

MEMORANDUM OF THE LEGAL HISTORY
WSO, INC. COPYRIGHT CLAIMS

THE CASE OF THE "BABY BLUE"

TO

THE NEW FRONTIER, "N.A. NET"

ADVOCACY FOR FELLOWSHIP
RIGHTS OF PUBLICATION
AND DISTRIBUTION
OF N.A. LITERATURE

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I. HISTORY OF NARCOTICS ANONYMOUS INTELLECTUAL PROPERTY

Narcotics Anonymous began in 1953 in southern California. For many years the Fellowship grew very slowly and had little organization. In 1971, a membership business meeting at the first World Convention decided that the Fellowship should open a World Service Office (WSO). This office would publish NA literature, and serve as an information clearing house for new groups. At a similar held at the fourth World Convention in 1974, officers were elected to a Board of Directors for this office; these offices were directed to incorporate the WSO. On January 25, 1977, the Corporate Charter and Bylaws were filed with the State of California. On May 20, 1978, the members of the corporation amended the Articles of Incorporation to provide that the corporation shall be an exempt corporation under federal income tax law, Internal Revenue Code of 1954. (See Appendix A for Articles of Incorporation and Amendments and Appendix B for Bylaws).

During the 1982 meeting of the World Service Conference, participants discussed the office's place in the NA service structure. At that time a motion was passed which directed the WSO to amend its Bylaws by deleting language that made WSO completely independent from NA and incorporating in its place the following language:

"That the WSO, all members, directors and officers shall be and are subject to, and will abide by, motions adopted at each WSC meeting and implement decisions reached by the WSC as they pertain to the operation of the WSO."

At the 1982 World Service Conference participants also

discussed the need to clarify WSO's role in the publication of NA literature.

At the 1983 World Service Conference, the chairperson of the WSO Board of Directors presented participants with revised WSO Bylaws. The Board of Directors reported that the Board approve the proposed revised Bylaws when requested approval by the World Service Conference. Section 15.02 of the 1983 Bylaws provided that the WSO act as a fiduciary in its dealings with the WSC in the Fellowship of Narcotics Anonymous and that net proceeds resulting from the sale and distribution of any literature and/or other material for the WSC be received by the WSO.

On August 15, 1987, the World Service Office Board of Directors adopted new Bylaws. These new Bylaws reflected the intent of the 1983 Section 1502 all providing additional details concerning protection of NA literature and trademarks. See Article II Appendix B - Objectives and Purposes. The 1987 Bylaws were never presented to the World Service Conference for approval, however, continue to remain as the Bylaws that control the day to day operations and businesses of the World Service Office.

During this time period, members of the Fellowship of Narcotics Anonymous, through various literature committees, last known as the World Service Conference Literature Committee, commenced and completed work on extensive literature for the benefit of Narcotics Anonymous. The primary work involves a Narcotics Anonymous book, now know as the Basic Text. On September 15, 1982, the chairman of the World Service Conference Literature Committee executed a document which states:

"As of September 15, 1982, the World Literature Committee of Narcotics Anonymous, 890 Atlanta Road, Marietta, Georgia, 3060, by authorization of the Chairman thereof, release and in full turns over all release forms, copyrights and any and all materials contained in pertinent to the Narcotics Anonymous Book and the stories of the Narcotics Anonymous Members to be included in the Narcotics Anonymous Book to the World Service Office of Narcotics Anonymous to be used as directed by the World Service Conference of Narcotics Anonymous in Session May 5 through May 9, 1992."

This document purports to satisfy the requirement of the United States Copyright Law for transfer of copyright. 17 U.S. Code Section 204(a) and second, creates a charitable trust under California law, (California Probate Code, Section 15200 (b) and/or (e). Where the World Service Office is the trustee and the WSC Literature Committee is the trustor with the members at large of the Fellowship of Narcotics Anonymous being the beneficiaries. This document may also have transferred to the WSC, as the trustee, with the WSO as the agent for the trustee rights to act as the fiduciary for the membership.

The Basic Text has a history of change from the first to the fifth editions. An approval form, Chapters 1 through 10 the Basic Text were released in November of 1981 for Fellowship review. In February of 1982, the approval form of 47 personal stories intended for publication in the Basic Text were released to the Fellowship. At the May, 1982 meeting of Narcotics Anonymous World Service Conference, the entire Basic Text was approved.

