

THESIS

Peter Monaghan 3rd Graphics.

HISTORY OF TRADEMARKS

BL6.0488

DICTIONARY DEFINITIONS

- SYMBOL: Something that stands for or represents something else, especially a concrete representation of a moral or intellectual quality, eg. the for^x is the symbol of cunning; an emblem; a type; a character or sign used to indicate a relation or an operation in mathematics; a mark regarded as the conventional sign of some object or process. Fox
- TRADEMARK: A registered name or device marked on goods as guarantee that they are the production of a certain manufacturing firm.
- TRADENAME: A registered name given by manufacturer to a proprietary article; a name used among manufacturers and traders for a certain commodity.
- IMAGE: A mental picture of any object; a representation, in three dimensions of a person or object.

A HISTORY OF TRADE MARKS

In our time symbols and signs are an integral part of our communication system.

The venerable symbols of astronomy, heraldry occidental religions and oriental mythology are still unchanged today. Scores of new symbols and signs have been added as science, commerce and communications developed new needs for international understanding.

There are drafting symbols and explanatory signs for engineering, architectural, telegraph, telephone, welding, radio and television. There are weather and map symbols, signs for railroading and highway traffic. Signals for maritime and air communications. All of these symbols are a necessary part of modern day living.

The modern (or primitive, depending on how you look at it) business methods of merchants and artisans have developed the simple marks engraved into stone or wood into millions of trademarks and business signs.

Because so many people are experiencing this area of graphic design I wish to investigate its past history and present structure.

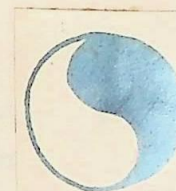
Primitive man's rising ability to express himself quickly found - or created - a symbol for each basic concept and occurrence. The disc which represented the sun became, by association, the source of warmth and life. More powerful and more dependable than man the disc symbol became endowed in man's unfolding imagination with the properties of divinity. They are representing the moon which unaccountably waxed and waned assumed powers of mysteries it has not completely lost to this day. As well as representing physical facts he also represented the Supernatural powers he associated with fear and evil.

The use of indentifying marks in the West dates back to ancient Greece, as is indicated by potters marks on articles excavated from the area of the Corinth and thought to be 4,000 years old. Also symbols are inscribed on artifacts recovered from ancient Egyptian tombs. During the fifth and fourth centuries B.C. Mediterranean trade expanded, markets were formed and the use of identifying marks increased. Porcelain-makers marks at this time were ordinarily the name of the person enclosed in a semicircle, but this type of design was supplanted by a square one and designs such as those representing bees or a lions head came into use. Stonecutters marks are also well known and have been formed on ancient Roman walls, on walls in Pompeii and in Palastinian Architecture. Crescent moons, wheels, grape leaves and similiar simple motifs were common.

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Any shape may become a symbol if there is sufficient agreement about its meaning. Some shapes seem to have acquired extraordinary success as symbols although they do not occur naturally and have no obvious emotional content. They occur regularly and in many historical contexts. They are simply and easily reproducible. If they have anything in common it is probably a quality of oddness. The Triskelion (the three legged figure (1) the swastika and yin and yang^{YAN} device (2) are the simplest ways of drawing obviously symmetrical figures which are yet not symmetrical in a mirror-image way. These symbols all appear repeatedly in European, Indian, Chinese and Japanese Cultures often with mystical undertones. They are very few in number and appear to be carried from place to place rather than to be invented anew. Most of them are derived from units of patterns evolved while weaving baskets or decorating curved pots, with lines which followed their contours. The simple design of three circles with curved tails can be seen on the earliest Greek pottery and is found in many places before it becomes one of the designs used as a Japanese "Mon" (3).

The Japanese "Mon" are sometimes discussed as an innovation in Design. These beautiful and often very abstract designs, have a long history. The history of the design called eddy (3) has been traced in detail through pottery, wood and metal work from the Near East to Japan. It is a safe principle that any striking abstract design has an equally long history.

The shapes make symbols of great power and generality but they are difficult to relate to any practical role, being more easily adaptable as symbols of ideology.

Though they often seem to be isolated units of a pattern, symbols are rarely devised in the form of a pattern. This is easily understood - patterns say the same thing with each repeating unit while the symbol attempts to convey the maximum of distinction and message in the minimum of space.

