

7.6.81. (8)

File No. : 3135/1987

IN THE MATTER of the Trade Marks Ordinance Cap. 43 and

IN THE MATTER of an application by Apple Computer, Inc. to register the marks 3135 of 1987, 3135A of 1987, 3135B of 1987 and 3135C of 1987 in Classes 9 and 16 in Part A of the Register

Grounds of Decision of

Mr. R.J. Perera acting for the Registrar of Trade Marks.

Mr. C.J. Woods of Messrs. Simmons & Simmons appeared for the Applicant.

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On the 26th of June 1987 Apple Computer, Inc. ("the Applicant") made an application to register the following marks in Classes 9 and 16 of the Trade Marks Register. The marks and the goods for which the marks had been applied for are set out below :-

<u>Applied for mark</u>	<u>Class</u>	<u>Goods applied for</u>
CHINESE TALK	9	Computers and parts and fittings therefor, computer software and computer printers
CHINESE TALK	16	Paper and stationery, writing paper, notepads, computer manuals and operating guides, periodicals and publications related to computers, instructional and teaching material, desk accessories, pens, pen holders,

letter openers,  
letter trays,  
computer disk  
holders, staplers,  
telephone address  
books, agendas,  
diaries, calendars,  
decals, bumper  
stickers, and office  
requisites (other than  
furniture)

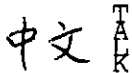


9 Computers and parts  
and fittings  
therefor, computer  
software and  
computer printers



16 Paper and  
stationery, writing  
paper, notepads,  
computer manuals and  
operating guides,  
periodicals and  
publications related  
to computers,  
instructional and  
teaching material,  
desk accessories,  
pens, pen holders,  
letter openers,  
letter trays,  
computer disk  
holders, staplers,  
telephone address  
books, agendas,  
diaries, calendars,  
decals, bumper  
stickers, and office  
requisites (other than  
furniture)

The Trade Marks Registry has objected to the registration of the above marks in Part A based on Section 9(1)(d) of the Trade Marks Ordinance. The marks have also been rejected for Part B of the Register.

As regards the application for  in Classes 9 and 16 the Registrar of Trade Marks ("the Registrar") in his letter dated 27th February 1989 stated that :-

"Section 9(1)(d)

The Chinese characters 中文 meaning "Chinese" together with the word "TALK" are considered as totally descriptive of Chinese computers or other related products. Moreover, the word "TALK" plainly indicates that the computers sold under the mark may recognise speech and "talk" with the operator".

In respect of the mark CHINESE TALK in Class 9 the Registrar in his letter dated 28th February 1989 to Messrs. Simmons & Simmons states that :

"Section 9(1)(d)

The mark is considered as totally descriptive of computers processed in Chinese characters and their related products. Moreover, the word "Talk" plainly indicates that the computers sold under the mark may recognise speech and "talk" with the operator".

As regards the application for CHINESE TALK in Class 16 the Registrar in his letter dated 17th of March 1989 to Messrs. Simmons & Simmons states that :-

"Section 9(1)(d)

When used onto computer manuals, the mark is considered as totally descriptive of the goods in that they guide the operator how to "talk" (i.e. communicate) with the computer using Chinese characters".

At this point I should also mention that correspondence has been exchanged between Simmons & Simmons and the Trade Marks Registry. I refer to the letter in

connection with the trade mark " 中文 TALK " in Classes 9 and

16 dated 6th June 1989 from the Registry to Simmons and Simmons, paras. 3 and 4 of which are in the following terms :-

"... The Chinese characters 中文 meaning "Chinese" is descriptive and indistinctive for registration. When used on the actual goods, it denotes that the goods are Chinese computers or related articles for use with Chinese computers. No traders should obtain monopoly of such through registration.

According to the Webster's New Collegiate Dictionary, TALK means, inter alia, "to convey information or communicate in any way (as with signs or sounds)". Applying this meaning, the mark TALK is undoubtedly descriptive of the essential function of

the goods. Moreover, the word TALK is a term which other traders would like to use in their daily course of business. A copy of the advertising material using the word TALK is enclosed herewith for your reference.

In view of the foregoing, the mark which is formed by descriptive and indistinctive elements cannot be allowed for registration under Sections 9(1)(d) and 9(1)(e) of the Trade Marks Ordinance".

The copy of the advertising material referred to in paragraph 4 of the aforesaid letter is shown at the back of this decision marked Exhibit 1.

I also refer to the letter dated 8th September 1989 from the Trade Marks Registry to Simmons & Simmons in relation to the application for "CHINESE TALK" in Class 16 which is in virtually the same format as the letter dated 6th June 1989 to Simmons & Simmons, and which also referred to the same advertising material.

I also refer to the letter dated 6th December 1989 from the Trade Marks Registry to Simmons & Simmons which is as follows :-

" Thank you for your letter of 26th September, 1989.

Whilst I agree with you that "talk" can mean "to utter words, or the sound of words", "to convey or exchange ideas, information etc. by means of speech", "to exercise the faculty of speech; to speak, utter words", "to utter or speak in familiar language; to express in talk or speech", "of inanimate things; to make sounds or noises resembling or suggesting speech; to produce the effects of speech", I must reiterate that "talk" also bears the meaning of "to convey information or communication with signs or with sounds made as if by talking". In this connection, I forward herewith a copy extract from the Webster's Third New International Dictionary for your reference. Applying this meaning, the marks "CHINESE TALK" and "中文 TALK" simply conveys that the goods are all Chinese computers or related articles for use with Chinese computers. The connotation is explicit and no new meaning or secondary signification has been emerged from the marks. The marks must be refused in view of their direct reference.

As shown in my letters of 6th June and 8th September, 1989, the word "Talk" is also

objectionable for being indistinctive. It is a word commonly used in the same field by traders or manufacturers in advertising or instructional materials as evidenced by the copy advertising material enclosed with my aforesaid letters".

On the 16th of October 1990 the matter came before me at the Hearing for which the Applicant was represented by Mr. C.J. Woods of Messrs. Simmons & Simmons, their authorised agent. On the 14th December 1990 I wrote to Messrs. Simmons & Simmons in relation to the registrability of the above marks. I have now been asked under Trade Marks Rule 20 to state in writing the grounds of my Decision and the materials used in arriving at my Decision. These are given below.

At the Hearing Mr. Woods of Messrs. Simmons & Simmons made the following arguments.

As a preliminary point Mr. Woods advised that although there were English language promotional material, his client had not sent these to him. I simply therefore had promotional material which has been sent to me by Simmons & Simmons via their letter of the 5th December 1988, which is in the Chinese language. Mr. Woods said that that was a guide intended for Chinese speakers to use Apple Macintosh computers.

Mr. Woods referred to the application which had been made for "CHINESE TALK" in Class 9. He said that if the Applicant had been looking for a generic mark it would have chosen words like "Chinese character software" or "Chinese character instructional software". In that case the mark would have been totally descriptive. He said that a less generically obvious, but descriptive mark, might be "Chinese soft" or "Programme China". Such a mark would suggest software capable of generating Chinese characters without actually describing it, but he agreed that such a mark would still be too descriptive for registration. He then said that there was a category of the purely suggestive mark which implied the characteristic of goods but did not describe them and he said that such a mark could be acceptable in Part A. He said that "CHINESE TALK" was suggestive, if anything, and did not describe the products in Class 9, which were computers and parts and fittings therefor, computer software and computer printers. Although these products could reproduce Chinese characters the mark did not describe that. He referred to the "Busmaster" Official Ruling 1953 (A) (1953) 20 R.P.C. 141, lines 12-30 at page 142.

Mr. Woods said the mark "CHINESE TALK" was not for Chinese language cassette tapes or for Cantonese talking clocks; it had not been applied for voice synthesizers or for

talking computers. He said that the mark "CHINESE TALK" contained a skilful allusion to one of the characteristics of the product, namely that it could understand and respond to Chinese. He said that this was not descriptive of what product was. The product was computer or computer software.

Mr. Woods said that the word "Talk" was a common English verb and there was no dispute about what the word meant. He referred to the definition of "Talk" in Webster's dictionary. He said that nothing had been adduced to suggest that by registering the word "CHINESE TALK" as a trade mark that it would cause traders in Class 9 goods difficulty or embarrassment. He said that the use of the word "Talk" in Exhibit 1 showed the word "Talk" being used entirely consistently with normal English usage and that this did not preclude the registration of "Talk" as a trade mark. He said the use of the word "Talk" was protected from abuse by virtue of Section 34 of the Trade Marks Ordinance and that a refusal to allow such a mark to be registered solely because it contained a common English verb would result in acceptable marks being rejected. He said that the fact that one computer could talk to another was no more remarkable than the fact that one computer operator could be said to talk to another.

