary on the first Sunday of Advent?"

and "Why can't we sing Christmas carols in early December?" The answer, of course, is that to do so allows Christmas to intrude. It allows the themes, practices, spirituality, history, traditions, symbols, art, and music of one season to displace those of another. We lose the richness and the benefit of experiencing the promise, longing, hope, and expectation of Advent. The world, television, and shopping malls have done all they can to convince us that Advent does not matter; it has no place in our culture; and many of us have come to accept that for our church, as well. Our faith teaches us something very different.

The History and Meaning of Advent

 aquinasandmore.com/catholic-articles/the-history-and-meaning-of-advent/article/173

5/31/2017

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What is Advent?

The word 'Advent' is from the Latin '*Adventus*,' which means 'coming.' Advent is the beginning of a new liturgical year (in the Western churches), and encompasses the span of time from the fourth Sunday before Christmas, until the Nativity of Our Lord is celebrated. The first Sunday of Advent is the Sunday nearest the feast of St. Andrew the Apostle (which is November 30th), and so it will always fall somewhere between November 27th at the earliest and December 3rd at the latest. The liturgical color for this season is purple (Usually a deep purple as opposed to the lighter, red-violet shade of purple associated with Lent).

Like Lent, Advent is a preparatory season. It has significance because it is a season of looking forward and waiting for something greater; both for the annual celebration of the event of Christ's birth, and for the time when Christ will come again.

As noted in the New Catholic Encyclopedia, during Advent, the faithful are asked:

- *to prepare themselves worthily to celebrate the anniversary of the Lord's coming into the world as the incarnate God of love,*
- *thus to make their souls fitting abodes for the Redeemer coming in Holy Communion and through grace, and*
- *thereby to make themselves ready for His final coming as judge, at death and at the end of the world.*

Origin and History of Advent

The exact time when the season of Advent came to be celebrated is not precisely known. Of course, it was not in practice before the celebration of the Nativity and Christmastide began; the earliest evidence shows that the feast of the Nativity of Our Lord was established within the later part of the 4th century. There are homilies from the 5th century that discuss preparation in a general sense, but do not indicate an official liturgical season. A Synod held in 590 established that Mondays, Wednesdays, and Fridays from November 11th until the Nativity would be offered according to the Lenten rite. This and other traditions, such as fasting, show that the period of time now established as the Advent season was more penitential (similar to Lent) than the liturgical season as we know it today.

A collection of homilies from Pope St. Gregory the Great (whose papacy was from 590-604) included a sermon for the second Sunday of Advent, and by 650 Spain was celebrating the Sundays (five at the time) of Advent. So it seems the liturgical season was established around the



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latter part of the 6th century and first half of the 7th century. For the next couple of centuries, Advent was celebrated for five Sundays; Pope Gregory VII, who was pope from 1073-85, reduced the number to four Sundays.

Advent Today

The themes and traditions of the Advent season have evolved throughout the history of the liturgical season. As mentioned, the early Advent season was mainly penitential, close to the theme of the Lenten season. Today a penitential theme still exists, but it is not as intense as in 7th century. Also, it is blended with the theme of prayerful, spiritual preparation for the second and final coming of the Lord, as well as the joyful preparation for the annual festive remembrance of the Incarnation and Christ's birth.

In recent decades, a trend of wearing blue vestments rather than purple during Advent has emerged. However, purple is the appropriate vestment color, as noted in paragraph 346 of the [General Instruction of the Roman Missal](#), in the section which discusses the prescribed colors for liturgical vestments:

- *Violet or purple is used in Advent and Lent. It may also be worn in Offices and Masses for the Dead.*
- *Rose may be used, where it is the practice, on Gaudete Sunday (Third Sunday of Advent) and on Laetare Sunday (Fourth Sunday of Lent).*

Advent Traditions

Advent celebration and traditions can vary from place to place, influenced by culture. However, some traditions have come to be common throughout the Catholic Church.

The [Advent wreath](#) is likely the most popular tradition, and wreaths are typically present in both the parish church and in the home. It is a more recent tradition, with the modern Advent wreath emerging in Germany and spreading throughout Europe and beyond in the 1930's. It is often circular, representing God's eternity, and it includes 4 candles - one for each Sunday of Advent. Many families have a wreath in the home, and will light the candles each Sunday and say Advent prayers together. A great guide for this practice is the book [Season of Light](#).

The [Jesse Tree](#) is also a popular Advent tradition. A Jesse Tree, named for the father of David, is a tree that is decorated gradually throughout Advent with symbols or pictures of biblical persons associated with the gradual coming of the Messiah, Christ. This includes, among others, Noah, Abraham, Moses, and Joseph and Mary. The Jesse Tree tradition provides a wonderful teaching opportunity; it is a perfect way to teach and remind children about the preparatory nature of Advent. Aquinas and More carries Jesse Tree kits, which can be viewed by [clicking here](#).

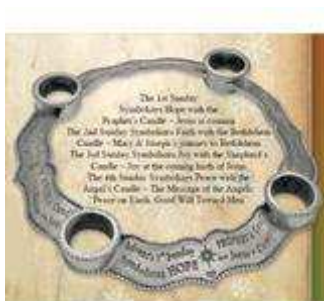
[Advent calendars](#) are another popular tradition, although they most often follow the calendar month of December, not the four Sundays which can begin in November. While many popular Advent calendars use purely secular images, Aquinas and More is proud to offer a selection of several [Catholic themed Advent Calendars](#).

For other Advent activities and ideas on celebrating Advent in the home, also check out [Advent, Christmas and Epiphany in the domestic Church: Activities to Celebrate Catholic Liturgical Seasons](#). For more information on Advent, Advent prayer books and other Advent supplies, check out our [Advent and Christmas Specialty Store](#).

[Traditions.](#)

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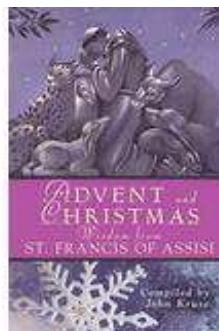


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Special Features



Advent

 en.wikipedia.org/wiki/Advent

[Advent \(disambiguation\)](#).

Advent

Observed by	Christians
Type	Christian , cultural
Significance	Preparation for the commemoration of the birth of Jesus
Observances	Church services , gift giving, family and other social gatherings, symbolic decorating
Begins	Fourth or (in the Ambrosian and Mozarabic Rites) sixth Sunday before Christmas
2016 date	27 November
2017 date	03 December
2018 date	02 December
2019 date	01 December
Frequency	Annual
Related to	Christmastide , Christmas Eve , Annunciation , Epiphany , Epiphanytide , Baptism of the Lord , Nativity Fast , Nativity of Jesus

Advent is a [season](#) observed in many [Christian churches](#) as a time of expectant waiting and preparation for the celebration of the [Nativity of Jesus](#) at [Christmas](#). The term is a version of the Latin word meaning "coming". The term Advent is also used in the Eastern Rite Orthodox Churches in addition to the term [Nativity Fast](#), although eastern practices do differ from those in the west.

