

Transactions and interactions
Preliminary reflections on a hundred years of trade mark registration data*

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Abstract

One useful way to trace the sinewy transaction and interactions of firms, this paper suggests, may be the trade mark registration data that has been kept by most major trading nations since the end of the nineteenth century. While the data hold promise for those attempting to understand both national and international developments from the perspective of the nation, the sector, or the firm, they are nonetheless challenging to use. The paper, which looks primarily at registrations from France, the United States, and the United Kingdom, provides a preliminary glance at the data, how they challenge some of our assumptions, and where they may throw new light on issues of interest to business history.

Paper prepared for the European Business History Conference, 'Transactions and interactions – The flow of goods, services, and information', Bergen, 2008

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Preliminary reflections on a hundred years of trade mark registration data

Paul Duguid, John Mercer, Teresa da Silva Lopes

In the early 1990s, Wilkins (1992) pointed out that the history of the trade mark had been surprisingly 'neglected'. The neglect - whether by business, legal, economic, or cultural historians - is particularly obvious when trade marks are compared to copyrights and patents, the two other major strands of intellectual property. The other strands, despite Schechter's (1925) best efforts, have been subjected to much more robust historical analysis. Since Wilkins's article, however, scholars from different disciplines have begun to approach the history and development of marks (as opposed to brands) in earnest (Bently, 2008; Duguid, 2003; Higgins, 2008, Higgins & Tweedale, 1996; Silva Lopes, 2007).¹ As this work gathers momentum, one source of insight will undoubtedly prove particularly important: the registrations of marks.² Drawing on initial samplings of available data from three major trade marking countries, this paper seeks to sketch the potential of this rich but problematic source of national and international comparative information.³

One reason to begin with registration is that registration is often used to indicate the beginning of trade marks. While brands, makers' marks, and merchandise marks have a very long history (Schechter, 1925, Richardson, 2008), a history that

¹ To make a crude but useful distinction, for the purposes of this paper, we take trade marks to be legally defensible brands.

² In the area of copyrights (Patterson, 1968) and patents (Kahn, 2005; Moser, 2005), analysis of registration data has proved highly informative. To date, nothing of similar ambition has been attempted for trade marks, though see Higgins & Tweedale (1996).

³ Our argument is primarily pragmatic and utilitarian. In an argument addressing intellectual property more generally, Sherman and Bentley (1999) rightly dismiss the conventional view that registration is of 'little conceptual interest', insisting rather, on 'the important role played by registration in determining the scope of intangible property'. Certainly, a great deal of the scope of United Kingdom trade mark law, for example, emerged (to the fury of the French) through administrative decisions made by the trade mark registrar in liaison with the Lord Chancellor's office. Only by understanding these decisions can we hope to understand the development of the law in practice. Nevertheless, such issues lie beyond the scope of this paper, though we do note below that the striking differences between the early trade mark data in the United States and in the European countries almost suggests that in the former there was almost a different conception of trade marks - an intuition backed up in preliminary studies of California and Oregon and registrations.

needs to be understood to set marks in context, it is generally agreed that the modern trade mark begins with the institution of national systems of registration (Wilkins, 1992, Higgins, 2008a). The United Kingdom provides a clear example. In 1862, in response to strong commercial and diplomatic pressure, the House of Commons considered several competing bills that addressed aspects of marking. Some of the bills sought primarily to restrict the fraudulent use of merchants' name, something that was already if inadequately addressed in equity and common law. Other bills, by contrast, sought to introduce statutory trade marking law. To this end, these bills included the requirement that marks be registered. The law that passed, however, the Merchandize Marks Act of 1862, excluded registration. It took another 13 years for the United Kingdom to institute a system of registration, which came with the Trade Marks Registration Act of 1875. So, despite the legislation of 1862, it has become conventional to argue that the United Kingdom had no trade marks until 1875, and in the process to hold that registration is a necessary condition for the existence of trade marks.⁴

Relating trade marks to registration in this way indicates that for all its later prowess in branded goods (Chandler, 1962), the United Kingdom came rather late to trade marking (McClure, 1979). Indeed, even by the time the parliamentary select committee sat to deliberate on the competing bills of 1862, systems of registration were quite widespread. Within Europe, as one witness testified to the committee, Austria, Bavaria, Belgium, France, Hanover, the Netherlands, Portugal, Prussia, Russia, Sardinia, Saxony, Spain, Sweden and Norway, and Wurtemburgh all had some kind of system of trade mark registration.⁵ France, in particular, had had systems of registration in place continuously since the beginning of the century. And although the United States did not have a federal system of registration at the time, California had begun to record marks in 1863, to be followed soon after by Kansas, Missouri, and Oregon. The federal government established its law and opened its national register in 1870. It took another five years for the United Kingdom to join the party, which it did just as the major Latin American countries were beginning to set up their registration systems. The late arrival of the British presents a challenge to

⁴ As we shall see, registration is not a sufficient condition. For 25 years, the United States was in the anomalous position of offering federal registration but very little federal protection for marks. It should also be noted that several US states had "trade mark" law in place without registration.

⁵ House of Commons (1862) para 1437.

anyone who seek to understand trade marks in British terms alone: hence, for all its limitations, the comparative thrust of this paper.

In all, in the second half of the nineteenth century, governments around the world established or adapted existing bureaucracies to register and, in most cases, publish marks. For the most part, these systems continue until this day, augmented but not superseded by various international agreements and arrangements.⁶ Consequently, the registrations thus collected offer historians an invaluable, continuous, and comparative source of historical commercial data that can reveal a great deal about the trade mark system itself (Higgins, 2008a) and about the history of marketing (Cratchley, 2000), but whose potential, this paper will try to show, reaches further. All firms that registered marks, large and small shaped and were shaped by the transactions and interactions of their day. (And although among the millions of marks recorded there are many well-known names, inevitably the bulk belonged to small firms, most of whose ambition outstripped their capabilities or opportunities and which, for one reason or another have otherwise faded from history, though they have of course left their mark here.) So, we suggest, their patterns of registration provide testimony to those transactions and interactions more generally and not just to their or our interest in marks.

Rich in potential though they may be, registrations nonetheless present anyone attempting to use them with daunting challenges. Early records in some systems, for example, were kept regionally and in manuscript forms that can be highly variable.⁷ National systems, though centralized and generally more internally systematic, can be quite idiosyncratic, making international comparison difficult. Furthermore, even if we set aside expected variability and fallibility within in any one system, attempts to be systematic in recording and analyzing the data face the problem that firms can change their name but remain in principle the same. They can also retain their name and yet change ownership. Similarly, where the law allows, marks too can change

⁶ Bilateral treaties aside (Duguid, forthcoming), the first major international agreement dates from the Madrid Convention of 1891, which was in turn the result of the Paris Convention of 1883 (Ladas, 1975). The 1891 convention set up a registration system for Belgium, Brazil, France, Netherlands, Portugal, Spain, Switzerland, and Tunisia.

⁷ French marks before 1884, and nineteenth century state marks in the United States were kept in manuscript. French marks, along with those of Oregon and Missouri were registered and kept regionally. In Oregon the original statute makes clear that the monopoly of the mark only holds for 15 miles suggesting that initial concepts of marks were often regionally bounded (see Dealy (1866) Chapter XXX, section 10).

owners, though conceptually remaining the same. But perhaps most daunting of all is that while such details remain fine and hard to monitor, the gross numbers of registrations can quickly grow to be very large. In the first 20 years of national registration, for example, France registered 30,000 marks. By the end of the nineteenth century it was regularly registering that many in three years. Fifty years later, it was registering as many every 18 months. As table 1 shows, over the period under review, the national system of France, the United States, and the United Kingdom recorded some 2.2 million marks, with France alone responsible for more than half.

<table 1 here>

Indeed, the gross numbers, on the one hand, and the minutiae they record, on the other, can overwhelm the historian much as they intermittently overwhelmed the offices set up to deal with registration. To take the example of the United Kingdom again, almost as soon as it opened in 1876 the UK registry was overwhelmed. While a struggle raged over how to register textile marks, the law had quickly to be amended and the registration period extended to accommodate pent-up demand in all other categories.⁸ Equally, early aspirations for methodical registration and reporting of marks had occasionally to be abandoned in the face of the deluge of registrations. At the end of the nineteenth century, the French data is very well organised, categorised, and summarised, but as the twentieth century progresses and the numbers continue to grow, and as reregistrations, cancellations, and transfers mingle with new registrations, the country that might be said to have given us both trade marks and statistics loses track so that even the gross numbers can be hard to find. More generally, in the face of pragmatic adaptations by registrars and changes in administrative laws, useful series beyond (and at times even including) the gross data can be hard to construct without resorting to counting registrations one by one.

