

**TRADE MARK AND DESIGNS ACT.**

42 *Vict. ch. 22 (D.)*.—See STATUTES.

**TRADE NAME.**

1. *Sale of Business with Good-will, Effect of.*]—A sale by appellant, a biscuit manufacturer, of his stock in trade, with the good-will and all advantages pertaining to the name and business of the vendor, conveyed the exclusive right to use the name "Mackinnon's," as well as the device of a boar's head grasping in its jaws a bone (which had been in use by appellant prior to and at the time of the sale), on all labels used and generally in all matters connected with said business, and, consequently, that appellant had no right after such sale to use said name and device in the manufacture and sale of biscuits.

*Thompson v. Mackinnon*, 104.

2. *Common Geographical Name*—"The Canadian Bookseller and Library Journal"—"The Canada Bookseller and Stationer."—Where a name, though generic and geographical, does not indicate the composition or quality of the specific article to which it is applied, or the particular country or district where produced or manufactured, it is not necessary to shew

that it has acquired a secondary meaning to establish it as a valid trade mark.

Therefore, the use of a geographical name as part of the title of a journal, and not as merely descriptive of the place of publication, will be protected, and it is not necessary in such a case to seek a secondary meaning.

Judgment of a Divisional Court reversed, MacLennan, J.A., dissenting.

*Rose v. McLean*, 271.

3. "Fly Poison Pad"—*Infringement of Registered Mark—Trade Marks and Designs Act.*]—The plaintiffs sold thick felt paper pads, circular in form, impregnated with a compound designed to destroy flies and other insects. The name on the pad, which was registered as a trade mark, was "Wilson's Fly Poison Pad." The defendants put up fly poison in pads similar in appearance to those of plaintiffs, but octagonal in shape instead of circular, under the name "The Lyman Bros. & Co., Limited, Lightning Fly Paper Poison," and on the packages containing the pads the words, "6 pads in a package," or "3 pads in a package," with directions similar to those on the plaintiffs' envelopes. The evidence shewed that the word "pads" had grown to be used in common connection with various fly poisons so as to