

Staunton Chess Set

Intangible Cultural Heritage of Humanity

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*Culture is the social use
of human intelligence*
Gabriel García Márquez

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Classic Staunton Chess Set

INTRODUCTION.

- As surprising as this may seem, not all the chess sets have been designed to play, hence, we find:

- Functional pieces, designed to play, and
 - Ornamental pieces, designed to decorate ⁽¹⁾
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- This article focuses on the best known functional pieces, called *Staunton*, which are widely accepted by casual and professional players around the world.
 - The *Staunton* chessmen were created in London in 1849, during the Victorian Era, over 160 years ago. They are masterpieces of functionality and elegance, so they have become the unique and unmistakable classic chess game pieces. Many players cannot imagine the game with other pieces.
 - In 1924, these pieces were selected as the official set by the *World Chess Federation*; presently, for about 600 million players in over 120 countries, *Staunton pieces* are the choice of set.
 - Since such pieces fully meet the needs that motivated them, they have become one of the most successful designs in history, to the point that they are considered timeless pieces, neither old nor new, and nobody is seriously planning on improving or changing them.
 - But such pieces were not created easily or spontaneously; they are the outcome of a slow process of trial and error that lasted more than half a century, resulting in various designs that are now known under the generic name of *Pre-Staunton*.
 - Given their antiqueness, importance and continued relevance, such pieces are already a part of the Intangible Cultural Heritage of Humanity.
 - For this reason, it would be desirable for the United Kingdom, its home country, to formally request UNESCO to include them in the Representative List of the Intangible Cultural Heritage of Humanity. Unfortunately this is not possible at the moment because the United Kingdom, despite being a member of UNESCO, is not a party to the

¹) Ornamental pieces are not usually used to play because, although they are often attractive appearance, for example, they represent miniature armies, they are not practical because they are difficult to hold, they can be damaged with use and it is not always easy to identify which is which, and this is even worse if confusion arises in the middle of a game. They are exhibition pieces designed to be displayed and admired. This is where their value begins and ends.

Convention for the Safeguarding of Intangible Cultural Heritage. We hope that sooner than later, the United Kingdom adheres to such Convention and with legitimate pride claim to the world, as English, the traditional *Staunton* chess set.

- Fortunately, the Internet and the ubiquitous electronic commerce are developing a growing interest in quality *Staunton* pieces, mainly made of wood, even in sophisticated luxury versions. UNESCO's official recognition would strongly support this positive trend.

1. ORIGIN OF STAUNTON CHESS SET.

1.1. Novelty of the Registered Design.-

On March first, 1849, Nathaniel Cook, living in London, registered a design for a set of chessmen in the class for articles made chiefly of wood, running under number 58607. The design, originally unnamed, was registered under the *Ornamental Designs Act of 1842* and was afforded three years protection.



Copy of the original record ⁽²⁾

Registration, a legal act with a clear commercial intent, was a novelty for the time. Until then, designs of chessmen had always been in the public

²) The original document is now in *The National Archives* (UK National Archives) registered under BT 43/57/58607.

domain; they did not belong to anyone in particular and anyone could reproduce them without any permission being required. The difference between the pieces made by one company compared to those made by another manufacturer was not in the exclusive nature of their designs but rather in the quality of the materials used and in the manufacturing perfection.

The first half of the nineteenth century was particularly fruitful in the creation and coexistence of different quality designs; first, because chess was fashionable and, second, because the public was dissatisfied with the existing pieces. It was difficult to identify and manipulate them because of their complicated ornamentation and because they were fragile, unstable and expensive. In this context, the main manufacturers struggled to find a functional design that could be mass-produced and that met the stern public demand.



The St. George Set

Although prior to the Staunton design, this design was popular throughout the nineteenth century

Certainly, the novel option of registering a design changed market competition conditions by introducing private domain as an antithesis of public domain, thereby breaking the old habit of free use of designs. This marked a before and after in the market for chess pieces. In practical terms, the registered design introduced lawful monopoly, exclusion of competition which is characteristics of intellectual property.

But, the issue did not stop in the mere formality of registration. Months later, in September 1849, when the product was launched in the market under the name *Staunton*, the advertisement clearly stated that this

was a registered design and warned the public against any fraudulent imitations ⁽³⁾.

Considering the event in perspective, we must recognize that Nathaniel Cook, who registered the design, and John Jaques ⁽⁴⁾, who exploited it commercially, were visionaries. Bold, they did not fear to break with the past and took to their advantage a new legal tool, the registered design, as a way to temporarily block competitors.