Given the scale of the data and the growing number national and international systems that developed almost simultaneously, the support for our argument that the data are indeed neglected assets is limited to an overview of three national systems – the French, the US, and the British – that are particularly important to the history of

⁸ The Act was passed in August, 1875 [An Act to Establish a Register of Trade Marks, 38&39 Vict. C. 91] and went into force on January 1, 1876. It was amended by the Amendment of the Trade Marks Registration Act, 1875 [39&40 Vict c.33], passed in July, 1876, and Trade Marks Registration Extension Act, 1877 [40&41 Vict. c. 37], passed in August, 1877.

trade marks. Glancing occasionally back and forwards in time and sideways at other systems, we look primarily at the 100 years from 1860 to 1960. Our argument is weighted towards the beginning of the period, where the numbers have proved more manageable.⁹

We begin with a brief overview of the relevant laws of these three countries. Next, we provide the annual totals of registrations of marks in each, figures that we break down by population to permit reasonable comparison. These data, we trace three major waves, which break, understandably, with the major cataclysms of the period: the first and second world wars. We note other factors that seem to have affected the rate of marking.

The gross numbers we provide are undoubtedly crude. They nonetheless offer the chance to compare different countries and their appetite for marks. They may also indicate not merely the market for branded goods, but also the capacity for innovation, both in products and in marketing techniques as well the national attitude towards international trade, both inbound and outbound. This attitude can be gauged, we suggest, by looking both at the number and kind of foreign firms that register in a particular country and at the number and kind of firms from that country that register overseas. For major trading nations, the registers, we believe, are inherently interwoven.

Finally we provide a brief survey of the subset of non-durable consumer goods – food, drink, tobacco, and the sort of things that you could get at a grocer's (including, well into the twentieth century, many proprietary medicines) – in the register.¹⁰ In the early years of registration, this subset could account for almost 70 per cent of marks registered in France, 60 per cent in the United States, and 40 per cent in the United Kingdom and it is important not to underestimate the role of this sector in whittling the long-term shape of the law. In conclusion we contend that these data may contribute not merely to understanding trade mark history in particular, or intellectual property systems more generally, but also for insights into the development of business practice since the middle of the nineteenth century at the

⁹ One reason for stopping at 1960 is the exponential growth in marks after that period. The total number of UK marks, for example, more than doubles between 1960 and 1999.

¹⁰ For the significance of consumer goods to the history of marketing, see Church (2000).

level of the nation, the region, the sector, and, perhaps the hardest level to analyse *en masse*, the firm.

An overview of the law

Until the late nineteenth century, for the Anglo-Saxon tradition that shaped the law of the United States and the United Kingdom, rights in names were restricted by the limitations of Statute of Monopolies [1624], cases such as *Blanchard vs Hill* [1742], and the decline of guilds. Systems of marking that did survive this period, such as the cutlers' (Higgins & Tweedale, 1996) and the silversmiths', are best understood as part of vestigial guild systems. Thus it is not surprising that in France, where the guild system survived until the revolution dissolved them in 1791, the tradition of protecting marked goods had greater continuity. So strong was that tradition that many rights dissolved in 1791 were reinstated quite quickly: cutlers and jewellers regained many of their rights in years VI and VII [1797-99], while the law of 22 germinal year XI [1803] attacked the counterfeiting and usurpation of marks of manufacture more generally. This law made registration with the local Tribunal de Commerce a precondition for prosecution, and thus established a tradition of local and then regional registration in France. A law of April 24, 1824 sought to prevent fraudulent use of the names of businesses and places as well as manufacturers' marks. Finally, French trade mark law underwent a thorough revision with the law of June 23, 1857. Among other things, the new law sought the protection of French-owned names in foreign countries by establishing a principle of reciprocity to be guaranteed by treaty. Consequently, France embarked on a round of bilateral agreements, beginning with Russia in 1857, and taking in the United Kingdom in 1862 and the United States in 1870, so helping precipitate the related legislation in the last two countries in those years. Following the law of 1857, registration was still organised regionally, but a summary of all registrations was gathered annually and made available for inspection in Paris. Here, too, a register for foreign marks was opened in 1860 at the Tribunal de Commerce of the Seine. It was, however, only in 1884, with the launch of the *Bulletin Officiel de la Propriété Industrielle*, that the registrations and registration data were published.¹¹ The law of 1857 proved as stable as it was influential. As one commentary argues, 'although modified in 1874, 1890, and 1920,

¹¹ Consequently, our data for France before 1884 is limited.

it was a law destined to last 100 years' (Beltran, Chauveau, & Galvez-Behar, 2001: 91).

Trade mark law in the United States developed in individual states. New York passed the first law in 1845.¹² As noted above, however, it was only with a California law of 1863 that registration began. In 1870 federal trade mark law passed, bringing with it nationwide registration. This was overseen by the US Patent Office, in Washington, DC, which from 1872 began to publish registered marks weekly in the *Official Gazette of the United States Patent Office* and annually in the annual report of the Patent Office (later the US Patent and Trademark Office [USPTO]) from 1873.¹³

Nine years after it was passed, however, the Supreme Court declared the federal law unconstitutional.¹⁴ Attempts to amend the law or the constitution failed, but under its treaty obligations, the United States had to enact law to honour the country's treaties with foreign citizens and Indian tribes. This was passed in 1881, and federal law applied to trade in this restricted area of commerce alone until 1905, when new federal law was enacted. In the interim, however, the Patent Office continued to register marks. The 1905 law proved more robust than its predecessor, and to all extents and held sway until US trade mark law was consolidated in the Lanham Act of 1946.¹⁵

In the United Kingdom, as noted, the 1875 Trade Marks Registration Act began the registration of UK marks, making registration *prima facie* proof of exclusive ownership. The register was opened in January 1 of 1876. Legend has it that the brewer Bass parked a dray outside the door for the week before to ensure that its was the first name on the list. True or not, the story reflects the position of the alcoholic beverage business among the more influential sectors that have shaped the law directly and indirectly. While – indeed, perhaps because – it was the last of our three

¹² Connecticut and Pennsylvania followed in 1847, Massachusetts and Iowa in 1850, Ohio in 1859, California and Michigan in 1863, Oregon and Kansas in 1864, Nevada in 1865 and Maine and Missouri in 1866.

¹³ Before the trade mark repository was established, however, some companies registered marks as designs, as, indeed, was the case in the United Kingdom, where marks had occasionally been registered under copyright provisions.

¹⁴ The court ruled that trademarks did not fall under the 'progress' clause of the US Constitution, the grounds on which the congress had claimed the right to legislate.

¹⁵ This Lanham Act added a 'supplemental register' in which applicants could register marks that were not currently registrable, but might become so in the future. This register, while not guaranteeing protection, served to provide evidence of usage and ownership. The federal registers were kept open during the interregnum of 1879-1905 on the same principle. We have not used data from the supplementary register in this paper.

countries to introduce registration, the registrations scheme in the United Kingdom – and particularly its published data – came to enjoy greater stability than those in France or the United States.¹⁶

An overview of registration

<figure 1 here>

Figure 1 plots the annual registration of marks for the three countries over the course of our study. The three lines charted begin with the French registrations of 1858 (ignoring earlier registrations), the US federal registrations of 1870, and the UK registrations of 1876. In the case of France and the United Kingdom, pent-up demand for registration is evident in the steep early ascent of the respective lines, less steep and briefer in the case of France. As already noted, France had had a system of registration in place since 1803 so demand might be expected to be slower.¹⁷ The United Kingdom shows a second surge that in part reflects a delay in adding textile marks to the register until the late 1870s so until about 1890 it is registering more or less at the rate of France. The United States, by contrast, has a noticeably slow start.

Undulations in the data suggest that trade marking is responsive to a number of stimuli. One is clearly legislation and regulation. As figure 1 shows, there is a noticeable decline in US registrations after the Supreme Court ruling of 1879 and a countervailing surge after 1905, at which point it briefly outpaces the annual rate of registrations in the United Kingdom. But, indicating that regulation can work both ways, registrations fall following the Lanham Act of 1946. Again, in the UK, registrations climb noticeably after adjustments to the law in 1883, 1888, 1906, and again in 1919. That last surge, however, is hard to separate from the effects of war and its aftermath, another set of influential factors. War's contribution can be seen early on in the French data, where the Franco-Prussian war of 1871 causes a brief but steep decline. It is yet more noticeable between 1914 and 1918 and between 1939 and

¹⁶ The same cannot be said of related law, which had to be amended or revised in 1876, 1877, 1883, 1887, 1888, 1905, and 1919. Rather as the Lanham Act would do later in the United States, a UK act of 1919 separated the register into two parts. Owners were now able to record in "part B" of the register some marks that did not satisfy the existing criteria for distinctiveness. This was an attempt to enable registration of *de facto* trademarks, and, as with the laws of 1862 and 1875, to help UK firms register their marks overseas by making registration of overseas marks in the United Kingdom easier.

