

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

TE-TA-MA Truth Foundation -)
Family of URI, Inc.,)
Plaintiff,)
v.)
The World Church of the Creator,)
Defendant.)

00C 2638

Civil Action No. _____

Jury Demanded

JUDGE PLUNKETT

MAGISTRATE JUDGE ASHMAN

COMPLAINT

FILED-EDS
30 MAY -2 AM 11: 22
CLERK
U.S. DISTRICT COURT

Plaintiff TE-TA-MA Truth Foundation - Family of URI, Inc. (hereinafter "Church Of The Creator"), states the following for its Complaint against The World Church of the Creator (hereinafter "The World Church"):

DOCKETED
MAY 3 - 2000

NATURE OF THE CASE

1. This is an action for trademark infringement, unfair competition, deceptive trade practices, and dilution arising under the federal Lanham Act 15 U.S.C. §§ 1051 *et. seq.*; the Illinois Trademark Registration Protection Act, 765 ILCS 1036/65 (1998); the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et. seq.* (1992); and common law.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this dispute pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1332. This Court has personal jurisdiction over The World Church because, on information and belief, The World Church conducts business in this District and in this Division, and is thus a resident of this District and this Division.

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3. Venue is appropriate in this District and Division because The World Church is a resident of this District and Division, conducts business here, and because a substantial number of the events complained of occurred here.

THE PARTIES

4. Church Of The Creator is a religious organization and a California Corporation located at P.O. Box 1147, Ashland, Oregon 97520-0039. Church Of The Creator is associated with ministries located in the United States in Arizona, California, Colorado, Florida, Georgia, Idaho, Maryland, Massachusetts, Missouri, Nevada, New Mexico, New York, North Carolina, Ohio, Oregon, Puerto Rico, Tennessee, Texas, Virginia, Washington and Wisconsin, as well as in Canada, South America and Europe.

5. On information and belief, the Defendant, The World Church, is a non-profit organization with its headquarters in the State of Illinois. On further information and belief, the World Church does business in this district with addresses at P.O. Box 30165, Chicago, Illinois; P.O. Box 8064, Wilmette, Illinois. The World Church is thus a resident of this Judicial District. In addition, the World Church does business from other addresses in Illinois, including P.O. Box 2002, East Peoria, Illinois; and P.O. Box 1096, Springfield, Illinois.

FACTS COMMON TO ALL COUNTS FOR RELIEF

6. Since at least February 26, 1982, Church Of The Creator has extensively and continuously used the name and mark CHURCH OF THE CREATOR® in the United States, on and in connection with services and goods which it provides and distributes.

7. Church Of The Creator holds a federal registration for CHURCH OF THE CREATOR® mark for use on religious instructional and teaching materials, a copy of which is

Exhibit 1 to this Complaint. Church Of The Creator has filed, and the U.S. Patent and Trademark Office has accepted, affidavits pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and the registration has accordingly become incontestable.

8. Church Of The Creator has made extensive use of CHURCH OF THE CREATOR® name and mark in connection with services including: conducting classes, lectures, and seminars on religion and self-help; providing ministerial services; providing religious consulting services; providing ministerial ordination services; providing religious, spiritual, self-help, and educational information by means of a global computer network; providing computer services, namely on-line magazines, newsletters, bulletins, and schedules in the fields of religion, spirituality, and self-help; and indicating membership in religious organizations.

9. As a result of Church Of The Creator's extensive and continuous use of CHURCH OF THE CREATOR® name and mark for nearly two decades, the name and mark have acquired distinctiveness, goodwill, and fame. Persons throughout the United States associate CHURCH OF THE CREATOR® name and mark with Church Of The Creator.

10. On information and belief, The World Church is an organization that uses the name and mark WORLD CHURCH OF THE CREATOR to communicate messages through flyers, pamphlets, brochures, newsletters, television talk-show appearances, television news interviews and the Internet. The context of The World Church's messages is frequently white-supremacist, racist, and anti-semitic, and The World Church's messages are incompatible with, and are anti-thetical to, the messages conveyed by Church Of The Creator's religious instructional and teaching materials.

11. On further information and belief, The World Church also uses the marks CHURCH OF THE CREATOR and COTC to communicate its messages.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT

12. Church Of The Creator repeats and incorporates by reference the allegations in paragraphs 1-11 as if fully set forth here.