1.2. Authorship and Place of Origin.

In industrial designs, identifying the author is not very relevant for legal purposes. What really matters is who is the owner of the design because it is he who shall exercise his right to the exclusive exploitation derived from such registration.

In this case, Nathaniel Cook, who first recorded the design, curiously never reappeared in the history of the pieces.

Since the commercial exploitation was actually carried out by company Jaques of London ⁽⁵⁾, directed by John Jaques, this has led to numerous historical speculations about who was actually the real author of the design.

Moreover, the company Jaques of London expressly attributes itself on its website the creation of the Staunton design ⁽⁶⁾. This statement has not been denied.

In fact, there was a close relationship between Nathaniel Cook and John Jaques ⁽⁷⁾, who was linked to the prestigious weekly magazine *The*

³) When launched to the market, the price of a wood set was no more than 2 pounds, 5 shillings, about 132 current pounds. The cheapest cost 1 pound 15 shillings, about 102 current pounds (there was also a deluxe version in ivory, which cost 5 pounds 5 shillings, about 307 current pounds). Price update was carried out in accordance with <http://www.nationalarchives.gov.uk/currency/results.asp#mid> (consulted on 09/Feb/2014).

⁴) Actually, John Jaques was not one person but two, John Jaques, father, John Jaques, son, or John Jaques II. However, since both of them managed the company, they are often referred to as simply John Jaques without further explanation, so, in this article, we will do the same since the fact of having one or the other does not alter the substance of the legal matter at hand.

⁵) Jaques of London is the current name of the company. This is an old family business founded in 1795, which has had several names throughout its history. In 1849, at the time of the registration under analysis, it was called *John Jaques & Son, Sport and Games Manufacturers*, and was a wholesaler without any direct contact with end consumers. In order to facilitate the reading of this article we will only use the name Jaques of London. For more information see the company website at: <http://www.jaqueslondon.co.uk> (consulted on 09/Feb/2014).

⁶) <http://www.jaqueslondon.co.uk/about-jaques-london> (consulted on 09/Feb/2014).

Illustrated London News (8). Most likely, Jaques told Cook about the new design and Cook, as a journalist was probably well aware of the debate on industrial designs and the new option to register such designs so he possibly offered himself to register it.

It is doubtful that Cook, who was outside the field of industrial design and manufacturing, was the true creator of the *Staunton* design because this is a design that synthesizes the best of decades of previous designs.



Northern Upright or Edinburgh Design

Created by Lord John Hay in the early 1840s.

This design is credited with introducing the architectural idea of the column which was then used and developed in the Staunton pieces.

Irrespective of who was the real author of the design, it is obvious that there must have been an agreement between Nathaniel Cook and John Jaques for the Jaques of London company to produce and market the registered *Staunton* set, otherwise there would have been a dispute between them. This agreement strengthened the validity of the registration, and the production, promotion and marketing of such pieces.

While the authorship is a matter of discussion, the English origin of the *Staunton* chess set is beyond doubt. They were created in London in the mid-nineteenth century, during the famous Victorian Era in England.

⁷) History suggests that Nathaniel Cook was John Jaques II's father-in-law.

⁸) *The Illustrated London News* was an English magazine published from 1842 to 2003.

1.3. Importance of the Name.-

Howard Staunton (1810-1874) was a Shakespearean scholar and an important player of chess. In 1843, during a tournament, he was defeated in London by the French Pierre de Saint-Amant, considered the best chess player at the time. Staunton did not surrender and requested a rematch and that year playing in Paris at the famous *Café de la Régence*, against all odds, he defeated Saint-Amant. Since the French had dominated the chess world for decades, Staunton's victory was celebrated by the English, who came to regard him almost as a national hero, giving him the unofficial title of world champion.



French “Régence” Set (late design)

It is likely that Staunton rose to fame in Paris playing with such pieces

All things considered, this was like the confrontation between Fischer and Spassky in 1972, where political considerations went beyond chess but, at the same time, made it very popular.

In 1972, two world powers clashed: the West against the Soviet Union. In 1843, two world powers clashed: the British Empire against France. In 1972, Fischer, the champion, became tremendously popular. In 1843, Staunton, the winner, became very popular and thanks to him interest in chess, which was already quite popular at the time increased (there were a number of publications about it and the game was played socially in cafés and clubs, for fun or for money).

