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Home

About ▾

Academic ▾

Family ▾

Extras ▾

Contact

[Family](#) - [Page Connection](#) - Lego's ghost

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THE GHOST THAT IS HAUNTING LEGO LAND

Adrian Lithgow on the Briton whose idea built an empire

The world of children's play is one of innocence and incorruptibility, a realm of fantasy in which the first experiences of life are put together. It is also a world of big business. And no business is bigger than Lego, the Danish toy building brick firm, which has established its products in most homes.

But now Britain's top legal experts are moving in on that innocent world in a case which could have world-wide implications for the secretive Scandinavian corporation. Conventional wisdom has it that Lego, whose interlocking plastic shapes have fascinated generations of children, was the brainchild of a Danish village carpenter, Ole Kirk Christiansen. From humble beginnings in the Jutland farming community of Billund, 150 miles west of Copenhagen, he created a family empire with estimated world-wide annual sales of \$1 billion in 130 countries.

Billund itself has become a place of pilgrimage for a million visitors a year who wonder at Legoland, the children's amusement park built entirely from Lego bricks. From a huddle of houses in the Thirties, Billund is now a thriving community of some 2,500 employed in eight factories. And Lego has 1,200 other workers in 20 other countries. That success, *The Mail on Sunday* can reveal, was in fact due to a British child psychologist who has never received any acclaim of his idea and who died in obscurity 30 years ago when he committed suicide. His role in developing the most successful toy in the world surfaced as a result of a multi-million dollar copyright case in Hong Kong.

Lego sued an American manufacturer, Tyco, who had established a factory in the colony to make almost identical bricks. They won the case but Tyco appealed, and the court reversed the earlier judgement after hearing a startling admission from Lego's 66-year-old chairman, Godtfred Kirk Christiansen, that he received sample bricks from a Londoner, Mr. Hilary Page, in 1947. Two years later, the company produced its first version of the idea, adapting the block one tenth of a millimetre to conform to the metric standard and changing the shape of the interlocking studs on the top.

The appeal judge in Hong Kong was unimpressed with a later patent, taken out by Lego in 1958, for a further adapted design, saying: "The present day brick is essentially the same product as it was in 1949." Now Lego have themselves appealed and the case will be heard next year by the Privy Council in London. A ruling is expected in February. Tyco director Harry Pearce said: "If the decisions in the Privy Council goes our way, which we confidently predict, it will be a precedent in Britain and Hong Kong which I presume other companies will follow. It will be logical for them to use it in other countries around the world as well." And their Chief Executive, Richard Grey, said: "Lego really believes they can welcome competition as long as it doesn't look like Lego, doesn't work like Lego, isn't shaped like Lego. That's not competition, that's contradiction in terms."

Pioneer Hilary Page, of Earl's Court, was a man fascinated by children. An unpretentious individual he started a toy firm with 100 (British Pound) savings in the early 1930's. He was

the first to apply the techniques of child psychology learned from patient hours spent watching children at play to provide toys that children, rather than their parents, really wanted. His radical approach paid off and many ideas earned his fledgling company, Kiddicraft, a considerable share of the market in post-war Britain. But Mr. Page's greatest work was the one that he never lived to see become reality.

According to his widow, Mrs. Orelene Page, a sprightly American now in her seventies, who lives in Teddington, London, her husband first conceived the idea shortly after the outbreak of the war, and before they were married and had twins. She said: "It was before I knew him, many years ago at the beginning of the war. He was always fascinated by children. The bricks he devised were slightly different from the ones made by Lego. But it was an idea that he never really pursued." But when Mr. Page passed on a drawing and samples of his blocks to the Christiansens in Denmark, the Danes immediately realised the potential of the idea. They made several key adaptations involving the way the blocks fitted together, giving greater flexibility. At the same time Mr. Page's life was reaching a crisis. Deeply troubled, he took his own life in 1957. It is not a subject his widow is willing to discuss. "He died before Lego brought out the product in Britain. He didn't know about it" was all she would say. But this contribution was something Lego has found impossible to ignore. In 1981 it agreed an out-of-court settlement of 45,000 (British Pound) for any residual rights of the new owners of Mr. Page's company, Hestair-Kiddicraft.

Hestair-Kiddicraft's patent agent, Mr. Michael Wisher, of Urquhart, Dykes and Lord, said the settlement was an agreed one and reflected the interest Hestair-Kiddicraft, which Mrs. Page sold in 1975, could legitimately claim. "Mr. Page had the idea and Lego took the idea that he himself could not commercialise." Mr. Wisher said. Any case between Lego, Mrs. Page and Hestair-Kiddicraft is now closed, while the Danes, so secretive that they do not publish accounts - indeed they are not required to under Danish law - continue court skirmishes at the fringes of their empire.

As for Hilary Page, he may now become a footnote to history - as the man who conceived of the brick but could not put the pieces together.

Battling for the bricks

Lego is a zealous defender of its patents and copyrights. The company has to be. From its high-security research station in Billund the company produces a stream of new items incorporating computer technology and tiny motors - and each new item is compatible with the original brick.

If the company lost control of that then the floodgates would be open to a stream of competitors fighting for a share of the market and able to build on Lego kits already sold.

Actions

Since 1969, according to Lego's chief lawyer, Henning Skovmose, "There has not been a moment somewhere in the world when we haven't been in litigation."

There are three actions outstanding in Britain: the Tyco case, one against the Australian company Foleys and one against Tent Bricks, part of the Spanish Exin-Lines Group.

In America the company is fighting California-based manufacturer Tandem and considering taking them to court. Other actions are being fought in Sweden, South Korea, Australia, New Zealand and Turkey."