

CYBERGIBSON

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Email correspondence for various sources.

CYBERSPACE Trademark Search for Common Law Uses (Attorneys)

This is a follow-up on my January 12 and January 31 messages to you concerning the search on Cyberspace.

A complete search for the mark Cyberspace turned up no recorded instance that anyone has used Cyberspace, as a trademark or as a business name, either registered or in a common law usage.

Newly encountered was use of of Cyberscape for computer software and Cybercad for a cad system, and offered by Cybersearch, Inc. of New Haven, Connecticut. Cybosoft for computer software is a registered mark of Cybosoft of San Martin, California.

Apparently the road is clear to adopt and use Cyberspace for software. The caveats mentioned on page 2 of my January 12 letter are still applicable, however.

Could you let me know how you intend to use Cyberspace, the product it will be applied to, so we can prepare ourselves to file an application to register that mark.

Here's a good one (William)

Peter Schwartz is a friend of William Gibson. Gibson phoned him the other day to complain about our trademarking the word cyberspace.

Gibson is very upset. His attitude is anti-business in the first place, and apparently he fears that we will restrict the public availability of the word.

I recommend we prepare a letter to Gibson, as a gesture of good faith, explaining that a trademark does not restrict the use of a word as a concept (egs: Apple, Metaphor), that using the word is a sign of respect, that there are many other CyberFoo trademarks and the use of Cyberspace as a trademark seems inevitable, and that we intend to use the TM only in association with our software product.

Also heard that Rheingold is writing an article for the Safire column on the origin of the word cyberspace. Does anyone know the true history? Does Gibson have undisputed claim to the creation of the word?

From the Cyberspace Team

I sure agree with you, William. Having Gibson pissed off at us about "cyberspace" can't be good for business. He may not have used the term first, but he certainly did popularize it, and will probably be linked forever in the public mind with it. Also, of course, he inspired us, so what a shame it will be if he continues to be negative about us. Can you imagine him saying, on the Today or Carson shows, that our Cyberspace is NOT cyberspace?

Why don't we also invite him here, and let him see first hand that we have honorable intentions (besides a desire to make money, which he can't totally disagree with, unless he writes his books for free)?

Are we really sure we want to trademark "cyberspace"? Even if Gibson opposes it? What if people start avoiding the term BECAUSE WE'VE APPLIED IT TO OUR BRAND OF CYBERSPACE, and instead use a term like "artificial reality" or "virtual reality"? Could we not build cyberspaces, and supply tools for building cyberspaces, without insisting that we "own" cyberspace? Pissing off the masses (especially hackers and cyberpunks) doesn't seem to be a very good strategy for leadership. I don't know the answers to these questions, but maybe we should go carefully here, so our strategy doesn't backfire.

One final thought: what if we were to publicly acknowledge Gibson's concern - make a really big deal of it - and then agree, out of allegiance to "the cause", NOT to trademark "cyberspace"? If anyone else then tried to trademark the term they'd have to go against public sentiment. Isn't that something a real leader would do?

The Letter

Thu Jul 20 22:44:19 PDT 1989

Dear Mr. Gibson:

My friend Timothy Leary informs me that you are somewhat upset by our use of "Cyberspace" as a trademark to describe our artificial reality product. I'm sorry to hear this, and wonder what we can do to help you feel better. I had written to you some six months ago to see if you were interested in seeing the developments of our project, perhaps to share with us your views on the present and future.

Our trademarking of the term in no way prevents you from using it as you have before. Cyberspace (TM) refers to a software product. Were any other software vendor to employ the term for one of their products, we would justifiably be upset. If anyone wants to call a thing or idea or virtuality "cyberspace" that's just fine... as just long as it's not a software product they're selling.

Historically, it seems to have been the policy of this Company to use trademark and other intellectual property rights defensively, not offensively. We trademarked Cyberspace (TM) to stop others from preventing us from using it.

But as one of my favorite authors once said:

"The street finds it's own use for things."

A cyberspace programmer

And Some Quotes

"A square of cyberspace directly in front of him flipped sickeningly, and he found himself in a pale blue graphic that seemed to represent a very spacious apartment. [...] 'I payed a designer an arm and a leg to punch this up for me. This is my space, my construct. [...] People here don't do anything without jacking'".

-- William Gibson, Count Zero

"People jacked in so they could hustle. Put the trodes on and they were out there, all the data in the world stacked up like one big neon city, so you could cruise around and have a grip on it, visually anyway, because if you didn't, it was too complicated, trying to find your way to a particular piece of data you needed. Iconics, Gentry called that."

-- William Gibson, Mona Lisa Overdrive

"Complex geometric forms began to click in place in the tank, aligned with the nearly invisible planes of a three-dimensional grid. Beauvoir was sketching in the cyberspace coordinates for Barrytown, Bobby saw. 'We'll call you this blue pyramid, Bobby. there you are.' ... The line of blue dots reached the wall of the tank. Beauvoir tapped the deck, and the coordinates changed. A new set of geometrics replaced the first arrangement. Bobby recognized the cluster of orange rectangles centered the grid. 'That's it', he said."

-- William Gibson, Count Zero

"She was certain, afterward, that the voices were real, but eventually she came to feel that they had been part of one of those situations in which *real* becomes merely another concept."

-- William Gibson, Count Zero