quality & ip

brands in chains

SIMS 290 §10

October 26
disintermediation

a panglossian view of chains

URGES FEDERAL AID IN RAILWAYS’ PLIGHT
James Speyer Tells Chamber of Commerce Time Is Ripe for Effective Relief.

ASSAILS VIEW OF CONGRESS
Irving T. Bush Pleads for Competent Central Authority to Regulate Terminals.

1917
1942
1951
1966
IP and quality assurance

brands-- the people's choice
1504, Guillaume Cop, injunction against pirate printer of an almanac; only signed copies

1511: Durer's mark

1518: [monopoly petition] “le bien et utilité de la chose publicque”

1527: [petition for printing monopoly to prevent]:“les faultes et incorrections que lesditz imprimeurs y pourroient commetre en son absence”
private interest & public good

Scientia Donum Dei Est;
Unde Vendi Non Potest

"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"

—Milton
"The astronomical growth in the wealth and cultural influence of multinational corporations over the last fifteen years can arguably be traced back to a single, seemingly innocuous idea ... that successful corporations must primarily produce brands, as opposed to products"

—Klien, No Logo
private interest & public good

“the consumer dictates to the companies ... simplify choice, guarantee quality ... ultimate accountable institution”
—Economist (review of No Logo)
producer interest

too much of a good thing?
"Every change [in IP] tending to advance the producer interest .... against the consumer".
—St Clair, Reading Nation

“The European law [the EU DMCA] was shepherded through the European Parliament by MEP Janelly Fourtou”
brand & chains

Coca-Cola
PEPSI
CHRYSLER
Ford
GM
Nike
adidas
DELL
intel
Microsoft
Microsoft & Intel capture as much profit as all the other firms in the PC industry.

**disk drives**

"among the most valuable and technologically dynamic components of the PC"

McKendrick, 2004

**2000**

196 million disks
8 companies
0 profits

<table>
<thead>
<tr>
<th>Company</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantum</td>
<td>2%</td>
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<tr>
<td>Maxtor</td>
<td>0.07%</td>
</tr>
<tr>
<td>W. Digital</td>
<td>-19%</td>
</tr>
<tr>
<td>Dell</td>
<td>7%</td>
</tr>
<tr>
<td>Intel</td>
<td>13%</td>
</tr>
<tr>
<td>Microsoft</td>
<td>31%</td>
</tr>
</tbody>
</table>
THE FIRST PART
OF THE HISTORY OF ENGLAND.

By Samuel Daniell.

London, Printed for the Company of Stationers. 1611.

THE COLLECTION
Of the History of England.

By S. D.

London, Printed for Simon Waterson. 1648.

THE COLLECTION
Of the History of England.

By Samuel Daniell.


Written by Sir Walter Raleigh, Kt. And Dedicated to the then Earl of Salisbury.


By Samuel Daniel.

LONDON.

The Fifth Edition Corrected.

With a Continuation of the History, unto the Reign of Henry the Seventh.

1650.

LONDON.

Printed by E. G. for John Witcomb at the Signe of the Crowne in Paul's Church-yard, 1650.

Printed by F. Leach, for Rich. Chiswell, Benj. Fode, and Tho. Sawbridge, and are to be Sold by Will. Whetsow, near the Crown Tavern in Bucklow. 1662.
The Stationers made "Shakespeare" — Erne

He was Lambert Strether because he was on the cover, whereas it should have been for anything like glory, that he was on the cover because he was Lambert Strether.

"His NAME at the Bottom of a Title Page, does sufficiently recommend the Book"
the author &
the statute of Anne

"an instrumental convenience in regulatory struggles carried on within the book trade"
—Loewenstein

sumptuary of print
Pope's *Shakespeare*, 1723-5
Theobald's *Shakespeare*, 1733
wine wars

the “disestablishment” of Port

1703 Methuen treaty
1713 defeat of “Commercial Treaty”
1756 demarcation
1802, 75% of wine market
1834, collapse of regulation
1860, retailing transformation
1862, English TM law
"The wines you mentioned could only at present be fit to put in the bottle not to use. We therefore persuade ourselves that the judgement found was premature .... We therefore request of you to suspend your opinion until they have had more time to mature."

