

# TRADE MARKS AND THE LANTERN

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**THE 19TH CENTURY WAS A PERIOD** of rapid development in terms of intellectual property, with the British patent system being codified and simplified through major Patent Acts in 1842 and 1883. Alongside legislation relating to technical innovation there was development of the design registration system, with the Copyright of Design Act 1839 extending protection for the ornamentation and for the shape and configuration of any article of manufacture. Further legislation was enacted later in the century.

From the middle of the century the right to take court action against the infringement of a trade mark also developed, as there was an increasing recognition of the value of a design or mark associated with a particular maker's goods. However, the problem of proving the association of the mark with particular goods and the right to use a mark ensured that for most of the century trade marks did not develop significantly. The Trade Marks Registration Act of 1875 set out to overcome these difficulties by establishing a legal register of marks, and the first Trade Marks Registry in the world was opened in London in 1876.

The 1875 Act prescribed the form of the register which reproduced the mark, stated ownership and, through a system of classes of goods, made it clear what the mark applied to. The same mark could be applied to multiple classes of goods, but each class had to be separately registered. Registration gave the owner the exclusive right to use the trade mark and the right to take legal action against any infringer. Further legislation on trade marks was enacted in 1883.<sup>1</sup>

## RESEARCH AND THE LANTERN

The 1875 Act provided for the publication of a *Trade Marks Journal*, which recorded applications for entry in the Register, transfers of the mark, registrations, renewals and expirations. As a research project, I decided to extract all the photographic (including magic lantern) trade mark applications from the *Journal*, and the lantern-related marks are presented here. Although indexes to the *TMJ* were published, enabling searching by applicant name, this was not very effective at locating marks, and so I decided the only solution was to read each page of the *TMJ*. The many thousands of pages I reviewed gave a fascinating insight into Victorian life.<sup>2</sup>

Until the end of 1888 the *TMJ* was arranged in order of the receipt of applications, but from *TMJ* issue 562 (2 January 1889) the format changed, with each issue being arranged by class of goods.

A reasonable number of lantern-related trade marks were extracted, and these are presented in the table in this article. These trade marks fell within the following classes of goods:

- Class 1. Chemical substances used in manufactures and photography; or philosophical research and anti-corrosives.
- Class 8. Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching.
- Class 13. Metal goods, not included in other Classes.
- Class 15. Glass.

The formal classes of goods do not specifically mention lanterns, although some applicants were careful in the description of their goods to define the area of business to which they were applying the mark. The list here therefore includes any manufacturer known to have made or sold lanterns, as it seems likely that their mark would have been applied to a wide range of goods including lanterns and other optical devices.<sup>3</sup>

It is not possible from the *TMJ* entries to judge how long a mark remained in use, only the date when it was formally registered (or in some cases re-registered). The only dates I have cited below are the dates of application for registration, as this is indicative of the fact that the trade mark was in use at that time or earlier. The table does not give details of the subsequent formal registration, or any renewal or expiration, as this is relatively easy to follow through in the *TMJ* using the application date, applicant name and indexes.

## LANTERN MANUFACTURERS AND TRADE MARKS

Lantern and slide manufacturers were no different from producers in many other areas when it came to defining their trade mark. Some made up a word, such as W.C. Hughes's 'Pamphengos', which was applied to their range of manufactures. Some came up with a graphic design, which sometimes made a play on their name (as in the case of James Swift or Wrench & Son). Others, such as Lancaster or Newton, incorporated their initials or names into a word or design.

Many other manufacturers appear to have seen no need to formally register their name or a mark to associate with their goods. Riley Brothers of Bradford, for example, used the superimposed letters R and B as a mark for a period in the 1890s, but it does not seem to have been formally registered or to have appeared in the *TMJ*.

Most of the information listed here is a direct quotation of the wording and columns given in the *Trade Marks Journal*. The first column includes a reproduction of any design logo present and gives the *TMJ* issue number and date, e.g. 395/21 October 1885.








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## NOTES

1. For more information on the history of Britain's intellectual property development see Neil Davenport, *The United Kingdom Patent System: A Brief History* (Havant: Kenneth Mason, 1979); David C. Newton, *Trade Marks: An Introductory Guide and Bibliography* (London: The British Library, 1991); and John Hewish, *Rooms Near Chancery Lane: The Patent Office under the Commissioners 1852-1883* (London: The British Library, 2000).
2. I worked through the *Trade Marks Journal* from 1876 to 1900 between autumn 2005 and spring 2006 at the British Library. Since then the original Journals, which were extremely fragile, have been put into store and microfilm copies are now available for use. The images used for this article are reproduced from another set of the *TMJ* held at Birmingham Central Library.
3. This decision was taken to ensure that any *potential* lantern manufacturer was included. It is possible that the trade mark noted was not applied to a lantern or lantern-related goods.