As a result of his success, Howard Staunton wrote a chess column every week for *The Illustrated London News*, from 1844 until his death in 1874.

Nathaniel Cook, who held a leading position in this magazine, is said to have persuaded Staunton to give his name to the new chess set.

This event is considered a pioneer in the history of commercial advertising, in fact, never before had a celebrity lent his name to name a product. But Staunton not only lent his name to denote the chess set but also, promoted them.

Obviously, Staunton did not participate for free, he earned a commission for every game with his name sold.

1.4. Signature Guarantee.-

But Jaques of London's legal and business talent was not limited to the exclusivity of registration -a act at the forefront of its time intended to restrain competition- or to simply use a celebrity to describe and promote the product -advertising strategy hitherto unknown- but also devised a warranty label bearing Staunton's signature, originally handwritten and later in facsimile. Only the sets that had such label on their boxes were genuine; all others were false, fraudulent. This strategy allowed Jaques of London to exert firm exclusivity on the production and marketing of *Staunton* pieces virtually throughout the second half of the nineteenth century, many years after the expiration of the protection granted by the registration (which was only 3 years).



Guarantee Label

With Howard Staunton's signature ⁽⁹⁾

⁹⁾ <http://www.britishchesssets.com> - Copyright A. R. Fersht (consulted 09/Feb/2014)

At the end of the nineteenth century, the monopoly on the *Staunton* chess set was challenged by competition, mainly by *The British Chess Company*, which began manufacturing *Staunton* sets with some minor variations.

In the first half of the twentieth century, as a result of the world wars, England stopped exporting *Staunton* sets to the world. Moreover, in 1940, during the London Blitz, World War II, the company Jaques of London was completely destroyed by fire.

Jaques of London is currently selling its sets with the famous guarantee label, but without exerting real exclusivity on the design, now this label is simply a historical curiosity.

2. OFFICIAL PIECES.

Between the nineteenth and twentieth century, chess stopped being a casual game and became an institutionalized sport. In 1924, in Paris, France, the *Fédération Internationale des Échecs*, FIDE, now called World Chess Federation (¹⁰), was founded.

FIDE, for its acronym in French, is one of the biggest sports federations in the world, currently counting with 170 members, mainly representatives from different countries. Since its foundation in 1924, FIDE chose the *Stauton* set as the most suitable for international competitions.

The current *Standards of Chess Equipment for FIDE Tournaments*, approved in 1975, also recommend using *Staunton* sets in international competition (¹¹).

In fact, never have other sets been used in such tournaments, as evidenced in the book by Fred Wilson, *A Picture History of Chess*.

This has made the *Staunton* set the official chess set accepted by casual and professional players all over the world.

¹⁰) <http://www.fide.com/fide/fide-world-chess-federation.html> (consulted 09/Feb/2014)

¹¹) <http://www.fide.com/fide/handbook.html?id=16&view=category> (consulted 09/Feb/2014).

We must remember that sports law is a *sui generis* branch of law, in which supranational rules of international sports federations, in principle rules of private associations, are passively accepted and validated by national states as the official rules of the game.

3. INTANGIBLE CULTURAL HERITAGE.

3.1. Concept.-

UNESCO ⁽¹²⁾ recognized that the current process of globalization and transformation in the world favors a renewed dialogue between different social groups, but, at the same time, brings with it the risk of damaging or destroying its cultural heritage.

For this reason, in October 2003, the organization adopted the Convention for the Safeguarding of Intangible Cultural Heritage ⁽¹³⁾ in order to protect and reappraise such heritage.

Intangible cultural heritage means the practices, representations, expressions, knowledge, and skills, along with the instruments, objects, artifacts and cultural spaces associated therewith, that nations or communities recognize as part of their culture.

Cultural heritage is not static and completed, typical of a museum piece, but instead, it is something dynamic, ongoing, linked to everyday life, which is transmitted from generation to generation, is constantly recreated, providing communities and individuals a sense of identity and continuity.

Unlike Intellectual Property which delimits the protected element very well and which confers rights on such elements, mainly exclusive economic exploitation rights, intangible cultural heritage protects an element that is much more diffuse, comprising both intellectual creations and material supports containing them, from the past to the present. Intangible cultural heritage while recognizing that a nation or a community is the owner of such heritage, does not generate exclusive rights to economic exploitation, nor prevent third parties from deriving from them intellectual property rights.

¹²) UNESCO – United Nations Educational, Scientific and Cultural Organization.

