



PSION CONTINUES PROCESS OF AFFIRMING 'NETBOOK' TRADEMARKS

23rd February 2009

What does Psion do?

Psion Teklogix is a leading provider of rugged mobile computing solutions to a range of industries around the world. Psion Teklogix delivers its mobile computing solutions in over 80 countries. It had over 1200 employees and sales of approximately £200M in 2007. Psion Teklogix's parent company is Psion plc, which is listed on the London Stock Exchange. Psion developed the world's first handheld computer in 1984, and is associated with many other technical innovations. In 1998, it set up Symbian Ltd, which now provides the world's most popular smartphone operating system.

Why is Psion affirming its 'Netbook' registered trademark?

Developing a new brand for an electronic device can cost many tens, if not hundreds of thousands of dollars. We feel we have a very good brand in 'Netbook' and we also feel strongly that we should be free to develop that brand further in the future. We registered the 'Netbook' trademark in 1996 and launched our first 'Netbook' ultra-portable computer in 1999. So the brand has a very long history.



The Psion Netbook® Pro ultra-portable computer

There's also a matter of principle – we respect others' trademarks and we hope that others in turn will respect our trademarks.

Does Psion even use the 'Netbook' registered trademark anymore?

Yes. We have been using the 'Netbook' trademark continuously since 1999. 2006 was in fact our best ever year for sales of 'Netbook' ultra-portables (the Netbook Pro variant – a copy of our flyer for this product is attached to this FAQ). We had *multi-million dollar* sales in both the US and also the EU. You can readily confirm a major US deployment that occurred in late 2006:

<http://www.marketwire.com/press-release/Psion-Teklogix-Inc-LSE-PON-608885.html> (also attached to this FAQ).

We continued to make sales of 'Netbook' ultra-portables in 2007, 2008 and even 2009. We had to discontinue manufacture prematurely because we were unable to secure supplies of a specific controller chip, but that doesn't mean we no longer sell the 'Netbook' ultra-portable – we in fact still sell inventory to this day, although our stocks are depleting. We also continue to actively supply accessories for our 'Netbook' ultra-portables and are also providing maintenance and support to existing users of 'Netbook' ultra-portables. Registered trademarks aren't just for protecting multi-billion dollar brands.

Will Psion release an updated version of its 'Netbook' ultra-portable computer?

We have been considering adding new models to our 'Netbook' line for a while, but our policy is not to pre-announce new products.

Why is Psion affirming its 'Netbook' trademarks now?

If we had failed to act now, we faced the possibility of losing our registered trademarks for 'Netbook'. But we wanted to be sure that there was a real danger to these registrations before undertaking the costly and time consuming process of contacting literally hundreds of entities around the world.

Has 'netbook' in fact become generic?

No. The class of Intel® Atom®-powered ultra-portable computers is a very new category, emerging in 2008. Few computer manufacturers use the term 'netbook' descriptively to describe computers in this class, and even today, many on-line and bricks-and-mortar retailers do not use the 'netbook' term descriptively, preferring instead 'ultra-portable', or 'sub-notebook' or some other term.

And although the level of generic (i.e. descriptive) use of 'netbook' within the tech community is quite high, the level of consumer understanding and recognition of this term in the generic or descriptive sense is still low; it is the level of consumer understanding and recognition that is key in determining whether or not a term is so generic that it cannot be a proprietary, trademarked term.

So whilst it may seem to be a complicated picture, the reality is that 'netbook' is not sufficiently generic to vitiate our trademark registrations.

But even though 'netbook' is not yet a generic term for ordinary buyers of these products, it could become so soon if retailers (and others) persist in calling these devices 'netbooks'.

However, we don't think that retailers (and others), once they understand the issues, will wish to be complicit in, and in part responsible for, the genericisation of someone else's registered trademarks. There is both an ethical and a financial liability tied to that responsibility.

There is another aspect that is important. A retailer or manufacturer who has adopted the term 'netbook' as a descriptive term in good faith has a defence to a trademark infringement lawsuit. However, the retailer etc. has to establish that 'netbook' was generic at the time of *its* first use. For someone first adopting the term 'netbook' in 2008, we doubt that will be possible; for those adopting the mark early in 2008, the challenges are especially acute. We have commissioned an independent brand research firm to look into when the term 'netbook'

started to become used in a descriptive sense. Their findings show that before 2008, all references to 'netbook' were to the Psion Netbook computer.

