No single group should own phrase 'Newport mansions'

To the Editor:

The Preservation Society of Newport County has effectively changed its name to Newport Mansions, and almost no one has even noticed.

We and several others noticed this change about a year ago, because the society started advertising with those words for the first time, using the phrase as a brand. As a result, last October Astor's Beechwood, Belcourt Castle, Rough Point and Vernon Court experienced confusion with the public on "Rhone Island Day at the Newport Mansions." Using "Newport Mansions" as a brand name and registering those words as a servicemark/trademark, without the Preservation Society's name in any obvious letters or without its pineapple seal, is a deceptive representation, unfair trade practice and confuses the public into thinking that the Preservation Society includes all Newport mansions. The public assumes that "Newport Mansions" means all Newport mansions. There was no announcement or discussion of this name change, no fanfare; it was just mentioned in the society's annual report. Yet its marketing name has now been effectively changed on signs, in advertisements and on all the society's other communications.

People may feel that such a name change is harmless and does not affect them, but they are wrong. It affects all Newporters and, indirectly, everyone. If that name is service-marked and registered with the U.S. Patent and Trademark Office, and a loophole in the law allows such商标ings, then only the Preservation Society will be able to use it, except in a descriptive manner. But why should anyone have to think twice or thrice before engaging in business related to such common, public-domain words? Real estate brokers will have to ask the Preservation Society before advertising Newport mansions; other mansions with tours will have to ask twice before registering advertisements; candy makers will no longer be able to use those words on their boxes, and John T. Hopf, the notable Newport photographer, will no longer be able to call his tourist booklets "Newport Mansions." In 1948 Mr. Hopf published his first booklet, with his own money, called "Newport Mansions." At the time, the Preservation Society bought copies to sell at The Breakers, so perhaps Mr. Hopf "owns" those words — at least he may have more rights to them than the Preservation Society. It is from origins such as this that the Preservation Society claims its rights.

Even worse, the service-marking of "Newport Mansions" seems strategically designed to achieve a monopoly in the marketplace. It may also secondarily accommodate the needs of licensees. By the Preservation Society licensing non-resident, commercial entities to use its name and mark, it will become restrictive to more rightful, local, paying users, and in the process competition may be lost. The name had been changed from a word that is as common, as obvious, and as non-restrictive to more rightful, local, paying users, and in the process competition may be lost. The name had been changed from a word that is as common, as obvious, and as non-restrictive to more rightful, local, paying users, and in the process competition may be lost. The Preservation Society did a name that will increase commercialism exponentially. "Newport Mansions" is a far better name to fit on price signs than "Newport Mansions," which will license scarves, furniture, decorative accessories, garden sculptures, wall coverings, jewelry, pewter and the like — an increasingly robust part of the Preservation Society's commercial undertakings. Licensees by like names can be "branded," such as "The Rosecliff Scarf" — Newport Mansions.

What is more difficult to understand is the following:

The Preservation Society has property in Portsmouth as well as in Newport. Is this new brand name not then a misbrand? It is likely that an out-of-town marketing consultant came up with the name and Green Animals Topiary Garden has fallen by the side within the Preservation Society — after all, it is not really a hot licensing property.

The "Newport Mansions" name does not belong to the Preservation Society exclusively. It belongs to the residents of Newport. The name of a city belongs to its residents and the name of a building type is generic. They are being usurped solely for commercial purposes.

Moreover, why can they not simply use the name without registering it, as their application to register claims they have done for so many years? According to The Newport Daily News on June 16, if the reason the Preservation Society gave for registering those two words was to battle a Web site that had used www.newportmansions.com, such battles are not won, as the Preservation Society says you can believe, by an after-the-fact service-mark registration.

Disputes over Internet domain names are handled through the World Intellectual Property Organization on the Internet. If the Preservation Society is concerned about name registrations, then I suggest that it register the following names, which are not currently registered: The Breakers, Rosecliff, The Elms, even the Preservation Society of Newport County. It strikes me odd that when we (Astor's Beechwood and Vernon Court) met with the Preservation Society to discuss the use of the "Newport Mansions" service mark, they never mentioned their "problem" with someone registering "Newport Mansions" on the Internet.

If the Preservation Society is successful in registering this name, I have suggested to its president, Gertrude Cote, that she should next register Newport Skyscrapers, Alaskan Igloos and Vermont Ski Houses.

The effect of this name registration on our museum will be negligible, for we have a different audience drawn on a national basis, unlike the Preservation Society's Newport mansion is but a frame for an art collection and is not a house tour. However, we feel that it is simply incorrect to register those words. I am sure that not only should the Preservation Society continue using the words "Newport Mansions" with its "real name," but just not to exclusively register it with Us.

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