Latin *adventus* is the translation of the Greek word *[parousia](#)*, commonly used to refer to the [Second Coming of Christ](#). For Christians, the season of Advent anticipates the coming of Christ from three different perspectives. "Since the time of [Bernard of Clairvaux](#) (d.1153) Christians have spoken of the three comings of Christ: in the flesh in Bethlehem, in our hearts daily, and in glory at the end of time."^[1] The season offers the opportunity to share in the ancient longing for the coming of the Messiah, and to be alert for his Second Coming.

Advent is the beginning of the Western [liturgical year](#) and commences on the fourth Sunday before [Christmas](#) (sometimes known as [Advent Sunday](#)), the Sunday nearest to [St. Andrew's Day](#) (30 November), in the [Roman Rite](#) of the [Catholic Church](#), the [Western Rite](#) of the Orthodox Church, and in the [Anglican](#), [Lutheran](#), [Moravian](#), [Presbyterian](#) and [Methodist](#) calendars.^[2] In the [Ambrosian Rite](#) and the [Mozarabic Rite](#) of the Catholic Church, Advent begins on the sixth Sunday before Christmas, the Sunday after [St. Martin's Day](#) (11 November).^[3]

Practices associated with Advent include keeping an [Advent calendar](#), lighting an [Advent wreath](#), praying an Advent [daily devotional](#),^[4] lighting a [Christingle](#),^[5] as well as other ways of preparing for Christmas, such as setting up [Christmas decorations](#),^{[6][7][8]} a custom that is sometimes done liturgically, through a [hanging of the greens](#) ceremony.^{[4][9]}

The equivalent of Advent in [Eastern Christianity](#) is called the [Nativity Fast](#), but it differs in length and observances,

and does not begin the liturgical church year as it does in the West. The Eastern Nativity Fast does not use the equivalent *parousia* in its preparatory services.^[10]

Contents

[\[hide\]](#)

History[\[edit\]](#)

It is unknown when the period of preparation for Christmas that is now called Advent first began – it was certainly in existence from about 480 – and the novelty introduced by the [Council of Tours](#) of 567 was to order monks to fast every day in the month of December until Christmas;^[11] Some have even said it goes back to the time of the [Twelve Apostles](#) or that it was founded by [Saint Peter](#) himself.^[12] This has led to the conclusion that it is "impossible to claim with confidence a credible explanation of the origin of Advent".^[13]

Associated with Advent was a period of [fasting](#), known also as the Nativity Fast or the Fast of December.^[14]

Traditions[\[edit\]](#)

[Liturgical year](#)

Western

Eastern

The theme of readings and teachings during Advent is often the preparation for the [Second Coming](#), while also commemorating the First Coming of Christ at Christmas. The first clear references in the Western Church to Advent occur in the [Gelasian Sacramentary](#), which provides Advent Collects, Epistles, and Gospels for the five Sundays preceding Christmas and for the corresponding Wednesdays and Fridays.^[15] While the Sunday readings relate to the first coming of Jesus Christ as savior as well as to his second coming as judge, traditions vary in the relative importance of penitence and expectation during the weeks in Advent.

Liturgical colors[\[edit\]](#)

See also: [Liturgical colours](#)

The usual liturgical color in [Western Christianity](#) for Advent is violet (or purple).^[16] The violet or purple color is often used for [hangings](#) around the church, the [vestments](#) of the clergy, and often also the [tabernacle](#). In some [Christian denominations](#), blue, a color representing hope, is an alternative liturgical color for Advent, a custom traced to the usage of the [Church of Sweden](#) (Lutheran) and the medieval [Sarum Rite](#) in England. In addition, the color blue is also used in the [Mozarabic Rite](#) (Catholic and Anglican), which dates from the 8th century. This color is often referred to as "Sarum blue".

The [Lutheran Book of Worship](#) lists blue as the preferred color for Advent while the [Methodist Book of Worship](#) and the Presbyterian [Book of Common Worship](#) identify purple or blue as appropriate for Advent. There has been an increasing trend in Protestant churches to supplant purple with blue during Advent as it is a hopeful season of preparation that anticipates both Bethlehem and the consummation of history in the [second coming of Jesus Christ](#).^[17]

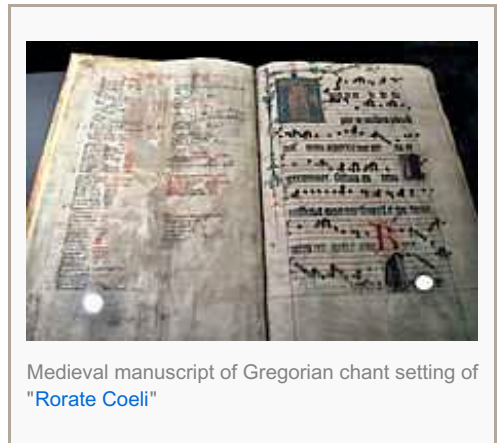
Proponents of this new liturgical trend argue that purple is traditionally associated with solemnity and somberness, which is fitting to the repentant character of [Lent](#). The Roman Catholic Church retains the traditional violet.^[18] Blue is not generally used in Latin Catholicism,^[19] and where it does regionally, it has nothing to do with Advent specifically, but with veneration of the [Blessed Virgin](#).^[citation needed] However, on some occasions that are heavily associated with Advent, such as the [Rorate Mass](#) (but not on Sundays), white is used.^[citation needed]

On the third Sunday of Advent, [Gaudete Sunday](#), rose may be used instead, referencing the rose used on [Laetare Sunday](#), the fourth Sunday of Lent.^[20] Rose color candle in the Western Christianity is referenced as a sign of Joy (Gaudete) lit on the 3rd Sunday of Advent.^[21]

During the [Nativity Fast](#), red is used by [Eastern Christianity](#), although gold is an alternative color.^[22]

Music^[edit]

Many churches also hold special musical events, such as [Nine Lessons and Carols](#) and singing of [Handel's Messiah](#) oratorio. Also, the [Advent Prose](#), an [antiphonal plainsong](#), may be sung. The "Late Advent Weekdays", 17–24 December, mark the singing of the Great Advent 'O antiphons'.^[23] These are the antiphons for the [Magnificat](#) at [Vespers](#), or Evening Prayer (in the Roman Catholic and Lutheran churches) and [Evensong](#) in Anglican churches each day and mark the forthcoming birth of the Messiah. They form the basis for each verse of the popular Advent hymn, "O come, O come, Emmanuel". German [songs for Advent](#) include "Es kommt ein Schiff, geladen" from the 15th century and "O Heiland, reiß die Himmel auf", published in 1622. Johann Sebastian Bach composed several [cantatas for Advent](#) in Weimar, from [Nun komm, der Heiden Heiland](#), BWV 61, to [Herz und Mund und Tat und Leben](#), BWV 147a, but only one more in Leipzig where he worked for the longest time, because there Advent was a [silent time](#) which allowed a cantata music only on the first of the four Sundays.



