



A Historical Review of Trademark

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ABSTRACT

Brands' trademarks are the most solid, well-documented, and measurable element of this issue. This editorial presents an overview of the seven pieces contained in this issue, summarises prior contributions from economic, legal, commercial, and historical literature, and speculates on future study. Patents and copyright have long trumped trademarks as the most valuable intellectual property. Since 1987, there have been few new theoretical advancements, and those that have largely remained within the framework of the previous generation.

Keywords : Trademarks, business history, entrepreneurial, monopolistic etc.

Introduction

The study of trademarks and brands as intertwined entrepreneurial processes has resulted in important works and a shared body of literature in both disciplines. Although this special issue aims to emphasise studies on trademarks as the more tangible part of a brand, this is not the case. Indeed, trademarks have mostly been examined in four fields: economics, legal study, business studies, and business history.

Unlike many other elements of intellectual property rights (IPRs), trademarks were mostly ignored by economists until the 1980s and 1990s. Since its inception in 1956 by Andreas Papandreou, the economic impacts of trademarks and their monopolistic character have been examined. Surendra Patel's work on the political economy of trademarks in development economics, published two decades later but generally overlooked, is intriguing. A special issue of *World Development*, authored by economist Patel, director of the UNCTAD's Technology Division, focused on the trademark system in developing countries in 1979. "An important topic for authors to this special issue was the question of foreign ownership and the impact on the global economy of the many trademarks for consumer goods, including pharmaceuticals.

What has been the primary focus of business studies has been branding, and these corporate methods should focus on boosting a company's trademark. Aaker's *Managing Brand Equity* (1991) opened the door to a new understanding of brands and their complexity, and the need of analysing brand equity as a function of concerns, including awareness and perception of brands as well as the expansion of brands and their globalisation. Thus, trademarks were quickly supplanted by brands and branding in the study agenda of business researchers, and the number of publications in this area grew significantly. Numerous articles on various facets of branding have appeared in marketing and management publications since the early 1990s, diverting attention from the initial focus: the legal elements of trademarks.

Trademark history: transversal topics

Other trademark topics of interest have emerged over the last 10–15 years, in many cases from the aforementioned workshops, discussions, publications, and scholars. These topics cover three main issues: (1) trademark practices in territories outside of Europe and the United States; (2) analyses



of how trademarks evolved into brands; and (3) the origins of special trademark modalities such as geographical indications or certification marks. With respect to the first topic, several studies have provided initial insights into Latin America by investigating how global firms handle trademark extensions in different countries.

Contributions in this special issue

In this special edition, all the papers deepen some of the subjects mentioned. From the Middle Ages to the seventeenth century Carlo Belfanti examines European preindustrial economies, focusing on masters' marks and collective markings. His findings cast doubt on the notion that there is a linear progression from guild marks to current trademarks or brands. Because of widespread counterfeiting and copying, masters' and collective marks were not always reliable indicators of quality or provenance. Such marking techniques, however, may have had different purposes in different regions and time periods: from socioeconomic traditions regarding a good's quality based on a guild's mark in the Middle Ages to how conventions evolved on product taxonomies based on place of origin indicators. As a result, Belfanti contends that masters' markings were marginalised in favour of other means of signalling in the early modern era (the sixteenth to eighteenth centuries). To further explain the origins of contemporary trademarking, Belfanti examines Venetian producers (and especially dealers) in the eighteenth century and their actions that led to the registration of logos in order to identify and protect original makers in common but competing trades. When it comes to trademarks in the late eighteenth century, Belfanti provides evidence that these early types of trademarks may have led to early forms of branding (such as inventive packaging and advertisements).

Belgium's city of Liège. Despite the district's prosperity, Goi reveals how Eibar mostly produced low-quality weapons that were copied from elsewhere in Spain and elsewhere in the world. The district's trademark activity was a result of a lack of technology capabilities being replaced by marketing and management expertise – a potent instrument, as Lopes and colleagues point out.

