from advertising to IP

History of Information

March 9, 2015
information as property from advertising to IP

History of Information
March 9, 2015
historical questions
historical questions
historical questions
the road ahead

developing intellectual property

old or new problems?

what are we talking about?

rights and wrongs
the road ahead

developing property

old or new problems?

what are we talking about?

eights and wrongs

in passing
Alice Park
Sydnee Stanley
Esther Shchemelinin
Sofia Sheikh
Ji-Hern Baek
Gavin Li
Jacob Barczak
Chuhan Zhang
skin in the game?

who has their own ...
skin in the game?

who has their own ... patents?

rights and wrongs
skin in the game?

who has their own ... patents?

trademarks?
who has their own ...

patents?

trademarks?

copyrights?
skin in the game?

who has their own ...
  patents?
  trademarks?
  copyrights?

who has someone else's ...
skin in the game?

**who has their own ...**
- patents?
- trademarks?
- copyrights?

**who has someone else's ...**
skin in the game?

who has their own ...
  patents?
  trademarks?
  copyrights?

who has someone else's ...
  software?
skin in the game?

who has their own ... patents?
trademarks?
copyrights?

who has someone else's ... software?
music or movie?
skin in the game?

**who has their own ...**
- patents?
- trademarks?
- copyrights?

**who has someone else's ...**
- software?
- music or movie?
- text?
skin in the game?

who has their own ...
  patents?
  trademarks?
  copyrights?

who has someone else's ...
  software?
  music or movie?
  text?
  and why?

* * *
rights and wrongs
freedom from danger?

300 years on
Freedom from danger?

300 years on

Danger Mouse and EMI Settle "Dark Night of the Soul" Dispute

By DANIEL KREPS
MARCH 3, 2010 4:21 PM ET

Nearly nine months after Danger Mouse's Dark Night of the Soul project hit stores with a blank CD, the producer and EMI have reached an agreement to formally issue the album with music on the compact disc, the BBC reports. As Rolling Stone wrote last May, a legal hassle between Danger Mouse, or Brian Burton, and EMI stemming back to The Grey Album — Danger Mouse's mash-up of the Beatles' White Album with Jay-Z's Black Album — held up the release of Dark Night, a collaboration featuring the Shins' James Mercer, David Lynch, Julian Casablancas, Frank Black and more artists.
Tom Petty: Michele Bachmann Can’t Use My Song

By GLEN LEVY | @glenjl | June 29, 2011 | 17

If Michele Bachmann becomes the next President of the United States, it’s safe to say that Tom Petty won’t be playing the inauguration.

When the newly minted Republican presidential candidate left the stage in Waterloo, Iowa, after making a nationally televised speech to announce her candidacy, Petty’s track “American Girl” could be heard playing her off. According to NBC’s Kelly O’Donnell, Petty’s manager will be asking Bachmann’s team to not use the song again.
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unstoppable?

Dropkick Murphys Tell Scott Walker: Stop Using Our Music, 'We Literally Hate You !!!'

By DANIEL STRAUSS Published JANUARY 26, 2015, 12:01 PM EST

AP Photo / Morry Cash

@ScottWalker @GovWalker please stop using our music in any way...we literally hate you !!!
Love, Dropkick Murphys
6:08 PM - 24 Jan 2015
8,997 RETWEETS 8,471 FAVORITES
to live outside the law ...
to live outside the law ...
to live outside the law ...

2000

- April: Metallica sues Napster for copyright infringement. Yale and Indiana University ban service from campus.
to live outside the law ...

2000
• April: Metallica sues Napster for copyright infringement. Yale and Indiana University ban service from campus.
to live outside the law ...

April 23rd, 2009

Wikipedia Threatens Artists for Fair Use

Commentary by Corynne McSherry

Can a noncommercial critical website use the trademark of the entity it critiques in its domain name? Surprisingly, it appears that the usually open-minded folks at Wikipedia think not.

Last February, a pair of artists, working with several collaborators, created a Wikipedia article and invited the general public to add to it, following Wikipedia’s standards of credibility and verifiability. The work was intended to comment on the nature of art and Wikipedia. But Wikipedia editors did not take kindly to the project, and it was shut down within fifteen hours for being insufficiently "encyclopaedic."

Fast forward a couple of months. The artists, Scott Kildall and Nathaniel Stern, have created a noncommercial website that documents the project, called Wikipedia Art. The domain name for the project: wikipediaart.org.

