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ROOSTER PLAY

JAN OLSSON

Pathé Frères and the Beginnings
of In-Frame Trademarks



Currently, and increasingly, many of us are garbed in visibly trademarked apparel and “logotyped” footwear. We share affections for branded sunglasses, hats, and bags. Characteristically, these desired items are trademarked and prized as genuine and high priced. True, some have slashed price tags, but these often are fake. This contemporary proprietary visualization of ownership, status, and position in commodity culture finds its parallel in early twentieth-century film culture. In a manner similar to today’s branded imagery, film copies circulated as genuine articles (original copies) but also as rip-offs (dupes). Company signatures and trademarks, when such signs were in place, implied provenance and copyright but eventually also became important vehicles conveying brand recognition and quality differentiation.

According to trademark scholar Paul Duguid, “business historians have given the history of brands a good deal of attention, [but] they have generally given less to the history of trademarks.”¹ This is, however, not applicable to the film business—and especially not so regarding the leading French film enterprise Pathé Frères. Their trademark—*le coq gaulois* or red rooster—was so established, inside and outside the company, that both the American trade discourse around 1908 and current scholars in the field refer to Pathé titles as “‘red rooster’ films.” This designation frequently occurs, to take a pointed example, in Richard Abel’s 1995 essay on Pathé that led up to his signature study *The Red Rooster Scare* (1999).²

The *coq*, which was and is a French national symbol as well as Pathé’s trademark, took on added significance when the expanding company sought to impose its brand, especially on the unruly American market. Their films’ main titles centered on Pathé’s trademark, and each film’s intertitles had two roosters flanking the text. Soon—and the timeline for this “soon” is the focal point for this essay’s exploration of films and secondary materials—a single rooster was discreetly “placed,” that is, inserted by the scenic designers, into various places in the films’ settings, sometimes in just one shot, but at times in several.

It’s notoriously difficult to pinpoint film copies’ provenance more than a century after their releases. In Pathé’s case, searching for the earliest instances of rooster-branded films and the provenance of copies with non-French titles is especially tricky, since at times the copies with French titles are reissues that may reflect updated practices for main titles and intertitles. In addition, one sometimes runs into copies that may be remakes of original versions. Such complications are caveats for discussing Pathé roosters against the backdrop of the American film market and its contentious litigations. Besides examining the French and American film conditions, an archival detour will take us to Sweden to study a rewarding collection of Pathé copies bought by a small-town exhibitor in 1905 and 1906. The Swedish in-frame roosters will then interface with materials at Gaumont Pathé Archives, resources at Fondation Jérôme Seydoux-Pathé, and prints held at several FIAF archives, plus paper sources.

FRENCH BEGINNINGS AND ACHIEVEMENTS

Behind the sign of the rooster, we find four Pathé brothers. When the company expanded its phonograph business to include films in 1896, Charles (1863–1957) became the emblematic figure among them. His business acumen eclipsed the visibility of big brother Jacques (1858–1941), Émile (1860–1937, his longtime business frère), and the youngster

Théophile (1866–1923). Soon, Jacques and Théophile were outside the purview of Pathé Frères’ business orbit. Théophile eventually started his own film company after having been in charge of a Pathé exchange in Berlin for a few turbulent years.³

Already during the quartet’s earliest business period, which, prior to their media involvements, had been devoted to various family enterprises, including a butcher shop, the brothers adopted a trademark with national panache: the Gallic rooster. In 1896, when they expanded their business endeavors to cinema as Société Pathé Frères, the rooster provided identifiable brand continuity across their business lines. In 1897, Compagnie générale des établissements Pathé Frères phonographes, cinématographes, phonographes et pellicules was registered on the Paris stock exchange. Bolstered by an influx of new capital from outside the family, the rooster acquired a wider range for its products. A decade later, the company dominated the film market worldwide. Pathé’s unmatched industrialization of filmmaking, with several separate production units, had created the conditions for establishing freestanding cinemas around 1905, concentrating on America but not neglecting the rest of the world. The next critical step in Pathé’s creation of a global film market occurred in 1907, when it abandoned sales of film prints. Shifting to a rental-only strategy provided more control over distribution, vertically integrated the market, and ameliorated the problem of unauthorized duplicating.⁴

Arguably, the confluence of these and other novel manners of conducting business—including trademark practices, the transformation of film exhibition, and a multitude of concomitant changes—pushed cinema from technology to medium, in line with Jonathan Sterne’s poignant analysis: “A technology is simply a machine that performs a function; a medium is a network of repeatable relations . . . a whole assemblage of connections, functions, institutions, and people.” And further: “Technologies [have] to be articulated to institutions and practices [in order] to become media.”⁵ This rhymes with the prevalent description of Pathé as the global industrializer of cinema.

AMERICAN DUPERS

European producers coveted the vast U.S. market, but the American film environment hampered them. It was a reel-grabbing, take-it-where-you-find-it culture abetted by the lack of a clear legal framework for protecting and distributing intellectual property. For instance, reshooting popular subjects virtually shot by shot was not an uncommon practice. Biograph’s *Personal* (1904) was a template for several versions of the story (see later), D. W. Griffith’s *The Lonely Villa* (1909) was a spin-off from Pathé’s *Le Médecin du château* (*A Narrow Escape*, 1908),⁶ and the Danish company Great Northern copied a

local competitor's *Den hvide Slavehandel* (The white slave trade, 1910) scene by scene. Duping was an even more rampant business model. American distributors struck new prints from a secondary negative manufactured from a purchased original print made by a producer nearby or far away in another country. The practice soared in America. In this business context, Pathé's films became increasingly attractive for American dupers as their productions already stood out for their unrivaled quality. Pathé excelled across several genres, not least for their *féeries*, trick films, and story films, and often came with the added value of color, thanks to processes the company was on the verge of fully industrializing.⁷

Fred Balshofer (1877–1969) vividly described his first assignments in the film business from around 1905.⁸ His memoir provides a unique firsthand account of his duties, which primarily consisted of duping films and scratching out trademarks in producer-distributor Siegmund Lubin's basement in Philadelphia. Lubin already sported the moniker King of Duping because of his unscrupulous embrace of films produced by others, and not only Pathé's.⁹ Balshofer's work became even more complicated when Pathé began putting the rooster into their films' settings more regularly. The logo was just beginning to show up in many of the Pathé films shot during Balshofer's tenure in the duping factory, but when it did, it necessitated removing trademarks from each frame.¹⁰

Lubin was not alone. Almost all early producers duped others' films at some point. Edison's company was highly involved—and in both directions of the trade. Dupers employed many types of underhanded strategies. Edison tried to glean information regarding which films were copyrighted as photographs at the Library of Congress and duped those that were not. Pathé's films, however, were not copyrighted in the United States. Since they were marketed in London before reaching the States, Edison's agents simply bought Pathé copies in London and shipped them home. Edison thereby sometimes could sell duped Pathé titles before their release via proper channels in the United States.

Duping was much discussed in the nascent American trade press. In 1905, the *Billboard* claimed that "'duping' of film has decreased greatly, and is dying a natural death, due to the great supply of desirable original subjects at reasonable prices. Nowadays theatres and traveling exhibitors are ashamed to place a 'duped' film on the curtain."¹¹ An essay by Frank J. Marion from the Kalem Company two years later reveals that optimism about the end of the practice had been premature. He acknowledged that continued duping was a motive for Pathé's new strategy to rent films instead of selling them outright: "If originals cannot be sold without danger from piracy they will not be sold at all and the small rental bureaus will find the ground cut out from beneath their feet."

The leading companies were all engaged in duping, Marion claimed. “If anything will kill the goose that lays the golden egg it is ‘duping.’”¹² *Moving Picture World* addressed the problem editorially in fall 1907 and also published an unsigned strategy proposal: “Each firm should adopt some simple trade-mark and register that; then in every scene, either for film or slide picture, place this trade-mark in some conspicuous or inconspicuous place; by so doing the expense of copyrighting, etc., is done away with.”¹³ Producers had already used this method sparingly. Pathé had been doing so increasingly from 1904, but to little avail in lieu of formal copyright and trademark protection.

The duping model remained a pivotal aspect of American film culture up until the formation of the Motion Picture Patents Company in 1908, when former competitors, Pathé included, banded together under license agreements based on Edison patents, and among their promises was an aim to curb duping in a regulated release market.¹⁴

LEGALITIES

The unsettled legal framework for conducting film business in the United States in the early years was mainly litigated in the arena of patents.¹⁵ Copyright, meanwhile, was not available for motion pictures as such. Still photography, however, had been granted copyrightable status by the U.S. Supreme Court in 1884, based on Napoleon Sarony’s case regarding his portrait of Oscar Wilde from 1882. The court affirmed Sarony’s claim due to his artful arrangements and the creativity that preceded the mere mechanical moment of snapping. The inclusion of photography in the copyright laws from 1865 (revised in 1870) provided the rationale for copyrighting films by the method of transferring each of their frames to strips of paper, the so-called paper prints. The practice lasted until motion pictures were formally included in the U.S. copyright laws in 1912.¹⁶

Given this pre-1912 state of affairs, the Pathé Cinematograph Company, for example, found it necessary to put the *marque déposée*, the trademark roosters, in the main titles of company catalogs from 1903 onward (Figure 1). They alerted their U.S. customers in 1904, “We have opened a branch in this country to sell our original Pathé films, which have a world wide reputation, and that have been so largely copied and duped by various unscrupulous concerns. All our films are supplied with a title in red, bearing the announcement of the subject and our trade mark—THE COQ.”¹⁷

Abel has cited the British Film Institute (BFI) copy of *Valse Excentrique (Eccentric Waltz, 1903)* as an early example of the standard version of the rooster *marque* in the main title. André Gaudreault has discovered an earlier, slightly different version of main-title roosters in the BFI copy of *La Soubrette ingénieuse (Ingenuous Soubrette)*

from 1902.¹⁸ The EYE Filmmuseum in the Netherlands holds a nitrate copy with a rare French main title with the same type of roosters as in the British *Ingenious Soubrette*, namely, Vision d'art, which was a series title for three films from 1902 (Figure 2). The Amsterdam copy is the separately sold *La Fée aux étoiles*, but its title is missing. All three films in the Vision d'art series were listed in an English-language Pathé catalog from May 1903 (page 53). We can thus surmise that this practice began more or less regularly in 1902 with a rooster design somewhat different from the one we're familiar with

from 1903, the year when the practice was codified and formally communicated to customers. Gaudreault and his colleague Suzanne Richard have traced additional variations of the rooster mark across an extensive set of film copies.¹⁹ Pathé also for a time deployed a three-striped, hard-to-detect rectangle placed in the upper corner of the frame, most often at the left side, but at times frame right. Gaudreault has noticed this brand indication in a few titles from 1904–5. In addition to his examples, the rectangle is also visible in *Christophe Colomb* (*Christopher Columbus*, 1904), *Danse des Apaches* (*Ruffian's Dance*, 1904), and *La Chaussette* (*Sock*, Gaumont, 1905).²⁰ From 1905 on, Pathé printed variations of its company name and geometric signs in the margins of the film stock, so-called edge codes or edge marks. These now are highly useful for ascertaining provenance for surviving nitrate copies.²¹

The French trademark law was codified in 1857, well in advance of the United Kingdom and the United States. Duguid has analyzed how subsequent French diplomatic initiatives and bilateral trade treaties eventually brought about reciprocity between trading partners by allowing registration of trademarks across borders and, as importantly, access to courts to police infringements. From a French cinema perspective, the law had ramifications far beyond protecting champagne and cognac brands.²²

Registration of trademarks with the U.S. Patent Office began in 1870. In 1879, however, the Supreme Court struck down the Registration Act of 1870 as unconstitutional.