¹³) <http://www.unesco.org/culture/ich/en/convention> (consulted 09/Feb/2014).

Safeguards are intended to ensure the viability of the intangible cultural heritage through its proper identification, documentation, preservation, promotion, appraisal, transmission, and revitalization.

Some think that the intangible cultural heritage refers only to cultural expressions of isolated, endangered peoples, but that is a biased misconception because intangible cultural heritage not only protects such expressions but also, generally, protects the various elements of the cultural heritage of humanity, without distinctions or exclusions.

Proof of this is that UNESCO has included in the Representative List of the Intangible Cultural Heritage of Humanity items such as *Mediterranean Diet* (Cyprus, Croatia, Spain, Greece, Italy, Morocco, Portugal) (2013); *Mariachi*, string music, song and trumpet (Mexico) (2011); *Gastronomic Meal of the French* (France) (2010); *Flamenco* (Spain) (2010), *Tango* (Argentina, Uruguay) (2009), among others ⁽¹⁴⁾.

This shows that the intangible cultural heritage need not necessarily refer to isolated cultural expressions, little known or endangered, but can also refer to robust urban internationally widespread and thriving businesses source cultural events.

3.2. Reality and Formality.-

It is within this context that we must consider the *Staunton* chess set, with over 160 years of tradition and observance, as an English element of intangible cultural heritage.

All that is missing is for UNESCO to inscribe them in the Representative List of the Intangible Cultural Heritage of Humanity. Unfortunately, there is a formal obstacle. In fact, for UNESCO to include in that list an element of intangible cultural heritage, the applicant seeking registration should be the legitimate owner and must also be a State Partie to the Convention.

Presently, of the 195 member States of UNESCO, 158 are signatories to the Convention ⁽¹⁵⁾; this shows the broad consensus achieved on this topic in only one decade, since its approval in 2003.

¹⁴⁾ <http://www.unesco.org/culture/ich/index.php?pg=00559> (consulted 09/Feb/2014).

¹⁵⁾ <http://www.unesco.org/eri/la/convention.asp?language=E&KO=17116> (consulted 09/Feb/2014).

Unfortunately, the United Kingdom of Great Britain and Northern Ireland, although a member of UNSECO ⁽¹⁶⁾, has not adhered to this Convention; hence, for the time being, it is not possible for *Staunton* chess sets to be inscribed in the Representative List of the Intangible Cultural Heritage of Humanity.

However, it is worth highlighting that the fact that such sets cannot be recorded with such List for formal limitations, this does not hinder the nature as an intangible cultural heritage of *Staunton* sets because such legal classification is the outcome of its long historical tradition and its broad acceptance and existence, not from an official recognition from a domestic or international organization.

The *Staunton* chess set as intangible cultural heritage encompass from the initial project, a simple ink drawing to the current pieces, including all the elements of its history, even the anecdotal ones.

It is a fairly well documented history, both with general studies such as the books *Master Pieces - The Architecture of Chess* by Gareth Williams; *The Art of Chess* by Colleen Schaforth; *Chessmen - Art and History* by Mathieu and Ine Kloprogge, among others, and with specific studies, for antiques and collectors, for example, the works of Alan Fersht, *Jaques Staunton Chess Sets 1849-1939 - A Collectors Guide*, or *Jaques and British Chess Company Chess Sets*. Moreover, much of this story is available to the public on the Internet.

While the costs of an official recognition by UNESCO would be close to zero, because, as we have seen, historical studies to show that the pieces are of English origin, the potential benefits could be extraordinary, depending, of course, on public or private interest to be put into exploitation.

3.3. Potential Advantages.-

Official recognition at UNESCO could bring the following benefits:

- It would add cultural value to the *Staunton* chess set. They would stop being mere game tools, barely important, to become classic pieces, full of history and tradition.

¹⁶) <http://www.unesco.org/new/en/member-states/countries/> (consulted 09/Feb/2014).

- Its elegant design combining a perfect balance of form and function would be reappraised. On the other hand, the public would have reliable international official information, UNESCO, to distinguish between good quality and poor quality pieces.
- A renewed interest in the topic would promote new and larger studies, more debate, more specialized items, more books, and more websites, all of which in turn would give feedback to the topic itself.
- It would topple the myth that art and business are incompatible. The *Staunton* sets are not only beautiful and functional, but are also emblematic of a bold marketing strategy crowned with success.
- The old pieces would be better preserved and valued by collectors and antiquarians. Even the replica market would also reappraise them; they could even become an English tourist souvenir.
- Finally, it would be encouraging news for chess in general news, a sport depressed since machine beat the man.