Yep, they used the term "wikipedia" in their domain name. "Wikipedia" is a trademark owned by the Wikimedia Foundation. And now the Foundation has demanded that the artists give up the domain name peaceably or it will attempt to take it by (legal) force.
UC heroes?

forget google ...

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNIX SYSTEM LABORATORIES, INC.
Plaintiff,

vs.

BERKELEY SOFTWARE DESIGN, INC.,
and certain named individuals in their collective capacity as The Regents of the University of California,

Defendants.

Civ. No. 92-1667
OPINION

coming up: Computer
or villains?

skin (and moore) in the game
Mr Moore's spleen
& 'human ingenuity'

United States Patent
Golde, et al.

4,438,032
March 20, 1984

Unique T-lymphocyte line and products derived therefrom

Abstract

Human T-lymphoblast cell line, Proteinaceous products produced therefrom, messenger RNA and DNA expressing the proteinaceous products. A human T-lymphoblast cell line (Mo) maintained as a continuous culture constitutively produces proteins, including immune interferon, neutrophil migration inhibition factor, granulocyte-macrophage colony-stimulating activity and erythroid-potentiating activity, as well as other proteins produced by T-cells.

Inventors: Golde; David W. (Los Angeles, CA), Quan; Shirley G. (Los Angeles, CA)
Assignee: The Regents of the University of California (Berkeley, CA)
Appl. No.: 06/456,177
Filed: January 6, 1983


or villains?

**skin (and moore) in the game**
Mr Moore's spleen
& 'human ingenuity'

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developing iproperty

old or new problems?

what are we talking about?

rights and wrongs
rights and wrongs

old or new problems?

what are we talking about?

developing iproperty
so what are we talking about?

**what is property?**

"a curious spectacle ... multitudes of advocates and all the judges in and out of office talking about property in general, not one of them knowing what it was, nor how it was created; it was an assembly of blind men disputing about colours."

--Jeremy Bentham, Manual of Political Economy, 1794

**in what way is information property?**
properties of property

what is property?

what kinds of property ownership?

properties needed for private property?

limitations on property rights

"No one shall be... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"
properties of property

what is property?
rules governing access to material goods

what kinds of property ownership?

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"a property right is a legally enforceable power to exclude others from using a resource, without need to contract with them."

properties of property

what is property?
rules governing access to material goods

what kinds of property ownership?
common
collective
private

properties needed for private property?

limitations on property rights

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private

properties needed for private property?
rivalrous
excludable

limitations on property rights

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**properties of property**

**what is property?**
rules governing access to material goods

**what kinds of property ownership?**
common
collective
private

**properties needed for private property?**
rivalrous
excludable

**limitations on property rights**
how extensive
how many: one right--or a bundle?

"No one shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"
how acquired?

occupatio ... res nullius

–Codex Justinianus, 534

Blackstone's rules for property acquisition
descent, purchase, escheat, occupancy
prescription, forfeiture, alienation, Commentaries, 1765.

which one for iproperty?
how acquired?

occupatio ... res nullius

–Codex Justinianus, 534

Blackstone's rules for property acquisition
descent, purchase, escheat, occupancy
prescription, forfeiture, alienation, Commentaries, 1765.

which one for property?
John Locke
1632-1704

Locke's view

"Though the Earth...be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other Men."

—John Locke, *Two Treatises of Government*, 1689
Locke's view

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–John Locke, Two Treatises of Government, 1689
"A Book is the Author's Property, 'tis the Child of his Inventions, the Brat of his Brains; 'tis as much his own, as his Wife and Children ... [but] these Children of our Heads are seiz'd, captivated, spirited away, and carry'd into Captivity."

--Daniel Defoe, *Review, 1710*
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--Daniel Defoe, *Review*, 1710

"blame Lysias, who is the father of the brat, and let us have no more of his progeny ..."
"True Wit is Nature to advantage dress'd
What oft was thought, but ne'er so well express'd"

-- Alexander Pope,
"Essay on Criticism," 1708
"True Wit is Nature to advantage dress'd  
What oft was thought, but ne'er so well express'd"

-- Alexander Pope,  
"Essay on Criticism," 1708
"What form of wealth could belong to a man if not a work of the mind... if not his own thoughts .. What comparison could there be between .. the very substance of a man, his soul, and a field, a tree, a vine ... that an individual has only appropriated through cultivating it?"

