**The ‘Disguised’ Foreign Investor:**

**Brands, Trademarks, and The British Expatriate Entrepreneur in Brazil**

Teresa da Silva Lopes, *University of York* **(corresponding author)**

The York Management School

Freboys Lane

York YO10 5GD, UK

Tel: 01904325023

Email: teresa.lopes@york.ac.uk

Carlos Gabriel Guimarães, *Universidade Federal Fluminense*

Department of History

Rua Prof. Marcos Waldemar de Freitas Reis, Bloco O, sl. 501

Campus do Gragoatá /UFF

Niterói, RJ, Brazil, 24210-201

Tel.: 55212629-2922

Email: [cgg@uol.com.br](mailto:cgg@uol.com.br)

Alexandre Saes, *Universidade de São Paulo*

 Department of Economics

Av. Prof. Luciano Gualberto, 908. FEA/USP.

São Paulo, SP, Brazil - 05508-010

Tel: 55 11 3091-6054

Email: [alexandre.saes@usp.br](mailto:alexandre.saes@usp.br)

Luiz Fernando Saraiva, *Universidade Federal Fluminense*

Department of History

Rua Prof. Marcos Waldemar de Freitas Reis, Bloco O, sl. 501

Campus do Gragoatá /UFF

Niterói, RJ, Brazil, 24210-201

Tel.: 55212629-2922

Email: saraivalf@uol.com.br

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**Abstract**

This article examines the impact of the British expatriate entrepreneur, and his processes of knowledge transfer, on the industrialization and economic development of Brazil between 1875 and 1914. It focuses on the textiles industry, and combines original trademark data with conventional trade and investment statistics, and also case study analysis about firms and their entrepreneurs. It argues that British investment in Brazil was higher and had a deeper impact on economic development than considered by existing research, as expatriate entrepreneurs ‘disguised’ a substantial amount of foreign investments by acting as shareholders and top managers of newly established local businesses.

Keywords: Expatriate Entrepreneurs; British Foreign Investment; Brazil; Trademarks; Brands; Textiles Industry.

1. **Introduction**

This paper provides a new approach to the study of the impact of British trade and investment on the economic development of Brazil. By using trademark registration data collected for the first time, it analyses the impact of knowledge transfer by British businesses and British expatriate entrepreneurs established in Brazil on the development of brands and a domestic textiles industry.[[1]](#endnote-1) It focuses on the period from 1875 to 1914, when Britain was the main trader and foreign direct investor in Brazil, and when textiles were the most important category of goods imported from Britain. During this period the textiles industry took off in Brazil and became the most important manufacturing sector in the country.[[2]](#endnote-2) This paper aims to answer the following questions: How important is the expatriate entrepreneur in explaining the processes of knowledge transfer between countries, and in influencing economic development? Does trademark data provide new insights on the impact of foreign direct investment and trade by a developed country such as Britain into a developing country such as Brazil at the end of the nineteenth century and in the early twentieth century?

Knowledge transfer relates to the process through which one unit (e.g., individual, group, department, or division) is affected by the experience of another. One example of knowledge transfer is the passing of organizational best practices and skills by an expatriate working for a subsidiary of a firm in a foreign country, where that kind of knowledge does not exist (eg. knowledge of the functioning and operation of certain machinery). Knowledge is a powerful differentiator from competitors, may lead to extraordinary firm performance, and ultimately to economic development and prosperity.[[3]](#endnote-3) As an intangible asset, knowledge can provide future benefits which do not have a physical or financial embodiment.[[4]](#endnote-4) This study focuses essentially on the processes of marketing knowledge transfer, which is the knowledge associated with the ‘intelligence’ and the skills behind the marketing methods, such as the management of brands and distribution channels.[[5]](#endnote-5) However, other types of knowedge are also considered: technological knowledge, associated with technological innovations, managerial knowledge, associated with administrative processes such as bookkeeping; and entrepreneurial knowledge, associated with investment opportunities and risk taking. While marketing and technological knowledge can be protected legally through trademarks and patents, other forms of knowledge transfer such as staff training, and book-keeping accounting practices, among other administrative processes, are more difficult to protect legally.

The expatriate entrepreneur is considered here to be the sender in the process of knowledge transfer.[[6]](#endnote-6) He has additional characteristics to those of the traditional entrepreneur, who is someone who specialized in taking judgmental decisions about the coordination of scarce resources with an economic aim and under conditions of uncertainty.[[7]](#endnote-7) An expatriate is someone who is a citizen of one country but resides in another on a long-term (but not necessarily on a permanente basis). An expatriate may have dual nationality (i.e. they may also be a citizen of the country in which they reside). They have the ability to manage effectively in culturally diverse settings, and to network internationally, and they have the breadth of experience and mental flexibility, which is promoted by mobility both within firms and between firms.[[8]](#endnote-8) This mental flexibility is encouraged by an educational background emphasising independent critical judgement rather than role-learning.[[9]](#endnote-9) These are important enablers for entrepreneurs to establish relationships in foreign markets, and act as senders of facilitators in processes of knowledge transfer between countries.

The main recipients of the knowledge are the organizations and the workers operating in one of the activities within the textiles industry value chain, such as manufacturing, or in wholesaling, brokerage, distribution or retailing.[[10]](#endnote-10)

There are no universal criteria for measuring and obtaining evidence about knowledge transfer. The appropriate criteria depend on various factors such as the type of knowledge being transferred, the context, and types of sender and receiver. Some researchers use objective measures such as archival data on the increase in the numbers of patents to measure the speed of knowledge transfer in processes of technological innovation.[[11]](#endnote-11) In a similar way, this study draws on trademark data to look at the processes of knowledge transfer associated with marketing knowledge.[[12]](#endnote-12) Trademarks are considered here to be a proxy for initiatives by entrepreneurs to develop differentiation for their goods through the creation of brands and their legal protection. [[13]](#endnote-13)

This study draws on trademark data collected for the first time in Brazil. Three types of sources were used: Série Indústria e Comércio – IC3 [Arquivo Nacional, Rio de Janeiro], *Diário Oficial*, and Boletim da Propriedade Industrial [Biblioteca Nacional, Rio de Janeiro). Brazil was quite advanced in enacting its first trademark law in 1875, before countries such as Argentina, Bolivia, Colombia, Costa Rica, Cuba, Mexico, Peru, Portugal, Uruguay, and Venezuela.[[14]](#endnote-14) However, a system of classification of marks by industry was only introduced in 1923.[[15]](#endnote-15) Until then, marks appeared filed and registered in alphabetical order by type of product (eg. biscuits (*biscoitos*) and beverages (*bebidas*) were filed under the letter ‘B’). In Britain, a classification system was in place since the trademark registration system began in 1876. Britain was relatively late among the most developed countries to introduce a registration system for its marks, and because it had a particularly strict process for examining registrations, the registrations scheme, and its published data, came to enjoy great stability. Because of its effectiveness, and also in order to facilitate international comparative analysis, the British system of classification of marks (with fifty classes) is used here in the study of Brazilian trademark registrations.[[16]](#endnote-16)

The paper is organized in five sections: following the introduction, section two provides an overview of the British trade and foreign direct investment in Brazil from 1875 to until the start of World War I. Section three, introduces new trademark data about Brazil and provides general trends and comparisons with other countries, where data has already been collected. It also discusses the origins and development of trademark law in Brazil. Section four draws on original trademark data at firm level, and combined with other research about the firms and the entrepreneurs, analyses the origins of the various textiles firms registering trademarks, and contrasts the various ways through which British expatriate entrepreneurs invested in the industry. Finally section five provides some conclusions and addresses the questions raised in the introduction.