Mr. Woods said that "talk" or "talking" was not a special term of art in the computer industry. He then referred to the entries in the MacMillan Dictionary of Micro-computing, the Oxford Science Publication Dictionary of Computing and Sam's Computer Dictionary, and handed me extracts from these dictionaries. Mr. Woods conceded that MacMillan Dictionary had been published in 1985, the Oxford Science Publication Dictionary of Computing had been published in 1984 and Sam's Computer Dictionary had been published in 1985. He said that "talk" was not defined in the MacMillan Dictionary. However, he said that there was a definition of "talking terminal". He said that MacMillan did not define "cross talk" or "PC talk". He said "talk" was not defined in the Oxford Science Publication Dictionary of Computing but "cross talk" was defined. "PC talk" was not defined. In Sam's Computer Dictionary "talk" was not defined, but "cross talk" was defined. From this point of view I should also refer to what appears in the Registrar's letter (dated 10th July 1990) to Messrs. Simmons & Simmons which I set out below, and which was referred to by Mr. Woods :-

"... I would like to reiterate that the word "Talk" is an objectionable word which cannot be accepted for registration. As detailed in my previous letters, the word "Talk" is a commonly used term in the computer field. It is used to describe computers which are capable of speaking or capable of conveying information or communication with signs or with sounds. To further support my view, I wish to point

out that the word "Talk" has been adopted to describe certain types of computer software, e.g. CROSS TALK, PC TALK. To accept the mark for registration will surely hinder the legitimate right of other traders or manufactures to use the word in their ordinary course of business for describing, promoting or advertising their computer products.

In view of the descriptive and indistinctive objections taken to the word "Talk" and the strong geographical connotation carried by the word and characters "Chinese" and " 中文 ", subject marks must be refused from registration".

Mr. Woods' point was that terms like "cross talk" did not appear to refer to software as stated in the letter of the Registrar dated 10th July to Simmons & Simmons.

He went on to say that the verb "to talk" was not a special term of art in the computer industry other than as a verb or means of describing a phenomenon and everyday life similar to a cross telephone line. The registration of "CHINESE TALK" would have no impact on "cross talk" which was the only usage in the industry that the Registrar had raised. "Talk" alone never seemed to appear except in relation to audible talking computers.

Mr. Woods said that 5 years had elapsed since the dictionaries had been published and he agreed that the computer world moved very quickly. He said that the Registrar had only pointed to 2 examples of use of the word "Talk" and neither of them had involved the word "talk" simpliciter; he said that in Exhibit 1 the word "Talk" was being used in its proper normally accepted sense. At this stage Mr. Woods referred to the Heavenly Trade Mark Case 1967 R.P.C. at page 306 and he referred to the following appearing in the headnote :-

"... That the Registrar was entitled to rely on his general knowledge of the use of language, because dictionaries could not always be up-to-date, and it would be wrong to allow words to be registered as trade marks if they were in current use in a way which disqualified them for registration, although such meanings had not found their way into dictionaries. A trade mark had to be considered in relation to the goods on which it was to be used, and whether other traders would desire to use the words in connection with their own goods. In the present case the goods, cosmetics, was such that in relation to them "heavenly" had a laudatory meaning".

Mr. Woods went on to say that the fact that the word

"Talk" was not in the computer dictionaries was not conclusive evidence. He said that the present case before me was not the same as the facts in the Heavenly Case where that word had acquired a meaning. He said that there was no evidence that "Talk" had acquired a special meaning for computers or computer peripherals, such as software and printers, as far as the public was concerned.

Mr. Woods submitted that the word "Talk" had no reference to the character of goods themselves. He referred to the Charm Case (45 R.P.C. at page 421) and referred to this particular test on page 422 :-

"... That in considering whether a mark has reference to the character or quality of the goods the mark must be looked at, not in its strict grammatical signification, but as it would represent itself to the public at large; and that the word "Charm", as applied to articles of feminine use or adornment, had reference to the character or quality of the goods".

Mr. Woods' contention was that the word "Talk" alone would be meaningless when affixed to computer software. He agreed that the suggested element was in the word "Chinese" and that was the only part that gave the public any idea of what the product did. He gave examples of marks like "car talk", "food talk" or "book talk" and said that the first part suggested the product i.e. that the software was related to cars, books or food. But if the mark "Baby talk" was affixed to the software, it could be software which was about or for children, or it could be adult software which was easy to use. He said that the word "Talk" did not help. He said if the mark was "smooth talk" or "double talk" then it would be meaningless. Without the suggestive element, the word "Talk" had no reference to any characteristic of the product at all. Mr. Woods said that the mark "CHINESE TALK" told the public simply that it was a product aimed at the Chinese community. If the word "Chinese" was disclaimed, the mark was perfectly registrable. He said that no objection had been raised as to the deceptiveness but, if such an objection were to be raised, Mr. Woods conceded that the Applicant might have difficulty as far as computers were concerned. Mr. Woods conceded that talking computers did exist. He said that if the Registrar were to allow the mark to proceed, "computers" might have to be deleted from its specification. Mr. Woods accepted that the word "CHINESE TALK" would be descriptive of talking computers. Mr. Woods also conceded that "talk" had no meaning unless it related to talking computers. He conceded that the mark could be deceptive if the computers did not talk but he said that software did not talk.

Mr. Woods said that the submissions he had made in respect of Class 9 for "CHINESE TALK" applied to all the other

applications but he added the following observations. He said that I should treat all the classes separately as there had been a tendency in the correspondence with the Registry to lump all the classes together. He said that the Class 16 applications related to goods which were paper goods and he said that the marks in question did not describe the characteristic or even suggest the characteristic of the applications in Class 16.

He then referred to the registrations of 4 marks in Class 9 which he said included the word "talk, talking". These were :-

- (1) No. 1745 of 1987 "THE TALKING MOTHER GOOSE and device" registered for cassette tapes in which inter alia, the word "TALKING" has been completely disclaimed;
- (2) B2589 of 1984 "COM-TALK" for wireless intercommunication apparatus where the separate use of the words "COM" and "TALK" had been disclaimed;
- (3) 262 of 1986 "SONY TALKING CARD" registered for cards with pre-recorded magnetic strip where the words "TALKING CARD" had been completely disclaimed;
- (4) B840 of 1988 "CAM-TALKER and device" for sound reproducing apparatus for the automatic audible delivery of messages or announcements to approaching customers, where the letter "CAM" and the words "TALKER", "TALKING" and "DISPLAY" had all been disclaimed.

Mr. Woods said it was significant that in at least 3 of the 4 registrations the specific goods were for sound reproducing equipment. He said that, unlike "CHINESE TALK", all the marks were descriptive in that the product was one that talked or made a distinctive audible sound. He said that in Class 16 there was no "Talk" or "Talking" registration. He said that this was consistent with the submission that for Class 16 goods "Talk" was a meaningless phrase and unlikely to be sought by traders in the class.

There are a few preliminary comments that I wish to make. As can be seen from pages 1 and 2 the applied for marks have been applied for a wide range of goods in Classes 9 and 16. I must therefore consider the applied for marks as regards the specific goods for which they have been applied for. I should also note that neither in the correspondence or at the Hearing has there been any proposal to restrict the specifications for which the goods have been applied. No

evidence of user has been put before me and no special circumstances has been drawn to my attention. I have, therefore, only the prima facie case to consider.

I agree with what Mr. Woods said at the Hearing that each application for each class has to be treated separately.

One of the issues to be decided is whether or not the marks CHINESE TALK and 中文<sup>T</sup><sub>K</sub> fall foul of Section 9(1)(d) of the Trade Marks Ordinance in the classes for which they have been applied. Section 9(1)(d) of the Ordinance provides that :-

"9(1). A trade mark (other than a certification trade mark) to be registrable in Part A of the register shall contain or consist of at least one of the following essential particulars -

- (d) a word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;"

There is no question under the application of the mark being regarded as a geographical name or a surname and it is necessary to decide only whether or not the words can be regarded as a word having a direct reference to the character or quality of the goods.

The other issue to be decided is whether the applications for the marks in both classes fall foul of Section 12(1) of the Trade Marks Ordinance as being "... likely to deceive ...", even though this section has not been referred to in the previous correspondence exchanged between Simmons & Simmons and the Trade Marks Registry.

I refer here to what had said in Kerly's Law of Trade Marks and Trade Names (12th Edition) at page 88 :-

"... that almost every immediately attractive trade mark is, in some sense, descriptive or laudatory of the goods and so in some degree has reference to their character or quality. The difficulty is to decide whether that reference is a direct reference : one that seriously affects the word's capacity for distinguishing goods from a particular source, as distinct from the sort of reference that can be found only as an academic exercise. This is at best a somewhat metaphorical question and one depending ultimately upon the reaction of the public to the

chosen word".

In deciding this matter I must also consider the mark, not in isolation, but in relation to the goods and must be guided by what Lord Hanworth M.R. said in the Charm Case (45 R.P.C. 421, page 426, lines 20-23).

"I think one has to look at the word which is registered, not in its strict grammatical significance, but as it would represent itself to the public at large who are to look at it and to form an opinion as to what it connotes".

I turn to consider the following meanings which are given to "Chinese" and "Talk". In this respect I would also turn to consider the Chinese characters " 中文 " in due course.

The following are the definitions given by Collins English Dictionary (2nd Edition) for the words "Chinese" and "Talk" :-

"Chinese -adj. 1. of, relating to, or characteristic of China, its people, or their languages. -n. 2. (pl. -nese) a native or inhabitant of China or a descendant of one. 3. any of the languages of China belonging to the Sino-Tibetan family, sometimes regarded as dialects of one language. They share a single writing system that is not phonetic but ideographic. A phonetic system using the Roman alphabet was officially adopted by the Chinese government in 1966. See also Mandarin Chinese, Pekingese, Cantonese."

