

But the right of one to use his own name in his own business is quite different and distinct from the lending or giving of his name to a company with a view of making it similar to that employed by other persons in the same kind of business.¹

If a person assigns to a company an existing business heretofore carried on by him under his name there would appear to be nothing to prevent the company from carrying on business under that name.² But a person cannot give to a company the right to use his name which is similar to that of another company, where it does not succeed him in a business identified by that style.³

9. Examples of use of name restrained.—Where one John Turton took his two sons into partnership and styled his firm "John Turton & Sons," a company doing business in the same town, whose name was "Thos. Turton & Sons, Limited," failed in securing an injunction, there being no evidence that the first-named company imitated the trademarks or labels of the other one or attempted to deceive the public.⁴

The Universal Life Assurance Society secured an injunction to restrain a proposed company from registering under the name of The Universe Life Assurance Association.⁵

And the National Folding Box & Paper Co. obtained an injunction against the National Folding Box Co.⁶ Also the Manchester Brewery Co., Lim., obtained the same relief against the North Cheshire and Manchester Brewery Co., Lim.⁷ This latter company started in the same trade and in the same locality as the former and older company, and the Court held that the practical adoption of its name would cause endless confusion.

10. Examples of use of name permitted.—Injunctions to restrain the defendants from using the name they had adopted on account of its similarity to that of the plaintiffs were refused in the following cases: The London Insurance Co. v. The London & Westminster Insurance Corp., Limited;⁸ Colonial Life Assurance Co. v. Home & Colonial Insurance Co.;⁹ London & County Bank v. Capital and

¹ Frank E. de Long v. The de Long Hook & Eye Co., 10 N. Y. Misc., 577.

² See *Tarton v. Tarton*, 42 Ch. Div., 128, as noticed in *Tussaud v. Tussaud*, 44 Ch. Div., at pp. 687, 688.

³ *Tussaud v. Tussaud*, 44 Ch. Div., 678.

⁴ *Turton v. Turton*, 42 Ch. Div., 128.

⁵ *Hendricks v. Montagu*, Ch. Div., 638.

⁶ 13 The Reports, 60.

⁷ *L. J. R.*, Ch. Div., vol. 68, p. 74. ⁸ 32 *L. J. (Ch.)*, 664. ⁹ 33 *Beav.*, 548.