**2. Tangible Investments in Brazil**

* 1. **Impact of British Trade**

Some researchers argue that while Britain was the main investor and trade partner of Brazil before World War I that did not necessarily contribute significantly to positive spillovers and economic development. That contrasts with the British presence in countries such as Australia and South Africa, which were part of the formal British Empire, where there is a general agreement that is generated positive spillovers which contributed to economic development.[[17]](#endnote-17) Several arguments have been put forward to explain the relatively limited amount of positive spillovers in Brazil.[[18]](#endnote-18) The education of indigenous managers is considered to have led foreign firms to keep the top management in the hands of expatriates.[[19]](#endnote-19) The economic, social and political structure of Brazil and its business elites, are considered to have constrained modernization.[[20]](#endnote-20) The dominant business elites in Brazil are also mentioned as having focused on the production of raw materials, and therefore having been less open to the absorption of new technologies, organizations, and new modes of doing business and selling products.[[21]](#endnote-21) The foreign presence is also observed to have destabilized the economy, making it more dependent in the long-term on foreign institutions.[[22]](#endnote-22) Irrespective of these arguments about the impact of British investment and trade in Brazil, it is a fact that Britain was its main trading partner and investor during the period of analysis, and that, during this period, the country already had its own state and institutions in place.[[23]](#endnote-23)

Even though there was a decrease in the share of British imports into Brazil over time, Britain remained the principal source of Brazilian imports throughout the period.[[24]](#endnote-24) Textiles (cotton, wool, jute and linen) were the main category of goods imported from Britain, but other categories of British goods, in particular metals (iron and coal), and also machinery (steam machines), increased over time.[[25]](#endnote-25) The decrease of British imports was the result of several factors. One related to the protectionist tariffs introduced in Brazil at various periods from the 1870s, as a way to increase the country’s revenue (in view of the financial burden cause by the Paraguay War), to protect local production, and to promote local entrepreneurship (in particular from the late 1880s).[[26]](#endnote-26) Other factors contributed to this evolution, such as the devaluation of the Brazilian currency (mil réis) against the British currency (£) in the 1890s, the first decade of the Brazilian Republic, which made imports become very expensive. Another reason was the increase of imports of raw jute by Brazilian textiles merchants directly from a new source - Calcutta in India, which allowed them to avoid the British middlemen.[[27]](#endnote-27) Additionally, there was an increase in competition from other nations such as the United States and Germany.[[28]](#endnote-28)

**2.2 British Direct Investment in Brazil**

Brazil was an attractive market for British investors because of its stability of the economic and political relations that existed between the two countries, and which were guaranteed through the Empire and the old alliance Britain had with Portugal, the colonizer country.[[29]](#endnote-29) There were also strong links between the Brazilian state and the Rothschild Bank, a leading British financial institution at the time.[[30]](#endnote-30)

Brazil was a main market for British investors in government securities, representing more than half of the investment in Brazil up to 1880s. Thereafter British investment targeted predominantly manufacturing and services, in particular in railways, public utilities, and banks.[[31]](#endnote-31) By the end of the nineteenth century Britain represented 78 percent of total foreign investment in Brazil, remaining the main investor in the country until World War I, when it was responsible for 53 percent of the total investment.[[32]](#endnote-32) The decrease of British investment over time was essentially due to the rising competition from other countries such as the United States, Canada and France.

The first attempt to develop a cotton manufacturing industry in Brazil was in 1750 while Brazil was part of Portugal. The cotton mill owners in Portugal had lost their home market as a consequence of the Methuen Treaty with Britain and were determined that they should keep the market of their Brazilian colony for themselves. They persuaded the Portuguese Government to pass legislation prohibiting the manufacture of cotton cloth in Brazil, with the exception of the very commonest and coarsest cloth as used by the slaves. This act was passed in 1807 and rigorously enforced. This state of affairs continued until 1846, as in 1822, when Brazil obtained its independence no changes were made. It was only in 1846 that the Brazilian Government gave a number of concessions to factories, amongst which the free importation of machinery was the principal one.[[33]](#endnote-33)

Until the 1890s, the trade policy inherited from the Empire provided Britain with better tariffs for inputs, such as the cotton used in the textiles industry, and also with tariffs exemption in the Brazilian imports of machinery and industrial equipment. This scenario explains the increase in imports of machinery used in the textiles industry during this period.[[34]](#endnote-34) The increase in tariffs imposed on imports in the late nineteenth century could have worked as a strong incentive for British businesses to reduce exports and invest directly in manufacturing in Brazil, but that was not the case. Instead, there was a moderate increase in British foreign direct investment into Brazil, and exports only decreased slightly. The attractiveness of the market, did not justify the different types of risk that firms might incur if they engaged in foreign direct investment instead of using arms length modes of entry. Nonetheless, tariff protection triggered an increase in manufacturing in the Brazilian textiles industry, and therefore also increased the risk incurred by British financiers and entrepreneurs doing business with Brazil. By the end of World War I the domestic production of textiles corresponded to 75 percent of the national consumption of cotton goods.[[35]](#endnote-35)

**3. Intangible Investments in Brazil**

**3.1. Origins of the Trademark Law in Brazil**

Brazil has historically been influenced by the legal rules and institutions from a far more diverse array of jurisdictions than is usually assumed for the creation of commercial and trademark law in the nineteenth century.[[36]](#endnote-36) From the enactment of the French Civil Code in 1804, with the start of the Napoleonic Wars, the French juridical influence became almost universal in the world, and Brazil was no exception. But the Portuguese inheritance is also considered central to the establishment of the guidelines for Commercial Law of 1850.[[37]](#endnote-37) Other countries that influenced Brazilian commercial law were Spain, the Netherlands, and also England.[[38]](#endnote-38) With these multiple influences the members of the Brazilian elite aimed to create legislation that would enhance trade and investment relations in particular with those countries.[[39]](#endnote-39)

The first law created that dealt with intellectual property in Brazil dates back to 1809. This was the result of the arrival of the Portuguese Royal Family to Brazil and the incentives created by the Crown for entrepreneurs to innovate.[[40]](#endnote-40) But it is only in 1875 that a system of registration of trademarks emerges in Brazil.[[41]](#endnote-41) This was also relatively early even when compared with more industrialised countries such as Britain and the United States.[[42]](#endnote-42) Great economic and social transformations occurred in Brazil around this period. A new aristocracy associated with coffee production emerged, the slave trade ended, and there was a fast increase in European immigration. These all contributed to the development, to a certain extent, of mass production and the emergence of a consumer society, and to the need to have a more effective legal system to protect both technological and marketing innovations, through patents and trademarks.[[43]](#endnote-43)

The determining motivation for the Imperial Government of Brazil to create a legislation for trademarks is associated with a case of imitation of a snuff brand in 1874. Known as the “Moreira & Cia. *vs.* Meuron & Cia.” case, it was filed in Bahia by Meuron Cia., owner of a well known snuff brand *Rapé Areia Preta*. The lawsuit is against Moreira & Cia., another snuff producer, for creating a very similar brand *Rapé Areia Parda*. The Court found that neither Criminal or Commercial Law of 1850 provided enough grounds to protect the owner of the original brand. As a result, Moreira & Cia., the imitator, sued Meuron & Cia. for damaging the reputation of his business.[[44]](#endnote-44) This debate encouraged the Imperial Justice Commission to create new legislation to protect brand innovation. In spite of receiving criticism in the Chamber of Deputies, associated with possible claims that the country already had property laws and did not need another one, the new trademark law was approved in 23 October 1875.[[45]](#endnote-45) Meuron & Cia. became the first firm to register a trademark in Brazil: *Fábrica* *Rapé Area Preta* snuff, deposited in Junta Commercial in November 1875, approximately one month after the law was passed.[[46]](#endnote-46)

Brazilian trademark law relied extensively on French law. France had also been very influential in the development of trademark law in many other countries such as Britain, the United States, and Portugal.[[47]](#endnote-47) This is because it had been one of the first countries to develop trademark law, in 1856.[[48]](#endnote-48) The new law sought the protection of French-owned names in foreign countries by establishing a principle of reciprocity to be guaranteed by treaty. France led other countries to participate through the creation of bilateral agreements, and precipitated related legislation being passed.[[49]](#endnote-49)

In 1883 Brazil was a signatory country of the Paris Convention.[[50]](#endnote-50) The motivations to sign this convention by a country just starting to industrialize, were essentially linked to the strong British presence in Brazil, and also to the conviction, by the Brazilian Crown, that by joining this Convention, that could bring stronger links with developed countries and also technological progress to Brazil.[[51]](#endnote-51) Joining this Convention meant that the Imperial Government had to tailor its own legislation to agree with the international terms set out in the Paris Convention and also in areas where domestic law was silent until then.[[52]](#endnote-52) This led to the promulgation of a new law for trademarks in 14 October 1887.[[53]](#endnote-53) Article 6 defined that brands should be accepted in countries that were signatories of the Paris Convention. Additionally, Article 12 required that the signatory countries should create a national institution to archive the registers of industrial properties and trademarks. Thus, from 1887 the Commercial Tribunal of the Rio de Janeiro centralized registrations of all trademarks in the country. The Monarchy, survived only two more years.

