

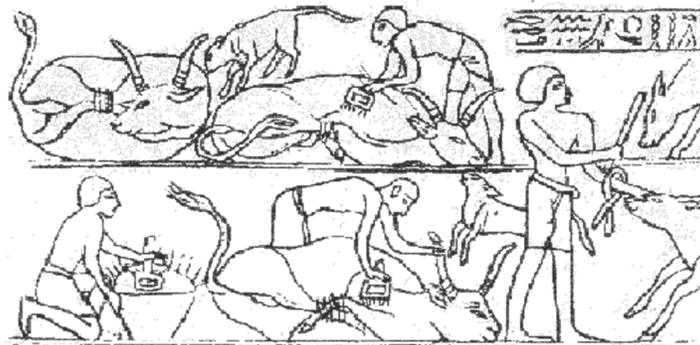
# The Mark,

## From the Caves to the Courts

I have been interested in writing this paper for more than fifteen years. However, time never seemed to lend itself to such a stupendous work. Now that I am exiled in Africa because of THE MARK, I have little excuse to further delay this project.

About twenty years ago, I began taking interest in the subject of trademarks and their origins. I saw what appeared to be a direct link between modern-day marks of trade and the trade embargo of Bible prophecy, i.e. "the mark of the beast" described in the book of Revelation chapter 13. I was so intrigued by this idea that I spent months traveling around the United States visiting every library on my travel route, especially those situated on university campuses. I compiled a huge file of photocopies taken from books and documents that I found in the library stacks and media. At various times, I have searched the Internet for documentation and images to substantiate my thesis. Now the time has come to make sense of the research and share the findings with you. So, let us begin our tour of *THE MARK, From the Caves to the Courts*.

When discussing the origin and evolution of trademarks, we will necessarily deal with brands, seals, signets, merchant marks, guild marks, artisan marks, and the like. A trademark is, quite simply, a mark of somebody's trade. Archaeological research has established that the use of symbols to identify property goes back to prehistoric times. The oldest known objects bearing identifying markings are made of indestructible pottery dating from approximately 5,000 BC. Brands have been used as marks of identification at some time in all countries and civilizations. The branding scene below is shown on Egyptian Tomb walls dating back to 2,000 BC.



(source: <http://www.barbwiremuseum.com/cattlebrandhistory.htm>)

From at least Bass Ale's red triangle--advertised as "the first registered trademark"--commodity brands have exerted a powerful hold over modern Western society. Marketers and critics alike have assumed that branding began in the West with the Industrial Revolution. But a pioneering new study in the February 2008 issue of *Current Anthropology* finds that attachment to brands far predates modern capitalism, and indeed modern Western society. *Science Daily* (Feb. 19, 2008)

From earliest times, humans have used marks to designate ownership, sometimes as property owner or sometimes as manufacturer. It is considered probable that primitive humans used marks to indicate the ownership of livestock. Later marks were used to indicate the maker of goods and their obligation to the quality of their work. This use of marks was at its height in the Roman Empire.

The following dates are indicative of a historical timeline for the use of marks and seals:

### 5000 BC

Cave drawings show bison with symbols on their flanks, presumed to be ownership marks. Marks are also found on pottery.



### 3500 BC

Stone seals are found in Cnossos on Crete with inscriptions cut in reverse so that they could be impressed into clay. While many of these identify the contents of jars, some give the maker's name. Among the Sumerian cities of Mesopotamia cylinder seals have been found which identified the individual who supplied commodities taken to the temple exchange.

### 3000 BC

The tombs of the kings from First Dynasty Egypt, as far back as approximately 3200 BC, contain jars that bear potters' marks. Building stones of that period are marked with symbols that indicate either the quarry from which they came or the masons who prepared them. Roof tiles, as well as bricks, had the names of their makers impressed in them.

### 2000 BC

Near Corinth, archaeologists have also unearthed clay bowls and saucers bearing potters' marks dating from this time.