There are many definitions of "talk" in Collins, but perhaps the most relevant for the purpose of this matter are "... to express one's thoughts, feelings or desires by means of words; speak to ... to communicate or exchange thoughts by other means ... to know how to communicate in (a language or idiom).

The following definition is given by Lin Yu Tang's Chinese-English Dictionary of Modern Usage for " 中文 " :-

"Language, spoken or written : ... 中文 ... Chinese ...".

I should at this stage also mention that I have received promotional material from the Applicant's agents by their letter dated 5.12.88. The promotional material is in the Chinese language, no translation having been sent to me by the Applicant or the agent. The promotional material is a booklet entitled "Macintosh" Chinese Talk User's

Guide 中文 TALK. It appears to refer to a Chinese language software system and printing systems. I also attach at Exhibit 2 an extract from the South China Morning Post dated 2.3.89 which also gives some indication of what the Applicant's product is designed to do.

### Class 9 Applications

I turn to consider the applications for the marks "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" in Class 9. Both these applications are for computers and parts and fittings therefor, computer software and computer printers. The Registry's objections are set out on pages 2 to 3 of this Decision, and are, essentially, that the word "Chinese" or "中文" are descriptive of computers operating in the Chinese language, and that "Talk" could indicate computers sold under the mark may "recognise speech and "talk" with the operator". Do these words/characters have a direct reference to the character and quality of the goods for the purposes of Section 9(1)(d) of the Trade Marks Ordinance?

The word "Chinese" and the characters "中文" can clearly refer to the Chinese language (see page 11 above). "Talk" has a number of meanings, but "to speak to" and "communicate" are two meanings given (see page 11 above). As regards computers that can talk in Chinese or that can be activated by verbal commands given in the Chinese language, I believe that the direct reference to the character and quality of the goods is clear: "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" can mean that such computers can talk in Chinese, or be activated by voice commands given in Chinese, and such marks must be descriptive of computers and therefore have a direct reference to the character and quality of the goods. It follows that this same objection must also apply to computer software which enables a computer to talk in Chinese or be voice activated by commands in Chinese. It is too simplistic to suggest that "Talk" is not descriptive of the software because the software does not talk, and I would reject this argument.

The fact that a computer may be activated in one's own native language is not a fanciful one. I refer here to an extract from the South China Morning Post on 27.2.90 (see Exhibit 3) where the following quotation appears :-

"The day when computer users will be able to talk to computers in their native language and receive a spoken reply is advancing more rapidly than anyone could have predicted".

I refer to this passage from Kerly's Law of Trade Marks and Trade Names (12th Edition) :-

"... Future as well as existing traders should be taken into account". (Para. 8-41).

At the Hearing, Mr. Woods conceded that talking computers do exist and that, if the Registrar were minded to allow the mark to proceed, computers might have to be deleted from the specification (see page 8 above). Be that as it may, I have to consider matters on the basis of the specification in Class 9 which has been actually made for "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" which includes computers.

At the Hearing, Mr. Woods said that "Chinese" could be disclaimed. He said that "Talk" was not a special term of art in the computer industry (I refer to pages 5 to 9 above). He referred to the absence of any definition of "Talk" in the 3 computer dictionaries and said that "Talk" had no direct reference to the character of the goods.

The question is whether Mr. Woods is right about the word "Talk". I refer to the quotation from the Heavenly Case [1967] R.P.C. 306 (see page 7 above) where it is stated that the Registrar was entitled to rely on his general knowledge of the use of language. I also refer this passage from the Hold and Draw Case (1964) R.P.C. page 145 line 30 to line 48 where G.W. Tookey Q.C. for the Board of Trade said :-

"When the Registrar is confronted with an application for registration of words such as HOLD AND DRAW in relation to coin freed apparatus, he is immediately put upon enquiry as to whether the words have a reference to the character or quality of the goods, because the words themselves convey a strong implication that they represent something other than a purely fanciful phrase. That being so, I consider that the Registrar is entitled and indeed bound to seek by any means at his disposal, whether there is in fact a direct connection between the trade mark and the character or quality of the goods upon which the mark is intended to be used. It has to be remembered that the onus is always upon the applicants to satisfy the Registrar that the mark which is propounded is suitable for registration and an applicant cannot expect to get an advantage merely because he has claimed registration in respect of such a wide specification of goods that to some extent it veils from the Registrar the precise character of the goods upon which the applicant intends to use the mark in commerce. If the Registrar reasonably suspects that the trade mark has

a direct reference to the character or quality of the goods upon which it is intended to be used, then in my view the Registrar is bound to give effect to such suspicions and to refuse to register unless and until he is provided with such additional information as will enable those suspicions to be dispelled".

It is clear from the exhibits I will subsequently refer to that the word "Talk" is now assuming a specific meaning in the computer trade. The word "Talk" appears to be a word used in the computer trade to mean the ability of computers to intercommunicate even though they may be operating through the use of different computer systems (or computer languages). I refer to the following exhibits in this Decision. Exhibit 4 is an extract from the South China Morning Post dated the 28th of August 1990 where the following words appear :-

"The industry has recognised that computer must talk to computer and that information shared is more valuable than information hoarded".

Again in the South China Morning Post of the 27th of February 1990 (Exhibit 5), there is a clear reference to the word "Talk" meaning that not only may computers communicate with other types of computers but computers may communicate with other types of machines, like fax machines. The heading of this particular article is "Latest model fax machines 'talk' to PCs" and I refer to one particular extract in this article which says :-

" At the end of 1988, two big names in the industry, Intel and Digital Communications, released a new communication standard, known as CAS.

This was followed by a plug-in PC card from Intel.

The result is that fax machines and computers can now talk the same language or, more correctly, they can be made to behave as if they talked the same language".

It is therefore clear that the word "Talk" is the sort of word which other traders in the computer trade may legitimately want to use; it is clearly a word that has come to achieve a certain meaning in the computer world and should not be monopolised by any one trader.

Given the fact that "Talk" appears to be assuming a specific meaning in the computer trade, there is therefore another descriptive meaning to this word which can be said to have a direct reference to the character and quality of

computers. It can clearly mean a computer capable of communicating with other computers using different computer systems (or languages) or even other types of communications equipment, like fax machines. The combination of "CHINESE

TALK" or " 中文<sup>T</sup><sub>R</sub> " can clearly describe, and has direct

reference, to a computer which, not only enables you to operate in the Chinese language, but also enables you to communicate with other types or makes of computers or other types of communication equipment; it follows that software which enables you to do this must similarly be open to the same descriptive objection. It is too simplistic to suggest that "Talk" is not descriptive of the software because the software does not talk, and I would reject this argument.

The question is whether "CHINESE TALK" and " 中文<sup>T</sup><sub>R</sub> "

is also descriptive, and has direct reference to, for "computer printers" (the Class 9 applications). It appears from the Applicant's promotional material referred to above (pages 11 and 12) that dot matrix printers are used in

conjunction with the "CHINESE TALK" and " 中文<sup>T</sup><sub>R</sub> " software

programmes. It would therefore be a printer that could print in the Chinese language and clearly the use of the word/characters "CHINESE" and " 中文 " would in this respect have a direct reference to the character and quality of such computer printers and be descriptive of such goods. Given the fast moving nature of computer technology today, it is by no means beyond the realms of possibility that printers may be built which may be able to "talk" (i.e. communicate) with other kinds of computer systems or respond to verbal commands in Chinese, or respond in Chinese. Hence "Talk" could also be descriptive of such computer printers. I refer here to Exhibit 6 which is an article from Newsweek Magazine (October 29, 1990), particularly to the passage on integrated units under the subheading "Getting it together" which shows that the distinction between printers and other communications equipment is becoming blurred. I believe that the mark

"CHINESE TALK" and " 中文<sup>T</sup><sub>R</sub> " are equally objectionable

under Section 9(1)(d) as regards "computer printers", a specification broad enough to include any kind of computer printer.

Having found that the marks "CHINESE TALK" and

" 中文<sup>T</sup><sub>R</sub> " fail to qualify under paragraph (d) of Section 9(1)

of the Trade Marks Ordinance, I am bound to hold that the marks are not distinctive within the meaning of paragraph (e) of Section 9(1). It is to be noted in this case that no

evidence of use has been filed in this case.

I have referred also to the question of whether the marks "CHINESE TALK" and " 中文 <sup>T</sup><sub>K</sub> " in Class 9 offend against Section 12(1) of the Trade Marks Ordinance, which is in the following terms :-

"12(1). It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would be likely to deceive or would be disentitled to protection in a court of justice or would be contrary to law or morality, or any scandalous design".

