

# Leonardo/ISAST News

*The Newsletter of the International Society  
for the Arts, Sciences and Technology*

## ***Leonardo Under Legal Attack!***

Many readers of *Leonardo* and Web site visitors to *Leonardo On-Line* will be aware that the Leonardo network is currently being sued by Transasia Corporation in France for trademark infringement. Transasia claims to have recently trademarked in France the names Leonardo, Leonardo Finance, Leonardo Partners, Leonardo Invest and Leonardo Experts. The suit asks that the Association Leonardo be forbidden from using the word “Leonardo” in its Web site projects or any other products or services.

Thanks to the work of Karen O’Rourke in France, who is heading our Legal Defense Committee, and to the work of the IRIS group and many of you, we have received over 3000 e-mails and letters of support from many corners of the globe. In this issue we continue to publish selected letters from our supporters.

Readers who would like to add to this growing body of support for *Leonardo* are invited to send letters to [isast@sfsu.edu](mailto:isast@sfsu.edu).

### **Other Ways You Can Help**

- A Leonardo Legal Defense Fund has been established. Donations may be sent to Leonardo, c/o ISAST, 425 Market St., 2nd Floor, San Francisco, CA 94105, U.S.A. Leonardo/ISAST is a U.S. nonprofit 501(c)3 organization. Donations are tax-deductible in the U.S. Make checks payable to Leonardo/ISAST.
- Join the Leonardo Network for \$35: <http://mitpress.mit.edu/Leonardo/members.html>.
- Subscribe to the *Leonardo* Journals for \$72: <http://mitpress.mit.edu/Leonardo/order.html>.
- Add your name to our list of supporters. Send e-mail to [isast@sfsu.edu](mailto:isast@sfsu.edu).
- Buy a Leonardo Defense T-Shirt: <http://www.zero23.com/leo/leo.htm>.

For more information please visit Leonardo On-Line <http://mitpress.mit.edu/Leonardo>.

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## Letters of Support

Received 7 July 2000

I remember my first visit in Paris, when I met Frank Malina. He told me about his idea to intensify the connections between art, science and technology, he showed me his art machines and he was also interested in my activities in the field of Experimental Aesthetics—but first of all he described his project of a new type of art journal that should have the name of the genius Leonardo—the first artist, scientist and engineer in one person. I remember the pain and the enthusiasm of all his collaborators to realize the project in the following years, the difficulties in producing the journal on the market, in finding all the people in the world interested in the synergy of Art-Science-Technology and a stable basis for a continuous publication, and the long time it has taken for Roger to find the right way.

So I could not believe that a corporation can ignore all these efforts and claim the name “Leonardo.” For me he is the general property of mankind, as a symbol for a unique cultural achievement and, in recent decades, for the journal representing the best that our society can produce. I hope it is possible to resist the grip of commercial interests and hold the name as a sign that even today it is possible to work with idealism for the conservation and progress of culture.

—Herbert W. Franke  
Artist  
Germany

Received 5 July 2000

I was greatly disturbed when informed about the trademark infringement claim lawsuit initiated by Transasia Corporation against Leonardo/ISAST. As an associate member of ISAST since 1986, I regard that step of Transasia Corporation as a grossly amoral attempt to profit from the worldwide popularity of Leonardo/ISAST. During past years of my association with ISAST I had many opportunities to present the Leonardo/ISAST journal to other artists, to college students, or friends interested in issues related to arts or sciences. Regardless of the country where our meeting took place, whether in the U.S., Canada, the Netherlands, Germany, Austria, the

Czech Republic or in other places, a very keen, positive debate on the editorial quality and professionalism of the content of the journal *Leonardo* followed.

I side with those readers of the Leonardo/ISAST who fight so that this lawsuit of Transasia Corporation against the Association Leonardo in France will be dismissed. If continued, in my opinion it would have a considerable negative impact on the availability of special advanced information and on the dissemination of intellectual artists and scientific thinking not only in France but all over the world, where the journal Leonardo/ISAST is presently distributed or available.

My support in this case is in favor of Leonardo/ISAST, joining the just effort to nullify this lawsuit.

—Zdenek Kocib, B.A. (Sociology), Artist  
formerly living in the U.S.,  
now in Canada and the Czech Republic

Received 11 July 2000

I just read about this Transasia legal attack on your use of the name “Leonardo” . . . it’s insanity! . . . I find it hard to believe . . . can only one person/group have use of a name? You’re not even operating in the same domains!???

