

## Community of 'Peace' Uses Trademark Case to Punish Traditional Followers of Joseph Smith

The Community of Christ (CoC) organization, a group that claims to be committed to the doctrines of peace, justice and tolerance, has sued a small church in Independence, Missouri for using the RLDS name and marks. The Devon Park Restoration Branch Church, with less than 100 adherents, has quietly worshipped for more than 20 years practicing, teaching and preaching what they describe as “the fullness of the gospel” and expressing those beliefs under the name they hold sacred and dear, the Reorganized Church of Jesus Christ of Latter Day Saints or RLDS. They have advertised their church as a group consisting of members of the original RLDS church and have also displayed RLDS religious symbols in their sanctuary with a large seal and flag.

All of the founding members of Devon Park have been members of the original RLDS church for decades and were disenfranchised by the organization now known as the Community of Christ when the leadership of that organization changed the original doctrines and teachings to what Devon Park’s members believe is a completely different religion. Holding deep convictions about these differences, these RLDS members organized Devon Park as a place of worship to continue their religious practices without embracing the doctrinal changes being conducted by the leaders of the church, who, prior to 2001, were still calling themselves RLDS even though they had moved away from many of the founding tenets of that church.

There are many other groups throughout the world worshipping and holding conferences that claim to be members of and teach the original doctrines of the RLDS. These doctrines were revealed through Joseph Smith II in 1830 and continued through his son, Joseph Smith III. Devon Park has been affiliated with some of these other groups.

In the 1980s, there was turmoil within the RLDS denomination when the leadership of the church used force to demand submission to its will over the convictions of a substantial group of church members. This was done by using the legal system and law enforcement to bar members from entering their church buildings on Sunday mornings if they did not accept pastors sent by the headquarters of the church. Many of the members then simply quit attending, or formed groups that would not be subjected to what they considered to be “religious tyranny.”

In 2001, the leadership of the segment of the RLDS church which was moving away from the church’s original foundation, changed its “identity and calling” to Community of Christ through what they believe was a revelation from God. The Community of Christ spent nearly \$2 million to transform its identity and public face to COC, and to eliminate all public uses of the former RLDS name. Advertisements touting the new identity were published, and a celebration to announce the new name was held at the World Headquarters in Independence with national and local community members and dignitaries. This highly publicized name and identity change

seemed to solidify the differences between the two groups and made it even clearer that there were two sets of beliefs systems and doctrines at play. Because many RLDS followers who have held to the original doctrines considered the name and marks to be a part of their identity and a sacred trust from God, they continued to use them. They referred to themselves as RLDS Restorationists or other similar names in order to identify themselves as those who have not accepted changes to the original RLDS doctrines and practices.

Though the CoC was no longer using the name to identify themselves to the public, in any publications or printed materials, or to establish any new congregations, and had removed all signs and symbols of it from the buildings which they still legally held (unless sandblasting was required), they quietly filed for trademark rights to the full name "Reorganized Church of Jesus Christ of Latter Day Saints" in 2005. They obtained federally registered trademarks in December 2006.

In June 2007, the CoC filed suit against South Branch, a tiny group of worshippers in Raytown, MO who had continued to identify themselves as an RLDS church. The CoC demanded that this church change its sign to remove the RLDS name, which it ultimately did under a settlement with the CoC. Next, the CoC filed suit against Devon Park in Independence, and not only demanded that Devon Park remove the RLDS name from its sign, but also reached into their sanctuary to demand the removal of a seal and flag that had been displayed for years. Devon Park, in good faith, quietly continued to use the RLDS name because they believe it is and always has been their identity and the COC had abandoned it. Additionally, it was clear that the COC had not challenged use by other RLDS groups in the past. They found that the CoC had quietly obtained the trademark rights, even while representatives from some of the original RLDS followers were in negotiations with the COC leadership to obtain formal rights to use the name.

COC's case against Devon Park was assigned to Federal District Court Judge Gary Fenner, who also had presided over the case against South Branch. His decision issued earlier this month in the COC case not only ruled in favor of the CoC, citing the trademark law, but also found Devon Park to be an "extraordinary" case warranting the punishment of an award of attorneys' fees in favor of the COC. Devon Park continues to believe that the RLDS name and marks are religious symbols which generically describe a set of beliefs and values embraced and proclaimed by worshippers for decades that cannot be trademarked. Additionally, the church believes that the CoC, over the past 9 years, has practically and legally abandoned the RLDS name and marks by systematically holding itself out to the public only with its new name, Community of Christ. In short, Devon Park believes that the Federal District Court's decision is wrong and it is appealing the ruling.