
Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 06:32:11 GMT
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Hi Wayne: Here is how I would like to address these issues at least in part. at www.ahbbo.com/dbatmcom.html there is a passage regarding trademarks and I quote; "A trademark (or service mark) does not need to be registered to attain status as a mark i.e., unregistered trademarks are recognized by common law. If you have a distinctive trademark (that you own) in commerce, then you probably have a common law trademark already." In our particular case (and this is just some of the details)... we have used the Peerless name and moniker in interstate commerce for approx 16 or more years. Advertisements in Glass Audio magazine dating back to 1989 by our firm advertised the Peerless name and moniker. This would clearly show use of the brand name and moniker back to a very early date. I have copies of the appropriate federal forms which shows an assignment of the subject registered trademark to my wife (Kathryn Petrich-LaFevre) from F. Davis Merry, Jr., President of Altec Lansing Corporation whose principal place of business was 10500 West Reno Avenue, Oklahoma City, Oklahoma 73126. A Certificate Of Renewal of the Peerless trademark WAS issued in my wife's name by the US trademark office whose said renewal term begun on March 6, 1996. Our attorney of record for trademark matters is Charles H. Lindrooth of Synnestvedt & Lechner whose offices are located at 2600 Aramark Tower, 1101 Market Street, Philadelphia, PA. 19107. Our branded Peerless products have been advertised and used in interstate commerce for many years by our distributors and OEM's. They have also been mentioned in magazines as far away as Stereo Sound magazine in Japan and as close as the now defunct Bottlehead newsletters, Sound Practices magazine and others. Friends of the Audioroundtable have been consumers of our transformers and have come directly to us when they needed direct replacements for Altec\Peerless products. Recently we supplied to Charley Kittleson a pair of Peerless 16492 outputs (from an Altec 15870 amp) so that he could restore a pair of these amps for one of his customers. I would have guessed that our ownership of Peerless might have been well known and documented throughout the audio community for a period of many, many years. Out of interest... I followed the url you posted to the patent and trademark office and did several searches of small specialist audio companies... here are some of my findings... I ran a check to see if the following well known audio companies had the protection of a federal trademark or service mark registration. Welborne Labs, Wavelength Audio, Bottlehead, Metasonix, One-electron. None of these firms/individuals have a registered trademark that I could find relating to their audio business. Are they all, therefore, legitimate targets for other people to use their business names and the goodwill which each of them have nurtured? But, yet, within our community each is fairly well known. If they lack this "name protection" then is anyone free to introduce products and call them ONE-ELECTRON for example? Would John need to come on this board and defend and demonstrate that he "owned" the unregistered namesake? What would count as proof? Interestingly, I also looked up Pi Speakers. Accdg to the trademark office you filed an application for a trademark (serial #75900392) and withdrew the application some 11 months later. So that your firm Pi Speakers also lacks this federal trademark registration. How would you prove that you did not abandon the name and that you still have rights to the name? Would you allow a poster to offer copies of Pi Speakers or cabinets on the Audioroundtable? If someone (anyone) misappropriates the namesakes of Welborne Labs, Wavelength Audio, Pi Speakers, or any of the few other firms I mentioned above... we would all (I hope) condemn this action. And it is important, as you've stated yourself, to keep the playing field level and honest... using the

Peerless name in this context is akin to labeling chinese made tubes with the logo of a famous past manufacturer... it will (and may be intended) confuse the consumer or take advantage of the consumer. Just as would be the case if I offered Pi speaker kits (not made by you) on these boards. Again, I have no problem with Doug or anyone else going into the transformer business. But I would hope that they would not misappropriate our namesake and use our goodwill to further their business or hobby interests. I do have more detailed legal documentation... but posting details of these documents and the business details of... does not seem appropriate to do in a public forum where such information could be misused. I would be happy to provide you with appropriate detailed information in a moreso private setting that would not disclose private business details or personal details of my wife as the trademark owner. MSL
