

WHITE PAPER ADDENDUM

**ARBITRATION JURISDICTION OVER TRUST RES:  
COMMERCIAL EXPLOITATION OF THE ALL-  
CAPITALS DESIGNATION  
AS BREACH OF TRUST AND PROPERTY  
INTERFERENCE**

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**SECTION I**

**THE NAMING CONVENTION DENOTES A LEGAL FICTION  
CONCLUSION OF LAW NO. 1**

The all-capitals naming convention signifies a juristic person, legal fiction, or *persona ficta* — distinct and separate from the natural person. When government or commercial entities render a name in all capital letters ("JOHN HENRY DOE"), they are addressing a legal fiction — a corporate entity created by legal act — not the flesh-and-blood natural person.

**CONTROLLING AUTHORITY**

*"A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law."*

— Trustees of Dartmouth College v. Woodward, 17 U.S. (4 Wheat.) 518 (1819)

*"A corporation is a creature of the law, recognized as a legal person distinct from its members."*

— Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519 (1839)

The all-capitals convention developed precisely to resolve the "confusion problem" — ensuring that instruments addressed to corporate entities would not be mistaken for obligations running to natural persons. This distinction is rooted in centuries of common law practice, Roman law (*universitas*), and ecclesiastical tradition.

**SECTION II**

**THE ALL-CAPITALS DESIGNATION CONSTITUTES COMMERCIAL  
PROPERTY**

## CONCLUSION OF LAW NO. 2

When attributed to an individual by government or commercial entities, the all-capitals designation carries ascribed market and financial value — used for tax accounts, credit reporting, data trading, and commercial transactions. The Supreme Court has recognized that identity and commercial persona constitute property rights.

### CONTROLLING AUTHORITY

*"The right to control the commercial use of one's own identity and persona is a property right protected under the law."*

— Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977)

*"No social purpose is served by having the defendant get free some aspect of the plaintiff that would have market value and for which he would normally pay."*

— Zacchini, 433 U.S. at 576

The all-capitals commercial designation attributed to an individual functions as a financial asset with market value, generating profit for entities that trade, sell, and exploit data associated with that designation.

## SECTION III

### PLACEMENT IN TRUST RES TRANSFERS LEGAL TITLE

## CONCLUSION OF LAW NO. 3

When the natural person places the commercial designation (the all-capitals name and associated data) into a trust res, the asset becomes part of the trust corpus, held by the trustee for the beneficiary's benefit. Once an asset enters the trust res, the following legal consequences attach absolutely:

- **The asset is no longer in the commerce of the grantor** — legal title transfers to the trustee.
- **No third party has any right to interfere with, use, exploit, trade, sell, or profit from the trust res** without the trustee's express written permission.
- **Any unauthorized use constitutes interference with an established trust** — an independent cause of action in equity.
- **Spendthrift provisions shield the trust res from creditors, claimants, and third parties.**

## CONCLUSION OF LAW

The law of trusts is unambiguous: unauthorized use of trust property

creates a constructive trust on all profits derived — the wrongdoer holds profits as trustee for the true owner.

#### **SECTION IV**

#### **COMMERCIAL EXPLOITATION BREACHES THE TRUST**

#### **CONCLUSION OF LAW NO. 4**

**When entities collect, store, trade, or profit from the all-capitals commercial designation without the trustee's permission, they are utilizing trust property for commercial gain. This constitutes:**

| <b>CAUSE OF ACTION</b>                     | <b>ELEMENT</b>                                                                   |
|--------------------------------------------|----------------------------------------------------------------------------------|
| <b>Trespass on trust property</b>          | Unauthorized interference with a property interest                               |
| <b>Conversion</b>                          | Exercise of dominion over trust property inconsistent with trustee's rights      |
| <b>Unjust enrichment</b>                   | Retention of profits derived from another's property without legal justification |
| <b>Interference with established trust</b> | Violation of equitable duties                                                    |