Peoples whose art is rich in pattern design rarely have a heritage of symbols. British design tradition rests heavily on the use of modified natural forms, which can be called 'images'. The use of a recognisable image conjures up associations formed by the object from which the image is derived. However, the role of the designer is to take the image and alter it perhaps to something less readily identified. By so doing he gives it a unique form, binding the image and its associations to what he is symbolising.

This process was probably stimulated by two difficulties - that of reproducing the original image in univiedly *unyielding?* materials and that involved in reducing it in size. The last process is the most familiar to us, - it requires isolating the essentials of the image and reassembling them in the most recognisable manner. The modifications may make the resulting design less like the original image but they give it greater power as a symbol. A symbol need only be interpreted once after which its own characteristics aid its rapid recognition.

Examples of naturalistic symbols are not only products of increasing skill, though this may play a part, the degree to which naturalism is employed seems to depend on many factors often economic and social. At an early age coinage carried highly naturalistic and detailed symbols. Greek coins began as metal discs with simple punch marks for identity but with the emergence of the city states the coinage became ornamented with naturalistic images. The classic sixth century B.C. athenian coin bears the head of athena on one side and an olive twig and a little owl on the other. This tradition of naturalism persisted in Greek coinage and still survives in Irish coinage.

The Geometric and naturalistic aspects of symbol construction were allied in the formation of heraldic symbols which were a by product of the development of all-encasing armour and served for the identification of the warriors. They later

remained as marks of social prestige. The evolution of an heraldic symbolism occurred in Western Europe and Japan at about the same time (1000 - 1200 A.D.) though in both there had been precursors. In Western Europe the level of design was poor, the colour code was important and the symbols were manipulated to become genealogical records.

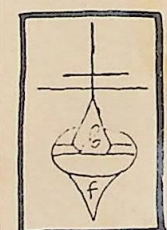
In Japan the designs became highly formalised and the family crests, called 'Mon' are unique as a rich repository of symbol designs. The designs remained unchanged perhaps because they were usually used in circular form and were not combined together. Many of them bear names of objects "Chrysanthemum", "stork"(4) "sail" (5) and "eddy" (3) but despite this most of them are purely formal.



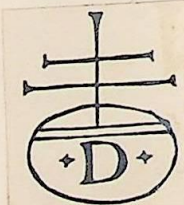
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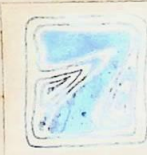
11 12



12 13



13 14



14 15



15 16



With the development of medieval society in Europe in the 12th Century, commerce prospered especially in Western Europe (not including the British Isles) and the use of marks to distinguish merchants and producers became common.

Commodity marks were affixed to trade documents and the more powerful merchants also used their own marks. Linear marks and linear representations of names were common. In addition to serving to establish rights of ownership in the event of a shipwreck piracy; or natural disaster, the marks apparently were intended to convey the suggestion of the fame and personality of the owner. Later when the development of shipping led to an increase in safety merchants marks lost these functions but reminders of these medieval merchants marks are with us to this day in such forms as the earmarks or brands of cattle. In the first half of the 16th Century the Spanish Conquistadores built an empire from Mexico to Peru. Cattle were shipped in from Spain for breeding in these waste lands and with them the Spaniards brought along the medieval custom of putting their family marks on everything they owned. They branded their cattle with the sign of the breeder. From then on cattle branding became an American heraldry.

Use of the producers marks grew in West Europe during the latter half of the 14th Century with the spread of the guild system. These marks signified acceptance of responsibility for short measures if present, quality of materials used, technological level and other characteristics. Their use which was mandatory, was meant to guard against unscrupulous, unauthorized production and sale.

Because there was then, sharp distinction between manufacturing and commerce, marks were used as either producers or commerce marks. King Edward III ordered in 1363 that master metal-workers were henceforth obliged to use their own distinctive marks. With the formation of guilds for brewers, lampmakers weavers and others in accordance with guild regulations, various guild marks were made and used.

From the middle of the 15th Century on, book publishing flourished in Europe and the commercial usage of a symbol of a high standard of design, for marking the products of the manufacture, first appears.

As a continuous tradition in papermaking and printing. Both papermakers and printers were sensitive about the aesthetic appearance of their emblems. Very early on the papermaking industry reached a high degree of commercial maturity, the use of marks often corresponded to the loss of direct dealing between producer and customer and the need to maintain the identity of the products of a manufacturer through the hands of middlemen. In papermaking this is easy enough - any pattern on the drying screen is transferred as an area of relative translucency in the paper.