¹⁷ The UK data need a little clarification. In 1876, applications were made for over 4,850 marks. Unable to cope, the registrar only registered 454 of these. In 1877 some 8,750 marks were registered, though many of these were applied for the previous year.

1945, with the later entry of the United States into both wars postponing the fall in its registrations, while all three countries experience the postwar surge at about the same time, though as noted the Lanham Act complicates the return to normality in the United States.

Another contribution to the rates of registration comes, of course, from economic cycles. French gross domestic product (GDP) shrank in the late 1870s and between 1899 and 1904. Registration figures seem to reflect the initial downturn, dropping in 1878 and in 1899 and 1901, but in both cases they turn around more quickly than the general economy while the figures fail to reflect smaller declines over the period. The UK economy contracted between 1891 and 1894 and again 1899 to 1902, and it is noticeable that UK annual registrations peak in 1890 and do not achieve the same level again until 1907. Given the anomalous state of its law, it is harder to read the economy into the US data in this period. If the data are less clear cut in the 'depression' of the 1890s, the effect of the business cycle on registration can be seen more clearly in the steady fall across the 1930s in US, UK, and to some extent French registrations. While economic cycles have clear effects, economic growth is less easy to trace. Our attempt to track trade marking in the United States and the United Kingdom to growth in GDP in the postwar years found little significant correlation.¹⁸

Whatever their limitations, the gross data challenge some assumptions about trade marking, in particular the focus on the Anglo-Saxon countries as the locus classicus for recounting the history of marks and brands (Koehn, 2001; Sherman & Bently, 1999; Wilkins, 1994). As we have already noted, the United States and particularly the United Kingdom were late to adopt trade mark registration. Figure 1 makes clear that the French were not only early, but also very active markers, registering more marks than either of the other countries (cataclysms aside) consistently until, at the very end of the period under discussion, the United States finally catches up. French predominance appears yet more emphatic if these figures are adjusted for population, as figure 2 shows.

<figure 2 here>

In marks per thousand of population, the French dominate through downturns and

¹⁸ Higgins (2008a) argues that the rate of growth of GDP is 'negatively correlated with the trends in registration' (Higgins, 2008a, note 41).

wars, while the United States lags not only France but also, apart from early years of World War II, the United Kingdom.¹⁹

<figure 3 here>

France's proclivity for trade marking is even clearer if we contrast the trade mark registration data with patent data. Figure 3 shows patent registrations per capita for the three countries and reveals that in this area of intellectual property the three countries move more or less together until the end of the series, reflecting no doubt the similarity of the three economies. With trade marks, this is not the case. The French, with the longer history of trade marking, retain their larger appetite for marks throughout the period.

These findings, though crude, are intriguing. Standard accounts of trade marks, whether from a management (Chandler, 1990; Koehn, 2001), economic (Wilkins, 1992, 1994), or legal perspectives (Bently, 2008, Sherman & Bently, 1998) tend to suggest that the United States would dominate. Indeed Khan (2005) argues forcefully that a correlation between democratic institutions and intellectual property activity would inevitably lead the United States to dominate. The registration data suggest otherwise and indicate that, histories of intellectual property in general and trade marks in particular need to account more directly for the French.

While Kahn (2005) in particular is willing to read qualitative significance into the quantitative data, we are more cautious and would perhaps make less of the figures were the contrast between these countries not so strong. The French data, so different from the comparable data of the other two countries and from the pattern of all three with regard to patents, clearly does call for some explanation and that country's historical role as a first mover in this area is probably not sufficient. Differences in national registration data may reflect the relative levels of competition and concentration within particular countries. Heavily concentrated industries are likely to have less interest in marks than heavily competitive ones, and the rise and fall of monopolies and 'trusts' can often be seen in sectoral data. Some authors have suggested, too, that the level of marking may reflect levels of innovation, not only in

¹⁹ It might be thought that, at least in the early periods, state registrations in the United States made up for the shortfall in federal registrations. This doesn't seem to be the case. California, for example, the first US state to support registration, began in 1863. By 1903 the cumulative total of marks registered over the previous 30 years was still short of 5,000. Oregon, over the same period had registered about 1,000 marks. Federal registrations for 1903 were just under 2200. In France, by contrast, almost 13,000 marks were registered in 1903 alone.

marketing and but in economic activity more generally.²⁰ The data we present here cannot resolve these questions, but they do suggest that they need further and closer comparative analysis.

All marks great and small

With more than two million marks registered in the period under review, it is hard to generalize about the nature of registrants, particularly once the annual data get into the thousands. The early years, however, do provide some interesting glimpses and suggest directions for and the value of further research. One distinctive feature turns on the endurance of early marks. Given that early registration in France took place regionally and remain unpublished, that country's data are particularly hard to analyze. Nonetheless, the registrations in the Champagne region, for example, show names still famous today – Möet & Chandon, Veuve Clicquot, Roderer, Heisdieck, Perrier-Jouet – registering early and often.²¹ Similarly, in the United Kingdom as noted, Bass was an early registrant and returned multiple times to register different marks. So famous are these firms and their marks that it hardly needs recourse to the registration data to learn about them.

<table 2 here>

If we look at the Paris registration as opposed to the Marne, or the United States as opposed to the United Kingdom, a more interesting picture emerges. Indeed, in the US as table 2 indicates, it is the anonymity of the registering names and the paucity of enduring names that is most remarkable. The table compares what we consider "enduring names" (admittedly a highly subjective category) of the first four years of registrations in the United States (1870-1873), during which approximately 1180 firms applied for marks, with those of the first year of applications in the United Kingdom (1876), when about 1850 firms applied.²² In the United States, the first name with any modern resonance to register is the spice company, Durkee in 1871.

²⁰ See Helmers & Rogers (forthcoming) for more on trade marks and innovation.

²¹ The archives at Châlons-en-Champagne show that some of these marks were registered by 1825. By 1858, the champagne firms were registering multiple marks annually.

²² Omitted from the list, for example, is the sewing machine company, Remington, which registered in both countries. Though the brand still does exist it is no longer on sewing machines. We have also omitted several less-famous names, such as Berry Brothers (wine merchants), Cossart & Gordon (madeira), Godard (silver polish), Ind Coope (beer), Offley (port), Montebello (champagne), as well as Linoleum flooring and Macintosh rubberised goods, which have become to different degrees generic, the fate of poorly protected brands.

Fleischmann, under whose name yeast is still marketed, Colgate, and Procter and Gamble register in 1872, followed by Heinz in 1873. These all endure as highly resonant names. Their number is boosted by three foreign names that are still in the same markets and US grocery stores today: Hennessy (cognac), Coats (thread), and McCann (oatmeal). The contrast with the UK register is nonetheless strong. So different, indeed, are the early rates of registration and the kinds of names registered that it is tempting to assume that in the early years of its trade mark law, the United States and US firms had a quite distinct concept of what trade marks were and who should have one.

Not only are the number of still-resonant names and the speed with which they applied for marks distinctive, but so too is the international character of the registers. Although fewer than nine per cent of all applicants to the UK register were foreign, more than a third of these enduring marks are foreign owned.²³ It is clear, however, that the majority of these are marks for alcohol and it may be that the inhibitions that led to prohibition are on display in the US data, though in fact the whiskey distillers of Kentucky are a strong force both in the national US register and in the state registers of California and Oregon. The prevalence of alcohol in the lists draws attention to yet another distinctive feature: only the thread maker, Coats, and the machine maker, Krupp, are not from the category of food, drink, or medicine. We will return to these last two points – of foreign ownership and consumer goods – in a moment.

The relative scarcity of famous names, even in the UK lists highlights by contrasts the abundance of faded or forgotten names that lie in the registers. Once we look beyond Bass, Clicquot, or Durkee, the vast majority the names have little contemporary resonance. Nonetheless, they provide the bulk of the register and so doing help to shape it. As a result, the trade mark data offer one way to get over some of business history's bias towards large firms and success and its blindspots towards small business and failure. Moreover, when we look beyond the names alone to

²³ The absence of detailed national data from France for the early years makes it unwise to include them in table 3. As already noted, however, in the registers for the Marne, the still famous champagne marks found in table 3 were all registered early, some as early as 1825. Furthermore, the register for foreign marks opened in Paris in 1860 includes the following enduring names: Apollinaire, Bass, Clarke, Coats, Crosse & Blackwell, Gilbey, Huntley & Palmers, Spear & Jackson, Wedgwood (from the United Kingdom), Ponds, Singer, and Chesebrough (from the United States), and Pernod (from Switzerland).

couple them with such things as the country of origin or the sector, as we try in the following two sections, we get a richer and to some extent more novel picture of historical business activity despite the disappearance of many of the firms involved.

