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INTANGIBLE ASSETS AND COMPETITIVENESS  
IN SPAIN: AN APPROACH BASED ON  
TRADEMARK REGISTRATION DATA IN  
CATALONIA (1850-1946)

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## *Intangible assets and competitiveness in Spain: an approach based on trademark registration data in Catalonia (1850-1946)\**

**J. Patricio Sáiz (UAM) and Paloma Fernández (UB)**

### **Introduction**

Sociology and applied economics agree with business historians in outlining the significance of intangible assets in the creation and development of businesses in the world (Cañibano and Sánchez 2003; Sánchez, Chaminade and Olea 2000)<sup>1</sup>. ‘Intangible asset’ is commonly defined as a resource that is not physical in nature. Corporate intellectual property such as patents, trademarks, industrial designs, copyrights, knowledge and brand recognition are all common intangible assets. In international accounting rules an intellectual asset can include a network of clients, the reputation of a brand name and know-how. Therefore, it is a wide-ranging concept, which includes issues related to marketing, strategy, leadership, and above all, cultural values often linked to religion, politics and family life. It has a great significance in studies on internationalization of brands and firms. Recent works on the contribution of intangible assets to the competitiveness of firms include among them such assets as: entrepreneurial reputation, product reputation, innovative skills, management of change skills, working networks, employees´, providers´ and distributors´ know-how, public knowledge, contracts, intellectual copyrights, commercial secrets and databases (Hall 1992, Hall 1993, Fong 2002). According to some authors, the most critical aspect of implementing strategies in a firm depends on managing four key internal groups of intangible assets: operations, customer relationships, innovation, and regulatory and social processes (Kaplan and Norton 2004).

Brands are a firm’s resource in which at least three of these four groups of intangible assets are combined. Despite this, they still are, in the economic and business history literature, a ‘neglected intangible asset’. However, they have played a very

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\* This work would have been impossible without the agreement between the *Spanish Patents and Trademarks Office* (OEPM) and the *Universidad Autónoma de Madrid* (UAM) signed in 1999 for cataloguing and studying the historical files of patents and trademarks at the OEPM archive. Approximately 70 people, among researchers, technicians and postgraduate students, have participated during the last ten years (for more details see: <http://historico.oepm.es>). Paloma Fernández Pérez has financial support from the Spanish public research project ECO2008-00398/ECON and the ICREA Academia 2008 research award. She has greatly benefitted from research assistance of Yolanda Blasco, and from technical conversations with Miquel Gutierrez on the papermaking industry and Josep Maria Benaul on Catalan textile industrialists.

important role in the rise of the modern corporation, and at the same time in the integration of small and medium enterprises in consumer-goods industries in global markets (Wilkins 1992, Da Silva 2007, Da Silva and Casson 2007).

Brands and branding are very old forms of marketing. For most authors advertising first appeared with the invention of the printing press in the mid-fifteenth century and the emergence of newspapers a century later (Pincas and Loiseau 2008). For other scholars there was evidence of branding earlier on, from historical periods beginning 2250 BC in the Indus Valley, through to 300 BC in Greece. An evolutionary approach to branding since antiquity to modern times has revealed a gradual transition of brands as intangible assets that historically first provided information on origin and quality, to brands that include more complex assets like status, power, added value, and finally brand personality (Moore and Reid 2008). A major difference between the first brands and advertisements and the modern industry –the shape of which began in the nineteenth century- lies in the context of consumption. Modern advertising and brands were born alongside mass consumption made possible by the industrial revolution, and experienced a golden age during the 1930s and then during the 1960s onwards. Brands became an essential tool for manufacturers setting out to conquer their national markets, no longer content to rely on local distributors to promote their products. The introduction of an oil and electricity-powered economy, the proliferation of cars, and the establishment of radio and then TV stations, in North America and across Europe during the twentieth century, constituted powerful platforms through which brands spread among consumers around the world (Pincas and Loiseau 2008). This was particularly true in the food and drink industries (Jones and Morgan, eds., 1994).

Brand management involves a good knowledge of market tastes and needs, they often require innovative knowledge exchange among employees, clients and distributors, and in order to be legally acknowledged and protected they must fulfil official regulations and become registered trademarks. The intangible prestige of brands is often much more difficult to imitate than the technological information contained in patents, and there is an increasing value of enduring brands in crossing national borders, which help corporations to conquer the global markets. Therefore, we would like to focus our attention on the origins and contribution of brands and trademarks to the process of accumulation of intangible assets among firms. The significance of brands, marketing knowledge and distribution as firm-specific intangible assets and competitive advantages change over time. When market conditions and conditions of a particular

industry are significantly altered due to external strong challenges that lead to a process of market integration and greater competition, growth and survival of firms require faster creation or rebuilding of specific firm advantages (Da Lopes 2003 and 2007). This process is path-dependent of previous marketing knowledge, which includes knowledge of specific brands and particular regional/national markets. The importance of branding as a cost reduction strategy in early stages of penetration in foreign markets for small and medium firms has been theoretically and empirically demonstrated (Robinson 1988, Schmalensee 1972, Schmalensee 1974, Schmalensee 1982, Ramon 2008).

Despite its importance for the internationalization of firms and for the accumulation of commercial intangible assets in a territory or a corporation, which are long-term processes that cannot be rightly explained with a short-term view, there are very few solidly based empirical studies with a long-term approach to branding in a sector, or cross-sector approaches to the uses of branding in a region or country, and very rare attempts to provide international comparisons over a long period of time (Church and Godley 2003a and 2003b, Da Silva 2003 and 2007, Moore and Reid 2008, Ramon 2008). Our study provides, for the first time, solid empirical grounds to carry out a long-term, cross-sector research on the evolution of branding in one of the most dynamic regions of Southern Europe, Catalonia. We carried out a thorough analysis of the first 17,000 trademark files applied for in Spain between 1850 and 1905, which we completed, when possible, with basic data from approximately 15,000 resident brands granted in a four-year sample (1916, 1926, 1936 and 1946) that we extracted from the *Boletín Oficial de la Propiedad Industrial* (BOPI)<sup>2</sup>. Specifically in Catalonia we worked with a total number of 6,421 trademarks corresponding to 1850-1905 and a sample of 3,865 brands granted for that four-year selection.

There have been some studies on the origins of trademarks in the western world, though in general for only a few years and usually taking into account summarized records published by government publications. Our study has used these summaries for the four previously mentioned years of the 20<sup>th</sup> century, but above all its main empirical contribution comes from the more complete information provided in the first 17,000 individual applications registered with the public administration for the period 1850-1905. This required a detailed cataloguing which lasted for several years and which was carried out based on the original files belonging to the *Spanish Patents and Trademarks Office* (OEPM)<sup>3</sup>. Thus, we were able to count on an ample database,

difficult to find in other countries, which contains the complete administrative life of the trademark including the scanned images.

Moreover, and in contrast with the few available international analyses on the origins of trade marking in the western world, our study includes some data on trademark prices (when the brand was transmitted) which allowed a pioneering effort to provide a solid basis for studying the first attempts to measure intangible assets in a firms' accounting. Our data is also significant because it sheds light on and provides a solid base for understanding the first stages of the process of the creation of intangible assets among small and medium enterprises in regions that experience a transition from a traditional to an industrialized and globalized economy. The analysis of trademark registration by firms and entrepreneurs living in Catalonia between 1850 and 1946 is therefore used, not just as an interesting case study in itself, but rather as a model to test how firms operating in emergent economies use the regulatory framework, inherited human capital, commercial know-how of distant markets, and new knowledge about products and marketing skills to improve their individual competitive advantage.

Our study aims at two different goals. First, to use history as a tool to learn about how processes of knowledge exchange and innovation in marketing are much more complex and path-dependent than usually considered by the academic literature, with a few exceptions (Casson 1994, Jones and Morgan eds. 1994, Duguid 2003, Da Silva and Casson 2007). History is important to understand the design and production of manufacturer marketing or retail marketing. Not only consumers are affected by inherited traditions and tastes, but also owners and employees of manufacturers and brands are influenced by regionally embedded historical traditions. Moreover, a correct understanding of what some call "enduring brands" which have successfully survived in consumers' preferences during centuries (usually in the alcohol or cosmetic and fashion industries) indicate the endurance of values firmly rooted in distant historical situations. History not only is important to understand brands. Brands usually are successful when they use history (Da Silva 2007). Innovation in marketing is often looking backwards to combine old and new. However, there is very little solid empirical evidence of the history of branding and registered marks in industrialized countries, in open contrast with the case of patents, widely analyzed and studied throughout Europe and the US<sup>4</sup>.

Neither has a theoretical framework for brand research been especially profuse. Traditionally, economic theory has only approached brands tangentially as a subset of the economics of information, signal theory and enterprise theory, in which they were

conceived almost exclusively as the result of defensive idiosyncratic investments related to commerce, competitiveness and entrepreneurial prestige. So, brands are distanced from other types of intellectual property such as patents, copyright and, therefore, from the theory of public goods (Landes and Posner 1987, Landes and Posner 1988, Economides 1988). Recent research continues to deal with this topic from a Coasian perspective and from the economics of transaction costs (Landes and Posner 2003, chapter 7) without radical changes in the theoretical concept of brands which are analyzed as private goods of little or no social value and more closely related to ‘tort law’ than to property rights theory, contrary to the rest of inventive, artistic or intellectual activity.

According to this traditional analysis, brands do not present characteristics of public goods because, if a prestigious brand which identifies a product could be freely copied, the signalling value and reputation would be destroyed immediately, something that would not happen with the value of inventions or literary creations, no matter how easily the ability to copy would reduce the economic incentives to make new creations. Recent works (Barnes 2006) reclaim the social value of brands as public goods (without rejecting their value as a private good), above all, from the point of view of the consumer, given that the information they have accumulated can be used simultaneously by many parties without interfering with or diminishing the utility among different consumers, as happens with information contained in a patent or a copyrighted book. This requires that trademarks be studied from multiple perspectives, not only that of economics<sup>5</sup>, including cultural and ideological viewpoints (Casson 1994), if we want to contribute to clarification and understanding of their role in the construction of the enterprise and the modern mass consumption society, as well as the intellectual and moral implications. This posture reinforces the empirical and historical analysis of trademark included in this work, highlighting “customary uses of marks, which arise from the communicative value of marks as cultural symbols that transcend the marks’ source-indicating function” (Barnes 2006, p.27). Brands are one of the intangible assets of the enterprise that can best be studied thanks to the existence of official registries from very early dates that have hardly been effectively mined until now. It is true that for recent dates studies have been carried out on brands in some specific sectors and products, as well as analyses of manufacturing and retail branding in current marketing research journals; however, research is lacking for the second half of the 19th century and the first half of the 20th century, a period in which an entire

branding culture was created and consolidated, directly related to the formation of intangibles in consumer goods industries.

Secondly, this work additionally suggests that the study of branding in 'emergent economies' in that century, such as that of Catalonia, illustrates certain factors and historical strategies which condition the development of branding in current emergent economies. Currently, as in the past, it has not been complete countries which have led the growth of strong new economies, but rather regions and district controlled by families, personalisms, foreign technology transfer, and trust networks based on relationships and affection<sup>6</sup>. Population migrations and the establishment of mercantile clans maintained in spite of distance have favoured and often have preceded the formation of an excellent and difficult to acquire market know-how, which is essential to provide an emergent economy with human and social capital. There are numerous examples currently as well as in the past, and this paper offers a panoramic view of the first Catalan trademark registrations, the largest in Spain, demonstrating that the sectors dominated by enterprises and entrepreneurs who, very early on, created human chains of commercial distribution throughout national territory and foreign countries were those which most often used trademark registration as a strategy of product differentiation within Spain. Food, beverages and cosmetics continue to dominate branding.

A paradigmatic and singular case which we show is that of the pioneering efforts of branding used by the paper manufacturers of Alcoy (Valencia) and Capellades (Catalonia), entrepreneurs who had experience in moving freely throughout Spanish territory and South American markets already in the first half of the 19th century. What we know about this mobility and what we describe here as to their trademark registration activity suggests that mobility over time allowed the accumulation of market knowledge in different territories of the poorly integrated (at that time) national market. Branding design allowed consumers living in distant territories to consistently identify one or several products with a specific manufacturer and region and, therefore, create an image of quality and competitiveness to the nascent industry at that moment in these regions.

The Catalan case is important because it was and is the first industrial region of Spain, it has a very compact and diversified entrepreneurial density, and it has used diverse adaptive strategies to conquer national and international markets. Many Spanish economic historians have been studying the diverse business typologies (small and

medium enterprises, a few big corporations, flexible districts of different typologies) used in this region to achieve a high degree of competitiveness in a Spanish and European context during the last five decades<sup>7</sup>. Many approaches have studied firms and sectors, though very few have attempted to study the creation and accumulation of intangible assets such as brands in this or other Spanish regions in a long-term cross-sector perspective. This is a relevant topic, however. The early development and growth of the public and private demand for consumer goods (paper, textiles, food and beverages, soap, etc.) in Spain and in the former Spanish territories in America from the 19<sup>th</sup> century onwards had to take into account consumer patterns of other regions and foreign markets, and required strategies of product differentiation and creation of reputation and other added values. Brands facilitated the conquest of the fragmented national market and of some Latin American markets, and (in beverage) of a few European markets such as the UK and Northern Europe<sup>8</sup>. For the first time, this paper offers a rigorous study of registered trademarks in Spain, and in some Spanish regions such as Catalonia in particular, and demonstrates that the creation of brands had similar features to those revealed in the few available studies for the UK, France, or the US, in terms of early development of legislation in the second half of the 19<sup>th</sup> century, and the leadership of beverages –alcohol above all– and food. The study also shows some peculiarities of Spanish strategies of branding, such as the pioneering role of paper products and firms.

The paper that follows presents a first overview of the pioneering legislation developed in Spain, and its changes since mid-19<sup>th</sup> century. Then, a descriptive analysis of registered trademarks and applicant firms follows, with particular attention to the Catalan region. The conclusions present a summary and also some questions for future research.

