

Patterns, piracy and the protection of design

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The success of a ribbon merchant depended on his patterns. A new design, a new combination of colours or a new weave could create a fashion and bring large orders. The merchant who first offered it to the market could command high prices. But designs were easy to copy. A competitor who obtained a sample of a successful ribbon could reproduce it within weeks and sell it at a lower price, because he had not borne the costs of design and development. Design piracy was a constant problem of the ribbon industry, as it was of the silk industry of Lyon and of the textile industries generally.

The merchants protected themselves in several ways. Keeping their new designs secret until they were ready, they launched them in several markets at once to benefit from the first sales before competitors could copy them and changed their designs frequently so that copies were always a season behind. Some cities and states granted legal protection to designs: Lyon had a system of design registration from the eighteenth century, while several countries adopted design laws in the nineteenth century.¹

Switzerland was slow to protect designs and patents. The Swiss cantons had no general system of patent protection in the nineteenth century, which is why Swiss manufacturers were accused by foreign competitors of copying foreign inventions and designs without restriction. The Federal Patent Act was adopted only in 1888, after long resistance from industries that benefited from the absence of protection, among them the chemical industry of Basel, which copied German dye processes. The Federal Act on Industrial Designs and Models followed in 1900.² The irony that the Basel chemical industry, which today depends on the strongest possible protection of its patents, owed part of its early growth to the absence of patent protection in Switzerland, is examined in Part G.

1 Notes

1. On the protection of textile designs in Lyon (registration at the Conseil des prud'hommes from 1806) and the development of design law in the nineteenth century, see the literature on the history of design protection. To be verified. ↩
2. Federal Patent Act of 1888 (limited to inventions representable by models, which excluded chemical processes until 1907); Federal Act on Industrial Designs and Models of 1900. On the resistance of the chemical industry to patent protection, see the literature on the history of Swiss patent law. To be verified. ↩

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