Medieval manuscript of Gregorian chant setting of "Rorate Coeli"

During Advent, the Gloria of the [Mass](#) is omitted, so that the return of the angels' song at Christmas has an effect of novelty.^[24] Since [mass compositions](#) written especially for Lent, such as Michael Haydn's [Missa tempore Quadragesimae](#), without Gloria, in D minor, and for modest forces, only choir and organ, may for that reason be chosen for use in Advent.

Fasting^[edit]

Bishop Perpetuus of Tours, who died in 490, ordered fasting three days a week from the day after Saint Martin's Day (11 November). In the 6th century, local councils enjoined fasting on all days except Saturdays and Sundays from Saint Martin's Day to Epiphany (the feast of baptism), a period of 56 days, but of 40 days fasting, like the fast of Lent. It was therefore called *Quadragesima Sancti Martini* (Saint Martin's Lent).^[3] This period of fasting was later shortened and called "Advent" by the Church.^[25]

In the [Anglican](#) and [Lutheran](#) churches this fasting rule was later relaxed. The Roman Catholic Church later abolished the precept of fasting (at an unknown date at the latest in 1917), later, but kept Advent as a season of [penitence](#). In addition to fasting, dancing and similar festivities were forbidden in these traditions. On [Rose Sunday](#), relaxation of the fast was permitted. Eastern Orthodox and [Oriental Orthodox](#) churches still hold the tradition of fasting for 40 days before Christmas.

Local rituals^[edit]

In England, especially in the northern counties, there was a custom (now extinct) for poor women to carry around the "Advent images", two dolls dressed to represent [Jesus](#) and the [Blessed Virgin Mary](#). A halfpenny coin was expected from every one to whom these were exhibited and bad luck was thought to menace the household not visited by the doll-bearers before [Christmas Eve](#) at the latest.^[26]

In [Normandy](#), farmers employed children under twelve to run through the fields and orchards armed with torches, setting fire to bundles of straw, and thus it was believed driving out such vermin as were likely to damage the crops.^[27]

In Italy, among other Advent celebrations is the entry into [Rome](#) in the last days of Advent of the Calabrian *pifferari*, or bagpipe players, who play before the shrines of Mary, the mother of Jesus: in Italian tradition, the shepherds played these pipes when they came to the [manger](#) at [Bethlehem](#) to pay homage to the infant Jesus.^[28]

In recent times the most common observance of Advent outside church circles has been the keeping of an [advent calendar](#) or [advent candle](#), with one door being opened in the calendar, or one section of the candle being burned, on each day in December leading up to Christmas Eve. In many countries, the first day of Advent often heralds the start of the [Christmas season](#), with many people opting to erect their [Christmas trees](#) and [Christmas decorations](#) on or immediately before Advent Sunday.^[8]

Since 2011, an Advent [labyrinth](#) consisting of 2500 [tealights](#) has been formed for the third Saturday of Advent in [Frankfurt-Bornheim](#).^{[29][30]}

Four Sundays[[edit](#)]

The keeping of an [advent wreath](#) is also a common practice in homes or churches. The readings for the first Sunday in Advent relate to the old testament patriarchs who were Christ's ancestors, so some call the first advent candle that of hope. The readings for the second Sunday concern Christ's birth in a manger and other prophecies, so the candle may be called of [Bethlehem](#), the way or of the prophets. The third Sunday, [Gaudete Sunday](#) after the first word of the introit (Philippians 4:4), is celebrated with rose-colored vestments similar to [Laetare Sunday](#) at the middle point of Lent. The readings relate to St. [John the Baptist](#), and the rose candle may be called of joy or of the shepherds. In the Episcopal Church USA, the collect stir up may be read during this week, although before the 1979 revision of the Book of Common Prayer it was sometimes read in the first Sunday of Advent. Even earlier, 'Stir-up Sunday' was once jocularly associated with the stirring of the Christmas mincemeat, begun before Advent. The phrase 'Stir up' occurs at the start of the [collect](#) for the last Sunday before Advent in the 1662 [Book of Common Prayer](#).^[31]

The readings for the fourth Sunday relate to the annunciation of Christ's birth, so the candle may be known as the Angel's candle. The [Magnificat](#) or Song of Mary may be featured. Where an [advent wreath](#) includes a fifth candle, it is known as the Christ candle and lit during the Christmas Eve service.^{[32][33]}

See also[[edit](#)]

Notes[[edit](#)]

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External links[\[edit\]](#)

Find more about **Advent** at Wikipedia's [sister projects](#)

Further reading[\[edit\]](#)

- *Book of Common Prayer*, 1979 according to the usage of The Episcopal Church



The Mass

La Santa Misa

Homiletics

Sacraments and
Sacramentals

Bereavement and Funerals

Liturgy of the Hours

Liturgical Year

Advent

Christmas Time

Lent

Sacred Paschal Triduum

Easter Time

Ordinary Time

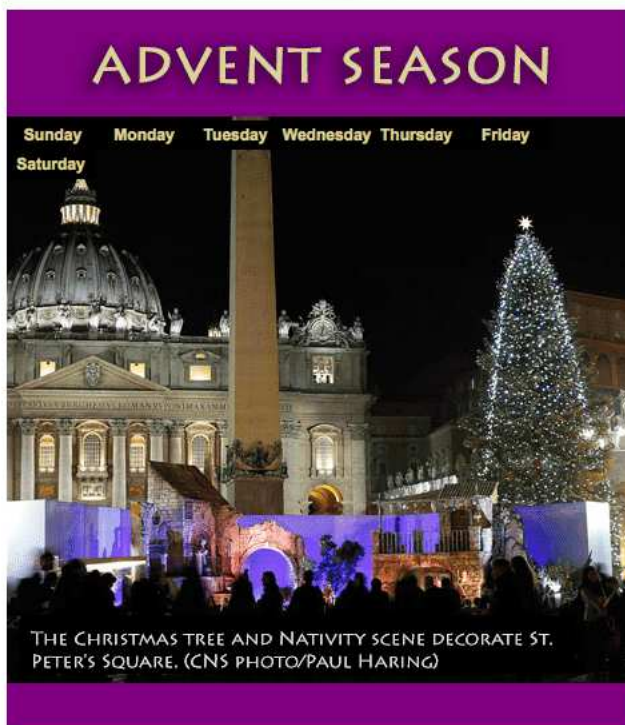
Liturgical Calendar

Sacred Art and Music

Prayers and Devotions

USCCB > Prayer And Worship > Liturgical Year

ADVENT



Beginning the Church's liturgical year, Advent (from, "ad-venire" in Latin or "to come to") is the season encompassing the four Sundays (and weekdays) leading up to the celebration of [Christmas](#).