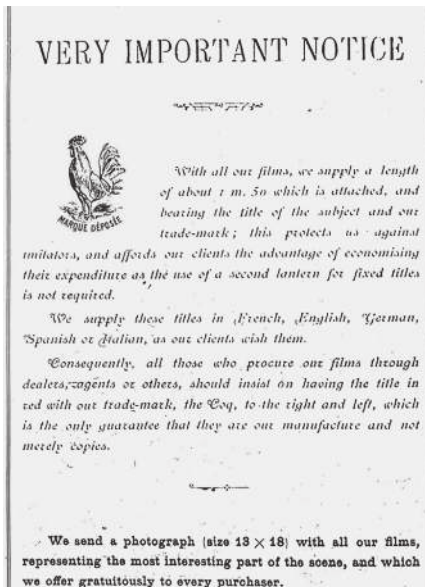


Figure 1. Pathé catalog, May 1903, 12, in Charles Musser, *Thomas A. Edison Papers: A Guide to Motion Picture Catalogs by American Producers and Distributors, 1894–1908: A Microfilm Edition* (Frederick, Md.: University Publications of America, 1985).



A key formulation was that the “ordinary trade-mark has no necessary relation to invention or discovery.” Trademarks, in the Supreme Court’s opinion, thus did not merit constitutional protection, because they do not

depend upon novelty, invention, discovery, or any work of the brain. It requires no fancy or imagination, no genius, no laborious thought.

It is simply founded on priority of appropriation. We look in vain in the statute for any other qualification or condition. If the symbol, however plain, simple, old, or well known, has been first appropriated by the claimant as his distinctive trade-mark, he may by registration secure the right to its exclusive use. While such legislation may be a judicious aid to the common law on the subject of trade-marks, and may be within the competency of legislatures whose general powers embrace that class of subjects, we are unable to see any such power in the constitutional provision concerning authors and inventors, and their writings and discoveries.²³

Figure 2. *Vision d'art*, copyright 1902 Pathé Frères. The very first version of the rooster mark for main titles. Frame enlargement from a nitrate copy. Courtesy of the EYE Filmmuseum, Netherlands. For the standard version, see the Swedish main title (Figure 19a) for *La Poule aux œufs d'or*.

Per this ruling, brands and trademarks were denied the protection accorded to inventions (patents) and writing (copyright), the latter in a broad sense defined as “any

literary, dramatic or musical composition, any engraving, painting, drawing, map, chart or print, and of models or designs intended as works of art.”²⁴ It was not until 1905 that Congress revised the Trademark Act of 1881 and not until 1946, when the Lanham Act was adopted, that the government offered federal protection to trademarks beyond the inconsistencies of common law in the forty-eight states.

Even with roosters all over the copies, the pre-1912 legal state of affairs explains why Pathé Frères never filed a case regarding trademark infringement when its films were being blatantly duped by Americans. Pathé had registered the rooster trademark in the United States in 1902, but primarily with an eye toward the market for gramophone records, not putting the roosters in their films’ main titles and intertitles. Because they did not copyright their films as photographs at the Library of Congress, they had no recourse to file such infringement cases. Apparently, they did not believe such suits would be viable options for protection. Pathé outlined a compromise proposal in a letter to the Edison Manufacturing Co. in 1904, when contemplating setting up an American branch to thwart duping. Tellingly, the key term here is “ownership” in the absence of copyright:

For more than a year we have watched the methods employed by your company, who copy all our Films which they think interesting, in defiance of our rights of ownership.

We know that under the present laws of your country, aside from the special precautions we have taken, we are unable to legally put a stop to same, but as we are about to establish an agency in New York for the sale of our products, and we desire to come to some agreement with you, in order to avoid that in return we will not copy your Films.²⁵

After some stalling, Edison’s lawyers turned down the proposal and, to boot, threatened to sue for patent infringement, which they did, and simultaneously expanded the scope to other companies. Pathé ignored the threat, which in the end got little traction, and opened its Pathé Cinematograph Company branch in New York in August 1904. Precisely at this juncture, coincidentally or not, we find one of the very first roosters placed in the frames of two films: in *La Grève*, released in United States as *The Strike*, and in the short comedy *Chiens et Chat (Dogs and Cats)*. We will return to these films and two more from this year.

The legal battles regarding the control of motion pictures in the United States were fought by the Edison lawyers first on the patents front and later on copyright. The important copyright case, *Edison v. Lubin* from 1903, hinged on whether a film legally could be considered a photograph or if its status as a photograph was applicable only

to individual frames and not the work in toto as a series of individual photographs, that is, a film. Critical here was also the balance between, on one hand, the film camera's automatic or mechanical registration in relation to human creativity and, on the other, the profilmic arrangements, analogous to photographic mise-en-scène à la Sarony.

In the first round against Lubin, Edison lost, as Judge Dallas considered it necessary to copyright each frame of a film as a photograph, not a series of photographs as one photograph. Current laws to his mind prohibited a film, as a multitude of photographic frames, to be protected as one photograph. Lubin was therefore not prohibited from reissuing Edison's 1902 film *Christening and Launching of Kaiser Wilhelm's Yacht "Meteor."* A higher court soon overturned the decision.²⁶

The 1903 court case preceded the nickelodeon boom and more or less coincided with the beginning of multishot story films such as Méliès's *Le Voyage dans la lune* (*A Trip to the Moon*, 1902), Pathé's *Aventures de Don Quichotte* (*Adventures of the Ingenious Hidalgo Don Quixote*, 1903), and Edison's *Life of an American Fireman* as well as the company's *The Great Train Robbery*, both released in 1903. In the early multishot context, the chase format also emerged. These films had British roots but gained prominence from 1904 when Biograph's *Personal* was produced and inspired a phalanx of remakes: Edison (*How a French Nobleman Got a Wife through the New York Herald Personal Columns*, 1904), Lubin (*Meet Me at the Fountain*, 1904), Pathé (*Dix Femmes pour un mari* [*Ten Wives for One Husband*, 1905]), and Segundo de Chomón's *L'Hereu de can Pruna* (*The heir of Pruna House*, 1904) with plenty of personal touches.²⁷ Biograph sued Edison for copyright infringement but lost, given certain differences in the arrangement, in other words, the mise-en-scène.²⁸ Meanwhile, the chase format was turning into a staple of Pathé's production.

Despite Edison's court victory versus Lubin, duping remained a dominant business for years to come, and Pathé's products across genres were the most affected. Establishing the New York office and ignoring patent threats from Edison enabled Pathé to get its prints on the market in the United States before Edison's folks and other dupers had a chance to acquire them. Having a branch did not in and of itself stop duping, but it moved the timeline ahead and ensured first-round profits for Pathé during the fledgling nickelodeon years.²⁹

CHASING THE ROOSTER I

Pathé did not invent the strategy of in-frame markers. Georges Méliès's Star-Film company, possibly, pioneered logo placement in 1896, for example, in his *Le Manoir du diable* (*The House of the Devil*). One of the more amusing examples is the dangling Edison



Figure 3. *Tracked by Bloodhounds; or, A Lynching at Cripple Creek* (Selig, 1904). Courtesy of G. William Jones Film and Video Collection, Southern Methodist University.

placard in the burning apartment in *Life of an American Fireman*. A similarly incongruous trademark placement is in a Selig film from 1904, *Tracked by Bloodhounds; or, A Lynching at Cripple Creek*. Here company banners are affixed to a tree trunk in one scene and subsequently on the ground, almost tripping up characters in a following scene (Figure 3).

Before placing the rooster in the decor, Pathé in the early days sometimes inserted a big PF monogram in the frame. Gaudreault mentions two unidentified titles from circa 1900 in the collection of the BFI. In addition, *Danse espagnole par "La Belle" Otéro* (Spanish dance—Otéro's style) (Figure 4; copy at the Gaumont Pathé Archives) has this sign. Again, the production date is unclear, possibly already 1896–97. Yet another example from 1901 is *Excentricités américaines par le célèbre clown W. Gibson* (American eccentricities) (Figure 5; a copy is available at the BFI). In this instance, the uppercase letters PF appear within the star-spangled banner's field of stars, which has considerably fewer than normal.

We will (intermittently) follow the trajectory of Pathé's trademark, *le coq*, across media. Initially being attached to machinery—phonograph players and, later, film cameras and projectors—the rooster was applied as a mark on all kinds of printed matter from the company. As the film business grew in 1902–3, the company put the roosters in its projection prints, first in the main titles and soon also flanking the



Figure 4. *Danse espagnole* (a documentary produced by Pathé Frères, 1896). Collection of Gaumont Pathé Archives.