1793
“Infinite Frauds and Cheats of the Wine-Trade will be discover'd, and I hope for the future, prevented; for if once we can come to a usage of drinking our Wines neat as they come from the Country where they grow, all the vile Practices of Brewing and Mixing Wines, either by the Vintners or Merchants, will die of Course.”

—Defoe

Review of the State of the British Nation.
"Mr. SPECTATOR.

Several of my Friends were this Morning got together over a Dish of Tea in very good Health, though we had celebrated Yesterday with more Glasses than we could have dispensed with, had we not been beholden to Brooke and Hellier. In Gratitude therefore to those good Citizens, I am in the Name of the Company, to accuse you of great Negligence in overlooking their Merit who have imported true and generous Wine, and taken Care that it should not be adulterated by the Retailers before it comes to the Tables of private Families or the Clubs of honest Fellows. I cannot imagine how a SPECTATOR can be supposed to do his Duty, without frequent Resumption to such Subjects as concern our Health”

[Steele, Spectator, Friday April 25, 1711]
Messieurs Brooke and Hellier Merchants in Horse-lane near Bread-street, having experienced that their new Port and Viana Wines do give such universal Satisfaction, they have encourag'd further to accumulate the Town, and give Notice, that they resolve to retail the entire Cargoes of the Sophronia and Nell Galaxies just arriv'd and landing, consisting of 300 Pipes of red and white Oporto, and 20 Pipes of red and white Anadea Wines (being the only Wines of these Sorts in Merchants Hands) in the several Vaults and Taverns following, viz. in Freeman's-yard in Corn under the Crown Tavern in Breadstreet, under a front House in Salisbury-Court in Fleetstreet, under Mr. Rymer a Furrier against May-pole in the Strand, and at the Horn Tavern in Palace-Yard Westminster, and there is now open'd other Vaults, viz. in the Tavern Yard against Billingsgate, in the middle Street in York Buildings, and under St. James's Market-house; also on Tuesday the 18th Instant will be open'd the Green Dragon Tavern in Gray's Lane in Holborn. Note, The Prices of the aforesaid Wines, in the Vaults, the new natural red and white Oporto and white Viana, 18 d. per Quart and 17 l. per Hogshead, and the new red Viana, 15 d. per Quart and 15 l. per Hogshead; and in the said Tavern Oporto and white Viana at 20 d. and red Viana at 16 d. per Quart. Note, The new white and red Anadea Wines are at 25 per quart and 20 l. per Hogshead, and to be had only in the aforesaid Vaults York Buildings, and under St. James's Market-House.
SUPERIOR WINES.—SPENCER & PERKINS,
No. 115, Newgate-street, Importers of Wine for upwards of 40 years, 16 of which they have adopted that admirable mode of mellowing in large vats of 3 and 4000 gallons contents, as is practised in Germany and other places abroad; by which their Wines are so improved in flavour, and their cordial qualities retained, that they are not only a delicious liquor to the palate, but grateful to the stomachs of nervous habits, and the aged and infirm. Their stock of Old Port, Madeira, Ruggella, &c. is of 15,000l. value, by which they are enabled to keep Wine to great ages, both in cask and bottle. They also keep a large stock of Cogniac Brandy, Pine and Jamaica Rum; and East India Orange Shrub; the oldest in London, treated in the same manner in vats, which, with their Wines, they sell on the most moderate terms, for ready money. Not less than a dozen of experience.

PORT.—Crown Seixo, 1851 vintage, bottled in 1853.
About 200 dozen of this very fine OLD WINE to be SOLD in parcels of three dozens, at 53s. per dozen, hamplers included. Apply to NORGATE and SON, 55, Ludgate-hill, London.

PURE UNBRANDED FOREIGN WINES.—
PRICE LIST of all WINES and SPIRITS sent post free on application to ABBOTT, ASH, and Co., 16, Northumberland-street, Charing-cross, W.C. Agents Wanted.