The Advent season is a time of preparation that directs our hearts and minds to Christ's second coming at the end of time and also to the anniversary of the Lord's birth on Christmas. The final days of Advent, from December 17 to December 24, focus particularly on our preparation for the celebrations of the Nativity of our Lord (Christmas).

Advent devotions including the [Advent wreath](#), remind us of the meaning of the season. Our Advent calendar above can help you fully enter in to the season with daily activity and prayer suggestions to prepare you spiritually for the birth of Jesus Christ. More Advent resources are listed below.

ADVENT RESOURCES

- [About Advent Wreaths](#)
- [Blessing of an Advent Wreath](#)
- [Blessing of a Christmas Tree](#)
- [Commentary on the Proper Prayers of Advent from the Roman Missal](#)
- [Blessing of a Christmas Manger or Nativity Scene](#)
- [Lectio Divina for Advent](#)
- [Liturgical Notes for Advent](#)
- [The "O Antiphons" of Advent](#)
- [Family Calendar](#)



Advent Season

QUICK LINKS

[Home / Interactive Calendar](#)

[Family Calendar](#)

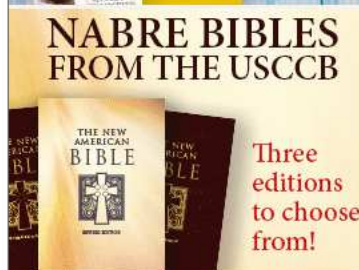


Exhibit H

Adventism

en.wikipedia.org/wiki/Adventism

Adventism is a branch of [Protestantism](#)^[1] with origins in the 19th century American Protestant revival known as the [Second Great Awakening](#).

The name refers to belief in the imminent [Second Coming \(or "Second Advent"\) of Jesus Christ](#). [William Miller](#) started the Adventist movement in the 1830s. His followers became known as [Millerites](#).

Although the Adventist churches hold much in common, their [theologies](#) differ on whether the [intermediate state](#) is [unconscious sleep](#) or consciousness, whether the ultimate punishment of the wicked is [annihilation](#) or eternal torment, the nature of immortality, whether the wicked are resurrected after the millennium, and whether the sanctuary of [Daniel 8](#) refers to the one in [heaven](#) or one on earth.^[1] The movement has encouraged the examination of the whole [Bible](#), leading Seventh-day Adventists and some smaller Adventist groups to observe the [Sabbath](#). The [General Conference of Seventh-day Adventists](#) has compiled that church's core beliefs in [the 28 Fundamental Beliefs](#) (1980 and 2005), which use Biblical references as justification.

In 2010, Adventism claimed some 22 million believers scattered in various independent churches.^[2] The largest church within the movement — the [Seventh-day Adventist Church](#) — is one of the largest Christian churches in the world, with more than 18 million baptized members.^[3]

History^[edit]

See also: [Millerites](#) and [Great Disappointment](#)

Adventism began as an inter-denominational movement. Its most vocal leader was William Miller. Between 50,000 and 100,000 people in the United States supported Miller's predictions of Christ's return. After the "[Great Disappointment](#)" of October 22, 1844 many people in the movement gave up on Adventism. Of those remaining Adventist, the majority gave up believing in any prophetic (biblical) significance for the October 22 date, yet they remained expectant of the near Advent ([second coming](#) of Jesus).^{[1][4]}

Of those who retained the October 22 date, many maintained that Jesus had come not literally but "spiritually", and consequently were known as "spiritualizers". A small minority held that something concrete had indeed happened on October 22, but this event had been misinterpreted. This viewpoint later emerged and crystallized with the Seventh-day Adventist Church, the largest remaining body today.^{[1][4]}



Albany Conference (1845)[[edit](#)]

The Albany Conference in 1845, attended by 61 delegates, was called to attempt to determine the future course and meaning of the Millerite movement. Following this meeting, the "Millerites" then became known as "Adventists" or "Second Adventists". However, the delegates disagreed on several theological points. Four groups emerged from the conference: The Evangelical Adventists, The Life and Advent Union, the [Advent Christian Church](#), and the [Seventh-day Adventist Church](#).

The largest group was organized as the American Millennial Association, a portion of which was later known as the Evangelical Adventist Church.^[1] Unique among the Adventists, they believed in an eternal hell and consciousness in death. They declined in numbers, and by 1916 their name did not appear in the United States Census of Religious Bodies. It has diminished to almost non-existence today. Their main publication was the *Advent Herald*,^[5] of which [Sylvester Bliss](#) was the editor until his death in 1863. It was later called the *Messiah's Herald*.

The Life and Advent Union was founded by [George Storrs](#) in 1863. He had established *The Bible Examiner* in 1842. It merged with the Adventist Christian Church in 1964.

The [Advent Christian Church](#) officially formed in 1861 grew rapidly at first. It declined a little during the 20th century. The Advent Christians publish the four magazines *The Advent Christian Witness*, *Advent Christian News*, *Advent Christian Missions* and *Maranatha*. They also operate a liberal arts college at Aurora, Illinois; and a one-year Bible College in Lenox, Massachusetts called Berkshire Institute for Christian Studies.^[6] The Primitive Advent Christian Church later separated from a few congregations in West Virginia.

The [Seventh-day Adventist Church](#) officially formed in 1863. It believes in the sanctity of the seventh-day Sabbath as a holy day for worship. It published the *Adventist Review*, *Kids Review*, and *Sabbath Herald*. It has grown to a large worldwide denomination and has a significant network of medical and educational institutions.

Miller did not join any of the movements, and he spent the last few years of his life working for unity, before dying in 1849.

