

decision in our juridical system, which is the best guarantee of a people's liberty under a free government.

St. John, N.B.

SILAS ALWARD.

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

Registered in accordance with the Copyright Act.)

TRADE MARK—INVENTED WORD—NAME OF INVENTED ARTICLE—EXCLUSIVE USER.

In re Chesebrough's trade mark "Vaseline" (1902) 2 Ch. 1, was an application to remove the respondent's registered trade mark "Vaseline" from the registry, on the ground that they were not entitled to the exclusive use of the word. It appeared that one Chesebrough through whom the respondents claimed, was the inventor of the process for making a jelly from petroleum, and had patented the process in the United States, and had termed the product "Vaseline." No patent was taken out for the process in England, and it was used by many persons and the product called by various names, but that made by the respondents was always called "Vaseline," and in 1877 the word was registered by them as a trade mark. The applicant who sought its removal from the register, sought to bring the case within *Linoleum Manufacturing Co. v. Nairn* (1878) 7 Ch. D. 734, where it was held that a name given to a newly invented patented article cannot be the subject of a trade mark, and that after the expiration of the patent anyone is at liberty to use the name to designate the article; but the majority of the Court of Appeal (Williams and Stirling, L.JJ.) distinguished that from the present case, because here there was no patent, and the respondents were never at any time the sole makers in England of the substance which they called "Vaseline"; but that word was used and known as indicative of the article made by them. The judgment of Buckley, J. ordering the removal of the name from the register was therefore reversed; Cozens-Hardy, L.J. however dissented.