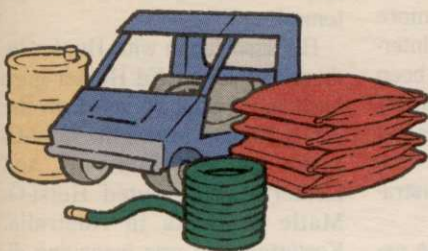


## Briefs



## JENSEN JOINS TURF-SEED

HUBBARD, Ore. — Vanessa Jensen has joined Turf-Seed, Inc. as Mid-Atlantic marketing manager and technical service representative.

Jensen will assist distributors and dealers with technical questions and will help introduce the new Turf-Seed products.

Jensen has been involved with the turfgrass industry for 19 years, earning several awards and honors, and is immediate past president of the Maryland Turfgrass Council.

Distributors and dealers in the Mid-Atlantic states may contact her at 301-855-1142 or through Turf-Seed, Inc. at 800-247-6910 or 503-981-9571.



Vanessa Jensen

## MELEX, UDC INK DEAL

RALEIGH, N.C. — Melex USA, Inc., a golf car manufacturer, has secured a national account agreement with UDC Homes.

Melex has already provided fleets to two of the homebuilders' golf courses. UDC is a national homebuilder and owns or manages golf courses in Florida, Arizona and California.

Melex will supply the UDC golf courses with Model 412 and Model 252 cars. Melex Executive Vice President C.W. Sharek said, "UDC has been very pleased with the way our cars have performed at their Gold Canyon Resort in Arizona and as a result they have decided to use Melex at their other properties."

## HANCOR OPENS NEW PLANT

BAKERSFIELD, Calif. — Hancor, Inc., a national manufacturer of plastic (high-density polyethylene) drainage products, has begun production in a \$4-million manufacturing plant here. The 30,000-square-foot facility employs 25 persons.

Hancor's Hi-Q storm drainage pipe, TiteLine (a Hi-Q watertight system) and heavy-duty corrugated products for culvert, field and edge drainage, are manufactured here.

The company anticipates that production of all its drainage products soon will be underway at the local plant.

Based in Findlay, Ohio, Hancor has 12 other pipe-manufacturing facilities in 12 states, including Patterson, Calif.

## LEWIS PROMOTED AT COLUMBIA

DEERFIELD, Wis. — Larry L. Lewis, former service and parts manager for Columbia ParCar, has been promoted to materials manager.

He will be responsible for managing all purchasing, inventory, shipping and receiving.

Lewis graduated from Knox College, Galesburg, Ill., with a bachelor's degree in psychology and concentration in mathematics. He is a member of the American Production and Inventory Control Society.

## Toro sues Fuqua over trademark rights

Minneapolis-based company claims it has right to the word "recycle" for advertising lawn mowers

By Thyra Porter

The Toro Co. has sued Atlanta, Ga.-based Fuqua Industries, Inc., over Fuqua's Snapper Power Equipment Division's use of the word "recycle" in advertising its lawn mowers.

Toro, headquartered in Minneapolis, Minn., alleges trademark infringement and unfair competition, and is seeking financial remuneration for damages and injunctive relief.

Toro has federally registered the term "Recycler" as a trademark in connection with specific Toro power mowers designed to finely chop grass clippings collected during mowing, and scatter the mulch back into the soil.

In the lawsuit, filed in the U.S. District Court for the District of Minnesota, Toro charges that Fuqua's simulation of Toro equipment's appearance and use of variations of the word "recycle," in connection with its advertising and sale of Snapper power mowers, infringes on Toro's Recycler trademark and constitutes deceptive trade practices.

According to Fuqua's trial lawyer in this case, Charles Mays, Fuqua has counter-claimed to cancel the Toro "Recycler" trademark registration, claiming the word

"Recycler" is either generic or descriptive when used on a lawn mower.

Mays also defended Fuqua's use of "recycle" and its variations in advertising the Snapper products, as "fair use."

"We don't make trademark use of it," Mays said. "We use it descriptively."

At issue, according to Toro senior patent attorney Larry Buckley, is whether a name said too much about the product.

"Courts will not allow you to protect a product name that is too descriptive," Buckley explained.

