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A Bizarre Attack on the Freedom of Scientific Expression

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Abstract

The abbreviation EPIT is an accepted acronym for epicutaneous immunotherapy. However, a French intellectual property attorney acting on behalf of a company, which attempts to commercially develop one particular form of EPIT, currently sends legal notices to anybody who attempts to use the term EPIT in scientific publications. This is an attack on nothing less than the freedom of expression, which in science includes the extensive use of acronyms.

Text

We recently received a notice from a French intellectual property attorney acting on behalf of a company, requesting us to no longer utilize the abbreviation “EPIT” for epicutaneous immunotherapy. Furthermore, we were asked to accordingly change the wording in our recently published article on this topic (1). We consider such legal action as such a bizarre threat to the freedom of scientific expression that we think it is worth discussing.

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We were the first research group to publish a placebo-controlled clinical trial in epicutaneous immunotherapy, where we introduced the abbreviation EPIT (2). However, others have worked on this route of allergen immunotherapy long before. In a first description in 1921 Vallery-Radot called the method “cutirection répétée” (3), 1926 Philipps called the procedure “intradermal allergen-specific immunotherapy” (4), and in 1936 Ramirez called this method “cuti-vaccination” (5). In 1957 Blamoutier and Pautrizel named it “quadrillage cutanée” (5 6). In a comprehensive review of this old literature in 2011 we also discussed the issue of nomenclature (7). In 2011 most of the recent literature referred to the term ‘transcutaneous’ immunotherapy (TCI) when describing application of a vaccine to the skin, but we argued that the term ‘epicutaneous’ would be more precise: “When other routes of vaccination or immunotherapy are described, it is the site of the application that gives the route its name, such as subcutaneous immunotherapy (SCIT), sublingual immunotherapy (SLIT), intralymphatic immunotherapy (ILIT) intramuscular vaccination (i.m.) or subcutaneous vaccination (s.c.). Following this logic, application ‘onto’ the skin should be named ‘epicutaneous’. Also, the term ‘transcutaneous’ is misleading as this administration route aims to deliver the vaccine ‘into’ and not ‘across’ the skin” (7). Starting in our publication 2010 (8) and from then on we were the first to coin the acronym EPIT. A current google search for “EPIT and allergy” reveals 12’900 results, demonstrating that EPIT has meanwhile become a commonly used abbreviation for this procedure in the field.

Now, how come we should no longer be allowed to use the abbreviation EPIT? Apparently, in 2012, i.e. two years after we published and therefore introduced the acronym to the public domain, a company which attempts to commercially develop one particular form of EPIT, applied for registration end of December 2011 of the acronym “EPIT” as an international trademark (9). We have no ties to this company and never have been contacted by them before. Now, it appears that anybody who attempts to use the term EPIT receives legal notice from this company’s legal representative. We are aware of other groups receiving similar legal notices. We have even been asked to change the wording in an already published paper (1).

We are no lawyers, but from a scientist’s perspective it does not seem right that someone can protect as a trademark an acronym that somebody else has coined and published two years before. Obviously

also from a moral perspective this should clearly not be the case. But the legal notice we received strikes us as so bizarre that it must be discussed from the perspective of scientific freedom of expression.

Imagine someone would start protecting as trademarks common acronyms such as SLIT, Treg, IL-10, PCR, or ECG and then take legal action anytime somebody uses these acronyms in the literature, thereby trying to monopolize the pre-existing scientific achievements and the scientific discussion for its commercial purposes. This would mark the end of any reasonable scientific publishing. In our opinion, in the widest sense this is also an attack on nothing less than the freedom of expression, which in science includes the extensive use of acronyms.

We were forced to seek legal advice from a trademark lawyer, and as far as we could understand the legal perspective, such a cease and desist request from a company is not permissible. Firstly because the functional or editorial use of a trademark, inter alia the use of a trademark in a scientific publication, is not deemed to be a descriptive use in order to identify the goods or services for which the trademark is claimed, and secondly, the owner of a trademark may not prohibit another person (i.e. us and others) from continuing to use a sign to the same extent as already previously used prior to the filing of the trademark application.

As a final remark two things are important to us. Firstly, for those colleagues who may have received similar legal notices, we would like to point out that we are by no means connected to such legal action or even driving it. In contrast, we ourselves, who publish on EPIT, are the victims of this bizarre legal campaign which we condemn. Secondly, we kindly request that you raise this issue, i.e. the particular approach of this company, but also trademark issues in science in a general context, with the readers of your journal.

Author contributions

All authors were involved in the writing and revising of the manuscript.

Conflict of interests

The authors declare that they have no conflicts of interest.

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