Denominations[[edit](#)]

The *Handbook of Denominations in the United States*, 12th edn., describes the following churches as "Adventist and Sabbatarian (Hebraic) Churches":

Christadelphians[[edit](#)]

Main article: [Christadelphians](#)

The Christadelphians were founded in 1844 by John Thomas and had an estimated 25,000 members in 170 ecclesias, or churches, in 2000 in America.

Advent Christian Church[[edit](#)]

Main article: [Advent Christian Church](#)

The **Advent Christian Church** was founded in 1860 and had 25,277 members in 302 churches in 2002 in America. It is a "first-day" body of Adventist Christians founded on the teachings of William Miller. It adopted the "conditional immortality" views of Charles F. Hudson and [George Storrs](#) who formed the "Advent Christian Association" in [Salem, Massachusetts](#) in 1860.

Primitive Advent Christian Church[[edit](#)]

Main article: [Primitive Advent Christian Church](#)

The **Primitive Advent Christian Church** is a small group which separated from the Advent Christian Church. It differs from the parent body mainly on two points. Its members observe foot washing as a rite of the church, and they teach that reclaimed backsliders should be baptized (even though they had formerly been baptized). This is sometimes referred to as rebaptism.

Seventh-day Adventist[[edit](#)]

Main article: [Seventh-day Adventist Church](#)

The **Seventh-day Adventist Church**, founded in 1863, had over 19,500,000 baptized members (not counting children of members) worldwide as of 30.6.2016.^[7] It is best known for its teaching that Saturday, the seventh day of the week, is the [Sabbath](#) and is the appropriate day for worship. However, it is the second coming of Jesus Christ along with the Judgement day, based on the three angels message in Revelation 14: 6-13, that is the main doctrine of SDA.

Seventh Day Adventist Reform Movement[[edit](#)]

Main article: [Seventh Day Adventist Reform Movement](#)

The **Seventh Day Adventist Reform Movement** is a small offshoot with an unknown number of members from the [Seventh-day Adventist Church](#) caused by disagreement over military service on the Sabbath day during [World War I](#).

Davidian Seventh-day Adventist Association [[edit](#)]

Main article: [Shepherd's Rod](#)

The **Davidians** (originally named **Shepherd's Rod**) is a small offshoot with an unknown number of members made up primarily of voluntarily disfellowshipped members of the Seventh-day Adventist Church. They were originally known as the Shepherd's Rod and are still sometimes referred to as such. The group derives its name from two books on Bible doctrine written by its founder, [Victor Houteff](#), in 1929.

Branch Davidians

The [Branch Davidians](#) were a split ("branch") from the Davidians. Many of them were killed during the infamous [Waco Siege](#) of April 1993.

Church of God (Seventh Day)[\[edit\]](#)

Main article: [General Conference of the Church of God \(Seventh-Day\)](#)

The **Church of God (Seventh-Day)** was founded in 1863 and it had an estimated 11,000 members in 185 churches in 1999 in America. Its founding members separated in 1858 from those Adventists associated with [Ellen G. White](#) who later organized themselves as Seventh-day Adventists in 1863. The Church of God (Seventh Day) split in 1933, creating two bodies: one headquartered in Salem, West Virginia, and known as the [Church of God \(7th day\) - Salem Conference](#) and the other one headquartered in Denver, Colorado and known as the [General Conference of the Church of God \(Seventh-Day\)](#). The [Worldwide Church of God](#) splintered from this. ^[8]

Church of God and Saints of Christ[\[edit\]](#)

Main article: [Church of God and Saints of Christ](#)

The **Church of God and Saints of Christ** was founded in 1896 and had an estimated 40,000 members in approximately 200 congregations in 1999 in America.

Church of God General Conference[\[edit\]](#)

Many denominations known as "[Church of God](#)" have Adventist origins.

Main article: [Church of God General Conference](#)

The **Church of God General Conference** was founded in 1921 and had 7,634 members in 162 churches in 2004 in America. It is an Adventist Christian body which is also known as the *Church of God of the Abrahamic Faith* and the *Church of God General Conference (Morrow, GA)*.

Creation Seventh-Day Adventist[\[edit\]](#)

[Creation Seventh Day Adventist Church](#)

United Seventh-Day Brethren[\[edit\]](#)

Main article: [United Seventh-Day Brethren](#)

The **United Seventh-Day Brethren** is a small Sabbatarian Adventist body. In 1947, several individuals and two independent congregations within the Church of God Adventist movement formed the *United Seventh-Day Brethren*, seeking to increase fellowship and to combine their efforts in evangelism, publications, and other .

Other minor Adventist groups[\[edit\]](#)

Other relationships[\[edit\]](#)

The [Bible Students movement](#) founded by [Charles Taze Russell](#) had in its early development close connections with the Millerite movement and stalwarts of the Adventist faith, including George Storrs and [Joseph Seiss](#). The various groupings of Bible Students currently have a cumulative membership of less than 20,000 worldwide. Although [Jehovah's Witnesses](#) and Bible Students do not categorize themselves as part of the Millerite Adventist movement (or other denominations, in general), some theologians do categorize the group and schisms as Millerite Adventist because of its teachings regarding an imminent Second Coming and use of specific dates. As of January 2014 there

are approximately 8 million Jehovah's Witnesses worldwide.

See also[[edit](#)]

General:

- [Christian revival](#)
- [Christianity in the 19th century](#)

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- ↑ **Jump up** **Christianity report**
- ↑ **Jump up** **Zylstra, Sarah Eekhoff. "The Season of Adventists: Can Ben Carson's Church Stay Separatist amid Booming Growth?"** *Christianity Today*. 2015-01-22. Retrieved 2015-10-13.
- ↑ **Jump up to: [a](#) [b](#)** George Knight, *A Brief History of Seventh-day Adventists*
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- ↑ **Jump up** **"Celestia"** blog by Jeff Crocombe, October 13, 2006

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Search Results

 [google.com/search](https://www.google.com/search)

About 415,000 results (0.73 seconds)

Ad·vent·ist

'ad,ven(t)əst/

noun

noun: **Adventist**; plural noun: **Adventists**

1. a member of any of various Christian sects emphasizing belief in the imminent second coming of Christ.

www.dictionary.com/browse/adventist

Also called Second *Adventist*. a member of any of certain Christian denominations that maintain that the Second Advent of Christ is imminent. adjective. 2. of or relating to *Adventists*.

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Define *Adventist*. *Adventist* synonyms, *Adventist* pronunciation, *Adventist* translation, English dictionary *definition* of *Adventist*. n. A member of any of several ...

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a member of any of various Christian sects emphasizing be... *Meaning*, pronunciation, example sentences, and more from Oxford Dictionaries.