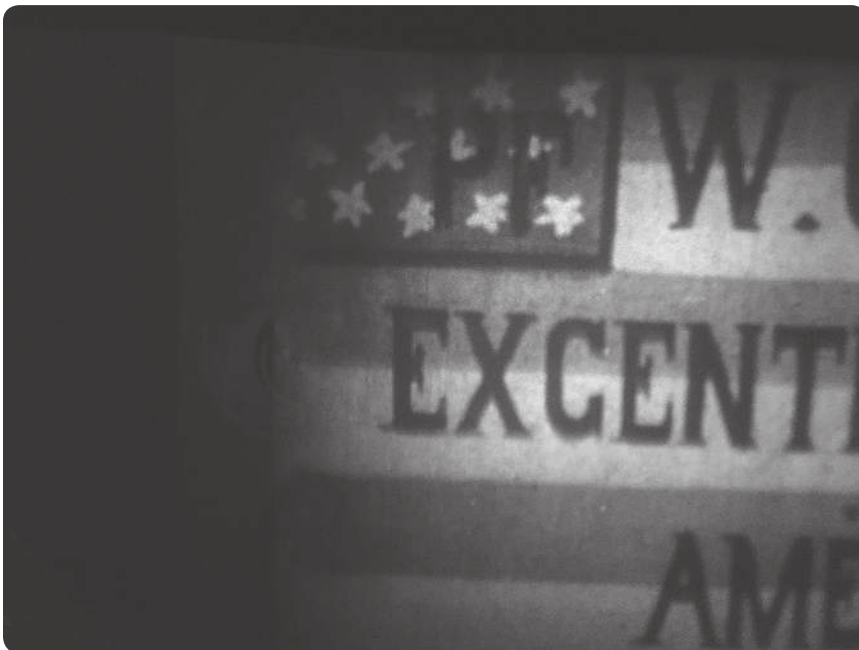


Figure 5. *Excentricités américaines* par le célèbre clown W. Gibson, copyright 1901 Pathé Frères. Detail. Courtesy of the BFI.



Figure 6. *Les Malheurs de Madame Durand*, André Heuzé, copyright 1906 Pathé Frères. Postcard adapted from the film. Collection of Fondation Jérôme Seydoux-Pathé. Here Madame Durand is rescued from the sewers after having accidentally stepped into an open manhole, thereby “topping” a series of altercations and mishaps with a literal downfall. The film starts in her home and ends with her inglorious return. The postcard mirrors the setting from shot 13 (Figure 7f), with the rooster adorning the wall.

intertitles, printed in red, with one rooster frame left and one frame right. Eventually, single roosters—not the twosome of the *marque déposée*—seeped into the films’ decor as placards conspicuously or discreetly affixed to walls, doors, stairwells, or wherever the producers saw fit—both in interiors and exteriors. Richard and Gaudreault dated the beginning of this in-frame rooster practice to 1906, based on the materials to which they’d had access, now many years ago.

Sometime after the practice of putting roosters in the frame was established, Pathé also transferred roosters to its postcard series produced from film settings. Although the rooster found its way into film settings in 1904, I’ve come across no rooster placards in the postcard settings until 1906, such as *Émouvant voyage de noces* (*An Exciting Honeymoon*), *La Petite aveugle* (*The Little Blind Girl*), and *Les Malheurs de Madame Durand* (*Mrs. Brown’s Bad Luck*) (Figure 6). In the process of intermedial transposition, shifting content from moving to “still” forms of media, the *mise-en-scène* was often modified, but less so after 1905, when the postcards were based on frame enlargements, which explains the presence of in-frame/in-card roosters. *Les Malheurs de Madame Durand* can serve as exemplary for the 1906 model. Here one finds roosters in most shots,



Figure 7. Frame enlargements from *Les Malheurs de Madame Durand*, André Heuzé, copyright 1906 Pathé Frères. (a) Shot 1 (same setting as in shot 14). Starting out. (b) Shot 6 (same setting as in shot 8). In the sewer. (c) Shot 9. In the sewer. (d) Shot 10. In the sewer. (e) Shot 12. Summoning the fire brigade. (f) Shot 13 (same setting as shot 11). Collection of Fondation Jérôme Seydoux-Pathé.

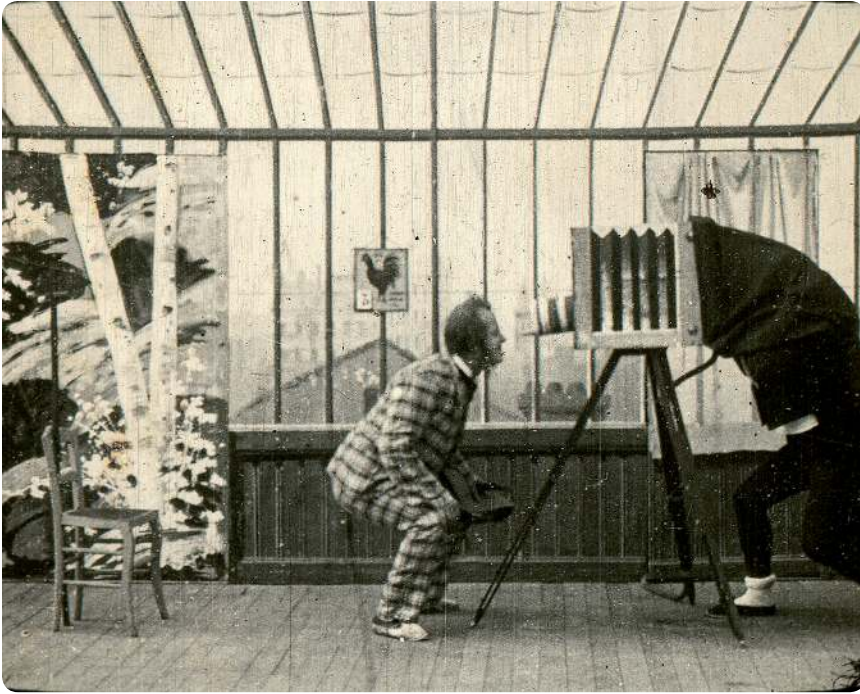


Figure 8. *Chez le photographe*, Ferdinand Zecca, copyright 1902 Pathé Frères. Frame enlargement from a copy at the EYE Filmmuseum, Netherlands.

interiors as well as exteriors, one scene of which was transferred to the postcard (Figure 7).

Parallel to the fairly discreet in-frame positioning of roosters, which became a standard feature of Pathé titles from 1906 to 1908, the company also conspicuously toyed with and showed off its trademark inside the story space of many films. Inventive and playful rooster jokes self-consciously and unabashedly flaunted and highlighted the superiority of the brand. The presence of such branded gags can be traced back to *Chez le photographe* (At the photographer's) from 1902, with a rooster placard noticeably placed mid-frame in the setting of a photographer's studio (Figure 8). Such brand badinages, later predominantly found in trick films, are distinct from the posing of the often hard-to-detect lone roosters in the decor. This film also merited one of the studios' earliest tests of intermedial marketing (Figure 9), a unique stereographic postcard, a kind of forerunner to the release of postcard series in color for some of the multishot films. This latter practice began in 1903 and in the following years often featured sets of five postcards, for example, for *Guillaume Tell* (*William Tell*, 1903), *La Poule aux œufs d'or* (*The Hen That Laid the Golden Eggs*, 1905), and *Le Chemineau* (*The Tramp*, 1905). From 1906, as mentioned, the postcard often came in black and white and often only featured a singular card (see Figure 6). We will return to a postcard series from 1904 later.

Among films touting the brand via striking interactions with rooster imagery,



Figure 9. *Chez le photographe*, Ferdinand Zecca, copyright 1902 Pathé Frères. Stereographic postcard. Collection of Fondation Jérôme Seydoux-Pathé.

one finds the trick film *Japonaiseries* (*Japanese Varieties*, 1904) (Figure 10). Here building blocks/bricks turn into image “pixels” of sorts, making up a big rooster that fills the screen before it is dismantled block by block as

the film ends. In *Le Spectre rouge* (*The Red Spectre*, 1907) (Figure 11), a three-paneled, framed placard on a stand features the rooster in radiant gold, while *Une excursion incohérente* (*A Panicky Picnic*, 1909) (Figure 12) has two roosters as bookending emblems on a bridge. Similarly, from 1909, but now outside the trick genre, *Comment se fait le fromage de Hollande* (*Making Holland cheese*) (Figure 13) presents a girl in folk costume. We see her painting what turns out to be the rooster onto a round Edam cheese, which she smilingly lifts up to the camera. The globular cheese then transforms into a globe proper with the rooster trademark on top of markets everywhere.

Moving into the lion’s den, *Mariage au téléphone* (*Over the ’Phone*, 1912) appears to have been filmed within office space at Pathé Frères. Max (Max Linder) is calling the office, but the Pathé operator doesn’t answer his phone call. He walks over to the studio very annoyed. As it turns out, the girl, played by Stacia Napierkowska, has been immersed in reading. Max is taken in by her beauty. Following some phone calls between the two (Figure 14), a dinner date is set up. To Max’s chagrin, an unfamiliar, less attractive lady shows up. Unbeknownst to him, she had been the one who had answered Max’s call to the office, and he didn’t notice any vocal difference. Eventually, the identity

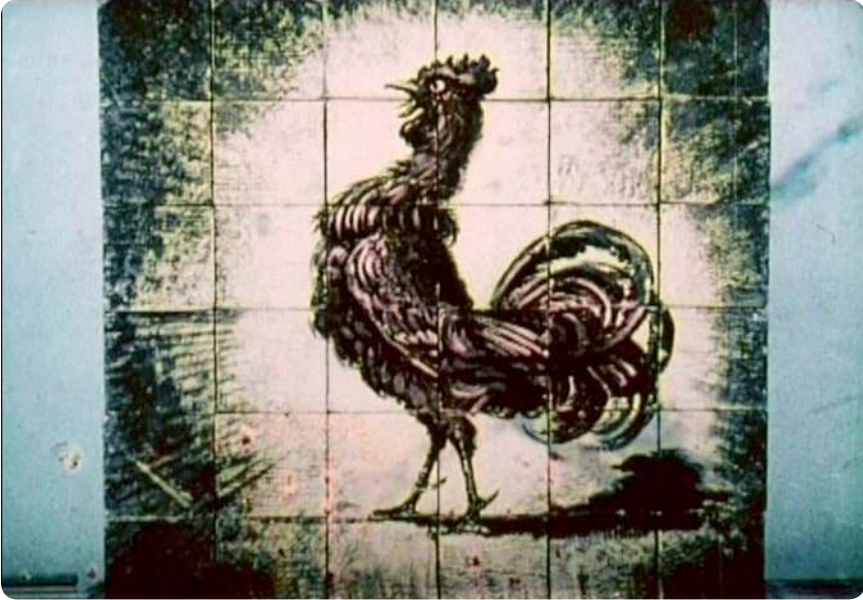


Figure 10. *Japonaiseries*, copyright 1904 Pathé Frères.



