

The use of a partnership name gotten up for the purpose of fraud will not be permitted. *Croft v. Day*, 2 Beav. 84; *Dunlop Pneumatic Tyre Co., Ltd. v. Dunlop Lubricant Co.*, 16 R.P.C. 12.

In *Melachrino v. Melachrino Egyptian Cigarette Co.*, 4 R.P.C. 45, the defendant took a brother of the plaintiff into his service under an agreement by which the defendant was to have the right to use the brother's name. The defendant then opened a business close to the plaintiffs under the name "The Melachrino Egyptian Cigarette Co.," and used the name "Melachrino" in various ways calculated to deceive. An injunction was granted.

RIGHTS TO NAME ON DISSOLUTION OF PARTNERSHIP.—Upon dissolution of a partnership, if the whole business and goodwill is sold the trade name goes with them. (*Banks v. Gibson*, 33 Beav. 566.) If the partnership assets are merely divided without stipulation as to the partnership name then each partner is free to use the name. *Clark v. Leach*, 22 Beav. 141; *Condy v. Mitchell*, 37 L.T.N.S. 268, 766; *Levy v. Walker*, 10 Ch. D. 436.

EMPLOYER AND EMPLOYEE.—A person who has been a member or employee of a firm, and later sets up in business for himself may derive what benefit he may from a fair statement of the fact of his former employment as by the use of the phrase "late of" followed by the name of his former employer or firm. *Leather Cloth Co. v. American Leather Cloth Co.*, 1 H. & M. 271; *Clark v. Leach*, 32 Beav. 14; *Cundy v. Lerwill*, 99 L.T.N.S. 273. Such statement must, however, not be made in such a way as to induce the belief that the former employee is selling the goods of his former employer. *Worcester Royal Porcelain Co., Ltd. v. Locke & Co.*, 19 R.P.C. 479, 490; *Jefferson, Dodd & Co. v. Dodd's Drug Stores*, 25 R.P.C. 16.

NAME OF ESTABLISHMENT.—The name of an establishment or place of business if sufficiently distinctive may be protected, e.g., "The Carriage Bazaar," *Boulnois v. Peake*, 13 Ch. D. 513; "The Bodega," *Bodega Co., Ltd. v. Owens*, 7 R.P.C. 31.

In *Walker v. Alley*, 13 Gr. 366, it was found that the name and sign of "The Golden Lion" was so connected with the plaintiff's dry goods business that it could not be taken by another trader. The Chancellor in his judgment said:—

"Where it is clear to the court that the defendant himself intended an advantage by the use of a particular sign or mark in use by another, and believes he has obtained it, or, in other words, that the defendant himself thought the use of it was calculated to advertise him at the expense of the plaintiff, and this was his object in using it, and where such has been the effect of the user, I think the court should say to him: 'Remove that sign; its use by you may, as you intend, damage the plaintiff. It cannot be necessary or valuable to you for any other purpose, you have your choice of many signs which, as a mere attraction or to give your store a marked designation must answer a fair business purpose equally well.'"

TRADE LIBEL.—Sometimes the misuse of a man's name may amount to a libel, or disparaging statements may be made sufficiently damaging to sustain a suit for libel. The law in such cases is far from clear, and must be considered in connection with the general law of libel. As illustrative cases,