



The Herreshoff Registry
A resource for owners, prospective owners, builders, and aficionados

Cape Cod Shipbuilding's Rights To The Herreshoff 12-1/2

Much has been made of the claim Cape Cod Shipbuilding makes regarding its purported ownership to the design rights of the Herreshoff 12-1/2. Boat builders will not construct a new one out of fear of legal reprisal, and Mystic Seaport blacks out the Table of Offsets on the plans to the boat that it offers.

In October of 1947, the Herreshoff Manufacturing Company (HMC) was liquidating its assets and sold to Cape Cod Shipbuilding (CCSB) for \$20,000 materials, factory equipment and certain rights to build. These rights are specified in the agreement as “the exclusive rights to build Herreshoff 12 ½ footers, S Boats, Fishers Island one design, and the boat Nathaniel Herreshoff designed as an improvement on the 12 ½ footers.” The agreement also says “authority is given to Cape Cod Shipbuilding Company to advertise Herreshoff boats for sale and the right to use on their letter heads and catalogues the following: ‘Exclusive builders of Herreshoff 12 ½ , S boats, Fishers Island One Design’. The foregoing terms ‘authority’, ‘right to use’ is only granted so far as Herreshoff Manufacturing Company has a right to grant same.”

Doughdish, Inc. started building a fiberglass version of the Herreshoff 12-1/2 in 1972. It was called the “Doughdish”, and was marketed as an authentic reproduction of the Nat Herreshoff design. Cape Cod Shipbuilding was also building a fiberglass version, and went to court to prevent Doughdish, Inc. from using “Herreshoff” in its advertising. Doughdish then counter-sued, seeking to prevent Cape Cod from calling its version a “Herreshoff”, claiming the CCSB version was not authentic due to design modifications.

The court dismissed both suits in September, 1975. The written decision contained several key findings:

- No patents, registered trademarks or copyrights were ever taken out on any part of the Herreshoff 12-½ foot boats or on their designs.
- CCSB can not prevent the manufacture of the “Doughdish”.
- The building rights acquired by CCSB are limited to the 4 designs mentioned, and to wooden hulls only, using the molds, jigs, forms, and patterns they acquired from HMC.
- The rights to the “Herreshoff” name acquired by CCSB are limited to the 4 designs mentioned, and to wooden hulls only, if built using the above-mentioned molds and patterns.

My own layman's interpretation of all this is that a boat can only be called an authentic "Herreshoff 12 1/2" if it is wooden and built from the original HMC molds. Of course, only CCSB has the right to build using those molds. However, it is perfectly acceptable for anyone to build a wooden 12-1/2 from existing plans or by taking lines from an existing vessel and call it a "faithful reproduction of the Herreshoff 12-1/2".

Incidentally, HMC had 3 sets of molds for the 12 1/2, and all were conveyed to CCSB at the end of 1947. One set is on a strongback in a storage area at Mystic Seaport known as "Aladdin's Cave". Another set is stacked up and displayed at the Herreshoff Marine Museum. Presumably, CCSB has the third set.