Figure 11. *Le Spectre rouge*, copyright 1907 Pathé Frères.

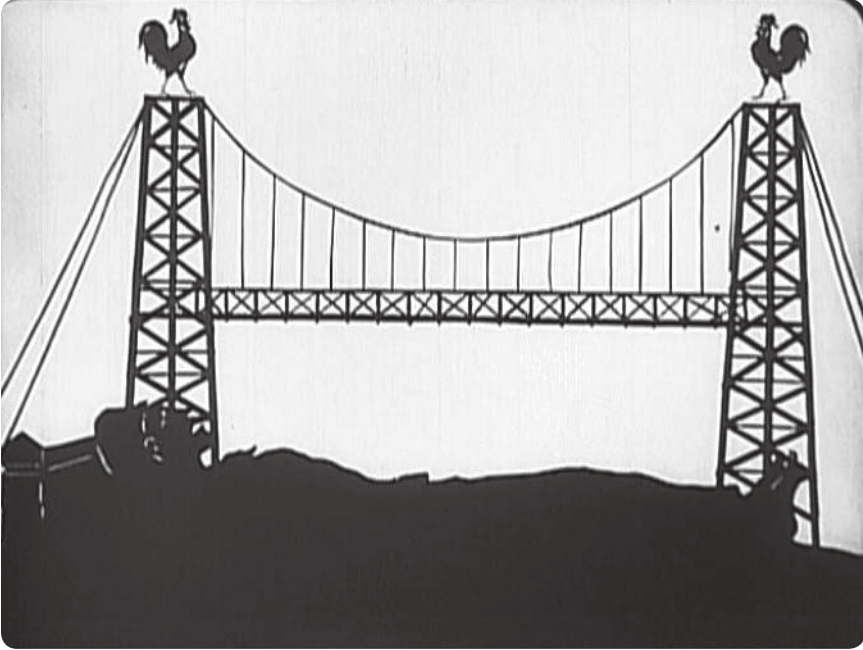


Figure 12. *Une excursion incohérente*, copyright 1909 Pathé Frères.



Figure 13. *Comment se fait le fromage de Hollande*, copyright 1909 Pathé Frères. Courtesy of the EYE Filmmuseum, Netherlands.



Figure 14. *Mariage au téléphone*, copyright 1912 Pathé Frères. Courtesy of the National Film Archive of Japan.



Figure 15. Title unknown, circa 1900. Charles Pathé meets with his director Ferdinand Zecca. Courtesy Swedish Television Archive.

mix-up, indicative of disembodied mishaps prevalent in filmic phone culture of the 1900s, is sorted out. At the film's Pathé office, an oversized rooster bibelot is standing on the operator's desk. The figurine is most certainly related to a slightly different rooster breed that adorned Charles Pathé's inner sanctum. His office appears in a short film from circa 1900, showing him meeting with his director Ferdinand Zecca (Figure 15).

In a parallel strand, the multiple variations of roosters are substituted with texts as several films feature the company name written on various objects and surfaces, often as a signature for the trick work. *L'Album merveilleux* (*Wonderful Album*, 1905) (Figure 16)—here “Album Pathé Frères”—is presented on the oversized album's title page, the first in a series of leaves to transform into human form; in *Les Cent trucs* (*A Hundred Tricks*, 1906) (Figure 17), the magician writes “Pathé Frères” on a paper attached to a circular hoop, which is then used as a form of wand for his series of tricks. In *Le Rêve des marmitons* (*Scullion's Dream*, 1908) (Figure 18), “Pathé Frères, Paris” is “written” on a bald head as the footprints, as it were, left by a flea moving about. Related to this self-conscious register, one can also note an in-joke in the film *La Lutte pour la vie* (*The Struggle for Life*, 1907). Here a poor man finds a wallet on the street with a small fortune in notes and a business card reading “Mr. A. Heuzé, director of new Steelworks, 112, rue de la Bourse.” André Heuzé was the film's director and a prolific scenarist at Pathé.

A SWEDISH DETOUR

Pathé's industrialization of the business fueled a global film marketplace, which was evident in its forays not only into the United States, its biggest market, but also into many microeconomic territories, including Swedish small towns. During the period when Pathé was beginning to put roosters on main titles, on intertitles, and in the settings, Bror Ferdinand Andersson, a manufacturer of soft drinks in Karlstad, Sweden, opened one of the first, perhaps the very first, purpose-built film theaters in the country, in 1905. Andersson bought quite a few Pathé films via the Numa Peterson Company in Stockholm, Pathé's local sales agent. Lucky for our study, these film copies' provenance is from the crucial trademark period, 1905 and 1906, and some of the prints are in all likelihood unique. These titles were resources for a series I produced for Swedish Television in 2001, *I tuppens tecken* (*Under the sign of the rooster*). The Pathé films from Karlstad constitute most of the films in the so-called Beäff Collection at the Swedish Television Archive. (Andersson's initials, B.F., were later adopted as a family name spelled phonetically as Beäff.) This collection serves as the point of departure for our discussion of rooster signs in the settings.



Figure 16. *L'Album merveilleux*, copyright 1905 Pathé Frères. Courtesy of the EYE Filmmuseum, Netherlands.



Figure 17. *Les Cent trucs*, copyright 1906 Pathé Frères. Courtesy of the EYE Filmmuseum, Netherlands.



Figure 18. *Le Rêve des marmitons*, copyright 1908 Pathé Frères.

In the beginning of 1905, Mr. Andersson was a small-time, local merchant. Later that year, he commissioned a new building to accommodate the soda business on the ground floor and a movie theater, seating two hundred, one flight up. Andersson's theater opened on December 22, 1905. His career as an exhibitor lasted only a bit more than two years, as he died on March 8, 1908.

The Pathé titles that Andersson bought from the Peterson Company became the backbone of his programming. Before Pathé switched to its rental policy, Numa Peterson ran a wholesale business offering all kinds of software and hardware for fledgling movie exhibitors, in addition to a full range of pharmaceutical items. Peterson's firm had been a film industry pioneer since the world's fair summer exhibition in 1897, when it had sponsored the Lumière Stockholm run. Subsequently, it sold films to both traveling exhibitors and freestanding cinema operators. Mortimer Peterson took over the company in 1902, after his father, Numa, died. In March 1905, setting the stage for Andersson's investment, Peterson's company announced that it was now the sole sales agent for Pathé in Sweden and Norway, offering films "with Swedish titles at whole-sale prices."³⁰ Unfortunately, no catalog from the firm has survived.

The titles in Andersson's first programs were not announced in the press. The very first advertised film title was *La Poule aux œufs d'or*, which was released by Pathé in November 1905. In Andersson's ad from January 15, 1906, the film is scheduled for

the following Monday, January 22, “due to popular demand.” This formulation seemingly indicates that the film had been screened during the period with titleless ads from December 22 and a month on—perhaps even in the opening program. The film was back on Andersson’s screen once again on March 5. His purchased copy, which has been preserved, has the main title in Swedish in red block letters and with the rooster *marque déposée* on bottom left and right of the frame (Figure 19a). The intertitles, merely flashes (and partly missing), are also in red and correctly spelled in Swedish. The intertitles bear no trademarks. In one of the scenes, the rooster trademark placard is affixed onto a wall left of a window (Figure 19b).

After Andersson’s death, the print collection passed through many hands before now being digitally accessible for scholars at the National Library of Sweden in Stockholm. When the Karlstad theater eventually closed, the Pathé films Andersson had bought from Peterson remained with the family and were informally screened every now and then over the years. Decades later, in 1956, the collection was sold to the leading Swedish film company, Svensk Filmindustri (SF). According to the contract, dated February 18, 1956, Andersson’s grandson Sven Beäff sold “57 copies of old films from around 1905.” A main reason for the sale to SF was that some of the nitrate copies were showing signs of decomposition. In 1969, SF, in turn, sold its Beäff copies to Swedish Radio, the parent company of radio and television broadcasting in Sweden, as part of a larger transaction. According to Swedish Radio’s board minutes of June 4, 1969, the collection consisted of forty-seven titles with all in all 5,790 meters. Neither provenance indications nor original acquisition receipts were attached to the sales contract.³¹

The Andersson/Beäff case evidences how similar film exhibition developed between, let’s call it, the Swedish hinterland (Karlstad’s population was fifteen thousand in 1905) and, say, the American metropolises, home to millions. Venues, irrespective of geographical location, overwhelmingly relied on the rooster brand’s capacity to supply films to nickelodeon outlets everywhere at this juncture. Fortuitously for my project, exhibition in 1905 and 1906 was still partly based on bought copies rather than rented ones, and distribution depended on a territorial monopoly: Numa Peterson for Sweden and Norway, which lasted only a handful of years.³² Pathé opened its own Stockholm branch in 1910, headed by Pathé veteran Siegmund Popert.³³ A newspaper item, published a few months before the opening, mentioned the company’s tremendous weekly output of films: “their trademark, the Gallic rooster is thus frequently seen here.”³⁴ Two years later, the Swedish Pathé branch began producing films together with Swedish Biograph, marketed internationally by Pathé under the Phoenix brand.

The Andersson/Beäff Collection is firmly integrated into the rooster’s corporate



Figure 19. *La Poule aux œufs d'or*, Gaston Velle, copyright 1905 Pathé Frères. (a) Main title. (b) The rooster appears screen left. Collection of Fondation Jérôme Seydoux-Pathé. Courtesy of the Swedish Television Archive.



Figure 20. *Cache-toi dans la malle!*, copyright 1905 Pathé Frères. Courtesy of the Swedish Television Archive.



Figure 21. *Au pays des glaces*, copyright 1905 Pathé Frères. Courtesy of the Swedish Television Archive.



Figure 22. *Une grande découverte*, copyright 1905 Pathé Frères. Courtesy of the Swedish Television Archive.



Figure 23. *Ce que l'on voit de la Bastille*, copyright 1905 Pathé Frères. Courtesy of the Swedish Television Archive.

narrative, not least given that his Pathé collection eventually was acquired by SF, the result of a merger with Swedish Biograph and Skandia in 1919. Skandia, in turn, had come about in 1918 in a consolidation between, among other companies, the Swedish Pathé branch. It was this film collection, the result of Pathé's first foray into the Swedish market via a sales agent, that set off my rooster hunt.