## **2. The legal framework: the Spanish rules of the game in an international context.**

Modern trademarks began with the institution of national systems of registration (Wilkins 1992, Wilkins 1994). During the second half of the nineteenth century most European countries, the US and many Latin American countries set up registration systems at the national level<sup>9</sup>. Available research publications for the United Kingdom, France, Germany and the United States show that the bulk of trademarks corresponded to small firms and the initial concepts were often bound by regions and related to non-durable consumer goods. But due to frequent changes in registration and reporting gross



numbers and data, it is difficult to make comparisons on a national scale, and even more so at an international level (Wilkins 1992; Church 2000; Koehn 2001; Higgins 2002; Duguid 2003; da Silva 2007; Bently, Davis and Ginsburg 2008).

Legal rights for the registration of names during the nineteenth century were restricted in countries with an Anglo-Saxon tradition, whereas in continental Europe countries such as France had traditions of protecting marked goods locally with greater continuity that went beyond changes which took place during the French Revolution. Thus, laws attempted to protect names and manufacturers' brands at a regional level before the industrial revolution, and parallel to that at the national and international levels during the period of growth of production and international trade in the second half of the nineteenth century. In a forthcoming work which constitutes the first serious attempt to construct an international trademark data comparison during the nineteenth century, Duguid, Mercer and da Silva have shown that trade marking in France, the United States and the United Kingdom was responsive to legislation and regulation, effects of war and economic cycles particularly affecting consumer goods such as food and drink (Duguid, Mercer and da Silva 2008, unpublished).

In any case, the establishment of consistent registered trademarks on the national level arrived on the scene later than the patents of invention, and frequently much later. Although precursors of protection of products and producers already existed in Europe, in France trade mark registration was not organized until 1857, in the US not until 1870, and in the UK not until 1875. In Spain, however, there also existed a system of protection of manufacturing trade marks which, as in the case of France, went back to the guild system of production and was maintained throughout the modern era, being intermittent, diffuse and disorganized during the first half of the 19th century. There was a well-known custom of insisting on marking, with exclusive and differentiating symbols, the craftsmen's workshops belonging to the various guilds, often stamping certain emblems in tiles on the workshops themselves, which then extended to the stamping or sealing of the products themselves. This served to guarantee a respect for the strict guild regulations and the quality standards for that product, and allowed its circulation while, in certain professions, distinguishing the specific producer (Chanzá 2001 pp.166-171, Córdoba 2008), and at the same time monitoring the payment of corresponding taxes.

After the period of Liberal Revolution, in Spain as well as in the rest of Europe, these affairs continued to be managed on the local level (as was to be expected in

economies with low levels of market integration) until in the second half of the 19th century the modern national trade mark registry was founded through the Royal Decree of the 20th of November, 1850, one of the first laws in this domain in the world<sup>10</sup>. The most plausible hypotheses as to why the decree appeared at that moment in particular could be the possible pressure the Alcoy and Capellades paper manufacturers brought to bear on the central government; in the decade of the 1840's they had petitioned for protections against fraud and imitations, and during the same period the demand of the state for paper increased, as they needed to supply their traditional monopolies (tobacco, playing cards and lottery tickets), but also the effects of monitoring and registration due to the first modern tax reform in the history of Spain, the Mon-Santillán Reform.

It is possible that the paper manufacturers' need for protection, their negotiating power caused by the increased public demand for paper, and the installation of several paper factories in Madrid during that period explain the chronology of a Decree designed to protect those paper companies as well as other enterprises struggling against imitation and fraud who based their competitiveness on product distinction<sup>11</sup>.

During the agitated period of the War of Independence against Napoleon and the subsequent civil strife between absolutists and liberals, the modern and still precarious system of industrial property was born in Spain, inaugurated with the patent legislation of 1811, 1820, and 1826<sup>12</sup>, with a clear French influence. The registry and archives corresponding to inventive and innovative activities were established in the *Royal Conservatory of Arts and Crafts* (1824<sup>13</sup>), where, twenty-five years later, manufacturing and commercial trade marks were established through the afore-mentioned Decree of 1850, through which applications and concessions were administered until the beginning of the 20th century. This Decree, therefore, regulated the concession of trade marks for more than fifty years, complemented by continuous minor national legislation which did not modify its essence, such as, for example, that which prohibited the importation of foreign products with a Spanish trade mark (1858), or which protected bilateral agreements with respect to trade mark protection with the UK and France (1876) or the US (1882), in addition to other questions relative to individual cases, the formal aspects of the application, etc.

The bilateral agreements with other countries were the prelude to the signing of the Paris Agreement (1883) for the creation of the *International Union for the Protection of Industrial Property* which precipitated both, the obligation of guaranteeing priority to residents of the signing countries and the publication of the

*Official Bulletin of Industrial Property* containing basic information of the trade marks (1886), and the famous Madrid Agreement (1891) which gave birth to the international manufacturing and commercial trade mark registry in Geneva which allowed, through a single application, a multiple registration in all the designated countries, as long as it was not in conflict with the national legislation of each country<sup>14</sup>.

The Royal Decree of 1850 was abolished and replaced with the *Industrial Property Law* of the 16th of May 1902, and along with the specific Regulations of 1903 and 1924, collectively governed patents, trade marks and recently developed categories such as industrial models and drawings (industrial design)<sup>15</sup> and ‘commercial names’ (distinctive signs including business headings)<sup>16</sup>. This continued with the *Industrial Property Statute* of 1929.<sup>17</sup> The 1929 Statute, in addition to upholding the previous categories, introduced two new categories having to do with *customs labels* and *films*<sup>18</sup>. The legislation of 1929 remained in force, at least concerning the distinctive signs, throughout the Franco era and until the modernization of the system after joining the European Community, first with the enactment of the Trademark Law 32/1988 and the Regulation of 1990, and more recently with the Trademark and Commercial Names 17/2001 with its Regulation of 2002, enabling the convergence with Community and international laws<sup>19</sup>.

With respect to the nature of national legislation, as was mentioned previously, the Decree of 1850 arose, according to its own Preamble, from the need to combat falsifications of brands in the incipient national market, in which, little by little, the degree of mercantile integration increased, already high in some regions such as the Mediterranean and Andalusian coastline, especially in industries related to consumption such as food, beverages and tobacco, and in general the transformation of agricultural products.<sup>20</sup> They were scattered industries owned by family enterprises and individual entrepreneurs with little need for fixed capital investments, which towards the middle of the 19th century had begun its expansion under the capitalist and manufactured units parameters, giving way to massive consumption of specific products such as food, beverages, tobacco, matches, cigarette paper or textiles, and, therefore, increasing competitiveness among enterprises to garner their share of the expected profits.

According to the preamble of the Decree of 1850, the principle reason that Spanish legislation was among the leaders of the world in creating a protective state legislation of registered trademarks appears to be the need to combat an intense industrial piracy in some sectors. The Decree established the compulsory registration of

trademarks in order to prosecute the usurpers as well as a periodic publication in the *Gaceta de Madrid*. A fundamental question is that this registration was conceived only for “factory trademarks”; i.e., for those enterprises and manufacturers, either Spanish or foreign, as long as their establishment fell within national territory and they were adequately documented, registering the marks and images with which they distinguished their products. It was with the Royal Order of the 29th of September, 1880<sup>21</sup> that, through a specific resolution, the legislation was extended to “commercial trademarks”; it was with the Royal Order of the 16th of January, 1897<sup>22</sup> that the registration of agricultural and cattle trademarks were established; and with the Law of the 16th of May, 1902, professional and craftsmen trademarks were taken into consideration, finally opening the registration system to distinctive signs in all economic activities, while establishing that these trademarks could not lay dormant for more than three years (five after 1929).<sup>23</sup>

Concerning non-resident foreigners, from 1850 onwards they were able to register their trademarks without having an establishment open in Spain as long as there was a treaty of bilateral commerce, which was universalised by the 1883 international agreements.<sup>24</sup>

### **3. Registered marks in Catalonia in a Spanish and European context.**

In this work we are going to study trademarks applied for and granted on the national level, considering as such those presented in the Spanish Registry, leaving out international trademarks which have been in force since 1893<sup>25</sup>. Graph 1 shows that it is the same thing (at least up until 1905) to analyse trademark applications or grants, as both follow the same trends and the rejection percentage in the Spanish system is very low. In order to handle the large volume of documents, we have a database of all the applications for trademarks registered during the period between 1850-1905 (for Spanish and non-Spanish residents), and all the granted trademarks registered for selected years of the first half of the 20<sup>th</sup> century (1906,1916,1926,1936 and 1946), for Spanish residents. Next sections provide first results of the analysis of this database, with information about chronology, national and regional identification of applicants, trademarks per capita registered by regions, and main products/sectors that sought protection and differentiation through trademarking in the particular case of Catalonia. The choice of Catalonia is revealing of the first modernizing attempts of using trademarking in Spain –and Europe- as it was the region that, after the pionnering

leading role of Valencia in the 1850s-1860s, led the process of registered trademarking in Spain after the 1880s with an average of around half of all the brands registered in the country in the period of our study.

### **3. 1. Trademarks in Spain**

Graphs 1 and 2 show the long-term development of the Spanish trademark registry from its inception in 1850 to 1905 and 1946. Graph 1 indicates that almost right up to the end of the 1870s the annual trademark registry was extremely short (on average 15 or 16 trademarks per year), and densely concentrated in certain regions and sectors. As in the case of patents (Sáiz 2002), the applications and grants of trademarks increased dramatically between 1875 and 1880, initiating a sustained growth cycle which continued almost up until the Civil War. According to granted brands data from BOPI, in 1946, the number of trademarks granted would have continued increasing until mid 20<sup>th</sup> century.

If we examine the place of residence of the applicants (Graph 2) we can confirm that the presence of non-resident trademarks in Spain is always inferior to that of residents and it does not affect the general tendencies of the system. In fact, the presence of foreign trademarks in Spain is only detected after the signing of the bilateral agreements with the United Kingdom and France in 1876, the date on which dozens of French trademarks were immediately registered, increasing the statistics, due to the geographical proximity and the French entrepreneurs interest in the Spanish market; as happened in a similar way with the patent registry (Sáiz 2002). Likewise, one can see that the presence of non-resident trademarks comes to a standstill during the ongoing Spanish and global protectionist phase, which began at the end of the 1870s and lasted up until the beginning of the 20<sup>th</sup> Century.

In Graphs 3 and 4 and Table 2 we observe that the average proportion of non-resident trademarks between 1850 and 1905 is almost 20 percent, which would imply a presence of foreign trademarks greater than usual in leading countries at this time; in France, the UK and the USA it would not exceed, according to Duguid, Mercer and da Silva, 10 percent<sup>26</sup>. Only in the case of Portugal is it even more surprising; in 1885, foreign presence, probably because of Portugal's special relationship with the UK, it exceeded 60 percent according to the previously mentioned authors. Nevertheless, even accounting for a minor percentage of the total trademark applications, this registry activity crossing between countries clearly indicates the beginning of international

commercial expansion and the growing importance of foreign markets for enterprises. In the Spanish case, we can confirm that this foreign interest for the national market is concentrated, as it could not be any other way, in France (37 percent of the total foreign trademarks), the UK (24.8 percent), Germany (19.5 percent) and the USA (8.2 percent). If we compare these percentages with the presence of foreign business in the Spanish market before 1914 (Tortella 2000), the coincidence is a close approximation (see Table 3). The acquisition of trademarks abroad (the same as occurred with patents, Sáiz 2002) is one more investment of the enterprise interested in international expansion and much of this process weighs heavily on geographical proximity and knowledge of the market, which explains the strong presence of France in Spain or that of England in Portugal, for example.

Just as or even more interesting than the foreign presence in the system is the analysis of the regional distribution of resident trademarks, something which can be studied in detail in Table 4, which shows the distribution of the registries according to the applicant's residency (the place in which, in theory, they exercise their economic activity and pay their "industrial contribution", the tax which accredits them as producer). Almost half of the trademarks requested in Spain between 1850 and 1905 are registered in Catalonia, making it the region with the most valuable role. The system is concentrated densely along the Mediterranean Coast, with the Valencian Community and Andalusia occupying the following positions in total number of trademarks, carrying, among the three mentioned, 75 percent of the applications at the time. Madrid would be the fourth region with 10 percent. The other 15 percent is shared among the other Communities, creating a map of producers who invest in distinctive signs (Figure 1) densely populating the entire coast along with Madrid –the political and financial centre of the country, important market of goods and services and hub of railway transport. Hence, the integration of the national market, the increased competition between enterprises for internal demand and the marking and differentiation processes of the merchandise start with the coast, in particular the Mediterranean (plus Madrid), leaving central Spain further away from the processes of market modernisation and industrialisation, something which coincides with the general impression of the historiography explaining the construction of the national market and with the distribution of other intangible assets, e.g. the patents (Sáiz 2002, figure 1).

If we consider the population, trademarks per habitant reveal a particular intensity and concentration in Catalonia, Madrid, the Valencian Community and Basque

Country (Table 4), the most developed and industrialised zones at the time, leaving the other regions with density indexes which were lower than the national average. It makes sense to emphasise, nevertheless, a second group of four regions (La Rioja, Cantabria, Baleares y Andalusia) in which the trademark density per habitant is greater than in the rest of the country and which have a tradition of producing food, beverages, tins, oil and other basic consumer goods whose commercialisation began to extend to the incipient national market in the second half of the 19<sup>th</sup> Century. In Graph 5, we observe the annual evolution of registered trademarks from the four most important regions just mentioned in relation to the total resident trademarks, remaining clear the dominance of the Valencian Community (specifically the province of Alicante) until 1879-80. Since 1866, and in particular since 1875, the registry of distinctive signs increased in Catalonia, so that since 1880 it has been dominant over the system, converting it into the most significant region to study.