The Proclamation of Republic in 1889, and the promulgation of the 1891 Constitution led once again to changes in trademark law. The new legislation followed a federalist perspective to meet the principles of the new Republican Constitution. The laws of 1890, 1894 and 1898 strengthened the Provincial jurisdiction in the trademark processes. New changes to trademark law took place in 1904. These essentially toughened the punishment for imitation, and established that these could lead to fines, and in some circumstances to jail.[[54]](#endnote-54) Little was done with the institutional structure, i.e., the registration remained under the state jurisdiction, however, the Commercial Tribunal of Rio de Janeiro (later renamed Board of Trade), continued to receive all Brazilian trademark registrations.

The next important revisions in Brazilian trademark law took place in 1923. The new law provided a deeper reformulation in the legislation on trademarks. The decree created the General Directory of Industrial Property, which was in charge of patent and trademark registrations. The most important innovation that the Directory presented was the classification of trademarks in fifty classes where entrepreneurs could apply for registrations.[[55]](#endnote-55)

* 1. **The Data**

The patterns of trademark registration in Brazil during the period of analysis were substantially different from those of more industrialized countries such as Britain, the United States, and France. Table 1 provides information about the first year of registration for each of these countries, the total number of trademark registrations in absolute terms in those countries during the period 1876-1913, and also the number of registrations weighted by population.

**Table 1 - Number of Trademark Registrations Per Country for Select Countries,**

**1876 - 1913**

|  |  |  |  |
| --- | --- | --- | --- |
| **Country** | **First Year**  **of registration** | **Total Domestic Trademark Registrations (TMs)**  **1876-1913** | **TMs/ Population**  (000 at mid-year) |
| Brazil | 1875 | 14,956 | 0.02 |
| United States | 1870/1905 | 93,823 | 0.04 |
| Britain | 1876 | 147,322 | 0.10 |
| France | 1856 | 354,150 | 0.23 |

Source: Calculated using registration data from: Brazil – *Diário Oficial*, *Série Indústria e Comércio* 9X, IC3 [Arquivo Nacional do Rio de Janeiro], and *Boletim da Propriedade Industrial*; Britain - *Annual Report of the Patent Office*; United States – *Index of Patents and the Official Gazette of the US Patent Office*; France – between 1858 to 1883: III.8.3 [The Paris Archive]; from 1884 – *Bulletin Officiel de la Propriété Industrielle & Commerciale*. Population data, based on Angus Maddison, *Historical Statistics of the World Economy: 1-2008AD* (2010).

The different registration patterns reflect the different institutional environments, and also economic, political and social phenomena such as globalization waves, the two World Wars, technological progress, cyclical fluctuations of the economies, and the different levels of competition and industry concentration. [[56]](#endnote-56) The relatively low number of registrations when compared with the other countries in Table 1, is associated with various factors. First, Brazil’s economy relied extensively on the production and exports of raw materials and foodstuffs, in particular rubber, coffee and cotton, and these products tended to be sold both domestically and in foreign markets unprocessed and unbranded.[[57]](#endnote-57) Second, the administrative procedures for registration of trademarks was not straightforward or compulsory, creating no clear incentives for firms to register trademarks.[[58]](#endnote-58) Figure 1 below shows the total annual number of total trademark registrations in Brazil from 1875 to 1913.

**Figure 1 – Number of Total Trademark Registrations in Brazil, 1875-1913**

Source: *Diário Oficial*, *Relatórios do Ministério da Agricultura*, various years.

From the turn of the century a series of external factors led to the fast increase in registrations. Economic conditions created by the growth in international coffee trade indirectly caused the development of the textile industry, in particular used for bagging coffee.[[59]](#endnote-59) Additionally, from 1905 changes in the law which toughened the punishment by imitators encouraged many businesses to register their trademarks for the first time.[[60]](#endnote-60) Apart from that, in 1906 Brazil joined the Pan American Union, formed by several Pan American States.[[61]](#endnote-61) This convention encouraged firms to register trademarks in Brazil as they became automatically protected in other countries that were part of the Union. As a result, the number of Brazilian firms registering trademarks more than doubled between 1905 and 1907. In a similar way, registrations in Brazil of firms from Pan American countries also increased from 3.5 percent of the total number of registrations in 1905 to 27 percent in 1907. The first industry census in Brazil in 1907, and the National Exhibition of 1908 also contributed to a boost in registrations.[[62]](#endnote-62) The National Exhibition of 1908 was set up to celebrate the centenary of the opening of Brazilian Ports to international trade and the end of the monopoly of the Portuguese. This Exhibition was organized by sections, according to the industry. Exhibitors were encouraged to provide as much information as possible about the origin of their products as their costs. This motivated entrepreneurs to register trademarks as a way to provide that information.[[63]](#endnote-63)

The analysis of trademark registrations by country of origin shows that in Brazil the percentage of foreign registrations was quite significant when compared to other countries. For example, in 1895 it corresponded to 41 percent, while in France it was only 8.74 percent in the same year. While in 1905 that number had decreased to 31.4 percent in Brazil, in France it had also decreased to 6.15 percent.[[64]](#endnote-64) Both in 1895 and 1905 the main foreign country registering trademarks in Brazil was Britain.[[65]](#endnote-65) From 1875 to 1892 the main classes of registrations in Brazil were tobacco (26.4 percent), chemical substances used in medicines (18.5 percent), food and drink (12.6 percent) and textiles (10 percent).

Textiles is one of the industries that formed part of the industrialization process of Brazil, which only took place in the 1880s. The abolition of slavery in 1888 and the proclamation of the Republic in Brazil in 1889 brought economic and political conditions favourable to this industrialization.[[66]](#endnote-66)

Apart from participating in the various activities associated with the textiles value chain, British expatriate entrepreneurs also had a key role in the development of supporting industries.[[67]](#endnote-67) They built a substantial part of the transport system on which the textiles industry was to depend for the receipt of raw materials and access to markets.[[68]](#endnote-68) British banks such as the London and Brazilian Bank and The English Bank of Rio de Janeiro (later renamed British Bank of South America) provided credit and loans that enabled Brazilians to invest in textiles manufacturing. While Salvador da Bahia and surrounding areas, and Minas Gerais were the early centres for the production of textiles, from the 1880s Rio de Janeiro and São Paulo took that position. As coffee production concentrated more people in the south-central regions, the mills moved closer to the consuming centers and away from the north-eastern sources of raw materials.[[69]](#endnote-69)

**4. British Knowledge Transfer into Brazil: The Case of Textiles**

When businesses possess competitive advantages based on specific knowledge, associated for example with a superior technology or a successful brand, issues of replicability and imitation often arise. In order to capture the value of knowledge assets associated with brand innovations which have the potential to become successful, and to minimize the risk of imitation, firms tend to register trademarks and protect them legally. As mentioned in the introduction, trademark registrations are used here as proxies for successful brand and technological innovations in the Brazilian textiles industry. Table 2 identifies the main registrants of textiles trademarks in Brazil from 1875 to 1913. The criteria for inclusion of the firms in this table relied in their number of registrations. Firms with 13 or more registrations during this period of analysis were included in the sample. They corresponded to 30 percent of the total registrations in textiles during the period of analysis. Some of these firms were of large size, others of small size. Table 2 provides information about their country of origin, the date they were established in Brazil, the country of origin of their shareholders and managers, the date of the first trademark registered by each one, and the total number of registrations by each one of these firms during the period of analysis. The largest registrants are not necessarily the most innovative firms or firms whose brands were more likely to be imitated. But registration activity certainly reveals an awareness of the power of brands as a source of firm competitiveness.[[70]](#endnote-70)

Four groups of firms have been identified in terms of the country of origin of the shareholders and managers as illustrated in Table 2: 1. Brazilian Branches of British Multinational Firms, with British Management. In these cases, the Brazilian branch is a subsidiary of a British firm and both the shareholders and managers operating in Brazil are British expatriates. 2. Brazilian Firms with British Ownership and Management Control. Here firms are registered in Brazil and both the shareholders and the top managers are British expatriate entrepreneurs. 3. Brazilian Firms with Mixed Foreign, including British and Non-British, and Brazilian Ownership and Control of Management. Here the Brazilian firm is created and managed by shareholders and managers from multiple countries, one of which is Britain. Finally, group 4. relates to cases of Brazilian Firms with Foreign, but non-British Ownership and Control of Management, and to cases of Brazilian registrations by foreign firms with no branches in Brazil. In most cases these are firms established in Brazil by European entrepreneurs, in particular from Portugal, or entrepreneurs from other Latin American countries. It also includes a case of a French firm which registered trademarks in Brazil without setting up a subsidiary or hiring an agent formally. Other combinations with regard to the country of origin of the owners and the managers do not seem to appear on the top list of registrants of trademarks during the period of analysis. For example, among the top registrants there are no cases of Brazilian firms in the textiles industry where both shareholders and managers are of Brazilian origin.