13. Church Of The Creator's name and mark CHURCH OF THE CREATOR® is virtually identical to The World Church's WORLD CHURCH OF THE CREATOR, CHURCH OF THE CREATOR, and COTC names and marks. The close similarities of the marks have led and would likely lead the public mistakenly to believe that Church Of The Creator has approved, sponsored, or endorsed The World Church's messages or activities, or that Church Of The Creator and The World Church are the same organization (or parts of the same organization).

14. Church Of The Creator is damaged irreparably by The World Church's use of the names and marks WORLD CHURCH OF CREATOR, CHURCH OF THE CREATOR, and COTC because the marks so resemble Church Of The Creator's CHURCH OF THE CREATOR® name and mark as to have caused and cause consumer confusion, mistake, and deception.

15. Church Of The Creator has no adequate remedy at law.

16. The World Church is causing and is likely to cause substantial injury to the public and Church Of The Creator, and Church Of The Creator is entitled to both injunctive relief and monetary damages under 15 U.S.C. § 1116 and § 1117.

COUNT II
FEDERAL UNFAIR COMPETITION

17. Church Of The Creator repeats and incorporates by reference the allegations in paragraphs 1-16 as if fully set forth herein.

18. The World Church's use of marks confusingly similar to CHURCH OF THE CREATOR® mark has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that The World Church's goods and services are: (i) manufactured distributed by, or originate with, Church Of The Creator; or (ii) affiliated, connected, or associated with Church Of The Creator; or (iii) have the sponsorship, endorsement, or approval of Church Of The Creator.

19. The World Church has made false representations, false descriptions, and false designations of origin of The World Church's goods and services in violation of 15 U.S.C. §1125(a), and The World Church's activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the public and injury to Church Of The Creator's good will and reputation as symbolized by CHURCH OF THE CREATOR® mark, for which Church Of The Creator has no adequate remedy at law.

20. The World Church's conduct has caused, and is likely to continue causing, substantial injury to the public and to Church Of The Creator, and Church Of The Creator is entitled to injunctive relief and to recover The World Church's profits, treble damages, costs, and reasonable attorneys' fees pursuant to 15 U.S.C. §§ 1125(a), 1116 and 1117.

COUNT III
FEDERAL AND STATE DILUTION

21. Church Of The Creator repeats and incorporates by reference the allegations in paragraphs 1-20 as if fully set forth herein.

22. Church Of The Creator has extensively and continuously promoted and used the registered CHURCH OF THE CREATOR® name and mark in the United States and name and mark has thereby become a famous and distinctive symbol of Church Of The Creator's goods and services.

23. The World Church's unauthorized use of the names and marks WORLD CHURCH OF THE CREATOR, CHURCH OF THE CREATOR, and COTC dilutes and is likely to dilute the distinctiveness of Church Of The Creator's mark CHURCH OF THE CREATOR® by eroding the public's exclusive identification of this famous mark with Church Of The Creator and by tarnishing and degrading the positive associations and prestigious connotations of CHURCH OF THE CREATOR® mark.

24. The World Church has caused and will continue to cause irreparable injury to Church Of The Creator's good will and business reputation, and dilution of the distinctiveness and value of Church Of The Creator's famous and distinctive CHURCH OF THE CREATOR® mark in violation of 15 U.S.C. § 1125(c) and 765 Ill. Comp. Stat. Ann. 1036/65 (1998) and Church Of The Creator therefore is entitled to injunctive relief and actual damages.

COUNT IV
COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION

25. Church Of The Creator repeats and incorporates by reference the allegations in paragraphs 1-24 as if fully set forth herein.

26. The World Church's acts constitute common law trademark infringement and unfair competition, and have created and will continue to create a likelihood of confusion to the irreparable injury to Church Of The Creator unless restrained by this Court. Church Of The Creator has no adequate remedy at law for this injury.

27. On information and belief, The World Church acted with full knowledge of Church Of The Creators' use of, and statutory and common law rights to, CHURCH OF THE CREATOR® mark without regard to the likelihood of confusion of the public created by those activities.

28. As a result of The World Church's acts, Church Of The Creator has been damaged in an amount not as yet determined or ascertainable. At a minimum, however, Church Of The Creator is entitled to injunctive relief, to an accounting of The World Church's profits, and damages.

COUNT VI
DECEPTIVE TRADE PRACTICES

29. Church Of The Creator repeats and incorporates by reference the allegations in paragraphs 1-28 as if fully set forth herein.