--Denis Diderot,

*Lettre Historique et Politique sure le Commerce de la Librarie*, 1763
“Upon what principle, let me ask, can my fellow-citizens declare that the productions of the farmer & the artisan shall be protected by common law, or the principles of natural or social right, without a special statute, & without paying a premium for the enjoyment of their property; while they declare that I have only a temporary right to the fruits of my labor & this cannot be enjoyed without a premium? Are such principles as these consistent with the established doctrines of property & of moral right & wrong among an enlightened people? Are such principles consistent with the high & honorable notions of justice & equal privileges, which our citizens claim to entertain & to cherish, as characteristic of modern improvements in civil society.”

—Noah Webster to Daniel Webster, 1826
"There seems ... to be in authors a stronger right of property than by occupancy; a metaphysical right, a right, as it were of creation, which should from its nature be perpetual; but the consent of nations is against it, and indeed reason and the interests of learning are against it; for were it to be perpetual, no book, however useful, could be universally diffused amongst mankind, should the proprietor take it into his head to restrain circulation."

–Samuel Johnson, 1773
theological problems

Confucianism

"I transmit rather than create." --Confucius

Islam

Shari'a law against

"imposture" and "fraud" but not theft

Christianity

"Scientia Donum Dei Est

Unde Vendit non Potest"

--Canon Law
properties of information

rivalrous?

excludable?

"... no one possesses the less because everyone possesses the whole of it. He who receives an idea from me receives [it] without lessening [me], as he who lights his [candle] at mine receives light without darkening me."
"... no one possesses the less because everyone possesses the whole of it. He who receives an idea from me receives [it] without lessening [me], as he who lights his [candle] at mine receives light without darkening me."

**properties of information**

rivalrous?

excludable?

if not, then "a public good"

so hard to "incentivize"

hence ...

To promote the **Progress** of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries
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properties of information
rivalrous?
excludable?
if not, then "a public good"
so hard to "incentivize"
hence ...

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alternatives we know of?

Harrison

Joseph Henry

Daguerre
rights and wrongs

what are we talking about?

old or new problems?

developing iproperty
what are we talking about?

developing property

old or new problems?

rights and wrongs
regulation
  825: Chinese regulation of almanacs - *authenticity*

privileges
  1236: Bonafasus' dyeing
  1332: Bartholomeo Verde's windmill

patents
  1421: Brunelleschi's boat
  1441: Eton stained-glass
  1492: Aldus’s fonts

old or new?
IP or Open Source?

1486 Marcantonio Sabellico — privilegium [©]

1496 Aldus Manutius — patent, Greek type

1498 Aldus - © Demosthenes, Plutarch, Xenophon …

1501 Aldus Manutius — patent, Italic type

1507 Aldus - legal battles for control

1507 Adagia I: “Amicorum Communia Omnia”
1504: William Facques, "King's printer" patronage

1504: Guillaume Cop, Paris University signed almanac

1511: Durer's patent authenticating?
"While technology might have changed the face of the problem, the underlying causes are the same. People always seek financial gains, even if that means forging or imitating the renowned."

— Alice Park

**legal control**

“provided by law that no man should sew a shoe .. or make a cupboard, unless he has been approved by his trade guild

Punishment ... for the man who sells cloth dyed in England from cloth dyed in Venice .. left free to profit from mere textual corruptions .. under the label of good authors”
developing intellectual property
old or new problems?
what are we talking about?
rights and wrongs
rights and wrongs
what are we talking about?
old or new problems?
developing property
control or censorship?

1487: State control: Court of Star Chamber

1557: Guild control: Stationer’s Company

1571: Religious control: *Index Expurgatorius* “Opera omnia Erasmi cautè legenda: tam multa enim insunt correctione digna, ut vix omnia expergari possint”

1710: Statute of Anne

18c: Stamp Acts

1798: Alien and Sedition Acts
Stationers’ Company

"Know ye that we, considering and manifestly perceiving that certain seditious and heretical books rhymes and treatises are daily published and printed by divers scandalous malicious schismatical and heretical persons ... wishing to provide a suitable remedy ..."

— Stationers’ Charter, 1557
"All Monopolies and all Commissions, Grants, Licences, Charters and Letters Patent heretofore made or granted or hereafter to be made or granted to any Person or Persons, Bodies Politick or Corporate whatsoever, of, or for the sole Buying, Selling, Making, Working or Using any Thing within this Realm... or of any other Monopolies, or of Power, Liberty or Faculty... are altogether contrary to the Laws of this Realm, and so are and shall be utterly void and of none effect."