**Table 2 – Main Registrants of Textiles Trademarks in Brazil, 1875 - 1913**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Firm** | **Origin** | **Set up in Brazil** | **British shareholders?** | **British Managers?** | **First**  **Trademark** | **Total**  **Trademarks** |
| **1. Brazilian Branches of British Multinational Firms** | | | | | | |
| Edward Ashworth & Co | UK | 1840 | Yes | Yes | 1879 | 61 |
| J. & P. Coats Limited | UK | 1879 | Yes | Yes | 1879 | 35 |
| Clark & Co | UK | 1891 | Yes | Yes | 1880 | 50 |
| Oscar Philippi & Comp. | UK | 1865 | Yes | Yes | 1902 | 14 |
| **2. Brazilian Firms with British Ownership and Control** | | | | | | |
| Smith & Youle/ Youle & Cia. | BRA | 1880 | Yes | Yes | 1881 | 31 |
| John Moore & Co | BRA | 1959 | Yes | Yes | 1885 | 36 |
| **3. Brazilian Firms with Mixed Foreign (British, Non-British) and Brazilian Ownership and Control** | | | | | | |
| Companhia de Fiação e Tecidos Confiança Industrial | BRA | 1884 | Yes | Yes | 1901 | 72 |
| Companhia de Fiação e Tecelagem Carioca | BRA | 1884 | Yes | Yes | 1889 | 51 |
| Companhia de Fiação e Tecidos Corcovado | BRA | 1889 | Yes | Yes | 1901 | 26 |
| Companhia Petropolitana de Tecidos | BRA | 1873 | Yes | Yes | 1888 | 36 |
| Blum & Cia. | BRA | 1896 | Yes | Yes | 1904 | 31 |
| Companhia de Tecidos Paulista | BRA | 1891 | Yes | Yes | 1907 | 42 |
| **4. Brazilian Firms/Representation with Foreign but Non-British Ownership and Control** | | | | | | |
| J. Pabst & Co. | BRA | 1889 | No | No | 1910 | 30 |
| M. P. Do Azevedo Junior | BRA | 1891 | No | No | 1900 | 13 |
| Secco & Co. | BRA | 1900 | No | No | 1907 | 15 |
| Les Fils de Cartier Bresson | FRA | n.a. | n.a. | n.a. | 1877 | 25 |

Sources: *Almanak Administrativo, Mercantil e Industrial do Rio de Janeiro* (Laemmert, various years).

n.a – not available

Some trends emerge from an analysis of Table 2. The first trend relates to the ownership and control of management of these firms, which led to their classification in 4 categories as explained above. All top trademark registrants in textiles had, throughout the period of analysis, foreign, and in particular, British expatriate entrepreneurs involved as shareholders, top managers, or both. British expatriate entrepreneurs either acted as shareholders, or top managers, or both. This meant that strategic decision taking by these textiles firms took advantage of the knowledge provided by British expatriate entrepreneurs. In the late nineteenth and early twentieth century the British education system was more advanced than that in Brazil. British entrepreneurs were more likely to have superior technological and marketing knowledge, and also marketing skills, in particular marketing knowledge associated with the management of brands and distribution channels. They also had superior managerial knowledge of administrative processes such as the management of labour force and book-keeping.[[71]](#endnote-71) British entrepreneurs and engineers understood in systematic ways phenomena such as air pressure, the force of a lever, and the problem of friction, which were crucial for the effective installation and operation of machinery used in textiles manufacturing. They tended to have training in areas such as accounting, book-keeping, and management and control of wages.[[72]](#endnote-72) They also had experience in entrepreneurial ventures carried out throughout the British Empire, which provided them with a unique ability based on experience, to identify investment opportunities, often in risky environments. They were also part of international networks which permitted the businesses to be financed in the best way possible.[[73]](#endnote-73)

During this period Great Britain supplied the bulk of the specialised labour force required by the textiles industry in Brazil, including technicians to supervise or install the equipment and manage factory operations, and skilled textile workers, in particular master spinners and weavers, to operate the mills. British expatriate entrepreneurs had knowledge associated with the installation and operation of the machinery used in textiles factories, which they transferred through training to the locally hired workforce. British entrepreneurs also influenced the Brazilian entrepreneurial spirit in other industries through their networking with local business elites and through the creation of business associations such as The Industrial Center of Brazil (*Centro Industrial do Brazil*),and the Engineering Club (*Clube de Engenharia*), both in Rio de Janeiro.[[74]](#endnote-74)

The 16 firms in Table 2 include the oldest, largest, and most capital intensive textile firms in Brazil.[[75]](#endnote-75) They registered a total of 568 trademarks, which as already mentioned corresponded to 30 percent of the total trademarks registered in textiles during the period 1875-1913, where the total number of registrants was 792 firms. Of these main registrants from Table 2, groups 1 to 3, with British control or management in some form (Brazilian Branches of British Multinational Firms; Brazilian Firms with Mixed British and Brazilian Ownership and Control; and Brazilian Firms with Mixed Foreign (British and Non-British), and Brazilian Ownership and Control of Management) correspond to 90 percent of registrations within the sample, indicating that the British expatriate entrepreneurs were very involved in the management of firms which registered trademarks. They transferred three main types of knowledge: technological and marketing knowledge; managerial knowledge; and entrepreneurial knowledge.

Firms such J. & P. Coats, were important in the development of the Brazilian textiles industry transferring all these different types of knowledge. J. & P. Coats was then a leading multinational company worldwide, using marketing techniques and technologies which were among the most advanced in the world. This multinational firm first entered Brazil via exports and the use of external agents, Lidgerwood Manufacturing Company Ltd, and Adolf Spann and Co. In 1907 it set up a plant in Brazil - *Companhia Brasileira de Linhas para Coser* (Brazilian Thread Co.), in the region of São Paulo, as a way to overcome tariffs.[[76]](#endnote-76) The top management were all British and thirty Scottish workers were first sent to Brazil to train the local labour force. [[77]](#endnote-77) The company had the principal mills in the district of Ipiranga, but its sales were widespread all over the country.[[78]](#endnote-78) J. & P Coats was also a very aggressive marketer and advertiser.[[79]](#endnote-79) As early as 1879, soon after J. & P. products entered the Brazilian market through exports, the firm was advertising its brands in the press aggressively using sentences such as ‘Unquestionably the best quality thread among those produced in the Europe and the USA’. They also used direct comparative advertising mentioning competition ‘Many people use the brand of thread Alexandre, thinking that these have similar quality to Coats, but in reality these are not as strong as Coats’. Other adverts include ‘Coats thread is the best in the world!!! Only sold in reputed shops’; ‘Coats thread the strongest and cheapest’.[[80]](#endnote-80)

A firm registered as Brazilian but founded by British expatriate entrepreneurs, and which was very important in transferring marketing knowledge, technological knowledge and entrepreneurial knowledge was Smith & Youle. This firm was established in Brazil in 1880 by two British expatriates who also acted as managers. These entrepreneurs had strong international networks derived from their work as agents for British trading companies.[[81]](#endnote-81) The firm imported textiles into Brazil (wool, cotton and linen cloth), and also other goods and services including iron, steel and copper, and insurance. One of its shareholders Frederick Youle, became a manager of Companhia Manufactora Fluminense in 1891.[[82]](#endnote-82) Companhia Petropolitana de Tecidos, which is an example of a Brazilian firm with mixed foreign (British and non-British) and Brazilian ownership and control, and which was founded by a Cuban entrepreneur in 1873, employed 44 percent of foreign labour, including three British top managers. These had entrepreneurial, in particular administrative, knowledge, and technological knowledge.[[83]](#endnote-83)

The oldest firms operating in the textiles industry tended to have a smaller number of shareholders, forming closed societies, usually centred around the founder of the firm and his relatives. An example is Companhia de Fiação e Tecidos Aliança founded in 1880 with three shareholders, two of which were Portuguese and one British. It produced fine fabrics.[[84]](#endnote-84) In contrast, Companhia de Fiação e Tecidos Corcovado established in 1889 had 80 shareholders originally from various countries, including Brazil, Britain and Portugal; and Companhia São Félix established in 1891 had 40 shareholders.[[85]](#endnote-85)