30. The public is likely to be damaged as a result of The World Church's conduct and, by reason of that conduct, The World Church has engaged and is engaged in unfair and deceptive acts or practices in the conduct of business, trade, or commerce in violation of ILCS 510/1 *et. seq.* (1992), and the common law.

31. The World Church's unauthorized use of marks confusingly similar to Church Of The Creator's CHURCH OF THE CREATOR® mark has caused and is likely to cause substantial injury to the public and to Church Of The Creator, and Church Of The Creator is entitled to injunctive relief and to recover damages, costs, and reasonable attorneys' fees.

WHEREFORE, Church Of The Creator prays:

1. That The World Church and all agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, or under authority from The

World Church, or in concert or participating with The World Church, and each of them, be enjoined from:

- a. using the marks WORLD CHURCH OF THE CREATOR or CHURCH OF THE CREATOR or COTC, or any copy, reproduction, colorable imitation, or simulation thereof in connection with The World Church's goods or services;
- b. using any trademark, service mark, name, logo, or source designation of any kind on or in connecting with products or services that: (i) copy, reproduce, colorably imitate, simulate, or are confusingly similar to the trademarks, service marks, names, or logos of Church Of The Creator; or (ii) are likely to cause confusion, mistake, deception, or public misunderstanding that The World Church's services goods, or messages are sponsored by, or in any way related to Church Of The Creator; and
- c. passing off, palming off, or assisting in passing off or palming off, The World Church's services products or messages as those of Church Of The Creator, or otherwise continuing any and all acts of infringement;

2. That The World Church be compelled to account to Church Of The Creator for any and all profits derived by The World Church as a result of its infringing acts and for all damages caused to Church Of The Creator pursuant to 15 U.S.C. § 1117(a) and to the common law and that such amount be trebled;

3. The World Church be required to pay Church Of The Creator the cost of this action and its reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a) and (b) and state law;

4. The World Church be required to pay prejudgment interest on any profits, damages and attorneys' fees awarded as provided for in 15 U.S.C. § 1117(b);

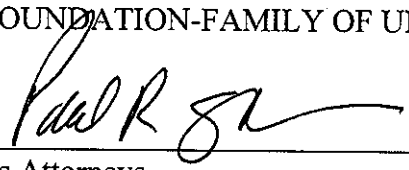
5. Based on The World Church's willful and deliberate infringement and dilution of Church Of The Creator's marks, and to deter such conduct, Church Of The Creators be awarded punitive damages; and

6. The court award Church Of The Creator such other and further relief as the Court may deem just.

Respectfully submitted,

THE TE-TA-MA TRUTH
FOUNDATION-FAMILY OF URI, INC.,

By:



Its Attorneys

James M. Amend, P.C.
Paul R. Steadman
KIRKLAND & ELLIS
200 East Randolph, Suite 5400
Chicago, IL 60601
(312) 861-2000
(312) 861-2135 (fax)

EXHIBIT 1


SAEGIS.
CUSTOM REPORT

Search Criteria:

TRADEMARKSCAN®
Database(s) = U.S. Federal
Trademark = CHURCH OF THE CREATOR
Cross References Are On
Plural Rules Are On
User = DONNA GASIOROWSKI
Reference=007009999

Viewed: Tue Apr 25 19:23:23 GMT 2000

Citations

1. **CHURCH OF THE CREATOR**
REGISTERED
Class: 16
RELIGIOUS INSTRUCTIONAL AND TEACHIN...
TE-TA-MA TRUTH FOUNDATION - FAMILY OF URI, INC.
U.S. Federal


Full Text For Citations

CHURCH OF THE CREATOR *ref.1*



TRADEMARKSCAN®—U.S. Federal

Serial Number: 73675090
Registration Number: 1496724

Status: REGISTERED

Affidavit Section: 8-15
Affidavit Date: December 27, 1993

USPTO Status: (702) SECTION 8 & 15 - ACCEPTED AND ACKNOWLEDGED

Filed: July 28, 1987
Published: April 26, 1988
Registered: July 19, 1988

Goods/Services: RELIGIOUS INSTRUCTIONAL AND TEACHING MATERIALS NAMELY, NEWSLETTERS, BOOKS, JOURNALS, PAMPHLETS, AND BROCHURES; PHOTOGRAPHS, CALENDARS, POSTERS, WRITING PAPER AND ENVELOPES, NOTE CARDS; PRINTED ADHESIVE DECALS

