OPEN LETTER TO OUR READERS

Letter from Leonardo’s Executive Editor

9 April 2000

Dear Colleagues and Friends,

As you may know, in November 1999 our Association Leonardo was served with a million-dollar lawsuit by a company called Transasia, claiming that we are infringing a trademark they obtained in France on the use of the words Leonardo, Leonardo Partners, Leonardo Finance and Leonardo Experts. They want us to stop using the word “Leonardo” in all our projects and publications. This in spite of the fact that we have been publishing and carrying out Leonardo projects since 1968 with full international copyright registration.

It never occurred to us that the word Leonardo, the first name of Leonardo da Vinci, could be owned by anyone. It still strikes us as an amazing arrogance that anyone could want to keep cultural groups around the world from using this word without the permission of a venture capital business in France. It would be as though Amazon.com decided that all environmental groups would have to start getting their permission before using the word “Amazon” in their projects to protect the Amazon, or the makers of Picasso perfume or cars decided that you could not use the name “Pablo” without their permission. But maybe we should not give them ideas.

With your help we have been fighting back and we want to take this opportunity to thank you for your support and ask you to keep helping. Unfortunately, the fight is just beginning, and it has implications not only for Leonardo, but for establishing the ground rules for the protection of ideas and inventions in the new situation brought about by the Internet.

Let me summarize progress so far:

1. LEGAL TEAM
   
   We have assembled an excellent legal team. Our lawyers in France are Maitre Joceline Granger and Sam Okoshken. In the U.S.A. William Strong is handling our trademark suits, and Curtis Karnow, a member of the Leonardo/ISAST Board of Directors, is on hand.
   
   We have also started a small, private list of lawyers and other persons interested in details of the legal problem. If you are interested in being added to this Leonardo legal list, please send email to <ram@leonardo.org>.

2. LEGAL RESPONSE
   
   In late March 2000 Maitre Joceline Granger filed our legal response to Transasia. The court in Nanterre has a large backlog of cases and we expect a first court hearing in the fall or at the end of the year. We have clearly documented our priority for use of the word Leonardo since 1968, continuous copyright registration, and our founding of the Association Leonardo before their association with the same name. We are prepared to fight this all the way in France or in any other country.

3. PUBLICITY
   
   Thanks to your help, the word has been broadly disseminated about the Leonardo lawsuit. Over 40 articles have appeared in the international press. A TV crew has started filming a documentary that will cover the etoy case, our Leonardo case and others. You can find a list of the articles on the legal defense pages at <http://mitpress.mit.edu/Leonardo/>.
   
   If you know of articles that have appeared that are not listed, please send the URL to <ram@leonardo.org>.

   We must keep waging the publicity battle. This is important not only for our lawsuit, but also to help build an international understanding that a ruthless attack on an art group—even though that group does not even compete with a business venture of the same name—threatens all organizations of this kind.
   
   We are very keen to work with journalists and other organizations to get the word out in as many different
languages as possible. If you know of journalists or organizations that can create Leonardo Defense Pages in other languages please contact us at <ram@leonardo.org>.

Here is a partial list of web sites and articles where you can find information about the situation:

In French: IRIS <http://www.iris.sgdg.org/actions/leonardo>
In Greek: Art Topos <http://www.arttopos.org/leonardo>
In Hungary: <http://leonardo.c3.hu>

4. COMMUNITY SUPPORT

Karen O’Rourke in France is heading our Legal Defense Committee. Thanks to their work, and to the work of the IRIS group and many of you, some 3,000 E-mails and letters of support have been received. These letters come from at least 10 different countries and include letters from artists, scientists, engineers, scholars and interested observers. We have also received a number of letters of support from institutions, including:

- The International Art Critics Association, France
- The OURS Foundation, Switzerland
- The Daniel Langlois Foundation, Canada
- Art Department, University of Paris 1
- The Inter-Society for the Electronic Arts, Canada
- Art Topos, Greece
- The Director, New York Hall of Science
- Alta Tecnologica Andina, Peru
- Videotage, Hong Kong
- The Electronic Music Foundation (EMF)
- Alternate Music Press
- Institute “Prometei,” Kazan, Russia
- The Art School of Aix-en-Provence

All these letters can be found at the legal defense site at <http://mitpress.mit.edu/Leonardo>.

This support is very important to us; if you have not yet sent us a letter of support, send E-mail to <ram@leonardo.org>.

5. LEGAL DEFENSE FUND

The costs of fighting this lawsuit are and will be huge. This endangers our continued existence as an arts organization and network. The Leonardo/ISAST Board of Directors therefore decided to start a Leonardo Legal Defense Fund. We have now raised a significant amount of money that has allowed us to pay most of our bills so far. We thank all those of you who have contributed in-kind support as well as cash. Unfortunately, we must continue to fundraise, or else we will face bankruptcy of the non-profit organizations Association Leonardo and Leonardo/ISAST.