These leading registrants of textiles trademarks also had interlocked shareholdings and management. Edward Ashworth & Co. was a British merchant company from Manchester who first exported to Brazil since 1840 through wholly owned distribution channels.[[86]](#endnote-86) In 1891 the firm set up its first textiles manufacturing plant in São Paulo with British expatriate entrepreneurs. In 1907 a second plant was built, also in the region of São Paulo, for the production of cotton textiles, jute and shoes.[[87]](#endnote-87) By the beginning of World War I, Edward Ashworth had expanded substantially, having invested in other Brazilian textiles firms such as Companhia Taubate Industrial.[[88]](#endnote-88) Another example is Companhia Fluminense’s Comendador Soares, a Brazilian merchant, who also owned a hardware shop, and had been member of Brazilian parliament in Minas Gerais and Director of Banco de Comércio, was the main shareholder of the firm, and was also a shareholder of Companhia de Fiação e Tecidos Pau Grande (later renamed Companhia América Fabril) until 1890.[[89]](#endnote-89) Henry Whittaker was a founding shareholder of Companhia de Fiação e Tecidos Aliança in 1880, jointly with Portuguese shareholders, José Augusto Laranja and Joaquim C. de Oliveira e Silva. In 1885 he became a shareholder of Companhia Industrial Mineira, an old established textiles company in the region of Minas Gerais. Andrew Steele was also a shareholder of this company, apart from being a shareholder of Bandeira & Steels Co. Cotton Spinners.[[90]](#endnote-90)

During the period between 1878 and 1893 funds and knowledge accumulated in the textile import/export trade were a major source of capital for the establishment of the early mills, in particular in Rio de Janeiro. Here these merchants corresponded to 47.4 percent of the shareholders of textiles firms.[[91]](#endnote-91) An illustration is the Import/ Export firm Santos, Peixoto & Cia. owned by three shareholders, one British (John Sherrigton) and two Brazilian (Antonio Felício dos Santos and José Rodrigues Peixoto). These entrepreneurs were behind the establishment of Companhia de Fiação and Tecelagem Pau Grande (later renamed Companhia América Fabril).[[92]](#endnote-92)

Banks, and specifically foreign banks operating in the Brazil to support international external trade, often took an active role in the financing of textiles firms and they usually nominated some of their own managers for the executive boards of firms.[[93]](#endnote-93) For example, Banco Comercial do Rio de Janeiro owned 17 percent of the shares of Empresa Confiança Industrial; Banco Internacional (later renamed Banco Nacional do Brasil) provided 26 percent of the capital of Progresso Industrial. The presence of Banco Comercial as a major shareholder of Companhia Confiança Industrial involved the participation of two bank managers, Conde São Salvador de Matosinhos, one of the main merchants in Rio de Janeiro, and Salgado Zenha, also shareholder of a import/export business Zenha & Silveira. During the 1880s, the director of the English Bank of Rio de Janeiro was also on the board of directors of Companhia de Fiação e Tecelagem Carioca. [[94]](#endnote-94)

The types of trademarks registrations in textiles show a clear pattern over time from more importer/broker/distributor/retailer trademarks to more manufacturing trademarks. Table 3 illustrates the evolution of textile registrations for these two types of registrants using two different benchmark periods 1875-1889 and 1889-1904. Importers, brokers, distributors and retailers of trademarks are intermediaries between the producer and the consumer, and in the present case, register trademarks. Manufacturing trademarks are those where the brand and the intellectual property associated with it belongs to the producing firms which also register the trademarks.

**Table 3 - Types of Textiles Registrants:**

**Importer/Broker/Distributor/ Retailer vs. Manufacturer**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Trademark** | **1875-1889** | **1889-1904** | **Total** |
| Importer/ Broker / Distributor / Retailer |  |  |  |
| Britain | 63 | 43 | 106 |
| Brazil | 57 | 131 | 188 |
| Other foreign | 7 | 32 | 39 |
| Sub-Total | 127 | 206 | 333 |
| Manufacturer |  |  |  |
| Britain | 14 | 57 | 71 |
| Brazil | 48 | 169 | 217 |
| Other foreign | 9 | 57 | 66 |
| Sub-Total | 71 | 283 | 354 |
| Total | 198 | 489 | 687 |

Source: Based on Trademark registration data from IC3 Arquivo Nacional; *Diário Official* (various years).

In the period 1875-1889 there were fewer registrants of trademarks and the percentage of registrations by importers, brokers, distributors and retailers was 64 percent. The larger Brazilian textile-importing firms had permanent buying connections in European cities, especially Paris and Manchester, and the buyers often visited those markets. Purchase orders were placed by correspondence or by resident agents and travelers visiting the markets. The advantage of offering goods personally instead of by means of letters was greater in Brazil than in other countries as the domestic manufacture did not supply the bulk of the textiles consumed. For these reasons, it was extremely important for the resident agent or traveler to have knowledge about the textiles business, instead of simply being a good sales representative or salesman. Often imported textiles had brands. However, importers in Brazil, preferred to have goods put up under their own private brands, this being obviously advantageous to them in establishing reputation and in competing with other importers. When goods were difficult to obtain merchants bought goods with established brands. In such cases it was the manufacturer’s responsibility to advertise the goods to the manufacturer who desired to have his brands purchased by the Brazilian consumer.[[95]](#endnote-95)

Over time the number of registrations by importers, brokers, distributors and retailers decreased, corresponding to 42 percent during the period 1889-1904. This was associated with the fact that many new domestic firms were founded which produced own brands, which were able to compete with British imported goods sold in Brazil. Additionally, the main country of origin of the merchants registering trademarks relating to 1875-1889 (by importers, brokers, distributors and retailers) was Britain. In contrast, during the period 1889-1904 most registrations of trademarks were by manufacturers, these tended to be owned by Brazilian firms with British and other foreign governance, and which were totally or partially managed and owned by British expatriate entrepreneurs.

**5. Conclusion**

As highlighted by Mira Wilkins, in the late nineteenth century there was a very significant amount of British foreign investment carried out around the world, but its quantitative significance still remains understated and not clear.[[96]](#endnote-96) This study contributes to that discussion by showing that a substantial amount of forign investment was ‘disguised’ as local investment and carried out British expatriate entrepreneurs. They transferred knowledge which was facilitated through a range of institutional and governance arrangements that pre-date Chandlerian big business.[[97]](#endnote-97) They were key traders and investors in developing countries, using a multitude of organizational forms which ranged from arms lengths relations, to inward foreign direct investment, and also the establishment of domestic businesses. These businesses registered as local by expatriate entrepreneurs are an illustration of foreign investment which is not accounted for by any statistics of foreign direct investment or trade. Expatriate entrepreneurs were key agents in processes of transfer of marketing knowledge, and also technological, managerial, and entrepreneurial knowledge. They had an important contribution in the establishment of new industries such as the textiles industry in Brazil, and also to influencing economic development. British expatriate entrepreneurs tended to take roles as shareholders, as top managers, or as both. A substantial part of the capital used to fund those businesses came from banks some of which were British; and they relied substantially on their international social networks to procure machinery, and other materials, and also to sell their finished products abroad. Expatriate entrepreneurs and managers made crucial contributions in shaping marketing strategies and practices in the industry, particularly through the use of more direct distribution methods, innovative and often aggressive marketing techniques, and the creation of brands and protection of its intellectual property. British expatriate entrepreneurs further helped increase the absorptive capability associated with knowledge transfer by investing in related industries, such as utilities, transport, and banking, by investing in education and training of the workforce, and by helping to create industrial associations for entrepreneurs to network.

This study also contributes to the literature which aims to show that trademark data can be crucial to provide new insights and explanations on different economic phenomena. The original trademark data collected for the first time on Brazil confirms when new industries such as textiles emerged, and complements existing literature on the subject by highlighting that a significant part of British investment in Brazil during the period 1875-1914 is in fact disguised as domestic investment. British expatriate entrepreneurs were present in the establishment of the oldest and most active registrants of trademarks in Brazil, but most of the companies they established were registered as domestic. The knowledge they transferred to the country in various forms had a much more significant impact on the country’s industrialization and economic development than usually considered by conventional explanations of British investment in Brazil during the second industrial revolution.

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**Notes on Contributors**

**Teresa da Silva Lopes** is Professor of International Business and Business History , and Director of the Centre for Evolution of Global Business and Institutions at the University of York in the United Kingdom. She is also President of the Association of Business Historians (ABH). Her interests include the history of global business and the impact of trademarks on explaining economic development.