The following picture shows a Sumerian white cylinder seal from this era:



The earliest written records from Asia Minor, or Anatolia, come from Assyrian merchants who had founded colonies where they carried on a prosperous trade with the native Anatolian population. Most of these documents, which already amount to several thousands, are known under the name Cappadocian Tablets. They come from Kültepe, ancient Kanish, the main colony of these Assyrian merchants in the 19th century B.C. These merchants imported tin and an expensive cloth from Assyria, and traded these articles for silver and copper, in which Anatolia was rich. We know very little of the native population of Anatolia of that time, although the Assyrian texts mentioned some kings, like Anitta, who apparently was a powerful ruler. It is interesting to find him in possession of an iron throne during a time when, according to many scholars, iron was still unknown. (Nichol, F. D. 1978; 2002. *The Seventh-day Adventist Bible Commentary, Volume 1*. Review and Herald Publishing Association, page 137)

## 6th century to 3rd century BC

Stamped ceramics used on locally made Greek pottery was common.

Here is an example of an Etruscan cylinder seal from the 5<sup>th</sup> century BC.



## 500 BC to 500 A.D

The Roman civilization, which endured for approximately one thousand years, provides our earliest sustained records of an economy in which trademarks evidently were a matter of everyday experience. The following images document the economic use of trademarks in the Roman Empire on bricks stamped with a mark.



The stamps included the name of the brick maker, the place the bricks were made, and the date. Brick makers were then able to be held liable for the quality of buildings made with their bricks. Sometimes these same stamps are found on other large clay products as well. Some six thousand different Roman potters' marks have been identified.

Roman bricks can be stamped in the following ways:

1. with the name of the maker and, occasionally, of the estate or brickyard in which the brick was produced. Later trademarks could include the names of the owner of the estate upon which the clay fields lay and the contractor who actually arranged for the production of the bricks and sometimes the name of the slave who had made the bricks.
2. with the names of the Roman consuls for the year, but this began to happen only in 110 A.D.
3. with the mark of the legion that supervised bricks production. This however happened only where the Roman legions quartered, i.e. outside Italy, everywhere in the Roman Empire from Europe to Asia Minor and Northern Africa.

Study of the brick stamp texts has permitted a reliable chronology of the brick stamps in use in Rome and in the Roman Empire, so that we can date constructions and have a general chronology.

As for pottery, the amphoras had a so-called "titulus pictus" with the consular date, i.e. a Latin commercial inscription made on the surface specifying information such as origin, destination and type of product, while the vases had the name of the handicraftsman. (source: <http://en.allexperts.com/q/Ancient-Classical-History-2715/Ancient-Roman-Trademarks.htm>)

Latin literature contains reference to the use of makers' marks on cheese, wine, medicine, ointment, metallic ornaments, and glass vessels. Seals were used for marking cloth, and masons' marks can be found on building stones.

These "factory lamps" were found at sites in Modena, Italy. The lamps were among the first mass-produced goods in Roman times, and they carried brand names clearly stamped on their clay bottoms. (source: <http://www.msnbc.msn.com/id/28072109/>)



The latest excavations at the northern gate of the Takht-e Suleiman historical site show that during the reign of the Sassanid dynasty (224–642 AD), Iranians used special labels on goods as a way of promoting their brands. (source: <http://danfingerman.com/dtm/archives/000242.html>)

One website I discovered online explains the development of trademarks in this way.