International transactions

Though conventional accounts suggest that trade mark laws and registration were at first national concerns that over time became international, Duguid (forthcoming) argues that at least for the three countries under discussion, there was a strong international component from the beginning. As noted, the French law of 1857 explicitly addressed the question of binational reciprocity, so that countries would by treaty agree to acknowledge each other's marks. For their part, the early UK and US laws can be seen as in part responses to international pressure (the UK and US laws of 1862 and 1870 respectively followed treaties with France enshrining reciprocity in 1860 and 1869). Given the international aspects of the law, registration data offers one way to gauge the internationalization of trade, though here as elsewhere our data are only preliminary.

The French Napoleonic Code had guaranteed foreign firms with a base in France to access to registers open to natives, but the law of 1857 also allowed nondomiciled firms that came from countries with a reciprocal agreement to register marks and gain protection. By the end of 1879, 20 years after the register opened, approximately 6.6 per cent of all marks registered over those two decades (2,263 out of 34,421) were foreign owned. The first countries with reciprocal access were Russia, the United Kingdom, and Belgium. UK firms were quick to take advantage. (The Russians were not.) Of the foreign firms to register in the first 20 years, the British account for more than 75 percent. US firms, which could only start registering after the convention of 1870, less than 3.

<figure 4 here>

The French reliably published data on the number of marks registered by foreign firms from 1886 to 1906, after which they unfortunately seem to have stopped. Figure 3 shows the percentage of foreign registrations in France at the end of

the nineteenth century. The absolute numbers rise steadily across this period.²⁴ The data indicate the continued activity of British firms in French markets, though, as table 3 reveals, the market is clearly becoming increasingly international, and by the end of the period, while a burst of marking by US firms helps make up for their early lag.²⁵ In considering the figures for France in this period, it is important to realise that, as a signatory of the Madrid agreement, after 1893 other countries party to the agreement no longer needed to register their marks in France to have them recognised.²⁶ This will have tended to bring down the number of foreign marks registered in France.

<table 3 here>

We do not yet have a comparable series for foreign registrations in the United States or United Kingdom, but we can provide some indication through judicious sampling. In the first year of registrations in the United States, no foreign firms register. The following year (1871), seven UK marks and two Canadian make up the foreign contingent, accounting, as table 4 indicates, for a little over two per cent of the total.

<table 4 here>

Nine years later, in the last year before the Supreme Court decision against the federal law, foreign marks had crept up to just over six per cent, with Britain accounting for more than half the foreign registrations, trailed by France then Germany out of a total of seven countries. A decade later international interest would seem to have continued climbing: in 1890, foreign firms hold 8.6 percent of the marks registered that year, with the United Kingdom holding just over 4 percent and the French close behind. These figures come fairly close to the proportion of foreign marks in the French register. This was the period, however, when, after the Supreme Court decision of 1879, federal law heavily favoured foreign firms. In the 1905, when the law once again protected US firms engaged in domestic commerce, foreign firms' registrations shrink dramatically to a mere 1.5 percent of registrations as US firms

²⁴ The peaks across the middle of the chart, from 1899 to 1902 may reflect the 1900 Exposition Universelle, held in Paris. Such occasions prompted exhibitors to protect their marks.

²⁵ World War I brought a retreat from internationalism, so much so that it took until 1960 for international registrations in France to reach 12 percent. A decade later, however, they had reached almost 50 percent.

²⁶ The agreement was signed in 1891 and went into effect in 1893. Other signatories were Belgium, Brazil, Netherlands, Portugal, Switzerland, and Turkey (and their colonies and dependencies).

flood the register (see the spike in registrations in figure 1). The year 1910 might then be a more reasonable benchmark for measuring the international character of the US market. That year, foreign firms from 21 countries account for almost 10 per cent of registrations. After a slow start, the US market seems to have been approaching a high point of internationalization, albeit a little more slowly than the European ones. The trend was curtailed by the war, and the contrast with the postwar data from 1920 is particularly dramatic, reflecting perhaps the sharp turn against globalization. Foreign marks have shrunk to just over four per cent of the US total, yet it is noticeable that the number of countries has held steady. UK firms still lead, with 1.9 per cent of all marks, though this is almost as low as 1871. The French are in second place, while Germany, in the aftermath of the war, has fallen behind Canada, Bohemia, Norway, Spain, and Switzerland.²⁷ In general, though, the contrast between tables 3 and 4 shows how much earlier and more extensively French marks internationalized.

<table 4 here>

The British register, as table 5 shows, also had early appeal for foreign marks. In the first year of registrations in the UK, foreign firms already account for almost nine percent of the applicants – a figure it took the United States registrations two decades and law favouring foreign firms to achieve. They come, however, from only seven countries, with the French providing more than six per cent of total applications, and states that now make up Germany accounting for five of the countries and just under two per cent of the marks. The 14 US applications account for under one percent of the total. A decade later, foreign registrations account for about 7.6 per cent of total marks registered in the United Kingdom, with Germany accounting for just over 1.5 per cent of all marks registered, France for just under 1.5 per cent, and the United States for just over 1.25 per cent. These are the three major countries of origin. More remarkably, the foreign marks come from 36 countries, suggesting the extent to which the British market presented a large magnet to trade marked goods from around the world.

These data are partial and as hard to interpret as to gather so we do not want to read too much into them. It seems reasonable to argue, however, that if we use registrations as our evidence, in the years before the First World War, France, the

²⁷ Our category of Germany here includes firms from Prussia, though these were registered separately at the time.

United Kingdom, and, though here our evidence is less direct, Germany stand out as highly international in their commerce; the United States, until the immediate prewar period, significantly less so. In the case of the first two, the evidence suggests that this is true both in the degree to which firms from these countries operated (and registered marks) in foreign markets and to the extent to which they were open to foreign firms operating (and registering marks) in their national markets. The United States clearly went through a transition in this period, from one with relatively few firms selling in foreign markets and relatively few foreign firms working in the United States towards a position in the early twentieth century more like the other three.

The data also hint at the notion of a healthy 'balance of trade marks', whereby countries with robust economies both attract foreign firms and trade in foreign markets with comparable vigour. It is illuminating in this regard to look at preliminary data for Portugal between 1884 and 1905, albeit that because of its historical relationship with the United Kingdom the data need treating with special caution. The figures for registration in Portugal suggest that country had a very high level of foreign activity. By 1885, two years after the Portuguese began registering marks, foreign firms account for almost two-thirds of marks registered. Although the figure falls to 13 per cent in 1905, over the 20 years in between foreign firms account for one-third of all marks, a far higher proportion of foreign firms than is found in the registers of the three countries at the centre of this discussion. From 1885 to 1895, the United Kingdom contributes more than one-fifth of the applicants and almost the same proportion of the marks registered. France contributes one-sixth of registrants but almost one-fifth of the marks. (French firms in general tend to register multiple marks more than firms from other countries.) Germany accounts for just under five per cent of the marks and under four per cent of the applicants. As the Portuguese share of the marks increases over the next decade, a period, it must be noted, of significant political tension between the United Kingdom and Portugal, the British share falls to just under 14 per cent of marks, while by contrast, Germans account for about 10.6. The French shrink to around three per cent in both categories, but of course over this decade, the French and the Portuguese were both able to register marks internationally under the Madrid convention so French figures from this period deserve caution. The United States, without such alternatives, nonetheless accounts for less than the French. From the perspective of Portugal, in comparison to the large,

trading economies of France, the United States, and the United Kingdom, these figures reveal a significant imbalance of trade marking, for as tables 3 to 5 indicate, while foreign firms make up a large part of registrations in Portugal, Portuguese marks are rare in foreign registers.²⁸ In all, the Portuguese case suggests the extent to which foreign marks could dominate an economy, keeping local firms not only out of foreign markets, but even out of their own.

International goods

The data allow us to examine not merely the number of marks in each country, but also the type of goods registered and how these change over time. Table 6, for example, shows the top five categories over the early years of trade marking in France. For the first 15 years, we only have aggregate data at the moment, but they show food and alcohol at the top. Over the following two decades, while alcohol continues to dominate, food slips back before rising to the top again in 1906. The next three items on the list, however, lose their status by 1886, while cosmetics and medicines climb, so by 1906, food, alcohol, cosmetics, and medicine account for just under 55 per cent of all marks recorded. This, as we shall see, establishes an enduring pattern.

