

# The Eastern Script

*Shameless self-promotion since 2011*

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## GET IN TOUCH

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## PRESIDENTIAL ADDRESS



With the big Rio event right around the corner, it seems like a good time to share information on featuring Olympics insignia on-screen. There are complex issues around use of their properties which you will learn about from my recent conversation with a representative of the Olympics organization. Then there is a little something about the interesting concept of “protected food names;” frankly it is less a clearance concern than a sales/marketing tool for food and drink manufacturers but it is a concept we run across at times and interesting to know about. Astound your friends with this arcane trivia about Stilton cheese next time you're food shopping! There's also an introduction to our friend TESS (if you have not already met her). If there's anything you need to know about a brand name, she's your girl. Finally, I wanted to discuss two features of Eastern Script that set us apart.

Sending best summer wishes to all,

**Anne Marie Murphy**  
President



## ACADEMY MEMBER

Woody Allen, from Annie Hall: *"I would never want to belong to any club that would have someone like me for a member."* Anne Marie apparently doesn't have the same level of self-disgust; she has recently been approved as a voting member of the Academy of Canadian Cinema & Television. She is proud to become a member of the group that has promoted the vibrant culture of Canada's screens (big and small) for many years now. A focus of the organization, the Academy's annual awards event was first held in 1949. Two years later, one of Hollywood's very earliest superstars hosted the Canadian Film Awards ceremony: Mary Pickford. To learn more about the Canadian screen luminaries past and present who have been part of the show, visit [www.academy.ca/About-the-Academy/Legacy](http://www.academy.ca/About-the-Academy/Legacy) which has an extensive photo gallery.



## GOOD MOVIE PRICES!

If you don't have our most recent (July 2016) rate sheet, please give a shout — we've dropped our prices on feature-length clearance report work.

Send an email to [incoming@easternscript.com](mailto:incoming@easternscript.com) or call the office (613) 542-3999.

## A ROSE BY ANY OTHER NAME...?

Stilton blue cheese, Cornish sardines, even “traditional farm fresh turkey” — they all have what is known as *protected name status*. This is another one of those many tidbits of information that visit our desks in the course of a week. Unless you are about to market cheese, fish, or poultry products, it's not exactly top-shelf daily-helpful useful info...but interesting nonetheless.

Did you know that “If you're a food or drink producer, you can apply to the EU to have the name of your product protected under EU law. This means that another producer can't market their product using that name unless they both produce it in the area you have agreed with the EU and use the methods you have agreed with the EU.” ([www.gov.uk](http://www.gov.uk)) The process for gaining this status is quite an arduous one. It is described here in great detail for anyone curious enough to read more:

[www.gov.uk/guidance/eu-protected-food-names-how-to-register-food-or-drink-products](http://www.gov.uk/guidance/eu-protected-food-names-how-to-register-food-or-drink-products)

Another protected status item is “Chianti Classico” and here's what U.S. Patent & Trademark Office registration record says about the famous red wine: “The certification mark, as intended to be used by authorized persons, certifies that wines bearing the mark originate from the Chianti Classico region of Tuscany, Italy, that the grapes used to create the wine meet strict cultivation standards, and that the wines conform to set standards of grape varietals used, alcohol content, clarity, color and aging, as set forth in the Production Code of Chianti Classico DOCG.”

A CBC article from March 2010 ([www.cbc.ca/news/yorkshire-pudding-makers-see-name-rights-1.929741](http://www.cbc.ca/news/yorkshire-pudding-makers-see-name-rights-1.929741)) mentions another famous example of a protected product name: champagne. “Among the best-known protected products is Champagne. Bubbly wine that is not produced from grapes grown in France's Champagne region must be called sparkling wine.”

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And yet there is indeed a website for *California* champagne ([californiachampagnes.com](http://californiachampagnes.com)); how can that be? That website provides a hearty explanation:

“There are many people that feel the term ‘Champagne’ can legitimately, legally and morally only be applied to sparkling wine that comes from the Champagne region of France. With this in mind, can the term ‘California Champagnes’ be properly used? The answer is yes it can... sometimes.

A ‘Semi-generic’ designation can be used to designate wines not from the original Champagne region as long as the name of the originating region (in this case California) is added to the label.

The legal protection for the designation came from the Treaty of Versailles which was enacted in June of 1919 after the first World War and has been accepted by many countries worldwide. Many of those countries have signed agreements with the EU that limit the use of the term ‘champagne’ to only those products produced in the Champagne region. The United States acknowledges the exclusive nature of the ‘champagne’ term and bans the use from all new US produced wines. Only those wineries which had approval to use the term on labels before 2006 may continue to use it and only when it is accompanied by the wine’s actual origin, as in California.”