4. CHARACTERISTICS OF STAUNTON CHESS SET

4.1. Form and Function.-

In industrial design, there is no agreement between technology and law. From the technical point of view, an industrial design is a shape intended to meet a practical function, where form follows function. This precisely tells design apart from the artwork. The artist, based on a personal inspiration, creates a piece of work to admired, a beautiful object but alien to practical use. The designer, however, pressed by a practical problem creates a useful shape to solve the problem. The purpose of art is to produce the sense of beauty through passive contemplation, the goal of the design is to create useful ways to solve practical problems of everyday life, so the aesthetic appearance of an industrial design allows for variations to the extent they do not affect the functionality of the shape.

Unfortunately, the law does not cover the technical concept of a design and divides industrial creations into ornamental, with its own legal system, and useful or functional, with another legal regime. Basically considering as ornamental designs works of applied art (technically, they are not designs

because they do not solve practical problems, but works of art reproduced in series) (17).

Let's address this gap between technical matters and law, specifically present in the field of industrial property, to better understand our corpus of study, the *Staunton* pieces.

Originally, in 1849, the *Staunton* design were registered and protected by the law as ornamental designs, i.e. only the aesthetic appearance of the pieces was protected.

However, its success is not due to its aesthetic appearance but to the fact that they could satisfy the practical function for which they were created (this is why the *World Chess Federation* recognized them as the official pieces 90 years ago).

Fortunately, the concept of intangible cultural heritage is not as restrictive as industrial property and legally covers all the formal and functional aspects of the *Staunton* pieces, using in its study the technical concept of industrial design.

From the technical point of view (18), an industrial design actually fulfills three functions:

- A practical function: by giving the user comfort and economy of effort;
- An aesthetic function: An attractive object that generates visual and emotional satisfaction, and
- A symbolic function: giving it a sense of social belonging to the owner of the object, but at the same time, some differentiation or uniqueness.

In the case of the *Staunton* chess set, these three functions complement each other well, turning them into one of the most successful industrial designs in the history of mankind.

¹⁷) Probably, the problem of dual legal systems to protect the form or function of designs dates back to the time under analysis, when the 1842 Ornamental Designs Act and then the 1843 Utility Designs Act were passed. For us, this duality persists in the Common Industrial Property Regime of the Andean Community, Decision 486 of 2000, which distinguishes *industrial designs*, which protects the outward appearance, of the *utility models*, which protects the practical functionality.

¹⁸) For this analysis we follow Löbach we quoted Torrent Rosalia and Joan M. Marín in his book *Historia del Diseño Industrial (History of Industrial Design)* (2009), p. 16.

4.2. Special Features.-

The *Staunton* design was originally devised for wood pieces and is applied on wood pieces, so we will describe its features as they apply to this material, yet this does not mean that many of the details may be present in the plastic ones as well. However, keep in mind that the primary objective of the plastic pieces is to offer such sets at low price, a low retail price for all and eventually quality surrenders to achieve a cheap piece. This is why such plastic pieces are unsuitable to explain the virtues of the *Staunton* design.

The main features of the *Staunton* pieces are:

- a. A simple, austere but elegant combination of its functional objective (practical) and its aesthetic appearance, foregoing any unnecessary adornment that might interfere with a comfortable use of such pieces. In the past, the pieces were frequently excessively decorated so it was very difficult to handle them. This also prevented a cheap, mass, and serial production.



Eighteenth century unnamed design

Notice the ornate pieces and unrecognizable turning knight (despite being a cheaper option, this abstract representation a knight failed).

- b. Each of the pieces can be readily recognized and unlike others, without confusion, because in their heads they each have a symbol that identifies them:
 - King has a royal crown topped with a cross;
 - Queen has a pointed crown;

- Bishop has a miter with a cut from top to bottom;
- Knight has a horse's head;
- Rook has a crenellated tower; and
- Pawn is just a modest sphere.

Now that the problem was solved, all of this may seem common sense, yet, we must remember that one of the major flaws of the previous designs was that the pieces could not be identified easily and that it was often easy to mix them up; this hindered the game and generated unease among players (especially if they were playing for money).

To understand the role of the pieces in the game, we should be aware that the players do not think about individual pieces (except beginners) but about combinations of moves, yet for the moves to flow correctly, it is necessary for players to recognize each piece automatically, instantly, without having to think about it, and this only occurs in the case of *Staunton* chess set; hence the enormous importance.