"Let's say, for example, you tried to protect the trademark 'wooden' for a door. The courts would say you're over-reaching, taking the word out of the parlance and trying to monopolize it. But it is quite possible to take a common word out of the dictionary and turn it into a trademark as long as it isn't too descriptive," Buckley said. "Apple for computers, for example."

Buckley also alleged the actual appearance of the Snapper products underwent a change and now closely resembles the Toro mowers. The Toro products have red housing, black engines, and white-walled tires. Buckley said Snapper mowers used to have red housing, white engines, and white walled tires, but now feature black

engines.

The change in engine color, Buckley said, "could have been a coincidence." But he said Toro is concerned the new look of the Snapper mowers will cause confusion in the marketplace.

"It just so happens that they went to a closer color scheme to ours when they adopted the term recycling... We think consumers are more likely to be confused."

Mays denied the change in the Snapper engine color had anything to do with the look of the Toro product. "I don't think Toro has a monopoly on the red and black color scheme," Mays said. "They certainly don't have a registered trademark on it."

While Buckley said Toro's action is not an attempt to prevent traditional uses of the term "recycle" in connection with the reprocessing of glass, plastic, etc., Mays argued that recycling is a trendy topic, even in the lawn mower business.

Mays pointed out that in Minnesota, where the lawsuit was filed, state law bars grass clippings from landfills. This puts lawn mowers that can compost collected grass clippings in demand. Mays said the word recycle is "not only descriptive of the product, but something that's very hot right now ... a buzzword in the industry."

## N.J. superintendent receives free mower from Ransomes Inc.

Cape May, N.J. — Steven Malikowski, superintendent at Cape May National Golf Club, has accepted delivery on a Ransomes Greens 3000. Unlike most new equipment deliveries, however, there won't be an invoice with this one as Malikowski won free use of the mower for a season, courtesy of Ransomes Inc.

"I'm pleased to have won the use of the Greens 3000, and I'm looking forward to putting it to good use this season," said Malikowski, upon receiving the keys from Ransomes' vice president of engineering, Tom Stuart, and distributor sales manager, Mark Ericson.

Steven Willand Inc. of Augusta, N.J., distributor for Ransomes and Cushman Ryan turf equipment, will provide support.

Malikowski's name was randomly selected in a drawing sponsored by Ransomes Inc. at the International Golf Course Conference and Show in Las Vegas last February.



Cape May National Golf Club superintendent Steven Malikowski, seated, receives the keys to his free mower from Ransomes distributor Mark Ericson, center, and Vice President of Engineering Tom Stuart.

## TOCA adopts guidelines for advertising materials

*New slate of officers named; writing awards also presented*

ST. LOUIS — Advertising guidelines designed to help green industry companies and their agencies develop communications materials were adopted by the Turf and Ornamental Communicators Association during its annual meeting here, May 4-6.

The guidelines cover issues dealing with the environment, operator safety, sensationalism, sexism, and timeliness, according to Den Gardner, TOCA's executive director.

Meanwhile, a new slate of officers was elected, led by President Pat Jones, communications director for the Golf Course Superintendents Association of America.

Bob Tracinski of John Deere was elected vice president; Cindy Code of Lawn & Landscape Maintenance magazine, secretary/treasurer; and Jose Milan of Ciba-Geigy and Dale Keller of R/K Communications Group, Inc., directors.

In its second year of existence, TOCA is composed of 80 members who are editors, writers, photographers, public relations practitioners and others involved in green industry communications.

Other TOCA annual meeting activities included presentation of awards for TOCA's first annual writing and photography contest.

First-place winners in the photography program were Diane Clow, Rhea & Kaiser Advertising, Inc., general photography; Bob Tracinski, John Deere, news shots;

and Dee Darden, R/K Communications, field shots.

Tracinski also was presented a merit prize in the general photography category.

First-place writing awards were presented to Sandra Hensel Marting, Professional Lawn Care Association of America, collateral/direct marketing; Bob Hanvik, Mona, Meyer & McGrath, newsletters; and Tracinski for commercial publications.

Announcement of a scholarship program sponsored by TOCA also was made during the meeting.

Grants from GIE Publishing Inc., and Edgell Communications Inc., were made to initiate the program. Scholarship guidelines will be developed during the next few months.