I’m sure you are desperate to know: has “Yorkshire pudding” made the cut? According to a U.K. catering company The Platter Company, “A campaign for the protection of the Yorkshire pudding was started in 2007, attempting to achieve the same rights and status as granted to Clotted cream, Stilton cheese and Parma ham. PDO or ‘Protected Designation of Origin’ status means that only products produced in an agreed geographic location can use that name. The battle was not won and is still on-going.” We’ve looked at the official listings of approved foods and those with applications still being considered and don’t see Yorkshire pudding on either list. According to an article currently posted at The Guardian website, not only is Yorkshire pudding not protected it is in fact an abomination that this is still the case! Author Tony Naylor insists that the dish is on his short list of “genuine staples of British food and drink, the classics we collectively love, [which] are either widely traduced or left dangling undesignated by EU law, and open to humiliating abuses from any rampaging global corporation that fancies gobbling them up.”



## READY FOR THE OLYMPICS?



The 2016 Summer Olympic Games begin this year on the 5th of August in their Rio de Janeiro location. The official website trumpets cutting edge logistics lined up for the event:

“The competition venues will be clustered in four zones – Barra, Copacabana, Deodoro and Maracanã – and connected by a high-performance transport ring. Nearly half of the athletes will be able to reach their venues in less than 10 minutes, and almost 75 per cent will do so in less than 25 minutes.”

There will be plenty of good “high-performance” spectacles during the Games — not just speedy mechanical transport rings but also amazing athletic feats which will more than fill in whatever viewing void you might have foreseen for August.

We recently corresponded with a few different people at the Olympic Committee offices. One of the scripted series we do clearance work for needed to know if they could feature reproductions of some historic (circa 1900) Olympic medals. We were reminded, in pursuing the answer, that the Olympics logo is not an easy one to feature on-screen.

The Switzerland-based International Olympic Committee owns the trademark for the Olympic medal insignia — the famous interlocking rings, the word “Olympics,” etcetera. Use of any of those items on-screen requires IOC permission. Because the Olympic rings appeared on that 1904 medal our t.v. show

wanted to use and because the IOC owns the trademark for those rings, permission was needed for that use. So even though the 100+ year-old medal might not look exactly the way the ones awarded in Rio will look, permission is still needed.

A special U.S. federal statute called the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. §220506, from 1998) protects “all Olympic imagery and terminology (such as the word OLYMPIAD).” Wikipedia describes the Act as a law “that charters and grants monopoly status to the United States Olympic Committee.” The Wikipedia entry provides examples of enforcement of the Act, saying that the “United States Olympic Committee has used the law to force the ‘Gay Olympics’ to change their name to the Gay Games. The organization has threatened to use the law against the ‘Redneck Olympics,’ though it has given special dispensation to the Special Olympics.”

For our specific request of last month, the Olympics passed on the use, explaining that the International Olympic Committee (IOC) does not approve the replication of medals. They further noted that having fictional characters wear medals in a media project is another use that they would decline because the IOC only endorses on-screen use of medals that are “factually correct.” My reading between the lines here tells me that the only on-screen use they might consider approving would be a non-fiction project featuring the portrayal of an actual Olympic medal winner. All this is food for thought for any producer getting creative ideas as he or she watches this summer's athletic festivities.

The use of actual Olympic medals on-screen would involve some hefty insurance coverage, I would assume, and since the IOC does not consent to the reproduction of replicas for films, the Olympic Museum can make official copies of medals available for film/television production use. A further point of clarification re: medal use: a generic gold/silver/bronze medal with no Olympic identification on it may be used in a production, but it cannot be referred to as an “Olympic medal” on-screen.

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Here are a some movies about Olympic competition that have been released in the last 40+ years. Please note that these are not being offered as examples of films vetted by the current IOC media use guidelines (many of the films were released before the 1998 Ted Stevens act). They will, however, get you in the mood for Rio from August 5-21:

- Chariots of Fire (1981)
- Cool Runnings (1993)
- The Cutting Edge (1992)
- Miracle (2004)
- Munich (2005)
- One Day in September (1999)
- Personal Best (1982)
- Prefontaine (1997)
- Walk, Don't Run (1966)
- Without Limits (1998)

## OUR FRIEND TESS

Who is TESS? The USPTO tells us that “The Trademark Electronic Search System (TESS) contains the records of active and inactive trademark registrations and applications, some of which could be found in the USPTO's examination of your application to be grounds for refusing to register your mark, i.e., if the examining attorney determines that a ‘likelihood of confusion’ exists.”

