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## Advertisers' Index

Editor

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## Doc Acquis

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covered in **Library Technology Reports'** next issue.

As of late June, Ameritech announced that **NOTIS Systems** and **Dynix** officially joined forces to form a new company named **Ameritech Library Services**. The new consolidated library services operation will be organized around two groups: a **Library Systems Group** and an **Information Services Group**.

The **Library Services Group** consists of 4 divisions to address the needs of different types of libraries. They are **NOTIS Systems** for academic libraries, **Dynix** for public libraries, **Marquis** for special libraries, and **Scholar** for school

libraries.

The **Information Services Group** will consolidate products and services that deliver information content. These include **Vista** for providing information databases access and document delivery, **Internet** and **Z39.50** access products such as **WinGopher** and **WinPAC**, **Retro Link Associates (RLA)** for retrospective conversion services, and **GeneSys** for distribution of genealogical databases.

The **NOTIS** staff will continue to work from its Evanston headquarters. The planned **LMS Release 5.2** will be delivered on schedule and future development plans include enhancements to **OPAC**, **Serials**, **Acquisitions**, and **Cataloging**.

Ameritech also announced that a single client/server system is being developed to serve its customers in all 4

divisions. The basis of its software, called **C/SP**, is the currently installed **Marquis client/server product**. ☞

*Please note — We were as shocked by developments with NOTIS and Dynix as you were. Please see page 54, this issue, for Dynix answers to some ATG questions. — KS*

## Legally Speaking

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factors which are considered in evaluating the likelihood of confusion are: 1) the similarity of the marks (by both sight and sound); 2) the similarity of the goods or services being provided under the two marks; 3) the similarity of trade channels; 4) the conditions under which the goods or services are purchased and the nature of the purchasers; 5) the fame of the mark allegedly being infringed; 6) whether there are other similar marks in use; and 7) the extent of any actual confusion. Re: *E. I. DuPont deNemours & Co.*, 476 F.2d 1357 (CCPA, 1973).

Trademark infringement, then, does not automatically result even from the use of identical marks. Assuming that *Against the Grain* is trademarked as the name of this publication, a bakery named *Against the Grain* would probably not infringe that mark, since the products are so dissimilar as to create no likelihood of confusion. But what if someone published an information systems newsletter entitled *Against the Grain*?

What if that newsletter was marketed to library information systems specialists? What if it were not marketed to anyone in the publishing, vendor, or library communities? These examples are a bit trickier.

The seeming subjective nature, or perhaps even vagueness, of the likelihood of confusion test makes trademark infringement cases complex and expensive for all concerned. This circumstance can lead to the tyranny of richer trademark holders, who can generally intimidate more shallow-pocketed companies into abandoning the use of a mark, even if that mark is not likely to cause confusion among either of the companies' markets. Most of us condemn the ripoff or knockoff of one company's trademarks or tradename by another, but the scales of justice in this area can be tipped rather dramatically by the gold of big companies. ☞

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