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Trends in Trademarks

Throughout the history of book publishing, many different technological and legal advances have occurred that have altered the publishing industry unquestionably. While copyright is thought to be the most important legal advancement in book history, the development of trademarks and the later development of trademark law have also been extremely important. Had trademark law began earlier in book history, some of the commonplace identifiers in the publishing industry may not have become so commonplace today. The influential trademarks created by such teams and Fust and Schöffer and Ticknor and Fields could not have spread as a result of laws preventing such imitations, thus preventing trends from existing, and potentially altering the way in which we identify books and their publishers today.

Trademark is often connected to copyright by their shared associations with book publishing; while trademarks are words, phrases, or symbols that identify and distinguish products, copyrights protect individual artistic or literary works. Publishing houses may obtain a trademark for their company, which in turn produces the physical representation of the words an author may have copyrighted. Publishing houses benefit from both trademarks and copyrights; without them, other publishing houses may profit off of the original house’s success, either through stealing a house’s texts or stealing their identifiers.

In the early days of book history, many of the books being printed were religious texts, which have no clear author.  So, rather than distinguish these texts by an author, which would need protection from copyright, texts were distinguished by the paper mill, printing house, or publishing house that created the physical book. As technology advanced and the desire for greater financial success spread, these companies found ways to identify their work from one another in a variety of ways. The ultimate goal of these identifiers was to encourage consumers to connect the company with the product, whose quality would lead consumers to purchase more from that company, whose product they know is good, rather than risk buying from another company that they have not yet experienced.

Today, we call this identifier a “trademark.” Trademark is defined by the Oxford English Dictionary as: “A mark (secured by legal registration or, in some countries, established by use) used by a manufacturer or trader to distinguish his goods from similar wares of other firms; usually a distinctive device or figure, a fancy name or trade name, or the name of an individual or firm, marked or impressed on the article or upon the package, etc., in or with which it is sold” (OED). The legal concept of a trademark is a fairly recent one, with laws regarding the registration of trademarks not being passed until 1870 in the United States and 1875 in the United Kingdom. Trademarks were indeed used before these laws were passed; some even argue they were used as early as the time of the Roman Empire.

One of the first popular identifiers used in book history is that of the printer’s device. Fust and Schöffer, who worked alongside the famous Gutenberg in developing the printing press, distinguished their works with a printer’s device. The printer’s device was “a logo representing the book’s house of origin” (Howard 34). Fust and Schöffer’s *Mainz Psalter* (1457), a copy of traditional versions of the Psalms, was the first printed book to include such a marking. The printer’s device of Fust and Schöffer was an image of two shields, which “identified the printers and showed pride in their work” (Kent and Lancour 347). This image served to distinguish their printed version of the Psalms, a text with no author to distinguish it by, from the versions created by other printing houses. With their printer’s device, Fust and Schöffer hoped consumers would connect the image with the quality of the text and, ultimately, with the printing house, thus leading the consumers to continue purchasing their products rather than another house’s.

After Fust and Schöffer’s success with the printer’s device, other printing houses followed suit.  Some printing houses, inspired Fust and Schöffer’s image of the two shields, adopted a similar version as their own printer’s device (Kent and Lancour 347). In doing so, these other printing houses hoped their consumers would associate the quality and success of Fust and Schöffer with their products in an attempt to increase sales. This imitation could not have been possible had trademark law been developed earlier in history.

Similar to printer’s devices, book bindings also came to identify the publishing house they originated in. Ticknor and Fields, a prominent publishing house based in Boston in the nineteenth century, was one of the first companies to use book bindings as a trademark to identify their products. The Ticknor and Fields house style originally served as a way to distinguish their products from others, but soon became a “symbol of the quality contained therein” (Groves 78). Consumers thus connected certain covers with the success and quality of Ticknor and Fields, leading them to continue purchasing their products rather than another publishing house’s.

As with Fust and Schöffer, whose printer’s devices were popular enough to influence other printing houses, Ticknor and Fields’ inspired a new trend. Other publishing houses even directly copied some of Ticknor and Fields’ most popular book binding designs. In doing so, these other publishing houses hoped to “visually link [their publications] with Ticknor and Fields’s stable of prestigious authors” in an attempt to gain readership (Groves 83).

The printer’s devices and bookbindings used by these houses became commonplace markers of book publishing through their widespread imitation by other companies, in an attempt to recreate the success of the original publishers. These trademarks may not have become so commonplace had their imitations been deemed illegal as a result of earlier laws preventing such imitation.

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