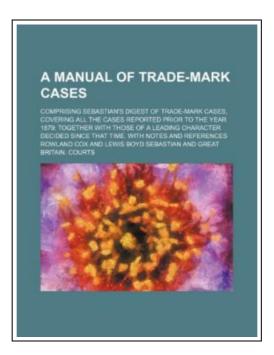
## A Manual of Trade-Mark Cases; Comprising Sebastian s Digest of Trade-Mark Cases, Covering All the Cases Reported Prior to the Year 1879 Together with Those of a Leading Character Decided Since That Time.



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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book \*\*\*\*\* Print on Demand \*\*\*\*\* This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1892 Excerpt: .with the words Linoleum Floorcloth and F. Walton s Patent the defendants made preparation, upon the expiration of the patents, for the manufacture and sale of a similar article, under the name of Linoleum EX PARTE YOUNG; RE LEMON HART SON. Floor-cloth and adopted a trade-mark entirely different from the plaintiffs , consisting of a bunch of thistles with the name Nairn s On motion by the plaintiffs for an injunction to restrain the defendants from using the word Linoleum: Held, by Hall, V. C, that nothing having yet been done, and the question being purely one of the right to use the word, the matter must stand over till the hearing. At the hearing of the action: Held, by Fry, J.: (1.) that the word Linoleum, as inserted in the plaintiffs trade-mark, did not form an essential feature of the mark; (2.) that the word being descriptive of a substance which the defendants were entitled to make, they were entitled to use it as the name of the substance; (3.) that the fact that the word had been previously used by the plaintiffs alone, they being hitherto patentees, did not give them an exclusive right in it, since a name appropriated to an article made under a patent was indicative in the first place of the article so made, and only in the second place of the manufacturers; (4.) and that the injunction must, therefore, be refused. Until some other person is making the same...

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