It's a great place to go for all kinds of free answers. I use it on a daily basis. Here's some evidence of some time well wasted with our friend TESS:

How many U.S. federal registrations are there with the words *What* and *Happens* and *Stays*?

There are currently 95 records listed. Of those 95, only 8 are live registrations and all 8 of them are owned by the Las Vegas Convention and Visitors Authority.

How many registrations are there by the name Summertime?  
summertime + summer time = 66 + 12 = 78

How many registrations are there by the name Endless Summer?  
66

How many of them specify “beach(es)” in their goods/services?  
1. “Beach Pants, Beach Shirts, and Beach Thongs”  
2. “SELLING BEACH ACCESSORIES”

When was the brand name suntan lotion Coppertone first used?  
1944

How many records are there with the word bikini in them?  
831

How many of them specify bathing suit(s) in their goods/services?  
30

Who owns the U.S. registration for “The Beach Boys” when used for vocal and instrumental performances?

G & S: ENTERTAINMENT SERVICES-NAMELY,  
VOCAL AND INSTRUMENTAL PERFORMANCES.  
FIRST USE: 19611101.  
BROTHER RECORDS, INC. CORPORATION  
CALIFORNIA 2037 COAST BOULEVARD SAN  
DIEGO CALIFORNIA 92014

In what year was the Popsicle first used in commerce?

The earliest Popsicle registration I find there with Unilever as its owner says 1923:  
Word Mark POPSICLE  
Goods and Services  
G & S: NONALCOHOLIC, MALTLESS SIRUPS  
USED IN THE PREPARATION OF FROZEN  
CONFECTIONS.  
FIRST USE: 19230601.  
FIRST USE IN COMMERCE: 19230601

[www.uspto.gov/trademark](http://www.uspto.gov/trademark)

Look for the TESS link (“search trademark database”)

## YOU GET WHAT YOU PAY FOR

We check, and we double-check, and we triple-check. I'd be willing to bet that our in-house vetting process is the most rigorous in the industry. Isn't that what you want?

Your finished clearance report is the product of 3 levels of peer review. We start with someone reading the script and pulling out, one by one, the items to be flagged and pasting them each into a report shell. That document then is filled with sources to check and alternate spellings to include before going out as “enotes” to be reviewed by a peer. Have we covered all the sources involved for checking, for example, a New York City taxicab driver, or a Parisian neurosurgeon, or an Australian military officer? Have we listed all possible sound-alike spellings of the name to be checked in those sources (Cohen, Coen, Cohan, Coan, Koen, etc.)?

Once enotes have been vetted, research begins. But the vetting's not over yet. After spending hours (maybe even a few days) answering all the questions that had been posed in the enotes, that completed enotes document goes out for another review with the completed report. More back-and-forth ensues: (“I thought I was done?!”) You missed a spelling of the first name for the geologist... or... I think there's a regional association for that profession that could be checked too... or... I don't see all the answers for the songwriter sources... etcetera. We do the same fine tooth combing on the report as well. So before you email to ask us “Will the report be ready mid-day today?”, please keep in mind that we are proceeding through the gauntlet as quickly and as thoroughly as we can. There's more than one person working on your report. *Good reports take time.*

Another thing to consider when you hire your clearance company: we don't use “consultants” to get the client work done. Eastern Script committed early on to offering jobs with regular weekly hours all year long, vacation days to beat off burn-out, retirement fund matching, etc. and although it hasn't always been easy to keep on that course, over the years the commitment has proved its worth. Furthermore, our researchers are not coming in for a busy season then

disappearing for months at a time. We've mentioned our bench strength in a previous newsletter and I'll say it again: we have some seriously long-term employees here who do this work day-in and day-out and know their stuff. Don't you want that too?



## RECENT PROJECTS

**DIM THE FLUORESCENTS** “DIM THE FLUORESCENTS follows the friendship and creative partnership between Audrey (Claire Armstrong) and Lillian (Naomi Skwarna). Audrey is an actress struggling to book her own auditions in lieu of her increasingly unresponsive agent. Lillian is an aspiring playwright living eternally in the shadow of her hugely successful former classmate, the acclaimed wunderkind June Vernon. Lacking a proper outlet for their creativity, Audrey and Lillian funnel all of their considerable passion and talent into the only paying work they can find: role-playing demonstrations for corporate seminars.”