<table 6 here>

In the United States by contrast, as table 7 shows, the same sectors dominate the first decade. Tobacco has almost a fifth of the marks, and medicine close to another sixth of them, followed by alcohol. The dominance of tobacco and alcohol is intriguing as these sectors were significantly based in southern states which had, in general, opposed federal trade mark law. The later fall of tobacco may reflect the rise of the tobacco trusts, as a few large companies tend to require fewer marks than numerous small ones. Alcohol also falls from the list while food rises to account for almost a fifth of registrations in both 1910 and 1920. These figures reflect the remarkable rise of canned and processed foods in the United States, while both the rise of food and the decline of medicines suggest the bite of the Pure Food and Drug Act of 1906, which initially aimed at truth in labelling but over time was used to control the labelled content as well.

²⁸ These proportions are not a function of the international register. Between 1903 and 1906, the final years of the decade under consideration, that register recorded 1,064 marks, only 41 of these are Portuguese.

<table 7 here>

Compared to those of the other two countries, UK marks show more variance. Whatever the reputation of its cuisine, food is the only category that manages to stay in the top five in the selected years. Similarly, in all years the top five UK categories make up only 40 per cent of all marks, whereas in the early years they take up almost 60 per cent and 50 percent in France, suggesting that marking was less concentrated by sector in the UK. All three countries show the predominance, in quite different markets of alcohol, food, and medicine, a predominance that is supported by data from the early years in Portugal, California, and Oregon.

<table 8 here>

With data from different countries, we can explore how these different sectoral strengths played out in foreign markets, though given the thinness of our current data, such an exploration has to be done with some caution. Table 9, for example, shows categories in which French and US firms registered most marks in the United Kingdom. The decline in registrations by UK alcohol firms is matched and perhaps in part caused by the remarkable strength of French firms registering. As table 6 shows, 1886 was a strong year for alcohol brands in France, and an equally strong one for French alcohol brands in the United Kingdom. The French also go after the market for mineral waters, one in which, the marking data suggest, native companies are relatively weak. Their foreign registrations also seem to signal the coming strength of their clothing sector.

<table 9 here>

Equally, the United States plays to its strengths, registering strongly in the tobacco sector in the United Kingdom, an area in which, at this point, UK companies were fragmented.²⁹ Indeed, the agglomeration of the UK tobacco companies was a response to the aggression of the US companies. Similarly, US food and medicine registrations in the United Kingdom reflect the strength of those sectors in the United States and a willingness to challenge the strong UK companies in those sectors in their own country.

Table 10, which must come with an extra note of caution as the numbers of foreign registrants in the United States were so low, particularly in 1879, suggests

²⁹ Indeed, in 1876 the French tobacco monopoly applied for more marks than all but one firm on the register.

that even though overall marks for alcohol were proportionally declining within the United States over this period, foreign marks still had significant cachet and made it worth the while of French and UK firms to register. (Figures from 1873 and 1877 confirm this.) The UK data show the British tobacco firms, moving into the United States, with a good deal of ambition in 1879, but perhaps retreating equal amounts of caution in 1905.

Consumer goods

As these data, which focus on the early part of our period indicate, consumer goods, led by food and drink, dominated early marking, both nationally and internationally. Data we have gathered over the entire period of 1858-1960 allow us to look at the trends in this part of the economy over a longer period. Here we limit our attention to the categories of food, drink (alcoholic and non-alcoholic), household items and toiletries, medicine, and tobacco. Tables 6 to 10 show a rise of new categories in the early twentieth century, most noticeably clothing, but also paper goods and machinery as bicycles, cars, airplanes, telephones, and electrical goods come onto the market and all require marks.³⁰ This outpouring of new products is captured by the longer-term view presented in figure 5, which, though limited to benchmark years, suggests a corresponding decline of in the proportion of once-dominant nondurable consumer goods in the registers, most noticeably in the United States. While this graph does indicate a disproportionate growth in other sectors, it deserves some caution as that decline in marks is likely to reflect in part the early dominance of this sector rather than a proportionate decline. Having once registered early firms from this sector would have less need to register than firms that had yet to register for the first time.

<figure 5 here>

These categories of goods contribute significantly to the overall high number of trade marks registered in France, which we noted earlier. Figure 6 and 7, for example indicate that in general US firms register barely half as many marks for such goods, and in some years far from that. In 1920, France had more than 15,159 registrations in the category of nondurable consumer goods compared to 3,755 in the United States and 2,505 in the United Kingdom.

³⁰ One noticeable effect of these new products is that the miscellaneous category in the British system of classification grows disproportionately as unanticipated goods appear in greater numbers.

<figure 6 here>

While the trend is clear and more-or-less uniform across the three countries, it is not uniform across the different categories of goods. The variance can be seen in figures 6 to 9. Figure 6 represents the French data, with alcohol, food, and cosmetics perennially strong, while tobacco (a state monopoly until the 1970s) is insignificant – though as we have seen, tobacco marks formed a high proportion of French marks in overseas registers in some years. Figure 7 paints a quite different picture of the United States. Food and toiletries dominate, medicines are also strong, and in contradistinction to France alcohol is relatively weak and tobacco stronger. In the former case, we can perhaps see the effects of prohibition, though the data for 1910 (see table 7) suggest that alcohol fell as a proportion of other marks well before the Volstead Act of 1917.

<figure 7 here>

As the earlier data suggested and figure 9 supports, in the case of the United Kingdom marks of this sort are more equitably distributed among the different categories, with all contributing significantly to the totals, including tobacco. Tobacco does grow disproportionately large in 1890, perhaps in response to demand for the relatively new cigarette (Cox, 2000), then falls with the consolidation of British tobacco companies at the very beginning of the twentieth century. Amalgamations in the brewing industry may similarly explain the decline in the proportion of drink in the same period. For where wine makes up a major proportion of French drinks, beer was dominant in the United Kingdom.

<figure 8 here>

In all, figures 6 to 8 indicate that while non-durable consumer goods contribute strongly in all three countries, each country is distinct in which particular goods from this class were significant.

Conclusion

As this very preliminary glance suggests, trade mark data of this sort allow us to look at national and transnational business from a little used vantage point and from there begin to throw light on what has sometimes lain in the shade. For example, the significant early contribution of the French and the comparatively weak behaviour of the United States, the trademark registration data stand in contrast not only to early

accounts of US brands (Koehn, 2001), but also to the literature on foreign direct investment (FDI). In the latter literature, the British maintain similar standing to the account given here, United States firms stand with them, but the French are almost invisible. In her classic essays, Wilkins (1977, 1986) suggests that the French were unsuccessful at international business. Yet clearly they were successful in some aspects of marking. Wilkins's is, of course, a study of FDI and not of international activity more generally. For that very reason, however, it may be that trademark data can provide a usefully different perspective on activity not captured in the FDI data.³¹ It took a lot less to register a mark in a foreign country than to set up a business. The trade mark data suggest that small, vibrant firms didn't necessarily need to establish a plant abroad to internationalize and that many small and medium sized businesses found alternative routes into foreign markets behind marks that have proved remarkably resilient.

Trade mark data, then, allow us a glimpse of small actors that collectively played a large part in national and international business. Structure emerges, it is reasonable to argue, from such small transactions and interactions – though it is also clear that such history is not always made in conditions of these small firms' own making: it also emerges from the ability of large firms to bend the law to their interests.

While it is important both not to read too much into these data and to recognize how difficult it can be to gather and use, nonetheless, we believe, as we have tried to show, that the data are an unduly neglected asset that throws light for sure on the history of marks and marketing but also illuminates important aspects of national and international business.

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³¹ Because foreign firms with a base in an overseas country were usually not recognized as foreign in the trade mark registers, the trademark data is usefully complementary to the FDI data.

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Table 1: Number of trade mark registrations to 1960, France, United States, United Kingdom¹

Country	First year	Marks to 1960
France	1856	1,142,367
United States	1870	639,849
United Kingdom	1876	436,744

¹ The data used in the tables and figures has been gathered from the archives and official publications of the countries concerned listed in the bibliography. Comparisons between the countries by sector were made by applying the British registration categories to the French and US data (for tables 6-10) and by tagging the relevant goods by the six sectors used in figures 5-8). Population data used in figures 2 and 3 is taken from Maddison (2003). Patent data used in figure 3 comes from 'Historical patent statistics', *Journal of the Patent Office Society* 46 (1964) 2: 89-170. French annual data from Emptoz & Marchal (2002).