Marks could be produced by merely twisting a piece of wire. The simplicity made for elegant designs. The designs were bent from wire and put on the sieves on which a thin layer of pulp was spread out. They pushed a little water out of the wet paper mass, and when the sheet was finished and dry a transparent image of these wire designs became visible. No oriental papers from the Far East or Arabia ever show signs of this kind.

The requirements for these were closely similar to those of our own today; simplicity of rendering legibility and good recognition value. Many of these early marks were based on a central vertical stroke, with the remainder of the design elements attached to or stemming from it. It would seem quite likely that this arose through such technical requirement of reproducing the mark as the wire deckle of the watermark in paper or the heated iron for branding on wood or hide. Although close similarities exist in many of these marks it is rare to find two that are quite the same, which suggests that some form of registration took place. The available evidence points to this being on a local sale through the well organised craft guilds.

Water marks were avidly collected and published by C.M. Briquet (les Filigraines 1907) whose earliest examples came from Bologna and are dated 1282. The water mark representing a key comes from Bologna (6) and is dated 1293. Another is a foolscap from Rostoff (7) dated 1555. A hundred years after the first Bolognese marks, watermarks were being used by most paper manufactures.

The Italian printers produced the most beautiful examples. Many are based on the Orb and Cross. The Orb and Cross (8) belonged to Bernardinus Fonlana of Venice used in 1492 and number (8A) by Dionysius Bertochus who worked between 1481 and 1502. Some examples make use of the animals of medieval christian mythology - pelicans and unicorns - and of the sun.

However, the period of the elegant mark was short lived. Quite early in the 16th Century these delicate designs were replaced by printers conveying a scene on anecdote. Later the practice returned of using the printers and publishers names without illustration.

In Britain the earliest symbols used in commerce were the merchants marks which date from the 13th century (9). They are not manufacturing marks but might be called marks of trade. Their use was supervised by the merchants guilds. The use of merchants marks declined at the end of the 16th century. By this time shops bore trade signs indicating their type of business, the symbols were simple enough, a philosophers head or a bust for a bookseller or a glove for a glover. C.A. Meadows (Trade signs and their Origins 1957). gives examples of this period.

The use of signs and signboards by traders can be traced back to the early days of the Roman Empire. Various signs are mentioned in their writings. Streets were named after signs.

Little is known for certain about the use of signs until the middle ages, when with the growth and spread of civilisation the trading community began to expand and

prosper. At first they chose simple emblems or the tools of their trade, as mentioned above, for signs, a clear visual indication of their various occupying.

The need for signs was apparent in some trades more than others, but when few could read or write some symbol was necessary to distinguish one shop from the next. As the shops and trades became more numerous so the choice of subject and variety of signs became endless.

Signs were mixed together often when one trader bought out another firm resulting in sometimes ludicrous images.

The signs took many different forms - most often actual models of tools such as ploughs, keys, gloves, etc.

The signboards with pictorial representations of their subjects were in many cases works of art painted by famous artists of the day.

A third group were carved in stone or wood and were let into the face of a shop.

As trading grew more competitive the effect was soon noticed in the signs, for they grew larger and more elaborate until in the 16th and 17th Centuries they reached gigantic proportions. In heavy weather and wind these monstrous signs frequently caused serious accidents to passers by.

In 1972 the Shop Sign Act was passed. This forbade the use of large signboards and stated that signs must be fixed to the front of shops.

Certain signs are still with us such as the Barbers Pole and the Pawnbrokers balls and the Chemist Pestle and Mortar. I am fascinated by the history of the Barbers' symbol.

The early Barber was a surgeon as well and when the pole was hanging outside it had a gallipot or a bleeding dish hanging at the end. Ancient manuscripts show the pole in use by the Barber with the patient grasping it firmly while the blood

letting was in progress and as the pole was liable to be splattered with blood, it was painted red. The twisting of white linen bandages around it when not in use gave rise to the striped pole of the present time. Modern versions of it appear as striped fluorescent tubes, miniture poles some twelve inches high and striped electric lamps, but here and there a full size pole may be found. The signs today are generally red white and blue but the original pole was painted red.

