

**EXEC DIDN'T SCORE POINTS WITH PRACTITIONERS
FOR HIS REMARKS ABOUT THE PROFESSION
BUT STICKS TO HIS GUNS RE PR EDUCATION**

In September, Wall Street Journal ran some quotes from pr's interview with Hill & Knowlton's Frank Mankiewicz (7/10). Since then, we've received many letters of indignation. Students at Boston U are especially riled. Responses have also gone to WSJ & Across The Board, so we figured Mankiewicz himself must really be getting an earful.

He doesn't feel like the center of a major controversy, but he has received some feedback, including the students from BU. "I wrote them back and said pr is a skill, but it isn't a profession." He maintains that a pr degree is a waste of time. But what of new-fangled, expansive pr curricula, which include history, economics, etc.?

"You could require a bartender to take 4 history courses to supplement his bartending degree but he could still be spending his time more wisely studying something else." He has no suggestions for courses to be included in pr curricula because he doesn't believe there should be one in the first place. "I'm old-fashioned. It's a difference of opinion. I don't think pr is a subject to be studied on a university level."

ITEM OF INTEREST TO PRACTITIONERS

Data Still Don't Show Why Women In PR Make Less. Annual pr salary survey revealed that women at all levels are making less than male counterparts. Our reason: experience is reflected in paychecks. As a whole, men have more years in pr. About 3/4 of practitioners with 5 or fewer years are women. In contrast, 3/4 or more practitioners with 20 plus years in the field are men. But while findings explain median salary, they don't say why some women, e.g. those in the 15-19 years group, receive \$8,200 less than men. Maybe Vivian Deuschl, dpr Ritz Carlton, (t&t 3/27) was right when she said women's intro pr jobs are often behind the reception desk. Their resulting salary ladder may be competitive in the early years with the discrepancy showing up later. Maybe an additional year's data will solve the research problem...but the profession will still face the issue.

WHO'S WHO IN PUBLIC RELATIONS

ELECTED. American Society for Hospital Mktg & PR 1990 officers: pres, Cherie Orwig, (corp comm vp, Miami Valley Hosp, Dayton Ohio); pres-elect, Bill Stiles, (mktg vp, Hamilton Health Care Systems, Dalton, Ga); regional dirs, James Peters (vp of corp comm & dev, Mid-Maine Med Ctr, Waterville),

Don Dalton (mktg dir, Magnolia Hosp, Corinth Miss), Jerold Sorenson (dpr & mktg, Utah Valley Regional Med Ctr, Provo); dirs-at-large, Gail Catlin (vp-pa, Cal Ass'n of Hospitals & Health Systems, Sacramento), Jack Hardy (sr vp & US healthcare provider practice dir, Hill & Knowlton, Atlanta).

pr reporter

The Weekly Newsletter of Public Relations,
Public Affairs & Communication

Vol.32 No.48
December 4, 1989

603 / 778 - 0514

**SWEEPING NEW TRADEMARK LAW NOW IN EFFECT ALSO
ADDS NEW PROHIBITIONS ON DISPARAGING COMPETITORS;
FALSE OR MISLEADING STATEMENTS ARE NOW ACTIONABLE**

The broadest revision ever of the 1946 federal trademark statute became effective November 16. Advertising, marketing & public relations will be impacted, and practitioners are well-advised to learn specifics. But the hooker is this, as described by Chicago Bar Ass'n:

"Trademark Law Revision Act of 1988 goes beyond protection from trade disparagement. False or misleading description or representations of fact about commercial activities will become actionable." Thus, if you publicize or advertise falsely or spread trade rumors that someone is on the verge of bankruptcy or its officers have been indicted for securities fraud, they will have recourse under federal law. "The new provision appears to make trade libel or business defamation -- as opposed to trade disparagement directed against specific products -- actionable." Bar Ass'n sees TLRA as good move.

"Changes came about because the law had been in effect for 40 years without any real revisions," Robin Rolfe, exec dir, United States Trademark Ass'n (NYC), told pr. "When it originated, mass marketing & advertising were not at the level they're at now. Media, especially television, were not as sophisticated." The original language of the law, augmented by layers of case law, created confusion & broad interpretation -- often at the expense of the consumer.

Its Impact On Marketing A) Registration. The US was singular in the way it acquired trademark rights -- not reflective of trademark realities. One couldn't apply to register for a trademark until s/he first used it in interstate commerce. "If you're going to launch a product, you don't want to put it on the marketplace & find it infringes on someone else. The courts innately understood that no one was going to put lifeblood on the line." Thus, "token use" proliferated, i.e., first selling the product to a brother-in-law in East Podunk.