You can contribute financially in a number of ways:

a) You can join the Leonardo Network for $35: <http://mitpress.mit.edu/Leonardo/members.html>
b) You can subscribe to the Leonardo Journals for $72: <http://mitpress.mit.edu/Leonardo/order.html>
c) You can make a donation (tax deductible in U.S.A.): <http://mitpress.mit.edu/e-journals/Leonardo/isast/supportleo.html>
d) You can buy a LEONARDO DEFENSE T-SHIRT: <http://www.zero23.com/leo/leo.htm> (We thank Miklos Legrady, Joanna Sheldon, Gregory Chatensky and Antoine Moreau for donating the T-shirt designs.)

6. POSSIBILITY OF AN “OUT-OF-COURT AGREEMENT”

We can confirm that we have been contacted by Yves Delacour, President of Transasia, with the suggestion that a meeting be held to explore the possibility of a negotiation. We have immediately replied that we are interested in exploring this fully. No meeting has yet been held. In the interest of helping create an atmosphere of trust, we prefer not to make any announcements or information about these meetings if they are held.

7. THE UPSIDE DOWN WORLD—ALERT TO ALL LEONARDOS: YOU COULD BE NEXT

Among other things, we have trouble understanding why Transasia is attacking us rather than the hundreds, or even thousands, of projects and businesses that use the word Leonardo. We assume that Transasia’s tactic is to attack other companies or projects that also use the word “Leonardo” if they win against us. There
are many prominent organizations that use the word Leonardo, including the European Commission, the Da Vinci Museum in Italy, universities, airports, hairdressers, car repair shops, beaches, and of course individuals who have the first name Leonardo and use it in their web site.

The legal argument used by Transasia in their lawsuit against us is that when you use the word Leonardo in an Internet search engine, you get our web site as well as that of Leonardo Finance. They claim that as a result they have lost a million dollars’ worth of business.

For their lawsuit against us to make sense, it would seem that their plan must be first to win against the Leonardo art network in France and then to start attacking other users of the word Leonardo in France and in other countries. If they do not plan to do this, then their attack against us can only be seen as malicious. We just have a hard time putting ourselves in their heads to understand the logic of their plan.

The absurdity of the claim of Transasia is further demonstrated by R™ark’s brilliant demonstration on the R™ark web site <http://www.rtnark.com/leonardo.html>. If you go to this site, you can quickly test many search engines simultaneously. What is amazing is that in many search engines now, it is sites that are protesting against Leonardo Finance that are selected first by the search engines!

If your web site comes up high in a search engine when the words Leonardo or Leonardo Finance are used as key words, then you could be the next to be sued.

8. THE BIRTH OF THE LEONARDO RAM

Harry Koenig, a sheep raiser, has offered to name a ram born this spring after Leonardo. All offspring of this LEONARDO RAM will also be named Leonardo. You can find an ultrasound picture of the ram and further details on Harry’s <http://www.rockhousefarm.com/leonardo.htm> Rock House Farms web site.

You can also buy a MY NAME IS LEONARDO—SUE ME Leonardo Ram T-shirt at <http://www.zero23.com/leo/leo.htm>.

9. COMMUNITY MOBILIZING ON THE INTERNET

We want to thank again all of you who have mobilized in support of the Leonardo art network. We need your continued help and suggestions on how to win this battle, raise funds, and get the word out.

We must remind all supporters that only activities that are strictly legal make sense. We have responded to questions from journalists about a number of rumors. It seems clear to us that any action that can be easily misinterpreted by the media or the public, or any action that is of doubtful legal validity, will not be helpful to us or to the establishment of legal frameworks for the emerging Internet culture. We want a digital commons where everyone respects each other’s ideas, work and legal rights. The Transasia lawsuit against the Leonardo art network is an example of the kind of world we don’t want on the digital commons. Let’s invent new kinds of legal protest and not infringe on the rights of others in the process of establishing our case.

10 FORTHCOMING EVENTS

The following events are planned in support of the LEONARDO LEGAL DEFENSE FUND.

19 MAY 2000 BRUSSELS, BELGIUM. Guy Van Belle is organizing an event in which Leonardo will participate; further details at <http://simsim.rug.ac.be/dbonanzah/cure/leosuppo.html>.

FIRST WEEK of DECEMBER 2000. A benefit event during the ISEA conference in Paris. All persons who have sent in letters of support or donated to the Leonardo Defense Fund will be invited to this event. Hopefully, with your help, it will be a celebration party.

If you have any ideas or suggestions please send E-mail to <ram@leonardo.org>.

ROGER F. MALINA
Leonardo Executive Editor