



# quality & ip

**brands in chains**

**SIMS 290 §10**

**October 26**

# disintermediation

## a panglossian view of chains

URGES FEDERAL AID  
IN RAILWAYS' PLIGHT

1917

James Speyer Tells Chamber of  
Commerce Time Is Ripe  
for Effective Relief.

1942

ASSAILS VIEW OF CONGRESS

1951

Irving T. Bush Pleads for Compe-  
tent Central Authority to  
Regulate Terminals.

1966

# IP and quality assurance

---

**brands-- the people's choice**



# branding & quality

---

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 cometre 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

# private interest

---

"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*

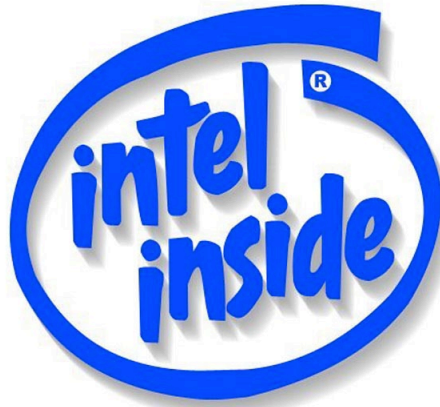
"The European law [the EU DMCA] was shepherded through the European Parliament by MEP Janelly Fourtou"



# brand & chains

---





# technological meritocracy

Microsoft &  
Intel  
capture as  
much profit  
as all the  
other firms  
in the PC  
industry

"among the most valuable and technologically  
dynamic components of the PC"  
McKendrick, 2004

## disk drives

**2000**

196 million disks  
8 companies  
0 profits

Quantum 2%

Dell 7% .....

Maxtor 0.07%

Intel 13% .....

W. Digital -19%

Microsoft 31%

THE  
FIRST PART  
OF THE HISTO-  
RIE OF ENGLAND.

BY  
SAMVEL DANVEL.



LONDON,  
Printed for the Company of  
STAYIONERS.  
1613.



THE  
COLLEC  
OF THE  
HISTO  
OF  
ENGLA

By SAMVEL DAN

The Fourth Edition Re-  
His last corrected Coppy

Whereunto is Annexed a Continu  
unto the Raige of HENRY th  
By JOHN TRUSSEL



LONDON,  
Printed by E.G. for John Williams at the Signe  
of the Crowne in Pauls Church-yard, 1650.

BREVIARY  
OF THE  
History of England  
With the  
REIGN  
OF  
King William the I.  
Entitled the  
CONQUEROR.

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

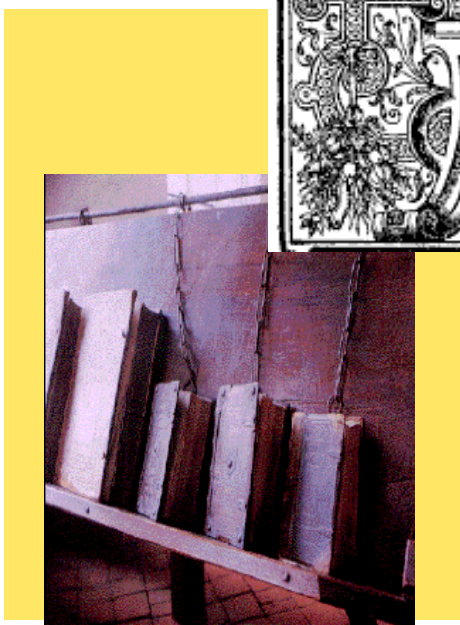
LONDON,  
Printed for Sam. Keble at the Great-Turks-  
Head in Fleet-street. And Dan. Brown  
at the Black-Swan and Bible without  
Temple-Bar. 1693.

By SAMUEL DANIEL

The Fifth Edition Corrected.

