

# MINNESOTA STATUTES 1945 ANNOTATIONS

2013

TRADE NAMES AND REGISTRATION OF INSIGNIA 333.06

## CHAPTER 333

### TRADE NAMES AND REGISTRATION OF INSIGNIA

#### **333.01 COMMERCIAL BUSINESS TRADE NAMES; CERTIFICATE.**

**HISTORY.** 1911 c. 271 s. 1; G.S. 1913 s. 6107; G.S. 1923 s. 7346; M.S. 1927 s. 7346.

No one can acquire the exclusive right to use the name of a town in which his business is located, or descriptive words used to indicate the nature of a business; but if one second in point of time desires to incorporate such words in his trade name, he must use them in such form as will be distinguishable from that of his competitor. *Rodseth v N. W. Marble Works*, 129 M 472, 152 NW 885.

An action may be maintained to recover the purchase price of an interstate shipment of goods, even though the seller has been doing business in the state under a trade name, without having filed the certificate. *Fisher v Wellworth Mills Co.* 133 M 240, 158 NW 239.

A name may become so identified with a product, and well known in the trade, that the owner will be protected in its use; but he cannot enjoin its use by another, where such use cannot reasonably be held to deceive and mislead. *Brown Sheet Iron & Steel Co. v Brown Steel Tank Co.* 198 M 276, 269 NW 633.

Evidence was held insufficient to sustain the conviction of a member of a partnership, operating as a collection agency, for conspiracy to cheat and defraud, by means of false representations that a greater amount was owing on an account than actually was owed. *State v Burns*, 215 M 182, 9 NW(2d) 518.

Where the truth of representations is known to an employee but not to his employer, the latter cannot be held criminally liable for conspiracy to cheat and defraud by means of the representations. *State v Burns*, 215 M 182, 9 NW(2d) 518.

Effect of non-compliance with statute regulating use of trade names. 15 MLR 824.

#### **333.02 CERTIFICATE, WHERE FILED.**

**HISTORY.** 1911 c. 271 s. 2; G.S. 1913 s. 6108; G.S. 1923 s. 7347; M.S. 1927 s. 7347.

#### **333.03 CHANGE IN OWNERSHIP REQUIRES NEW CERTIFICATE.**

**HISTORY.** 1911 c. 271 s. 3; G.S. 1913 s. 6109; G.S. 1923 s. 7348; M.S. 1927 s. 7348.

#### **333.04 CLERKS OF COURT, DUTIES, FEES.**

**HISTORY.** 1911 c. 271 s. 4; G.S. 1913 s. 6110; G.S. 1923 s. 7349; M.S. 1927 s. 7349.

#### **333.05 EXCEPTIONS.**

**HISTORY.** 1911 c. 271 s. 5; G.S. 1913 s. 6111; G.S. 1923 s. 7350; M.S. 1927 s. 7350.

#### **333.06 PLEADING FAILURE TO FILE CERTIFICATE; COSTS.**

**HISTORY.** 1911 c. 271 s. 7; G.S. 1913 s. 6113; G.S. 1923 s. 7352; M.S. 1927 s. 7352.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 333.07 TRADE NAMES AND REGISTRATION OF INSIGNIA

2014

### **333.07 LODGE AND SOCIETY EMBLEMS MAY BE REGISTERED.**

HISTORY. 1933 c. 295 s. 1; M. Supp. s. 7352-1.  
Regulation of business. 26 MLR 239.

### **333.08 APPLICATION FOR REGISTRATION.**

HISTORY. 1933 c. 295 s. 2; M. Supp. s. 7352-2.

### **333.09 SECRETARY OF STATE TO KEEP RECORD AND INDEX.**

HISTORY. 1933 c. 295 s. 3; M. Supp. s. 7352-3.

### **333.10 NOT TO REGISTER DUPLICATES.**

HISTORY. 1933 c. 295 s. 4; M. Supp. s. 7352-4.

### **333.11 SECRETARY OF STATE TO ISSUE CERTIFICATES.**

HISTORY. 1933 c. 295 s. 5; M. Supp. s. 7352-5.

### **333.12 FEES.**

HISTORY. 1933 c. 295 s. 7; M. Supp. s. 7352-7.

### **333.13 VIOLATIONS; PENALTIES.**

HISTORY. 1911 c. 271 s. 6; G.S. 1913 s. 6112; G.S. 1923 s. 7351; M.S. 1927 s. 7351; 1933 c. 295 s. 6; M. Supp. s. 7352-6.

### **333.14 USE OF NAME AND MARK "AQUATENNIAL" LIMITED.**

HISTORY. 1941 c. 202 s. 1.

### **333.15 THREATENED USE MAY BE RESTRAINED.**

HISTORY. 1941 c. 202 s. 2.

### **333.16 NOT TO AFFECT VESTED RIGHTS.**

HISTORY. 1941 c. 202 s. 3.

### **333.17 USE OF CERTAIN TERMS FORBIDDEN.**

HISTORY. 1945 c. 212.