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TRADE-MARKS

A **trade-mark** is a distinctive word, emblem, symbol, or device, or a combination of these, used on goods actually sold in commerce to indicate or identify the manufacturer or seller of the goods. The mark must have been used in interstate or foreign commerce, or in commerce with the Indian tribes, *before* an application for registration can be filed in the Patent Office.

A trade-mark **can not be registered** if it contains immoral or scandalous matter. No one can register a mark including the flag or coat of arms or other insignia of the United States or any simulation thereof, or of any State or municipality or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem. Registration is prohibited of any name, distinguishing mark, character, emblem, colors, flag, or banner, adopted by any institution, organization, club, or society which was incorporated in any State of the United States prior to the date of adoption and use by the applicant provided use by the organization was prior to use by applicant. No portrait of a living individual may be registered as a trade-mark except by the written consent of the individual, nor may the portrait of any deceased President of the United States be registered during the life of his widow except by written consent of the widow. No mark which is identical with that used by another on the same class of goods, or so nearly resembles it as to be likely to cause confusion in trade, can be registered. These limitations do not prevent the registration of a trade-mark merely because it is the name of the applicant, provided it is distinctively written or printed.

Any mark which has been in actual and exclusive use as a trade-mark by the applicant during the **10 years** next preceding February 20, 1905, may be registered (see Form D, p. 14), and such a mark when once registered may be reregistered when used on other goods of the owner of the mark. (See Form E. p. 14.)

Trade-marks are not protected by the copyright laws.

Trade-marks in general are registered under the **act of February 20, 1905**, but no mark can be registered under this act which consists merely of the name of an individual, firm, corporation, or association,