- c.** The pieces have a neoclassical architectural structure derived from the Greek columns, which were fashionable at the time when they were created: the Victorian Era. They consist of a molded base (based), stalk (stem) and head (capital) with the exception of the knight and the rook (tower) which have no stem or stalk.
- d.** Their bell-like shape, wider at the bottom than at the top, gives them elegance, but especially stability, preventing them from falling or turning easily during a match. One of the most common defects of the earlier pieces was that since they were slender, with narrow bases, this resulted in their falling easily dragging neighboring pieces (last resort used by cheaters to abruptly finish a game which was unfavorable to them).
- e.** Placed on the game board, the bell shapes makes the heads stand out so a player can easily pick a piece without touching or bumping into neighboring pieces.
- f.** Furthermore, since the pieces have wide bases and small heads, players can view the game more comfortably since the heads would be further apart from each other. A different design gives a clogged view of the pieces on the board.

- g.** At the base, pieces have added weight, originally they were added lead, which made them much heavier than normal favoring their balance and strengthening their stability (the kings, in tournament chess sets, can weigh up to 110 grams, well above its natural weight of about 25 gr).
- h.** With this balance, reinforced by the added weight on the base, a piece can be tipped to about 45 degrees or more and when released it immediately regain its upright position without falling. This makes moving the pieces on the board easy and safe.
- i.** On the other hand, the greater weight of the pieces gives the player a feeling of solidity, strength, and power that is not achieved with pieces of natural weight (let alone the hollow plastic pieces).
- j.** On the bottom, in the support area, the pieces have stuck a disc made with green felt pool table cloth, allowing pieces to quietly move on the board as if floating, avoiding any annoying rattling. Also the felt cloth protects the board against any crack or scratch.
- k.** The height of the pieces is determined by using as reference the height of the king, the highest piece. Thus, when speaking of pieces of a particular height in centimeters or inches, said height refers to the height of the king. Next, in order of height, from tallest to smallest: the queen, the bishop, the knight, the rook and pawn, which is the smaller piece.
- l.** In tournament pieces, the king has a height of approximately 9.5 cm or 3.7 inches. The diameter of the base of the king is equal to 40 or 50% of its height.
- m.** Regarding the board, the diameter of the base of the king should be equal to 75% or $\frac{3}{4}$ of the side of a square to allow the game to flow easily (the calculation formula is: the diameter of the base of the king divided by 0.75 and this is the size of the square should have).
- n.** The pieces are easy to grab with fingers because they have a bulbous head, separated from the rest of the body by rings (except the knight and the rook).

- o.** The intermediate shaft, between the base and the head, also allows to easily catching the pieces.
- p.** All of the pieces share the same molding on the base, consisting of a short socket stuck to the floor, separated from the rest of the piece by a grooved slot, giving the impression that the piece is floating on the air.
- q.** Although in the game, the king is the most important figure, the knight is the most complex of all hence it has become an icon of chess (this piece consists of two assembled parts: the turned base and carved head).
- r.** The classic image of the knight is completely realistic and is based on Greek Parthenon marbles (Elgin Marbles). Since this is a miniature carved sculpture, it is more complex than the other pieces, which are simply turned. A good set of carved knights can represent over 50% of the total production cost of the set, so if the knights are good quality, this most certainly means that the rest of the set will also be good quality.
- s.** It should be noted, however, that because it is a functional design that can separate the aesthetic appearance from the practical role, the knight is the piece with the most variations in the *Staunton* set.
- t.** The bishop stands put for having a miter characterized by an oval, crossed by deep vertical or diagonal slit whose width can vary considerably from a thin line to a wide opening.
- u.** The pieces are clear (named "white") and dark (named "black"), generally following the natural color of wood, but avoiding excessive contrast.
- v.** The lacquered pieces should be matte, opaque, without much brightness so that their reflections do not annoy the sight of the players.
- w.** All pieces of the same figure are identical to each other in size, shape, and finishing, irrespective of their color.

Plastic pieces are mass-produced in injection molds, leaving mold lines marked, with excess material or burrs. Normally, they are light because they are hollow, and have narrow bases (to fit on small boards), which cause them to fall easily. However, in specialized stores, it is possible to get plastic pieces which are pretty good quality (ideal for rough play in schools, universities, and clubs, or for massive tournaments where hundreds of pieces are needed).

