

Post-it note

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A HISTORY OF INTELLECTUAL PROPERTY
IN 50 OBJECTS

Edited by **CLAUDY OP DEN KAMP** and **DAN HUNTER**



40 Post-it Note

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THE POST-IT® NOTE is an excellent example of radical innovation that has achieved a nearly mythic stature in our consumer culture. Invented and manufactured by Minnesota Mining & Manufacturing Company, better known as 3M, the “Post-it” is a piece of stationery consisting of a small piece of paper with a re-adherable strip of adhesive on the back. It is designed for temporarily attaching notes to documents, computer displays, and so forth, and removing them without leaving marks or residue. The iconic Post-it note is a canary yellow three-inch square pad, even though it also comes in various other sizes, colors, and styles. Emerging as a convenient medium for informal note taking, the Post-it sticky notes have revolutionized the practice. Their appeal is tremendous both in the office and in the home, as they are reliable and easy to use.

It is not surprising that the product and its success has found expression in popular culture, such as the 1997 film *ROMY AND MICHELE’S HIGH SCHOOL RE-UNION*. Trying to reinvent themselves as successful businesswomen to impress their classmates, the title characters, played by Lisa Kudrow and Mira Sorvino, claim credit for the “Post-it,” “a product that everybody has heard about but nobody really knows who invented it.” In their imagination, the invention of the Post-it notes was a very simple process: they ran out of paper clips and stuck glue on the back of the paper.

In reality, however, the sticky notes did not always appear destined to set the office supply world alight. Unlike the common assumption linked to inventorship that

there is a technical problem that needs solving, the discovery of the glue that is used in the Post-it notes was—according to its inventor—“a solution waiting for a problem to solve.”

The making of the repositionable note took around ten years from the discovery of the adhesive to its application. In the mid 1960s, 3M was carrying a four-year program on “Polymers for Adhesives” and one of their chemists, Spencer Silver, started performing experiments on a new family of polymers. Contrary to established scientific principles, which required mixing precise ratios of the various elements, Silver mixed an unusually large quantity of the element with the reaction mixture. Through this process he discovered a new polymer that was only partly sticky. Although fascinated by his discovery, Silver could not find a useful application for it.

It was years later, in 1974, that another 3M scientist, Arthur Fry, came up with an application for this unusual glue. This was yet another incidental discovery: Fry was a choir member and one Sunday at church his bookmarks kept slipping out of the hymnbook. That is when he started to wonder if he could create a bookmark that would stick to the page but could be removed without damaging it. He had heard about Silver’s adhesive in a seminar at 3M and started creating some prototype products. Later, Fry reportedly observed: “I thought, what we have here isn’t just a bookmark. It’s a whole new way to communicate.” And that was indeed the case.

It took, however, several years before the Post-it note, originally called “Press’n’Peel,”

went to market. There were further technical issues that needed to be solved, including the fact that the glue would come off unevenly when the two objects joined by the adhesive were separated. In order to solve this problem, 3M scientists had to create a method of priming the substrate on the back of the paper.

The Post-it note also posed a conceptual challenge: people could not see any practical benefit before they used it. Fortunately, Fry's boss, Geoff Nicholson, believed in the success of the product and encouraged him to continue working on it. He also started handing out samples to various 3M departments. Soon his secretary was swamped by requests for more. This was sufficient evidence for the marketing team to decide to put the product on the market. In the product's trial in 1977, consumers initially were skeptical about its utility. It was trialled in four cities and failed in all of them. It seemed as if people needed to sample the product before starting to buy it. In 1978, a 3M team descended on Boise in Idaho, handing out countless samples and giving demonstrations on how to use the product. The result of the so-called "Boise Blitz" was that 90 percent of those who tried the product said they would be willing to buy it. The following year, 3M changed the name from "Press'n'Peel" to "Post-it" notes, and by 1980 the Post-it note had entered the national market in the United States. Just four years later it became 3M's most successful product, coming in a range of colors, sizes, and styles. The Post-it note created a need in the market that did not previously exist.

The success of the Post-it note did not remain unchallenged. As its popularity grew, competitors started to introduce their own versions of the sticky notes. The same year that ROMY AND MICHELE'S HIGH SCHOOL REUNION was put into circulation, Alan Amron—the distributor of the first battery-operated water gun, the toy that would in time be called the "Super Soaker" and be the subject of its own very famous intellectual property dispute—filed an action against 3M in Federal Court in the Eastern District of New York. He claimed that he had invented the sticky note in 1973, one full year before the 3M scientists developed

