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Contact: David Yerushalmi, Esq.

Date: Tuesday, September 3, 2013

T: (646) 262-0500

E: dyerushalmi@americanfreedomlawcenter.org

Pamela Geller and Robert Spencer Appeal Denial of “Stop Islamisation of America” Trademark

Washington, D.C. (September 3, 2013) — The American Freedom Law Center (AFLC), a national, nonprofit Judeo-Christian law firm, filed its opening brief last Friday in the United States Court of Appeals for the Federal Circuit, asking the court to 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 Freedom Defense Initiative (FDI), an advocacy organization that raises awareness about the human rights abuses perpetrated 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 FDI’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 a 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).

David Yerushalmi, AFLC Co-Founder and Senior Counsel, commented: “Muslims and non-Muslims alike use and understand ‘Islamisation’ to be the political movement to implement Islamic law or sharia as the law of the land. It has nothing to do with religious conversion. In fact, the term ‘Islamisation’ can be traced to the Muslim Brotherhood, where it is found in their own documents advocating ‘civilizational jihad,’ which seeks nothing less than the destruction of Western Civilization and the establishment of a worldwide Islamic caliphate.

“Furthermore, the term is used frequently in professional and academic contexts. Therefore, ‘stopping Islamisation’ and linking this doctrine to terrorism does not implicate or disparage good, patriotic, loyal Muslims in America. Instead, it is an important educational tool that raises awareness about those who seek the demise of our constitutional Republic through a sharia-based political process.”

Nevertheless, in February 2013, the TTAB affirmed the USPTO’s denial of the trademark, concluding that the Mark is disparaging to American Muslims.

Robert Muise, AFLC Co-Founder and Senior Counsel, commented: “There is no doubt that the TTAB used legally and factually unfounded ‘evidence’ to support its position that ‘Islamisation’ means all things Islamic. By doing so, 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.”

As argued in AFLC’s brief:

Appellants [Geller and Spencer] are sympathetic to the USPTO’s politically correct sensitivities enticing it to protect Muslims and indeed Islam itself from even the slightest hint of disparagement in the form of public criticism, especially in the post-9/11 age with global terrorism conducted daily in the name of Islam and the Arab Spring featuring the Muslim Brotherhood’s Islamisation program for Egypt and elsewhere melting into murder and mayhem. The problem with these sensitivities as applied to the denial of Appellants’ Mark is that the USPTO’s beef is not with Appellants or their Mark, but rather with terrorists who claim to speak in the name of all of Islam and all Muslims. Appellants’ Mark does not. “Stop the Islamisation of America” has a specific meaning that Muslims and non-Muslims in America and indeed throughout the West embrace if they treasure liberty and religious freedom for all. In a zeal to take on the role of *parens patriae* and to protect Muslims from every insult, the USPTO and the TTAB have both ignored the factual record and have simply assumed meanings and understandings of the terms of the Mark that have no factual or evidentiary basis. There is no substantial evidence to support the TTAB’s Decision or the USPTO’s denial of the Mark.

As such, Appellants ask this Court to find that the USPTO's denial of Appellants' Mark lacks the requisite evidentiary basis and order the USPTO to register the Mark forthwith.

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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