Table 2: 'Enduring names' from initial years of registration, United States (1870-1873), United Kingdom (1876)

United States			United Kingdom	
Name	Product	Year	Name	Product
Colgate	Soap	1872	Apollinaris	Mineral Water
Durkee	Spices	1871	Bass	Beer
Fleischmann	Yeast	1872	Beecham	Medicine
Heinz, Noble	Sauce	1873	Brown & Polson	Starch, flour
Procter & Gamble	Soap	1872	Cadbury	Cocoa
			Callard & Bowser	Confectionery
			Chubb	Locks
			Colman	Mustard
			Cross & Blackwell	Pickles
			Gaymer	Cider
			Gilbey's	Wine and spirits
			Gonzales, Byass	Sherry
			Guinness	Stout
			Huntley & Palmer	Biscuits
			Lambert & Butler	Tobacco
			Lea & Perrins	Sauce
			Peek Frean	Biscuits
			Power	Whisky
			Rose	Lime Juice
			Schweppe	Mineral Water
			Tetley	Beer
			Wills, W.D. & H.O.	Tobacco
			Winsor & Newton	Paints
			Worthington	Beer
				France
			Clicquot	Champagne
			Chartreuse	Liqueur
			Heidsieck	Champagne
			Hennessy	Cognac
			Krug	Champagne
			Kunkelman	Champagne
			Martell	Cognac
			Mumm	Champagne
			Otard, Dupuy	Cognac
			Pernod	Absinthe
			Perrier-Jouet	Champagne
			Roederer	Champagne
			Ruinart	Champagne
				Switzerland
			Nestlé	Milk products
				Prussia
			Krupp	Machinery
				US
			Pond	Medicine

Table 3: Percentage and origin of foreign-owned marks in the French register, selected years, 1885-1905

	1885	1895	1905
Austria-Hungary	0.07	0.37	0.36
Belgium	0.45	0.53	0.19
Brazil		0.01	
Canada	0.02	0.01	0.01
Denmark		0.02	0.03
Egypt			0.03
Germany	1.11	1.71	2.40
Gibraltar			0.01
Hungary	0.02	0.37	0.04
Italy	0.05	0.06	
Luxembourg	0.05		0.01
Mexico			0.01
Monaco		0.02	0.02
Netherlands	0.05	0.93	0.01
Norway	0.02	0.01	0.01
Portugal		0.01	0.01
Romania		0.06	
Russia	0.04	0.07	0.01
Spain		0.06	0.11
Sweden	0.20	0.06	0.13
Switzerland	0.22	0.91	0.18
Tonkin	0.02		
Transval			0.01
Turkey	0.04	0.01	0.01
Trinité	0.02		
United Kingdom	1.99	3.00	2.4
United States	0.20	0.48	1.6
TOTAL	4.57	8.74	6.15
No of countries	17	20	22

Table 4: Percentage of foreign-owned marks in the US register, selected years, 1870-1920

	1871	1879	1890	1905	1910	1920
Argentina					0.05	0.02
Austria		0.23				
Austria-Hungary				0.05	0.28	
Australia						0.03
Belgium		0.11	0.21		0.07	
Bohemia						0.24
Brazil						0.01
Britain						
Canada	0.54	0.11	0.21		0.07	0.33
Ceylon					0.02	
China						0.01
Cuba			0.28		0.07	
Denmark		1.15	0.78		0.05	0.05
France		0.69	2.06	0.09	1.09	0.39
Germany			0.35	0.47	2.65	0.12
Hungary						
Italy			0.21	0.02	0.19	0.14
Japan					0.09	0.08
Mexico			0.07	0.02	0.05	0.01
Netherlands					0.17	0.08
New Zealand						0.01
Norway					0.07	0.17
Philippines			0.07		0.09	
Portugal					0.05	
Puerto Rico			0.14	0.02		0.01
Russia		0.34			0.02	
South Africa				0.02		
Spain					0.52	0.17
Straits Settlements						0.02
Sweden				0.05	0.14	0.10
Switzerland				0.20	0.12	0.16
Trinidad						
Turkey				0.02		
United Kingdom	1.63	3.56	4.18	0.61	3.89	1.88
TOTAL (%)	2.17	6.19	8.56	1.58	9.75	4.03
No of countries	2	7	11	11	21	21

Table 5: Percentage of foreign-owned marks in the UK register, selected years, 1876 & 1886

	1876	1886
Argentina		0.44
Australia		0.06
Austria		0.04
Baden	0.05	0
Bavaria	0.16	0.02
Belgium		0.11
Brazil		0.02
Burma		0.04
Canada		0.04
Cape Colony		0.06
Ceylon		0.02
China		0.26
Denmark		0.04
Egypt		0.11
France	6.29	1.45
Germany	1.22	1.54
Hong Kong		0.02
Hungary		0.24
India		0.29
Italy		0.04
Japan		0.13
Malaysia		0.02
Malta		0.04
Netherlands		0.33
Norway		0.31
Persia		0.02
Prussia	0.32	0.07
Puerto Rico		0.02
Russia		0.02
Saxony	0.16	0.06
Spain		0.02
Sweden		0.24
Switzerland		0.18
Turkey		0.02
Uruguay		0.02
United States	0.74	1.27
TOTAL	8.94	7.58
No of countries	7	36

Table 6: Principal marking sectors in France, selected years

	1858-73	1886	1896	1906
Food	14.75	13.77	7.91	14.05
Alcohol	14.56	21.34	17.55	13.58
Cotton goods	11.15			
Cutlery	9.14			
Tobacco	5.69			
Cosmetics		13.46	12.04	13.42
Medicines		7.08	11.06	12.95
Linen		4.62		
Clothing			3.40	3.41

Table 7: Principal marking sectors in US, selected years

	1870	1879	1905	1910	1920
Tobacco	19.01	18.83			
Medicine	15.70	14.24	9.81	8.42	7.70
Alcohol	12.40	6.77	12.08		
Food	6.61	14.70	15.29	21.79	18.35
Detergents etc	5.79	9.18		4.60	
Clothing			11.18	9.25	12.30
Paper goods			3.76	5.55	
Machinery					5.96
Miscellaneous					5.11

Table 8: Principal marking sectors in UK, selected years

	1876	1886	1906	1936
Alcohol	10.32	6.88		
Food	9.56	10.66	14.65	14.28
Metal goods	8.73			4.39
Unwrought metal	6.28			
Medicines	5.90		7.08	8.43
Cotton goods		11.62		
Detergents etc		6.33		
Tobacco		6.24	5.03	
Clothing			7.80	7.29
Miscellaneous			7.36	9.11

Table 9: Principal sectors of French and US companies marking in UK, 1886

	France	US
Tobacco		15.94
Food	6.33	18.84
Medicine	6.33	27.54
Detergents		10.14
Alcohol	20.25	
Misc		5.80
Mineral water etc	13.92	
Clothes	10.13	

Table 10: Principal sectors of French and UK companies marking in US, selected years

	1879		1905		1910	
	France	UK	France	UK	France	UK
Alcohol	30.00	9.68	20.25	14.81	17.39	8.54
Food		16.13	13.92	7.41		9.76
Cosmetics	30.00		1.27			
Medicines	20.00	9.68	6.33		6.52	
Linen thread						
Musical instruments	10.00		1.27			
Clothing			10.13		10.87	
Tobacco		25.81		7.41	13.04	
Detergents etc		9.68				11.59
Machinery				11.11		
Paper goods				7.41		
Silk piece goods					8.70	
Metal goods						9.15
Unwrought metal						5.49

Figure 1: Annual trade mark registrations, France, United States, United Kingdom, 1858-1960

