

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 Astors' Beechwood, Belcourt Castle, Rough Point and Vernon Court experienced confusion with the public on "Rhode 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 small adjacent 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 is not even 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 commercial applications.

People may feel that such a name change is harmless and does not affect them, but they are wrong. It affects all Newporters and all visitors, since those words belong to everyone. If that name is service-marked and registered with the U.S. Patent and Trademark Office, and a loophole in the law will indeed permit such a registration, 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 call the Preservation Society before using 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 think twice before drafting advertisements; candy-makers will no longer be able to use those words on their boxes, and John T. Hopf, the notable Newport photographer for more than 60 years, 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 enterprises to use "Newport Mansions," it is restrictive to more rightful local, tax-paying users, and in the process competition may be lost. The name had been changed from a name that described what the Preservation Society did to a name that will increase commercialism exponentially. "Newport Mansions" is a far better name to fit on price tags; it is a much better name with which to license scarves, furniture, decorative accessories, garden sculptures, wall coverings, jewelry, pewter and the like — an increasingly robust part of the Preservation Soci-

ety's commercial undertakings. Licensees like brief names that 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 misnomer? 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.

■ Most importantly, 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, 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 would have you believe, by an after-the-fact service-mark registration. Disputes over Internet domain names are handled through the World Intellectual Property Organization or through Internic. 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 (Astors' 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 Coxe, that she should next register New York 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 for a unique attraction: our 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. Consequently, we implored the Preservation Society to continue using the words "Newport mansions" with its "real name," but just not to exclusively register it with Uncle Sam. We are members of the Preservation Society; we are adjacent neighbors; we are tax-paying residents of Newport; and we and many others find this current registration as proposed unacceptable and shamelessly cavalier. After all is said and done, perhaps the current Preservation Society regime is more drive by commercialism than by its original goals of preservation, restoration and revitalization.

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