
Copyright/Trademark Report

Greysheet Anonymous World
Service Board

New York City Round-up

October 13, 2007

Introduction

- *The GSAWS Board Copyright and Trademark Report* is a snapshot of a year plus effort by the Board on a matter central to GSA members.
 - The timeline indicates significant moments when the GSAWS Board took actions. However, the board met monthly and between meetings researched, consulted with attorneys and developed the course of action decided upon.
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December 2005

- In development of *GSAWS By-Laws*, the GSAWS Attorney began a conversation with the Managing Director of Overeater's Anonymous (OA) regarding GSAWS obtaining the copyright or use of the *Plan A Food Plan* for use by the members of GSA.
 - Initial response from OA was:
 - Use of the food plan infringes on OA copyright.
 - OA continues to keep the copyright to prevent use of the food plan to avoid legal suit. (renewed in 2000)
 - OA instructed GSAWS to stop using the food plan in 2002 and the food plan was removed from the website at that time.
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February-2006

- For negotiation with OA, GSAWS Board prepared a proposal for use/copyright of the Greysheet Food Plan with the Greysheet trademark. This included GSAWS reviewing the history of the separation of GSAWS from OA. There have been distinctive experiences in different parts of the country and internationally of the relationship with local chapters/inner groups of OA.
 - GSAWS's attorney delivered the proposal to Overeaters Anonymous World Service leadership.
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March 2006

- Overeaters Anonymous responds to GSAWS proposal with a letter from their legal counsel saying:
 - GSA members cannot use “Plan A” of the OA program;
 - GSA members should not call that food plan Greysheet.
 - GSAWS should develop our own food plan for copyright:
 - GSAWS is expected to discontinue the use of the the term Greysheet in our corporate name and website domains.
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March-July 2006

- GSAWS studies questions and options:
 - GSAWS does not have the structure or authority to pursue the development of a “new” food plan;
 - Research is initiated, but later dropped, on the way various “lines” of Greysheet utilize the program;
 - Does GSAWS and membership have “rights” to the Greysheet Food Plan based on humanitarian and usage issues?;
 - Does OA have any legal claim on the name Greysheet?;
 - If GSAWS is sued by OA over copyright, what steps should be taken? Could individuals be sued in the GSAWS Board or membership?
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August 2006

GSAWS Action

- GSAWS hires copyright attorneys from the firm of Miller and Nash in Seattle to:
 - Determine what copyrighted food plan is held by OA; (OA's documents to GSAWS are not accurate in listing the copyright citation.)
 - Copyrighted OA facsimile document would be the basis for determining what GSAWS can copyright;
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August-2006

Intellectual Property Rights Report

- Ideas/content cannot be copyrighted. The idea of eating a low carbohydrate meal plan and even items named on the Greysheet Food Plan are free to be used. It is the format and appearance of a particular document that is copyrighted.
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August 2006

GSAWS Options

- Do nothing. This is a viable option because it does not require heavy financial investment for attorneys etc. and OA remains responsible to defend their copyright.
 - GSAWS could sue Overeater Anonymous to get a declaratory judgment over use of the Greysheet Food Plan. (\$25,000 plus expense)
 - Initiate a more extensive search for a facsimile of what has been copyrighted by Overeaters Anonymous by GSAWs attorney to consider what GSAWS can copyright.
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August 2006-GSAWS Action

- Request Attorney verify/find facsimile of Overeaters Anonymous Plan A Food Plan.
 - Using facsimile, copyright Greysheet Food Plan with as minimal changes as needed.(e.g references to OA and change the name of the plan to Greysheet Food Plan.)
 - These steps include a formal acknowledgment, through the application process, that we are under threat of litigation from Overeaters Anonymous.
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November 2006-Lawyers Findings

- There are legal arguments that support GSAWS use of the Greysheet Food Plan.
 - There is little case law on food plans. A food plan is not a book. The small size of material may mean that neither OA's or GSAWS needs to/can defend the copyright of the food plan.
 - "Fair use" is an argument for using material that is already copyrighted.
 - Only with OA consent, could GSAW copyright/use the proposed Greysheet Food Plan because it is a derivative work.
 - GSAWS could attempt further negotiation with OA.
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May 2007

GSAWS Action

- GSAWS has applied to the Office of Patent and Trademark for use of the name Greysheet Anonymous and the Greysheet Trademark. Those applications are pending.



Next Steps GSAWS

- Report GSAWS Board work on the matter to the membership.
 - Develop GSAWS conference structure so that membership can fully participate and guide Greysheet Anonymous in the future on this and other significant matters.
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