Table 5 and Graph 6 offer a more detailed comparison of the trademarks requested from Catalonia and the rest of Spain during the hundred years between 1850 and the first half of the 20<sup>th</sup> century; to do this we have included the data sample extracted from granted brands registered in BOPI in 1916, 1926, 1936 and 1946. The Catalonian trademark presence may be seen, above all from 1865, as progressive, and increases until it constitutes over 50 percent of the total of residents at the start of the 1880s (Graph 6), especially between 1890 and 1895 –periods during which the agrarian crisis (which led to important changes in the production and commercialisation of primary products) had an impact in Europe and Spain. It then began to slowly descend throughout the 20<sup>th</sup> century until it arrived at 26 percent in 1936 and 18 percent in 1946 (Table 5), although these figures are not exact as they were obtained from an indirect source which was problematic for some years, precisely those of the Franco autarchy. In any case, it remains clear that the apparition and first evolution of trademarks in Spain was a Valencian and Catalonian phenomenon which then extended to the rest of the regions.

### **3. 2. Registered marks in Catalonia**

Although we will make reference to the important role of the Valencian Community at the beginning of the trademark registry, essentially in this work we are going to focus on Catalonia, given that, as it has been demonstrated, it became the most active region in protecting distinctive signs during the last third of the 19th century. As

we would expect the registry activity is most strongly (and almost exclusively) concentrated in the province of Barcelona (the heart and soul of the Catalan industrialisation); in the city itself as much as in the various surrounding industrial districts. During the period we have analysed in detail –1850 to 1905– the concentration of trademarks in the province of Barcelona reached an average of 90 percent, a percentage which continues increasing in the data extracted from BOPI in 1916, 1926, 1936 and 1946 (98 percent). In Figures 2 and 3 the phenomenon of the geographical density is represented on a map of the region and in Graph 7, which shows the evolution of the trademark registry in all the provinces, we can see how Barcelona clearly dominates in every period and how it is only Tarragona and Girona which experience a certain amount of registry activity after 1890 (less than ten trademarks per year), Lleida having a very limited role.

If we focus on the province of Barcelona and study the locations within the province from which producers and manufacturers apply for trademarks, the conclusions are very interesting. As we have already seen in Graph 5 and can now detail in Table 6, during the first existence phase of the trademark registry (1850 to 1865), the most important region was the Valencian Community; specifically Alcoy, a small town of the province of Alicante, which joins more than 80 percent of the Valencian trademarks up until 1880 and over 50 percent between 1880 and 1905. In Catalonia, something similar happened during the first phase, with the greatest density of trademarks (60 percent) being in the town on Capellades, followed by Barcelona, which from 1880 onwards constituted more than 80 percent of the applications and almost all of them between 1916 and 1946, as we have already pointed out.

The pioneering role of the Valencia region in brand registration was initiated by cigarette paper production in the Alcoy district because, in the mid-nineteenth century, there was a dynamic expansion in the consumption of cigarette paper for smoking in the Spanish and Latin American markets (Gutiérrez 2006). The manufacturing firms operating in the Alcoy district of the Valencia region demonstrated distinctive features in the 1850s-1880s in the Spanish market: they were numerous, small in size, and had a very strong specialization in the production of cigarette paper. Perhaps for these reasons, the Alcoy firms created many more brands than other Spanish firms. Alcoy's main competitors in the Spanish market were from the Catalan district around Capellades, and in the Latin American markets, were the German, Italian, and above all, the Catalan producers, especially before 1870 as we can see in Table 6. The Catalan



competitors in paper-making in Spain during the 1850s-1870s also registered brand names, but in comparison with the Alcoy producers they were less specialized and had a relatively larger concentration of paper-making in a few firms, which may explain why they needed to register less cigarette paper brands than the Alcoy firms and why they did not register after 1880. It is interesting to observe that most of the Alcoy brands of the 1850s-60s quickly disappeared from the markets, whereas some of the Catalan brands of this period were “enduring brands” that performed well among Spanish consumers until today (see Figures 4 and 5). Brands were mainly designed by a combination of marketing decisions of either the paper factory owner or the commercial agents distributed among the main regional markets of the country during the 19<sup>th</sup> century. Often the manufacturer of cigarette paper produced a different brand for the same product in each market in which the product was sold (a city, a region or Latin American countries). Fakes were common (Gutiérrez Poch 2006, Gutiérrez Poch 2008 and Gutierrez Poch unpublished). Apart from these paper manufacturers of Capellades which we have referred to, in effect all the other trademarks registered in Catalonia before 1865 are related to textile products in Barcelona, the leading and most modern industrial activity of the region during the first two-thirds of the 19<sup>th</sup> Century.

After this competitive battle in the cigarette paper market and the important role played by Alcoy and Capellades in the birth of the trademark registry system (which, as we suggested in section two, could even have been the main cause of the elaboration of the Law of 1850), what is certain is that, by 1870, Catalonia had become the epicentre of the registry activity and that textile trademarks were the most numerous until the beginning of the 20<sup>th</sup> Century. Table 7 shows the first sectorial distribution of the items protected by resident trademarks, using the *Nice International Classification of Goods and Services* edited by WIPO (World Intellectual Property Organization, in Geneva). This classification allows us to analyse which goods were protected by distinctive signs, taking into account that a trademark can designate a single product or various products of a single class or of different Nice classes, in which case we count each one of the designated products. For example, if a particular trademark were to demand protection for wine and beer, it would appear as two different products and classes, although both belong to the same industrial sector (alcoholic beverages). We can see how for the approximately 13,000 resident trademarks registered between 1850 and 1905, there are over 15,000 good designations, which clearly indicates that some applicants (probably the first small distributors) expected to use the same trademark to protect products

essentially different, possibly for very different markets, in the same way as today with the so-called “white brands” (something which deserves future research.)

The Nice classification is not, as such, a sectorial classification of the industries that apply for trademarks, but rather one of the requested products, an important point to consider when analysing the role of brands in the construction of markets; even when studying the structure of trademark distribution one can easily tell which sectors began to spread branding and to invest in product differentiation during the second half of the 19<sup>th</sup> Century, in particular from 1865-70 onwards. Nonetheless, as happened with greater emphasis in patents, the differences between analysing the industries or sectors from which the trademarks originate and the specific market to which the products are intended can be important (as seen in Table 7.) Therefore, here we conduct a sectorial distribution from the point of view of demand, consumption and the markets.

Table 8 is a synthetic summary of Table 7, in which we can clearly see how trademark investment in Spain, as in other countries, is greater in basic consumer goods of ample demand and, therefore, in those markets in which the first industrial enterprises are competing for: food, beverages and tobacco, textile goods and consumer chemistry. If we include untransformed agricultural products, almost 90 percent of the resident trademarks are found to be related to goods of these sectors, making scarce, as seems logical, distinctive signs assigned to differentiate matters related to machinery and equipment, metallurgic products, construction, services or even household goods, furniture, games and other intermediate goods which were of scarce consumption in Spain before the 20<sup>th</sup> Century. The regional differences are important, stressing above all the registry of textile trademarks in Catalonia, Barcelona in particular, which accounts for over 40 percent of the region’s total, much higher than the national average or that of other communities. As we can see in detail in Table 7, Catalonia is dominated by textile trademarks –in particular fabrics (19.8 percent) and threads (11.3 percent) more than other related products (dresses, hats, embroidery, footwear, leather...)- although only through close detailed study of the protected items and of the manufacturer will we be able to fully understand the process.

As well as on textiles, trademarks in Catalonia are highly concentrated on basic chemical goods of low technical complexity: in particular pharmaceutical products, simple medicines, syrups, cosmetics, soaps, bleach, perfumes, lubricants, candles, dyes and many other consumer goods for which demand is increasing in the incipient urban middle-classes of Catalonia and Spain. In fact, a third of the trademark designations in

Madrid (a region dominated by the market constituted by the city and court, political and financial centre of the country) is focused on this sector. The third group of trademarks focuses in each case on three kind of products: beverages (above all alcoholic; wines, brandy, liquors and, in smaller measures, beers and soft drinks), food products of various nature (flour, pasta, chocolate, oil, vinegar, tinned products, etc.) and tobacco and other smoker's products, a sector totally dominated by booklets of smoking paper, a specialty of Valencia and in particular the already mentioned paper industry of Alcoy. Lastly, we would like to point out how trademarks related to household goods, furniture, games, musical instruments etc. were more concentrated in Barcelona or Madrid than in other places and how, for example, the differentiation of products related to metallurgy, basic equipment goods and small machinery is greater, according to percentage, in Basque Country than in other areas, remembering it is a zone traditionally dedicated to the metal works and metal-mechanical construction. Trademarks related to paper and graphics (writing paper and other types of paper, cardboard, etc.); i.e., not smoking paper necessary for the consumption of tobacco, are also found in higher concentration in Barcelona and Madrid than in other regions, which once again highlights the country's political and administrative centre as an important consumer of such essential goods.

Table 9 and Graph 8 show a rough comparison of the evolution of the sectorial trademark registry in Catalonia up until 1946, combining the two sources we have used which, despite the fact that they are different, allow us to obtain some results<sup>27</sup>. We can see, in the long-term, the increment of trademarks related to all types of chemical products and to intermediate goods and machinery, and the diminution of those related to food, beverages, tobacco and, above all, textiles. All of this requires careful future analysis; lesser branding registration in a sector can indicate either a decrease in productive activity or the existence of a higher degree of market maturity, with trademarks which are already consolidated and valuable that can produce large barriers for new brands.

If we look at the supply side and analyse who the trademark applicants in Catalonia were, the matter is no less interesting. Although legislation was clear establishing that factory trademarks first, and subsequently those for commerce, agriculture and professionals, ought to be registered by residents who exercise the activity for which they register the brand (or non-residents of countries with agreements), it also indicated that trademarks could be obtained both by enterprises or

by a single or multiple individuals, as long as they were effectively dedicated to productive activities. In Graph 9 and Table 10, we can see the distribution of Catalan trademarks according to applicant's legal status; which reveals that almost half were requested by enterprises (an average of 48 percent between 1850 and 1905) while the rest were requested by individuals (in almost all cases one single individual). The proportion of enterprises is greater before 1865 and 1880 than after, although it is from 1880 on when trademark applications grow exponentially. In any case, the fact that half of the trademarks were applied for directly by individual manufacturers and traders means that intangible appropriation strategies can occasionally be revealed and are interesting to study. It is not the same that one or various trademarks belong to the share capital of a limited company than to one or various partnerships, since social responsibility was restricted and the trademark would be one of the private goods of the partners in the case of bankruptcy, sale or dissolution, which, without a doubt, would confer special capacities of negotiation in the case of becoming a successful trademark.

In Table 11 we can see the extent to which the Catalan companies or entrepreneurs used the system to protect more than one mark. During the earlier period, between 1850 and 1864, it was more usual to apply for only one distinctive sign (87.5%) than for two or more, as did three paper manufacturers from Capellades and a textile producer from Barcelona (Table 12). Nevertheless, between 1865 and 1879, the percentage of applicants with two or more brands doubled with respect to the previous period (31%), also increasing the number of different trademarks requested, reaching 17 or 18 per company in some cases (Table 13), mainly in the branch of cotton spinning and weaving, but also among manufacturers of smoking paper and spirits. During these years, therefore, we note the beginning of the process of trademark spreading and of investment in intangible assets which will strongly grow after 1880. As can be verified in Tables 11 and 14, in the last quarter the 19<sup>th</sup> century, the percentage of companies or manufacturers with more than one brand almost reached 40%, going as far as 20, 30, 60 and even 80 different trademarks per applicant, which was a sign of the new strategies of product differentiation, national market segmentation and conquest (and progressive competition in international arenas), as a result of economic and entrepreneurial readjustments caused by the second technological and industrial revolution and by the European crisis of the end of the century. In Catalonia, the companies and trademarks of cotton spinning and weaving again led the process, along with manufacturers of

chemical goods of universal consumption, such as bitumens, creams, lyes, soaps, balms and medicines, as well as the constantly present booklets of smoking paper.

Among the important names that appear registering several trademarks in the century of study of our paper we find, in tables 13 and 14, members of the most important families and companies of the textile, parfum, and food industries in the Catalonia of these years: Juan Batlló, Viuda de José Tolrà, Hilaturas de Fabra y Coats, Antonio Sedó, Myrurgia, Dana, and Federico Riera Marsà. Among them there is only one wealthy “merchant”, Jose Serra Font, probably a shipping-agent that was among the top 5 per cent most important tax-payers of trade in the city of Barcelona in 1883, specialized in the overseas colonial commerce, who constitutes one of the earliest cases of wholesale distributors attempting to increase added value of the goods sold by investing in their own brands<sup>28</sup>. Between 1892 and 1896, Serra Font applied for 35 different marks (some were denied because of opposition from third parties who were already using similar logos) to distinguish more than 500 different goods, of every nature and variety, that we could group into 18 distinct Nice classes. As happens nowadays with “white brands”, Serra Font attempted to brand and to differentiate his trade distinguishing the generic goods he was dealing with by using his own trademarks totally unrelated to original manufacturers or producers, Spanish or American, both in the wholesale business and in retail distribution. The reach and success of this kind of initiative and the historical importance of intangible assets in the competition among manufacturers and distributors, a current issue, is something that undoubtedly must be included in the international agenda on branding research.

Finally, we must allude to the sample that we have obtained for the years 1916, 1926, 1936 and 1946, practically from World War I to Franco’s Autarchy, in which the single-trademark applicant predominates again (an average of 80 percent in those four years, according to Table 11), although among those who frequently used the protection system the differentiation of goods and services was probably increasing, as can be verified in Table 15, because, only in the four mentioned years, there are applicants with more than ten marks (and even more than twenty and forty) among which incorporated companies abound, as well as chemical (soap, perfumes, bitumens) and food and beverage industries.

#### **4. Factors in the process of creation/integration of a market of intangible assets in Southern Europe based on the Catalan case.**

Brands provide more added value in some sectors than in others, and pioneering brands provide substantial added value to the different firms that historically have owned such trademarks. Brands and advertising are important factors in the competitive advantage of firms. They provide consumer identification with particular values and rewards. They have rational and emotional elements (Gobé 2005). It is generally accepted that advertising alone does not create demand, though it is also generally accepted that it provides competitive advantages.