The Act of 1972 also encouraged the development of trade cards which carried the name and address of the trader, with an advertising picture usually representing his trade. Trade cards took on different forms in various trades and by the 19th century many were being used in miniature as trade marks. An interesting example of a specialised trade mark was the watch paper, which was originally inserted into watches to prevent dust getting through the keyholds. Afterwards they became small printed advertisements similiar in form to trade cards.

18th Century machinery usually bore no mark but a simple inscription. The Stanhope printing presses bear the words " Stanhope Invenit" and their number in a chancery script. Early 19th century bears little more, but by 1857 some machines began to carry small brass plates giving the makers name and address and cost number of the same period have been found to bear an oval or lozenge with the makers name as part of the involved detail. This progress can be illustrated by three examples. The first (10) is the simple trade mark 'EBRO' used by a firm of sheffield cutlers from 1775, a date at which a Spanish association with steel goods was desirable. The second is the mark of McFarlanes, a Scottish iron founder used from 1850, the third is the pilot railway engine used by Thomas Turton who started a large Liverpool enterprise making rails and other heavy iron and steel goods. The latter was used first in the early 1860's at a time when the manufacturer was anxious to use the symbol of his firm on his stationery and advertising.

The 1860's saw the rise of the cotton industry and the following years, the concentration of the wool industry into the hands of a few large firms. Many of these firms developed some identifying mark but few of them are in any way noteworthy.

The Great Exhibition of 1851 demonstrated the progress made in the production of manufactured goods. The articles labelled with trade marks mostly bore the name of their firm in either plain or ornamented lettering. The more unusual marks of the time are largely related to articles produced for illiterate populations and by provincial firms. It is interesting to note that most populations were illiterate at this time and that compulsory free education dates from 1876, a year after the trade marks act. In particular simple and distinctive marks were used by firms supplying agricultural implements and materials. Oil merchants and oil-cake sellers often used some variant of a star either six or five pointed - the one reproduced here (11) was used by Thomas Jackson, a seed crusher and oil-cake merchant from Kingston-on-Hull - in the 1870's.

Brewers and distillers often used simple geometrical forms. An example is that used by Simpsons distillery at Banff from 1850. The firm of Bass & Co. were the first to register their marks under the trade marks act - they registered three of their bottle labels and then the triangle and diamond on the labels which were always red. However, diamonds and triangles were not confined to Bass, many other brewers incorporated them in their design of label which were among the high points of Victorian design. The expansion of capital investment in industry led to a minor tradition in the mid 1800's where a proud manufacturer would use an illustration of his new factory as a trademark.

The title to a trade mark had to be proved by establishing usage over a period of years. This was an expensive and difficult business. The pressures of increasing manufacture led to the Trade Marks Act of 1875.

The Act stated:

A Trademark must consist of, or contain, at least one of the following essential particulars:

A name of an individual or firm printed, impressed or woven in some particular and distinctive manner or,

A written signature or copy of a written signature of the individual or firm applying for its registration or,

A distinctive device, mark, brand, heading, label, ticket or fancy word or words not in common use.

A trade mark can be registered in any colour.

The passing of the act initiated a method of registering and preserving an identity mark for manufactured goods. All the marks for which registration was sought were published in the trademarks Journal. This was the first national registry; particular attention was paid then and still is, to establishing to which portions of the wording the manufacturer could lay exclusive claim. Its chief concern was maintaining an adequate difference between the marks of different firms and it was concerned only with marks appearing on manufactures articles; these are in fact the only sort of marks registerable. It is not possible to register a trade mark for a service, for example a laundry. There was at the time of the act no general agreement over what a trade mark should be. In fact Bass & Co. registered the whole of their bottle labels and only later sought registration for their triangular symbol. Its most distinctive feature, its red colour, was ignored by the Journal which took no note of colours. Marks ranged from the registration of names printed simply in capital letters to ornate labels and small showcards commonly an air of authenticity was gained by using a facsimile signature. Bass and Guinness show this still on their labels. A signature used on its own occurred mainly in the field of special medicing, animal foods and patent preparations. This began to flourish about the year 1850. The development of the engravers art and its partial mechanisation allowed portraits to be added to the signature. By the end of the 19th century there was a vogue for trade marks in the style of that of J.B. Dunlop. founder of the firm of pneumatic tyre manufacturers, which was first used in the 1890's.

