

It's Illegal to Use a Legal Name



This OPCA concept is quite the assumption, yet one that is broadly perpetuated online. It was initially started by *Kate of Gaia*, (originally Keith Wilfred Thompson) who operates the "[Lose The Name](#)" website. The theory of a "Crown copyright" on a legal name is the basis of this assumption.

The theory claims government authority flows from its ownership of a person's name, that since there exists a Crown copyright on the layout of birth certificates and other official documentation, that this copyright also applies to the use of a person's name. For these reasons, they are instructed to refuse to give their name to police, as it doesn't belong to them and they would be in breach of copyright law by doing so.



Scores of posters have appeared around the UK warning of "legal name fraud". What does this mean and who is paying for the adverts? The message is spelled out in bold capital letters: "LEGAL NAME FRAUD"; it says. Then below: "THE TRUTH". And finally: "IT'S ILLEGAL TO USE A LEGAL NAME".

The first time I saw the 10ft by 20ft billboard near my flat in Kilburn, north-west London, I stopped and stared, completely baffled. What was a legal name, exactly? Surely to say it was illegal was an obvious contradiction? And who on earth was behind the advert?

I'm not the only one to have been left puzzled. A quick Google search revealed similar posters had appeared in **Birmingham, Dundee, Essex, Gloucester, Grimsby, Guildford, Lincoln, Liverpool, Plymouth, Reading, Southampton, Teesside and Truro**, and in each the local press has reacted with varying levels of bemusement.

A Facebook page dedicated to posting photos of the billboards includes dozens more. Another website has more than **120 images** of "legal name fraud" posters.

But no-one seems to know what message these adverts are actually attempting to get across.

A further web search took me to a site called [legalnamefraud.com](#), which outlines a theory that when your birth was registered, a legal entity - your legal name - was created. But the legal entity "Jane Smith" is distinct from the actual physical person Jane Smith, the website says.

When your parents registered your birth on the certificate, it insists, they unknowingly gave the Crown Corporation ownership of your name. "Simply thus, all legal names are owned by the Crown, and therefore using a legal name without their written permission is fraud."



Does this interpretation of the law have any validity? "Absolutely not. Absolutely none at all," says barrister, law blogger and lecturer **Carl Gardner**. "It's a kind of brew of pseudo-legal ideas. It's the equivalent of thinking Harry Potter is science."

The website includes numerous quotes by "Kate of Gaia" as well as articles and videos by her; it links to another website, which gives her full name as Kate Renee Thompson and provides a Canadian email address.

Gardner says [legalnamefraud.com's](#) arguments are similar to those of the "Freemen-on-the-Land" movement - a group of individuals who argue they are bound by laws only if they consent to them, often in the hope of escaping debts and criminal charges - and the related "Sovereign Citizen" movement. In 2012 a Canadian judge issued a **192-page judgement** dismissing Freeman-style arguments.

The same year, Wilfred Keith Thompson - who, it was reported, preferred the name Katherine - from Guelph, Ontario, was described as a **"self-proclaimed"** Freeman following an appearance in a Canadian court. In 2010, Thompson reportedly used a Freeman-style defence when charged with a parking offence.

When I emailed Kate of Gaia, she replied asking to be addressed as "JANE DOE-755" and urged me to "google legal name fraud and read the essays like millions of others did...be a real journalist vs. a talking B-B-C talking pair-rot" (sic). She didn't reply to my enquiry about who funded the billboard posters.

A search on [Whois.net](#), which lists the registered owners of websites, doesn't reveal any information about [legalnamefraud.com](#). On the similarly named [legalnamefraud.org](#), however, the owner is listed as "Dohm Teewatt" at an address in Quebec, Canada. A Dohm Teewatt [Twitter page](#) includes lots of posts about "legal name fraud". An email address is also provided by [Whois.net](#), but when I sent it a message I received a reply from a "D-ohm T. Wat" consisting of nothing more than Kate of Gaia's email address.

None of this means that Kate of Gaia paid for the billboards - which potentially cost hundreds of thousands of pounds. It's also not clear why they appear across the UK when she appears to be based in Canada.

There are several videos on YouTube about the billboards, including **one made in January** in which a man with a north-of-England accent says there are "definitely another couple of hundred on the way".



OTHER | Screenshot from one of "Kate of Gaia's" websites displaying "legal name fraud" billboard posters

Other videos narrated by the same voice appear to have been shot in Lancashire, including one which identifies the town as **Preston**. Although the voice appears not to belong to "Kate of Gaia", the videos were posted using the name Jane Doe-755, suggesting at least some level of co-operation. **Another video** posted by Jane Doe-755 appears to be narrated by an English woman.

The Advertising Standards Authority (ASA) confirmed to me that it had received seven complaints about the posters on the basis that they were ambiguous or misleading.