—Statute of Monopolies, England, 1624
"Any Declaration before mentioned, shall not extend to any Letters Patents and Grants of Privilege for the Term of one and Twenty Years, or under, heretofore made of the sole Working or Making of any Manner of new Manufacture within this Realm, to the first true Inventor or Inventors of such Manufactures.

--Statute of Monopolies, England, 1624
"Provided also that all lettres Patentes and grauntes heretofore made and hereafter to be made of the priviledg of the sole printing of the Bible or booke of Common prayer or of the psalmes psalter or anie other Bookes lawfully aucthorized and allowed, or to be soe aucthorized or allowed to be used in and for the publique divine service and worshipp of God or of anie bookes of the Common lawes or Statutes of this Realme or of anie proclamacion sett fourth or to be sett fourth by his Majestie his heires or successors or of Jumus and Tremellius Bibles or of Lillies Grammar or of Prymers or Almanackes shall be alsoe of such force as they were or should bee if this Act had never bene had or made and of none other, Provided alsoe that this act shall not extend to the Restraint or makinge voyde of one Patent of Privileedge for the sole printinge and selling of a Booke called the Theatre of Empire ..."
"the old patentees and monopolizers. ... We must not think to make a staple commodity of all the knowledge in the Land, to mark and licence it like our broad cloath, and our wool packs. And though all the winds of doctrine were let loose to play on the earth, so Truth be in the field, we do injuriously by licensing and prohibiting misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?"

1662: Licensing Act  
1694/5: collapse of licensing acts  
-- growing readership: the reading nation  
-- politics and the public sphere  
-- the end of patronage  
-- competing monopolies: booksellers v printers  

1710: Statute of Anne  
"What a revolution they were making, what a power they were calling into existence."

Whereas printers, booksellers and other persons have of late frequently taken the liberty of printing reprinting and publishing or causing to be printed reprinted and published Books and other writings without the consent of the authors or proprietors ... to their very great detriment. ...

For preventing therefore such practices for the future and for the encouragement of learned men to compose and write useful books ... That from and after the tenth day of April 1710...

"the the “big stick” that Erasmus claimed we needed to stop forgers (147) ... prevent publishers from printing books “with no author's name or, what is more criminal, with a forged one” — Esther Shchemelinin
"The clause in the law is a patent to the author and settles the propriety of the work wholly in himself, or in such to whom he shall assign it."
--Defoe, Essay on the Regulation of the Press

"The requirement that copies of every printed book must go to certain libraries (Section V) seems ridiculous under the deluge of printed books we have today. ... "one penny for every sheet" (II) printed illegally seems quite naïve"   — Sofia Sheikh

1710: statute of Anne
"any books or books already printed ....
"any book ... not printed ... 
"nothing ... unless the title ... be ... 
"if any Bookseller ... sell or expose to sell any book ...
"provided that nine copies ..."
"nothing .. to Prohibit the Importation ..."
"A new law to give learned men property they had not had before." --Attorney General Thurlow

not a done deal until ...

1774 Donaldson v Becket limiting monopoly

"learning would be locked up in the hands of the Tonsons* and the Lintots of the age, till the public become as much their slaves, as their own hackney compilers are"

--Lord Camden

*the Tonson family held Milton's patents
"There seems ... to be in authors a stronger right of property than by occupancy; a metaphysical right, a right, as it were of creation, which should from its nature be perpetual; but the consent of nations is against it, and indeed reason and the interests of learning are against it; for were it to be perpetual, no book, however useful, could be universally diffused amongst mankind, should the proprietor take it into his head to restrain circulation."

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--Samuel Johnson, 1773
1638: first press in the US (patronized by MA government)
1662: licensing required
1664: monopoly grant to press
1671: "I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience" --Governor Berkeley, VA.
1672: Usher's legal privilege (MA)
1680s: English restrictions on presses
1775: 50 printing houses in the colonies
Analyzing these situations and finding a balance between IP and accessibility can only be possible when the laws provide a foundation that allows for interpretation. ... We establish a fundamental principle, but do not list out specific scenarios because we simply cannot address individual cases with generalities. – Ji-Hern Baek

* constitutional matter *

SECTION 8. The Congress shall have Power

... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
national reaction

petitions

David Ramsay:
- *The History of the American Revolution*
- *The History of the Revolution of South Carolina from a British Province to an Independent State*

John Churchman

"several different methods by which the principles of magnetic variation are so explained, that a latitude of a place being given, its longitude may be easily determined"
from petitions to statutes
changes

"map, chart, book ..."