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<https://www.collinsdictionary.com/us/dictionary/english/adventist>

Adventist definition: a member of any of the Christian groups, such as the Seventh-Day Adventists that hold... | *Meaning*, pronunciation, translations and ...

Adventist dictionary definition | Adventist defined - YourDictionary

www.yourdictionary.com › Dictionary Definitions › Adventist

Adventist definition: a member of a Christian sect based on Adventism of Adventism or Adventists...

Exhibit I

SDA Kinship International

 sdakinship.org/en/about-us-en/history

Our History

At The Beginning

on 29 July 1970

In the early 1970s, several Adventist gay people independently began to look for other Adventists with whom they could discuss their feelings. One placed a single, small notice in the classified section of *The Advocate*, a national gay news magazine. It resulted in 37 responses from all areas of the United States and Canada; all were current or former Adventists.

Kinship was Founded

on 10 January 1976

Kinship was founded with a meeting in Palm Desert, California, as a result of an ad placed by two gay Adventist men. Within four months, Kinship had 75 members, a temporary chairperson, and four committees: membership, educational, social, and spiritual. The new group met twice a month. Kinship soon joined forces with an individual in northern California who had established a gay SDA pen-pal list throughout the United States, and another group that had been meeting informally in New York City since 1974.

First Kinship Newsletter Published

on 15 March 1978

Kinship published an official newsletter, later to become known as the *Connection*. In 1985, the *Connection* was first produced on a computer.

First Annual Kampmeeting

on 05 August 1980

The first annual Kampmeeting was held in Arizona. At Kinship's request, two Adventist pastors and three seminary professors attended as official delegates of the General Conference. Thirty-five courageous members attended this historic meeting, breaking ground for the larger numbers that now attend with less apprehension.

Kinship was Incorporated

on 18 March 1981

Seventh-day Adventist Kinship International was incorporated by and in the State of California.

The Lawsuit

on 07 December 1987

The General Conference of Seventh-day Adventists filed legal action in a federal district court in California against Kinship for trademark infringement for using "Seventh-day Adventist" in the name.

First Church-sponsored AIDS Conference

on 05 October 1990

Kinship participated in the first church-sponsored AIDS conference. As the organization became impacted by the AIDS epidemic, we developed a quilt to memorialize members who were lost to AIDS. The Kinship AIDS quilt has been displayed in several Adventist churches and universities.

Kinship Won the Lawsuit

on 03 October 1991

Kinship won the lawsuit brought against it by the General Conference of Seventh-day Adventists, which sought to bar Kinship from using "Seventh-day Adventist" as part of its name. A California judge ruled in favor of Kinship, stating that there was no trademark infringement and allowing Kinship to continue using its official name. [Read the Kinship News Release...](#)

Kinship's Online Service Developed

on 30 January 1992

Kinship's online service was developed, first as an email listserv and later as an online discussion and chat group called KinNet.

Someone to Talk To

on 17 April 1997

Carrol Grady, author of *My Son, Beloved Stranger* (1995), started a support group for parents and families of gays and lesbians, which included a monthly newsletter and later an email group and the website [Someone-to-Talk-To](#).

IMRU? Launched

on 08 January 2000

First IMRU? group for gay Adventists ages 18-29 was launched. In 2001 it became an official Kinship chapter.

WOMEN & CHILDREN FIRST

on 17 August 2001

Beginning of Women & Children First weekend preceding Kampmeeting as a social time for Kinship women and their children.

First EKM

on 19 July 2002

The first European Kinship Meeting was held in Tunhem, Sweden.

Kinship's Logo Created

on 25 June 2003

In June 2003, Seventh-day Adventist Kinship announced a new logo, designed to help communicate its mission and outreach to LGBTIQ Seventh-day Adventists.

Present

on 28 March 2017



Kinship has a board of directors, regional coordinators, and chapter leaders in the United States and in other countries. At the time of this writing (2017) SDA Kinship has 2,874 registered members, including both LGBTIQ and straight allies, plus many more individuals who benefit from our website and resources.

Kinship's goals for the future are reflected in its stated mission: to [provide] a safe spiritual and social community to lesbian, gay, bisexual, transgender, and intersex current and former Seventh-day Adventists around the world. This means reaching those rejected and sent away by the organized church with the news that a different view exists, a biblically sound view of love and acceptance.

Tiny Church in Hawaii Battles Adventists Over Trademark Use

 [articles.latimes.com/1988-11-27/news/mn-1068_1_adventist-church](https://www.latimes.com/1988-11-27/news/mn-1068_1_adventist-church)

It is only a 4-foot-by-8-foot sheet of plywood with hand-painted lettering on a rainbow background.

The board hangs in Kona, Hawaii, outside a small rented hall where a few souls quietly worship God each Saturday morning.

But the sign contains a forbidden name, and a legal battle over its use has stirred a tsunami of church reaction on the mainland. The case is now pending in the U.S. 9th Circuit Court of Appeals in San Francisco.

"What we are faced with is a Goliath vs. David situation," said a defendant in the unusual lawsuit, which pits the 5.5-million-member Seventh-day Adventist Church against an 11-member splinter congregation.

"The real issue is forcing us to change our name, not allowing *any* use of the words 'Seventh-day Adventist' because it is a registered trade name," Lily Anne Deniz, a member of the Seventh-day Adventist Congregational Church of Kona, wrote in an unorthodox court defense for the tiny group.

Trademark Involved

A lawyer for the church corporation said that a trademark is a property right and the Kona congregation is not entitled to the church's "good name" because its members no longer subscribe to the denominational form of government and discipline.

Attorney Richard Johns said the Seventh-day Adventist Church does not want to be cast in the bully role of "a Goliath-and-David situation." But, he said, "the church believes 'Seventh-day Adventist' is a unique name that needs to be protected."

Until a court ultimately decides who is right, the little Kona congregation is being fined \$500 a day and its pastor, John R. Marik, is in hiding to avoid jail. The federal district court in Hawaii issued a warrant for Marik's arrest and found him and his flock in contempt last May when they refused to take down the sign, "Seventh-day Adventist Congregational Church," and to stop using "Seventh-day Adventist" and "SDA" in church correspondence and promotion.

At least six independent Adventist publications are churning out material supporting the Kona congregation. And protesters have organized a petition drive demanding that the denominational headquarters drop the litigation, which could easily cost \$100,000 from church members' tithes.

About the only thing both sides agree on is that around 1860 the church's prophet, Ellen G. White, mandated "Seventh-day Adventist" as the "God-given name" to identify the faithful until the second coming of Jesus Christ. The two basic distinctives of Seventh-day Adventism are belief that the Sabbath should be observed on the seventh day of the week, and that Jesus will return to Earth soon.