CHASING THE ROOSTER II: FILMS FROM 1905

This preserved body of films from the period helps us to revise the standard version of when the rooster became part of at least some Pathé films' settings. Most Pathé copies in the Beäff Collection are from 1906, with roosters aplenty in the settings. This practice dovetails with the analyses by Richard and Gaudreault, when they designated 1906 as a tentative beginning for the practice of in-frame roosters. However, in the collection from Karlstad, there also is a handful of films from fall 1905 with the rooster already placed in the settings. In *Cache- toi dans la malle! (Keep It Straight, 1905)* (Figure 20), the logo is on Pathé's often-used staircase set.³⁵ *La Poule aux œufs d'or* has the rooster on the window frame, as mentioned. The *coq* perches on the bow of a boat in shot 1 and on the ice in shots 4 and 6 in *Au pays des glaces (In the Polar Regions, 1905)* (Figure 21). In *Une grande découverte (A Great Discovery, 1905)* (Figure 22), it is on a wall next to a telescope, and in *Ce que l'on voit de la Bastille (Bird's Eye View of Paris, 1905)* (Figure 23), it rests on a wall behind the man peering down from la Bastille.

Obviously, given the immense losses of silent-era materials, it is futile to hunt for firsts, be they stylistic devices or, in this case, logos and trademarks. Still, after having scoured the Beäff Collection, it seemed wise to forge ahead, or rather, sideways and backward, by way of a broader sweep of extant Pathé films from 1905, and also to view titles from 1904.³⁶

Pathé's French catalog supplements from September and October 1905 yielded a handful of titles with rooster illustrations. Of these, the copies that have survived include the following:

Mariez-vous donc! (A Henpecked Husband, catalog supplement from September 1905) (Figure 24). For this one, a copy is available at the Gaumont Pathé Archives. The rooster can be detected in several scenes: next to a staircase, albeit not the "famous" well-used one (shot 2); in a window frame (shot 3); and as an emblem on the bathtub (shot 4).

Ah! La Barbe (A Funny Shave, catalog supplement from September 1905)



Figure 24. *Mariez-vous donc!*, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé.



Figure 25. *Ah! La Barbe*, Copyright 1905 Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé.



Figure 26. *Curiosité d'une concierge*, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé. Courtesy of Filmoteca Española.



Figure 27. *Le Discours du candidat*, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé.

(Figure 25). Here a prominent rooster is attached to the mirror frame as the titular beard is trimmed.³⁷

Curiosité d'une concierge (*Doorkeeper's Curiosity*, catalog September 1905) (Figure 26; copies in Madrid and Barcelona). This film once again shows the rooster on the staircase set.

Finally, four 1905 titles are only available as catalog illustrations, namely, *Le Discours du candidat* (The candidate's speech, 1905) (Figure 27); *La Saint Barthélemy* (*St. Bartholomew's Day*, 1905) (Figure 28; with hard-to-detect roosters in tableaux 1 and 3); *Le Déjeuner de Minet* (*Pussy's Breakfast*, 1905) (Figure 29); and *Emouvante plaidoirie* (*Touching Pleading*, 1905) (Figure 30; here the rooster is out of character, as it were, given that it is dark and turned left). In addition to these titles from 1905, Deutsche Kinemathek holds a 16mm copy, in poor quality, of *Le Piton de suspension* (*Neighbor's Lamp*), advertised in the October catalog from 1905, but without illustration. Here the wall-affixed roosters, in scenes from apartments from two floors, are similar to the one in *Le Déjeuner de Minet*.

FILMS FROM 1904: THE DEBUT OF IN-FRAME ROOSTERS

Returning to film materials, the sweep from 1904 has yielded four films with in-frame roosters: one advertised in the March–April catalog supplement, two films from August, and one from December. These are the oldest ones discovered (thus far) with roosters in the settings.

Un scandale dans l'escalier (*A Scandal on the Staircase*) (Figure 31) opens in Pathé's familiar staircase—a recurring setting that, in many films from this period, features illicit keyhole peeping to catch views of undressing or erotic trysts, for example, in several versions of *Par le trou de la serrure* (Through the keyhole, 1901 and 1905) and *Curiosité d'une concierge* (Figure 26). In *Un scandale dans l'escalier*, a married man enters his mistress's apartment. His wife is in pursuit, soon rings the doorbell, and, as expected, discovers the unfaithful husband. He flees the apartment, with the wife chasing him down the stairs with an umbrella.

The topic could have evolved toward the *grivoise* (spicy) genre, much cultivated by Pathé in the early years, as in the many versions of *Le Coucher de la mariée* (Bedtime, with the earliest version produced in 1896), but given the interruption when the wife barges in, the risqué element is more hinted at than developed. Wives in many Pathé titles, especially when not young, are both ridiculed and depicted as authority figures in



Figure 28. *La Saint Barthelemy*, Lucien Nonguet, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. (a) First tableau: “The Massacre, August 25, 1572.” (b) Third tableau: “Montfaucon’s Gallows.” Collection of Fondation Jérôme Seydoux-Pathé.



Figure 29. *Le Déjeuner de Minet*, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé. The set is the same as in *Le Discours du candidat* (Figure 27).



Figure 30. *Emouvante plaidoirie*, copyright 1905 Pathé Frères. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision–Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé.



Figure 31. *Un scandale dans l'escalier*, copyright 1904 Pathé Frères. Courtesy of Deutsche Kinemathek.

family affairs. Here the wife is dressing down the authority of the patriarchy as the straying husband in vain tries to hide under a rug when caught in flagrante and is punished accordingly. The rooster is attached to the banister in the first scene. Shot very early in 1904, this is the oldest in-frame rooster discovered so far. The only preserved element is a 16mm copy at the Deutsche Kinemathek.

Our second item from 1904 is listed in Pathé's catalog supplement for August 1904 with a single illustration. The rooster in *Chiens et chat* (Figure 32) is at floor level frame left. Fortunately, a copy of this very short subject, only twenty meters, categorized as a *scène comique*, with the English title *Dogs and Cats*, has been preserved at the BFI. It confirms the catalog's rooster presence among the two dogs that merrily wrestle with the film's very laid-back and patient cat.

Before turning to *La Grève*, the most complex of the 1904 titles, let's begin with the December example, *Dévaliseurs nocturnes* (*Burglars at Work*) (Figure 33). This remarkable film, considering the production year, blends masterful night effects in color and silhouettes with the film's two thieves intensely bicycling away from the scene of the crime against a rear-projection background, leaving a hapless gendarme behind.

But is this really a film from 1904? The question is prompted by a copy at Centre national du cinéma et de l'image animée (CNC), which has shown up on YouTube—with the CNC watermark. This film is a longer version with a final chase scene, and this time, the thieves are caught (160 meters versus 62 for the Danish and Filmoteca de Catalunya

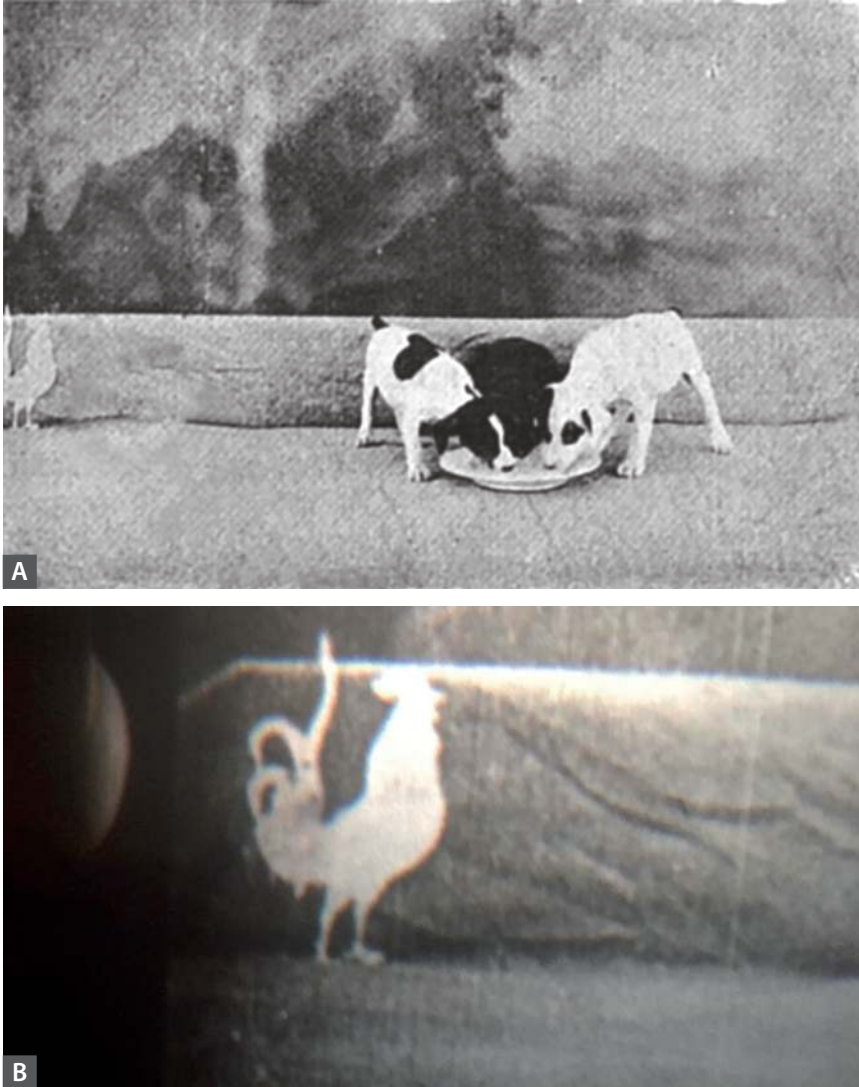


Figure 32. *Chiens et chat*, copyright 1904 Pathé Frères, and frame enlargement. Film catalog of la Compagnie générale de Phonographes, Cinématographes et appareils de précision—Anciens Établissements Pathé Frères. Collection of Fondation Jérôme Seydoux-Pathé. Courtesy of the BFI.