At early stages of their lives brands have usually been owned by family firms, and this has provided ideal environments for nurturing such brands. Families tend to have a long-term approach to brands, and accumulate “sticky” marketing knowledge which is pragmatic and path-dependent, and allows consistency in brand management in the long run (Da Silva Lopes 2007: 177, Forum de Marcas Renombradas Españolas 2008). For Da Silva, brand developments reflect the governance of firms, and at least in the case of the global alcoholic beverages industries, firms owned and managed by families tend to accumulate more sticky pragmatic and path-dependent knowledge that often leads to successful and enduring brands. Her studies suggest that in non-science based sectors with strong competition and concentration, brands and marketing knowledge of particular national markets are central to explaining growth and survival of firms (Da Silva Lopes 2003: 598). Da Silva’s and Da Silva-Casson’s theoretical insights fit well with our data on Catalan branding between the last decades of the 19<sup>th</sup> century and the first half of the 20<sup>th</sup> century.

Catalan branding activity was very extensive in the Spanish context. In the early 1850s, together with the Valencia region, Catalan manufacturers in the paper industry were the first generation of entrepreneurs who used trademarking as a tool to guarantee and protect a business strategy of growth which favoured specialization and product diversification over other business possibilities. During the 1860s and 1870s Valencian entrepreneurs took the lead and Catalan firms significantly reduced trademarking practices in the Spanish context. However, immediately after the beginning of the 1880s and until at least the mid-20<sup>th</sup> century, entrepreneurs living in Catalonia led trademarking in Spain, particularly those whose legal residence was the industrial and commercial city of Barcelona. Barcelona residents applied for more trademarks than entrepreneurs with legal residence in any other Spanish region, in total numbers and in

percentages, during the entire century under study. The most important sectors that led this strategy of product and quality differentiation were textiles, paper-making, beverage industries, oil industries, cosmetics and other hygiene products. These were sectors dominated by small and medium enterprises, in which contacts with other regional and foreign markets had taken place, in some cases, since the 17<sup>th</sup> century, thus providing marketing knowledge of distant markets. This knowledge could have been crucial, from a regional perspective, to the explanation of growth and survival of these sectors, and of the firms that owned the brands. Why did this fashion for branding lead to the Catalan dominance of trademarking in the Spanish context, after the 1880s?

Recent studies on the historical origins of branding and advertising in some industrial sectors in Spain, such as the perfume industry, have concentrated on their expansion during the golden age of capitalism (Puig 2003, Fuentes ed. 2002), and have indicated that advertising as a valuable part of marketing was massively absent in Spain during the Franco era (Garcia Ruiz 2007). Marketing and advertising were not, however, a 20<sup>th</sup> century development in Spain. Modern branding and marketing knowledge started in Spanish economic history much earlier, as our paper shows. In addition to selling, the term “marketing” includes advertising, branding, pricing, promotion, market research, and product planning and development. Our evidence of trademarking for Spain, and Catalonia in particular, confirm the diversity of ways through which marketing developed in Europe in the final decades of the 19<sup>th</sup> century (Church and Godley 2003). Moreover, they add a cross-sector perspective and knowledge to existing studies that have analyzed the transformation of commercial distribution in industrialized territories of Southern Europe, albeit only for some individual sectors, in the last third of the 19<sup>th</sup> century. Thus, for example, we know that branding had been a basic added value before the twentieth century, as the early consolidation of some brands by pioneering Italian olive oil firms in Latin American markets created real barriers to Spanish olive oil brands and firms that arrived later to such markets before the Word War II (Ramon 2008). Additionally, brands were a very important strategy of product differentiation of Catalan producers of paper (Gutiérrez 2006 and 2008) and wine (Valls 2004) in Spanish, Latin American, and European markets during the 19<sup>th</sup> century, particularly in the final three decades.

The 1880s were times of transformation of marketing in Catalonia, taking paths that were followed in other leading European regions of the time. With railways connecting this region with the capital of the country, Madrid, and with other major city

markets of Spain, several changes took place during those years. First, textile manufacturers began increasingly to hire and send travelling salesmen to sell their products to distant territories, thus changing the traditional role of marketing played by agreements established with local independent distributors (Prat 2008). Second, department stores began to appear in Barcelona and other large Spanish cities between the 1880s and 1920s such as ‘El Siglo’, ‘El Aguila’, ‘Almacenes Alemanes’, ‘Almacenes Jorba’ (Toboso 2000: 36 and *La Vanguardia* September 1881 issues). Third, new magazines and journals (*La Vanguardia* since 1881) as well as yearly commercial and industrial publications (*Anuario Bailly-Ballière* since the 1880s, *Anuario Industrial de Cataluña* after 1917) began to publish advertisements in which brands had a prominent role. Fourth, Catalan entrepreneurs increasingly participated, after the 1880s, in international exhibitions in which the design of brands and logos played a very important role in advertising and differentiating their products. Of course the golden age of growth that the Catalan economy experienced during the 1880s, linked to wine exports due to French problems in their wine industry, was an opportunity to expand internationally and to use brands to add value and differentiate local consumer goods, which had intrinsic low added value and a great number of competitors in distant markets. But the Catalan economy was diversified in many industrial and commercial branches, and the innovations in marketing introduced in those years touched upon a wide variety of economic activities from soaps to medicines and from food to cotton threads. Sectorial studies have not been able to capture this widespread use of commercial innovations in various businesses. This study of brands is a first opportunity to analyze, in a quantitative and qualitative manner, how the modernization of marketing took place in many different sectors of the Catalan economy. Moreover, it is a first opportunity to study, in Spain, with a cross-sector and long-term perspective, how cumulative and enduring a process of innovation in marketing can be in a territory, through an approach to what Teresa Da Silva has called “enduring brands”.

Of the greater than 6,000 trademarks applied for by residents in Catalonia between 1850 and 1905 that we have studied in this work, approximately 60, close to 1%, were still in force in 2008. There are foreign trademarks registered by residents such as *Listerine*<sup>29</sup> or national brands such as *Doctor Andreu* (pharmaceutical goods), *Fortuna* (textiles), *Codorniú* or *Anís del Mono* (spirit beverages). Some of them are of great tradition in the Catalonian and Spanish market while others (*Rápida*, *Salud*, *El*



*Toro...*) are key words that an enterprise can not afford to lose, intangible assets which, in any case, have been accumulating or losing commercial value for more than a hundred years and, therefore, are part of the company's daily life and of its long-run strategies for growing, penetrating markets, increasing competition and investing in advertising (Figure 6).

Undoubtedly, these sixty “super-enduring brands” constitute examples which, when studied, will produce useful conclusions on the role of trademarks in enterprises and markets, but throughout such a long historical period as the one that we attempt to analyze here, it is necessary to identify other “enduring brands” which are not in force nowadays but whose management during certain times in the past could help us to understand the origins and the evolution of branding. One way of approaching this is to attempt to study, in addition to their durations, the transmissions of trademarks. Among the 6,421 that we have analyzed, 1,342 (20%) have one or more registered cessions; i.e. they were sold, inherited or exchanged once or several times throughout their existence. For example, from 1975 on we are aware of 99 cessions of trademarks which were granted before 1905, whether or not they are still in force. Some have been recently transmitted for millions of euros, joined with other intangible assets, as is the case with the brand *El Toro*, which was registered in 1899 by the family Roura de Cortada (Barcelonan card manufacturers), bought in 1963 by the Basque company “Heraclio Fournier S.A.” for 128.79 euros, and, in 1995, based on an internal transmission to “Naipes Heraclio Forunier S.A.”, was priced in the presence of a notary, joined with other trademarks and industrial drawings of the company, in 2,072,477.73 euros (current prices). In other cases, concrete data of the notarial prices paid for a unique name exist, as, for example, in the case of the trademark *Salud* (health), obtained in 1904 by “Climent y compañía”, an enterprise of pharmaceutical goods from Tortosa (Tarragona), and acquired for the last time in 1996 by the company “Boots Healthcare S.A.” for 60,000 euros. Some are still renowned trademarks; i.e. known by the general public at least in the national market (Anís del Mono), while others are well-known brands (known in the branch to which they are applied) or strategic trademarks when constituting key words that, nowadays, could not be registered, although they still have an owner. Others were renowned, famous, well-known or strategic in some historical period, although we no longer remember them and they have lost their value.

## 5. Final remarks

Brands were born to identify the place of origin of products. Brands appeared in antiquity and developed through the Middle Ages as well, to identify the work of an artisan and qualities often determined by rules of local guilds. The age of consumerism which began with the industrial revolution in the eighteenth and nineteenth centuries indicated a transformation in the meaning of brands. Wholesale merchants in the Netherlands or the United Kingdom could purchase items from distant producers and attached their own brands to them for selling, thus improving the impression of quality that had to do not just with the production but also with the distribution processes. With the second industrial revolution and the spread of mass production, mass distribution, and professional management, brands changed as they were required to attempt to differentiate production and commercial services of similar products from competitors located in other parts of the world.

Brands thus have increased the number and intrinsic value of intangible assets. For this reason, many consultants in the marketing business believe that a strong brand today has a more stable behaviour than a firm in times of crisis. (Bruj3 2008: 24-25). At least four (Santander, Mahou, Damm, Roca) of the top 30 Spanish brands in 2007 were born in the nineteenth century (Bruj3 2008: 35-37). Our study has indicated that approximately 60 brands granted before World War I still existed in the Spanish market in 2008. In times of rapid change of markets and technology, firms tend to perish, yet brands usually flourish and grow in numbers in times of crisis and change, thus probably constituting strategic defensive responses to periods of business turmoil and therefore preparing for future growth. Wars and regulation, as suggested by Da Silva and Duguid, could also have conditioned the evolution of registered trademarks in Spain, although during the period covered in our study, only two wars, the Spanish-American war of 1898 in Cuba and the Spanish-Civil War of 1936-39 war, took place.

A historical perspective such as the one used in this paper has indicated the need to place brands in their particular historical context in order to understand where and why they may have helped create and accumulate intangible assets within a territory. Brands were not registered to the same degree in all economic activity areas, nor in all regions. The cross-sector and regional approach of this paper has indicated that regional concentration of 'branding skills' coincides with regional concentration of commercial and manufacturing skills. Moreover, as in many other countries and regions, the concentration of branding skills coincides with concentration of consumer goods

industries (above all food, textiles, and beverage). With some exceptions such as the small districts specialized in some added value mechanical products, as found in the villages around Eibar in the Basque Country, in Spanish regions which specialized in agriculture or in heavy industries, mining or iron and steel industries (Asturias, Andalusia and other areas of the Basque Country), they rarely used branding as a competitive strategy in this period, perhaps because their products encountered markets due to price factors and not because of the additional product differentiation and reputation values included in brands.

Catalonia was, with Valencia, one of the two regions that pioneered the introduction of branding as a modern tool of marketing in Spain in the 1850s. Particularly after the 1880s' it was the dominant region in the ranking of trademarking in the country until the end of our study in 1946. Entrepreneurs living in Catalonia massively used trademarks in order to protect specialized productions that had been some of the most significant market niches of the regional economy since the 19<sup>th</sup> century until today. Food and beverages, textile products, paper, pharmaceutical and chemical industries continue to be the leading internationalized market niches of the oldest family firms in the region (Fernández and Puig 2007).

A diversified industrial and commercial economy inherited the traditions accumulated in the consumer goods industries and commercial services from early modern times, and the knowledge transfer from abroad, incorporated by the most outward-looking entrepreneurs, adequately explain the modernization of marketing through branding in this region.

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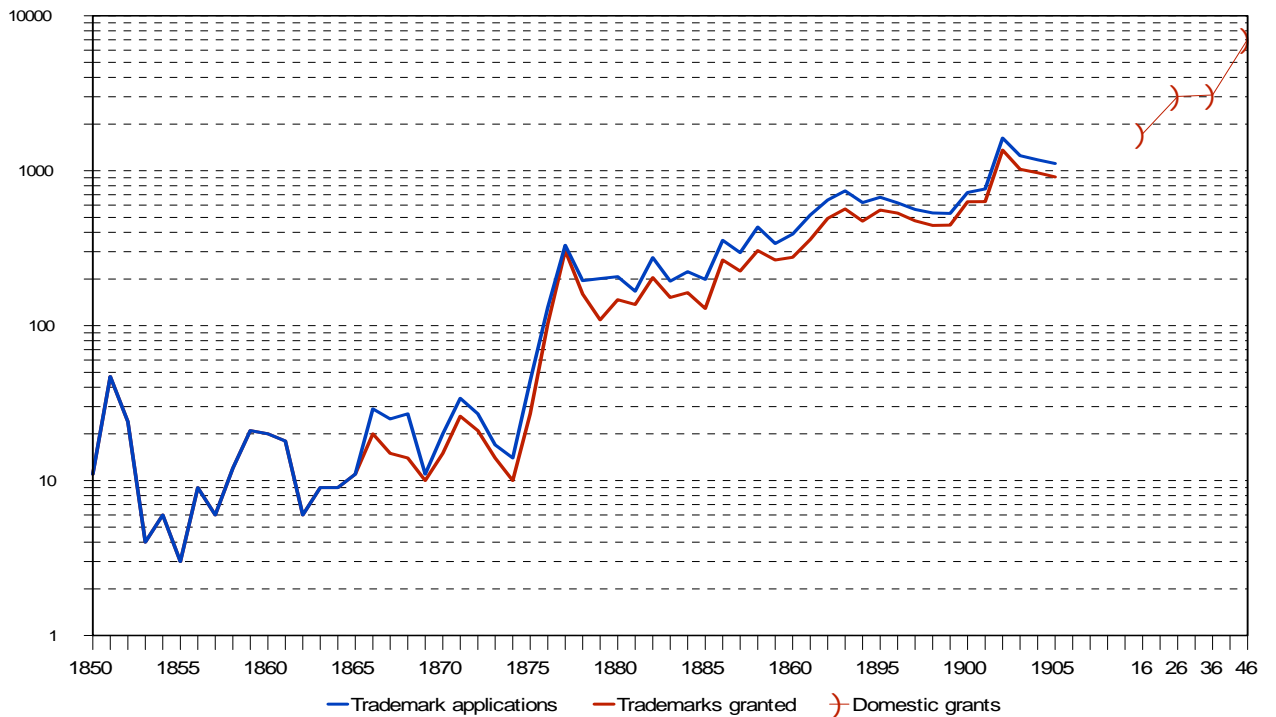
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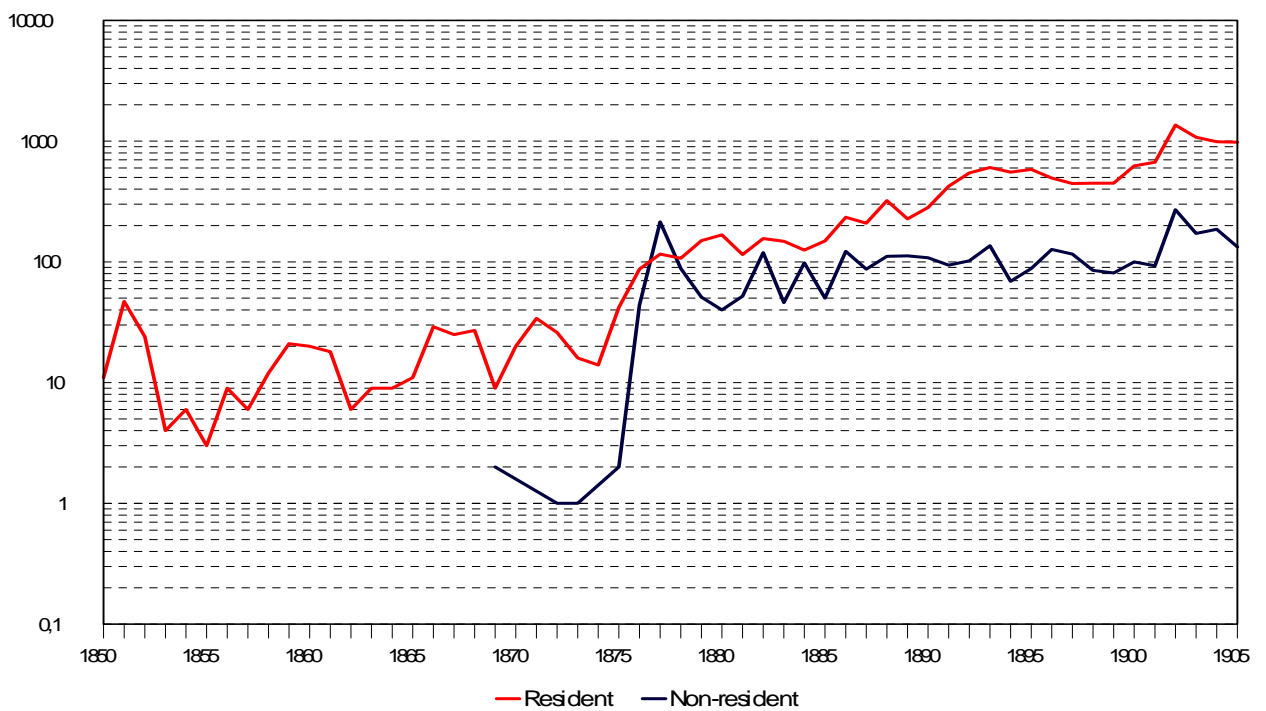
## Appendices