The scale of descriptive use *now* is simply irrelevant to whether or not there is a good faith, fair use defence to an infringement lawsuit. The scale of descriptive use now may in fact be a measure of the scale of damages potentially due to Psion, if the term ultimately is held to have become generic at some time in the future.

Should Psion have acted sooner?

It was not at all clear that there was a real threat that ordinary buyers of these devices might start to understand 'netbook' as a generic term until perhaps Q3 2008 - before that time it was quite possible that a different descriptive term would have become adopted.

Psion acted promptly once it became clear that the threat of genericisation was real and growing.

Is Psion looking for financial compensation?

Although taking someone's trademark is a serious matter, we have simply asked retailers and manufacturers to transition to a different descriptive term over a 3 month term. We have not sought compensation at all from any party contacted. We have no intention of selling the 'Netbook' trademark registrations either, valuable as they may be, or of licensing them on a for-profit basis. We simply wish to continue use of our 'Netbook' trademark, and to be free to use it on our future products.

Who is Psion contacting?

Our external counsel has sent letters out solely to those making a direct, financial profit from use of the 'Netbook' trademark.

95% of all letters have been sent to retailers and manufacturers using the 'Netbook' trademark (including the very largest players in this space. But note that few portable manufacturers in fact use the 'Netbook' term at all. For example, Asus, a pioneer in this space, does not to any appreciable extent – it's an Eee PC. Not an Eee PC 'Netbook'. But it's a different picture in retail and our over-riding priority is to persuade the retail community to adopt a different term).

5% have been sent to websites that have sponsored advertising or other for-profit links that include the prominent use of the 'Netbook' trademark and a link to a retailer or manufacturer using the 'Netbook' trademark.

0% have been sent to straight blogs, tech enthusiasts sites or review sites – i.e. with no prominent use of sponsored advertising with Psion's 'Netbook' mark or other for-profit links making use of Psion's 'Netbook' mark.

When we started this project, we drew a firm distinction between entities profiteering off the 'Netbook' mark, and those not doing so. Neither we, nor our external legal counsel, thought that it would be fair, proportionate or sensible to start this process off by writing to those not profiteering financially and we have not done so. Journalists and bloggers obviously have to use some term to refer to the new class of ultra-low cost portables – we'd rather they didn't use 'netbook' now that they're aware of our registered trademarks, and we hope that they too will transition to whatever term becomes the legitimate generic. But are we about to start a wave of lawsuits against journalists and bloggers? The answer is an emphatic 'no'. Our priorities lie elsewhere and always have done.

And where a blogger uses context sensitive advertising that is completely outside of its control (so it has no knowledge at all whether an advert associated with our mark 'Netbook' will be placed in its blog site), then we're taking the view that we need to focus on working on persuading the featured retailer to adopt a generic term other than 'netbook'. So if any recipient of one of our letters is in that position, if they want to let our legal counsel know, that would be helpful all round. Although we can't accept that use of 'netbook' in a generic fashion is legitimate, our priorities lie elsewhere.

What should journalists and bloggers do?

We hope that journalists and bloggers will use a different generic term. James Kendrick has posted a thoughtful piece in his jkontherun blog at, where he suggests that the tech community should adopt a term other than 'netbook':

<http://jkontherun.com/2008/12/29/jkontherun-op-ed-the-psion-netbook-trademark-situation/>

We hope others will follow the lead he is showing. We personally favour the term 'ultra-portable', because we think ordinary consumers will more easily understand that 'ultra-portable' implies small, light, and low-cost, as well as functionality that is constrained compared to a laptop or notebook computer.

What should retailers and manufacturers do?

We hope that they will respect our trademarks rights, just as they would expect others to respect their trademark rights, and will transition to a different generic term.

We expect to be discussing this issue with the major players in Q1 2009.

We believe that most responsible retailers and manufacturers understand that it is wrong for them to contribute to, and be complicit in, making a registered trademark generic. There is both an ethical and a financial liability associated with making someone's registered trademark generic.

What has Google done?

For some months, Google has been running AdWords sponsored advertising in which the term 'netbook' features in the advertising text itself. As you well know, Google respects trademark rights and will take action if it believes that advertising text mis-uses someone's registered trademarks.

As of 28 January 2009, Google decided to block all advertising text that includes the term 'netbook'.

Google has no doubt carefully considered the issues and believes that it is doing the right thing. We agree and hope that others will follow its lead.

What trademark registrations does Psion own for 'Netbook'?