**Carlos Gabriel Guimarães** is Professor of Economic History at Universidade Federal Fluminense in Niteroi/Rio de Janeiro, and former president of the Brazilian Association of Researchers in Economic History (ABPHE). His interests include banking and financial history and the impact of foreign investment in Brazil.

**Alexandre Saes** is Professor of Economic History in the Department of Economics at the University of São Paulo in Brazil and President of the Brazilian Association of Economic History (ABPHE). His interests include the history of electric power in Brazil.

**Luiz Fernando Saraiva** Luis Fernando Saraiva is a Professor of Economic History at Universidade Federal Fluminense and Director of the Research Centre POLIS in Niteroi/Rio de Janeiro. His research interests include this history of intellectual property rights.

1. While this is the first study which draws on trademark data from Brazil, there is an emerging group of scholars in Latin America using historical trademark data to explain different economic, political and social phenomena. See for instance Lluch, “Marca Registrada: Reflexiones sobre el Uso de las Marcas”; Escobar, “Female Entrepreneurship”. [↑](#endnote-ref-1)
2. In 1907 the Brazilian textiles industry (including cotton, jute, wool, silk and linen) employed 34.2 percent of the total labour force in the country working in manufacturing, used 40.2 percent of the machinery, and 40.4 percent of the total capital employed in manufacturing. Throughout the twentieth century the contribution of the textiles industry to GDP was overall quite significant within manufacturing, but decreased over time. Suzigan, *Indústria,* 129; Versiani e Suzigan, *O Processo Brasileiro*: “Tabela 3 – Participação Relative dos Géneros da Indústria de Transformação no Valor da Transformação Industrial, 1919-1980”, 31. [↑](#endnote-ref-2)
3. Knowledge can be tacit and sticky or explicit and smooth. For the purposes of this paper they are analysed jointly. Teece. “The Market for Know-How”, 81-86; *ibid*, “Capturing Value”, 55-79; Nonaka and Takeuchi. *The Knowledge-Creating.* [↑](#endnote-ref-3)
4. Lev, *Intangibles,* 5-7. [↑](#endnote-ref-4)
5. Lopes, *Global Brands*. [↑](#endnote-ref-5)
6. Wilkesmann and Wilkesmann, “Cultural Characteristics”. [↑](#endnote-ref-6)
7. Lopes and Casson, “Entrepreneurship and the Development”. [↑](#endnote-ref-7)
8. See for example Eakin, “British Imperialism and British Enterprise in Brazil”. [↑](#endnote-ref-8)
9. Casson, *Enterprise and Competitiveness*, 80. A social background devoid of extreme political, racial or religious intolerance is considered to encourage flexible thinking. [↑](#endnote-ref-9)
10. When there is no related knowledge within the organisation, absorption of new knowledge transferred can only take place if the sender (eg. in this case the expatriate entrepreneur) stays in the organization long enough to give time for knowledge to be transferred successfully through training and also through social interaction. Kedia, and Bhagat, “Cultural Constraints”; Minbaeva, “Knowledge Transfer”. [↑](#endnote-ref-10)
11. See for example Cantwell, *Technological Innovation and Multinational;* idem; “The Globalization of Technology”; Almeida “Knowledge Sourcing”; Jaffe *et a*l, “Geographic Localisation”; Almeida and Kogut, “The Exploration of Technological”; Phene, Madhok and Liu, “Knowledge Transfer”; Tsai, “Knowledge Transfer”. [↑](#endnote-ref-11)
12. Lopes, *Global Brands*; Lopes and Guimarães, “Trademarks and British Dominance”. [↑](#endnote-ref-12)
13. While brands can be beneficial to businesses, consumers and society in general by, for example, protecting the manufacturer from imitation through the registration of trademarks and helping consumers to simplify decision taking, they can also contribute to block innovation, creating barriers to entry, and can also manipulate consumers minds and be wasteful. Lopes, “Brands and the Evolution”. [↑](#endnote-ref-13)
14. First Trademark law for these countries was passed in the following years: Argentina – 1876; Bolivia – 1893; Colombia – 1890; Costa Rica – 1896; Cuba – 1884; Mexico – 1884; Peru – 1892; Portugal – 1883; Uruguay – 1877; and Venezuela -1877. Mathur and Patel, *World Development*: Annex 3. [↑](#endnote-ref-14)
15. Decreto Lei, no. 16,264 (19 December 1923). [↑](#endnote-ref-15)
16. Textiles marks appear registered in several classes as this was a key industry in Britain’s economy at the time, being a key component of British International trade. Out of the 50 classes, textiles and related products appear registered in 15 (class 23 to class 36, and class 38), and include products such as cotton, linen, jute, silk and wool. Lopes and Guimarães, “Trademarks and British Dominance”: 798; William W. Rogers, *A Guide to the Patent Office, in Reference to Patents Copyrights and Trade Marks* (Robert S. Brain: 1888): General Rules under The Trade Mark Registration Act 1876. [↑](#endnote-ref-16)
17. Jones, *Multinationals and Global*, 255; Feinstein, “Britain’s Overseas”. About the British informal Empire see, for example, Brown, “Informal Empire in Latin America”. [↑](#endnote-ref-17)
18. See as an illustration Haber, *How Latin America Fell Behind;* Cardoso and Faletto*, Dependencia y Desarrollo*; Evans, *Dependent Development*. [↑](#endnote-ref-18)
19. Stein, *The Brazilian Cotton*. Several authors disagree with this view. See for example Medina et al., *Beyond Imported Magic*; Stepan, *Picturing Tropical Nature*; Joseph, Le Grand, and Salvatore (eds.), *Close Encounters of Empire.*  [↑](#endnote-ref-19)
20. Cardoso and Faleto, *Dependência e Desenvolvimento*; Furtado, *Formação Económica*; Fernandes, *Capitalismo Dependente*; Mello, *O Capitalismo Tardio*; O'Brien, “Path Dependency”; Haber, *How Latin American Fell.* [↑](#endnote-ref-20)
21. Cottrell, *British Overseas*; Stone, *The Composition and Distribution*; Platt, *Britain’s Investment Overseas*; Ridings, “Business Associationalism”. [↑](#endnote-ref-21)
22. Tavares, *Da Substituição de*; Prado Jr.*, História Econômica do Brasil*. Beatty (2015) makes a similar argument about how the U.S. were leading registrants of patents in Mexico, having transferred knowledge and technologies into the country. He argues, however, that all these investments greatly contributed to Mexico remaining technologically dependent on the United States in the long-term. Beatty, *Technology and the Search for Progress*. [↑](#endnote-ref-22)
23. Gonçalves, *Evolução das Relações Comerciais*, 48; Needell, “The State and Development”; Love, “The Brazilian Federal State”; Manchester, *British Pre-Eminence*; De Fiore and De Fiore, *The British Presence in Brazil*. Edgerton (2006) considers that the cultural and economic gap developed by countries such as Brazil cannot be explained solely by looking at the history of technological invention and innovation. His argument is that, for countries affected by Imperialism and Colonialism, discussions should focus on the importance of ‘things’, and the fact that these countries followed different paths of industrialisation, in many cases resulting from their own choice to industrialise later. Edgertson, *Shock of the Old*: 39. [↑](#endnote-ref-23)
24. Britain’s share decreased from about 46 percent of total imports during the period 1880-1884 to about 32 percent by 1910-1913. Gonçalves, *Evolução das Relações Comerciais*: 48. [↑](#endnote-ref-24)
25. *Trade and Navigation - Accounts Related to Trade and Navigation of the United Kingdom for Each Month the Year* (House of Commons, 1875-1914). [↑](#endnote-ref-25)
