

CHANCERY DIVISION.

LONDON, 25 February, 1897.

In re THE MAGNOLIA COMPANY'S TRADE-MARKS. *Ex parte* THE ATLAS METAL COMPANY (32 L.J.).

Trade-mark—Name both botanical and geographical—Descriptive of character of goods.

This was a motion to expunge the word "Magnolia" from the Register of Trade-marks on the grounds (1) that the word was a geographical name, and (2) that it had reference to the character or quality of the goods.

The word was registered in June, 1894, for certain goods in class 5—namely, unwrought and partly wrought metals used in manufacture. It was not claimed as having been in use before August 13, 1875.

It appeared that Magnolia is the name of upwards of twenty towns and places in the United States of America, where the tree or shrub of that name grows in great profusion. It also appeared that the term was applied to a particular alloy made by the owners of the trade-mark, and was descriptive of that kind of alloy, which was known as "Magnolia Metal" before the date of the registration.

KEKEWICH, J., held that the name was botanical rather than geographical, and that therefore the trade-mark was not bad on the first ground, but that it was bad on the second ground, as the word, under the circumstances, had reference to the character of the goods, and made an order to rectify the register accordingly.

CHANCERY DIVISION.

LONDON, 5 March, 1897.

Before ROMER, J.

BROOKS V. THE RELIGIOUS TRACT SOCIETY (32 L.J.)

Copyright—Picture—Infringement.

The plaintiff owned the copyright in a picture and engraving entitled "Can You Talk?" of which a little child and a collie dog formed the central group and motive, the title being presumably suggested in part by the juxtaposition of and in part by the contrast between the pair of sentient beings of whom one only was