In 1981, the Seventh-day Adventist General Conference registered the words "Seventh-day Adventist" as a trade name with the U.S. Patent and Trademark Office. Although common in the commercial world, it is unusual for churches and religious organizations to seek trademarks. Court documents involving disputes over church trademarks are few and far between, according to attorneys familiar with church-state litigation.

The Kona case had its genesis in 1980 when Marik, a Seventh-day Adventist intern minister, began relating "dreams

and visions," which he said came from God, to his congregation during worship services.

Drew Some Objections

Local church authorities "frowned on that," Marik said in a telephone conversation from California, where he is holing up until the case is resolved.

The following July, Marik was fired for "insubordination." He and his mother, wife and daughter, along with a handful of followers, formed a separate congregation and rented a \$765-a-month suite on the second floor of a corrugated metal industrial building near Kailua Bay.

Church officials issued repeated--and unheeded--warnings to Marik to stop using the name "Seventh-day Adventist Congregational Church" because of the trademark. Finally, the denomination filed suit on April 9, 1987. Marik, who has no legal training, a month later filed a rambling paper defending himself and the church. Marik's congregation did not secure legal counsel until after the Hawaii District Court handed down a judgment and injunction against it on Dec. 8, 1987.

Essentially, Marik argued that the Bible forbids Christians to use secular courts to settle differences, citing I Corinthians 6:1-8, and that adding the word "Congregational" to the title of his church sets it apart from congregations affiliated with the Seventh-day Adventist General Conference, headquartered in Takoma Park, Md.

Consider It Generic

Additionally, Marik and Max Corbett, a Seventh-day Adventist lawyer in Houston who has taken Marik's case without fee, claim that Seventh-day Adventist is a generic name in the same way they consider the names Methodist, Baptist or Catholic to be and therefore not a valid trademark. They also maintain that since the Kona congregation does not market anything, it is not subject to trademark regulation anyway; the name is used on the church sign only to note the place of worship and invite the public.

REGION: Jewish group sued over 'Adventist' name

www.sandiegouniontribune.com/sdut-region-jewish-group-sued-over-adventist-name-2008dec21-story.html

TERI FIGUEROA - Staff
Writer

12/21/2008



VALLEY CENTER -- What's the first thing that pops to mind upon hearing the word "Adventist"?

The Seventh-day Adventist Church, probably.

Leaders of the international Christian church with 15 million followers have a trademark on the word in the United States.

They say no one else can use it, not even a small Jewish society in North County.

The church filed a lawsuit Nov. 24 against The Federation of Jewish Adventist Society to force the Valley Center group to stop using the word in its name.

The Maryland-based leadership of the Seventh-day Adventist Church alleges trademark infringement and unfair competition in the suit, filed in San Diego federal court.

It argues that use of the word "Adventist" by any other group creates confusion.

But the Federation's leader, Rabbi Ben-Hayil Yellen, said the suit violates his religious rights.

The Jewish group has hired an attorney, but he said they don't have the money to fight a suit he called "unjust."

At his rural North County home on Wednesday, Yellen said that the Hebrew meaning of the word "Adventist" is central to his group's spiritual beliefs.

Yellen and his wife, Heidi, said that the word, when spoken with a different pronunciation, "AD-vent-ist," is an old Hebrew term referring to an earthen pot.

The Christian group's name is often pronounced "ad-VENT-ist."

And they believe that a specific vessel with Moses' signature on it is tied to the second coming of the Old Testament prophet Elijah and to the scriptural writings of Moses.

The couple said they teach that Elijah will be a direct descendant of King David, a biblical figure, and will carry the stone pot with him as proof of his identity.

"No matter what happens, our religious identity is with the word 'Adventist' -- and we cannot just give it away," said Yellen, adding that he is a direct descendant of King David.

The suit is "taking away our religious freedom to identify ourselves with the prophet Moses," Heidi Yellen said.

A spokesman for the North American operations of the General Conference of the Seventh-day Adventist Church directed questions to attorney Nancy Dix, who said the lawsuit was filed to avoid confusion.

"It's really, in essence, an effort by the Seventh-day Adventist Church to protect its name and prevent confusion with another entity," Dix said Wednesday.

She said even the inclusion of the word Jewish in the name of the group doesn't negate any possible public confusion with the Seventh-day Adventist Church.

Dix said church leaders sent letters to the Jewish federation, asking it to cease using "Adventist."

The lawsuit, she said, was a last resort.

Webster's New World College Dictionary, Fourth Edition, defines the word "Adventist" as "a member of a Christian sect based on Adventism."

And Adventism, the dictionary states, is "the belief that the Second Coming of Christ will occur soon."

It will be up to the Seventh-day church to prove trademark infringement, said David Steinberg, who teaches a course on law and religion at Thomas Jefferson School of Law.

"The general bias is in favor of free speech and free use of terms of language," Steinberg said after reading the complaint. "And if someone is going to take the word 'Adventist' out of circulation, they really need to have a good reason, and they have to prove that people are being misled or confused by the use of the word."

"Would someone who read the name 'The Federation of Jewish Adventist Society' be confused and think this was a part of the Seventh-day Adventist Church? That is what the court will have to figure out."

The Yellens won't say how many members they have, but acknowledge their following is small.

The couple's home is the base for their group's operations, and the living room resembles a small church, with about 20 chairs lined up facing an altar.

Dix said it's the use of the word "Adventist" that matters, not the size of the church using it.

"I think it's about trying to protect the church's name and potential implication and inference that this organization is somehow affiliated with or sponsored by the (Seventh-day) church," Dix said.

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Adventist Denomination Again Goes to Court to Force Congregation to Stop Using Name

 atoday.org/adventist-denomination-again-goes-to-court-to-force-congregation-to-stop-using-name/

By Andrew Hanson, August 14, 2015: Walter McGill, pastor of The Creation Seventh Day and Adventist Church, has told Adventist Today that he has received notice of new litigation in the district court in Jackson, Tennessee. He and his assistant, Lucan Chartier, were previously jailed for their refusal to stop using the name.

The Seventh-day Adventist Church v. McGill is the latest legal action to eliminate the name "Creation Seventh Day & Adventist Church" from any "document, file, blog, bulletin board, video, post, tweet, webpage, social media page, social media account, social media post." The legal action seeks to prohibit the use of the name in "domain name registries, domain name hosts, web servers, blog publishing services, search engines, social networks, social media companies and other service providers."

