

describe it, and oleo may describe or refer to oleo-margarine as well as to oleo-stearine, or to other oils. Oleo is ordinarily used as a suffix and not a prefix, and it is shown to be the rule in coining compound words that the name of the more important article is placed last.

There were various other words in common use describing the product when the defendant coined the word. It does not, therefore, come within the principle of those cases where there is only a single name to designate the new article or where the new name is used merely as descriptive of the article.

Defendant's theory that where a suggestive trade-mark has been adopted, another desiring to obtain the benefit of the trade-mark may coin a word not already in the language, and not made according to the regular rules for coining new words, yet sufficiently indicative of the quality and character of the article to be invalid as a trade-mark and sufficiently like the trade-mark in use to obtain the benefit of an infringement, seems to open the door for ingenious fraud.

Under the circumstances of this case, the conduct of the defendant in rejecting all existing names, and in coining a new name which conveys to the eye and ear so close an imitation of complainant's trade-mark, seems to indicate a design to impose his article upon the public as that of the complainant, or at least to obtain the substantial benefit of complainant's trade-mark.

It is well settled that the inventor of an arbitrary or fanciful name may apply it to an article manufactured by him to distinguish his manufacture from that of others, and that the subsequent use of such word by the public to denote the article does not deprive the originator of such word of his exclusive right to its use. *Selschow v. Baker*, 93 N. Y. 59; *Ausable Horse Nail Co. v. Essex Horse Nail Co.*, 32 F. R., 94; *Celluloid Mfg. Co. v. Read*, 47 F. R. 712.

Neither does the fact that the defendant sold under its own name, and made no attempt other than by the use of the word "Cottoleo" to palm off his goods as those of the complainant, constitute a defence. *Roberts v. Sheldon*, 18 O. G., 1277, and cases there quoted. *Sawyer v. Horn*, 1 F. R. 24; *Hier v. Abrahams*, 82 N. Y., 519; *Battle v. Finlay*, 45 F. R., 796.

It seems to be the law that when manufacturers have educated the public to ask for a certain article by its trade-mark name, they have acquired the right to insist that products manufactured