US trade mark registration no. 2404976, filed 18 December 1996
EU trade mark registration no. 428250, filed 9 December 1996
Canadian trade mark registration no. TMA 521007, filed 18 November 1998
Singapore trade mark registration no. T9705577B, filed 14 May 1997
Hong Kong trade mark registration no. 1999B01273, filed 6 May 1997

Will Psion commence litigation?

Litigation is always a last resort. But we'll certainly defend against the cancellation actions filed against our 'Netbook' registrations.

Smarter working on the move

IMPROVE PRODUCTIVITY AND CUSTOMER SATISFACTION THROUGH MOBILE CRM



Your mobile workforce needs a task-oriented computing device that is portable, yet powerful enough to run advanced mobile CRM applications. NETBOOK PRO combines the virtues of a larger laptop device, such as a large screen, full keyboard and multiple communications ports, with the virtues of smaller PDA-type devices, such as portability, instant on, long battery life and a touch screen. With the power to carry out work-related tasks anywhere NETBOOK PRO enables advanced mobile CRM applications across your enterprise workforce.



ADVANTAGES

- **Unparalleled Flexibility** – Unparalleled connectivity and expansion capabilities mean the NETBOOK PRO can be tailored to the unique needs of each customer. Data transfer and peripheral connectivity is achieved via the USB / RS-232 ActiveSync Cable and IrDA port. Expansion and/or connectivity is delivered via the Compact Flash, SDIO and PCMCIA Card Slots.
- **Ease of Integration** – Based on industry-standard Windows CE.NET and Intel XScale architecture, the NETBOOK PRO ensures seamless application development and integration into enterprise back-office systems. The advanced networking and security protocol support of Windows CE.NET make it the ideal operating system choice for mobile computing devices. Application development is simple through SDK tools and popular development environments such as Visual Studio.net and JEM-CE JAVA virtual machine.
- **Exceptional Ergonomics** – About half the size of a typical laptop, the NETBOOK PRO is both portable and lightweight yet delivers a full keyboard and a large, daylight-readable TFT SVGA 800 x 600 colour touch display. Additional features such as instant on and long battery life combine to deliver a computing device that is ideal for mobile enterprise applications.



NETBOOK® PRO Hand-Held Computer

Specifications



HARDWARE SUMMARY SPECIFICATION

- Processor: Intel XScale PXA255 400MHz
- Memory: 32MB Flash
128MB SDRAM
- Display: SVGA (800x600) TFT transmissive display with CCFL backlight
- Controls: Resistive touch screen for pen navigation;
58-key touch-type keyboard
- Audio: AC97 Codec
2.5mm stereo headphone/mic socket
Speaker for alarms, buzzes and key clicks
- Comms: RS232 serial port Honda Connector
IrDA 1.1
Mini USB 1.1 master
- Expansion: CF card slot – type I & II
PCMCIA card slot – type I & II
SDIO/SD memory card/MMC card slot
- Power: DC Input
Li-Ion battery pack (12.6V 2200mAH)
2xAAA replaceable batteries for backup

PHYSICAL SUMMARY SPECIFICATION

- Maximum Overall Dimensions: 235 x 184 x 35mm /
9.25 x 7.24 x 1.38 ins.
- Weight: 1100g / 2.4lb
- Operating Temperature: 0°C to + 50°C / 32°F to 122°F
- Storage Temperature: -10°C to +60°C / 14°F to 140°F
- Humidity: 5 – 93% RH @ +40°C / 104°F non-
condensing
- Temperature Shock: +/- 10°C / 50°F over 5 minutes
- Operating & Storage: All external fasteners non-ferrous
plated

SOFTWARE SUMMARY SPECIFICATION

- Operating System: Microsoft Windows CE.NET 4.2
- ActiveSync Connectivity over:
USB
RS232
IrDA
Bluetooth
- Browser and Mail Access Connectivity Using Internet
Browser over:
Serial modem (RS232 port, CF/PC card)
802.11b radio (CF/PC card)
GSM/GPRS radio (CF/PC card)
Ethernet LAN (CF/PC NIC)
CDMA 1xRTT (PC card)
- Applications:
Internet Explorer 6.0
Pocket On-Schedule*
File Viewer
MS Word Pad
Windows Media Player
ActiveSync
Remote Desktop Connection
Calculator
Terminal Emulator/Hyper Terminal
Windows Messenger
JEM-CE Java Virtual Machine*
SpreadCE*

* denotes 3rd party applications

Specifications are subject to change without notification.