The question of whether the marks are likely to deceive have to be considered in the light of this passage from the judgment of William Aldous Q.C. in the Photo-Scan Trade Mark 1987 R.P.C., page 218 (which refers to the equivalent section in the United Kingdom Trade Marks Act) :-

" The principles to be considered in deciding whether a trade mark offends against section 11 of the Act were set out in Hack's Application (BLACK MAGIC) (1941) 58 R.P.C. 91 at 103, 104 and 107. They can be summarised in the following principles. First, the onus is upon the applicants to satisfy the Registrar that there is no reasonable probability of confusion or deception. If there is any doubt as to whether the onus has been discharged, it is the duty of the Registrar to refuse acceptance. Secondly the relevant date is the date of application. Thirdly, the onus must be discharged in respect of all goods coming within the specification of goods for which the trade mark is sought to be registered. Fourthly, the test relates to any manner of fair use of the trade mark and is not confined to any particular way it has in fact been used. Fifthly the test is not the same as a passing off test in that a trade mark will offend against section 11 if it is likely to cause confusion or deception in the minds of persons to whom the mark is addressed, even if actual purchasers will not be deceived".

It seems to me that where, as in this case, you have applications for a wide range of goods in Class 9 and where no use has been adduced, the use of "CHINESE TALK" and " 中文 <sup>T</sup><sub>K</sub> " on computers, computer software and printers which do not allow you to operate in the Chinese language, or enable you to talk or communicate with other computer systems, may be deceptive. It is up to the Applicant to satisfy the Registrar that there is no reasonable probability of deception

but, in the absence of any use, I am not prepared to hold that the Applicant has discharged that responsibility.

I have also considered whether the marks would be acceptable in Part B of the Register under the terms of Section 10 if the application was amended to one for that part of the Register under Section 13(3) of the Trade Marks Ordinance. I have concluded that it would not. In the Torq-set Case (1959 R.P.C. 344, at page 346, lines 37-39) Mr. Justice Lloyd Jacobs said :-

"Part B of the Register is intended to comprise marks which in use can be demonstrated as affording an indication of trade origin without trespassing upon the legitimate freedom of other traders".

Lloyd-Jacob, J. also considered Part B in Quennell's Application (1955) 72 R.P.C. 36 at 37. He said :

" The requirements of section 10, shortly stated, to enable a trade mark to be registered are that the applicants must satisfy the tribunal that the mark is capable of distinguishing the goods to which it will be attached; and the section indicates that the nature of the investigation may fall into one or other of two specified inquiries. The first, set out under subsection (2)(a), is that the trade mark is to be inherently capable of distinguishing; and in subsection (2)(b) it is to be in fact capable of distinguishing.

So far as concerns the first of those requirements, in my judgment the matter falls to be considered solely by examination of the mark applied for; that is to say, that irrespective of the peculiarities, if any, of the trade (which may of themselves provide either capacity to distinguish or alternatively, may limit the field in which distinctiveness requires to be examined), subsection (2)(a), in my judgment, requires consideration solely of the mark itself. Putting it in another way, irrespective altogether of any peculiarities of the trade or the practice of other traders, is the word such that, on examination, it is shown to possess the capacity of distinguishing the goods to which it is applied? If, as in this case, the word is regarded as having a direct reference to the character of the goods, as at present advised I am unable to see how that conclusion enables any result favourable to the applicants to be arrived at so far as concerns the first of the two methods of examining into the capacity to distinguish".

Under Section 10 of the Trade Marks Ordinance, the test is whether or not the mark is capable of distinguishing

the goods of one trader from all others and I have to have regard both to the extent which the mark is inherently capable of distinguishing and the extent to which it is in fact capable of distinguishing. Given the descriptive connotations of the words/characters "中文", "Chinese" and "Talk" which I have discussed above, and in the total absence of evidence of use, I do not think that the marks are acceptable in Part B. I consider that the objections which preclude acceptance in Part A apply equally to Part B. In the circumstances, I am not prepared to allow the registration of "CHINESE TALK" and

"中文<sup>T</sup><sub>A</sub><sub>R</sub>" for Part B in Class 9.

I also refer to this passage from Kerly (para. 8-41)  
:-

"Wealthy traders are habitually eager to enclose part of a great common of English language and to exclude the general public of the present day and of the future from access to the enclosures. The court should be careful "not interfere with other persons' rights further than is necessary for the protection of the claimant, and not to allow any claimant to obtain a monopoly further than is consistent with reason and fair dealing". The fact that some protection may be given to other traders under provisions of Section 8 of the Act should not be taken as a guide as to whether a mark applied for is distinctive and registrable or not. Future as well as the existing traders should be taken into account."

Section 8 of the Trade Marks Act is the equivalent to Section 34 of the Trade Marks Ordinance which Mr. Woods referred to at the Hearing. This passage makes it clear that Section 34 cannot be taken as a guide as to whether a mark is distinctive or registrable.

I therefore hold that the marks "CHINESE TALK" and "中文<sup>T</sup><sub>A</sub><sub>R</sub>" in Class 9 are not registrable in Part A or Part B for computers and parts and fittings therefor, computer software and computer printers.

#### Class 16 Applications

I refer to the applications which have been made for "CHINESE TALK" and "中文<sup>T</sup><sub>A</sub><sub>R</sub>" in Class 16 in respect of "computer manuals and operating guides, periodicals and publications related to computers, instructional and teaching material".

In this respect I refer to a Decision dated 1st August 1986 of the Registrar in the United Kingdom in respect of the registration of the Trade Mark NEW BODY in Part A of the Register in Class 16 in respect of periodical publications. In that decision Mr. T.D. Cahill had this to say (at page 2):-

" The objection under section 9(1)(d) and (e) ..... arise because the words NEW BODY are descriptive of periodicals relating to health and physical fitness. Conversely, if used in relation to periodicals not about health or physical fitness the mark would be deceptive.

It might be argued that the words NEW BODY do not in themselves directly describe health or physical fitness. One would not in ordinary language refer to periodicals, books, physical fitness courses and so on in conjunction with these words used adjectivally, as for example "A New Body Magazine". Nor would one say, in any plain language usage, that periodicals or books were concerned with or related to "new bodies".

This was the substance of Mr. Fentiman's argument at the hearing. He said that NEW BODY was fanciful and conjured up a new idea similar to the expression "New Man" meaning a person newly converted to Christianity; or "New Woman" to describe a woman who rejects convention. NEW BODY seemed to me less fanciful than these expressions, since I could not identify any substantial new idea conveyed by the term. But in any case I regarded these expressions as possibly attracting similar objections if used on periodical publications as NEW BODY.

In order to qualify under section 9(1)(d) a word or words must have "no direct reference to the character or quality of the goods". The way these words were interpreted by the Master of the Rolls in the Charm Case (45 R.P.C. page 426) seems to me relevant in this case. In judging the descriptiveness of the mark he considered the appropriate test to be not grammatical use or use as a portion of a sentence but whether or not the word was used to call up in the minds of those who read it a quality or character of the goods. It seems evident to me that the words NEW BODY would be used in precisely this manner in relation to periodical publications to call up in the readers' mind the idea of body regeneration and physical renewal".

Mr. Cahill went on to reject the mark NEW BODY in Part A or Part B.

One has to bear in mind what has been written above on Sections 9 and 10 of the Trade Marks Ordinance and on the words/characters "CHINESE", "TALK" and "中文". The marks

"CHINESE TALK" and "中文<sup>TALK</sup>" used on computer manuals,

operating guides, periodicals and publications related to computers, and teaching and instructional material could have a direct reference to the character or quality of these goods and be clearly descriptive if such goods dealt with computers, computer software, and printers that can talk in Chinese or respond to commands in Chinese or communicate or enable a user to communicate with other computer or communications systems; these are the very qualities which the marks would call up in the reader's mind. Given the direct reference of the

words "CHINESE TALK" and "中文<sup>TALK</sup>" and the absence of use,

I would consider these marks equally unregistrable in Parts A and B of the Register. Similarly, the use of the marks

"CHINESE TALK" and "中文<sup>TALK</sup>" on publications, manuals,

periodicals, teaching and instructional materials relating to computers, printers and software that cannot talk in or be activated in Chinese or communicate or enable one to communicate with other computer systems may be deceptive and contrary to Section 12(1) of the Trade Marks Ordinance.

I do not believe that the marks "CHINESE TALK" and "中文<sup>TALK</sup>" are unregistrable for the specific goods for which

they have been applied for in Class 9 and as regards Class 16 for computer manuals and operating guides, periodicals and publications related to computers, instructional and teaching material. If the Applicant can establish factual distinctiveness through use of the mark then an application would appear to have a better chance of success. The remarks of Lloyd-Jacob J. in the Verve Case (1958) R.P.C. page 7, line 8 appears relevant to the application for the marks in Classes 9 and 16 :-

"It is not unreasonable to assume that the Applicants believe in the potential distinctiveness of their mark, in which event the burden of initiating and maintaining user of it without the protection of registration for a period should be less onerous than the preservation of a registration based upon an alleged inherent distinctiveness the validity of which would always be open to doubt. In dismissing this appeal it must not be taken as deciding that no application for registration of the word "Verve" in Part B of the Register could ever be successful".

I turn now to consider the application for "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" for the other goods in Class 16 for which the marks have been applied.