With a Continuation of the History, unto the Reign of  
HENRY the SEVENTH,  
By JOHN TRUSSEL

LONDON,  
Printed by F. Leach, for Rich. Chiswell, Benj. Toole, and Tho.  
Sawbridge; and are to be Sold by Will. Whitwood, next  
the Crown Tavern in Duck-lane. MDCCLXXXV.



boo



# bookseller-publisher

**Jacob Tonson**

Shakespeare

Jonson

Milton

Dryden

Congreve

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”

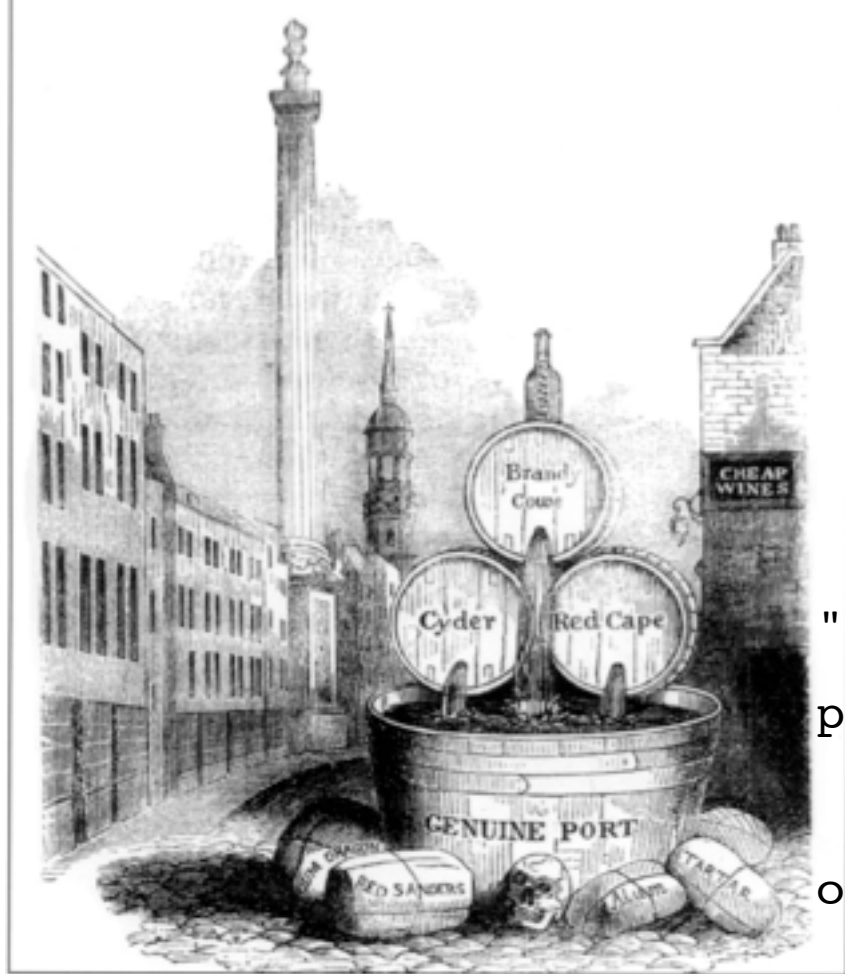
1756 demarcation

1802, 75% of wine market

1834, collapse of regulation

1860, retailing transformation

1862, English TM law



## wine quality

---

"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

# rottenest set

---

"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.*



# rottenest set

“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  
lane near Bread-street, having experienc'd that their new natural  
porto and Viana Wines do give such universal Satisfaction, they  
encourag'd further to accommodate the Town, and give Notice  
they resolve to retail the entire Cargoes of the Sophronia and  
Galies just arriv'd and landing, consisting of 300 Pipes of new  
and white Oporto, and 20 Pipes of red and white Anadea Wine  
(being the only Wines of these Sorts in Merchants Hands) in the  
ral Vaults and Taverns following, viz. in Freeman's-yard in Court  
under the Crown-Tavern in Breadstreet, under a front House in  
lisbury-Court in Fleetstreet, under Mr. Rymes 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 De  
Tavern-Yard against Billingsgate, in the middle Street in  
Buildings, and under St. James's Market-house; also on Tuesday  
18th Instant will be open'd the Green-Dragon Tavern in Gray's  
Lane in Holborn. Note, The Prices of the abovesaid 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 13 l. per Hogshead; and in the said Taverns  
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 2 s. 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 meliorating in large vats of 3 and 4000 gallons con-  
 tents, as is practised in Germany and other places abroad; by  
 which their Wines are so improved in flavour, and their cor-  
 dial qualities retained, that they are not only a delicious li-  
 quor to the palate, but grateful to the stomachs of nervous ha-  
 bits, and the aged and infirm. Their stock of Old Port, Ma-  
 doira, Buccella, &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 Ja-  
 maica Rum, and East India Orange Shrub, the oldest in Lon-  
 don, treated in the same manner in vats, which, with their  
 Wines, they sell on the most moderate terms, for ready cas-  
 h. Not less than a dozen  
 of expence.