#### **SECTION V**

#### **ARBITRATION HAS JURISDICTION**

#### **CONCLUSION OF LAW NO. 5**

**Arbitration clauses in trust instruments are enforceable and binding. The International Chamber of Commerce (ICC) has issued model arbitration clauses specifically for trust disputes. The American Arbitration Association maintains specialized Wills and Trusts Arbitration Rules.**

When the dispute concerns commercial exploitation of trust property — entities deriving profit from the trust res without authorization — the matter falls squarely within arbitration jurisdiction because:

- The dispute arises from the trust instrument's property protections
- The unauthorized commercial use constitutes breach of the trust's terms
- The remedy sought (disgorgement of profits, injunctive relief) is equitable relief available through arbitration

#### **CONTROLLING AUTHORITY**

*The Grosskopf v. Grosskopf [2024] EWHC 291 (Ch) decision confirms that arbitration agreements in trust instruments are enforceable, with courts staying litigation in favor of arbitration.*

**SECTION VI**

**THE BREACH AND ARBITRATION AWARD**

**CONCLUSION OF LAW NO. 6**

**When entities place the all-capitals designation in a commercial setting and derive profit without trustee permission:**

- **They are in breach of the trust agreement** — utilizing trust property for unauthorized commercial purposes.
- **The arbitrator has jurisdiction** — the dispute concerns property rights, commercial exploitation, and trust res protection.
- **The arbitration award may grant:**

| REMEDY                      | DESCRIPTION                                                           |
|-----------------------------|-----------------------------------------------------------------------|
| Disgorgement of all profits | Constructive trust remedy — all profits derived from unauthorized use |
| Injunctive relief           | Preventing further unauthorized use of trust property                 |
| Damages                     | For interference with trust property                                  |
| Declaratory relief          | Confirming the trust's ownership of the commercial designation        |

**SECTION VII**

**TABLE OF AUTHORITIES**

| CITATION                                                                 | HOLDING                                                           |
|--------------------------------------------------------------------------|-------------------------------------------------------------------|
| Trustees of Dartmouth College v. Woodward, 17 U.S. (4 Wheat.) 518 (1819) | Corporation is artificial being; requires distinct identification |
| Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519 (1839)                   | Legal person distinct from natural person                         |

|                                                                     |                                                               |
|---------------------------------------------------------------------|---------------------------------------------------------------|
| Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977)    | Identity and commercial persona are property rights           |
| International News Service v. Associated Press, 248 U.S. 215 (1918) | Misappropriation of intangible commercial property actionable |
| Carpenter v. United States, 585 U.S. 296 (2018)                     | Fourth Amendment protects personal information/data           |
| Boyd v. United States, 116 U.S. 616 (1886)                          | Protection of papers and effects absolute                     |
| ICC Model Arbitration Clause for Trust Disputes                     | Arbitration of trust disputes internationally recognized      |
| AAA Wills and Trusts Arbitration Rules                              | Specialized arbitration procedures for trust disputes         |
| Grosskopf v. Grosskopf, [2024] EWHC 291 (Ch)                        | Arbitration agreements in trust instruments enforceable       |

## FINAL OPERATIONAL STATEMENT

The all-capitals naming convention denotes a legal fiction — a juristic person separate from the natural person.

When this commercial designation is placed in trust res, any entity that utilizes it for commercial gain without trustee permission commits trespass on trust property, conversion of trust assets, unjust enrichment, and breach of trust.

The arbitrator has jurisdiction over this dispute because it concerns the protection of trust property from unauthorized commercial exploitation.

The arbitration award may enforce the trust's property rights through disgorgement, injunctive relief, and damages — remedies that are required by law to be addressed.

*This is the conclusion of law, supported by tradition and/or common law, known as the naming convention in Roman civil law, which predates and supersedes statutory tradition. This is not sovereign citizen rhetoric, as proved by the history and the evidence contained above, and therefore cannot be summarily dismissed when raised properly.*

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