5. CURRENT SITUATION.

The market for chess pieces is divided into:

- *Staunton* pieces, designed to play, and
- *Non-Staunton* pieces, these are the ones that have not been designed to play but to decorate.

The playing pieces are made of wood (turned and carved) or plastic (molded), other materials are marginally important in this market. Production of ivory pieces is currently banned since elephants are endangered species.

Considering their design, the *Staunton* pieces can be classified into:

- Abbreviated designs;
- Classic designs; and
- Ornate designs.



Current Staunton Pieces - Knight

From left to right, abbreviated, classic and ornate design

These are abbreviated designs in which, for economic reasons, some features of the original design have been left out. They tend to be smaller, for domestic use. They are not sold separately but together with the board.

When too many features are eliminated or reduced, the pieces end up being bad or poor quality, confusing the public and discrediting the *Staunton* design. These pieces are light, with large heads, short bodies and small bases, clogging the board, they are difficult to grab and fall easily, so instead of making the game easier, they end up producing just the opposite. Unfortunately, since they are ultra-cheap, they are very common in non-specialized stores.

Classic designs are those, which comply with the specifications of the original design, with some formal variations, especially in the knight piece. Although the best pieces are made of wood, there are some pieces made of plastic which are also pretty good quality. The classical pieces can be found in all price ranges, from cheap (obviously without reaching the ultra-cheap) to luxurious ones, with or without the board.

The ornate designs are pieces that combine the very practical use of classical pieces with spectacular ornamental pieces. These pieces have two purposes: they serve to play and for decoration. They are not kept in a box but instead displayed in a glass case. Unlike the austere classical pieces, these pieces have more details and decorations. Knights are often true works of art. They are high value pieces, usually luxurious made of exotic woods, intended more for collectors than for players, so they are often sold without a board.

To better understand the trends of this design, we can cite as an example the case of the pieces called *Andalusian Ebony Chess Set* of the brand *Inspired By Staunton*™. The pieces were launched to the market in 2011 and are registered in the UK Copyright Office under number 325032, in a limited and numbered edition of 250 games, counting with the advertising backing of the Russian model and chess player, Alexandra Kosteniuk (12th Women's World Chess Champion, 2008). These pieces were manufactured in India and the white pieces were made in boj wood, while the black pieces were made in genuine ebony, with unique technical craftsmanship like those of old times, in which each piece is composed of several parts created separately and meticulously assembled.



Andalusian Ebony Chess Set

A typical case of functional and ornamental Staunton set

However, it is necessary to consider that excessive ornamentation -like oversimplification- can end up distorting the design, since it is very difficult to play with heavily decorated pieces.

Of course, most legal activity is linked to the luxurious ornate designs, inspired by *Staunton* because they contain new forms that must be protected under Intellectual Property law, either as industrial designs or artworks to achieve subsequent exclusive and sole commercial exploitation. In all other cases the *Staunton* design is used at leisure because this design is in the public domain and, therefore, may be reproduced by any person or company without any restrictions.

The novelty of the twenty-first century, as a result of the advantages offered by the ubiquitous electronic trade, is the luxurious, classic or ornate *Staunton* pieces. They are manufactured in India in fine woods with handcrafted techniques that combine ancient and modern features, and are sold worldwide through online American or British companies. This trend is further reinforced by a greater appreciation of natural things, in this case wood over plastic, and because the public is ever valuing more quality over price.

Even within the luxury pieces, there is an interesting renaissance of *Pre-Staunton* pieces, replicas of the designs that historically preceded the *Staunton* set.

It is in this context that an official recognition by UNESCO of the *Staunton* chess set as intangible cultural heritage of humanity not only would be a deserving tribute to the creativity of the English people but would also serve to preserve, promote, and support, in general, the quality of these pieces, in every detail, mainly functional, preventing them from becoming denatured shoddy imitations that confuse the public and undermine a design that has been outstanding.

We must be aware that what matters in the *Staunton* design is shape, not so much for its aesthetic value but for its functional, practical value, so the aesthetic variations may be admitted to the extent that they do not interfere with the functional value of the pieces, which is what allows players a comfortable and smooth game. It took more than fifty years to achieve these pieces, and their success has spread over a hundred sixty years, this is why they are part of the intangible heritage of humanity.