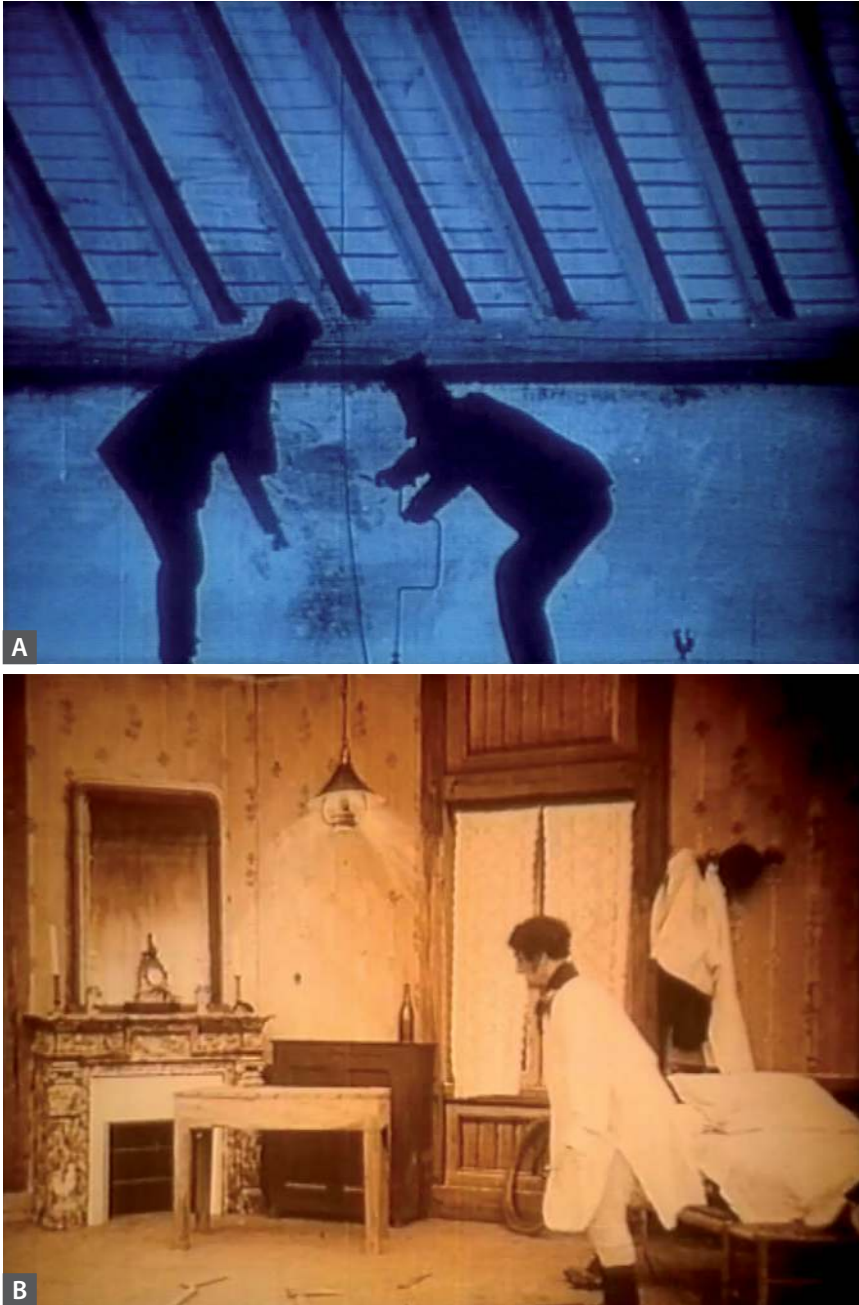


Figure 33. *Dévaliseurs nocturnes*, copyright 1904 Pathé Frères. Frame enlargements depicting (a) night effect and (b) interior scene. Courtesy of the Danish Film Institute.

versions, respectively). The YouTube title, *Les Dévaliseurs nocturnes*, is, however, incorrect. This film is in fact *Les Voleurs noctambules*, an expanded remake from 1908, which means that *Dévaliseurs nocturnes* indeed belongs to our roster of very early roosters.³⁸

LA GRÈVE: AN INTERMEDIAL CASE STUDY

La Grève is an ambitious story film with a social message. The conspicuousness of the film's roosters in two scenes, especially compared to the hard-to-detect ones in *Dévaliseurs nocturnes*, arguably aligns with the company's social ideology.

A first ad for *La Grève* was placed in the trade journal *L'Industriel forain* (no. 784, August 13, 1904). The film was marketed as “scène dramatique et réaliste en 5 tableaux” (dramatic and realist play in five tableaux), length 135 meters (442.8 feet). An undated English-language catalog supplement—there's also a French one—probably from around August, offers a detailed scene description of the five illustrated parts/tableaux/shots: (1) “Arbitration Refused,” (2) “The Manager's Murderess,” (3) “The Culprit's Arrest,” (4) “Discharged,” and (5) “The Future.”

Among secondary material, a rare Swedish program poster (Figure 34) from a screening from October 28, 1904, at Kronan in the city of Norrköping lists the film as in six “images” (*bilder*) by including a prefatory shot, described as “The Heroine's Portrait.” Even if this shot is not a scene in a diegetic sense, but precisely a “portrait” in motion, it refers to the action of the heroine, already faced with tragedy and compounding it even more by throwing a brick.

The roosters, appearing in tableaux 4 and 5 (Figures 35a and 35b, respectively), are not visible in the microfilm edition of the program, but the one in tableau 5 is actually detectable as a duped frame reproduced in the 1907 Lubin catalog, which is replete with Pathé titles. Fortunately, three film elements of *La Grève* have been preserved. The one at the Library of Congress is incomplete and consists only of parts 1–3, that is, lacking shots 4 and 5 with the roosters as well as the prefatory “portrait.” The copy at the Cinémathèque Française is without intertitles. It has the prefatory shot, just like the copy at Cineteca Italiana di Milano, featuring the woman labeled “murderess” in tableau 2. She is framed in full shot and placed in a neutral environment. The shot is preceded by an intertitle in red with no roosters in the Milan copy, “L'Éroina” (The Heroine), probably placed right after a missing main title, “Lo Sciopero” (The Strike). The shot is, however, longer in the French copy. We see “the heroine” looking intensively off-screen before picking up a brick from the ground, hurling it off-frame, then freezing in her pose.

The prefatory shot, almost allegorically, isolates the film's central element

KINEMATOGRAFEN KRONAN



Drottninggatan 24.

Dagliga förevisningar af

Lefvande Bilder.

Hvardagar 5—10 e. m. Sön- och Helgdagar 1—5, 6—10 e. m.

PROGRAM:

1. *Herrskapet Pettersons besök på Panoramaf.*
2. *Hästar räddas ur Hamnkanalen i Göteborg.*
3. *Strejken. (Socialistiskt drama i sex bilder.)*
 1. *Hjältinnans porträtt.*
 2. *På arbetsgivarens kontor. Arbetsaredeputationen får gå med oförrättadt ärende. Direktörens son försöker att medla.*
 3. *Fabriken stormas. Direktören mördas af en af arbeterskorna.*
 4. *Mörderskan arresteras i sitt hem*
 5. *Den anklagade frikännes på begäran af direktörens son.*
 6. *Framtiden. Försoning mellan Arbetet och Kapitalet.*
4. *Kriget. Från försvaret af Port Arthur.*
5. *Uppsagda till flyttning.*
6. *Mickel räf i knipa.*
7. *Den mekaniska hatten. (Chapeau claquen.)*

Ändring af programmet förbehålles.

Förstklassig Musik.

Nytt program hvarje Fredrag.

Bästa maskineri som för närvarande finnes.

ENTRÉ: *1:sta plats 35 öre; Barn under 12 år 25 öre.*

2:dra „ 25 „ „ „ „ „ 10 „

Körhögens Förlägg- & Boktryckeri-Aktie-Bolag. 1904.

Figure 34. Kinematografen Kronan poster for *La Grève*.
Courtesy of the National Library of Sweden. Original at Lunds
universitetsbibliotek.



Figure 35. *La Grève*, copyright 1904 Pathé Frères. Frame enlargements with rooster from (a) tableau 4 and (b) tableau 5. Courtesy of Cineteca Italiana di Milano.

without divulging its diegetic meaning: the woman's killing of the manager of the factory in tableau 2 after her striking husband has been shot to death by guards. The hurling of the brick is hard to detect in the melee outside the factory in tableau 2. Labeling her "heroine" is telling from an ideological standpoint, later to be underwritten by the presence of Pathé's trademark, even if she's also designated as "murderess." When the designations are litigated in the film's court scene containing a rooster, the manager's son gives her absolution, as it were, partly due to the emotional impact of the fatherless children in the courtroom. The court's clemency paves the way for the allegorical handshake between labor and capital, represented by figures outside the story proper and with justice and fairness weighed on Justitia's scale. The gesture, laying to rest the conflict between labor and capital, takes place on a platform marked by the sign of the rooster.

Already in tableau 1, the son wanted his manager father to shake hands with the laborers' representatives, as the son himself does. The arrogant manager's refusal to shake hands with his striking workers sets the tragic series of events in motion. Tellingly, the confrontational scenes lack roosters. Once conflicts have been laid to rest, the rooster placards ideologically allegorize a society based on handshakes and cooperation across classes, which one presumes also trickles down to the company level. The final shot is also more complete in the French copy; the Italian copy ends prior to the critical, albeit deferred, handshake between symbolic labor and capital. Divesting the closing shot from the film's narrative context gives it a wider reach and application, not least by the presence of Justitia's balanced scale. Arguably, this condensation of a rooster ideology (especially if the rooster signifies France) gives the film's early in-frame marking a brand signification outside mere product identification in a narrow sense. Sanctioning the acquittal of the "heroine" as well as the larger project of a union between labor and capital implies a shared concern uniting the interests of Pathé and France.

As previously mentioned, Pathé pursued an intermedial strategy for marketing its films, sometimes capitalizing on the current vogue for picture postcards. For *La Grève*, the company produced five postcards adapted from the film (Figure 36).³⁹ We may compare this postcard series with staged scenes, not based on frame enlargements as were the cards from later years, from the film. The cards have their own version of the company logo in the lower right corner of the frame. Precisely how they were produced is unknown, but in all likelihood the photographs were made at the time of shooting. The captions read,

"On ne travaillera pas demain" (We will not work tomorrow). We see the son shaking hands with a workers' representative, while the manager



Figure 36. *La Grève* postcard series, adapted from the Pathé film, copyright 1904 Pathé Frères. (a) “We will not work tomorrow.” (b) “It’s the strike. The riot. The crime!” (c) “The strike passed through there.” (d) “We arrest in the name of the law.” (e) “We condemn in the name of society.” Author’s collection.

sullenly refuses after having dismissed their demands. The caption offers a conclusion of what has transpired—no work tomorrow—which accurately matches the film scene.

