

FRONTLINE

WGBH
One Guest Street
Boston, MA
02135

617.300.3500
fax 617.300.1001

pbs.org/frontline



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In 1996 FRONTLINE, the award-winning PBS public affairs series, broadcast a film produced by Long Bow titled, "The Gate of Heavenly Peace." We were proud to do so and believe the film and its companion web site continue to be an important source of information for scholars and educators worldwide about the 1989 events in Tiananmen Square and throughout China. The web site has been maintained solely by Long Bow over the years, and we were only recently made aware of a lawsuit filed against Long Bow by one of the figures in the film, Chai Ling, and her husband, President and CEO respectively, of a software company named Jenzabar, Inc.

FRONTLINE is troubled by what appears to be an effort by Jenzabar to force Long Bow to remove quotes and references to certain news accounts from their site and to stop Long Bow from using the company name as a metatag. The Long Bow site quotes from third party news articles about Jenzabar and Ms. Chai over the years, some of which Jenzabar considers defamatory, and the company asserts that Long Bow's use of "Jenzabar" as a metatag violates Jenzabar's trademark claims.

Linking and quoting from newspaper articles is a common practice and a vital part of web publication. In FRONTLINE's view those linking and quoting third party materials cannot be expected to re-report all the information in them, but if new information about the material is made known, then it should be noted. The original news accounts exist as historic artifacts and need not be removed. In this case, a review of the Long Bow site will show that Long Bow went out of its way to publish the complaint of Ms. Chai on their site, thus fulfilling their journalistic duty, even if it is not legally required. In other words, FRONTLINE believes that Long Bow was right to reflect Jenzabar's position concerning these third party news accounts on their site but should not have to remove the materials, thus depriving readers of a full account of the matter.

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On the question of using Jenzabar as a metatag, FRONTLINE supports Long Bow's position that it is entitled to do so. Ms. Chai was a major figure in the 1989 events and updates on her life are a perfectly valid editorial endeavor. Any scholar or reporter doing research on what became of student leaders might be interested in Ms. Chai's leadership of a software company and in finding information on the web, the metatag of the name of the software company is just another door to learn about Ms. Chai. No reader viewing the Long Bow site would confuse it with Jenzabar, and clearly Long Bow is not trying to sow confusion.

Stating the obvious, Long Bow even goes so far as to label its site as "not associated with Jenzabar." Furthermore, Long Bow is not a commercial competitor, but rather a nonprofit documentary film producer, and so it cannot be said that Long Bow is taking away Jenzabar business.

FRONTLINE believes that Jenzabar's trademark claim poses first amendment issues and is a potential threat to all newsgathering, reportorial and academic sites. The metataging of a company's name is necessarily an editorial decision and that decision will be chilled if Jenzabar were to prevail in court. Small publishers might be tempted to drop metataging of company names even when accurate and relevant to a reportorial endeavor. In the long run this would ill serve the public by making accurate, truthful information more difficult to find.



David Fanning
Executive Producer
FRONTLINE