

COUNSEL OF GENERAL SERVICE OF A.A.
INDEPENDENCIA 101-23, MEXICO CITY 0600

LEGAL STUDY

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I. On the 24th of August 1986, the Counsel of General Service was formed, which began functioning without legal personality, continuing that way until the 26th of January, 1989 when it was constructed legally as the civil association for instruction of the second "Conference of General Service of A.A., Mexican Section." Notwithstanding, from its beginning it served the groups of Alcoholics Anonymous in its terms and objectives for which it was created, of these, on the 25th of September 1986 it created the subsidiary company named "General Services of A.A. Section Mexico" which acquired the character of a civil association on the 10th day of December of the same year.

II. The aforementioned has as its origin the necessity of reintegrating the principle traditions for thousands of members of the groups, who considered that the organization which they encountered with legal structure – the General Services in our country had been formed in violation of the agreement of the 16th of September in 1969 and as consequence, of said principle tradition without which it was possible for reconsideration of any part, of the many petitions for it that were made. Said organization is named "Central Mexican General Services of A.A" A.C.

III. After being formed legally the "Council of General Services of A.A." adhered to "The Service Manual of A.A. and The Twelve Concepts of World Service" originally edited "Alcoholics Anonymous World Services, Inc. under the title of "The A.A. Service Manual by Bill W." and of the program of Alcoholics Anonymous contained in the Twelve Steps and Twelve Traditions. "Twelve Concepts of World Service" and of all of this did not prevent in its statutes the obligation of respecting the spiritual traditions of the groups and the delegates letter of the Conference of A.A. which was also formed by the delegates and the represented the "active voice and effective conscience" of all the members.

IV. Every time that it is the objective of the "Counsel of General Services of A.A." we encounter other obligations, that which affects all activities related or connected to the custodial duties of the Principles and Fellowship of the Community of Alcoholics Anonymous and that which became necessary for the realization of service in the year 1986 it proceeded to reprint conditioned on the approval "The General Service Conference of A.A., General Service Section Mexico" the indispensable literature that the members of the groups demanded for its assistance and practice of the Program of Recover obtained from said Conference of the year 1987 the expressed approval based in the authority that traditionally this represents.

V. Written on the 25th of April of 1990 – "Central Mexican of General Service of A.A."A.C. required of the subsidiary company named "General Services of A.A. Section Mexico" by conduct of a legal office for it to abstain from using or reproducing the titles that are encountered protected by the rights of the author, arguing that it is them "the only licensed authorities in Mexico for its use", adding also a term of 15 working days that affect of abstaining from utilizing its installations and those of the affiliated groups and coordinators – for this, the marks and reference of Alcoholics Anonymous World Services Inc. (Logo), it is intended that if they do not take notice of this it could result in the knowledge of the General Republic, the Secretary of Commerce and Industry and the Secretary of Public Education with the goal of substantiating the procedures and enforcing the corresponding sanctions of the actions taken. Thus one of the referred professionals of this legal office constructed in the mentioned subsidiary and accompanied by a notary public went to intervene and look diligently at what is being practiced.

VI. With the goal of understanding what could happen from the actions described above the "Counsel of General Services of A.A." formed a committee named "Consultant Committee of Lawyers" which immediately advocated a study of this subject, elaborated a

program of hard work for the solution of this conflict, that which has developed in the form previously established. Nevertheless, given the nature and transcendence of the case, said "committee" presents the following study based on the following:

LEGAL AND TRADITIONAL (12 Traditions) CONSIDERATIONS

Legal Considerations

In the supposed which effectively gave "Central Mexican General Services of A.A." A.C. had obtained by whatever means the authority to register the rights of the Marks that they allege, you should make note that with respect – established the law of inventions and marks:

Article 10. –Not patentable;

Fraction (subsection) VII. –The inventions whose publication and exploitation were against the law, by public order, the health, the preservation of the environment, the public safety, the moral and the good custom.

Comments: In the 15th page of the official diary published the 26th day of February 1985, they consigned an expedition—of interior rule of the Counsel of National Anti-Alcoholism in which Articles 1 & 2, Fraction (subsection) I, III, V, VI, & IX were established as the goals of the promotion and health of actions of the public sector, social and private, for the preventions and to combat the problem of public health caused by alcoholism and the abuse of alcoholic beverages

Thus, in pages 31 & 33, of the official diary published the 21st day of August 1987, contained the technical norm #197 for the loan of services for medical attention of the sickly alcoholics and persons with problems related to the abuse of alcoholic beverages, that which is regulated in the law of general health.

For the mentioned, the Rights of Patent which are invoked by the complaint are contrary to the law and for the following are null.

Article 91—These are not registerable as marks.

Fraction (subsection) II – The proper names, technical of of common use of the products of services that protect the mark, like those words in the common language—or in the commercial practice, that have been converted in the usual or generic designation of the same.

Commentary: In Mexican law, particularly relative to "marks", it is not possible to register generic names given that no one can appropriate a word of the language. This is the in Alcoholic and Anonymous

Fraction XVII.—The signs of denominations – that conform with other legal dispositions, are not possible to utilize for commercial ends or, for reasons of public interest, the Secretary and Commerce and Industrial Development considers inconvenient registered.

Commentary: Like that which has already been specified, the problem of alcoholism is considered legally like public interest. For another part, if we attend to the provision of Article 26 of the Civil Code which states: "the moral persons can elect all rights that are necessary to utilize the object of the institution." We see that the attitude of the "complainant" is contrary to the disposition of article 2670 of the cited – legal order which establishes: "when various individuals in groups of the manner that to realize a common goal it is not prohibited by the law and does not have preponderant economic character, constitutes an association." Beyond this, it is contrary of their own described objective in the public writings #16, 156 of the 10th of March 1970 passed before the faith of the public notary #95 of the Federal District licensed for attorney Javier-Correa Field, by which the protocol Constituent Act of Central Mexican General Services of Alcoholics Anonymous which clearly established: "It has been thought that they should be a civil association

registered by the Civil Code for the District and Federal Territories and without the goal of gain because the association realizes the goal which is not predominately economic..."

For the above, the copyrights that the complainant invokes are contrary to the law, contrary of their own social objective and for reason is void.

Article 93.— The right to use a mark, obtained by their register, does not produce the effect against a third person that, of good faith, exploited in the republic the same mark or other similar which would create confusion, for the same or similar products of services, always and when the third party began to use the mark with more than one year of anterior use from the date of legal registration, or of the first declared use, that will show their opportunity.

Commentary: If it wasn't because of the solicitation by us which implicates the same violations and causes the nullification of the "complaint", its evident that we assisted the same right that which invokes the reclamation of use of the patents and marks that are cited.

In the concurrent of the literary works that are cited and those that they argue they are the sole licensee of in our country, you should not with the respect of the legislation about the rights of the author.

Article II – These are rights that the law recognizes and protects in favor of the author of any book that is mentioned in Article I, the following:

Faction III.—The use and exploitation temporally the – the book for themselves or third persons, without the goal of financial gain and in accord with the established conditions of the law.

Commentary: Given that the law solely recognizes and protect in favor of the author the exploitation of the book with brings with it the goal of financial gain, we encounter before us the case already commented on when we refer to the Fraction XVII of Article 91 of the Law of Invention and Marks.

Article 17 Final paragraph – It is free the use of the book of an anonymous author while the same does not wish to be known, for which dispense a time of thirty years counting from the first publication of the book. In all these cases that lapse has transpire the book passes to the public domain.

Commentary: For the case here seen there is the necessity to practice a revision of the book and the pamphlets which are the motivation of the controversy, in relation to its origin and history.