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Final Brief Filed in Appeal to USPTO’s Denial of “Stop Islamisation of America” Trademark

Washington, D.C. (December 19, 2013) — The American Freedom Law Center (AFLC), a national, nonprofit Judeo-Christian law firm, filed its reply brief today in the United States Court of Appeals for the Federal Circuit, thus ending the briefing stage in AFLC’s appeal to the court, requesting that it overturn the Trademark Trial & Appeal Board’s (TTAB) denial of the trademark application for “Stop Islamisation of America” and “SIOA.”

Pamela Geller and Robert Spencer, executive directors of the American Freedom Defense Initiative (AFDI), an advocacy organization that raises awareness about the terror threat posed by sharia-adherent Islamists, applied to the United States Patent and Trademark Office (USPTO) in February 2010 to register the trademark “Stop the Islamisation of America” to foster and provide an understanding of how to prevent sharia-based tyranny and Islamist terrorism.

The USPTO rejected AFDI’s application because it deemed that the trademark disparaged Muslims and linked them to terrorism. In its appeal to the TTAB, AFLC argued that “Islamisation” is not broadly defined as all things Islamic or even merely a religious conversion of an individual or society to Islam. Rather, it is the process of implementing sharia as the law of the land into a society in order to create a sectarian political system based upon sharia (*i.e.*, Islamic law).

In a strange and remarkably unbelievable move, the USPTO argued in its brief filed with the Federal Circuit Court that the government sought to protect sharia-adherent jihadists from disparagement—not just law-abiding Muslims. That is, the USPTO was not going to draw any distinction between protecting the reputations of law-abiding U.S. citizens and murderous jihadists. In response, AFLC explained to the court:

The second argument we treat here is an argument hard to take seriously at any level. The USPTO concludes its brief by asserting that a Section 2(a) disparagement rejection applies equally to protect the law abiding as well as the seditious. The statute requires, at least according to the USPTO's newest argument, a rigid moral equivalency. The most basic problem with this argument, and there are plenty, is that it is empirically false. Thus, there are trademarks that oppose and seek to stop those who carry out abductions, such as the Somali pirates or parents who believe they are acting justly in abducting their children in violation of court orders ("Stop Abductions"); or those who might advocate for—what some people call cruelty to animals—animal sacrifice for religious observance or just harmless sport ("Society for the Prevention of Cruelty to Animals"); as well as those parents who firmly believe they are acting responsibly and in the best interests of their children by "not withholding the rod" ("American Society for the Prevention of Cruelty to Children"). There are even trademarks that suggest judges and others involved in the judicial system are terrorists ("Judicial Terrorism"). Would the USPTO also take this view of a mark appearing as "Stop Human Trafficking" because it insulted those who treat women and young children as chattel? Moreover, even assuming this argument has legs, the fact remains that no Islamist would be disparaged by the fact that law-abiding and patriotic Americans oppose the Islamization agenda, and there is simply no evidence in the record to suggest otherwise. Indeed, based upon the factual record as a whole and specifically as previously noted herein, Islamists fully expect Western political orders to resist any move to replace the Constitution with Islamic law. That is precisely why the Muslim Brotherhood Islamists inform us, through the Brotherhood's motto, "Allah is our objective, the Prophet is our leader, the Qur'an is our law, jihad is our way, dying in the way of Allah is our highest hope."

David Yerushalmi, AFLC Co-Founder and Senior Counsel, commented: "The USPTO is denying the reality that 'Stop the Islamization of America' neither disparages nor brings into disrepute law-abiding Muslims because it quite appropriately distinguishes between Islamization

as a process hostile to our political system on the one hand and the law-abiding practice of Islam as an entirely protected First Amendment exercise of religious freedom on the other.”

Yerushalmi continued: “What’s even more alarming is that as part of its defense, the USPTO is insinuating that our clients are bigots because they protested the construction of the Ground Zero Mosque. This ploy is all the more egregious because, as a government agency, the USPTO is tasked with upholding the rule of law as opposed to engaging in a hyper-politicized and patronizing advocacy to protect Islam from the terror committed in the name of Islam by self-described Islamic jihadis.”

Robert Muise, AFLC Co-Founder and Senior Counsel, commented: “This case is a classic Orwellian example of the government trying to control language for the purpose of maintaining its agenda of political correctness. Indeed, the TTAB ignored the overwhelming evidence that the *only* public use of ‘Islamisation’ is as a description of an Islamist political agenda to replace secular democracy with Islamic religious law. To argue contrary is simply inconsistent with reality.”

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.

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