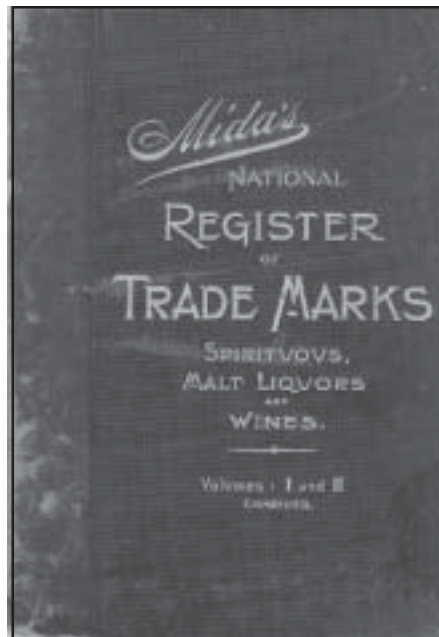
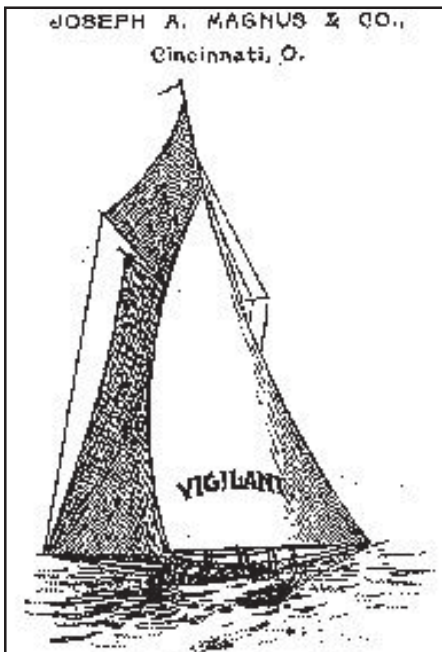




The Mida Touch

William Mida was a prolific writer and editor of a semi-monthly journal for the whiskey trade called *The Mida Criterion* published out of Chicago back in the late 1800's. A whiskey rectifier himself, (Mida's "Relish", "Confidential" and "Private and Confidential"), he saw a need for some sort of record of trademarks as a legal protection against infringement.

Thus was born the sonorously titled *Mida's National Register of Trade Marks - Spirituous and Malt Liquors and Wines*. No copyright date is given in the book and research shows that even the Library of Congress doesn't possess a copy. However, based on the usage dates given for brands in the register, volume 1 was issued in 1894 and a combined edition of volumes 1 and 2 in 1899.



A bit of background about trademark protection here might be helpful. The first federal trademark law was passed in 1870 but met with a luke-warm reception and was struck down by the courts in 1879 on the basis that it meddled with intrastate commerce, a fiercely guarded state's right. Gerald Carson, in his "The Social History

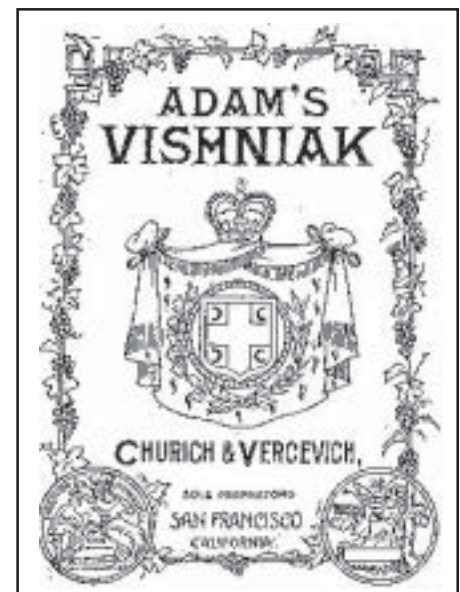
it became the clearing house for trademark protection. In a recent edition of *Paper Pile Quarterly*, (Vol. 22, No. 3; November, 2001), Ada Fitzsimmons reproduced a solicitation letter from the Washington D.C. law firm of Mason, Fenwick & Lawrence dated June 9, 1906 that included a list of over 850 brands that had already been registered in the brief year since the law's passage, with hundreds of applications still pending processing.

Mida's register deals with that gray area from the failure of the first law up until the turn of the century. The 1899 combined edition runs about 300 pages and sold for \$10, but Mida presumably recouped much of his expense by selling half and full page ads to Freiberg & Workum, Star Distillery, Early Times, etc. The total number of Trademarks covered



of Bourbon" indicates that back in 1870, the same year that Old Forester made its debut, only 121 trademarks of any kind were registered.

It wasn't until April 1, 1905 that a generally accepted trademark law was passed and quickly gained acceptance among distillers and brewers. Based on the principle of prior ownership and use, and supervised by the U. S. Patent Office,







in the book is over two thousand - 1,600 in whiskey and the remainder in gins, sundries, wines and malts. There's even one for the Bauer Cooperage Co. of Lawrenceburg, Indiana.

The format throughout volume 1 is uniform - eight trademarks to a page and the layout is simple: Brand Owner, City, State, Logo and the date of first usage. Interestingly, the Lanham Act of 1946, on which our current trademark law is based, outlines pretty much the same information, along with a certification of continued usage. In volume 2, larger, more elaborate labels, photos of bottles, etc. are listed. A few of these are reproduced here.

Some examples of the earliest dates of continuous usage: A. Overholt's Rye, Pittsburgh -1810, Cook's Ale, Boston -1820 and Henry Bohlen's Gin, Philadelphia -1828. Mida had promised a third volume which would have taken him into the golden age of whiskey brand proliferation - the 1900's-1910's. I've never come across any references to it other than in his preface to volume 2, so I assume that the Trademark Law of 1905 put an end any future installments. And also, with prohibition looming on the horizon, he played it safe by publishing a Register of

Confectioner's Trade Marks in 1903.

The Mida register is extremely hard to come by. I bought my copy on eBay about three years ago and have found it extremely valuable in identifying brands on shot glasses and bottles. A true "don't miss it" if it ever comes up again. Meanwhile, I'm making my copy available in a searchable on-line format which can be accessed sporadically through Robin Preston's webpage, pre-pro.com. A much more easily available source for trademark identification is Bob Snyder's "Whiskey Brands" which, with his latest supplement, contains well over 7,000 different brands - a steal at about \$25 or so. By the way, the web site pre-pro.com with its three different databases is quickly becoming a remarkably efficient way to research information on shot glasses. Give it a look.

In addition to federal registration of trademarks, many states had their own systems. One book I'm familiar with is Steve Abbott's "California Whiskey Trademarks 1864-1916" published in 1995. In two separate sections, Brand Names and Trademark Owners are listed alphabetically for easy reference. It also contains an interesting dissertation on what constitutes a "western" brand. This may

still be available from Steve.

Drop me an email at [hecurrier@attbi.com](mailto:hecurrier@attbi.com) and I'll be glad to give you whatever information I can on any of the publications I've referenced here.

Happy hunting, Howard Currier