As regards the other goods applied for in Class 16, the marks clearly could be descriptive of some of the goods as either being in the Chinese language or enabling the user to operate in the Chinese language e.g. paper and stationery, writing paper, note pads, pens, telephone address books, agendas, diaries, calendars, bumper stickers and decals. (In this connection I refer to a telephone conversation with Mr. Woods on 16.10.90 who confirmed to me that "decals" were stickers). The marks "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" could only be accepted in Part A with a disclaimer of the word "CHINESE" and "中文" if registration is sought for the aforesaid listed items as well as for pen holders, letter openers, letter trays, computer disk holders, and staplers.

However, if the specifications for "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>" in Class 16 were restricted only to pen holders, letter openers, letter trays, computer disk holders and staplers, I confirm that I would be prepared to offer a Part A registration for these items without a disclaimer.

This leaves the terms "desk accessories" and "office requisites (other than furniture)" which appears in the specification in Class 16 for "CHINESE TALK" and "中文<sup>T</sup><sub>R</sub>".

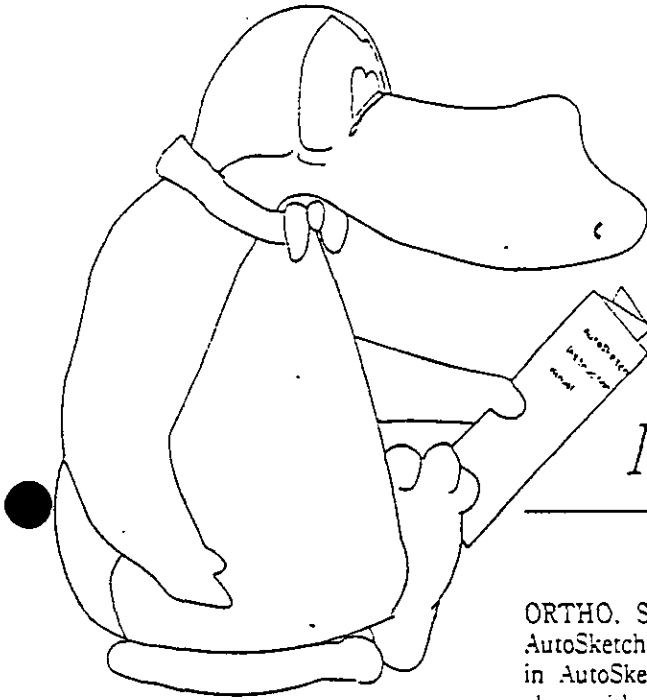
These terms are very wide indeed and could refer to items that can enable a user to operate in the Chinese language or to talk or communicate with someone else or other communications systems. If that is the case, the mark "CHINESE TALK" or

"中文<sup>T</sup><sub>R</sub>" would have a direct reference to the character and quality of such goods, and I therefore reject the application for "desk accessories" and "office requisites (other than furniture)" in Part A or Part B of the Register.

R. J. Perera

R. J. PERERA

Date : 7/6/91



# AutoSketch:

*It's a Powerful Little Package!*

by CADENCE Staff

When IBM developed a lower-powered personal computer, the company called it the PC Jr. When Autodesk Inc. developed a lower-priced design package they called it AutoSketch rather than AutoCAD Jr. AutoSketch is not a low-end AutoCAD. If you haven't seen it by now, AutoSketch is Autodesk's \$99 sketching package. A sketching package is not a drawing package like PC-Paint, though there are some similarities in form and function, and it's not a full-fledged CAD package like AutoCAD. It is what it is.

With AutoSketch you can perform some but not all AutoCAD functions. On the other hand, with a pull-down menu and a series of specialized sketching functions, AutoSketch lends itself to quick prototype and non-detailed design work more readily than AutoCAD. AutoSketch is object-oriented. It knows that a line is a line and a circle is a circle instead of a series of dots as these forms are considered in pixel-oriented drawing packages. It was developed as a design aid for AutoCAD, but its utility as a training software package was quickly obvious.

As a training package for novice CAD users, AutoSketch is ideal. It is simple, complete, and requires a minimum hardware configuration that keeps costs low. AutoSketch needs only a PC, a math coprocessor, a mouse, and a low-cost graphics board. Total turnaround for an AutoSketch station could be as low as \$900. Besides cost, AutoSketch offers a complete menu of CAD concepts, such as

ORTHO, SNAP, OSNAP (Attach in AutoSketch), LAYERS, INSERT (Parts in AutoSketch), and BLOCK (Group), along with entities such as LINE, ARC, CIRCLE, and BOX in a highly intuitive interface (see Listing 1).

AutoSketch's training capabilities have been recognized by both industry and educational institutions. But its initial intent as a first-stage design aid has yet to be fully appreciated. AutoSketch talks to AutoCAD via DXF file transfer. The conversion from AutoSketch to AutoCAD is simple and complete. Lines translate as lines. Layers remain intact. Circles remain circles and arcs remain arcs. Thick lines

from AutoSketch become AutoCAD polylines. Polylines are also the accepted transfer form for AutoSketch's unique CURVES, which are splines. Even text retains its integrity and specified size.

Unfortunately, conversation between AutoSketch and AutoCAD is one-way only. There is no known facility for transferring an AutoCAD drawing to AutoSketch. AutoSketch will only write, not read, DXF files. Still, there is much to be done with one-way communication.

The secret to using AutoSketch is really no secret at all. Each drawing must be planned in advance and certain preparations must be made. Like AutoCAD, it

## Listing 1.

### Commands That Are Identical To Autocad

Align Dimension  
Arc  
Attach (OSNAP)  
Break  
Circle  
Colour  
Copy  
Frame  
Grid  
Group (select/block)  
Hort Dimension  
Layer  
Line  
Line type  
Measure Angle  
Measure Area  
Measure distance  
Mirror  
Move  
Ortho

Pan  
Part (block)  
Pick  
Point  
Properties  
Property  
Redraw  
Rotate  
Scale  
Snap  
Stretch  
Text  
Undo  
Ungroup (explode)  
Vert Dimension  
View-Last  
Zoom (power)  
Zoom Box (window)  
Zoom Full  
Zoom Limits

### Commands Unique To AutoSketch

Curve  
Polygon

To SHRI M Extract 4

Extract from SCMP. dd. 23.89

# Chinese character barrier cracked

By RICHARD ROY

CHINESE - language desktop publishing in Hongkong is set for a boom as the result of a breakthrough in software.

After years of fiercely competitive research, Apple Computer cracked the Chinese character barrier for a workable software last year with its *Chinese Talk* program which can be run on its Macintosh microcomputers.

With the supporting software program *Excel*, *Chinese Talk* brings Chinese into desktop publishing - a technology which printers say is one of the most revolutionary of many changes peppering the industry.

The new software technology has created the expectation of an increase in demand for expertise, and the Printing Industry Training Centre (PRTC) in Kowloon Bay is in the process of adding Chinese to its existing desktop publishing courses. The PRTC expects to be giving instruction to classes by July.

The PRTC also gives full- and part-time courses in conventional English and Chinese typesetting. Some 600 students are enrolled there this academic year.

Desktop publishing enables a personal computer user to key in text and graphics and compose a page si-

multaneously on screen.

Once a page is complete, the user can print out in paper form with a keystroke and from there go straight to plate-making before printing.

The result is of a resolution good enough for leaflets and company reports but not for full-blown industrial-standard printing jobs, said PRTC manager David Pearce.

The same procedure is followed for quality printing work, but the microcomputers feed a phototypesetting machine instead of a laser printer, generating art paper, or bromides.