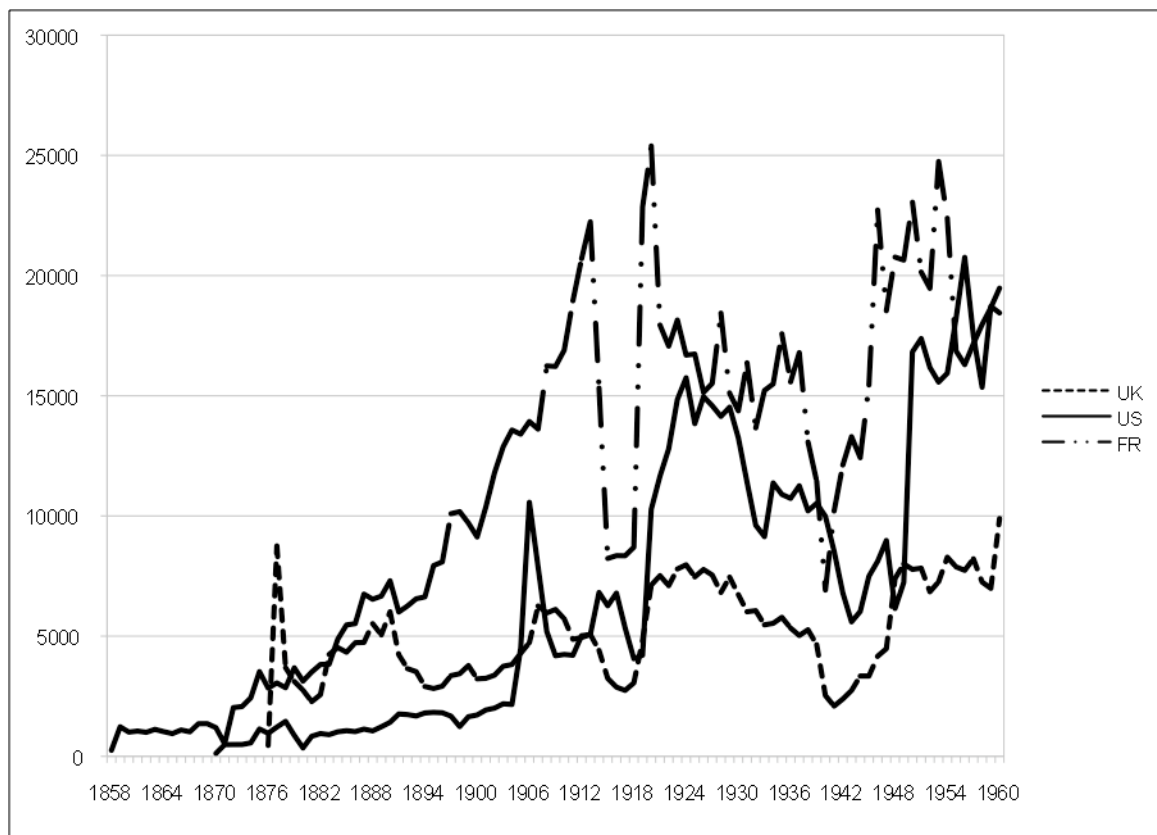


Figure 2: Annual Trade Mark Registrations Per 1,000 population, France, United States, United Kingdom, 1858-1960

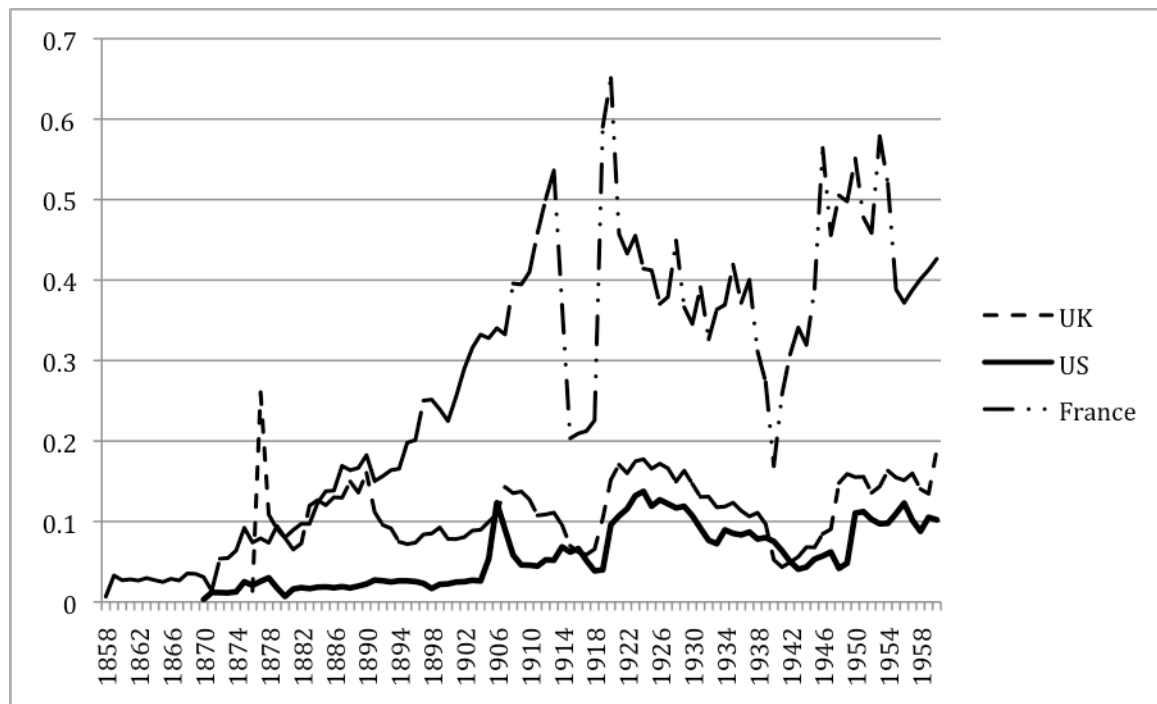


Figure 3: Annual Patent Registrations Per Capita, France, United States, United Kingdom, 1873-1960

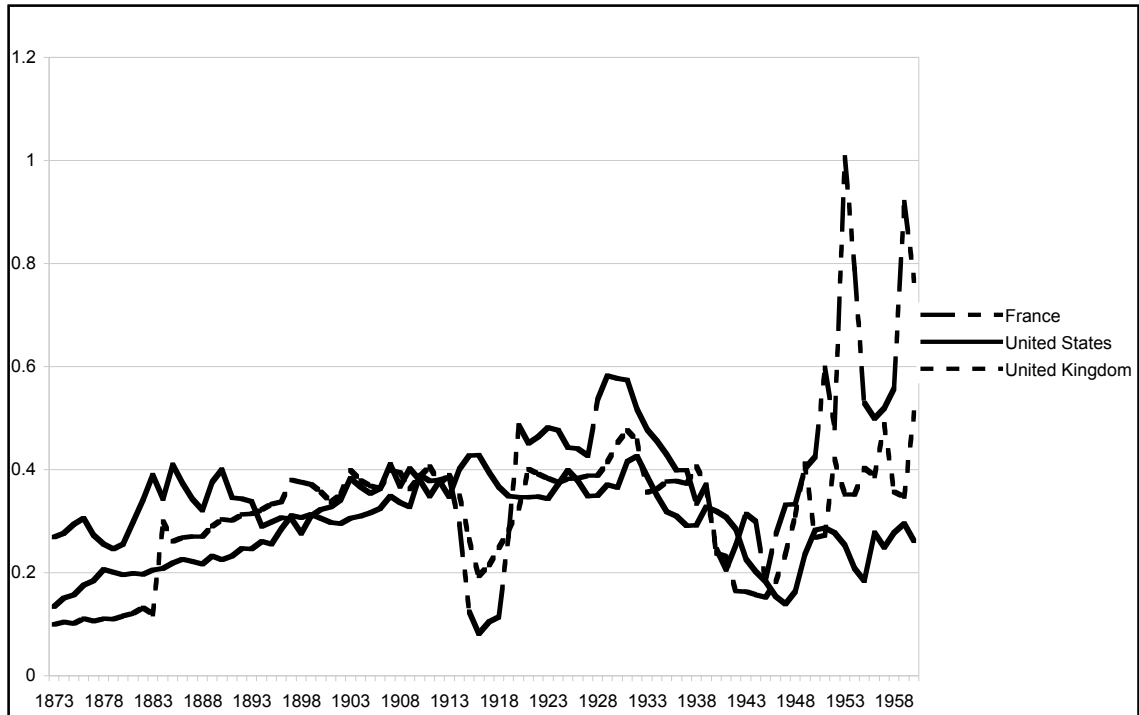


Figure 4: Foreign registrations in France as a percentage of total registrations, 1886-1906

