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## A CASE HISTORY OF INDUSTRIAL DESIGN SUCCESS: THE DOVE LAMP

William T. Fryer, III†

The dramatic events surrounding the Dove lamp litigation, as told by Mr. Lowy in the preceding paper, reveal a basic truth about industrial design. Good industrial design will make a product successful. It will make profits, add jobs, and benefit the economy.

The Dove lamp is an excellent case study. It proves a basic business fact that is often ignored: industrial design protection helps the economy and creates jobs. Congress and others ask how better industrial design protection will help the economy or create jobs? The simple answer is that the goal of industrial design is to create better products and improve the appearances of products.

This conference and Mr. Lowy's experience in using the present United States protection system verifies that the United States needs a simpler, cheaper, and more effective industrial design protection system for products that go on the market. Other countries recognized this business fact long ago, as Mr. Lowy's speech emphasizes.

The following extract from the *PAF S.r.l. v. Lisa Lighting Co.*<sup>1</sup> reveals the history of the Dove lamp: the rewards, recognition, and tremendous economic benefits it created. This story demonstrates why improved United States industrial design protection is important:

The Dove . . . is a halogen desk lamp manufactured in Italy by PAF. It is sold in five colors: black, white, red, blue, and yellow. The lamp has a cylindrical base which rotates on a circular platform. Such base is black on all models. On the underside of the base appear, so far as pertinent, the PAF studio logo, the name Dove, the names of the lamp's designers, and "Made in Italy." Two parallel curvilinear struts join the base to a long flat slightly curved arm which flares imperceptibly from top to bottom. The head of the lamp, in which is housed a high intensity bulb, has a graceful configuration: rectangular at the base, the head rises from the back to form a gently sloping mound which tapers off in the front. The head is hinged to the arm, allowing the user to adjust it up or down, and is counterbalanced by a concealed weight evenly distributed within the lower portion of the arm itself. At this point, the arm is hinged to the struts, again allowing one to adjust it up or down. From a practical standpoint, the design allows a full range of motion for desk or table lighting.

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1. 712 F. Supp. 394 (S.D.N.Y. 1989).

Overall, the aesthetic effect of the lamp evokes the image of a bird descending or rising in flight. For example, the struts, which serve the purpose of conducting electricity from the base to the head, resemble the manner in which a bird's feet extend when it prepares to land. The Dove retails from \$160 to \$200.

Defendant KI imported Swan lamps . . . from a Taiwanese Company, Lon Tai Shing, Ltd. (LTS). The Swan is virtually identical in appearance to the Dove, but is sold in only two colors: white and black. Also, the base of the Swan, unlike the Dove, matches the color of the lamp. Thus, a white Swan has a white base while a white Dove has a black base. The underside of the Swan base has no markings disclosing the make, model, manufacturer, or country of origin. The Swan lamp sells at retail for \$120. While ostensibly the differences between the two lamps are minor, the Swan is, in terms of quality, a poor imitation of the Dove. The record is replete with KI's admissions that the Swan has "serious quality problems."

The genesis of the Dove lamp, and this litigation, was the decision by PAF in 1979 to expand its enterprise from the provincial manufacture and sale of traditional lamps in Italy to a modern design lamp that would sell throughout the world. To that end, PAF and the Dove have been very successful. The Dove received universal acclaim, was awarded numerous honors, including an Oscar from the French Architects Association, and ultimately has become the second best selling desk lamp in the world. PAF increased in size from a company of fifteen employees in 1984 to over one hundred employees in 1988. This substantial growth has been a direct result of PAF's development of the Dove.

From the start, the company's strategic goal was to develop a product that would help make PAF a recognizable name with consumers. Giroletti, managing director of PAF, testified: "[O]ur effort was to have a completely different lamp. We invested in research . . . in machinery, in tooling . . . our effort was to identify this lamp with our firm." To achieve this end, PAF hired two architects, Mario Barbaglia and Marco Colombo, Italian industrial designers, to undertake the design of the new lamp. To the date of trial, PAF had already paid royalties to Messrs. Barbaglia and Colombo in excess of one million dollars.

The results of PAF's efforts were impressive. The Dove lamp made its premiere in September 1985 at the EuroLuce International Lighting Exhibition in Milan, Italy, where it became an instant success. This success was important to PAF because the EuroLuce Exhibition is regarded as the preeminent international lighting exhibition, and the Dove won considerable acclaim there from designers, architects, museums and journalists.

Following the Euroluce Exhibition, the Dove was featured prominently in a complimentary article written by Suzanne Slesin for the *New York Times*, entitled "The Slender Minimalist Look Stars at the Milan Fair." In the article, the Dove is described as having an "attenuated birdlike shape," and both Messrs. Barbaglia and Colombo are mentioned as having designed the lamp for PAF.