**Graph 1: Trademark applications and grants in Spain, 1850-1946**



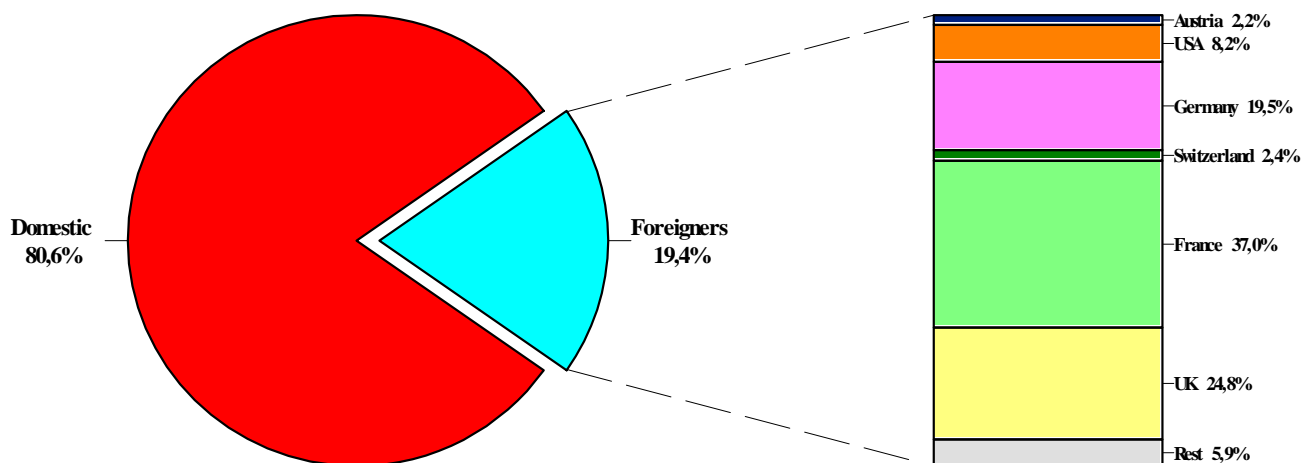
Source: Archive of the OEPM (1850-1905) and BOPI (1916, 1926, 1936 y 1946)

**Graph 2: Trademark applications by Resident and Non-Resident. Spain, 1850-1905.**



Source: Archive of the OEPM (1850-1905)

**Graph 3: Trademarks in Spain by applicants' country of residence (1850-1905).**



Source: Archive of the OEPM (1850-1905)

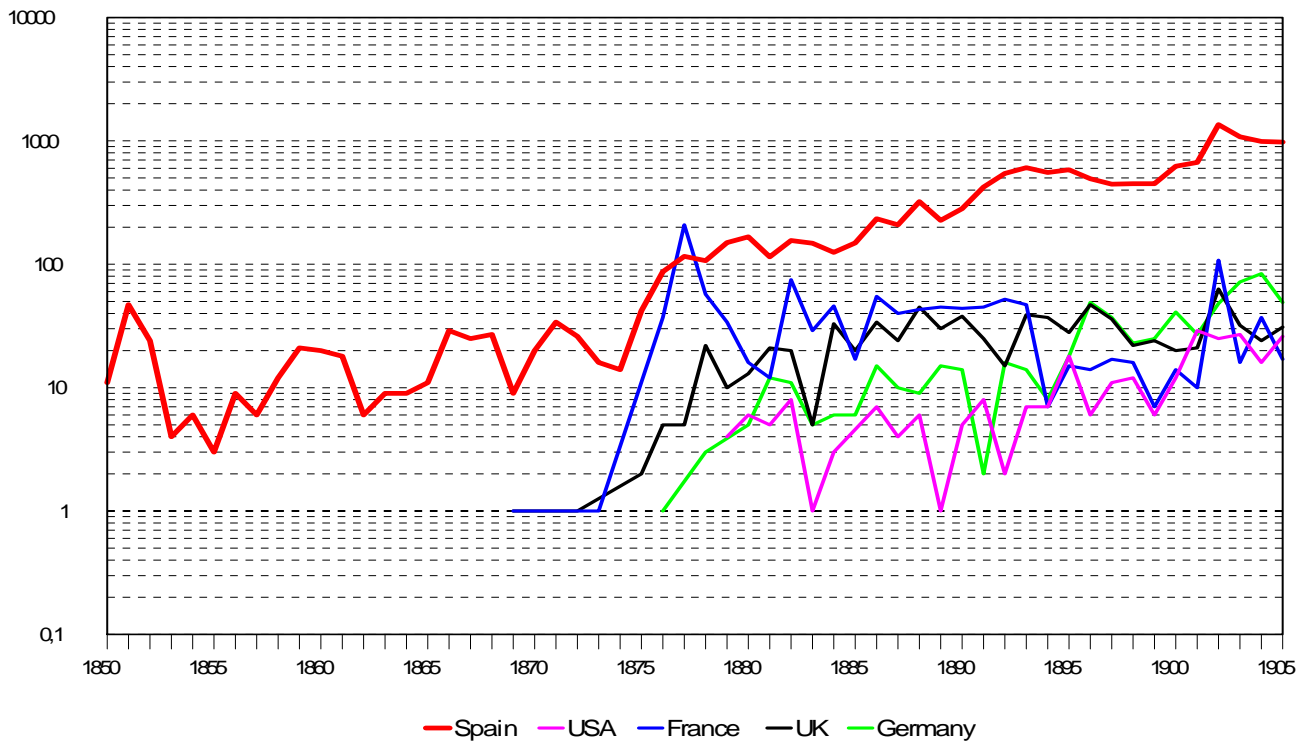
**Table 2: Trademarks in Spain by applicants' country of residence (1850-1905).**

	Trademarks	%
Spain	13,297	80.6
France	1,183	7.2
United Kingdom	793	4.8
Germany	625	3.8
United States	262	1.6
Austria	76	0.5
Switzerland	70	0.4
Belgium	37	0.2
Italy	29	0.2
Rest*	124	0.8
<b>Total</b>	<b>16,496</b>	<b>100.0</b>

\*"Rest" include countries with less than 0.2% trademarks which, ordered by number of brands, are: Cuba (after 1898), Netherlands, Sweden, Argentina, Hungary, Czech Republic, Denmark, Ireland, Norway, Poland, Canada, Slovenia, Uruguay, Latvia, Mexico, Portugal, Algeria, Croatia, India, Luxembourg and Trinidad and Tobago.

Source: Archive of the OEPM (1850-1905)

**Graph 4: Trademarks in Spain by applicants' country of residence (1850-1905)**



Source: Archive of the OEPM (1850-1905)

**Table 3. Foreign corporations in Spain and capital investments (1780-1914).**

	Corporations (1780-1914)		Capital (1851-1914)	
	Nº	%	Thousands Euros	%
France	234	42.3	6,204.43	59.11
UK*	140	25.3	1,728.93	16.47
Germany	63	11.4	366.74	3.49
Belgium	45	8.1	656.91	6.26
Switzerland	16	2.9	28.49	0.27
Italy	14	2.5	10.10	0.10
USA	7	1.3	3.19	0.03
Rest**	34	6.1	1,497.36	14.27
<b>TOTAL</b>	<b>553</b>	<b>100.0</b>	<b>10,496.14</b>	<b>100.0</b>

\* In UK figures we include 6 Irish enterprises; *Rest* includes factories from The Netherlands, Canada, Norway, Sweden, Argentina, Austria (including Hungary) Czechoslovakia, Denmark, Mexico and Portugal.

Source: Tortella 2000, tables 1 and 5, pp. xi and xix.

**Table 4: Regional distribution of domestic trademark applications.  
Spain 1850-1905**

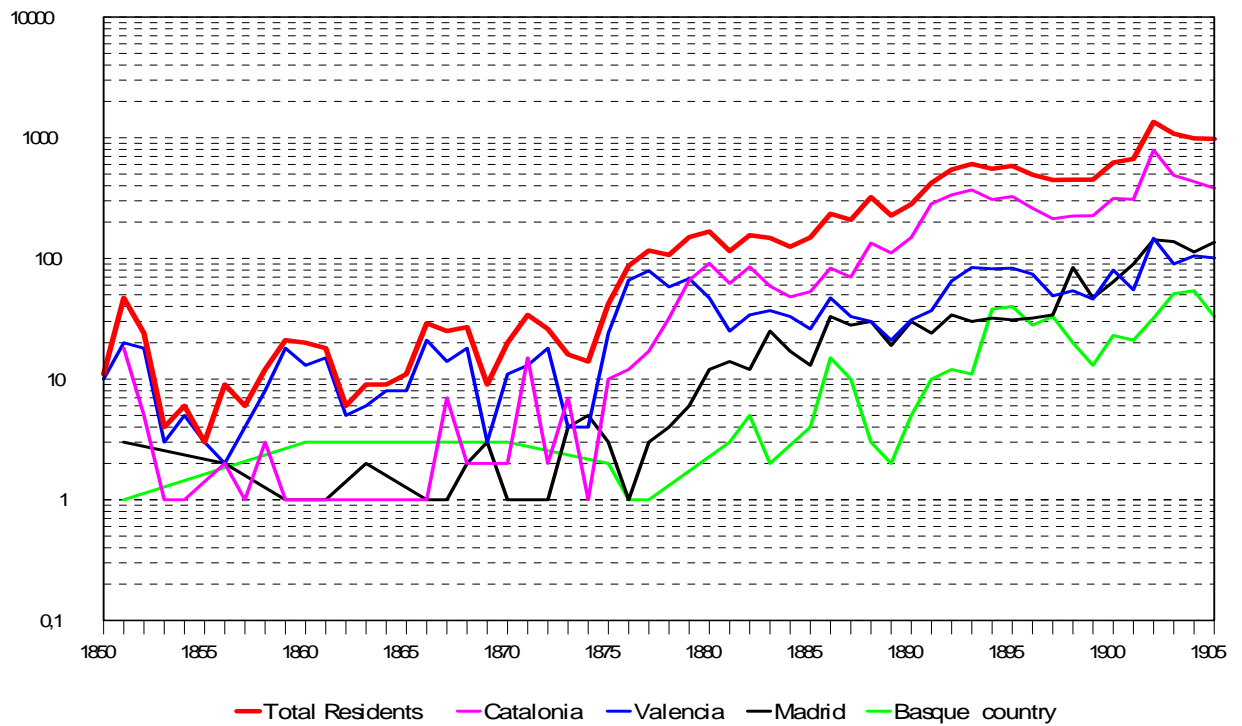
1850-1905	Trademarks	%	Trademarks by 10,000 Inhabitants	Trademark Concentration Index*
<i>Catalonia</i>	6,421	48.3	36.1	4.6
<i>Madrid</i>	1,310	9.8	21.3	2.7
<i>Valencian Community</i>	2,074	15.6	14.9	1.9
<i>Basque Country</i>	479	3.6	9.9	1.3
<i>La Rioja</i>	92	0.7	5.2	0.7
<i>Cantabria</i>	120	0.9	5.0	0.6
<i>Baleares</i>	138	1.0	4.8	0.6
<i>Andalusia</i>	1,506	11.3	4.6	0.6
<i>Asturias</i>	145	1.1	2.5	0.3
<i>Navarra</i>	54	0.4	1.8	0.2
<i>Murcia</i>	75	0.6	1.6	0.2
<i>Aragón</i>	143	1.1	1.6	0.2
<i>Galicia</i>	295	2.2	1.6	0.2
<i>Canary Isles</i>	35	0.3	1.2	0.2
<i>Castilla La Mancha</i>	131	1.0	1.0	0.1
<i>Castilla y León</i>	179	1.3	0.8	0.1
<i>Extremadura</i>	25	0.2	0.2	0.0
<i>Ex-Colonies**</i>	79	0.6	--	--
<i>Ceuta y Melilla</i>	2	0.0	--	--
<b>TOTAL SPAIN</b>	<b>13,303</b>	<b>100.0</b>	<b>7.8</b>	<b>1.0</b>

\* The trademark concentration index is the quotient of trademarks by inhabitants in each region above the national average.

