

Cleaning Up in 2003

Now that there is a \$1.1 billion settlement against Microsoft, it's perhaps time to redirect the judicial squint at the other billion-dollar monopoly mess—the Monopoly® monopoly.



According to a legend repeated since 1935, “Parker Brothers Real Estate Trading Game MONOPOLY® was invented during the Great Depression by Charles B. Darrow of Germantown, Pennsylvania.” That’s what was printed on the game’s instruction sheets almost from the beginning, and the out-of-work Darrow working in his basement has become an entrepreneurial icon as a result. The word “invented” is noticeably absent in the current history presented on the Monopoly.com website. It’s still “the height of the Depression,” but now “Charles B. Darrow of Germantown, Pennsylvania, *showed* what he called the MONOPOLY game to the executives at Parker Brothers.” The italics are mine, and the game probably can be traced to Elizabeth Magie Philips decades before, to be later developed as *Atlantic City monopoly*, a board game played by Quaker ladies and gentlemen in the Philadelphia area. In court testimony years later, Charles Todd and his wife Olive revealed that they taught the game to Charles Darrow. Darrow was so interested, he copied the board, and Todd gave him several typed copies of the rules. The game was a nonproprietary folk game played by many at the time. An anomaly of Todd’s homemade copy of the board was the misspelling Marven Gardens, and this was to show up in evidence years later in the court case.

The court case, ironically, was not about who

owned the original monopoly game. It was a lawsuit brought by Parker Brothers against Ralph Anspach, an economics professor who invented a game called Anti-Monopoly. Ownership issues only came up as an interesting sidelight

developed over the course of the legal struggle. The game company’s claim, and the court’s problem, was with the inability of consumers to distinguish between the words “monopoly” and “anti-monopoly.” Trademark law has evolved in an atmosphere where, as one lawyer put it, “The big fish eat the little fish,” and was totally incapable of sorting out a fairly simple vocabulary problem. It took 10 years for courts and judges to figure out that people could be trusted to know the difference between the two words. You can read Ralph Anspach’s *The Billion Dollar Monopoly® Swindle* available in paper at Amazon.com or as an e-book from X-Libris at www.Xlibris.com.

Finally, because it’s the most successful proprietary board game of all time, we should consider whether the game is harmful to children. It does encourage behaviors that would land a player in real jail if some of the game’s business strategies were applied in the real world. And the point of the game isn’t to build a financial empire. That’s not enough to win. You have to destroy your competitors. Darrow is quoted offering the following advice for those who want to win: “Be a hard-hearted landlord.” So the message is be ruthless, don’t worry about the law, and know that getting and owning is all that counts. Sounds like it deserves one of those warning stickers we put on questionable video games. ■