The earliest marks were probably those marking animals so a farmer, rancher or lord could distinguish what animals belonged to whom. Since early commerce was limited to the immediate locality few merchants needed marks on their products. However, as commerce developed, marks began to serve a variety of purposes. Egyptian structures erected as early as 4000 B.C. show quarry marks and stonecutters' signs. Artifacts from places such as ancient Egypt have been found with various symbols carved thereon for religious and superstitious reasons. "Potters marks" appeared in relics left from the Greek and Roman periods and were used to identify the maker (potter) of a particular vessel. Roman signboards were found in the ruins at Pompeii. Symbols on goods used in ancient Rome and other countries near the Mediterranean Sea had similar characteristics to the trademarks of today

Use of marks to indicate ownership of goods was particularly important for owners whose goods moved in transit, as those marks often allowed owners to claim goods that were lost. Producers often relied on identifying marks, for example, to demonstrate ownership of goods recovered at sea. In medieval England, sword manufacturers were required to use identifying marks so that defective weapons could be traced back to the seller for possible punishment. Owners also carved identifying marks into the beaks of swans they were allowed to own by royal privilege.

Around the 10th century, a mark called a "merchants mark," appeared, and symbols among traders and merchants increased significantly. These marks, which can be considered one kind of "proprietary mark," essentially were used to prove ownership rights of goods whose owners were missing due to shipwrecks, pirates, and other disasters.

The English in the 13th century created trademark laws to avoid any replication of products from a certain company to another.

In the 14th and 15th centuries with dramatic emergence of merchant and craft guilds, trademark-like symbols and logos started to appear as identifiers for these firms. Local guilds often developed reputations for the quality of their products, and when they did, the names of the towns or regions in which those guilds operated became repositories of goodwill. To maintain that goodwill,

guilds needed to be able to restrict membership and identify and punish members who produced defective products. Guilds therefore required their members to affix distinguishing marks to their products so the guilds could police their ranks effectively. These symbols were different from modern marks in that they emerged to benefit the guilds and were not for the benefit of the production mark owner.

(Source: <http://www.tabberone.com/Trademarks/TrademarkLaw/History/History.shtml> )

The earliest civilizations introduced specialization. As a result, markings on pottery and other objects served the purpose of identifying the maker after the goods had left his hands. They thus approached closely the function of the trademark of modern commerce. However, the primary purpose of such marks apparently was to fix responsibility so that the maker of imperfect merchandise could be located and, if necessary, punished.

During the Dark Ages, extending from the fall of the Roman Empire in the fifth century AD to the eleventh century AD, the use of trademarks declined greatly. Even pottery was produced without marks at this period.

In the Middle Ages, from the twelfth century on, the use of trademarks of various types and on all kinds of goods gradually became widespread. The economy of England and the rest of Europe was characterized by the organization of industry into guilds, and trademarks were used primarily for the purpose of maintaining the control of an industry in the hands of the members of the guild and their chosen successors. Typical guild regulations required that every article produced by a member bear both the guild symbol and a mark identifying the individual artisan. The “guild mark” indicated that the goods were not contraband; the “artisan’s mark” fixed the responsibility upon the individual craftsman so that he could be disciplined by the guild if he failed to hold to proper standards of workmanship.

Perhaps this is a good place to include a brief excerpt on the ancient uses of marks taken from a church paper entitled *Review and Herald*, (1913).

When the Lord called Israel out of Egypt and its idolatries and warned his people against the ways by which the heathen round about worshiped their gods, he gave commandment: “Ye shall not make any cuttings in your flesh for the dead [demon- or spirit- worship], nor print any marks upon you: I am the Lord.” Lev. 19:28.

The distinguishing mark of God's people was to be found in their loyal obedience to his commandments, the fourth precept particularly pointing out the sign of the great Creator: “Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes.” Deut. 4:6. “Hallow my Sabbaths; and they shall be a sign between me and you, that ye may know that I am the Lord your God.” Ezek. 20:20.