\*\*Cuba, Puerto Rico and Philippines until 1898.

Source: Archive of the OEPM (1850-1905)

**Graph 5: Domestic trademark applications in Catalonia, Valencia, Madrid and the Basque Country (1850-1905).**



Source: Archive of the OEPM (1850-1905)

**Figure 1: Regional distribution of domestic trademark applications.  
Spain 1850-1905**



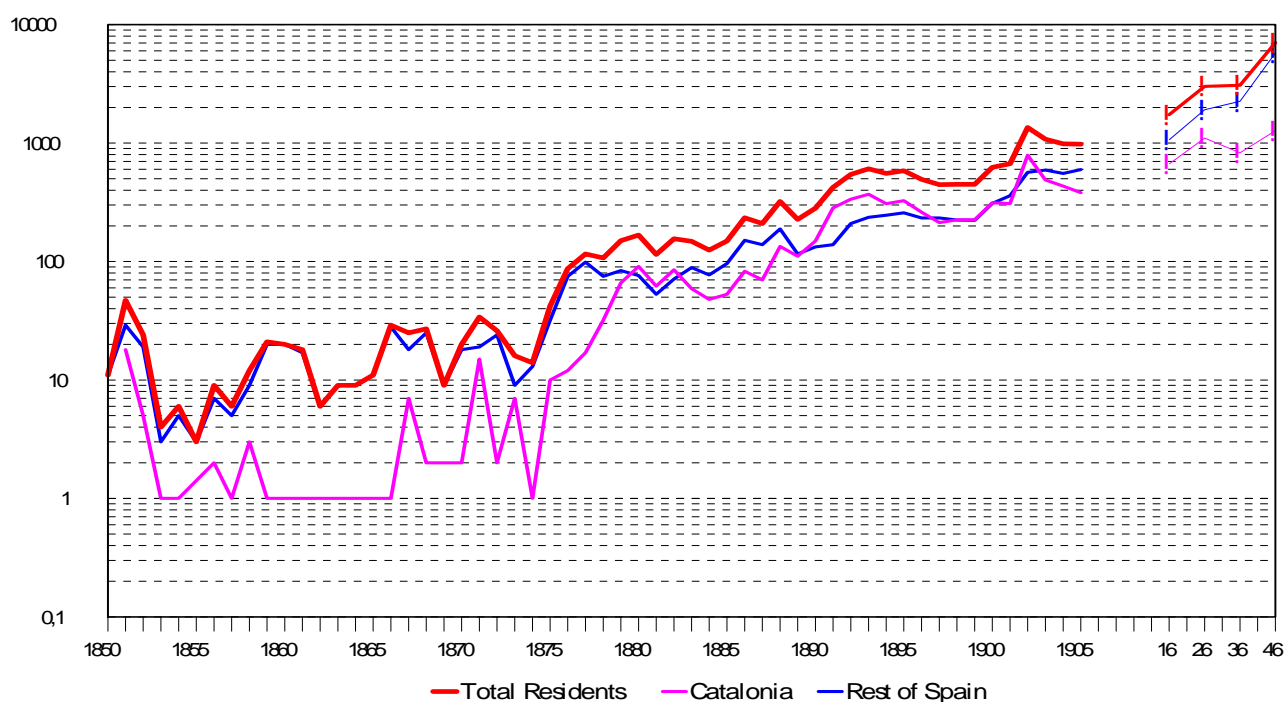
Source: Archive of the OEPM (1850-1905)

**Table 5: Percentage of trademark applications in Catalonia and in the rest of Spain (1850-1946).**

	Catalonia %	Rest of Spain %	Resident Trademarks
1850-1864	14.8	85.2	223
1865-1879	24.4	75.6	713
1880-1894	52.6	47.4	4,262
1895-1905	48.9	51.1	8,117
1916	38.4	61.6	1,732
1926	36.6	63.4	3,014
1936	26.9	73.1	3,081
1946	18.0	82.0	7,047
<b>Average</b>	<b>36.5</b>	<b>63.5</b>	<b>28,189</b>

Source: Archive of the OEPM (1850-1905) and BOPI for 1916, 1926, 1936 and 1946.

**Graph 6: Domestic trademarks in Catalonia and in the rest of Spain (1850-1946).**



Source: Archive of the OEPM (1850-1905) and BOPI (1916-1946)

**Figure 2: Provincial distribution of trademark applications. Catalonia 1850-1905**



Source: Archive of the OEPM (1850-1905)

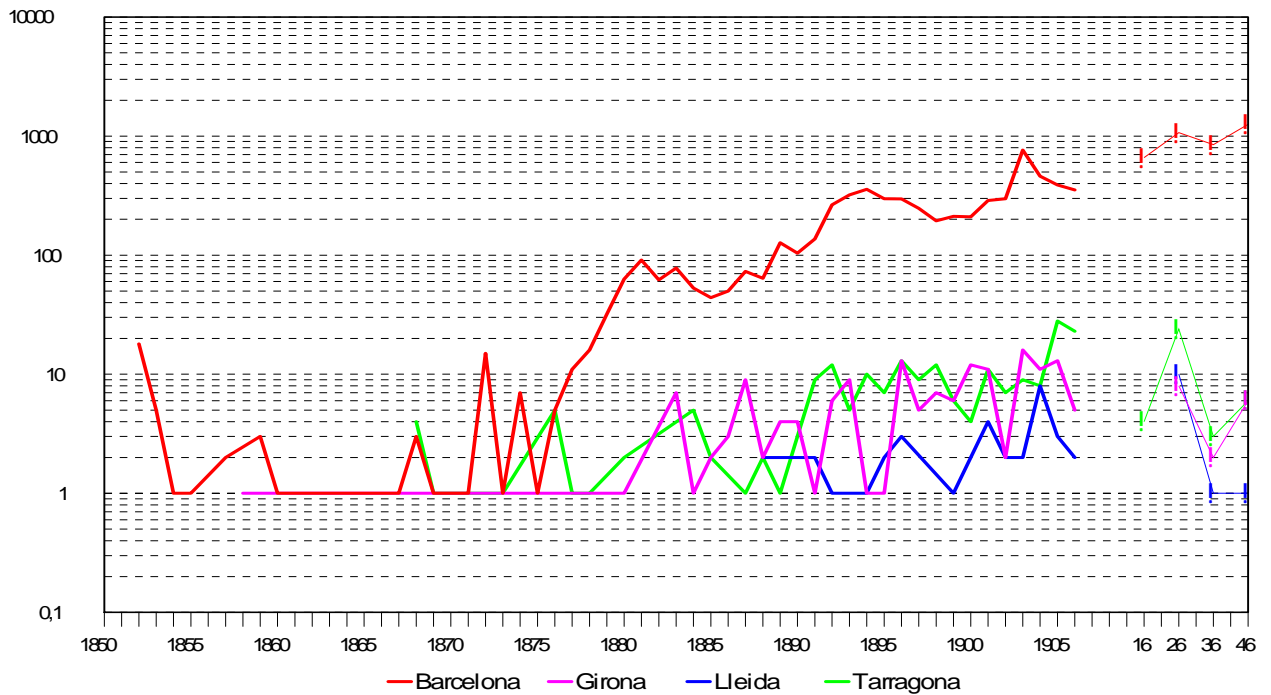
**Figure 3: Provincial distribution of trademark applications. Catalonia 1916-1946.**



Source: BOPI (1916-1946)



**Graph 7: Trademark applications by province of residence. Catalonia 1850-1946.**



Source: Archive of the OEPM (1850-1905) and BOPI (1916-1946)

**Table 6: Percentage of trademark applications in several towns in Catalonia and in Valencian Community (1850-1946).**

	Barcelona (Town) %	Capellades (Town) %	Total Brands Catalonia	Alcoy (Town) %	Total Brands Valencian Community
<b>1850-1865</b>	32.4	59.5	<b>37</b>	82.1	<b>162</b>
<b>1866-1880</b>	81.1	1.9	<b>265</b>	81.0	<b>442</b>
<b>1881-1905</b>	83.1	0.6	<b>6,119</b>	54.8	<b>1,470</b>
<b>1916</b>	97.9	0.0	<b>665</b>	--	--
<b>1926</b>	90.0	0.0	<b>1,102</b>	--	--
<b>1936</b>	97.9	0.0	<b>828</b>	--	--
<b>1946</b>	96.3	0.0	<b>1,270</b>	--	--

Source: Archive of the OEPM (1850-1905) and BOPI (1916-1946)

**Figure 4. First brands for smoking paper from the Alcoy district (1850)**



Source: Archive of the OEPM (Albúm 1 Sencillo)

**Figure 5. First brands for smoking paper from Capellades district (1850)**



Source: Archive of the OEPM (Albúm 1 Sencillo)

**Table 7: Domestic designations of goods and services according to Nice International Classification of Trademarks (1850-1905)\*.**

CLASS	Nice International Classification of Goods and Services	Catalonia	Madrid	Valencian community	Basque country	Rest of Spain	Total Domestic
		%	%	%	%	%	%
33	Alcoholic beverages (except beers).	9.76	11.35	7.26	29.62	39.92	16.72
34	Tobacco; smokers' articles; matches.	5.77	4.65	67.07	3.85	5.77	14.27
24	Textiles and textile goods, not included in other classes; bed and table covers.	19.81	2.79	1.26	2.12	2.25	11.18
5	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.	8.01	14.81	3.07	3.46	5.12	7.19
23	Yarns and threads, for textile use.	11.31	0.93	0.95	2.12	1.33	6.39
30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.	3.76	12.28	2.30	12.31	9.77	5.95
29	Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.	3.53	4.65	1.80	5.77	13.23	5.56
3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.	5.51	10.29	2.12	5.77	4.11	5.20
16	Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.	3.70	9.23	2.44	2.88	1.48	3.55
25	Clothing, footwear, headgear.	3.97	2.06	0.63	3.27	2.49	2.97
32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.	2.09	3.39	1.76	3.65	3.11	2.44
1	Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.	2.74	2.06	3.61	1.15	1.24	2.42
4	Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.	2.47	1.79	0.99	0.96	1.04	1.84

2	Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.	2.45	1.99	0.54	1.15	0.56	<b>1.68</b>
18	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.	2.62	0.66	0.23	1.15	0.74	<b>1.64</b>
26	Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.	1.91	1.06	0.50	0.58	0.27	<b>1.23</b>
6	Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.	1.29	1.13	0.27	2.88	0.74	<b>1.07</b>
31	Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.	0.52	1.46	0.90	0.38	2.19	<b>1.02</b>
21	Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.	1.17	1.00	0.18	0.96	0.71	<b>0.91</b>
14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.	0.91	2.06	0.05	0.96	0.38	<b>0.78</b>
11	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.	0.79	2.66	0.14	0.19	0.18	<b>0.73</b>
28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.	1.02	0.46	0.14	0.19	0.59	<b>0.72</b>
19	Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.	0.77	0.66	0.32	2.12	0.47	<b>0.68</b>
20	Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.	0.70	0.86	0.36	1.15	0.62	<b>0.66</b>
7	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.	0.58	1.79	0.18	1.35	0.50	<b>0.65</b>
8	Hand tools and implements (hand-operated); cutlery; side arms; razors.	0.57	0.60	0.18	1.92	0.65	<b>0.58</b>
13	Firearms; ammunition and projectiles; explosives; fireworks.	0.38	0.27	0.00	6.92	0.09	<b>0.47</b>
22	Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.	0.52	0.13	0.23	0.38	0.00	<b>0.33</b>
15	Musical instruments.	0.36	0.40	0.05	0.00	0.03	<b>0.24</b>

9	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.	0.21	0.73	0.05	0.58	0.06	<b>0.22</b>
17	Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.	0.25	0.20	0.09	0.00	0.00	<b>0.16</b>
12	Vehicles; apparatus for locomotion by land, air or water.	0.20	0.07	0.00	0.00	0.03	<b>0.11</b>
35	Advertising; business management; business administration; office functions.	0.07	0.40	0.09	0.19	0.06	<b>0.11</b>
10	Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.	0.07	0.20	0.05	0.00	0.03	<b>0.07</b>
36	Insurance; financial affairs; monetary affairs; real estate affairs.	0.11	0.07	0.05	0.00	0.00	<b>0.07</b>
27	Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).	0.00	0.27	0.14	0.00	0.06	<b>0.06</b>
39	Transport; packaging and storage of goods; travel arrangement.	0.02	0.07	0.00	0.00	0.06	<b>0.03</b>
40	Treatment of materials.	0.02	0.07	0.00	0.00	0.03	<b>0.03</b>
43	Services for providing food and drink; temporary accommodation.	0.02	0.00	0.05	0.00	0.03	<b>0.03</b>
42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.	0.01	0.07	0.00	0.00	0.03	<b>0.02</b>
45	Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.	0.00	0.13	0.00	0.00	0.03	<b>0.02</b>
37	Building construction; repair; installation services.	0.01	0.07	0.00	0.00	0.00	<b>0.01</b>
38	Telecommunications.	0.00	0.13	0.00	0.00	0.00	<b>0.01</b>
44	Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.	0.00	0.07	0.00	0.00	0.00	<b>0.01</b>
<b>TOTAL number of goods and services designations by domestic trademarks</b>		<b>8,056</b>	<b>1,506</b>	<b>2,217</b>	<b>520</b>	<b>3,379</b>	<b>15,678</b>

\* One trademark could design goods or services classified in only one class or in several classes (multiclass trademarks). This table shows all the designations, so, for example, if one trademark is registered to protect products from class 23 and 24 we count it twice, one for each class. For around 13,000 domestic trademarks in the period we have 15,678 designations.