International Class(es)
16 (Paper Goods and Printed Matter)

International Class: 16
First Used: February 26, 1982
In Commerce: February 26, 1982

Registrant:
TE-TA-MA TRUTH FOUNDATION - FAMILY OF URI, INC.
CALIFORNIA CORPORATION
P.O. BOX 1147
ASHLAND , OREGON 975200039

Owner At Publication:
TE-TA-MA TRUTH FOUNDATION - FAMILY OF URI, INC.
CALIFORNIA CORPORATION
P.O. BOX 1147
ASHLAND , OREGON 975200039

Applicant:
TE-TA-MA TRUTH FOUNDATION - FAMILY OF URI, INC.
CALIFORNIA CORPORATION
P.O. BOX 1147
ASHLAND , OREGON 975200039

Filing Correspondent:
TE-TA-MA TRUTH FOUNDATION
FAMILY OF URI, INC.
P.O. BOX 1147
ASHLAND, OR 97520-0039

Disclaims: "CHURCH"

Design Phrase: THE MARK INCLUDES A BACKGROUND SIX-POINTED STAR GRID EMANATING LIGHT RADIATIONS, CENTERED ABOUT A DESCENDING/ASCENDING DOVE, CENTERED ABOUT AND CRADLING WITHIN ITS BREAST, THE PLANETARY SPHERE OF EARTH.



Index of Owners

TE-TA-MA TRUTH FOUNDATION - FAMILY OF URI, INC.
CHURCH OF THE CREATOR
reference 1

File Dates

U.S. Federal

Date Last Updated: April 21, 2000

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKETED
MAY 3 - 2000

Civil Cover Sheet 00C 2638

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): TE-TA-MA Truth Foundation-
Family of URI, Inc.

Defendant(s): The World Church of the
Creator

County of Residence:

County of Residence: *Cook*

JUDGE PLUNKETT

Plaintiff's Atty: James Amend, Esq.
Kirkland & Ellis
200 East Randolph Dr., Ste.,
Chicago, IL 60601
(312) 861-2000

Defendant's Atty:

MAGISTRATE JUDGE ASHMAN

Cats II

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

III. Citizenship of Principle
Parties (Diversity Cases Only)

Plaintiff: - 2 Citizen of Another State
Defendant: - 1 Citizen of This State

FILED-ED5
00 MAY -2 AM 11: 22
CLERK
U.S. DISTRICT COURT

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 840 Trademark

VI. Cause of Action: Trademark Issues/Lanham Act/State Law Unfair Competition

VII. Requested in Complaint

Class Action: No
Dollar Demand: Damages
Jury Demand: Yes

VIII. This case Is NOT a refiling of a previously dismissed case. (If yes case number ___ by Judge ___)

Signature:

James M Amend

Date:

4/25/2000

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with

1-2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of TE-TA-MA Truth Foundation - Family of URI, Inc. vs. The World Church of the Creator

Case Number:
00C 2638

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:
TE-TA-MA Truth Foundation - Family of URI, Inc.

JUDGE PLUNKETT

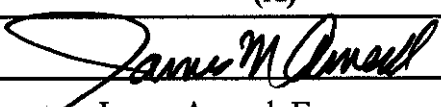
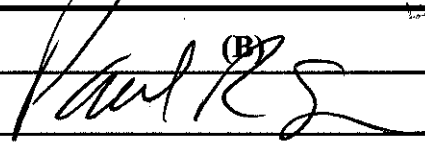
MAGISTRATE JUDGE ASHMAN

DOCKETED

MAY 3 - 2000

**FILED-EDS
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00 MAY -2**

**CLERK COURT
U.S. DISTRICT COURT**

(A)		(B)	
SIGNATURE		SIGNATURE	
NAME	James Amend, Esq.	NAME	Paul R. Steadman, Esq.
FIRM	Kirkland & Ellis	FIRM	Kirkland & Ellis
STREET ADDRESS	200 East Randolph Drive, Ste. 5400	STREET ADDRESS	200 East Randolph Drive, Ste. 5400
CITY/STATE/ZIP	Chicago, IL 60606	CITY/STATE/ZIP	Chicago, IL 60606
TELEPHONE NUMBER	(312) 861-2000	TELEPHONE NUMBER	(312) 861-2000
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	0042366	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	FSBN 06238160 06238160
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	