From the earliest days, it is evident, the heathen were accustomed to mark themselves with the signs or symbols of their gods. Marks were also sometimes carried to indicate the master that a man served. An old author, Dr. John Potter, in a work on the *Antiquities of Greece*, says of these ancient practices:

Slaves were not only branded with stigmata for a punishment of their offenses, but (which was the common end of these marks) to distinguish them, in case they should desert their masters: for which purpose it was common to brand their soldiers; only with this difference, that whereas slaves were commonly stigmatized in their forehead, and with the name or some peculiar character belonging to their masters, soldiers were branded in the hand, and with the name or character of their general. After the same manner, it was likewise customary to stigmatize the worshipers and votaries of some of the gods: whence Lucian, speaking of the votaries of the Syrian goddess, affirms, “They were all branded with certain marks, some in the palms of their hands, and others in their necks: whence it became customary for all the Assyrians thus to stigmatize themselves.” And Theodoret is of opinion that the Jews were forbidden to brand themselves with stigmata, because the idolaters by that ceremony used to consecrate themselves to their false deities. The marks used on these occasions were various. Sometimes they contained the name of the god, sometimes his particular ensign; such were the thunderbolt of Jupiter, the trident of Neptune, the ivy of Bacchus: whence Ptolemy Philopater was by some nick-named Gallus,

because his body was marked with the figures of ivy leaves. Or, lastly, they marked themselves with some mystical number; whereby the god's name was described. Thus the sun, which was signified by the number 608, is said to have been represented by these two numeral letters XH. These three ways of stigmatizing are all expressed by St. John, in the book of Revelation: "And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads: and that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name." Vol. 1, page 75.

Still the mark is used in modern heathenism. Most of the Hindu sects in India have their special marks to distinguish the god or gods of their chief devotion. On the festivals, after the ceremonial bathing and worship, the marks are painted afresh on the devotee's forehead or breast or arm. It is the sign of allegiance and submission to the authority whose badge it is.

So the prophetic scriptures represent the Papacy, and the "image of the beast" (the likeness to the Papacy formed in the falling away from Protestant principles) as joining in enforcing the mark of papal authority, upon the world. [*Review and Herald*, April 24, 1913, p. 393]



Tribal Marks of Scarification

Now we are finding the hint of some link between ancient branding and the Bible prophecy I mentioned at the beginning of my theme. One interesting translation of Revelation 13:17 is from *The Jerusalem Bible*: "... and made it illegal for anyone to buy or sell anything unless he had been *branded* with the name of the beast or with the number of its name." (italics mine) Another version says, "... so that no man might be *able to do trade* but he who has the mark, even the name of the beast or the number of his name." *The Bible in Basic English*. (italics mine) For those who adhere to Seventh-day Adventism, the following commentary on Revelation 13:17 is enlightening:

**Or the name.** Important textual evidence may be cited for the omission of the word "or." If it is omitted, the phrase "name of the beast" may be considered to be in apposition with the word "mark." The passage would then read, "the mark, that is, the name of the beast." This would imply that the mark John saw in vision was the name of the beast. This relationship may be compared with the seal of God placed on the forehead of the saints (ch. 7:2), concerning whom John later declared that they had "his father's name written in their foreheads" (ch. 14:1). [*SDA Bible Commentary*, page 822]

I think it is easy to see how a connection can be made between "the mark" in the book of Revelation and the "name brand" that is often associated with ancient and modern trademarks. I wish to explain further by including additional material gathered from Bible commentaries and church history to support my point.

A 14<sup>th</sup> century commentary (quoted in *The Prophetic Faith of Our Fathers* by Le Roy Edwin Froom) taken from Walter Brute says, "They [the popes] allow none in the church to sell spiritual merchandise unless he has the mark of the beast." This idea of "spiritual merchandise" opens up another category of trade to consider. "Those who worship the beast have his *brand of ownership* on them..." says the *NIV Bible Commentary* (page 1193; italics supplied). *A Commentary of the New Testament* (Bernhard Weiss) remarks, "A mark is agreed upon, whereby all classes and conditions of the people must show themselves before all the world to be the adherents of the new imperial power, so that those who do not do this may be *excluded from all business and trade*" (italics supplied). It is my contention that the "mark...agreed upon" is a "religio-commercial trademark" that restricts the sale of "spiritual merchandise" and defines the beast's "brand of ownership." *The Broadman Bible Commentary* adds, "This *identifying mark* was tantamount to a *commercial license*; those without it could neither buy nor sell. It takes but little imagination to grasp the seriousness of

this *economic boycott in the hands of a zealous and ambitious religious establishment...*” (page 316; italics mine).