WARDS' PAXE SHERRY at 36s. per dozen, fit for a gentle.
Post orders on Pic.
son (established u.

OLD BEEFING PORT (Sandeman's shipping), 48s. per dozen. Gordon's golden and pale Sherries, 30s., 35s., and 40s.; Manzamilla and Aumontillado, highly recommended for invalids, 48s. and 49s.; old Port, 36s., 42s., and 48s.; white Port, very select 60s.; St. Julien Clarat, 30s.; St. Estèphe, 30s.; La Rose, 42s.; Leoville and Latour, 43s., 50s.; Margaux, 60s.; Lat,,, 72s.; Chablis, 36s.; Saulleiro, 48s.; Hoek and Nuelle, 36s. and 48s.; sparkling ditto, 69s., 72s., and 81s.; Ruedeleiner, Steinberger, Johannesberger, and Liebfraumbichl, 60s.; sparkling Champagne, 48s., 60s., and 72s.; fine old Sack, Malems, Frangipane, Constantia, Tokay, Vermuth, and other rare wines. Old pale cogniac brandy, 66s. per dozen; curâçoa, marachino, noyau, cherry brandy, and other foreign liqueurs. On receipt of a post-office order or reference, any quantity, with a priced list of all other wines, will be immediately forwarded by HEDGES and BUTLER, wine merchants, &c., 155, Regent-street, London; and 30, King's-road, Brighton.
**precedent setting**

**trademark cases in common law: product classes with most reported cases**

<table>
<thead>
<tr>
<th>Class</th>
<th>Number</th>
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<tbody>
<tr>
<td>Medical preparations</td>
<td>46</td>
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<tr>
<td>Beer, wines, spirits</td>
<td>42</td>
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<tr>
<td>Newspapers &amp; publications</td>
<td>38</td>
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<tr>
<td>Tobacco</td>
<td>16</td>
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<td>Sauces</td>
<td>13</td>
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<td>Iron</td>
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precedent setting

globally, most litigious plaintiffs

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<thead>
<tr>
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<tr>
<td>Hennessy</td>
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<td>Wolfe</td>
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<td>Apollinaris</td>
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<td>Bass</td>
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"vertical competition"
meritocracy

the meritocracy of the net

"virtual organization"—Dell

"frictionless markets"—Gates, 2000

"platform leadership"—Gawer & Cusamano, 2002

"networked society"—Castells, 2002
<table>
<thead>
<tr>
<th></th>
<th>IBM</th>
<th>DEC</th>
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<td>OS</td>
<td>IBM</td>
<td>DEC/VAX</td>
<td>Apple</td>
<td>Sun/Solaris (AT&amp;T-Unix)</td>
<td>IBM [Msoft]</td>
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<td>IBM</td>
<td>DEC</td>
<td>Apple/Motorola</td>
<td>Sun</td>
<td>IBM [Intel]</td>
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<td>IBM</td>
<td>DEC</td>
<td>Apple</td>
<td>Sun</td>
<td>IBM</td>
</tr>
</tbody>
</table>
goodbye to all that

the loss of assurance
"nobody ever lost their job for buying IMB"

rise of the clones
"the PC"

3d party
Microsoft
Intel & co
[IBM]/OEM
vertical competition

"the accidental brand"

"trash marketing" (AMD)

"promoting the semiconductor company at the expense of Compaq's brand"

"established a mindset in computer users that they were, in fact, Intel's customers, even though they didn't actually buy anything from us."
vertical competition

OEM warrants

CPU warrants

“embrace and extend” (and extinguish)

FUD & vaporware
vertical competition

**Dell:** Motif, E510n

**Compaq:** Tabs, AMD, Nextgen, MIPS

**HP:** Linux

**IBM:** 386 sourcing

“As sole supplier of the popular chip .... Intel is expected to generate nearly $1 billion in revenue ... margins in the 80% to 90% range”

**IBM:** Pentium ban
quality issues

quality assurance important

quality confers a gatekeeping role

gatekeeping confers power

power tilts "markets" towards "networks" towards hierarchy

"co-operation may come close to direction when one of the parties is clearly predominant"