"citizens thereof ..."

"copyright ..."

"recording in the clerk's office ..."

"shall print ... or import ..."

"unless he shall first deposit ..."

"nothing shall prohibit .. books ... by any person not a citizen ..."
"... countries with lax IP laws, such as China, where counterfeit Apple products are widely sold. Such an operation would be quickly shut down in the United States for violating trademark laws." —Gavin Li

**Internationalization**

**UK**

- 1838 International Copyright Act
- 1842 Copyright Act
- 1844 International Copyright Act
- 1851 Anglo-French Treaty
March 3, 1891.

CHAP. 565.—An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Sec. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed. Exclusion of aliens repealed. R. S., sec. 4971, p. 960, repealed.

Sec. 11. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above. Volumes separately copyrightable.
March 3, 1891.

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Exclusion of aliens repealed.
R. S., sec. 4971, p. 960, repealed.

Volumes separately copyrightable.
meanwhile ...

at the patent office

**US** patent law, 1790, revised, 1836

**UK** Patent Law Amendment Act, 1852,

    Patent reform, 1883

France 1791, 1800, 1844

**patent resistance & patent boom**
Owning work

1800-1900

*from* the skill of the craftsman

the rights of "free labor"

(and the risk of enticement)

*to* trade secrets

"obligation to preserve such secrets must be implied"

non-compete clauses & work for hire

Entrepreneurship vs corporate labs?
"The Congress shall have power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"

1870: revision of patent office
registration of trademarks and
the "second industrial revolution"

1879: the "trade-mark cases"
is it intellectual?
is it an invention?
is it progressive?

USSC: NO!

1881-1906: foreign treaty and indian tribes
1906: commerce clause

"Law like this attempts to protect the use of a name for marketing power, but does little to protect actual IP." —Jacob Barczak
happy 150th anniversary:

neglected firstborn of Anglo-American registration

CA, 1863
OR, 1864
NV, 1864-5
KA, 1864-6
MO, 1865
US, 1870
UK, 1875
neglected firstborn of Anglo-American registration

CA, 1863
OR, 1864
NV, 1864-5
KA, 1864-6
MO, 1865
US, 1870
UK, 1875

industrial powerhouses?

CHAPTER LXXXII.
MARKS AND BRANDS.

AN ACT to provide for the recording of marks and brands.

Be it enacted by the Legislature of the State of Kansas:

Section 1. That it shall be the duty of the Register of Deeds of each county to record a description of the marks or brands in a book to be provided for that purpose, with which each person may be desirous of marking his horses, mules, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same county.

Sec. 2. That if any person shall willfully mark any of his horses, mules, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same county, and while the same mark or brands shall be used by any such resident, the person so offending shall forfeit for every such offense five dollars, to be recovered before any justice of the peace of such county.

If any person shall willfully mark or brand the horses, mules, cattle, sheep or hogs of any other person with his own brand or mark, the person so offending shall forfeit for every such offense not less than ten nor more than fifty dollars, to be recovered before any justice of the peace of the proper county; and if any person shall willfully destroy or alter any mark or brand upon any horses, mules, cattle, sheep or hogs, the property of another, the person so offending shall, on conviction thereof before any justice of the peace, forfeit and pay for every such offense a sum not less than ten nor more than fifty dollars, and shall, moreover, pay to the injured party double damage.
CHAP. LXXXII.—An Act concerning Trade Marks and Names

[Approved March 8, 1865.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. When a person who has complied with the provisions of section two of this Act, uses any peculiar name, letters, marks, device, figures, or other trade mark or name, cut, stamped, cast or engraved upon, or in any manner attached to or connected with, any article, or with the covering or wrapping thereof, manufactured or sold by him, to designate it as an
HOSTETTER’S
CELEBRATED
STOMACH
BITTERS.

THE BEST EVIDENCE OF THE MERIT OF AN ARTICLE IS
THE DISPOSITION TO PRODUCE CONFIDENTIAL
AND RECOMMENDATIONS TO THE VALUE OF
HOSTETTER’S.

CELEBRATED STOMACH BITTERS.
THAT ATTEMPTS AT THAT DESCRIPTION HAVE BEEN FREQUENT, A TRUE CONSIDERATION OF
THE PUBLIC WELFARE HAS INDUCED US TO
OBTAIN A FIRE ENGRAVING, OF WHICH
THIS IS A FACSIMILE
AND TO ATTACH OUR NAME OF
HAND, WHICH CANNOT BE
COUNTENANCED WITHOUT
THE PERFECTION
OF A FORGER.

