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

On April 8, the American Freedom Law Center (AFLC) filed a [notice of appeal](#) in the United States Court of Appeals for the Federal Circuit in response to the Trademark Trial & Appeal Board’s (TTAB) affirmation of the denial of the “Stop Islamisation of America” or “SIOA” trademark application, which was sought by anti-sharia advocates Pamela Geller and Robert Spencer.



Pamela Geller and Robert Spencer, executive directors of the human rights organization, the Freedom Defense Initiative (FDI), applied to the United States Patent and Trademark Office (USPTO) 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 in an “Office Action” based on the following analysis: (1) “Islamisation” means converting to Islam or “to make Islamic;” and (2), “Stop” would be understood to mean that “action must be taken to cease, or put an end to, converting or making people in America conform to Islam.” Thus, the trademark, according to the “Office Action” ruling, disparaged Muslims and linked them to terrorism.

As a result, AFLC appealed the rejection of the SIOA mark to the TTAB, filing a detailed and lengthy brief opposing the USPTO’s ruling. The AFLC brief demonstrated that the term “Islamisation” is not broadly defined as a conversion of an individual; or even a whole society to the religion of Islam; or to the state of being more culturally Islamic. Rather, AFLC argued, “Islamisation” is the process of implementing sharia into a society in order to convert that society to a sharia-compliant Islamic state.

At oral argument before the TTAB in Arlington, Virginia, David Yerushalmi, AFLC Co-Founder and Senior Counsel, argued that the only probative evidence in the record for the actual meaning of “Islamisation” was that presented by his clients and which showed beyond any doubt that Muslims and non-Muslims alike used and understood “Islamisation” to be the political movement to implement Islamic law or sharia as the law of the land.

Yerushalmi commented: “The TTAB’s opinion upholding the USPTO’s rejection of the mark was forced to bend itself into a pretzel to get around the only evidence in the record. The term ‘Islamisation’ is a political movement – not religious conversion – and it can be traced to the Muslim Brotherhood, where it is found in their own documents advocating ‘civilizational jihad.’ Furthermore, the term is used frequently in professional and academic contexts. Therefore, ‘stopping Islamisation’ and linking this doctrine to terrorism does not implicate good, patriotic, loyal Muslims in America; instead, it is an important educational tool that

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raises awareness about those who seek the demise of our constitutional Republic through a sharia-based political process.”

AFLC Co-Founder and Senior Counsel Robert Muise commented: “It is crucial that Americans understand the threat that our Nation faces from sharia-adherent Islam, especially from stealth jihadists who covertly seek to perpetuate sharia into American society. This trademark does exactly that.”

Once the Notice of Appeal is accepted, the USPTO must transfer the relevant filings to the United States Court of Appeals for the Federal Circuit, which will then set a briefing schedule.

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