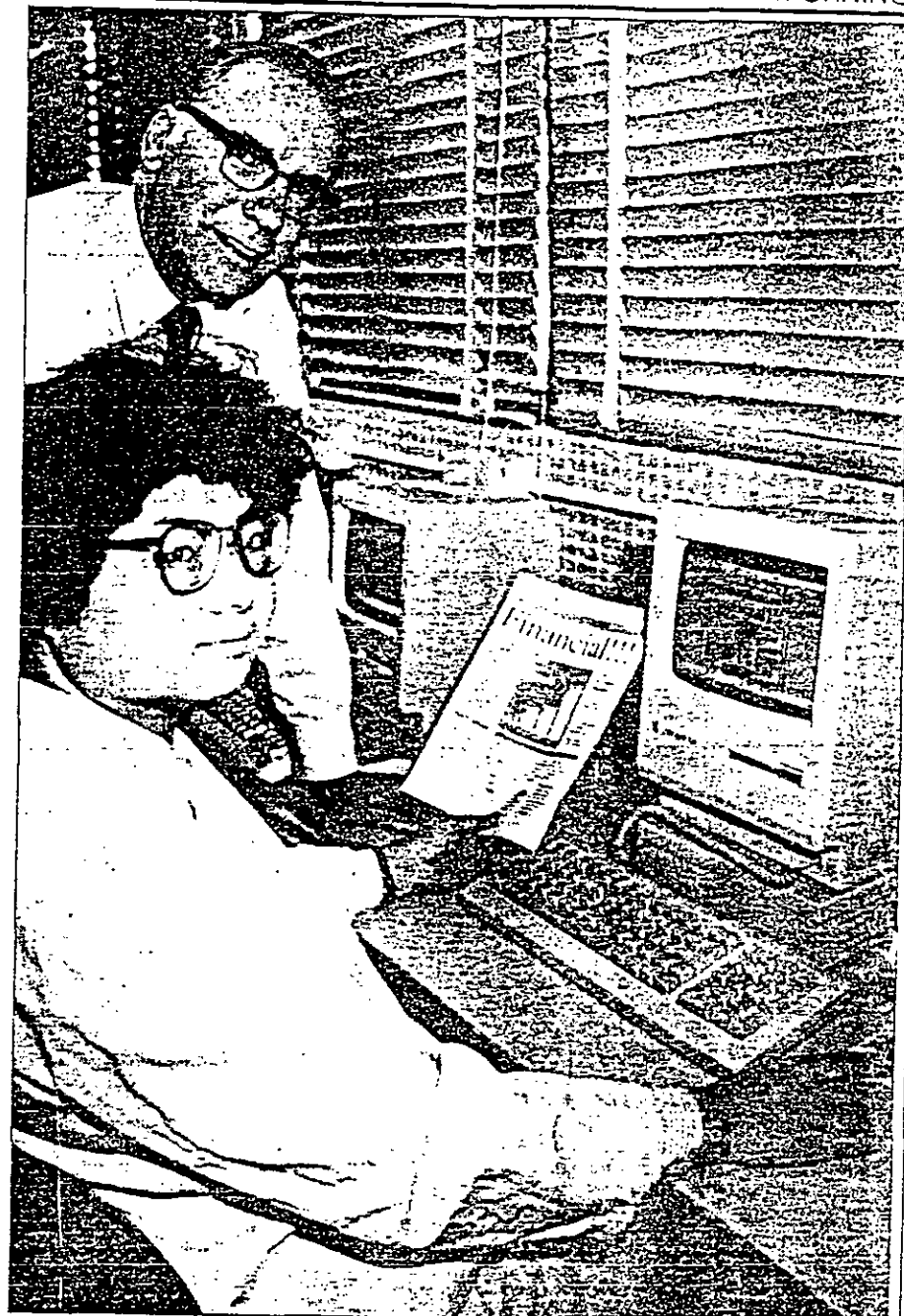
Printing plates are then made from the bromides, with 300 dots-per-inch resolution.

Mr Pearce last year set up an eight-station desktop publishing training section at the centre, which is operated by the Vocational Training Council.

Eight workstations, plus a laser printer, were bought with a \$200,000 donation from a Wan Chai typesetter.

Mr Pearce estimates that at least 40 desktop publishing firms have established themselves in Hongkong during the past three years. He is certain more are on the way, and says growth will have added impetus now that Chinese text is possible.

"It's so cheap, knocking out stuff on a PC and a



Going Chinese... David Pearce, Jenny Chua Cheng-bun at the keyboards of the Printing Industry Training Centre's desktop publishing computers.

\$80,000 laser printer and sending it to a typesetter who has to make capital investments of, for example, \$400,000 for a phototypesetter machine." Mr Pearce said.

"The beauty of it is that everything can be done on screen, saving manpower and time in paste-up."

But there is a snag.

"There's a lot of crap coming out of desktop publishing houses," said Mr Pearce, who is former deputy manager of the Hongkong Government Printing Office.

"The problem is that most of the people doing it have little typographical

knowledge, so the presentation is often appalling."

To address this and fill the gap, the PRTC is giving its typesetting trainees practical instruction specifically in design. They can augment this with theoretical instruction through weekly visits to the Kwun Tong Technical Institute.

## SUPREME COURT WRITS

No	Plaintiffs	Defendants	Particulars	Amt claimed	No	Plaintiffs	Defendants
1073	National Commercial Bank	More Source Ltd Chow Yain Chark	AD	\$3,452,533.44	1086	Wavroong Credit Ltd	Chan Kwai
1074	Chanel	The Best Beauty House	AD	NS	1087	Wavroong Credit Ltd	Chan Yuk Yee Choi Chak Sum
1075	Chen Huk Jaw TA Montlake Securities Co	Chong Kin Man	AD	\$300,897.56	1088	Wavroong Credit Ltd	Wu Tin Yau
1076	Great Rise Industrial Ltd	Ngar Nam Beauty Parlour Co	Poss	NS	1089	Kevinge Industrial Co Ltd	Mentus Industries Ltd
1077	Fuilplan Industrial Ltd	Cneong Hing Store	Poss	NS	1090	Chase Manhattan Bank NA	Tsang Ping Nam Tung Yuen Fan
1078	American Express International Inc	Lucy Duong Yi Muoi	AD	\$166,594.08	1091	Yattee Ltd	

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computing are already arriv- tory in San Francisco. The Exhibit 3  
ing. They are a marriage of lab is exploring technologi- dia, Mr Arnett said.  
Knight-Ridder

**Computers learn to 'talk'**

By ALAN CANE

SCMP 27-29  
Article 17

**T**HE day when computer users will be able to talk to computers in their native language and receive a spoken reply is advancing more rapidly than anyone could have predicted.

Computers can already be taught to recognise individual words from a variety of speakers with more than 99 per cent accuracy. The real test, however, is to create a computer system that can recognise continuous speech - complete, uninterrupted sentences.

Mr Pol Hauspie, co-founder of Lernout and Hauspie, a small Belgian company that is rapidly making a name for itself in speech products, believed such an advance was only five to seven years off. "Maybe faster," he said, "we continually underestimate the speed of technological advance".

Computer systems have been built that will recognise up to 60,000 individual words. They are used, for example, in "intelligent" typewriters that turn speech into printed text.

But the words have to be presented separately and the system has to be "taught" to recognise a particular speaker's voice.

To move within a few years from such a

comparatively modest attainment to something that seems closer to science fiction would be a spectacular technical and philosophical achievement.

What is giving computer speech researchers the confidence that it will happen, however, is rapid advances in two important technologies.

First, the new commercial availability of rewritable (read-and-write) optical disk drives that provide the enormous capacity needed for digital speech storage. These drives are available from a number of Japanese suppliers including Canon, Hitachi, Maxoptix, Ricoh/Olympus and Sony.

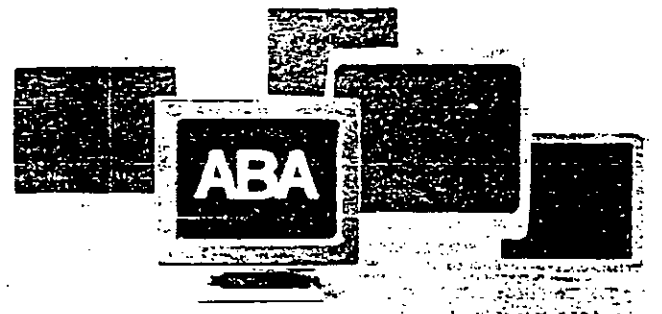
Lernout and Hauspie, for example, uses drives built by Ricoh. Models which will be available early next year will be able to store 23,000 hours of speech in a floor-standing "jukebox" of optical disks.

Second, new kinds of computer software are available which analyse speech patterns in more profound and contextual ways than earlier comparative techniques.

Many of the world's major laboratories recognise the significance of developing speech recognition and generation as a channel of communication between man and machine.

Financial Times

**WHY BOTHER WITH THE CROWD?**



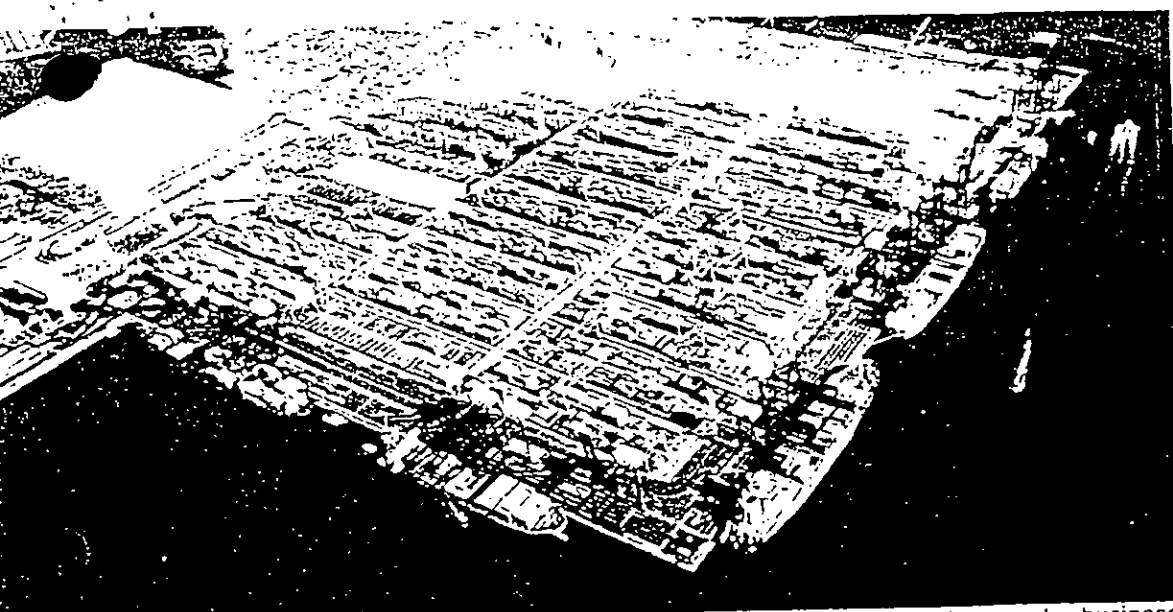
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Hongkong International Terminals required a sophisticated and flexible system to handle its complex business services about 2,500 ships a year and its container yard can handle 8,000 container movements a day.