26. The Brazilian tariff system was then considered one of the most complicated in the world. Many British and other European textile exporters had to hire own staff, with expertise on Brazilian tariffs, as it was quite impossible to operate in that market intelligently without such knowledge. The tariffs on imports reduced the national cost to produce in Brazil. Electricity, inputs and skilled labor were very expensive in Brazil in comparison with industrialized countries. Decree no. 3,396 (24 November 1888); Decree no. 25 (30 December 1891); Stein, *The Brazilian*: 85; Suzigan, *Indústria Brasileira*: 155; Versiani, “Industrial Investment”; Needell, “The State and the Development under the Brazilian Monarchy”: 79-99; Love, “Brazilian Federal State in the Old Republic”: 100-115; Garry, “Textile Markets”, 18. [↑](#endnote-ref-26)
27. Reis, *O Imposto de Importação*. Firms such as Companhia de Fiação e Tecidos Aliança, Companhia América Fabril, and Companhia Progresso Industrial do Brazil, are among the leading firms producing jute. Clark, “Cotton Goods in Latin America”, 6, 60. [↑](#endnote-ref-27)
28. The United States did not have an Empire, and Brazil was one of the few foreign markets of large size where they could be assured a reasonably high level of sales. Bulmer-Thomas, “British Trade”, 6. [↑](#endnote-ref-28)
29. Rippy, *British Investments*, 25; Kenwood and Lougheed, *The Growth of the International*: 27-8; Stone, “British Direct and Portfolio”: 695. [↑](#endnote-ref-29)
30. Guimarães, *A Presença Inglesa*. [↑](#endnote-ref-30)
31. Stone, “British Direct and Portfolio Investment”, 694-695; Levy and Saes, “Dívida Externa Brasileira”, 50; Levy, “The Banking System; Born, *International Banking*. [↑](#endnote-ref-31)
32. Rippy, *British Investments*, 151; chapter 14; Bethell, *História da América Latina*; Castro, *As Empresas Estrangeiras*, 98-9. British Investment becomes more diversified in Latin America in the early twentieth century, and Argentina becomes the main host country, receiving large investments in the production of wheat and cattle. Railways, which connected the producing areas to Buenos Aires, and also public utilities, were important industries receivers of British foreign investment until World War I. Lanciotti and Lluch, ”Gran Bretaña y Argentina”; Miller, “Britain and Latin America”; Castro. *As Empresas Estrangeiras no Brasil,* 37-88, 64-66, 78-79, 98-9, 116-122. [↑](#endnote-ref-32)
33. In 1865 a report about textile factories in Brazil mentioned that there were 9 factories employing 768 people. In 1884 there were 46 plants. In 1875 there were 30, in 1881 there were 51, 109 in 1905, and 137 in 1910. Pearce, “Brazilian Cotton”: 26; *Diário Oficial*, Rio de Janeiro (13 March 1883); Branner, *Cotton in the Empire*; Graham, *Britain at the Onset,* 38-39. [↑](#endnote-ref-33)
34. In 1893, for example, textile machinery imported from Britain represented 42.5 percent of all textiles machinery imported by Brazil. In 1915 the Brazilian cotton industry reached 240 plants, with 1.5 million spindles, 50 thousand looms and about 82 thousand workers. Suzigan, *Indústria Brasileira*: 152. [↑](#endnote-ref-34)
35. Stein, *The Brazilian*: 117; Cain and Hopkins, *British Imperialism,* 305. [↑](#endnote-ref-35)
36. Pargendler, “Politics in the Origins”, 842. [↑](#endnote-ref-36)
37. Lisboa, *Princípios de Direito Mercantil*. [↑](#endnote-ref-37)
38. Vampré, *Tratado Elementar de Direito Comercial*, 34. [↑](#endnote-ref-38)
39. “Speech of Senator D. Manoel”, *Senate Records* (1 June 1860): 13*,* as cited in Pargendler, “Politics in the Origins”, 846. [↑](#endnote-ref-39)
40. With the independence of Brazil in 1824, the Constitution, article 179, also includes intellectual property rights. After the proclamation of the Republic in 1889, the new Constitution renewed the protection of intellectual property. Vieira, *Propriedade Industrial,* chapters 2 and 3. [↑](#endnote-ref-40)
41. Decree nº 2,682 (23 October 1875). Some of its characteristics include: that marks must be distinctive; the registrant is able to claim ownership in case of litigation; first to file has ownership but there is the possibility of proof of prior ownership; trademark registrations have a term of 15 years. The law is applicable to foreigners who have factories in Brazil; and also applicable to foreigners without establishments in Brazil but whose countries have diplomatic conventions which grant reciprocity to the national marks. [↑](#endnote-ref-41)
42. In Britain a new trademark law was also enacted in 1875 with registrations starting in 1876. In the United States there was a system of registration in place by states between 1870 and 1880 (being declared unconstitutional from 1880 until 1904), but national law only came into place in 1905. Lopes and Duguid (eds.), *Brands, Trademarks,* chapter 1; McClure, “Trademarks and Unfair Competition”; idem, “Trademarks and Competition”; Khan and Sokoloff, “History Lessons: The Early Development”. [↑](#endnote-ref-42)
43. Wilkins, “The Neglected”; Chandler in *Scale and Scope* (1990) identifies a sequence of changes in business practices during this period – in production, in packaging, in branding, and finally in advertising, which promoted the way goods were sold. Chandler, *Scale*. [↑](#endnote-ref-43)
44. ‘Moreira & Cia. *vs.* Meuron & Cia’ Tribunal de Comércio da Bahia, (16 April 1874), 28-29. [↑](#endnote-ref-44)
45. Nogueira and Fischer Jr., *Tratado Theórico e Prático*, 26. [↑](#endnote-ref-45)
46. Trademark no.1, *Junta Comercial da Capital do Império – Registro das Marcas* (19 November 1875), *Série Indústria e Comércio* 9X, IC3 [Arquivo Nacional do Rio de Janeiro]. [↑](#endnote-ref-46)
47. Lopes and Duguid, *Brands, Trademarks*: chapter 1. [↑](#endnote-ref-47)
48. Another country which developed new trademark law around this period is Spain. Sáiz and Fernández Pérez, “Catalonian Trademarks”. [↑](#endnote-ref-48)
49. France remained the country with the largest number of registrations per year until the mid-twentieth century, both in total and per-capita terms. Greeley*, Foreign Patent and Trademark*, 223; “Convention Between UK and Brazil”; Lopes e Duguid, *Brands, Trademarks*: 15. [↑](#endnote-ref-49)
50. Before then, the government had already signed some bilateral declarations to share the protection of trademarks from 1876 to 1881: the first agreement occurred with France (consolidated in the Decree nº 6237 (21 June 1876), followed by declarations with Belgium (consolidated in the Decree no. 6567 (8 November 1876), Germany (12 January 1877), Italy (21 July 1877), the Netherlands (27 July 1878) and Denmark (25 April 1881). Agapito de Veiga Jr. *Marcas de Fabrica.* Decree no. 1628 (23 Outubro, 1875): Acordos Diplomáticos. [↑](#endnote-ref-50)
51. Bodenhausen, *Guide to the Application*; Barbosa, “Developing New Technologies”. [↑](#endnote-ref-51)
52. Decree nº 9233 (28 July 1884); Nogueira and Fischer Jr. *Tratado Theórico,* 56. [↑](#endnote-ref-52)
53. Decree no. 3,346 (14 October 1887). [↑](#endnote-ref-53)
54. Decree no.1,236 (24 September 1904); Nogueira and Fischer Jr., *Tratado Theórico,* 27, 29, 265-275. [↑](#endnote-ref-54)
55. The Directory launched the journal *Propriedade Industrial* (Industrial Property)to publicize the trademarks and patents registered, and to publish news and relevant research on the topic. Decree nº 16,264 (19 December 1923). [↑](#endnote-ref-55)
56. For example, for the period 1894 until 1896, while in France all the trademark applications resulted in registrations in Britain only an average of 34 percent of applications resulted in registrations. The relatively lower number of registrations in the United States is very much connected to the fact that the US Patent and Trademark Office (USPTO) took years to introduce a reliable system of categorization for marks. In 1870 federal trademark law passed, bringing with it federal registration. Nine years after it was passed, however, the Supreme Court declared the federal law unconstitutional. A new US federal law was enacted in 1905. In the interim, however, the Patent Office continued to register marks from US firms. The 1905 law proved more robust than its predecessor, and lead to a spike in trade mark registrations after which registrations continued at a significantly higher rate than during the legal "interregnum" of 1880-1904. Lopes and Duguid, *Brands, Trademarks*, chapter 1; Preeley, “Statistics Regarding the Grant”: 242-245; Lopes, and Guimarães, “Trademarks and British Dominance”. [↑](#endnote-ref-56)