In the New Testament era, the Asia Minor town of Thyatira (a Macedonian military colony that developed into a center of trade and industry) gained fame from its guilds of weavers, dyers of wool, linen textiles, and also for its leather works, and for being a production center of metal objects. Lydia, Paul’s first convert in Philippi, was a merchant of purple goods from Thyatira (Acts 16:14), and probably had been a member of the dyers’ guild of that city. A Christian church existed in the city before the end of the 1st century AD, being proven by the letter written by John to Thyatira from the island of Patmos (Rev 2:18–28). Thus, during the years of the early Church, trade guilds were abundant and certainly familiar to the Apostle when he wrote the book of Revelation. In chapter 13 and verse 17, John uses the Greek *charagma* for “mark” which literally means “a stamp.” It is possible that the Apostle recognized what he saw to be “a stamp” of the name or an engraving similar to what the members of the guilds used to mark their wares—an early form of trademark.

In the epistle of 1 Corinthians, Paul revealed his plans to visit Corinth via Macedonia after remaining at Ephesus until Pentecost (see 1 Cor. 16:5–8; and Acts 19:21). However, circumstances soon arose that hastened his departure from that city. Opposition that had been building up for some time (see 1 Cor. 15:32) came to a head shortly after his letter was sent out. This development, catalyzed by the influence of the Jews, occurred when a silversmith named Demetrius, probably a prominent member of a guild of manufacturers of shrines in honor of the goddess Diana, became greatly concerned over the loss of business precipitated by so many pagans turning to Christianity. He therefore called the craftsmen together and pointed out that Paul’s preaching against the worship of idols had affected their business, not only locally but throughout much of the province of Asia. He further pointed out that Paul’s preaching was undermining respect for the goddess and her temple, which “all Asia and the world” worshiped (Acts 19:23–27). With simplicity of words Demetrius reveals the fact that religion often threatens vested economic interests, and that persecutions may arise as a result.

This presents a remarkable parallel to the Creation Seventh Day Adventist Church experience under the persecuting nature of the business-minded, profit-oriented, and federally-trademarked SDA Church. In 2006 the international Corporation of the Seventh-day Adventist Church filed a federal lawsuit against Pastor Walter McGill and his CSDA Church for trademark infringement, trademark dilution, and unfair competition under the Lanham Act, along with engagement in cyberspiracy by appropriating their trademarks in domain names on the Internet. On June 11, 2008, United States District Judge J. Daniel Breen signed an order granting “the Plaintiffs’ motion on their trademark infringement and unfair competition claims based on their ‘Seventh-day Adventist’ mark.” For all intents and purposes, this marked the ultimate defeat of McGill and his church because of the permanent injunction that followed. The injunction included the following words:

Defendant and his agents, servants and employees, and all those persons in active concert or participation with them, are forever enjoined from using the mark SEVENTH-DAY ADVENTIST, including the use of the words SEVENTH-DAY or ADVENTIST, or the acronym SDA, either together, apart, or as part of, or in combination with any other words, phrases, acronyms or designs, or any mark similar thereto or likely to cause confusion therewith, in the sale, offering for sale, distribution, promotion, provision or advertising of any products and services, and including on the Internet, in any domain name, key words, metatags, links, and any other use for the purpose of directing Internet traffic, at any locality in the United States. [...]

I contend that this lawsuit and others of like subject matter prior to it have qualified as the modern-day fulfillment of the “mark of the beast” prophecy.