Please add me to your list of supporters. For the record: I support the right of Leonardo/ISAST and Association Leonardo to continue their use of the name “Leonardo” in their Web sites, publications and projects.

—David McMahon  
Australia  
Information Designer (and parent)

Received 23 June 2000

Monsieur:

En tant qu’artiste peintre, s’efforçant d’élaborer une philosophie de sa création en harmonie avec la science et la technologie de notre temps, je n’ai pu trouver mieux que l’Association Leonardo/ISAST, avec ses publications, pour être informé des derniers développements en la matière et mettre en commun nos efforts, avec d’autres artistes et chercheurs, afin d’ouvrir des voies nouvelles vers le progrès.

Qui mieux que Leonard de Vinci pouvait incarner en une personne cet effort de synthèse entre l’art, la science et la tech-

nologie, au moment où, il y a trente ans de cela, M. Frank Malina fondait Leonardo? Des milliers d’autres organismes de par le monde témoignant des mêmes intérêts ont été tout naturellement conduits à choisir également *Leonardo* comme symbole immédiatement compris par toute la communauté de chercheurs que nous sommes. Faut-il donc aussi interdire ce choix à tous ces organismes et décider qu’en l’an 2000 Leonardo n’appartiendra plus au patrimoine mondial, mais à un groupement financier, Transasia?

J’espère que les dirigeants de cette entreprise finiront par être sensibles à l’absurdité de la situation dans laquelle ils se sont mis, qui laisse planer un doute sur leur aptitude à gérer au mieux les intérêts de leurs clients.

Formulant tous mes vœux pour que justice soit favorablement rendue à votre association, je vous prie d’agréer, Monsieur, l’expression de mes sentiments les plus distingués.

—Guy Levrier  
Artist  
France

Received 20 June 2000

I support the many branches of the community tree which is *Leonardo!* This lawsuit is perfectly ridiculous, draining and dividing one of the most diverse and intelligent international communities of people and projects in electronic media, technology and the arts. Please stop this absurd business of suing us over the name of “Leonardo” at this time.

—Molly Hankwitz Cox  
Contributing Editor  
Leonardo Digital Reviews  
Brisbane, Australia

Received 21 June 2000

Dear Leonardo/ISAST,

I was made aware of the lawsuit against you by Leonardo Finance on National Public Radio. I am writing this e-mail to express my support for your organization and the right of Leonardo/ISAST and Association Leonardo to continue your use of the name “Leonardo” in your Web sites, publications, and projects.

I am disgusted by the heavy-handed tactics corporations have been using recently

to intimidate smaller competitors or other organizations into submission. The gray bureaucrats within these organizations seem to have the mistaken notion that what is legal must also be ethical. Individuals of this ilk are either sophists and prostitutes willing to sell their soul to the highest bidder or dimwitted individuals who do not have the foresight to see the long-term effect their ethically reprehensible behavior can have on culture and civilization. Is money the sole measure of value in our world? It may come to that if the citizens of the world do not fight against the tyranny of money.

I am also forwarding this message to Leonardo Finance to express my outrage at their behavior.

—Joseph Chiang  
Engineer/photographer

Received 16 June 2000

In my opinion, this is a freedom-of-speech issue. It's about democracy.

—Jesper Sjostrom  
Neuroscience grad student  
Swedish, studying and living in America

Received 16 June 2000

To whom it may concern:

I am a senior professor of art at an American university. I have been a reader of *Leonardo: Journal of the International Society of Arts, Sciences and Technology* for thirty years. I have submitted scholarly articles for publication in it and have used it in my teaching and research for nearly as many years. I regard it, as do many of my academic colleagues, as a major source of ideas and information about the interface between the sciences and the arts.

I am appalled and dismayed to be told that *Leonardo* is now being threatened by a lawsuit and the possibility of being denied the right to make use of the name of a person whose name is forever a sign not of financial dealings but of innovation and research.

I find this especially disturbing because the journal *Leonardo* has used this name for more than thirty-two years. May I suggest that the plaintiffs use "Jesus" instead (or "Français" or "De Gaulle") as a restricted trade name. What an absurdity, and one that can only result in great harm to pre-

sent society and the legacy of Renaissance art and science.

I am adamant in my support of the right of Leonardo, ISAST and Association Leonardo to continue the use of the name of "Leonardo" in their Websites, publications, and other endeavors.

—Professor Roy R. Behrens  
Department of Art  
University of Northern Iowa  
Cedar Falls, Iowa 50614-0362  
U.S.A.

Received 16 June 2000

I support the right of Leonardo/ISAST and Association Leonardo to continue their use of the name Leonardo in their Web sites, publications and projects.