LEE & PERRINS’
WORCESTERSHIRE SAUCE
FOR ROAST MEAT, STEAKS, CUTCLES, CROPS, FISH,
CHERIES, GRAVES, GAME & SOUP.

LEA AND PERRINS,
WORCESTER.

LEE & PERRINS’ WOSTERSHIRE SAUCE
ANNOUNCED BY CONSUMERS TO BE
THE ONLY GOOD SAUCE.

LEE & PERRINS’ WOSTERSHIRE SAUCE,
1597-8, No. Tremont St., Boston, Mass.

WATSONVILLE,
CAL.

“Grizzly” Clothing
For Farmers, Miners, Mechanics & Hunters
Manufactured by
LEVI STRAUSS & CO.
11 & 13 Battery St., San Francisco, Cal.

The best mark or name is as follows:

Lee & Perrins’ Wostershire Sauce,
New England B. Co., Tremont St., Boston.

Extra Dry.

POME

Made from the Pure Juice of California Grape Fruit or Pomelo.

Pure Guaranteed.

A Sparkling Healthful Beverage.

Non-Alcoholic.

Recommended by Physicians Everywhere.

Los Angeles Ice & Cold Storage Co.
Los Angeles, Cal., U. S. A.

WATSONVILLE,
CAL.

WATSONVILLE,
CAL.

Martinelli’s
Pure
APPLE
CIDER

Extra Dry.

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Cal.

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Los Angeles Ice & Cold Storage Co.
Los Angeles, Cal., U. S. A.

WATSONVILLE,
CAL.
the solution to all your problems?
KNOW ALL MEN BY THESE PRESENTS:

That I, JOSEPH H. GOLDMAN, of the City and County of San Francisco, State of California, have adopted, and claim the sole and exclusive ownership of, the trade-name "PROFESSOR J. S. BEECH," and claim the sole and exclusive right to do business under said trade-name.

Dated at San Francisco, California, October 18th, 1901.

STATE OF CALIFORNIA;

City and County of San Francisco,

JOSEPH H. GOLDMAN, being first duly sworn, says: I have adopted, and am the sole and exclusive owner of, the trade-name "PROFESSOR J. S. BEECH," referred to and described in the foregoing claim of ownership.

Subscribed and sworn to before me this 18th day of October, 1901.

Notary Public in and for the City and County of San Francisco, State of California.
trademark temptations

old names

"nature's copy's not eterne ..."

Mark Twain
1835–1910

Rudyard Kipling
1865–1936
Taylor Swift Trademarks 'This Sick Beat' and Other '1989' Phrases

People will now need to seek permission to use the phrase on aprons, "non-medicated toiletries" and other items

BY KORY GROW | January 28, 2015

Taylor Swift performing live onstage in New York City on December 12, 2014. The singer has trademarked the phrases "This Sick Beat" and "Cause We Never Go Out of Style," among others.
"things in the 'Age of Information' get more fierce and horrible without the constraint of such IP law. One reason is due to the crowd’s universal knowledge and respect of good qualities and good trade marks" — Chuhan Zhang

"attributes are the same"?

1887 "coca cola sirup & extract" - label
1891 labels abandoned
1893 Coca Cola (trade mark)
1902 cocaine removed
1930s & 50s glycerin changed
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"attributes are the same"?

1887 "coca cola sirup & extract" - label
1891 labels abandoned
1893 Coca Cola (trade mark)
1902 cocaine removed
1930s & 50s glycerin changed
intellectual property

1710: Statute of Anne separates copyrights from patents

1879: USSC throws out federal trademark law: marks not mentioned in the “progress clause” of the constitution, leaving trademarks distinct from copyright or patents

propriété intellectuelle

In France, copyrights are “intellectual property”; trademarks and patents are then grouped together as “industrial property.”
"US" and "UK way" today

registering difference
12 March: Literacy and the Nineteenth Century Public Sphere

Required Reading

Read: "Becoming Postal," section of ch. 1, pp.15-34 (to "New England Poets"); section of ch.6 "Mass Mailings" pp. 148-158 (to "part of the same network").
Source: Course reader.

Read: Ch.1 and 1st part of ch.2 ("In Secret Places: Acquiring Literacy in Slave Communities" and "A Coveted Possession: Literacy in the First Days of Freedom").
Source: ebrary [hyperlink]