According to McGill, if the court orders this legal action it will allow trademark law to control or the use of words or phrases in every-day communication so long as that communication is done via computer. Adventist Today has asked the denomination's General Conference (GC) why this lawsuit is necessary, who authorized it and its potential cost. No one from the GC has returned the phone calls of the Adventist Today reporter.

McGill and Chartier will likely refuse to comply with any such court order and go to jail to protest what they consider to be a matter of conscience. McGill previously served 30 days in jail and Chartier served 10 days related to similar issues.

The small congregation is located in rural Tennessee in the southern United States, although it claims adherents elsewhere and missionary projects in Uganda. It left the denomination in 1988 because of doctrinal disagreement with the GC acquisition and enforcement of a trademark on the name "Seventh-day Adventist."

The name "Creation Seventh Day & Adventist" was based upon what they believe to be a divine revelation received by both Danny Smith and McGill. At a meeting held in Plant City, Florida, the official Creation Seventh Day & Adventist (CSDA) was organized as an association of believers.

They believe that the name Seventh-day Adventist was given by God to describe the Adventist faith and that those who accept the Adventist beliefs must use the name in identifying themselves and their organizations, according to a Wikipedia article on the group. They consider this to be a matter of conscience equivalent to denying or affirming the name "Christian" and cite several quotes from Adventist cofounder Ellen G. White regarding the adoption and use of the name being Divinely commissioned.

The group has similar teachings to those of the denomination on the Sabbath, the imminent Second Coming of Christ, the investigative judgment and other doctrines. It says that it differs from modern Adventists on the Trinity, separation of church and state, and victory over all known sins.

The conclusion of the original litigation was a 2 to 1 split decision by a three-judge panel, with two judges deciding in favor of the denomination and one judge in favor of cancelling the trademark on the name "Seventh-day Adventist." The dissenting judge wrote an opinion regarding the problems with treating a religious name as a property right. It can be found at: <https://archive.org/details/StockerPerryVsG.CCorporationofSDAs>

The Phillip M. Kirkpatrick law firm in Nashville, Tennessee, has been retained by the GC to litigate this current case. It is considered to be one of the top law firms in the nation for this type of case. The firm that represented McGill at the Supreme Court level pro bono is on record stating that it would normally cost about \$1 million to file such a claim, according to Chartier in the online edition of *Spectrum*, the journal of the largest organization of Adventist

academics, July 20, 2012.

Adventist Today has previously reported on this ongoing conflict: “Is Protecting the Denomination’s Name Important Enough to Send People to Jail?” by Andrew Hanson, *Adventist Today* Magazine, December, 2012, p. 18.

Film About Gay Adventists Faces Legal Challenge from the Church

 spectrummagazine.org/article/daneen-akers/2010/06/21/film-about-gay-adventists-faces-legal-challenge-church

21 June 2010 | [Daneen Akers](#)

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[Seventh-Gay Adventists: A film about love, sex, and eternal life](#)

is a small, independent documentary being produced by my husband and me. This is a passion project that we came to after living in San Francisco for several years and becoming close friends with several Lesbian, Gay, Bisexual and Transgender members (current and former) of the Seventh-day Adventist church who were really torn between the church they grew up in (and still love) and being true to who they are.

After getting involved in *Adventists Against Prop 8*, a small but significant activism campaign within the Adventist church to protest some Adventist leaders' heavy-handed push to persuade members to vote for Prop 8 in 2008, we were very disappointed in the final result. We were expecting our first child and felt strongly that we should do more to bring about equality and acceptance for the most marginalized members of the church we grew up in. With a background in documentary and storytelling, and because we both grew up in the Adventist church, we felt that a film focused on the stories of LGBT members of the church would be the best option to change hearts and minds both within the church and beyond.



Current Legal Issue

We recently received a letter from the law firm that represents the General Conference Corporation of Seventh-day Adventists (GCCSDA), the legal entity that holds the rights to the trademark of “Seventh-day Adventist”:

Your use and modification of the SEVENTH-DAY ADVENTIST mark in this manner is without permission of the GCCSDA and/or the church, and is likely to cause dilution by blurring the distinctive qualities of the SEVENTH-DAY ADVENTIST mark and by tarnishing the reputation of the mark. Your use of the mark in this manner is also likely to cause confusion among consumers who may mistakenly believe that the Church has authorized or approved your use of the SEVENTH-DAY ADVENTIST mark.

It's strange to think of a church as a corporation and of members as “consumers,” but we do understand their interest in protecting their trademark. But, we aren't starting a church using their name—we're making a film.

It's true that the title *Seventh-Gay Adventists* is an allusion to the name of the church (though it's clearly not identical) because that's the church our subjects grew up in. It's the church that most of them love dearly despite the marginalization, suspicion, and often outright rejection they have to deal with.

And the title gives our viewers a hint of what's to come. They're likely to realize that the film is about the Seventh-day Adventist church's policies on homosexuality, or at least the experience of gay members of the church in the face of those policies. This means, in the words of our lawyer, "The expression inherent in the title is protected by the First Amendment."

The church may not like our title, or the inherent identity and authority questions it raises, but because we live in a country where we are privileged to have the freedom to speak our minds and question our religious institutions, we aren't infringing on their trademark or copyright. We are making a commentary.

Interestingly enough, the church has had one high-profile case similar to this back in 1991, and it was also over the use of the church's name in the context of gay Adventists. Back in 1991, the church sued [Seventh-day Adventist Kinship](#) (a support group for gay and lesbian Adventists) over the use of their name and lost because the presiding judge found the Seventh-day Adventist mark to be generic. It's interesting to note that although Adventists in general are very loathe to sue, apparently groups or projects associated with gay issues have been singled out as worth prosecuting.

Personal Reflection

As I recently wrote on our film website, the title *Seventh-Gay Adventists* was really just a working title at first. But the more I met and talked to gay Adventists, the more the title seemed a perfect description of the excruciating challenge many face in trying to integrate their religious and sexual identity. We all know it isn't easy to be a gay Christian, but being a gay Adventist is an entirely more challenging proposition because, to most, Adventism is much more than just a belief system, it's an entire culture and community that's more like an ethnicity than just a church. As one Adventist religion professor (who himself lost a gay brother to suicide) said recently to a group of Kinship members, "You have two incurable conditions—you're gay and you're Adventist. And it's awfully hard to stop being either one of those things."

Film Stats

The film is still in production. It is being fiscally sponsored by the [San Francisco Film Society](#). We are a small production company based in San Francisco (well, based in our kitchen)!

Resources

Our lawyer, Vijay Toke, at [Hiaring+Smith, LLP](#), is happy to field questions.

More information about the film can be found on our [website](#) and [Facebook page](#).