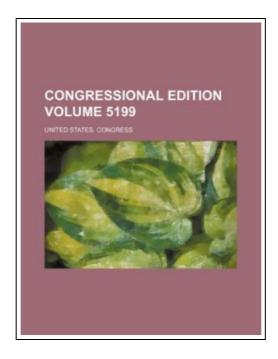
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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand ******. This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1907 Excerpt: .upon the rights of Compton Brothers, the lawful owner at that time, and could not, as stated in the passage quoted, acquire an exclusive right to the mark by the subsequent abandonment thereof by Compton Brothers. As neither of the parties to this proceeding has an exclusive right to the trade-mark in issue, neither of them is entitled to registration. It appears, moreover, that the necessity of refusing registration to both of the parties to this interference exists independently of the ruling of the court in CRourke v. Central City Soap Company. Even if, contrary to the ruling of the court, it were possible for a party who adopted a trade-mark while it was the property of another to acquire the exclusive right to the mark upon its abandonment by the prior owner, neither of the parties to this interference could have acquired such exclusive right or be entitled to an award of priority in this proceeding, for the reason that such rights as the parties now have accrued at the same instant--namely, the date when Compton Brothers abandoned the trade-mark here in issue. An award of priority could not be made between two parties whose title came into being at the same instant, nor could such an award be based upon a wrongful act committed by one of the parties prior to the date when he acquired the right to use the mark. Furthermore, even if the evidence established that Compton Brothers abandoned the mark...



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