Source: Archive of the OEPM (1850-1905)

**Table 8: Domestic trademark designations of goods and services grouped by sectors (1850-1905)\*.**

	<i>Catalonia</i>	<i>Madrid</i>	<i>Valencian community</i>	<i>Basque country</i>	<i>Rest of Spain</i>	<b><i>Total Domestic</i></b>
	%	%	%	%	%	%
<i>Textiles</i>	40.1	7.9	3.9	9.6	7.1	<b>23.8</b>
<i>Beverage</i>	11.8	14.7	9.0	33.3	43.0	<b>19.2</b>
<i>Chemical</i>	21.4	31.1	10.4	12.5	12.1	<b>18.5</b>
<i>Tobacco</i>	5.8	4.6	67.1	3.8	5.8	<b>14.3</b>
<i>Food</i>	7.3	16.9	4.1	18.1	23.0	<b>11.5</b>
<i>Paper</i>	3.7	9.2	2.4	2.9	1.5	<b>3.5</b>
<i>Machinery</i>	2.8	6.3	0.6	11.0	1.5	<b>2.8</b>
<i>Miscellaneous</i>	3.3	2.8	0.7	2.3	2.0	<b>2.6</b>
<i>Basic Metals</i>	2.2	3.2	0.3	3.8	1.1	<b>1.8</b>
<i>Agriculture</i>	0.5	1.5	0.9	0.4	2.2	<b>1.0</b>
<i>Construction</i>	0.8	0.7	0.3	2.1	0.5	<b>0.7</b>
<i>Services</i>	0.2	0.9	0.2	0.2	0.2	<b>0.3</b>
<b>TOTAL</b>	<b>8,056</b>	<b>1,506</b>	<b>2,217</b>	<b>520</b>	<b>3,379</b>	<b>15,678</b>

\* Nice Classes have been aggregated as follows: Textiles: 18, 22-27; Beverage: 32-33; Chemical: 1-5 and 17; Tobacco: 34; Food: 29-30; Paper: 16; Machinery and equipment: 7-13; Basic metals: 6 and 14; Agriculture: 31; Construction: 19 and 37; Services: 35-36, 38-39 and 42-45; and Miscellaneous: 15, 20-21, 28 and 40.

Source: Archive of the OEPM (1850-1905)

**Table 9: Catalonian trademarks 1850-1946 by sectors.**

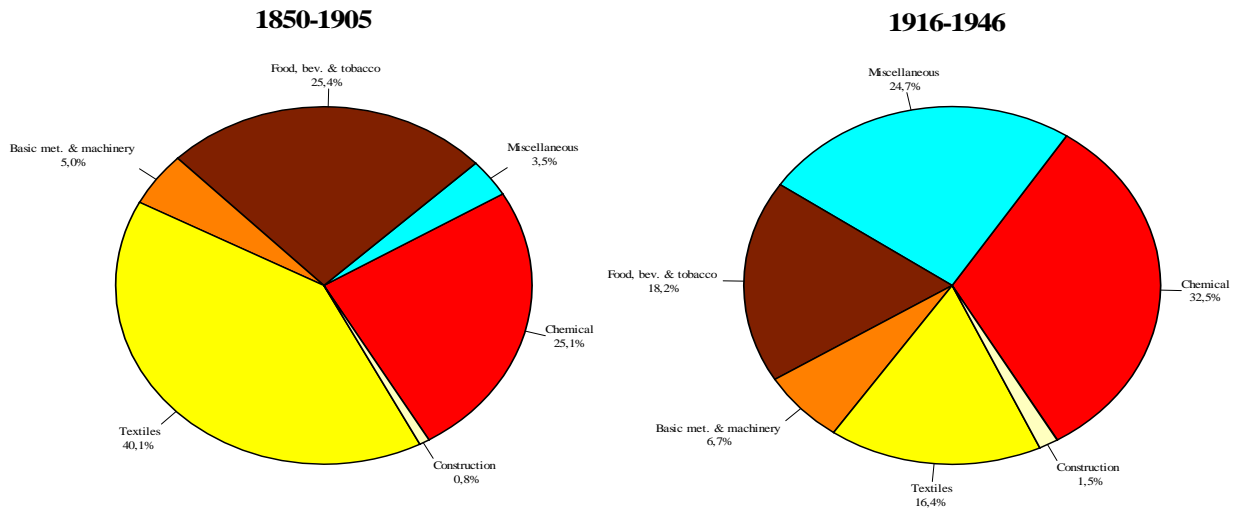
	<b>1850-1905</b>	1916	1926	1936	1946	<b>1916-1946</b>
Chemical	<b>25.1</b>	26.6	32.7	29.3	37.5	<b>32.5</b>
Miscellaneous	<b>3.5</b>	22.8	21.2	26.3	27.6	<b>24.7</b>
Food, beverage and tobacco	<b>25.4</b>	23.3	18.0	22.3	13.1	<b>18.2</b>
Textiles	<b>40.1</b>	19.8	21.3	17.9	9.4	<b>16.4</b>
Basic metals and machinery	<b>5.0</b>	6.5	5.2	3.6	10.2	<b>6.7</b>
Construction	<b>0.8</b>	1.1	1.6	0.6	2.1	<b>1.5</b>
<b>TOTAL*</b>	<b>8,056</b>	662	1,111	853	1,270	<b>3,896</b>

\*For 1850-1905 total designations as described in table 7; for 1916-1946 total trademarks granted according to BOPI.

Source: Archive of the OEPM (1850-1905) and BOPI (1916-1946)

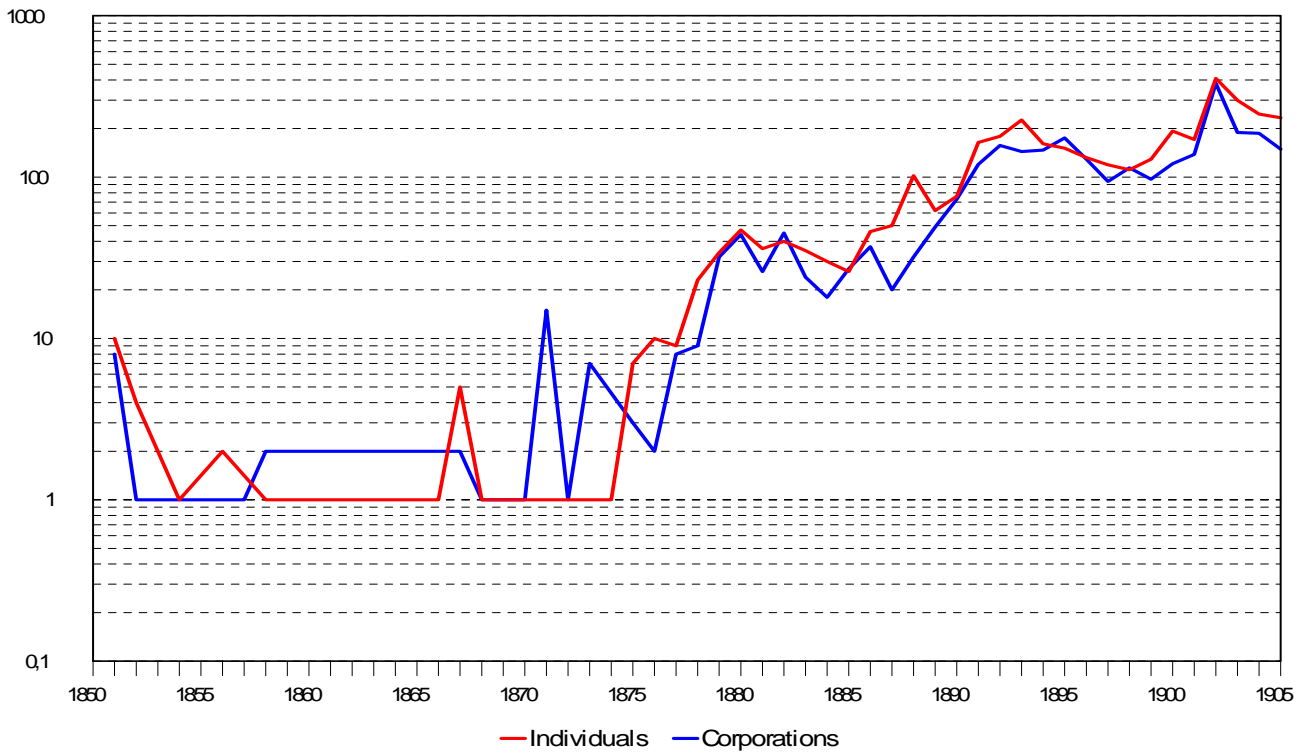


**Graph 8: Catalan trademarks 1850-1946 by sectors.**



**Source:** Table 9.

**Graph 9: Legal status of trademark applicants. Catalonia 1850-1905.**



**Source:** Archive of the OEPM (1850-1905)

**Table 10: Legal status of trademark applicants. Catalonia 1850-1905.**

	Individuals %	Corporations %	Trademarks
1850-1864	33.8	66.2	33
1865-1879	50.1	49.9	174
1880-1894	57.5	42.5	2,243
1895-1905	55.2	44.8	3,967
<b>1850-1905</b>	<b>52.1</b>	<b>47.9</b>	<b>6,417</b>

Source: Archive of the OEPM (1850-1905)

**Table 11: Percentage of applicants with more than one trademark. Catalonia 1850-1946.**

	One brand %	Two or more brands %
1850-1864	87,5	12,5
1865-1879	69,0	31,0
1880-1905	61,4	38,6
1916	84,7	15,3
1926	81,6	18,4
1936	79,7	20,3
1946	76,4	23,6

Source: Archive of the OEPM (1850-1905) and BOPI (1916-1946)

**Table 12: Applicants with more than one trademark. Catalonia 1850-1864.**

Brands	Applicant	Residence	Manufacture of
3	Bartolomé Costas	Capellades	Smoking paper booklets, wallets and “resmas”
2	La Industria Algodonera	Barcelona	Fabrics, yarns, knitweares, etc
2	Saderra y Capdevila	Capellades	Smoking paper booklets, wallets and “resmas”
2	Vicente Almirall	Capellades	Smoking paper booklets, wallets and “resmas”

Source: Archive of the OEPM (1850-1864)



**Table 13: Applicants with more than one trademark. Catalonia 1865-1879.**

<b>Brands</b>	<b>Applicant</b>	<b>Residence</b>	<b>Manufacture of</b>
18	Enrique Batlló Batlló	Barcelona	Yarns, fabrics and cotton bleach
17	José Puig y Compañía	Esparreguera	Cotton yarns and fabrics
7	Puig y Fabra	Barcelona	Cotton yarn
6	Manuel Bertrand Salsas	Barcelona	Printed fabrics
5	Capdevila y Compañía	Barcelona	Smoking paper booklets
5	José Boule Monzet	Reus	Wines
5	Pablo Ayné Víla	Barcelona	Paper
5	Ventura Jaumandreu e Hijos	Barcelona	Yarns and fabrics
4	Almirall y Hermanos	Barcelona	Paper and smoking paper booklets
4	La Fabril Algodonera	Barcelona	Cotton and yarn
4	Rafael Funosas y Hermano	Barcelona	Fabrics, yarns and cotton twisted yarns
3	Felipe March Pibernat	Barcelona	Smoking paper booklets
3	Hospital, Muns y Vila	Barcelona	Tanned products
3	José Carol Torremorell	Barcelona	Smoking paper booklets
3	Manuel Portabella e Hijo	Barcelona	Twisted yarns
3	Manuel Portabella e Hijo y Compañía	Barcelona	Yarns and twisted yarns of cotton and linen
3	Miguel Fargas Vilaseca	Barcelona	Tanned products
2	Bartolomé Darnis y Compañía	Barcelona	Cotton yarns
2	Camilo Fabra	Barcelona	Cotton yarns
2	Camps y Kuetzmann	Barcelona	Beer
2	José Marra Sellarés	Capellades	Smoking paper booklets
2	Juan Poch Tort	Barcelona	Paper
2	Juliá, Ribas y Homs	Barcelona	English style cottons
2	Melchor Cardó Miravent	Barcelona	Paper
2	Salvador Font Feliú	Mataró	Spirits
2	Tomás Lorenzo y Compañía	Tarragona	Wholesale trade and exports of wines

Source: Archive of the OEPM (1865-1879)

**Table 14: Applicants with twenty or more trademarks. Catalonia 1880-1905.**

<b>Brands</b>	<b>Applicant</b>	<b>Residence</b>	<b>Manufacture of</b>
88	Sobrinos de Juan Batlló	Barcelona	Fabrics
84	Emilia Carles Tolrá (Viuda de José Tolrá)	Barcelona	Yarns and cotton fabrics
69	Clemente Martín Vilaldach Batlló	Barcelona	Smoking paper booklets
39	Pastells y Regordosa, Sociedad en Comandita	Barcelona	Fabrics and printed fabrics of all kinds
35	Hilaturas de Fabra y Coats, Compañía Anónima	Barcelona	Yarns, linen and cotton twisted yarns
35	José Serra Font	Barcelona	Trade
33	Joaquín Balart Cros	Barcelona	Shoe creams
33	Riva y García	Barcelona	Fabrics
32	Antonio Sedó y Compañía	Barcelona	Fabrics
31	Nuevas Hilaturas del Ter, S. A.	Torelló	Yarns and cotton twisted yarns
30	Hugo Heusch y Compañía	Barcelona	Needles, pins and hairpins
30	Puig y Compañía	Vilanova i la Geltrú	Yarns and cotton fabrics
30	Sociedad Anónima Sucesora de Fabra y Portabella	Barcelona	Yarns
29	Coma, Clivillés y Clavell, Sociedad en Comandita	Barcelona	Cotton Fabrics
29	Salvador Andreu Grau	Barcelona	Pharmaceuticals
28	Farbridge Holliday & Co.	Barcelona	All kinds of fabrics
28	Portabella y Compañía	Barcelona	Yarns and cotton twisted yarns
26	Oliver y Llobet, Sociedad en Comandita	Barcelona	Yarns, twisted yarns, and hemp and linen fabrics
25	Enrique Pérez y Hermanos, Sociedad en Comandita	Barcelona	Hemp yarns
24	Genaro Marín Esteven	Barcelona	Smoking paper
24	Portabella y P. Germain, Sociedad en Comandita	Barcelona	Repairing hair balsam
23	Nieto, García y Riva	Badalona	Fabrics and printed fabrics
22	L. A. Sedó, Sociedad en Comandita	Barcelona	Cotton fabrics
22	Rómulo Bosch Alsina	Barcelona	Trade of special flours (“de fuerza” and “superfinas”)
21	Abel Blanchard Favote	Barcelona	Shoe creams
21	Salvador Casamitjana Mensa	Barcelona	Bleach
20	Jaime Escrivá Pujol	Barcelona	Pharmaceutical products