The labels registered were often bizarre and sometimes quite pretty. The use of the label which was a trade mark liberated it for use on a poster or a bill sheet. It was not long after trade mark registration began that successful advertisements were registered. The firm of A.Pears, perfume and soap manufacture, registered an engraved version of the picture 'Bubbles' in 1886. Previously they had used a simple 'REBUS' or picture pun of two pears on a twig (and they continued to use it for a time). Less artistic and more humorous devices from advertising campaigns were often adopted as trademarks.

The stealing of advertising figures for trade marks had its hayday in the 1910's and 1920's when the use of figures like Johnnie Walker and the Bisto Kids reached its highest popularity.

Trade marks in the first years of the 20th century shows little development in Design. Few were really well designed and were usually labels rather than trade marks, or figures - often of great popularity and vitality - left over from dead advertising campaigns. The design suffered from the conception that trade marks should serve as guarantors of authenticity and that any picture or label associated with the company would suffice. William Morris was the only designer who made any impression on trade mark design in the late 19th century.

The first modern trademark consciously designed was produced in Germany by Peter Behrens for Hely (12), just after the turn of the century. Behrens was head of the Art School in Dusseldorf and also worked for the electrical firm of A.E.G. He designed the factory shop fronts and electrical goods for the company as well as their trademark. The latter seems dull and uninspired by today's standards. It consists of a hexagon subdivided incompletely into further hexagons containing the letters A.E.G.. The reason for the hexagonal shape is not apparent. It was used by Behrens on the end wall of the factory he built for the firm. But the idea of a trade mark had not been fully

established in Germany at that time. In a competition held in 1916 for a poster to advertise a new bulb the A.E.G. nitralampe, only one entrant made use of the A.E.G. trademark.

Whilst Behren's design may appear weak today, it must be remembered that he was the protagonist in throwing off the influence of the Art Nouveau style in Design. The simplicity of his symbol must have been difficult to accept, in view of what was expected of design at that time. A.E.G. also employed Otto Eckman who produced advertisements for them in typical Art Nouveau style. The example of his work shown (13) is an emblem for the magazine Die Woche. The A.E.G. trademark was the first foray of the professional designer in symbol design. In a way it also had British roots for as Prof. Pevsner (1960) has pointed out, Behrens and the school which he ran were products of the German effort to emulate British progress in the previous fifty years.

The development of the trademark into a company symbol covering all its activities was a British one.

Trade mark and symbol design in Germany achieved a very high prestige in the 1920's. The precision and clarity required corresponded to what the German designers of that time felt to be the essence of their art.

In England the equivalent of Behrens work for A.E.G. was Edward Johnston's for the London Underground. Commissioned by Frank Pick, Johnston designed a sans serif type face for the Underground (14). The current mark is by Moma Schleger and is used throughout the London Transport System (15). Composed of the simplest of geometric forms it nevertheless retains the elements of a wheel, basic to all forms of transport. Its original date of appearance is about 1914.

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One definition of trade mark in the modern sense is a mark sponsored by an individual, a commercial or public company, a government body or a nontrading organisation. This would normally include those designs consisting purely of letter forms and which are more properly called monograms or logotypes.

It is being increasingly realised that the adoption of a mark by an organisation can give graphic expression and cohesion to its activities, products and services and is the one single factor which can unify all its promotional and distributive operations. They are an expression of the social individuality of the enterprises which use them. In addition to distinguishing the enterprise from others a mark or symbol in the field of manufacturing denotes the makers guarantee of the quality of his product and this has a responsible role in society.

There is still much to be achieved. In particular many of the large firms and organisations in Ireland and elsewhere take little interest in their 'Public' appearance. Many of them fail to use a symbol at all, or have not grasped the principle of using one to give a public image to their company character and personality.

The most favourable circumstance for the creation of a good mark is one when designer and sponsor agree on a theme or approach after a careful study of the sponsor's product or services, for this gives the designer sufficient freedom to allow the form to develop out the most appropriate imagery. This synchronising of idea and image is at the heart of a successful design. A good trademark can express many things; energy, efficiency precision, co-operation, but if it is to exert its fullest effect, it should concentrate on the one essential facet of the problem.

As to the nature of the idea which is taken as the starting point it is often more important to suggest the character of an organisation than to show its products. In many

fields such as banking and insurance the essence of the service is of an abstract nature, and in these cases it will be necessary to suggest by graphic means such qualities as security and reliability.