There is a possibility that nonregistered trademarks are a result of the prevalent practise of using English or other foreign languages to disguise a product's origins and poor reputation. In Eibar, the goal was to make a profit, not to develop a name or reputation for the company. Trademarking may be used to achieve certain goals in specific settings, and this is one of the most fascinating examples of that. As Duguid shown with wine and other products in California, Goi illustrates how unions established trademarks to authenticate the manufacturing of key sections of the firearms. An in-depth case study of ASTRA-Unceta & Cia's marketing strategy is included at the conclusion of the article to help readers understand how the company was able to build an enduring brand. From 1890 to 2015, the three major Italian cheese producers Galbani, Invernizzi, and Locatelli used a newly created long-term trademark dataset for in-depth trademark registration analyses.

Further research on trademarks history

Further historical study on trademarks and related topics may be carried out in addition to the fascinating work already being done in business history and other domains. Among the topics covered here are the first known uses of trademarks, the evolution of trademark laws and systems across the world, as well as the gathering and analysis of new trademark datasets and the study of various trademark modalities, sectors, and end-users. There are compelling theoretical arguments



and empirical data on the importance of unique indications in the evolution of company and firm management strategies that business historians can give, as the writers to this special issue illustrate.

Recent years have seen an increase in economic and business analyses using trademark evidence, statistics, and surveys generated by current IPR institutions such as the World Intellectual Property Organization (WIPO) and the European Union Intellectual Property Office (EUIPO). These institutions include the WIPO and the EUIPO. Several studies have examined the link between trademark registrations throughout the world and international commerce trends in the 1990s. Developing countries can use trademark discrimination against foreign applicants as 'behind the border' barriers to trade, according to the research. This is because of the asymmetric ownership of trademarks between rich and poor countries, as well as the importance of quality and brand differentiation for exports in high-income economies. Comparative legal studies have also been used to examine the issue of parallel imports, for example.

All of these questions may be answered by looking at them historically. In the past, how did these connections between trademarking and commerce work? Trademarks and innovation have gained a lot of attention in recent years. Patent and R&D data have traditionally been used to study innovation, but only lately has the potential of trademark data been found and addressed by researchers. Trademarks are an excellent proxy for innovation in the service industry, particularly in knowledge-based industries like pharmaceuticals and biotechnology, according to a number of early studies. As a result, the 2004 article by Sandro Mendonça, Tiago Pereira, and Manuel Godinho demonstrates that trademarks may be used to study innovation and industrial change phenomena, from product innovation to the link between technological and marketing innovation. Many experts have studied trademarks and innovation in recent times and largely agree on their value since this article was written. Scholars have examined the relationship between trademarks and inventive behaviour and business success, as well as the relationship between trademarks and patents and commercial monopolies. Firm-level trademarking has been examined by other researchers who have shown that innovative firms are more likely to register trademarks because of factors like R&D engagement, such as the size of the company. In spite of Philipp Schautschick and Christine Greenhalgh's claim in 2016, that not all innovative firms use trademarks, only one paper, by Benedikt Herz and Malwina Mejer, argues that the observed increase in trademarking over the last few decades that scholars link to product marketing, and service innovations may be distorted, and that there is a much simpler explanation: The evolution of the trademark fees

Conclusion

Trademark studies, international trade, and past innovation processes can all benefit from new data, which business historians have begun to emphasise the link between branding and entrepreneurial innovation". They have done so by analysing longitudinal trademark datasets and case studies on trademark use in commerce. An exceptional and full relational dataset on trademark case files from 1870 to the present was just provided by the US Patent and Trademark Office. Nearly two-thirds of the seven million trademarks in the collection date from the 1870s to the 1960s, making this trove of information extremely valuable for business and economic historians. Additionally, there are significant initiatives to gather and systematise historical documents in various European and Latin American nations, often sponsored by corporate



historians or study organisations, such as in Spain (1850–1920). These activities show that trademark history has a bright and hard future and that business historians have a difficult work ahead of them.

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