“C’est la grève. L’émeute. Le crime!” (It’s the strike. The riot. The crime!). This frozen moment pictured in the postcard is less chaotic than the scene outside the factory in the film. The perspective is triangular, with the workers lined up as the triangle’s legs, left and right, and with the manager positioned at the apex. In the foreground, just inside the triangle’s base, gun-downed workers are scattered on the ground; one of them is

surrounded by his wife and children. The soldiers in the background are barely visible; the framing is otherwise closer than in the film.

“La grève a passé par là” (The strike passed through there). This postcard has no analogous shot in the film, unless it depicts one of the dead men on the ground. It offers a form of apotheosis, a gruesome summary of what the strike has reaped, with a dead worker on the bed and his grieving wife beside him. His fellow worker has raised his arm with clenched fist in defiance and despair.

“On arrête au nom de la loi” (We arrest in the name of the law). With her dead husband on the bed and children clinging to her, the widow is arrested by the gendarmes, as in tableau 3. From the perspective of the postcard series, the logic is obfuscated, as her deed, the throwing of the brick, killing the manager, is off-card and not even hinted at. Meanwhile, grieving wife and dead husband mirror and double the content of the nondiegetic postcard.

“On condamne au nom de Société” (We condemn in the name of society). The court scene presumably takes place somewhat later, as the children have different clothes than in the arrest scene. And there’s an older girl not seen in previous cards or in the film. The manager’s son stands with his hand outstretched, possibly pleading for mercy as he’s turned toward the judges. Nothing is, however, divulged concerning the outcome, as the caption only offers stern judgment and no hint at leniency, let alone clemency.

The series, as a picture narrative with captions, is confusing to read without access to the film’s plot. The information given by the five cards (this number of cards seems to have been the default during this period) does not explain why the woman is arrested and condemned, as we’re not informed of her brick throwing. And the postcards offer no final denouement with a handshake between the parties.

France was rife with strikes and labor conflicts around 1904. Peter N. Stearns identifies the key fault lines between labor and capital during this period of intense strikes in France in the early twentieth century: “Employers talked about the expense of strikes and about the cost of yielding to wage demands. But what they resented most was the challenge to the employer’s proper authority in industry. . . . Defense of the manufacturer’s authority was the key to the general response to strikes, particularly early in the period. This meant, usually, resistance to any formal negotiation.”⁴⁰

This is spot-on regarding the film’s first tableau. Given the film’s closing

handshake and the assumption of a benevolent incoming manager, the film argues for cooperation in lieu of confrontation, a stance that is reinforced by the presence of rooster placards in the critical scenes of reconciliation.

By good fortune, an Italian novella from 1907, *Al Cinematografo* by Gualtiero Fabbri, devoted to the new cinemagoing pastime, includes a reception account inspired by a screening of *La Grève*, which gives us a sense of the film's potential impact on contemporary audiences.⁴¹ The protagonist, Gastone Fedi, visits the movies on three consecutive evenings. Besides meticulously describing the films on the screen, Gastone makes observations on film culture and audiences; and there's a girl in the auditorium, Olga, with whom he falls in love. She's in attendance all three evenings, together with her grandparents, the professor and his wife, Giuseppina, plus their servants.

Reflecting the studio's global dominance, most of the films that Gastone and Olga watch were made by Pathé. *La Grève* is one of them, which attests to the film's longevity on the market, three years after its production. This might be attributed to the film's emotional impact as evidenced in Gastone's interjected comments between the accounts of the shots.

He doesn't mention the prefatory shot. Instead, most space is given over to describing the scene outside the factory, which is to be expected given its length and narrative density. In the interval before tableau 3, Olga and her party comment on the film: "It's horrible—says the sweet blonde girl, terrified. It is—agrees her grandfather—but, think about it, justice often originates from horrors. Olga, dear child, and you, my beloved wife Giuseppina, pay attention to the third sequence." After the arrest in the third tableau, the display of feeling escalates. Some viewers shed tears, and one exasperated man even throws his hat at the screen. "Those that are not crying remain quiet with a lump in their throat, out of sadness. The cinematograph, in fact, brings more sensational feelings than the theatre. The man with the pipe . . . exemplifies just this: he violently throws his hat—just a miserable rag—against the gendarmes, yelling like a deadly wounded beast. The policemen, however, have already vanished leaving only a peaceful calico screen against which the man's hat bounces."

As the woman is acquitted by the court in the next tableau, "everybody is relieved, except those that have no heart." Following the handshake between labor and capital, a young man tries to flirt with Olga, which infuriates the jealous Gastone. The narrator does not mention the roosters, neither the *marque déposée* in the main titles and intertitles nor the in-frame roosters in the two final tableaux.

CONCLUSION

Pathé's many manners of cultivating and heralding its trademark rooster coincided with the company's ascent to the top of the international film market and concomitant worries that the competition would reap a sizable chunk of its profits due to the traffic in duped copies. As we've shown, duping worries were explicitly broached in 1904 in the executives' missives to the Edison Manufacturing Co., but with little hope of getting a fair shake on the all-important American market in the absence of strong trademark protections. Opening an American branch somewhat thwarted the pirates, at least in the sense that other companies couldn't put Pathé titles on the U.S. market in advance of the company's own releases. Still, on multiple fronts, Pathé strategically upgraded the visibility of its *marque déposée*, played around with witty rooster imagery, and—finally, exactly at this time—began placing lone rooster placards in settings as labels. Arguably and apart from provenance, the rooster, as *marque déposée* and placard, also denotes both quality and corporate ideology—and it was not insignificant that the symbol stood for Pathé as well as France.

The rooster trademark was initially placed in the main titles as well as in the intertitles for all to see. The single roosters within each frame made it more difficult for dupers, who were forced to obliterate them in multitudes of frames per title. Aside from the intuitive rationale for this latter practice, there were no statements released from inside the company and no lawsuits bearing on the in-frame solo roosters.

If we identify 1904 as the year of the lone rooster's inception, the practice was initially limited to precious few titles (here ignoring the many titles not available for viewing) but spread over different genres—comedies (one cute and one risqué), social drama, and a trick film of sorts. Putting roosters in the frame became a more widespread exercise in fall 1905 and turned ubiquitous during 1906 and 1907, before petering out after 1908. Furthermore, via the distribution of postcards captured from or recomposing film frames, the roosters received intermedial visibility outside the cinemas for a few years beginning in 1906.

The discreet placements of the in-frame roosters have a cameo quality, as if they were part of a detecting game, as yet another brand element for knowledgeable audiences to spot. These single roosters were not a trick proper but a tricky wink to connoisseurs in the audience, less conspicuous than the proud display of rooster images or bibelots, or the witty company signatures, or the ones with a hinted ideological statement in *La Grève*. Meanwhile, the *marque déposée* in main titles and intertitles offered

a more sober, less playful strategy for formally claiming ownership, provenance, and brand visibility in a way that was impossible not to notice.

Pathé began to scale back the single rooster in 1909, but they still may be detected, for instance, in *Le Voleur invisible* (*The Invisible Thief*), in *L'Enfant prodigue* (*The prodigal son*), and, very prominently, in *Conscience de magistrat* (*The Magistrate's Conscience*), but not, for example, in *Jeanne D'Arc* (*Joan of Arc*). Pathé's comembers of the Edison Trust liberally displayed their own trademarks in 1909, but never as wittily as Pathé. For example, see the trademarks displayed on a wall in D. W. Griffith's Biograph film *The Country Doctor* and on floor level in the Edison title *The Origin of Beethoven's Moonlight Sonata*. As Elaine Bowser has discussed, the Motion Picture Patents Company members were contractually obligated to put trademarks in the setting. This practice was by no means universally adhered to and finally was discontinued in 1911.⁴² As the film companies' in-frame trademarks vanished, branded wares slowly began to invade the frames and usher in the still current era of ubiquitous product placement. During this compressed time frame, when motion pictures were on the verge of being recognized for copyright in the United States, Pathé increasingly began not only to distribute but also to produce films in the United States.

Researching film culture during the transitional era is a multistranded undertaking across media. Intermedial aspects are critical also for situating filmic trademark practices, and these practices need to be studied broadly by investigating both extant film copies and pertinent secondary sources, in this case, mainly postcards and film catalogs. For context, issues bearing on patents and copyright have here been triangulated with the field of trademarks, which hitherto has enjoyed only limited scholarly attention.

Pathé's many protocols for showing off its trademark during the early nickelodeon era made its films globally recognizable. Audiences' awareness of the brand was, however, not only the result of the visibility of titular and intertitular rooster displays combined with the in-frame *coq* placard. Such signs merely underscored the provenance of the unmatched cinematic splendor that inspired audiences in Karlstad to clamor for a film like *La Poule aux œufs d'or* in 1905 and a leading Stockholm exhibitor to "almost exclusively procure films from Pathé Frères" a few years later.

On the American market, Edison and Lubin had duped all the Pathé copies they could lay their hands on. Eventually, market conditions forced Pathé to join forces with its competitors. Looming patent wars and limited protection regarding copyright and trademarks reined in the rooster and placed it inside Edison's patent coop. The free-range years were over.

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NOTES

Stéphanie Salmon at the Fondation Jérôme Seydoux-Pathé has been tremendously helpful during my rooster quest and generously shared information and scholarly insights. I'm also grateful for assistance from Julie Chartier and Manon Billaut at the Fondation Jérôme Seydoux-Pathé. The staff at the Gaumont Pathé Archives, especially Agnès Bertola, have graciously afforded me access to their web materials. In addition, I'm indebted to Elif Rongen and Annike Kross at the EYE Filmmuseum, Roberto Della Torre at Cine-teca Italiana di Milano, Mike Mashon at the Library of Congress, Thomas C. Christensen at the Danish Film Museum, Arianna Turci at the Ciné-mathèque royale de Belgique, Magnus Rosborn at the Swedish Film Institute, and Camille Blot-Wellens, currently with multiple affiliations. Laura Carrillo at the Filmoteca Española generously navigated my search, in many installments, for a single frame. Her colleague, Trinidad del Río Sánchez, was the one who actually salvaged it from the archival depths. All Pathé scholars are obvious beneficiaries of Henri Bousquet's landmark filmographic work as well as Susan Dalton's expansion of his data from an American perspective.