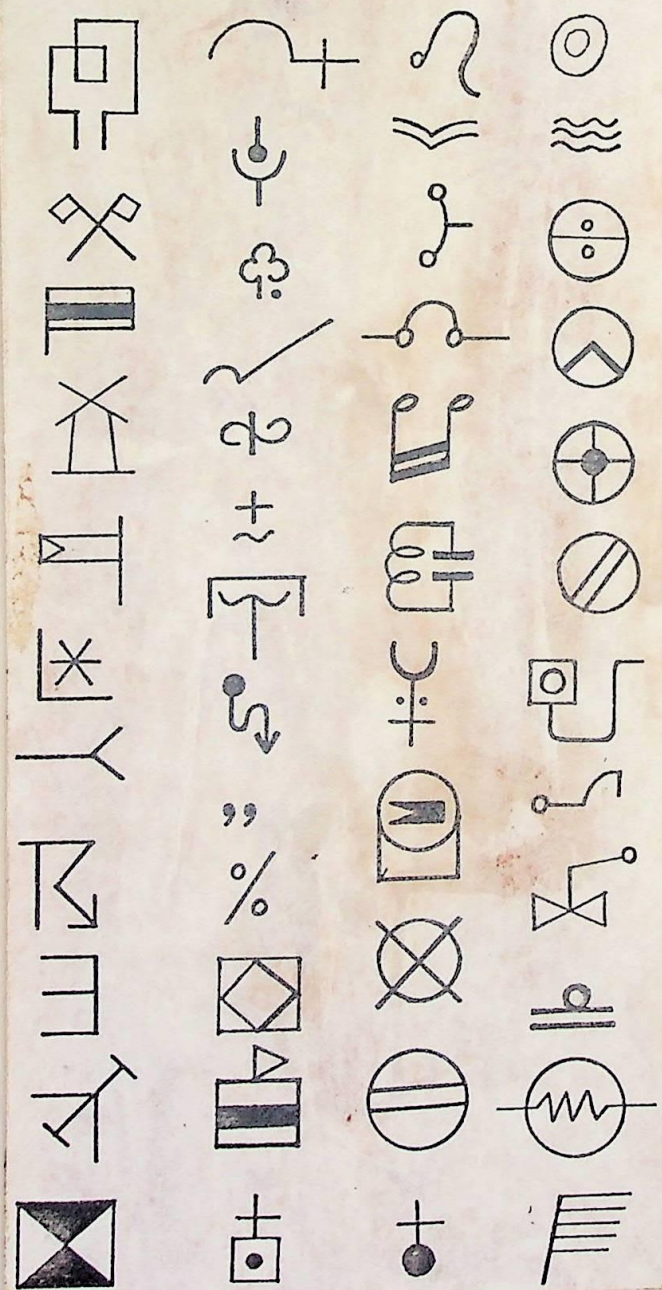
It must also be capable of reproduction by a variety of processes. Besides the common printing techniques some marks have to be capable of being reproduced in woven, enamelled or moulded forms and each of these processes will make demands on the final treatment of a design. Designs are still thought of as being essentially black and white, and it is true that for newspaper reproduction and moulding processes they must be capable of reproduction in one colour; but with the increase of colour reproduction and especially the advent of colour television multi-colour designs are going to have considerable importance.

The mark must not date. This is a difficult requirement because it is hard to identify the dateable elements in a design at the time of its creation. The design should avoid fashionable clichés and the representation of objects or processes which are likely to be superseded in the future.

A firm and its registered trade mark may well be old, for age shows that they have stood the test of time, but a trademark that is out of date is in both senses of the word, a bad sign!

Visual language in action. A selection of visual signs from such widely ranging fields as cartography, chemistry, mathematics, geometry, astronomy, music, engineering, heraldry, shorthand and telecommunications. Also included are railway and traffic signs, military signals and symbols, navigational signs, road signs and some examples from the international language of 'tramps'.

From Shepard's Glossary of Graphic Signs and Symbols. Dent.



16. The Mercedes-Benz three-pointed star was designed by Gottlieb Daimler, early pioneer of the motorcar, who lived to see his engines operating on land, sea and air - the three pointers of the mark. Daimler died in 1900 and the embossed, enamelled three-pointed star was carried at the front of the radiator cowl of the works cars after it had been granted protective rights in 1911. The three-pointed star, surrounded by a ring, has retained its basic form since 1923.

