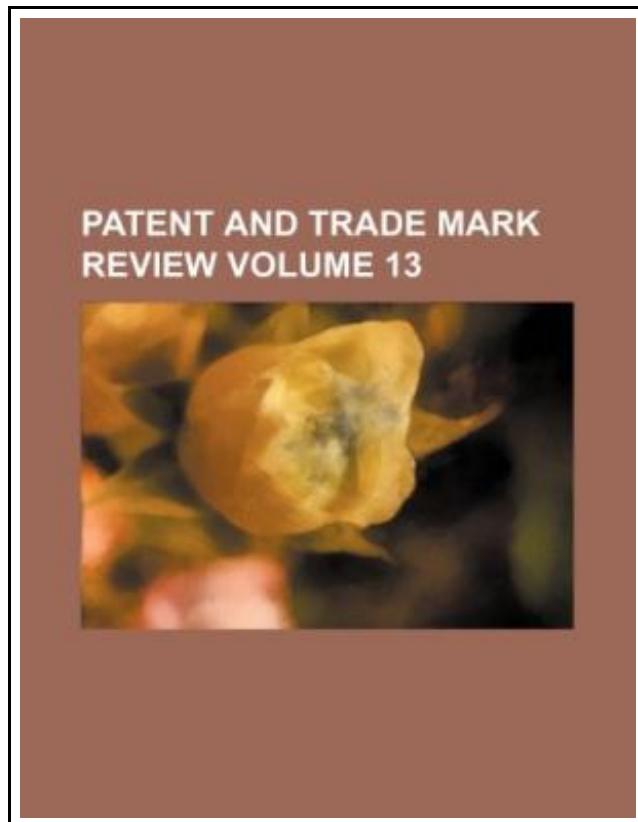


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1915 Excerpt: . be said to be an interested party to the registration of respondents trade mark. The employment of petitioner s trade mark being unlawful, the fact that it was in use had no legal value. Moreover, respondents registered their trade mark on October 26th, 1909, and had since used it for their boot cream, and therefore respondents registration preceded that of petitioner. Reasons. When a person finds, according to the provisions of Article 2 of the Trade Mark Law, that his interests are affected by another person using a similar or identical trade mark for the same goods-, the former is an interested party to the registration of the latter s trade mark, and can file an application for its invalidation. Respondents contention that petitioner has no interest with regard to the registration of respondents trade mark, and consequently has no right to bring forward his application, is therefore untenable. Petitioner argued that since he used for boot cream, and made widely known, previously, a trade mark identical in design and appellation with that subsequently registered by respondents, the registration of respondents trade mark should be invalidated. But this argument cannot be followed. The reason why Clause 5, Article 2, of the Trade Mark Law does not permit the registration of a trade mark similar to or identical with one already widely known, is for the protection of trade marks. The giving of this protection, however, assumes the strict legality of the process by which a...

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