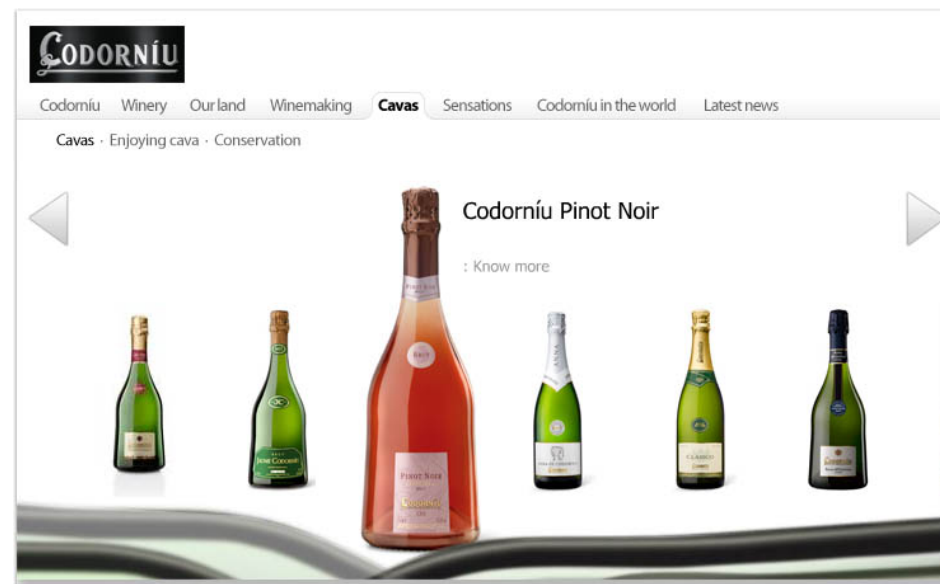
Source: Archive of the OEPM (1880-1905)

**Table 15: Applicants with ten or more trademarks. Catalonia 1916-1946.**

<b>Brands 1916-1946</b>	<b>Applicant</b>	<b>Residence</b>	<b>Manufacture of</b>	<b>1916</b>	<b>1926</b>	<b>1936</b>	<b>1946</b>
42	Myrurgia S. A.	Barcelona	Soaps and parfums	--	21	1	20
28	La Metalurgia Española	Barcelona	Needles, pins, buttons, and others	--	12	6	10
21	David de Mas Bernal	Barcelona	Soaps and parfums	--	2	5	14
17	Compañía Tintas Boston S. A.	Barcelona	Shoe creams	--	--	--	17
17	Dana S. A.	Barcelona	Soaps and parfums, orthopedics	--	--	2	15
15	Juan Miró	Barcelona	Wines	--	--	15	
13	Antonio Mederos Rodriguez	Barcelona	Candies	--	--	--	13
13	Manufacturas Rosal S. A	Barcelona	Fabrics	--	11	--	2
11	Lorenzo Rosas Presas	Barcelona	Spirits	11	--	--	
10	Federico Riera Marsa	Barcelona	Flour, cereals, sugar and cocoa	--	--	--	10
10	Salvador Vellvé Riera	Barcelona	Parfums	--	--	--	10

Source: BOPI (1916-1946)

Figure 7. Some current 'enduring brands' registered in Catalonia before 1905.



## Notes

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<sup>1</sup> Intangibles and Intellectual Capital is a compilation of publications of the Spanish members of two European research projects (MERITUM and E\*KNOW-NET), developed in 1998-2003 by 12 research teams from 9 countries (Denmark, Finland, Netherlands, Italy, Norway, Spain, Sweden and United Kingdom). A recent Ph. Dissertation has contributed comparative analysis on the importance of intangible assets in Spanish and Mexican SMEs (Fong 2002).

<sup>2</sup> The BOPI is the official instrument of the OEPM to make public the requests, concessions and refusals of patents, trademarks and other industrial property classes. It has been uninterruptedly published in Spain from 1886 and it is available in digital format (see the following footnote). Data for the four-year selection has been extracted by Paloma Fernández.

<sup>3</sup> This vast project of cataloguing and studying of the first 17,000 trademarks has been made within the framework of the *Collaboration Agreement between the Spanish Patents and Trademarks Office and the Universidad Autónoma de Madrid (1999-2009)* directed by J. Patricio Sáiz. The database (Saiz and Cayón 2006-2009), the BOPI in digital format and more information on the research team in <http://historico.oepm.es>.

<sup>4</sup> The economics and economic history of patent systems have yielded numerous empirical works in the last decades and it still is an important subject in the scholars' agenda in Europe, USA and other regions. See, among others, the works of B. Andersen; E. Anderson; B. L. Basberg; E. Beatty; J. A. Cantwell; H. Dutton; L. Hilaire-Pérez; I. E. Inkster; B. Z. Khan; A. Nuvolari; N. R. Lamoreaux; Ch. Macleod; J. M. Ortiz-Villajos; W. H. Phillips; J. P. Sáiz; J. Schmookler; K. L. Sokoloff; R. J. Sullivan; M. Vasta; or G. N. Von Tunzenlmann.

<sup>5</sup> A good summary and systematization of the economic theory on trademarks in Ramello 2006

<sup>6</sup> As recent articles in Harvard Business on-line Newsletter are indicating with comparisons among US cognitive-based networks and Asian affectionate-based networks.

<sup>7</sup> Jordi Nadal, Jordi Maluquer, Pere Pascual, Carles Sudrià, Josep Maria Benaul, Jordi Catalan, Alex Sánchez, Angels Solá, Francesc Cabana, Miquel Gutierrez, Ramon Ramon, Francesc Valls, Marc Prat, Nuria Puig, Paloma Fernández, Montserrat Llonch, among many others.

<sup>8</sup> A historical approach to brands for some sectors has been relatively recently developed in Spain. Francesc Valls has written on brands in Catalan wine and alcoholic industries, Nuria Puig on brands in the parfum industry, Miquel Gutierrez on brands in the paper industry, Ramon Ramon on brands in the Spanish oil industry, and there is a research in progress of Eva González on brands and changing strategies of branding throughout the 20<sup>th</sup> century in the sherry district around Jerez de la Frontera. This paper is however the first general and comparative approach to branding in Spain throughout sectors and regions.

<sup>9</sup> Austria, Bavaria, Belgium, France, Hanover, The Netherlands, Portugal, Prussia, Russia, Sardinia, Saxony, Spain, Sweden, Norway, and Wurtenburgh. The United States did not have a federal system of registration until 1870, though some states had begun to record marks in 1863 (California) and afterwards. Latin American countries began setting up registratio systems during the last third of the nineteenth century (for all these references Duguid, Mercerd, da Silva 2008).

<sup>10</sup> Royal Decree of the 20<sup>th</sup> of November, 1850, which establish the rules for the concession of trademarks in Spain (Saiz 1996, pp. 77-78).

<sup>11</sup> We sincerely acknowledge the information and knowledge provided in this matter by Miquel Gutiérrez from the Universitat de Barcelona, the expert in papermaking industry in Spain. See references to his published works in this paper. The conversations with Gutierrez have been as rewarding as the reading of his works to obtain ideas to explain the early 1850 decree protecting brands in Spain, and the important number of paper manufacturers registering trademarks in the first decade after the establishment of this decree.

<sup>12</sup> Royal Decree of the 16<sup>th</sup> of September, 1811, Decree of the 20<sup>th</sup> of October, 1820, and Royal Decree of the 27<sup>th</sup> of March, 1826 (Sáiz 1996, pp. 50-55 y 58-61).

<sup>13</sup> Royal Order of the 18<sup>th</sup> of August, 1824 (Saiz 1996, pp. 56-58).

<sup>14</sup> All the legislation and the agreements in Sáiz 1996.

<sup>15</sup> Industrial models and drawings; i.e. industrial design, were to protect modifications and variations in product forms and colors, in three and two dimensions. Their scarce inventive activity approaches them more to distinguishing signs and, therefore, trademarks, than to patents.

<sup>16</sup> Commercial names are denominations different from the name of the company with which it makes commercial transactions, whereas business headings are distinguishing signs to differentiate the physical commercial establishment. Both, therefore, complemented the protection granted by trademarks.

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<sup>17</sup> Royal Decree-Law of the 26<sup>th</sup> of July, 1929 (Sáiz 1996, pp. 412-472).

<sup>18</sup> Customs labels, in order to distinguish between small seals indicating guarantee of origin which were already used in the customs offices since the 19th century and which were stapled to products to be distributed in the national market in order to determine its source; and the second in order to protect film titles, especially those foreign films translated to Spanish which after 1926 were already admitted as trade marks Royal Order of the 8<sup>th</sup> of October, 1926 (Sáiz 1996, pp. 362-363).

<sup>19</sup> Law 32/1988 of the 10<sup>h</sup> of November, Royal Decree 645/1990 of the 18th of May, Law 17/2001 of the 7<sup>th</sup> of December and Royal Decree 687/2002 of the 12<sup>th</sup> of July.

<sup>20</sup> *“Such an abuse can no longer be tolerated, although not frequent, is contrary to property rights and more than once an object of justified claims. Such a usurpation of brands by which honest manufacturers distinguish the products of their industrial establishments. A factory without a name and without credit proceeds in this way with its manufactures at the expense of those who had already gained a justified reputation among the public. Unfortunately, this usurpation grows with the increase in production and commerce; it directly attacks property rights; it cheats the inexperienced buyer; it concedes an undeserved value with respect to industrial goods, as it gives a false guarantee accrediting a non-existent merit and a fake origin. Our legislation justifiably condemns this fraud, recognising its perfidy, and has appropriate legislation against the perpetrators. Article 217 of the Penal Code wisely establishes the penalties; notwithstanding, their application would be legally impossible if we had not previously established the means of legitimising the use of and the ownership of trademarks. With this in mind, and in order to avoid any possible and reprehensible greed, creating falsifications and using them against the true owners...”*. Preamble of the Royal Decree of the 20<sup>th</sup> of November, 1850.

<sup>21</sup> Sáiz 1996, p. 102.

<sup>22</sup> Sáiz 1996, pp. 149-150.

<sup>23</sup> The obligation of use has been, and still is, an essential characteristic of Spanish Law, as in other countries, and is maintained in the modern legislation of 1988 and 2001. Therefore, despite the fact that today anyone can apply for and register a trademark, they are still required to demonstrate its use for the marketing of goods and services, meaning that the historical trademark registry is a good indicator for the study of productive, commercial and entrepreneurial domains.

<sup>24</sup> Since 1850, therefore, we have in the Archive of the OEPM a complete collection of all the applications and grants of trademarks (both Spanish and foreign) presented in Madrid on the national level, to which we would obviously need to add the international brands administered in Geneva by the current *World Intellectual Property Organization* (WIPO) in charge of the Madrid Agreement of 1891, designating Spain and not rejected by the national legislation; as well as, since 1993, European trademarks processed by the *Office for the Harmonization in Internal Market* (OHIM), validated throughout the Union's territory and which, since 2004, can also be designated by an International Trademark WIPO.

<sup>25</sup> As we have explained, after the ‘Arreglo de Madrid’ a unique application for different countries could be presented at the International Office in Geneva (current WIPO). Nevertheless, each national office has a year for rejecting the trademark (if there were similar ones already registered or if the trademark did not fit the national legislation) after which the brand acquired the same legal validity and force of a national one. We have strong reasons for not using here international trademarks, especially because neither WIPO nor the OEPM for the Spanish case have published detailed historical statistics on applications, and rejections (by designed country or by origin country). Between 1850 and 1905, the central period of our study, 5,010 international trademarks were registered at WIPO (WIPO 1985), but it is not possible to easily find out which percentage designated Spain and which were accepted or rejected by the OEPM. Therefore, it is not possible to make a serious analysis of international trademarks without a large investment on specific research, which nowadays we cannot assume.

<sup>26</sup> Duguid, Mercer and da Silva 2008, Tables 3, 4 y 5.

<sup>27</sup> The methodologies of sectorial classification and study have been different in each period. The direct work with the files at the Archive of the OEPM between 1850 and 1905 has allowed to achieve a detailed classification of trademarks according to articles protected in comparison with that we have been able to carry out from the BOPI for 1916, 1926, 1936 and 1946. For that reason there is a greater proportion of trademarks in the miscellaneous class in those years. Nevertheless, our comparison is the only way to advance some results on the long-term sectorial evolution of trademarking in Catalonia at this moment.

<sup>28</sup> In 1906 it was published that the shipping-agent José Serra Font had passed away and that three steamships ‘Turia’, ‘Tintoré’ and ‘Leonera’ raised their flags at half mast in his honour. *La Vanguardia* the 10<sup>th</sup> of August, 1906, p. 4. The information for 1883 comes from the Spanish commercial tax register for year 1883, tariff 2, section 23 on merchants, and has been kindly provided by Jose Miguel Sanjuan.

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<sup>29</sup> Listerine was an American invention and product for pharmaceutical purposes, which trademark was first registered in Spain by the Catalanian pharmacist, José Santamaria Solsona, in February of 1893. He sold the brand to “The Lambert Pharmacal Company” a month later (OEPM, Trademark 3,743 Bis 1). The company registered the trademark in the US for the first time in 1902 according to the USPTO databases (<http://www.uspto.gov>).