**REGISTRATION OF TRADE MARKS UNDER THE TRADE MARKS REGISTRATION ACT OF 1875 RELATING TO THE MAGIC LANTERN OR ASSOCIATED ITEMS OR TO KNOWN LANTERN MANUFACTURERS OR RETAILERS**

Trade Mark	Name, Addresses and Calling of Applicant	Class of Goods	Description of goods	Number given by Registrar	Date of Application Received	If mark used prior to 13 August 1875, how long used
 37 / November 1876	William Chadburn, of and on behalf of the firm of Chadburn and Son, 71 and 73 Lord Street, Liverpool, Lancashire. Opticians.	8	Optical, Mathematical and Philosophical Instruments	6143	29 May 1876	Two years before 17 May 1876
 <b>THE EUPHANERON.</b> 43 / 16 December 1876	Edward George Wood, 74 Cheapside, London EC. Optician, etc.	8	A magic lantern illuminated by a mineral oil lamp, with achromatic objective.	8981	8 September 1876	Ten years before 1 Sept 1876
 126 / 16 January 1878	James Swift, 43 University Street, Tottenham Court Road, London WC. Optician.	8 & 15	Microscopes, and all Optical and other Appliances appertaining thereto, not included in other Classes. Glass lenses and glass for optical purposes.	12,703	13 July 1877	Not so used
 234 / 9 November 1881	Walter Lawley, 78 Farringdon Street, London Middlesex. Optical and surgical instrument maker and dealer	8	Philosophical instruments and apparatus for useful purposes or for teaching.	26,772	17 September 1881	Not so used
 275 / 28 March 1883	Jean Baptiste Jacquemin of and on behalf of the firm of J.B. Jacquemin Bros, 42 Hatton Garden, Middlesex. Wholesale Opticians.	8	All kinds of optical goods and scientific and philosophical instruments, all being included in Class 8.	29,965	13 December 1882	–
<b>PAMPHENGOS</b> 354 / 7 January 1885	William Charles Hughes, Brewster House, 82 Mortimer Road, De Beauvoir Square, London, N. Manufacturer of magic lanterns.	13	Magic lantern lamps, and in respect of lanterns.	141,302	4 December 1884	–
 380 / 8 July 1885	William James Lancaster, trading as J. Lancaster and Son, Colmore Row, Birmingham. Optician.	8	Philosophical and scientific instruments and appliances for teaching purposes, namely, astronomical and mathematical instruments, logs, thermometers and barometers, photographic cameras, electrical and pneumatic appliances included in class 8, and spectacles, opera glasses and the like goods included in class 8.	44,722	30 April 1885	–
 395 / 21 October 1885	H. & E.J. Dale, 26 Ludgate Hill, London EC. Opticians.	8	Philosophical instrument and apparatus for useful purposes, instruments and apparatus for teaching including microscopes.	46,419	21 July 1885	–
<b>METAMORPHOSER</b> 401 / 2 December 1885	Alfred Wrench, trading as John Wrench and Son, 39 Gray's Inn Road, Middlesex. Optician.	8	Optical or magic lanterns of all kinds included in Class 8.	48,028	13 October 1885	–