17. The Carl Zeiss (W. Germany) mark was first used in 1903. The designer is unknown. It is based on a stylised arhromatic lens and designed for use in small sizes on precision optical equipment.

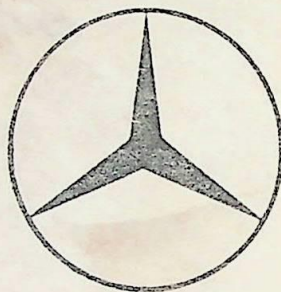
18. The Shell emblem was first used in 1900 but did not appear as the familiar pecten shell until 1904. This evolved into a number of versions both with and without the word 'Shell', until a 'controlled' form appeared in 1961. This is a mark which seems to have lost the graphic qualities of earlier forms, mainly because of the superimposition of the lettering onto the shell pattern. Let us hope that a more graphically successful solution of lettering and image will evolve, although one suspects that the shell image is now so well known that it would be possible to dispense with wording on the mark itself.

19. The BOAC 'Speedbird' mark was designed in 1932 by Theyne Lee-Elliott, a London artist, for Imperial Airways which was later taken over by British Overseas Airways Corporation. The version shown above is a recently modified version with increased wing area and a slimmer body. Another mark which, although created in an age of 100 mph aircraft, is still remarkably modern in concept.

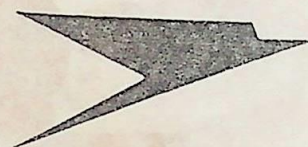
20. The Lufthansa mark was designed by Professor Otto Firle in co-operation with the late Walther Mackenthun as a result of a competition held for the design in 1919. The mark was first used on the airline's aircraft in 1920 and has remained in use unaltered.

21. This mark of AC Cars was first used in 1903, the letters AC referring to Autocarrier. The art nouveau letter forms are expressively used to accentuate the feeling of movement and speed. The designer is unknown.

16



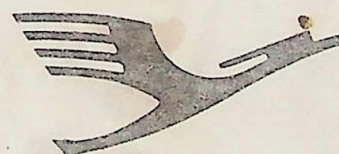
19



17



20



18



1900 first Shell emblem



1929



1961 'controlled' version

2



CAMDEN AND LARWOOD:

History of Sign Boards
London, 1866.

CAPLAN AND STEWART:

Trade Marks and Symbols
London, 1966.

HEAL A.:

The signboards of old London
Shops. London, 1947.

KUWAYAMA;

Trademarks and Symbols 1973.

MEADOWS:

Trade signs and their origin.
London, 1957.

PARKIN AND HENRON:

Design Coordination and Corporate
Image. London.

PEUSNER:

Pioneers of Modern Design
London, 1960.

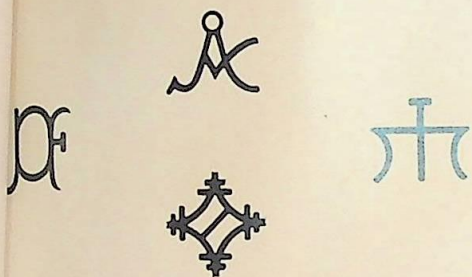
WERKMEIN:

Trade marks: Their creation
psychology and perception. 1974.

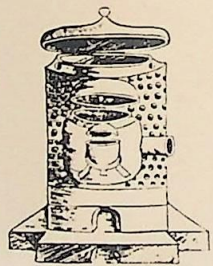
HERALDRY



CATTLE BRANDS



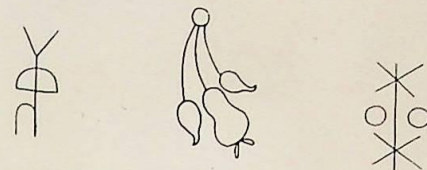
ALCHEMY



JAPANESE CRESTS



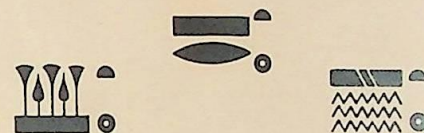
WATERMARKS



PRINTER'S MARKS



ASTRONOMY AND ASTROLOGY



MAGIC AND MYSTIC



CHURCH AND RELIGION