"But everyone was uncomfortable doing this because they knew that wasn't what the law intended. The new system appreciates reality. Now, you can apply for a trademark if you have a 'bona fide intention to use' [i.e., on



a product or in connection with a service, not merely to reserve a right in a mark]. There is no more token use."

B) Also, the term of registration has been reduced from 20 years to 10. Change should reduce deadwood (unused trademarks) on the Register. Also brings US into sync with other countries.

Rolfe says the revisions should not be considered punitive or restrictive but protective because they: a) allow small businesses to more readily compete in open marketplace; b) eliminate advantages previously enjoyed by foreign competitors. "By cleaning up the language of the law, we've tried to clarify what the law intended."

Effect On "Advertising" Under the old law, false & disparaging statements about a competitor's product or service escaped litigation since law only monitored a company's claims about its own products & services. Under the new law, competitive advertising will no longer enjoy impunity, as explained above. "The revised law doesn't prohibit competitive advertising, it just forces it to be more truthful." The law is in fact a trademark & unfair competition statute. [Ed note: the word "advertising" traditionally includes any intentionally initiated communication -- so publicity, publications & speeches will most likely be covered under this wording.]

What Public Relations Pros Should Watch For The law could lay a tightrope for practitioners -- any competitive claims which could be interpreted as false or disparaging are actionable. Example: If you make a dubious claim that some company is going bankrupt, merging, downsizing, or that its officers are being indicted, it has recourse under federal law. Trade libel or business defamation is as actionable as trade disparagement directed at certain products.

Under Illinois law, false statements that are defamatory are actionable without proof of damages because malice is presumed. But defamation by innuendo requires proof. Whether the courts will adopt this distinction under federal law remains a question.

(For packet of materials, write or call prr.)

HOW EFFECTIVE WAS CALIFORNIA'S "BEAT THE QUAKE" CAMPAIGN? FOLKS EVERYWHERE WANT TO KNOW JUST IN CASE

"We feel the campaign was effective but it's difficult to measure results at this point," Tom Mullins, dpa Governor's Office of Emergency Services (Sacramento), told prr. "We haven't had the resources to measure them because we've been working very hard on recovery."

Campaign (pr 4/24) was statewide attempt to galvanize Californians to gear up for probable devastation. Tho "the big one" hasn't hit yet, recent quake wreaked enough death & ruin to show how timely campaign was.

"In April we conducted a survey among the campaign organizers. The feedback we got was very positive, but we saw there was a need for more

education." Tho next year's campaign will employ the same basic vehicles, recent disaster dictated need for:

- a) Increased amount of multi-lingual material, spoken & print.
b) More involvement from manufacturers. "More from them in the way of safety-related items, e.g. first aid kits, batteries, flashlights, etc."
c) More commitment from retailers, who will be especially useful in circulating multi-lingual material.
d) More specific instructions about safety actions such as "duck, cover & hold." Meaning, hit the floor, preferably under table or desk and grip the table leg. If in a corner, brace against an inside wall.
e) Instructions pertaining to specific situations -- if in a car, at home, in the workplace, a hotel, etc.

According to Mullins, preparedness was definitely a factor in the welfare of the quake victims. "Some people were better able to survive because they put aside food & water and knew to 'duck, cover & hold.' We need to get more people to think ahead and imagine what they would do if an earthquake hit. We want them to be supplied and know specific safety actions."

Not definite but in the realm of possibility is a statewide earthquake drill, tentatively slated for April, 1990. "Japan had one and it was successful. We are now talking to the Japanese about how they motivated an entire country to participate and take specific safety actions." When they find out, we'll tell you.

EUROPEAN COMMUNITY SPAWNS NEW VOCABULARY: INTRO TO EUROSPEAK

Practitioners planning to go global -- get ready for the 90s, when "Eurospeak" may comprise

most important foreign language. Samples from Price Waterhouse EC Bulletin:

- 1. armchair economics -- guesstimation of future economic uncertainties;
2. comitology -- derived from French, "anything pertaining to committees";
3. competitiveness -- competitiveness;
4. Euro-euphoria -- opposite of Euro-sclerosis. "The initial Euro-euphoria on 1992 is giving way to harsh realities";
5. harmonisation -- used for uniform measures thruout the Community;
6. state aids -- government grants;
7. tabling -- formal notification of Commission proposals, i.e to put them out on the table. "The Commission has tabled 232 proposals to date." Far cry from word used in Roberts Rules of Order.

EC says the lofty band of Euro execs uses these and other terms to exclude the uninitiated.