

## A MANIFESTO ON INDUSTRIAL DESIGN PROTECTION: RESURRECTING THE DESIGN REGISTRATION LEAGUE

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### EXECUTIVE SUMMARY\*\*

As aptly put in a paper published a decade ago, detailing nearly a century of earnest but unsuccessful attempts to implement industrial design legislation, proponents of copyright-based protection for the useful arts have traveled down “a long and winding road.”<sup>1</sup> It began in 1914, when a group called the Design Registration League, representing the interests of a range of businesses and manufacturers, went before Congress to propose amending the copyright statute to protect industrial designs, using a registration system.<sup>2</sup> Even though Congress generally supported the bill, it ultimately failed.<sup>3</sup> But it laid the foundation for subsequent lobbying attempts to pass similar legislation that have traversed the course of the twentieth-century.<sup>4</sup>

One scholar has characterized the seemingly intractable problem of protecting industrial designs as “the world’s oldest intellectual property

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\*\*A more detailed analysis begins on the third page of this article.

<sup>1</sup> David Goldenberg, *The Long and Winding Road, A History of the Fight Over Industrial Design Protection in the United States*, 45 J. COPYR. SOC’Y 21 (1997).

<sup>2</sup> Members of the Design Registration League included stove manufacturers, Eli Lilly & Co., Meinecke & Co., Cadillac Motor Car Co., and pocket watch, lace and embroidery manufacturers. *Id.* at 28.

<sup>3</sup> Goldenberg, *supra* note 1, at 31.

<sup>4</sup> Some of the bills garnished support in Committee but never made it to the floor. The Vestal bills (1924–30) nearly passed, but its chief supporter died. As part of the extensive revisions to the copyright laws, Title II on industrial designs was amended out of the bill at the last minute to secure passage of the Copyright Law of 1976, and in 1988 another bill met stiff opposition resulting in part from elimination of the “ornamental” requirement for design protection. Goldenberg, *supra* note 1, at 27–56.