First Edition. The First Edition of the Basic Text was officially released on April 27, 1983 by the World Service Office

using the fictitious business name of C.A.R.E.N.A. Publishing Company. (It is unknown who held the rights to this fictitious business name, although it is believed that it was the purported founder, James D. Kinnon, Sr. of Sun Valley, California).

Second Edition. Minutes of Conference. The World Service Conference in 1983 reflects that an amended motion was passed directing that the Narcotics Anonymous Basic Text be completely returned to its original approved form for subsequent printings and accordingly the second edition of the Basic Text was released on September 28, 1983 with the missing lines re-inserted and the copyright holder listed as Karen A. Publishing Company, a fictitious business name of World Service, Inc. (It is unknown whether or not any said formal filing for the fictitious name was consummated in the State of California.)

Third Edition. The cycle of change in the Basic Text reversed once again and the third edition was released on October 20, 1984 with the words originally deleted in the first edition once again deleted in the third edition. On May 3, 1985, the WSC approved a motion that the WSO be instructed to have the Basic Text professionally edited to insure consistent and correct use of capitalization, verb tenses, singular/plural editings and other grammatical errors and that the edited text be returned to the Literature Review Committee for acceptance and approval prior to printing and distribution. At the 1986 WSC meeting, a substantially revised version of the Narcotics Anonymous little white book developed by the World Service Board of Trustees was approved by the Conference with the statement that the Basic Text

should also be revised to reflect the changes in the White Book and that the revised Basic Text be known as the third edition revised to be released in November of 1986.

Fourth Edition. While the third edition revised was being put into production, the editor completed the transcript of the third edition and a Fourth Edition was published which did not include the changes which were consistent with the changes approved with for the Little White Book. The Fourth Edition was held up until October 27, 1987 when it was released with four of the five changes authorized in 1987 by the World Service Conference.

Fifth Edition. The edited Fourth Edition Text differed significantly from both the Third Edition and Third Edition Revised. This was due partly to the editing which was intentional and partly to a series of WSO production errors which were unintentional. The errors resulted in lines being skipped in the Basic Text in 25 separate locations. Members of the Fellowship complained about the Fourth Edition being inaccurate and thereafter a Fifth Edition was proposed with the corrections to reinsert the missing lines from the Third Edition back into the Basic Text. The Conference in April, 1988, also passed an amendment to the motion which specified that the resulting Fifth Edition could not be revised any further for five years.

The history of the Basic Text is somewhat disputed within the Fellowship of Narcotics Anonymous and there remains a continuing ongoing effort by several members and groups of members within the Fellowship to return the Basic Text to the form that it was originally written by the members of Narcotics Anonymous for the

still suffering addict and to avoid the profession editing and WSO changes that were made to the Basic Text. Several individuals who were the participating and principal authors of the Basic Text continued to work to protect the rights of the Basic Text. One member has written a book on the story of the Basic Text.

During this period of controversy of the Basic Text, copyright registrations were filed for the Basic Text. A Certificate of Copyright Registration was filed under TX No. 2-12-598 on June 15, 1987. The registration was for publication listed as being dated April 27, 1983 and the name of author was listed as Karen A. Publishing Company, a fictitious business name of the World Service Office, Inc. and it listed that the work was made for hire. The copyright claimant was Karen A. Publishing Company for the World Service Office.

Thereafter, Certificates of Copyright were filed in 1988 through 1990 and against listed Karen A. Publishing Company as the copyright claimant and Karen A. fictitious name of the World Service Office as the author with the work made for hire being inserted. However, as the additional copyright registrations were filed, references were made to the various editions as the editions were changed in accordance with the discussions set forth above. By the filing of January 13, 1988, the name of the author was changed to the World Service Office, Inc. of Narcotics Anonymous and the name of the copyright claimant was changed to the World Service Office, Inc. of Narcotics Anonymous. This continued through the last Certificate of Copyright Registration filing on May 29, 1990 under TX No. 2-837-638, which again listed the author

as the World Service Office, Inc. and the copyright claimant as the World Service Office, Inc., a California corporation.