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LSE: PON

**Aug 22, 2006 06:00 ET****Psion Teklogix Equips Sales Team of One of America's Largest Wholesale Distributors of Liquor Products with Rugged Mobile Computing Solution****Glazer's Distributors looks to Psion Teklogix to replace existing system, improving sales team efficiency and customer service**

MISSISSAUGA, ONTARIO--(CCNMatthews - Aug. 22, 2006) - Psion Teklogix (LSE:PON), a global provider of solutions for mobile computing, wireless data collection, imaging and RFID, announced today that Glazer's Distributors, a wholesale distributor of wine, spirits and malt beverage products, has implemented a unique mobile computing solution from Psion Teklogix using customized software from Inventiv Software, LLC. The new Psion Teklogix rugged, mobile hand-held computers are replacing Glazer's existing mobile solution, enhancing the sales team's ability to process orders in real-time, increasing field service efficiency and reducing lost productivity due to repairs.

Glazer's is using Pocket Advantage™, Inventiv Software's sales force automation software and Psion Teklogix' rugged NETBOOK PRO and WORKABOUT PRO hand-held devices. The new solution is designed to process sales orders across 36 distribution centers in 10 states. The versatility of the two products help to meet the varying needs of sales team members, providing them with scanning capabilities for display tracking and on-site order placing, which will reduce data entry errors and update inventory data in real-time. The new solution is also helping to reduce processing times from 10 minutes to one to two minutes, increasing Glazer's overall efficiency.

"We had limited processing power and a lot of screen breakage with our previous handheld computers," said Al Garnand, IT customer services manager, Glazer's. "That resulted in decreased productivity during repair-time and also caused a lot of frustration for our sales team. With the addition of the NETBOOK PRO and WORKABOUT PRO devices from Psion Teklogix our sales representatives are able to perform better on the job and are happier as a result."

The Pocket Advantage™ software is designed for wholesale and field service environments and is customizable to meet specific business needs. The software allows the rugged hand-held computers to download customer and sales information, wirelessly transmit orders, report updated survey information and access daily invoices, sales history, customer balances, pricing and inventory levels. Both the NETBOOK PRO and WORKABOUT PRO devices utilize Windows CE.NET, offering the flexibility and convenience of a traditional PDA in a durable, ergonomic package.

"When Glazer's came to us for a new mobile computing solution, we knew that the Psion Teklogix devices would offer the flexibility, durability and processing power it required," said Dave Rea, President, Inventiv Software. "Taking advantage of the joint solution made the transition to the new devices a virtually seamless process for Glazer's sales team."

"Psion Teklogix understands the total cost of frustration many companies face when working with mobile computing devices," said Rob Douglas, America's president, Psion Teklogix Corporation. "We are pleased to be working with partners like Inventiv Software to help deliver more reliable and durable solutions to leading companies like Glazer's Distributors."

About Psion Teklogix

Psion Teklogix is a global provider of solutions for mobile computing and wireless data collection. The company's fully integrated mobile computing solutions include rugged hardware; secure wireless networks, robust software, professional services and exceptional support programs. Psion Teklogix is committed to helping its customers reap the benefits of new and emerging technologies, including image capture and RFID. With over three decades of industry experience, Psion Teklogix has customers in more than 80 countries around the world, and over 36 sales and support offices in 17 countries. Psion Teklogix is headquartered in Mississauga, Ontario, with additional corporate offices in America, Europe and Asia. Psion Teklogix is the operating business of Psion PLC, which is publicly listed in the London Stock Exchange (PON.L). For more information, visit www.psionteklogix.com.

About Glazer's

Glazer's is one of the nation's largest wholesale distributors of wine, spirits, and malt beverage products. The third-generation family business was founded in Dallas in 1933. For more information, visit www.glazers.com.

About Inventiv Software

Inventiv Software, based in Memphis, TN, delivers cutting-edge technology and software tools to sales managers and their reps in the wholesale distribution industry, which facilitate faster and more effective decision making and bring about an increase in sales as well as an increase in efficiency throughout the organization. Windows CE handheld wireless devices, desktop and laptop sales analysis tools and complete sales force automation are the key focus. Inventiv continues to operate with a process of constantly improving its products by being in the field and working closely with owners, managers and end users to deliver features that save time and money, make managers and reps smarter and operations more streamlined. Inventiv has software installed in 115 companies in 43 states. For more information, visit www.inventiv.com.

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