

Incorrect and inconsistent use of trade marks by contributors to APESM

Chuan-Dong Wen · Trevor Ackerly

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To the Editor,

I am writing regarding a recent scientific paper published in your journal (volume 34, number 2) with the title *A study into the relationship between the measured penumbra and effective source size in the modeling of the Pinnacle RTPS* [1].

Our concern is in relation to use of the word *Pinnacle* by the authors (both in the title and body of the article) without reference to the fact that it is a trade marked product owned by Philips Medical Systems. It is our understanding that the correct manner in which to refer to the product is Pinnacle³® acknowledging the software version and that it is a registered trade mark. Importantly for the purposes of your readers understanding the significance of the paper, the superscript 3 states and emphasises that this product utilised a three dimensional computational algorithm for calculating ionising radiation doses deposited in heterogeneous media by megavoltage photon beams, in particular when considering the scattering component[2].

Out of interest on this topic, we performed an on-line search of the APESM journal at the website of your official publisher Springer ([http://www.springerlink.com/content/?k=Australasian+Physical+Sciences+and+Engineering+](http://www.springerlink.com/content/?k=Australasian+Physical+Sciences+and+Engineering+in+Medicine)

[in+Medicine](http://www.springerlink.com/content/?k=Australasian+Physical+Sciences+and+Engineering+in+Medicine)) in which we searched for uses of several common radiotherapy products.

The results of our search (performed on 10 February 2012) indicated that the issue outlined above is not an isolated event—incorrect use of trade marks and commercial product names has occurred on many occasions in articles APESM has published between 2001 and 2011. While correct usage has sometimes occurred, the majority of uses are incorrect. The table below sets out our search results. We note that Pinnacle³, GAFCHROMIC[®], XiO[®] and Eclipse[™] are registered trade marks of Philips Medical Systems Inc. Corporation California USA [3], ISP Investments Inc. Corporation Delaware USA [4], Elekta AB (pub) [5] and Varian Medical Systems Inc. Palo Alto California USA [6], respectively.

C.-D. Wen · T. Ackerly (✉)
William Buckland Radiotherapy Centre, The Alfred Hospital,
Melbourne, VIC 3004, Australia
e-mail: Trevor.ackerly@wbrc.org.au

Product name or trademark	Occurrences found in APESM volume 24 (2001) to volume 34 (2011)						
	APESM Article Category						
Sample words used in search	Scientific Papers	Scientific Note	Technical Paper	Technical Note	Technical Report	Abstracts	Original Paper
“Pinnacle”	7	2	1	3		7	
“Pinnacle ³ ”	3	1	1	1		4	
“Gafchromic”	8	10	2	3		11	1
“Gafchromic TM ”	2	1					
“XiO”	2	1	1		2	3	
“XiO TM ”						1	
“Eclipse”	6	3	5	1	2	7	
“Eclipse TM ”	1	1			1	3	

As the Editor of a reputable scientific journal, we thought it was important to draw your attention to this practice so that you may, in turn, educate the authors and reviewers of APESM to the correct use of trade mark and commercial product name in future publications. The current practice may confuse APESM readers and might even conceivably lead to a claim from a trade mark owner and/or litigation in the most extreme case [7].

References

1. Yuen J et al (2011) A study into the relationship between the measured penumbra and effective source size in the modeling of the Pinnacle RTPS. *Australas Phys Eng Sci Med* 34:233–241
2. Papanikolaou N, Mackie TR, Meger-wells C, Gehring M, Reckwerdt P (1993) Investigation of the convolution method for polyenergetic spectra. *Med Phys* 20:1327–1336
3. United States Patent and Trademark Office, Trademarks > Trademark Electronic Search System (TESS) <http://tess2.uspto.gov/bin/showfield?f=doc&state=4002:g29lhg.3.1>. Accessed 10 Feb 2012
4. United States Patent and Trademark Office, Trademarks > Trademark Electronic Search System (TESS) <http://tess2.uspto.gov/bin/showfield?f=doc&state=4006:tsqm8s.2.1>. Accessed 10 Feb 2012
5. United States Patent and Trademark Office, Trademarks > Trademark Electronic Search System (TESS) <http://tess2.uspto.gov/bin/showfield?f=doc&state=4006:o8n2fs.4.13>. Accessed 10 Feb 2012
6. EclipseTM Treatment Planning System Release 8.5©2009 Varian Medical Systems, Inc
7. Trade Marks Act 1995, Commonwealth Australia: <http://www.comlaw.gov.au/Details/C2012C00161/Download>. Accessed 10 Feb 2012