During this time period, several members of the Fellowship of Narcotics Anonymous determined to change the rights of the WSO, Inc.'s claim to copyrights of the material written by members of Narcotics Anonymous for the benefit of the still suffering addict. Several members printed original versions of the Basic Text, information pamphlets originally by the members of Narcotics Anonymous and in once instance a member of Narcotics Anonymous reprinted the Third Edition Revised with the original Fourth and Ninth Traditions which book soon became known as the "Baby Blue" because of the color of its cover. The Narcotics Anonymous member was a charismatic and outspoken member of Narcotics Anonymous who continued to challenge the activities of the World Service, Inc., and eventually received, along with other participants of the publication and distribution of the Little Baby Blue, cease and desist from the World Service Office through their legal counsel. At their efforts to resolve the disputed printing and distribution of the Baby Blue were unsuccessful in the Fall of 1990, legal action was commenced in the Eastern District of Pennsylvania, United States District Court, at Civil Action No. 90-7631, on December 4, 1990 at a World Service Office, Inc. against one David Morehead, known as Grateful Dave. A legal action was commenced alleging that the defendant was participating in copyright infringement, federal trade mark and service mark infringement, common law unfair competition, Landham Act violations and common law trade mark and service mark infringement. After a hearing was

held on January 3, 1991 and a member of Narcotics Anonymous defended the right to print and circulate the Little Baby Blue with the reservation that it was not being done for profit, to challenge the authority and priority of the plaintiff to claim and enforce exclusive ownership and control over the name, marks and literary works of Narcotics Anonymous among other legal arguments, the Fair Use argument, public domain argument, and otherwise limited by the Plaintiff's role as a fiduciary non profit corporation serving only for the interest of the members of the Fellowship of Narcotics Anonymous and the still suffering addict and not as a multi million dollar business the plaintiff has developed into at the expense of the members of Narcotics Anonymous. On January 4, 1991, the court entered into an Order and Settlement Agreement was agreed between the parties by agreement permanently enjoining the defendant from the specified use of Narcotics Anonymous and/or literary works and publications of Narcotics Anonymous Fellowship in consideration of the willingness of the World Service Office of Narcotics Anonymous to present to the Membership of Narcotics Anonymous certain motions for approval by the Fellowship, which motions concern the desirability of an inexpensive version of the Basic Text, being printed as the Third Edition Revised with original Fourth and Ninth Traditions. No legal determination was made based on the merits of the case and to date there has been no final determination made as to the propriety of the trademark, trade name and copyright registration filed by the World Service Inc.

During the course of the legal dispute and prior to commencement thereof, the World Service filed copyright

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amplifications and these amplifications they used the World Service Office, Inc as the name of the author and the name of the claimant. They also still claimed that the work was a work made for hire for by the World Literature Committee of Narcotics Anonymous and World Service Board Trustees as sub units of the World Service Office (SIC Conference of Narcotics Anonymous, the World Service Conference of Narcotics Anonymous and the World Service Office as work made for hire by each.) The Amplification that was added was to state that the copyright was transferred by the World Literature Committee of Narcotics Anonymous to the World Service Office, Inc., in a writing dated September 15, 1982. Upon search of the United States Copyright Office, there is no filing or record of the writing stated in this amplification. See Exhibit "D" Amplifications.

(Text by John W., research assistant)

Following the legal action commenced by the WSO, Inc. in 1990 the WSO, Inc. commenced efforts to legitimize its claims to the ownership and control over the trademarks, tradenames and literature of the Fellowship. A Fellowship Intellectual Trust Document was introduced for review and comment and eventually was presented for approval at the 1992 World Conference. This resulted in legal proceedings once again in the Federal Court in Philadelphia with Grateful Dave challenging the appropriateness of the proposed Trust as a violation of the Agreed Court Order of 1991. With the help of a recovery lawyer volunteering his services, and numerous other concerned members of the fellowship, the Federal Court ordered that the WSO, Inc. stop the vote on the Trust just hours before the

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Motion for approval was to be presented to the Conference for vote. A year of further input and review of the Trust followed with a revised Fellowship Intellectual Trust Document being approved at the 1993 World Service Conference. From this date the WSO, Inc., acting as the Trustee, has maintained ownership and control over Narcotics Anonymous Tradenames, Trademarks and Intellectual property, however with the membership, by Groups, retaining the right to reproduce and distribute N.A. approved literature.

The history of the legal actions are of significant interest and will be reviewed at length in Sections II and III hereafter. The input and review process and finalization of the Trust document with WSC approval are discussed in Section IV. Section V, Internet-The New Frontier is being created as you read on. Will the Fellowship freedom to distribute the message of Narcotics Anonymous be open to the Net or will the WSO, Inc. as Trustee step in and restrain the free and unabridged use of the N.A. literature?

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