# Dialogue is historic milestone

By MICHAEL LEE

FOR historians of the computer industry, 1990 will be judged a historic milestone — it will be recognised as the year in which commercial computing reached maturity.

The industry has recognised that computer must talk to computer and that information shared is more valuable than information hoarded.

Though not alone, NCR is in the forefront of this technological coming of age.

The company's new corporate strategy, Open Co-operative Computing Architecture (OCCA), is the logical outgrowth of its 10-year commitment to open systems and offers customers a clearly defined path through the 1990s and beyond.

Strategies such as OCCA define for the first time a computing environment that is simple in concept but powerful in function.

Computing operations

are distributed among various sizes of server computers.

The aim is to provide users with transparent access across an enterprise consisting of multiple networks, machines and application software, so the computing resources of the enterprise are, in effect, one system.

In this environment, workstations are freed from having to manage functions that are common to many users and applications. These common functions are handled by specialised servers.

The division of processing between a server computer and a workstation provides significant benefits — applications are easier to change and maintain, processing resources are more evenly balanced, and a high degree of flexibility is achieved.

Each workstation is a window into the computing resources of the enterprise, with all the resources linked

together into one powerful, integrated information-processing system.

That window uses a consistent graphical user interface across multiple operating systems and applications, and ties all the distributed elements of the enterprise together.

To the user, all resources appear as an integrated whole. This puts the information and processing functions of the entire organisation at the user's fingertips.

OCCA provides customers with a bridge to future technologies while protecting their investment in their present information systems.

NCR uses open interfaces based on industry standards.

Open interfaces enable systems from different vendors to operate together, and the most important interfaces are those that provide the ways an application connects to the user, to the network, and to data bases.

OCCA is built on the client-server model. In this model, applications are divided between the client and the server, while data are separated from the application.

When fully implemented, OCCA will allow customers to take advantage of the lower cost of microcomputer technology versus conventional mainframe technology, and with significant reductions in application development time and cost.

An improved development environment means more people can be involved and development made easier, with the result that current application backlogs will ultimately be eliminated.

Meanwhile, user productivity is improved with object-oriented, graphical user interfaces.

Efficiency is improved through increased access to information.

Michael Lee is managing director of NCR (Hongkong)

change has occurred in the business market for computer systems over the past few years — distributed computing has established itself as the best way to utilise computer power.

Some people still see the PC as the obvious answer for business use, but not according to the latest forecasts from the industry or recent buying trends.

Practically all major PC makers, which sell predominantly to the business user, are reporting flat sales in 1989 and 1990.

Despite improvements in PC performance, users are finding them too limiting, especially when it comes to networking and multi-tasking.

In contrast, the UNIX workstation has become the hottest business computer around.

Commercial sales are expected to skyrocket, from US\$900 million this year to \$4.1 billion by 1993, according to high-technology research firm Dataquest, which also estimates that the total workstation market will reach \$16.2 billion by 1993.

UNIX workstations offer the multi-user, multi-tasking environment now demanded by businesses.

A workstation provides power, high resolution graphics, windowing, ease of use, and — most importantly — connectivity with an array of other computers. All these have made it the system of choice for many companies.

With a new generation of low-cost workstations already in the marketplace, the PC is being rapidly replaced by the workstation on the business desktop.

Sun Microsystems recently introduced two new products that signal a convergence in price, but not performance, between the workstation and the PC.

Sun's SPARCstation SIC and SPARCstation IPC both offer the high performance features of a work-

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Article A3

SCMP 27.2.90

SOUTH  
SPE

# Latest model fax machines 'talk' to PCs

By TED MILLER

**O**VER the last two years, many corporate users have realised that the ubiquitous fax has far more to offer than merely fast person-to-person communication.

Powerful, programmable fax machines have in many cases become the preferred medium for broadcasting a whole range of time-sensitive information to branches, distributors, club members, sales prospects and many other recipient groups.

Now Hongkong, a world trend-setter in the application of fax machines, is set to become a high-density user of a new technology which allows the content and distribution of fax messages to be directly linked to, and controlled by, office computers.

And an extension of the technology makes electronic mail a simple and convenient facility on an office PC.

As many long-time computer users know, the idea of electronic mail was one of the earliest dreams of the computer age, but it became a practical reality only a few years ago.

However, due partly to cost and partly to a number of hardware, software and

transmission-line complications, use has generally been confined to major networks.

The best-known of these networks are DIALCOM, which links subscribers of commercially-owned international mainframe systems like Compuserve; USENET, a mainly academic worldwide network; and FIDONET, an amateur net mainly used by micro-computer enthusiasts.

Within these networks, clients with "mailboxes" can communicate electronically, but the relatively complex addressing routines have generally limited growth.

Almost overnight, fax machines and new international standards made the world of high-speed data communications accessible to ordinary people. Suddenly it was no longer necessary to understand such things as baud rates, stop bits and protocols. You simply pushed a piece of paper into a slot and dialled a number.

This got the computer people thinking about demystifying their communications.

At the end of 1988, two big names in the industry, Intel and Digital Communications, released a new communication standard, known as CAS.

This was followed by a plug-in PC card from Intel.

The result is that fax machines and computers now talk the same language or, more correctly, they can be made to behave as if they talked the same language.

One more element was needed to turn the personal computer into a user-friendly communication terminal — the graphical user interface.

This fancy name describes a combination of screen and keyboard which, with a device called a mouse, is rapidly becoming the preferred method.

The screens now have what is known as a WIMP-type environment — with windows (individual framed areas of the screen), icons (small pictures of satellites, printers, and so on), the mouse (a small desktop gadget which moves the screen pointer) and pull-down menus (vertical lists of commands). All these are features of the graphical user interface, first popularised on the Apple Macintosh, but now available on IBM PCs and compatibles.

There are a number of proprietary implementations of the graphical user interface.

One is based on a unique PC programme, Intuitive Solutions, designed by a British company, Intuitive Systems. Intuitive Solu-



Almost overnight, fax machine communications accessible to or

tions is in effect a desktop from which the user can select any application or service.

It requires only a point at the appropriate icon and a click of the mouse button. The computer then does the rest, presenting the user with a new screen which looks just like a blank company letterhead, a customer order, a stock list or a fax form.

Soon after the Intel/CAS development, Houston Crest, the Hongkong distributors of Intuitive Solutions, designed an extension to their own in-house network which allows any PC user on the network to handle faxes without leaving the desk. This involves se-

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## See The Difference

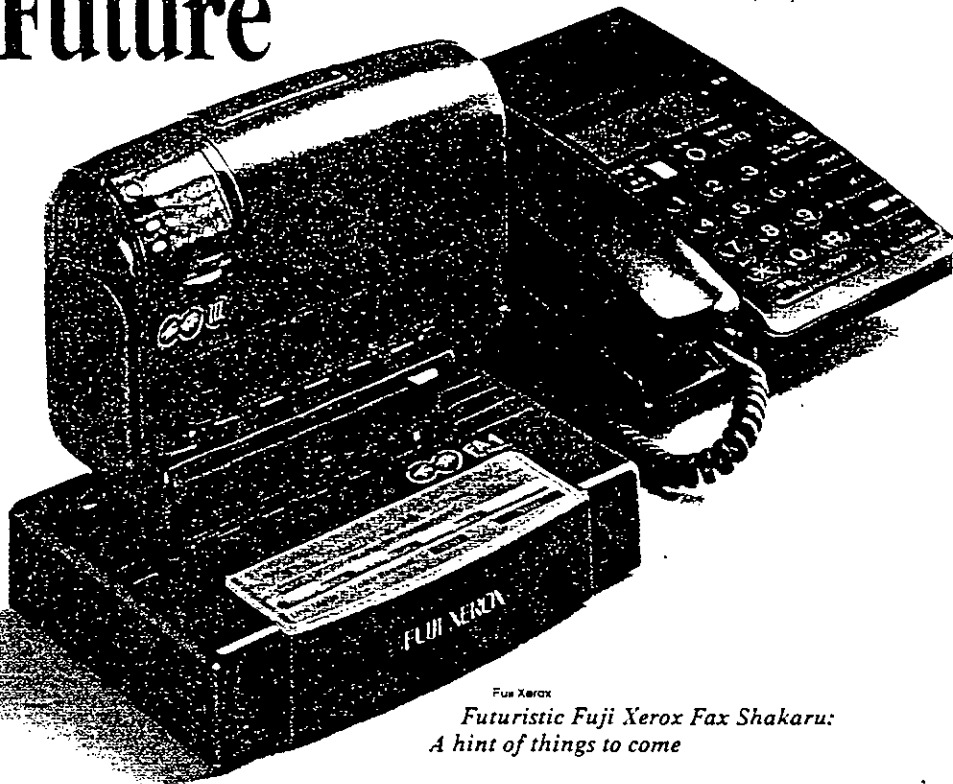
Office Productivity

The Computer

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# A Colorful Future for Office Repro- graphics

*Plain-paper, digital and color capabilities are transforming the office photocopier and fax*



Fuji Xerox  
*Futuristic Fuji Xerox Fax Shikaru:  
A hint of things to come*

By Stuart M. Dambrot

**H**aving established a firm hold on the worldwide copier and facsimile markets, Japanese manufacturers are racing to stay on the cutting edge of modern reprographics technology.