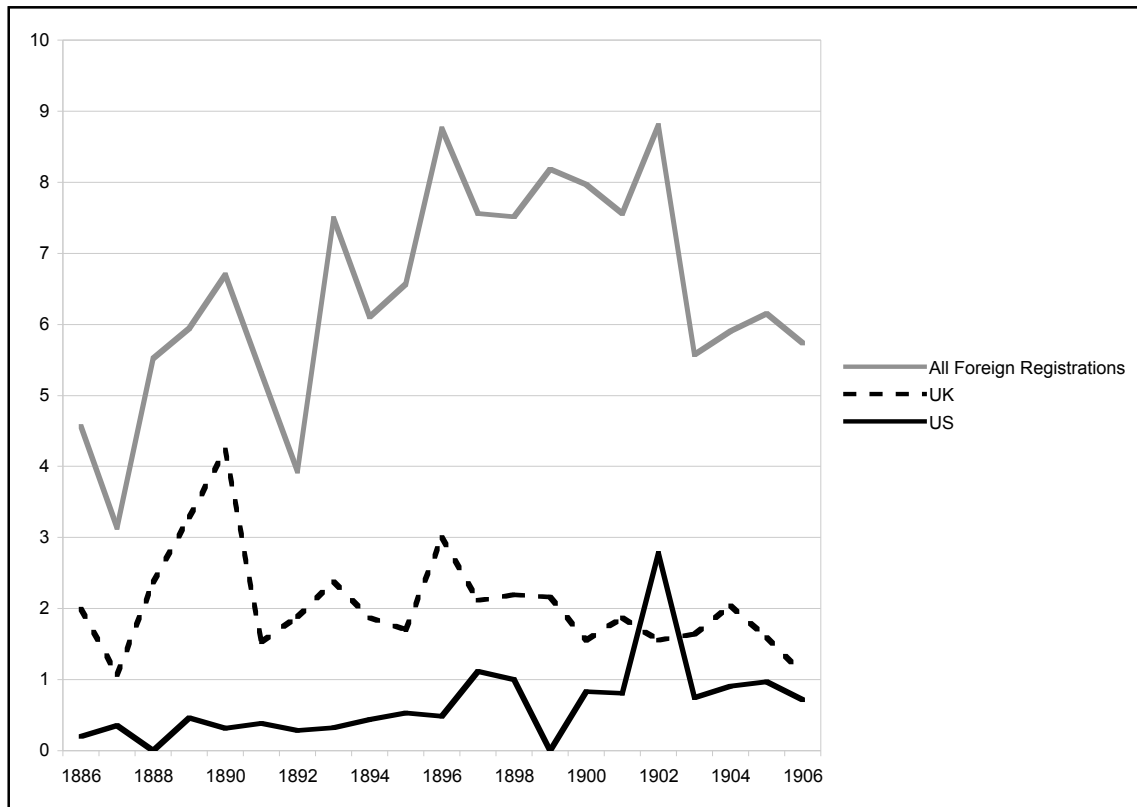


Figure 5: Registration of nondurable consumables as a proportion of total registrations, France, United States, United Kingdom selected years

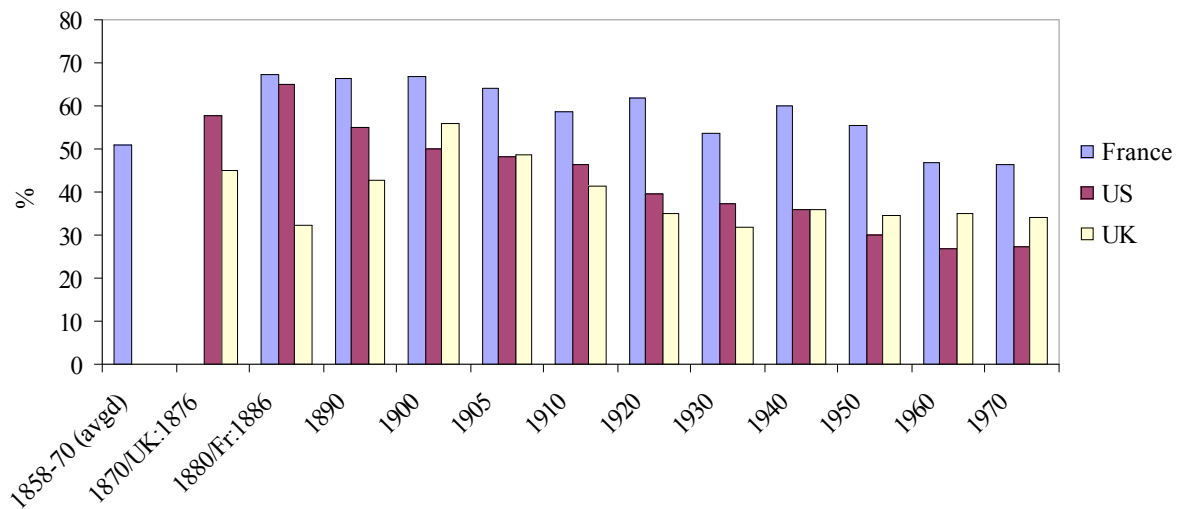


Figure 6: Breakdown of French nondurable consumable registration, selected years

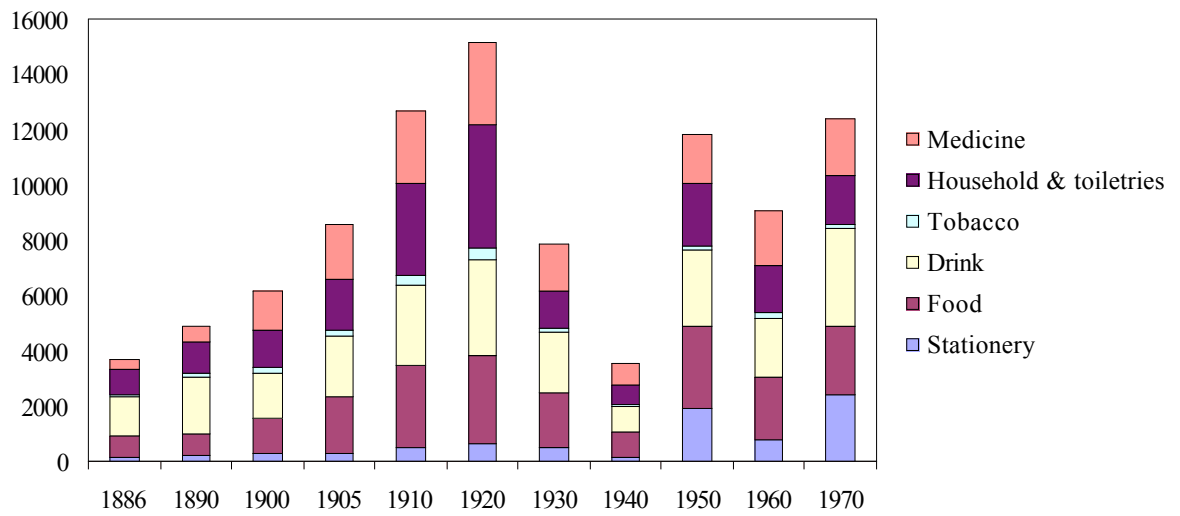


Figure 7: Breakdown of US nondurable consumable registration, selected years

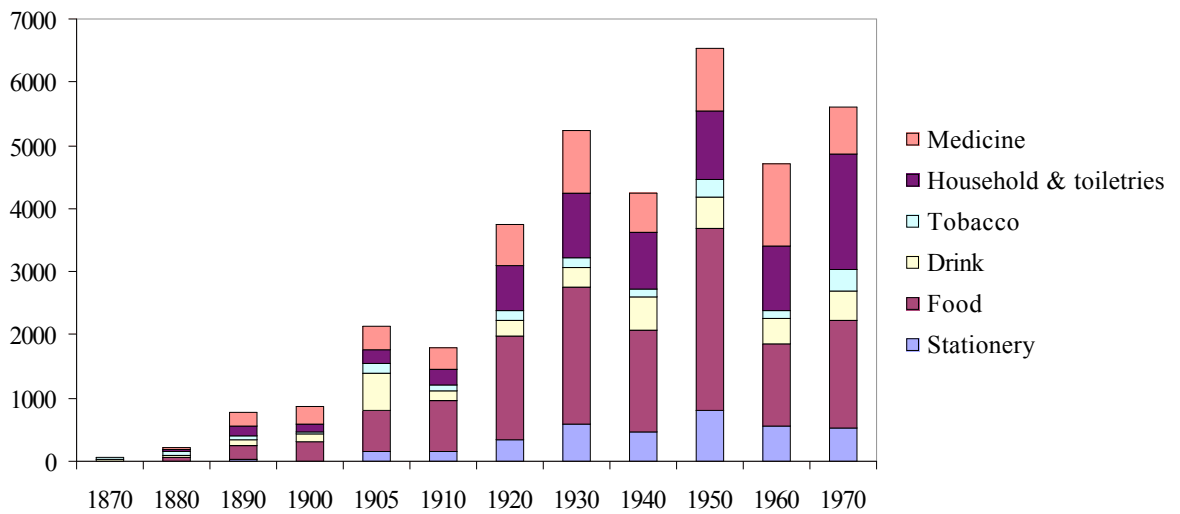


Figure 8: Breakdown of UK nondurable consumable registration, selected years