<p><b>OPTIMUS</b></p> <p>411 / 10 February 1886</p>	<p>Lejeune and Perken, 101 &amp; 24 Hatton Garden, Middlesex. Opticians.</p>	<p>8</p>	<p>Philosophical, scientific and educational instruments and appliances, including photographic apparatus, microscope, telescopes, barometers, thermometers, gauges and opera glasses.</p>	<p>49,452</p>	<p>9 December 1885</p>	<p>–</p>
<p><b>PHOTINUS</b></p> <p>440 / 1 September 1886</p>	<p>Archer &amp; Sons, 43 Lord Street, and 13 South Castle Street, Liverpool, Lancashire. Manufacturing opticians.</p>	<p>8</p>	<p>Philosophical instruments, scientific instruments and apparatus for useful purposes, instruments and apparatus for teaching.</p>	<p>54,719</p>	<p>18 June 1886</p>	<p>–</p>
 <p>550 / 10 October 1888</p>	<p>Sharp &amp; Hitchmough, 101 and 103 Dale Street, Liverpool. Photographic Instrument Makers.</p>	<p>8</p>	<p>Optical Instruments.</p>	<p>78,389</p>	<p>17 July 1888</p>	<p>–</p>
 <p>555 / 14 November 1888</p>	<p>Walter Clement Tyler, 48 Waterloo Road, London SE. Optician.</p>	<p>8</p>	<p>Magic Lantern</p>	<p>73,681</p>	<p>9 March 1888</p>	<p>–</p>
<p><b>TERPUOSCOPE.</b></p> <p>607 / 13 November 1889</p>	<p>Alfred Wrench, 50 Gray's Inn Road, London WC. Optician.</p>	<p>8</p>	<p>Magic or Optical Lanterns</p>	<p>92,32</p>	<p>27 August 1889</p>	<p></p>
<p><b>KALOPTICON</b></p> <p>617 / 22 January 1890</p>	<p>William Henry Humphries, trading as William Henry Humphries &amp; Co, 268 Upper Street, Islington, London N. Optician.</p>	<p>8</p>	<p>Optical Lanterns.</p>	<p>92,888</p>	<p>1 October 1889</p>	<p></p>
 <p>638 / 18 June 1890</p>	<p>York &amp; Son, 87 Lancaster Road, Notting Hill, London. Optical Lantern Slide manufacturers.</p>	<p>8</p>	<p>Optical or Magic Lantern Slides.</p>	<p>96,821</p>	<p>24 March 1890</p>	<p></p>
 <p>744 / 29 June 1892</p>	<p>Andrew Hamilton Baird, 15 Lothian Street, Edinburgh. Scientific instrument maker.</p>	<p>8</p>	<p>Philosophical instruments, scientific instruments, and apparatus for useful purposes; Instruments and apparatus for teaching, except articles of which the mark is a picture, and any goods of a like kind to such excluded articles</p>	<p>163,844</p>	<p>29 March 1892</p>	<p></p>
<p><b>ORION.</b></p> <p>882 / 20 February 1895</p>	<p>John Arthur Williams and William Railton Williams, trading as Williams Bros, 203 Albion Road, Stoke Newington, London N. Merchants.</p>	<p>8</p>	<p>Magic lantern slides.</p>	<p>184,819</p>	<p>11 January 1895</p>	<p></p>
 <p>909 / 28 August 1895</p>	<p>Alfred Wrench, trading as John Wrench &amp; Son, 50 Gray's Inn Road, London. Wholesale optician.</p>	<p>8</p>	<p>Optical instruments.</p>	<p>188,943</p>	<p>26 July 1895</p>	<p>Mark used by applicant and predecessor in business five years before 13 August 1875.</p>

 <p>984 / 3 February 1897</p>	<p>Walter Clement Tyler, 48 and 50 Waterloo Road, London; and Central Oxygen Works, Sheffield Street, Lincoln's Inn Fields, London. Optician.</p>	1	Compressed oxygen and compress hydrogen gas for use in manufactures and for use with magic lanterns, and for the like purposes.	200,145	8 December 1896	
 <p>1025 / 17 November 1897</p>	<p>Herbert Charles Newton, trading as Newton &amp; Co, 3 Fleet Street, London EC. Optician.</p>	8	Magic lantern slides.	207,584	13 September 1897	
<p><b>FRAM</b></p> <p>1069 / 21 September 1898</p>	<p>W Watson &amp; Sons, 313 High Street, Holborn, London WC. Opticians.</p>	8	Microscopes, binocular glasses and magic lanterns.	216,336	13 August 1898	
 <p>1120 / 13 September 1899</p>	<p>Reynolds &amp; Branson Limited, 14 Commercial Street, Leeds. Manufacturers.</p>	1	Chemical substances used in manufactures, photography or philosophical research and anti-corrosives.	223,714	6 June 1899	
 <p>1120 / 13 September 1899</p>	<p>Reynolds &amp; Branson Limited, 14 Commercial Street, Leeds. Manufacturers.</p>	8	Philosophical instruments, scientific instruments and apparatus for useful purposes; instruments and apparatus for teaching.	223,717	6 June 1899	
<p><b>"ANAUX."</b></p> <p>1120 / 13 September 1899</p>	<p>Army &amp; Navy Auxilliary Co-Operative Supply Limited, 1 Francis Street, Victoria Street, Westminster, London SW. General suppliers.</p>	8	Photographic apparatus and photographic lenses.	224,845	24 July 1899	
<p><b>MAGNOSCOPE</b></p> <p>1161 / 27 June 1900</p>	<p>Herbert Green Spearing MA, 153 Holbein House, Chelsea, London SW. Electrician.</p>	8	Magic lanterns and similar apparatus included in Class 8.	230,166	12 April 1900	
<p><b>AUTOPROJECTOR.</b></p> <p>1164 / 18 July 1900</p>	<p>Ladislaus Emanuel Granichstädten, 28A Basinghall Street, London, EC. Merchant.</p>	8	Apparatus, included in Class 8 for projecting pictures, views, readings and the like.	229,639	19 March 1900	
<p><b>RYSTOS</b></p> <p>1169 / 22 August 1900</p>	<p>Reynolds &amp; Branson Limited, 14 Commercial Street, Leeds. Merchants.</p>	8	Philosophical instruments, scientific instruments and apparatus for useful purposes.	231,842	5 July 1900	

Source: Trade Marks Journal: List of Applications for the Registration of Trade Marks, No. 1 (1876) to No. 1187 (26 December 1900). London: Her Majesty's Stationery Office.