"Some questioned whether it would lead law-abiding people into thinking they've committed fraud or a crime by having a name," a spokesman said. However, the ASA said it did not consider there were grounds for further investigation. While it acknowledged the advert "may appear somewhat confusing to consumers and it wasn't initially clear what it was for or what it means", its message "was not particularly harmful, misleading or likely to cause widespread offence, and unlikely to cause consumers confusion regarding their own name".

For this reason, the ASA had not made contact with the advertiser and cannot shed any light on their identity.

I also drew a blank when I rang **Primesight**, which owns many of the billboards. A spokeswoman told me that client confidentiality prevented her from disclosing who had paid for the advertising space or how much they had been charged.

Regardless of who funded it, the campaign has won attention for a hitherto fringe theory. David Allen Green, the legal commentator and solicitor at **Prinktel & Co LLP** who **blogs as Jack of Kent**, says it is "complete tosh" and warns people against relying on it in court.

He adds: "It is nothing about law, and it is not harmless. Taking this daffness seriously can be legally dangerous. If people try to use such things to avoid their legal obligations they can end up with county court judgments or even criminal convictions. You may as well walk into court with a t-shirt saying 'I am an idiot.'"

Next time I pass that billboard near my flat, I won't feel any less perplexed.

[U.K. Barrister Carl Gardner](#): "It's a kind of brew of pseudo-legal ideas. It's the equivalent of thinking Harry Potter is science. It is nothing about law, and it is not harmless. Taking this daftness seriously can be legally dangerous. If people try to use such things to avoid their legal obligations they can end up with county court judgments or even criminal convictions. You may as well walk into court with a t-shirt saying 'I am an idiot'."

Facts are usually accompanied by substantiation, which if you note, (like most OPCA concepts) is glaringly absent here.

Firstly, if it was "illegal to use a legal name" surely one would be able to provide even one case of the prosecution of such an offense. Unfortunately none exists, because it is not illegal.

Secondly, if in fact the Crown did own my name, how is it possible that I can migrate to Russia or any other non-commonwealth nation and not only retain the use of my name, but that the Crown no longer has any part in that name on my behalf? Your legal personality and name is in fact your own intellectual property, and for these reasons you can transfer your property to any nation on earth, and do with it as you will. Only you are responsible for this name, and hold full liability to its actions.

Thirdly, as with all things copyrighted, a copyright is something that can easily be established by the copyright notice. So let's look at those verifiable facts and put all assumptions aside.

The [UK National Archives website](#) contains the "[Crown Copyright Guidance](#)" regarding the "Copying of Birth, Death, Marriage and Civil Partnership Certificates". It states:

"This guidance note sets out the arrangements for the reproduction of official birth, death, marriage and civil partnership certificates." ('extracts' in Scotland). Copyright in the layout of certificates is owned by the Crown."

And then it goes on to make clear that the Crown DOES NOT assert any rights of ownership in the CONTENTS of the forms, (Eg. the names) only over the "layout and reproduction" of the documents...

"...the Crown does not assert any rights of ownership in the contents of the forms."

It is an offence to make a copy of a certificate and pass it off as the original certificate. The layout of these certificates is protected by Crown copyright, but the Crown does not assert any rights of ownership of the contents of the forms.

The copying of certificates is strictly controlled because of the potential for documents being used for the purposes of fraud.

[In the U.S.](#) copyright protection does not extend to titles, names, slogans or short phrases, the Copyright Office has made that much very clear. You can not copyright your name, the title of your post or any short phrase that you use to identify a work.

How do I copyright a name, title, slogan, or logo?

Copyright does not protect names, titles, slogans, or short phrases. In some cases, these things may be protected as trademarks. Contact the U.S. Patent & Trademark Office, TrademarkAssistanceCenter@uspto.gov or see Circular 33, for further information. However, copyright protection may be available for logo artwork that contains sufficient authorship. In some circumstances, an artistic logo may also be protected as a trademark.

According to the [The Australian Copyright Council](#), there have been a number of Australian cases in which courts have held that particular names, titles and slogans are not protected. As a result of these decisions, a name, title or slogan will not be protected by copyright. In these cases, the courts have generally arrived at their decisions because the name, title or slogan concerned is not an “original literary work” for copyright purposes. Factors that have influenced courts in reaching these decisions include: the word or phrase was not substantial enough to constitute a “work” for copyright purposes; or the phrase or sentence was commonplace, and therefore not original enough to be protected by copyright.

Names, Titles and Slogans

In this fact sheet, we give a brief overview of laws that may be relevant to the protection of names, titles and slogans.

The Copyright Act 1968 does not specifically exclude names, titles or slogans from being literary works in the context of copyright. However, there have been a number of cases in which courts have held that particular names, titles and slogans are not protected. This fact sheet explores how the courts have afforded copyright protection to names (such as names of people or companies), titles (such as book, film or song titles) and slogans (such as advertising or political slogans).



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