I noted the following in Professor Martin Kemp's essay in the catalogue to the exhibition "Leonardo da Vinci," held at the Hayward Gallery, London, from January to April 1989. Kemp writes in his first essay, titled "Leonardo Then and Now":

I do not believe that the Leonardos of the various eras are incommensurable. It seems to me that there is a core to his achievement, however imperfectly transmitted and received by different generations, that remains intuitively accessible. What has been sensed is that his artistic productions are more than art—that they are part of a vision embracing a profound sense of the interrelatedness of things.

Maybe this claim that his achievements are intuitively accessible, rather than directly accessible, raises the question of whether copyrights could ever be taken out on concepts that are intuitively understood.

—Patrick Beveridge  
Artist, U.K.

Received 16 June 2000

I support the right of the International Society for the Arts, Sciences and Technology (ISAST) to continue to use the name "Leonardo" in the titles of its publications. A trademark is obtained through use, which creates an association with an organization, service, or product. ISAST has used the name "Leonardo" for over thirty years and as a result has established the

right to use this name for its publications.

A trademark establishes the right to exclude others from using a confusingly similar designation of a product, service, or affiliation in marketing or commerce. The use of the name "Leonardo" by both ISAST and Transasia Corporation does not present a conflict because the general audiences and the products/services of both organizations are very different. Therefore, the mutual use of the name "Leonardo" should not cause any marketing or commercial confusion.

As far as searches on the Internet are concerned, a search on any given name brings up many different organizations and/or products. This problem is not an issue of commercial confusion resulting from similar trademarks. Instead it is a problem created by poor search engines that do not adequately limit the field for the search.

I hope this legal dispute can be resolved quickly so ISAST can refocus its attention and resources on the development of its cutting-edge, intellectually challenging journals. The publications have played an important role in the development of a dialogue among members of the artistic, scientific, and technological communities. We need more organizations like ISAST that foster this type of creative, interdisciplinary synergy.

You may publish this letter or quote from it.

—Patricia Search  
Artist, Associate Professor  
Rensselaer Polytechnic Institute,  
Troy, New York, U.S.A.

Received 6 June 2000

It is unacceptable that a relatively new commercial organization called Leonardo Finance strong-arm this wonderful artistic community. *Leonardo Journal* has been around for many decades . . . The *Leonardo Journal's* name has been its trademark way before Leonardo Finance decided to steal it for its own.

—Natacha Sochat  
Artist, physician, scientist  
[www.natacha.net](http://www.natacha.net)  
[www.wild-dreamer-studio.com](http://www.wild-dreamer-studio.com)

Note to the editor:

Not only do I wholeheartedly support all the efforts of *Leonardo: The Internation-*

al Society for the Arts, Sciences and Technology—but any logical examination of the facts surrounding the dispute leads inexorably to the conclusion that the suit filed by Transasia is firmly rooted in vacuity.

If any legal entity can view a recent user of the name “Leonardo” as having standing approaching that of an institution that has been admired for over three decades, the limits of the terms “frivolous” and “speciousness” will indeed have been stretched beyond belief.

Beyond this obvious point, the other nettlesome matter of jurisdictional scope over cyberspace is one that has yet to be established. Even if the position of Transasia were not so unmeritorious, where does such an offense occur? At the point on the globe where a Web page creator pushes the content? Perhaps where it is viewed by someone taking offense? Or would it be at any indeterminate location between either of these? Does anyone know if the transmission of these words at this moment were through suboceanic cable or bounced off satellites?

Call in the Martians to adjudicate!

—Richard Kade  
Ubiquitous Iconoclast  
Xerox Corporation  
3400 Hillview Avenue  
Palo Alto, CA 94304-1346

Received 19 May 2000

I have known *Leonardo* quite a long time. It is a long-time pioneer, and one of the most important forums for artists who are working on the field of art and science as well. It has and will have a prominent place in realm of culture. *Leonardo* is part of our cultural heritage of modern society.

I absolutely support the right of Leonardo/ISAST and Association Leonardo to continue their use of the name “Leonardo” in their Web sites, publications, and projects.

—Károly Töth  
Netherlands/Hungary

## Thanks to Our Supporters

The Board of Directors of Leonardo/ISAST wishes to thank all who have contributed to the Leonardo Legal Defense Fund. Recent contributors have included:

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## Supporting Institutions

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  
Art Science Collaborations Inc. (ASCI)

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

Many thanks to everyone who has lent support to our cause!