1. Paul Duguid, "French Connections: The International Propagation of Trademarks in the Nineteenth Century," *Enterprise and Society* 10, no. 1 (2009): 4.
2. Richard Abel, "Pathé Goes to Town: French Films Create a Market for the Nickelodeon, 1903–1906," *Cinema Journal* 35, no. 1 (1995): 3–26; Abel, *The Red Rooster Scare: Making Cinema American, 1900–1910* (Berkeley: University of California Press, 1999).
3. For an account of Théophile Pathé's fraught relationship with his brothers and their company, see Frank Kessler, "Pathé versus Pathé, Exhibit A: Reading an Archival Document," *Film History* 25, no. 1–2 (2013): 118–29. Jacques Pathé vanished from the company without any discernible conflicts. See also Jean-Claude Seguin, "La Compagnie des cinématographes Théophile Pathé," in *La Firme Pathé Frères 1896–1914*, ed. Michel Marie and Laurent Le Forestier, 107–20 (Paris: Association Française de recherche sur l'histoire du cinéma, 2004).
4. Pathé's company history has been researched in great detail by Richard Abel in multiple publications, especially *The Ciné Goes to Town: French Cinema, 1896–1914* (Berkeley: University of California Press, 1994) and *Red Rooster Scare*, and also by Stéphanie Salmon in her definitive study *Pathé: À la Conquête du cinéma, 1896–1929* (Paris: Tallandier, 2014). See also Charles Musser's landmark study *The Emergence of Cinema: The American Screen to 1907* (New York: Scribner, 1990).

5. Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Durham, N.C.: Duke University Press, 2003), 25, 210.
6. The U.S. release titles are given parenthetically when known, per the on-line filmography established by the Fondation Jérôme Seydoux-Pathé (<http://filmographie.fondation-jeromeseydoux-pathe.com/>) and/or <http://www.IMDB.com/>. Otherwise, the titles are translated into English literally.
7. Abel, *Red Rooster Scare*; Salmon, *Pathé*, 152ff.; Jorge Dana, "Color by Stencil: Germaine Berger and Pathécolor," *Film History* 21, no. 2 (2009): 180–83; Charles O'Brien, "Motion Picture Color and Pathé Frères: The Aesthetic Consequences of Industrialization," in *A Companion to Early Cinema*, ed. André Gaudreault, Nicolas Dulac, and Santiago Hidalgo, 299–324 (Chichester, U.K.: Wiley-Blackwell, 2012). For comprehensive perspectives on color in early cinema, see Joshua Yumibe, *Moving Color: Early Film, Mass Culture, and Modernism* (New Brunswick, N.J.: Rutgers University Press, 2012).
8. Fred J. Balshofer and Arthur C. Miller, *One Reel a Week* (Berkeley: University of California Press, 1967), 4–13.
9. For an account of Lubin's career, see Joseph P. Eckhardt, *The King of the Movies: Film Pioneer Siegmund Lubin* (Cranbury, N.J.: Associated University Presses, 1997).
10. Pathé titles were prominent in most of Lubin's catalogs, for example, the one from 1907, available in Charles Musser, *Thomas A. Edison Papers: A Guide to Motion Picture Catalogs by American Producers and Distributors, 1894–1908: A Microfilm Edition* (Frederick, Md.: University Publications of America, 1985); now digitally accessible in ProQuest History Vault.
11. "Motion Pictures during the Year 1905," *Billboard* 17, no. 52 (1905): 25.
12. "'Duping' of Fine Film Pictures Condemned," *Show World*, November 9, 1907, 16.
13. "How to Prevent Duping," *Moving Picture World* 1, no. 33 (1907): 518. See also "Films Pirated and Duped," *Moving Picture World* 1, no. 22 (1907): 451.
14. Still, some companies outside the trust continued to dupe film. According to *Variety*, "for a time the trade was free of these miscreants, but within the last few months they have come to the fore again." "After the Pirates," *Variety* 12, no. 13 (1908): 13.
15. For comprehensive discussions of pertinent cases bearing on film patents and copyright issues, see Charles Musser, *Before the Nickelodeon: Edwin S. Porter and the Edison Manufacturing Company* (Berkeley: University of California Press, 1991); Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* (New York: New York University Press, 2001), chapter 3; and Peter Decherney, "Copyright Dupes: Piracy and New Media in Edison v. Lubin (1903)," *Film History* 19, no. 2. (2007): 109–24.
16. For a comprehensive discussion of the Paper Print Collection, see Patrick Loughney's unpublished doctoral dissertation "A Descriptive Analysis of the Library of Congress Paper Print Collection and Related Copyright Materials," George Washington University, 1988.
17. *New York Clipper* 52, no. 28 (1904): 644.
18. A frame enlargement is published in André Gaudreault, *Pathé 1900: Fragment d'une filmographie analytique du cinéma des premiers temps* (Sainte-

Foy: Les Presses de l'Université Laval, 1993), 40. Gaudreault in addition discusses the variations of the rooster trademark in the main titles. See also Suzanne Richard, "Pathé, marque de fabrique: vers une nouvelle méthode pour la datation des copies anciennes," *1895, revue d'histoire du cinéma* 10 (1991): 13–27. The film *La Soubrette ingénieuse* was released in the United Kingdom as *Magic Picture Hanging*.

19. Gaudreault, *Pathé 1900*; Richard, "Pathé, marque de fabrique."

20. For an exhaustive discussion of this type of marking, see Camille Blot-Wellens and Anne Gourdet-Marès, "Hypothèses sur l'utilisation d'une perforation unique dans les ateliers Pathé (1906–1909)," in *Les Mille et un visages de Segundo de Chomón* (Lille: Presses Universitaires du Septentrion, 2019).

21. For details about Pathé's edge marks, see Harold Brown, *Physical Characteristics of Early Films as Aids to Identification* (Bruxelles: FIAF, 1999), 9.

22. Duguid, "French Connections."

23. 100 U.S. 82 (1879). The case is also referred to as *Steffens v. United States*.

24. 100 U.S. 82 (1879).

25. The correspondence between Pathé and Edison is available in Musser, *Thomas A. Edison Papers*.

26. For the original court documents, see Thomas Edison Papers, Legal Series—Legal Department Records—Motion Pictures—Case Files: Thomas A. Edison v. Sigmund Lubin [QM018].

27. For an analysis of James Williamson's innovative contributions to the chase format, see Martin Sopocy, *James Williamson: Studies and Documents of a Pioneer of the Film Narrative* (Cranbury, N.J.: Associated University Presses, 1998).

28. For the context around Biograph's *Personal*, see Musser, *Before the Nickelodeon*, 280–82. A somewhat associated complaint was published against Pathé in the Italian and American trade press. The Italian producer Società Italiana Cines accused Pathé of plagiarism when Gaston Velle returned to Pathé after being hired away for a short period by Cines. Allegedly, some of Velle's films for Pathé after his return were remakes of his Cines titles. Pathé responded that Velle had been educated in filmmaking by Pathé and that, "strictly speaking, the creations of the brain of M. Velle were the property of Pathé Frères." "Keen Competition between Film Manufacturers," *Moving Picture World* 2, no. 7 (1908): 114–15. In this context, Gaston Velle, in cahoots with the rooster in the form of a weather vane, meted out the perhaps most vicious of Pathé punishments. After too close an encounter with celestial beauties, a star-struck astronomer is literally kicked out from this balletic heaven by Jupiter, no less. The astronomer's downfall, with an umbrella for a parachute, ends with him pierced on a steely rooster rotating in the wind. *Voyage autour d'une étoile* (*A Journey round a Star*, 1906).

29. For an early account of Pathé's strategy prior to the Motion Picture Patents Company's formation, and its strategies inside the combine, see Martin F. Norden, "The Pathé Frères Company during the Trust Era," *Journal of the University Film Association* 33, no. 3 (1981): 15–32.

30. *Dagens Nyheter*, March 13, 1905, II:4.

31. The films in the Andersson/Beäff Collection have been identified in

installments. The most intense efforts to identify and sort out provenance coincided with the television series I produced in 2001. In material terms, it is in this case possible to follow actual copies along their trajectory from production to archive. How the nitrate was handled at the Television Archive in the 1970s is unclear, but in all likelihood, the original materials were burned after being copied. The Television Archive's safety copies from the 1970s on 35mm of the Beåff titles are stored off-site, while the Television Archive has 16mm copies in-house. In addition, digital copies were made from the 35mm footage parallel to my work on the collection around 2000. In a complicated transaction, the television archive then deposited digital copies of its entire silent film collection at the National Archive for Sound and Images, which a few years later merged with the National Library of Sweden.

32. The monopoly was, however, somewhat porous, as the leading Stockholm exhibitor, N. P. Nilsson, acquired copies directly from Pathé for his six downtown theaters, and he "almost exclusively procure[d] films from Pathé Frères. X.X. [Unidentified signature]. Biografernas Ranft [Ranft was Stockholm's leading provider of stage and theater entertainment]." *Dagens Nyheter*, April 19, 1908, 2.

33. Marina Dahlquist, "Global versus Local: The Case of Pathé," *Film History* 10, no. 1 (2005): 29–38.

34. "Filmfabrikationens utveckling," *Dagens Nyheter*, February 11, 1910, 4.

35. For a discussion of the staircase, see Barry Salt, *Film Style and Technology: History and Analysis* (London: Starword, 1992), 51.

36. True, I've not been able to view all preserved titles, and several nitrate copies are unavailable for viewing. Besides perusing preserved titles, I've consulted Pathé's catalog supplements, the earliest of which is at the Fondation Jérôme Seydoux-Pathé from August 1904. In addition, there's a set of English-language catalog supplements in the Thomas A. Edison Papers.

37. The catalog is less clear in its depiction. Several copies have survived; the one at Filmoteca de Catalunya in Barcelona is available on a DVD devoted to Segundo de Chomón, *El cine de la fantasía*.

38. Mariann Lewinsky Sträuli has graciously shared insights concerning the two versions.

39. After finding three postcards at Fondation Jérôme Seydoux-Pathé matching tableaux 3 and 4, plus one unrelated to an actual shot in the film, I managed to buy a set of five postcards from a Parisian secondhand dealer.

40. Peter N. Stearns, "Against the Strike Threat: Employer Policy toward Labor Agitation in France, 1900–1914," *Journal of Modern History* 40, no. 4 (1968): 479.

41. Gualtiero Fabbri, *Al Cinematografo* (1907; repr., Rome: Associazione Italiana per la Ricerca di Storia del Cinema, 2012). I'm much indebted to Grazia Ingravalle for translating the quoted passages.

42. Elaine Bowser, *The Transformation of Cinema, 1907–1915* (Berkeley: University of California Press, 1994), 137–39. She also refers to several legal cases bearing on trademarks, but after the time frame discussed here.