[www.dimthefluorescents.com/synopsis](http://www.dimthefluorescents.com/synopsis)

**GENERATION A: A PORTRAIT OF AUTISM AND THE ARTS** “Generation A: Portraits of Autism and the Arts” powerfully depicts the daily challenges faced by young people on the autism spectrum, but it offers an inspiring focus: coping and growing through the arts. The viewer witnesses how the impact of music, dance, art, animation, and the simple act of creating flows through the participants’ minds and bodies, uplifting them and their families in different yet significant ways.

[www.generationaautismandthearts.com](http://www.generationaautismandthearts.com)

**JULIE'S GREEN ROOM** “The great Julie Andrews is coming to Netflix. The streaming service announced Thursday that she will star in a children’s TV series, to begin next year. Along with Andrews, the pre-school series, ‘Julie’s Greenroom’, will be co-produced by her daughter Emma Walton Hamilton, a veteran children’s book author, who’s also on the faculty of Stony Brook Southampton... the show is about Ms. Julie and her devoted assistant Gus [Giullian Yao Gioiello] bringing the performing arts to a new generation of kids known as the Greenies, played by original puppet characters built by the renowned Jim Henson’s Creature Shop. The Greenies are a diverse group of kids who are mesmerized by all that the arts and creativity has to offer.”

[www.newsday.com/entertainment/tv/julie-andrews-to-star-in-netflix-children-s-series-1.11869735](http://www.newsday.com/entertainment/tv/julie-andrews-to-star-in-netflix-children-s-series-1.11869735)

**LOSING OUR RELIGION** “Imagine losing everything you have. All the people you love, all the things that make you who you are, by saying what you think, telling the truth, being who you really are. This is the strange dilemma of a hidden segment of our population, a group with a secret they dare not tell lest they lose everything. They are clergy who no longer believe in God. They are trapped in a social shift that is rapidly changing our world. Losing Our Religion is a feature length documentary that takes a candid look inside an upheaval in our society.”

[www.zootpictures.com/?s=inproduction](http://www.zootpictures.com/?s=inproduction)

**MAGIC SCHOOL BUS RIDES AGAIN** “Get ready to board The Magic School Bus once again. Scholastic Media is reviving the popular brand with a new series on Netflix, The Magic School Bus 360°, set to launch in 2016. The new series will be a modern take on the classic Scholastic book and TV series that followed the adventures of a teacher, her class and a school bus with magic abilities.”

[www.eonline.com/news/550099/the-magic-school-bus-rides-again-netflix-announces-new-adventures-of-ms-frizzle](http://www.eonline.com/news/550099/the-magic-school-bus-rides-again-netflix-announces-new-adventures-of-ms-frizzle)

**ROOM FOR RENT** “In senior year Mitch Baldwin (Mark Little) won the lottery. Three years later he was flat broke and a laughing stock. He’s been holed-up in his family home ever since. With his father (Mark McKinney) retiring, talk of downsizing pushes Mitch to suggest renting a room to a mysterious stranger named Carl (Brett Gelman). When Carl upsets Mitch’s routine way of life, a battle of wits turns into all out war involving deception, humiliation, spying, and revenge. The question is how far are these guys prepared to go? The answer, too far.”

[www.farpointfilms.com/portfolio/150/room\\_for\\_rent.aspx](http://www.farpointfilms.com/portfolio/150/room_for_rent.aspx)

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## RECENT PROJECTS, CONT'D

**STRIKING BALANCE** “The United Nations has recognized 16 laboratories in Canada, but these are not normal research facilities with lab coats and Bunsen burners. These are laboratories for sustainable development known as Biosphere Reserves. Biosphere Reserves are volunteer-driven, grassroots initiatives, where communities have made a commitment to work together to find innovative approaches to living and working in harmony with nature. Join us on a journey across Canada, as we look at our nation’s breathtaking Biosphere Reserves in this cinematic documentary series.”

[www.strikingbalance.ca](http://www.strikingbalance.ca)

**WHERE THE UNIVERSE SINGS: THE SPIRITUAL JOURNEY OF LAWREN HARRIS** “An intimate portrait of Canada’s most renowned artist, and the expansive landscapes that inspired him. Co-founder and leader of the legendary Group of Seven, Harris has become the most valued artist in Canadian history. His canvasses routinely sell at auction for several million dollars. Produced in collaboration with Stewart Sheppard, grandson of Lawren Harris and executor of Lawren Harris’ estate.”

[www.whitepinepictures.com/where-the-universe-sings-the-spiritual-journey-of-lawren-harris/?v=3e8d115eb4b3](http://www.whitepinepictures.com/where-the-universe-sings-the-spiritual-journey-of-lawren-harris/?v=3e8d115eb4b3)