**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, hampers included. Apply  
 to **NORGATE and SON, 55, Ludgate-hill, London.**

**PURE UNBRANDIED 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' P** **ALL SHEPHERD at 36s per dozen. fit for**  
 a gentlen  
 Post orders on Pic  
 Son (established u  
**OLD BEESWING PORT** (Sandeman's shipping),  
 48s. per dozen. Gordon's golden and pale Sherries, 30s., 36s., and  
 4s.; Manzanilla and Amontillado, highly recommended for invalids,  
 48s. and 60s.; old Port, 26s., 42s., and 48s.; white Port, very select  
 60s.; St. Julien Claret, 50s.; St. Estéphe, 36s.; La Rose, 42s.; Leoville  
 and Latour, 43s., 51s.; Margaux, 60s.; Latté, 72s.; Chablis, 36s.;  
 Hauterac, 48s.; Heck and Mowelle, 36s. and 48s.; sparkling ditto, 60s.,  
 72s., and 84s.; Ruedelheimer, Steimberger, Johannesberger, and Lieb-  
 frauwlich, 60s.; sparkling Champagne, 48s., 60s., and 72s.; fine old  
 Sack, Malmsey, Frontignac, Constantia, Tokay, Vermuth, and other  
 rare wines. Old pale cognac brandy, 66s. per dozen; curaçoa, mara-  
 chino, 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 BUT-  
 LER, 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**

<b>Class</b>	<b>Number</b>
Medical preparations	46
Beer, wines, spirits	42
Newspapers & publications	38
Tobacco	16
Sauces	13
Iron	12

# precedent setting

## globally, most litigious plaintiffs

Name	Number
Hennessy	6
Wolfe	5
Apollinaris	4
Moet	3
Guinness	2
Bass	2

"vertical competition"

# meritocracy

---

## **the meritocracy of the net**

"virtual organization"—Dell

"frictionless markets"—Gates, 2000

"platform leadership"—Gawer &  
Cusamano, 2002

"networked society"—Castells, 2002

# stretching the chain

Software	IBM	DEC	3d party	3d party	3d party
OS	IBM	DEC/VAX (3BSD-Unix)	Apple	Sun/Solaris (AT&T-Unix)	IBM [Msoft]
CPU	IBM	DEC	Apple/ Motorola	Sun	IBM [Intel]
Hardware	<u>IBM</u>	<u>DEC</u>	<u>Apple</u>	<u>Sun</u>	IBM

# goodbye to all that

---

## **the loss of assurance**

"nobody ever lost their job for  
buying IMB"

## **rise of the clones**

"the PC"

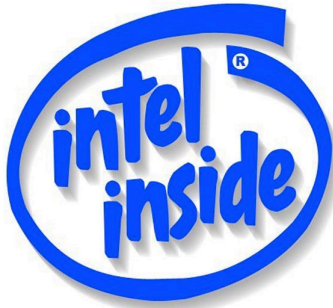
3d party

Microsoft

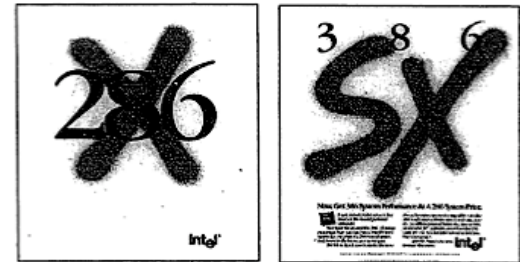
Intel & co

[IBM]/OEM





# vertical competition



**386 &**

"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"