57. Gonçalves, *Evolução das Relações Comerciais*. [↑](#endnote-ref-57)
58. Decree no. 1628 (23 October 1875): articles 2, 16 and 17. [↑](#endnote-ref-58)
59. Dean, *The Industrialization*; Suzigan, *Indústria Brasileira.* [↑](#endnote-ref-59)
60. Decree no. 5,424 (10 January 1905): article 2. [↑](#endnote-ref-60)
61. This convention which took place in Rio de Janeiro, focused on several topics, including the registration or deposit of drawings, and models made in the country of origin, and its applicability to the other countries of the Union. The countries participating in this Convention were: Brazil, Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, Peru, El Salvador, Costa Rica, Mexico, Guatemala, Uruguay, Argentina, Nicaragua, United States of America, and Chile. There were some exceptions as established by the Mexico Pan American Convention in 1902. A proposal was put forward for the creation of classes of trademark registrations, as a means of standardizing registration procedures throughout the American continent. “Report of the Delegates of the United States”. [↑](#endnote-ref-61)
62. The Brazilian Industry census took place between 1905-1907. Several adverts were published in 1906 highlighting how important it is for firms to register their businesses in the census. “O Brasil em 1906”, *O Fluminense* (2 December 1905): 1; “Inquérito Industrial”, *O Commentário* 4, no.3 (Rio de Janeiro, 1906): 60; “Brazil National Exhibition”, *The South American Journal and the Brazil and River Plate Mai*l, 64 (January-June 1908): 53 [Baker Library Historical Collections. Harvard Business School]; Wright, *The Brazilian National Exposition of 1908*. [↑](#endnote-ref-62)
63. “Relatório do Ano de 1895”, *Brasil - Ministério da Agricultura* (Rio de Janeiro, 1896); “Relatório do Ano de 1907”, *Ministério da Agricultura* (Imprensa Nacional, 1908): 24-28. [↑](#endnote-ref-63)
64. IC3 (Arquivo Nacional); “Relatório do Ano 1907” *Ministério da Agricultura* (Imprensa Nacional, 1908): 24-28; *Bulletin Officiel de la Propriété Industrielle & Commerciale*. [↑](#endnote-ref-64)
65. In 1895, 13 trademarks out of a total of 130 were registered by British firms. Similarly, in 1905, 35 trademarks out of 517 were registered by British firms. [↑](#endnote-ref-65)
66. Before then, various factors inhibited industrialization. These included, the presence of a society historically dominated by slavery, an economy highly reliant on coffee production, legislation which redirected labour to industries considered key to the economy such as mining, a lack of local entrepreneurial skills to enable Brazilian businesses to compete with British business, the scarceness of skilled labour force, and the inadequacy of the existing transport system. Saes, “A Controvérsia sobre a Industrialização; Furtado, *Formação Económica*; Baer, *Industrialization and Economic Development*; Leff, *Underdevelopment and Development;* idem, *Reassessing the Obstacles to Economic Development*: 57-8, 131, 133; Becket, *Empires of Cotton,* 169-170. [↑](#endnote-ref-66)
67. This investment was more prominent in other industries such as the manufacture of wheat flour. Paiva Abreu, “British Business in Brazil”, 396. [↑](#endnote-ref-67)
68. Summerhill, *Order Against Progress*; Lewis “Railways and Industrialisation”. [↑](#endnote-ref-68)
69. Stein, *The Brazilian:* 20-21; Carone, “Selecção, Notas e Bibliografia”, 17. [↑](#endnote-ref-69)
70. For studies that link trademark registration activity with patents registration activity and technological innovation see for example Lopes and Guimarães, “Trademarks and British Dominance”; Helmers and Rogers, “Trademarks and Performance in UK Firms”. [↑](#endnote-ref-70)
71. Lopes, *Global Brands.* [↑](#endnote-ref-71)
72. See for example Jacob, *The First Knowledge Economy*. [↑](#endnote-ref-72)
73. Pearse, “Brazilain Cotton”, 30. [↑](#endnote-ref-73)
74. Graham, *Britain at the Onset,* 138; Abreu, “British Business in Brazil”, 389; Hamblock, “Report on Economic”, 310, 311. [↑](#endnote-ref-74)
75. Haber, “Business Enterprise”. [↑](#endnote-ref-75)
76. *Almanak Administrativo Mercantil e Industrial do Rio de Janeiro* (Laemmert, 1879), 47; *idem* (Laemmert, 1891): 856; Rose, *Firms,* 173-174. By then it was already a fully-fledged multinational with mills over 16 countries, 60 branches and 150 depots. Kim, “Coats as a Multinational”; Graham, *Britain at the Onset of Modernization in Brazil*, 144. [↑](#endnote-ref-76)
77. “Linhas Para Coser: Empire of Thread”, *Brazilian Business 39*, no. 7 (July 1959), 34-5. [↑](#endnote-ref-77)
78. Between 1898 and 1914. J. & P. Coats was selling to the following places in Brazil: Bahia, Pernambuco, Porto Alegre, Rio de Janeiro, Rio Grande, São Paulo, Desterro, Curityba, and Para. “Ledgers for J. & P. Coats Ltd, Central Agency” (GB28/UGD/199/2), [J. & P. Coats Archives]. [↑](#endnote-ref-78)
79. Westall, “The Competitive Environment”, 215. [↑](#endnote-ref-79)
80. “Linha Coats” *Diário de Pernambuco* (6 October 1879), 2; “Linha Coats Não Tem Igual”, *Gazeta de Notícias* (20 January 1880), 6; “Linhas Brancas de Côres da J. P. Coats”, *O Libertador* (11 July 1883), 4. [↑](#endnote-ref-80)
81. Smith & Youle, based appears in the Almanak Laemmert as “Dealer Farm Wholesale”; “Alfred F Youle, Admnistrador of the British Subscription Library”; ‘Agent in Rio de Janeiro’s city of the Guardian Fire and Life Assurance Co (Capital £ 2,000,000)’; “Agent in Rio de Janeiro’s city of the The British and Foreign Marine Co. Limited (Capital £ 1,000,000)”. *Almanak Administrativo, Mercantil e Industrial do Rio de Janeiro* (Laemmert, 1882), 250, 350, 657, 662. [↑](#endnote-ref-81)
82. “Indicador”, *Almanak Administrativo, Mercantil e Industrial do Rio de Janeiro* (Laemmert, 1880), 156, 224, 818; *idem* (Laemmert, 1884), 783, 1252, 1326, 1648; *idem* (Laemmert, 1885), 722, 1468. [↑](#endnote-ref-82)
83. Mesquita, “A Formação Industrial”, 50-51. [↑](#endnote-ref-83)
84. Birchal, “O Empresário Brasileiro”, 2. [↑](#endnote-ref-84)
85. Monteiro, *Empreendedores*. [↑](#endnote-ref-85)
86. Apart from textiles they also traded Brazilian goods such as coffee, which they distributed through their branches in Brazil, and in various parts of Europe. “Listagem dos Negociantes Estrangeiros”, *Almanak Administrativo Mercantil e Industrial do Rio de Janeiro* (Laemmert, 1868), 500; “Coluna Tribunais”*, O Globo* (18 July 1876), 3. [↑](#endnote-ref-86)
87. “Listagem dos Negociantes Estrangeiros”, *Almanak Administrativo, Mercantil e Industrial do Rio de Janeiro* (Laemmert, 1868), 500; *idem*, (Laemmert, 1880), 500; *idem* (Laemmert, 1885), 94; “Exportações – Embarcações Despanhadas no Porto do Rio de Janeiro”, *Diário do Rio de Janeiro* (20 Outubro 1869), 3; *The Rio News* (24 July 1882), 7; Ellison, *The Cotton Trade,* 250. [↑](#endnote-ref-87)
88. Ricci, Carniello and Dias, “British Investment in Brazil”. [↑](#endnote-ref-88)
89. Weid, “Estratégias Empresarais”. [↑](#endnote-ref-89)
90. Birchal, “O Empresário Brasileiro”, 9; *O Industrial* (16 November 1881), 4; *The Anglo Brazilian Times* (24 December 1881), 2; *Gazeta de Notícias* (9 January 1885), 1. [↑](#endnote-ref-90)
91. Monteio, *Empreendedores*, 287. [↑](#endnote-ref-91)
92. *Ibid*: 36; Elizabeth von der Weid, *O Fio da Meada.* [↑](#endnote-ref-92)
93. The stock market was still under-developed. Stein, *The Brazilian*, chapters 3, 6. [↑](#endnote-ref-93)
94. Levy, *A Indústria*, 150, 153; Monteiro, *Empreendedores*, 296. [↑](#endnote-ref-94)
95. Garry, “Textile Markets of Brazil”*,* 46-47. [↑](#endnote-ref-95)
96. Wilkins, “The Free-Standing Company”. [↑](#endnote-ref-96)
97. Chandler, *Strategy and Structure*.

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