the product that became the Post-it. Amron said that he had been looking for a way to stick a note on his fridge for his wife and used a chewed piece of gum, gaining the inspiration to create the adhesive that would be used on his product, which he called the "Press-on Memo." According to his claim, he took the sticky notes to a New York trade show in 1973, where he briefly met with two 3M executives; but nothing came of the meeting. Although Amron settled the lawsuit against 3M under terms that remain confidential, he brought a new suit in 2016, seeking \$400 million in damages, and claiming that the company breached its previous agreement not to take credit for the sticky-backed paper products. His understanding of the 1997 settlement agreement was that 3M had considered that neither he nor 3M was the inventor of the sticky note, whereas 3M later made statements that its scientists had invented the Post-it note. These statements, Amron alleged, defamed him and harmed his ability to attract funding for developing other inventions. District Court judge James Cohn in the Southern District of Florida dismissed Amron's complaint on the basis that the previous settlement "unambiguously cover[ed]" Amron's claims. Not only that, but Amron never patented his invention; 3M held the patent over the adhesive that made the sticky note commercially viable.

The patent on the adhesive is not the only intellectual property right on the sticky note: 3M holds a number of trademarks both on the word "POST-IT" and for the distinctive canary yellow color (US TM Reg. No. 2,390,667; EU TM Reg. Nos. 655,019 and 2,550,457). Interestingly, the story goes that even the iconic color of the Post-it note was chosen by happenstance and was not part of an elaborate consumer research strategy. During the making of the sticky note, a lab next door only had scrap yellow paper on hand, which came to be the iconic color of the Post-it note. Although successful color trademark applications are relatively rare, the 3M registration demonstrates the potential value of a color mark and the possibility for single colors to function as marks for widely used products. The company has successfully

blocked the importation into and sale in the United States of certain canary yellow self-stick, repositionable note products on the basis of the protection provided by its color mark registration.

The trademarked name of the product has also become the definitive term for the sticky notes, increasing its exclusionary power against potential competitors. The Trademark Trial and Appeal Board (TTAB) of the US Patent and Trademark Office refused to register the term “Flag-it!” on 17 July 2014 for a line of similar re-adhesive labels. In rejecting the application of Professional Gallery Inc., the Board relied on the fame of 3M’s sticky notes.

Besides the pioneering nature of the sticky notes and 3M’s investment in advertising, the Post-it note has also made unsolicited appearances in numerous films, TV shows, and print publications. As the TTAB stressed, “the references in the television programs and the movie *ROMY AND MICHELE’S HIGH SCHOOL REUNION* reflect the writers’ and producers’ views that the ‘Post-it’ mark is so well-known that viewers will immediately understand the reference.” Another example is in *Sex and the City*, when Carrie Bradshaw, infuriated, announces to her friends Charlotte, Miranda, and Samantha, that Berger broke up with her “on a Post-it.”

The enduring strength of the POST-IT mark, alongside its original canary yellow color, is a paradigmatic example of how a product can build sufficient goodwill and rely on trademark protection to successfully remain in the market, long after the initial patent expired (which, in this case, was over 20 years ago).

The Post-it repositionable notes have also inspired artistic interpretation, with the sticky notes becoming a medium of creative expression. In celebration of the Post-it note in 2000, various artists were invited to make artworks on the notes; R.B. Kitaj created perhaps the most expensive sticky note in the history of the product, selling it for £640 in an auction. Other artists have used Post-it notes as platforms for creative expression. Rosa Maria Arenas drew one Post-it note a day every day for over a decade during temporary jobs as part of one-minute meditations. Her “Yel-

low Stickee Diary of a Mad Secretary” consists of more than 2,000 drawings on Post-it notes, some of which were exhibited at the Michigan Institute of Contemporary Art Gallery in the summer of 2013. And in 2001, California artist Rebecca Murtaugh covered her whole bedroom with \$1,000 worth of notes, whereby ordinary canary-yellow notes would depict objects of less value and neon-colored notes more important objects in the room.

The Post-it note has also migrated into the digital world. As part of its Windows product, Microsoft developed a feature that would enable users to create digital equivalents of the sticky note. This led to a temporary conflict between 3M and Microsoft over the creation of digital versions of the Post-it note—but in 2004, the companies announced a collaboration that established the Post-it brand more firmly in the Windows world, and 3M has recently launched a free mobile application that allows users to capture, organize, and share their notes from their iPhone or iPad. The app uses a revolutionary technology designed to support digital representation of sticky notes, for which 3M has been granted a patent (US Patent No. 8,891,862). The patent develops a method of extracting content from notes by use of a computer system that receives image data of a scene with a plurality of notes and generates multiple indications corresponding to various color classes. This method aspires to bridge the gap between the use of the physical Post-it notes and how they are organized with electronic tools.

The story of the Post-it note is one of a powerful idea brought to fruition by accident. Unlike what is commonly thought of the inception of innovative products, the Post-it note did not start from the identification of a need or a well-thought out strategy—it was in fact a compilation of ideas and hard work that followed an initial experiment that failed. It challenges common assumptions about the creation and management of intellectual property objects and shows that persistence can be as rewarding as the eureka moment itself. ♦

Further Reading

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