In this case, the law is called upon, through the institution of the intangible cultural heritage, to preserve and to spread, even the smallest details, of the *Staunton* design, preventing excesses of abbreviated or ornate variations from deteriorating the original functional design, which is the essence of its value and cultural drive. The *Staunton* design solved various problems of the pieces on the board; such solution must be preserved because it is a legacy of past generations to future generations.

Consequently, the defense of the *Staunton* chess set is not only a matter of interest to the English, but it is an issue that concerns all of us who love this ancient and mysterious game of chess, and we cannot imagine playing the game with pieces other than *Staunton*.

APPENDIX

Brief list of major museums, private collections, and shops in Internet
(Consulted on 09/Feb/2014)

Museums and Private Collections

a. *Anonymous Chess Collector*

<http://anonymouschesscollector.blogspot.com>

b. *Antique British Chess Sets*

Alan Fersht's chess site

<http://www.britishchesssets.com>

c. *CCI – Chess Collectors International*

<http://chesscollectormagazine.sharepoint.com/Pages/default.aspx>

d. *Chess Antiques Online*

<http://www.chessantiquesonline.com>

e. *Chess Museum*

<http://www.chess-museum.com>

f. *Chess sets of Gert jan Slotboom*

<http://www.slotboomchess.nl>

g. *Chess Spy & Flootsie: Alan & Milissa Dewey*

<http://www.chessspy.com/pages/knowledge-chess.htm>

h. *Dorland's Antique Chess Sets*

<http://dorland-chess.com>

i. *Eldrbarry's Search for Unusual Chess Sets*

<http://www.eldrbarry.net/hatr/chess/unusual.htm>

j. *Jon's Antique Chess Collection*

http://crumiller.com/chess/chess_pages/jonchess.htm

Online specialized stores

1. *Antiques Atlas*

<http://www.antiques-atlas.com/search/?q=Chess+Sets&action=search>

2. *Antique Chess Shop.com*

<http://www.antiquechessshop.com>

3. *ChessBaron*

<http://www.chessbaron.co.uk>

4. *Chess Central*

<http://www.chesscentral.com>

5. *ChessHouse.com*

<http://www.chesshouse.com>

6. *Chessmaze International*

<http://www.chessmazeinternational.com>

7. *Chess Store Australia*

<http://chessstore.com.au>

8. *Garrick Coleman*

Antique Chess & Backgammon Sets

<http://www.antiquechess.co.uk/Home.html>

9. *Jaques London*

<http://www.jaqueslondon.co.uk/indoor-games/chess-sets.html>

10. *The Chess Piece*

<http://www.thechesspiece.com>

11. *The Chess Store*

<http://www.thechessstore.com>

12. *The London Chess Centre*

<http://www.ukgamesshop.com>

13. *The House of Staunton*

<http://www.houseofstaunton.com>

14. *The House of Staunton – Antique Chess Shop*

<http://www.chessantiques.com>

15. *The Regency Chess Company*

Purveyors of the World's Finest Chess Sets

<http://www.regencychess.co.uk>

16. *USCF Sales*

The Official Chess Shop of The United States Chess Federation

<http://www.uscfsales.com>

17. Willkommen bei Wittitschek's Schachfiguren
<http://www.wittitscheks-schachfiguren.de>

Fernando Raventós. Lawyer, graduate from Pontificia Universidad Católica del Perú (Pontifical Catholic University of Peru) - PUCP (1980). He successfully advocated for *Pisco Sour*, a traditional cocktail that is part of the republican gastronomy of Peru, to be declared as a National Cultural Heritage (National Director's Resolution 1180/INC dated 07/Set/2007) and, together with the musician Rafael Santa Cruz, they successfully advocated for such recognition for the percussion instrument *Cajita Rítmica Afroperuana* (Afro-Peruvian Rhythmic Little Box) (National Director's Resolution 1765/INC dated 28/Dec/2007). He was Vice-President of the Copyright Commission of the Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (National Institute for the Defense of Competition and Protection of Intellectual Property) - INDECOPI (2008-2013). He has published several books and articles, among which: *El cajón peruano. Qué hacer para no perderlo en un mundo globalizado* (Peruvian Cajon: what to do to prevent losing it in a globalized world) (2007) and *Gastronomía & Derecho. Régimen Jurídico de la gastronomía en el Perú* (Gastronomy and Law, Legal System of Gastronomy in Peru) (2009), both published in Anuario Andino de Derechos Intelectuales (Andean Yearbook of Intellectual Rights) and currently available to the public at <http://anuarioandino.com>

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Pieces: Author's Private Collection

Photos: From the author