

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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The Law Reports for November comprise: (1896) 2 Q.B., pp. 389-412; (1896) P. pp. 253-287; (1896) 2 Ch., pp. 597-762; and (1896) A.C., pp. 381-624.

None of the cases in the Queen's Bench or Probate Divisions seem to call for any notice here.

TRADE MARK—"FANCY WORD."

In re Trade Mark "Bovril," (1896) 2 Ch. 660, was an application by a rival trader to expunge the word "Bovril" from the register of trade marks, on the ground that it was not a "fancy word," but as applied to articles derived from beef it was descriptive, and as to articles not so derived it was deceptive. It appeared that one Johnston in 1886 registered the word as a trade mark for substances used as food, or as ingredients in food, and that he had invented the word, and had never used it prior to registration. He subsequently made over his business and trade mark to a limited company. The best known of the articles sold under this mark was a fluid extract of beef, which was marked "Fluid Beef, Brand Bovril," but it having become extensively known by the public as "Bovril," the company adopted the name and described it as "Bovril" in their advertisements. The Court of Appeal (Lindley, Lopes and Rigby, L.J.J.) affirmed the decision of Kekewich, J., refusing the application, being of opinion that at the time the word was registered as a trade mark it was a "fancy word not in common use," and therefore properly registrable as a trade mark, and that it was not a descriptive word, for although "Bov" might suggest the idea of an ox, the word as a whole would not at that time convey any meaning; "to be a good fancy word it must be obviously meaningless as applied to the article in question," says Lopes, L.J., p. 608.