Topping the list of new copier and facsimile capabilities flowing from Japan's R&D pipeline are plain-paper printing, digital scanning and image processing, and full-color reproduction. What's more, such once-separate functions as optical scanning, facsimile transmission, high-resolution document reproduction and computer printing are now being combined to create a new generation of space-saving, multi-purpose devices for office communications and desktop publishing.

Conventional copiers rely on analogue technology, in which an image is focused on the surface of a photoconductive drum by lenses and mirrors. With digital reprographics, however,

*Tokyo-based technology analyst Stuart M. Dambrot writes "Tech Journal," a weekly column in The Japan Times.*

the image is directed to a charge-coupled device image sensor, which converts the light to an electrical signal. This electrical signal modulates a laser beam, which forms an image on the drum.

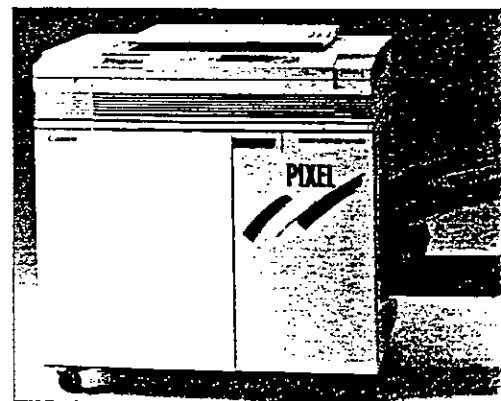
Since the image is converted to an electrical signal, digital copiers can use various image-processing functions. These include editing, overlays, figure-and-ground reversal, automatic noise removal and automatic image/text separation. In addition, digital reprographics typically relies on laser-beam printer technology, which can create high-resolution images on plain paper. Digital reprographics also dovetails with the development of high-end color reprographics, which is seen by many as a key future technology.

## TRUE BLUE

Leading the color copying race is Canon Inc. According to Shusei Tsukada, general manager of the firm's copying-machine marketing and planning division No. 2, Canon's digital color copiers can reproduce printing-press image quality, relying on two advanced reprographic technologies—color laser in the Color Laser Copier

CLC-500 and CLC-200, and color bubblejet in the Canon Color BubbleJet Copier A1.

Opinions vary about the future of digital and color copiers. At Toshiba Corp., for instance, Yuji Ishikawa, senior manager in the office-automation products division, stresses that point, even though his firm is developing digital and color machines. "Analogue is simple, but digital copiers are complicated to use," says Ishikawa. "Digital and color are a good combination, but the market will take several years to develop."



Canon  
*Canon's CLC 500: Printing-press quality*

Still, Canon is pressing ahead with high-end digital color copiers. Darrel Whitten, vice president and director of Japanese research at Prudential-Bache Securities (Japan) Ltd., notes that "Canon has quickly grabbed 70 percent of this new product market." What's more, Whitten expects that the color-copier market "will grow from about \$300 million in 1990 to \$920 million by 1995."

With advanced desktop publishing in mind, Canon has also released a PostScript language interpreter, known as the PS-IPU, for its CLC-500 digital color copier.



Nono Hasegawa

*"Digital and color are a good combination, but the market will take several years to develop."*

**YUJI ISHIKAWA**  
Senior Manager  
Office-Automation Products Division  
Toshiba Corp.

Developed by U.S.-based Adobe Systems Inc. for Canon, PS-IPU allows the CLC-500 to access, manipulate and print using the approximately 4,000 software packages that support PostScript, the industry-standard page-description language for desktop publishing. By turning the CLC-500 copier into a color printer for computers, explains Haruo Murase, executive vice president and general manager of sales and marketing operations at Canon USA, Inc., PS-IPU offers color-conscious desktop publishers "complete flexibility for page layout and design, typeface manipulation, and graphics drawing."

For graphic arts and engineering applications, Canon's BubbleJet copier employs an entirely different technology to handle A1-size (22-inch by 33-inch) production with astounding image quality. The technique involves rapid heating and cooling of bubbles in an ink nozzle to produce brilliant poster-size full-color images on plain paper.

#### JUST THE FAX

In addition to a popular color copier, the CX-7500, Sharp Corp. has developed the world's first full-color facsimile. The desktop fax employs Sharp's color scanner, a high-speed modem and a newly developed printer that creates color images by vaporizing solid dye on heat-sensitive ribbon. The unit can also make color copies, automatically perform color adjustments and corrections, accurately reproduce halftones and subtle color gradations, and transmit a full-color A4 document in three minutes.

But Ricoh's Kengo Abe, assistant manager in the company's communications-systems product division, sees at least one problem confronting any entrant in the color fax market: "There are no accepted standards for color facsimile—we expect to see coding standards next year, and terminal standards by the end of 1992 or 1993 at the earliest."

Abe adds that "the color facsimile market will trail the color copier market by two to three years."

For most business users, the more immediate concern is the emergence of G4-class facsimile machines, designed for operation in an ISDN environment. In spite of their advantages—G4 facsimile machines have high resolution, laser printing and high transmission speeds (three seconds per page)—the G4 market has been slow to expand due to the lack of "end to end" ISDN services. As ISDN becomes more widely available, sales of G4 facsimiles should also pick up.

As for personal facsimile machines, sales have skyrocketed in recent years as new features have become available at increasingly affordable prices. Sada-suke Kurahayashi, assistant general manager in Canon's facsimile-development division No. 1, predicts the advent of plain-paper and advanced image-enhancement capabilities for these machines in three years.

#### GETTING IT TOGETHER

In the realm of integrated units that combine various office reprographic tasks, one hint of things to come is the futuristic Fuji Xerox Fax Shakaru. This compact, handheld device not only sends and receives faxes, but it

## Lab-Grown Lasers

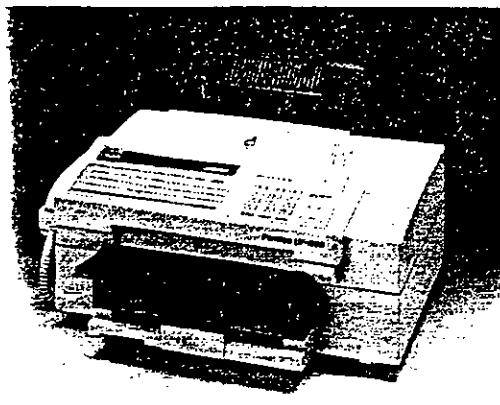
**M**an does not live by silicon alone, and some key components of tomorrow's office devices will almost certainly be made of new materials with substantial advantages over silicon. One such material already finding its way out of the research laboratory: computer-designed crystals grown from organic compounds.

Tatsuo Wada, a researcher at RIKEN (Japan's Institute of Physical and Chemical Research), is growing so-called nonlinear photoactive organic crystals that have the ability to alter signals passing through them in response to light.

In particular, Wada is working with a compound known as DIVA (dicyanovinyl anisole), which could have far-reaching implications for laser-based technologies, including such devices as color computer monitors and the laser print engines used in copiers, high-resolution printers and fax machines.

The current generation of silicon-based lasers must be ground and polished to precise specifications—greatly increasing their production cost. But Wada has already grown DIVA crystals that have facets that—without modification—can support laser action.

Eventually, experts believe, it may be possible to grow organic crystals from DIVA or similar compounds that could be used to fabricate large, flat-panel color video-display monitors. It's also likely that color print engines using DIVA lasers could achieve higher resolution than current models. And since it's far more economical to grow lasers from DIVA crystals than to fabricate them from silicon, the next generation of office machines could achieve their increased advantages at lower costs.



Panasonic  
Panasonic UF-300 plain-paper inkjet

also serves as a plain-paper copier, a computer scanner and a computer printer.

The appearance of integrated machines—those combining fax, copier and other features—received its initial thrust in 1987 from Ricoh's Imagio 420P. The wide-ranging flexibility of Canon's CLC-500, which can act as copier, printer, and scanner, and which can accept video camera, computer, film-scanner, and television-tuner input, indicates that the importance of such integration is increasing.

Despite a slow start resulting from their high initial cost, the advantages of multifunction machines—more features in less space, at (eventually) a cost lower than that of separate components—is giving a strong impetus to their acceptance.

#### DATA TRAFFIC FLOW

Ultimately, Masayoshi Orie, board director of Matsushita Graphic Communication Systems, Inc., foresees integrated machines being connected through local-area networks augmented with large-capacity color buffer memories. In the future, says Orie, "data traffic will flow from memory to memory in these networks."

With data transfers taking place directly between such buffers, individual workstations could remain available for use even if, for instance, a complex color image were being printed.

Taken together, such innovations as full-color copiers, fax machines and computer printers—along with the technology to effectively combine and network them—virtually ensures that full-color business documents may well become as common tomorrow as the black and white memo is today. □

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