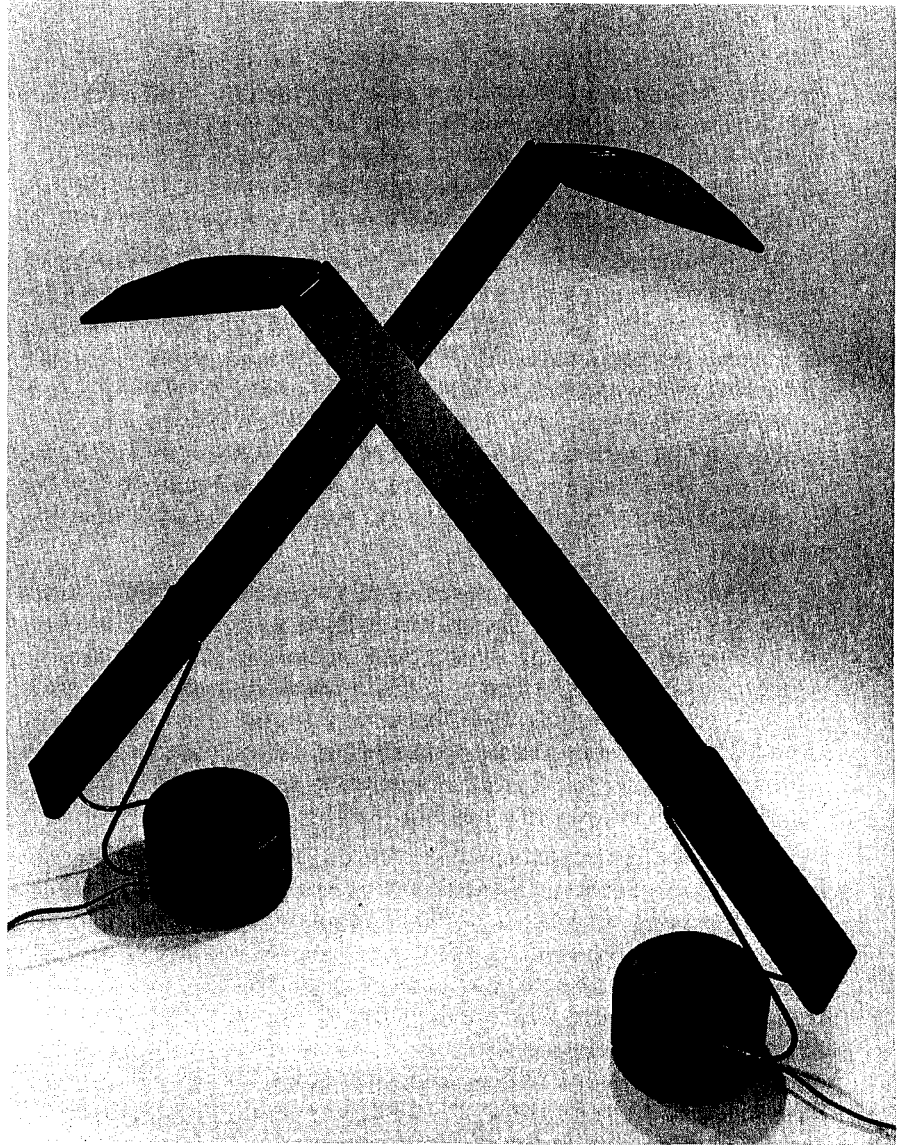
PAF enjoyed great success with its new product. The Dove received numerous international awards for its design, and laudatory letters from museums around the world requesting the lamp for exhibition were sent to PAF. Further, the lamp appeared on the cover of the *International Design Yearbook* for 1985-1986, edited by Phillippe Starke, a famous contemporary French designer. In the United States, the editors of *Modern Style* chose to include the Dove as part of an eclectic catalog, a source book of interior design dating from the 1930's to contemporary post-modern designs.

In addition to, and as a result of, the significant public attention given the Dove, PAF committed itself to a full scale marketing campaign, expending over ninety percent of its marketing budget to promote the Dove. PAF's marketing strategy was to target upscale, sophisticated consumers (those who typically would be interested in design), to emphasize the appearance of the product so that people would immediately recognize it, and to make the Dove lamp "the symbol of PAF."

The company implemented a three step program for advertising in the world market. First, PAF advertised in specialty magazines originating in Italy but sold internationally, including the United States. Giroletti explained the reason for this approach. Italy is renowned for the best in new design, both in furniture and clothing. Consumers interested in fine design initially consult Italian and European magazines. "[If] customers in the United States wanted special Italian or European items, they [would] buy magazines ... made in Italy." Second, PAF built an advertising campaign in Europe, and third PAF then commenced an extensive campaign specifically directed at the United States market.<sup>2</sup>

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2. *Id.* at 397-98 (citations omitted) (footnotes omitted).



*Swan Lamp*

*Dove Lamp*