An *early* fulfillment of the principles contained in the Apostle’s “mark of the beast” prophecy (c. AD 98) could be applied during the reign of Trajan (AD 98-117). The emperor set up a policy under which Christians should be suppressed. An important letter is extant from Pliny the Younger, governor of Pontus, who writes

to the emperor that Christianity has so spread in his area that the temples are deserted, and the artisans who are making materials for the worship of the gods find themselves without employment. He states that it has been his policy to call those accused of being Christians before him, and if they admitted their faith, he has been putting them to death. As a result temple worship has been considerably restored.

Trajan replies and approves what Pliny has been doing, but further specifies that if anyone is charged with being a Christian, he is not to be prosecuted unless his accuser's name is subscribed to the charge against him, and that those who repudiate their Christian faith are not to be punished. However, death is to be the punishment for one who acknowledges himself, or is proved to be, a Christian (Pliny *Letters* x. 96, 97).

There seems to be some corresponding elements between the ancient death penalty for disruption of commerce and interference of "image worship" by those named as "Christians" and the current trade embargo levied by the United States government against the "Creation Seventh Day Adventist" group because of their purported "unfair trade competition" and "likelihood of consumer confusion." While it may require a degree of keen discernment to draw the parallels, they exist, nevertheless.

## CONCLUSION

My thesis from the beginning has been that the ancient animal ownership branding evidenced on the walls of caves (c. 5000 BC) has developed over time and become our modern commercial trademarks which are litigated in the courts regularly. More than that, I have made a *prima facie* case for religio-commercial trademarks fulfilling the "mark of the beast" prophecy found in Revelation, chapter 13, of the Bible.

Business and government necessarily share a domain whereby government must control commerce for the common good of its society. Modern trademarks employed to this end and for such purposes are justified. However, church-state relationships inevitably result in religious persecution via restriction of individual believers' liberty of conscience. Religio-commercial trademarks cannot, therefore, serve the common good of a nation.

When the churches of our land [United States], uniting upon such points of faith as are held by them in common, shall influence the State to enforce their decrees and sustain their institutions, then will Protestant America have formed an image of the Roman hierarchy. Then the true church will be assailed by persecution, as were God's ancient people. Almost every century furnishes examples of what bigotry and malice can do under a plea of serving God by protecting the rights of Church and State. Protestant churches that have followed in the steps of Rome by forming alliance with worldly powers have manifested a similar desire to restrict liberty of conscience. (*The Spirit of Prophecy Volume Four*, p. 278)

The Seventh-day Adventist Church, a professed exponent of religious liberty, has taken a lead in the initiation of religio-commercial trademark lawsuits. It is their sole purpose to eliminate every potential for the existence of other Seventh Day Adventist churches. This amounts to a monopoly on trade of Adventist religious services in the United States and around the world.

Creation Seventh Day Adventists, having felt "the ire of the dragon," still refuse to bow to the "image of the beast" or to accept the "mark of the beast." Their unmovable position is, "We ought to obey God rather than men." (Acts 5:29) They have recalled the witness of prophetess Ellen G. White who penned—

No name which we can take will be appropriate but that which accords with our profession, and expresses our faith, and marks us as a peculiar people. The name, Seventh-day Adventist, is a standing rebuke to the Protestant world. Here is the line of distinction between the worshipers of God, and those who worship the beast, and receive his mark. (*Spiritual Gifts. Volume 4B*, p. 54)

Creation Seventh Day Adventists have received a divine mandate from YAHWEH, the God of Heaven, to employ the name "Creation Seventh Day Adventist" to describe their religious observances and religion.

While “the [trade]Mark” has progressed “from the caves to the courts,” the mark “Creation Seventh Day Adventist” shall ascend unto the precincts of Heaven, for it is written:

For as the new heavens and the new earth, which I will make, shall remain before me, saith the LORD, so shall your seed and your name remain. And it shall come to pass, that from one new moon to another, and from one sabbath to another, shall all flesh come to worship before me, saith the LORD.  
(Isa. 66:22, 23)

All thanks and honor must be rendered to our Creator who “marks us as [His] peculiar people.”