

Barnett-McQueen Co. v. Canadian Stewart Co. (13 Ex. C.R. 186), distinguished.

R. S. Smart, for appellant.
Nem. con.

EXCHEQUER COURT.

[Cassels, J.]

[Oct. 23.]

IN RE GEBR NOELLE, A GENERAL TRADEMARK.

Trademark and Design Act (R.S. 1906, c. 71), s. 4 (a) and (b)
—*Interpretation—General and specific trademarks—Definition.*

This was an application for general trademark.

Under the language of s. 4, sub-s. (a) of the *Trademark and Design Act* (R.S. 1906, c. 71), a general trademark means a trademark used in connection with the various articles in which the proprietor deals in this trade, and may cover several classes of merchandise of the proprietor is trading in their several classes.

On the other hand, under sub-s. (b), a specific trademark is limited to a class of merchandise of a particular description, so if the applicant deals in two different classes of merchandise, he must apply for two specific trademarks, one applicable to each class.

While a general trademark would cover all the classes of merchandise in which the applicant deals, it would not confer an unlimited right to the mark the world over as against anyone carrying on an entirely different business who applies for a specific trademark consisting of the same mark as applied to goods not manufactured by the owner of the general trademark.

W. L. Scott, for applicant; *R. V. Sinclair*, for Minister of Agriculture.

Book Reviews.

The Law Quarterly Review. Edited by RT. HON. SIR FREDERICK POLLOCK, Bart., D.C.L. LL.D., October. London: Stevens & Sons, Limited, 119 and 120 Chancery Lane.

The contents of this number are as interesting as usual. In addition to the notes there are papers upon the following sub-