

## CHAPTER 509

## REGISTRATION OF CERTAIN TRADE-MARKS

**509.01 RECORDING NAME, MARK, OR DEVICE BY MANUFACTURERS.**

**HISTORY.** 1905 c. 340 s. 1; G.S. 1913 s. 6951; G.S. 1923 s. 8330; M.S. 1927 s. 8330; 1939 c. 118.

A trade name is governed as to its use and transfer by the same rules as a trade mark. "DeGuile" is a trade name. *Jarvaise v St. Paul Institute*, 183 M 507, 237 NW 183.

Absent restrictive covenants, vendor of interest in a partnership business and good will may engage in rival business. *Gibbons v Hausch*, 185 M 290, 240 NW 901.

Two physicians, dissolved partnership, and the covenant of the withdrawing physician not to practice for a certain time within a certain territory was not unlawful. *Shaleen v Stratte*, 188 M. 219, 246 NW 744.

Where an established business has been sold with its good will and there is a valid covenant not to compete in certain territory, the breach is the controlling factor, and relief follows as a matter of course, and want of mutuality of remedy does not deprive the court of its jurisdiction, but is addressed only to its discretion. *Peterson v Johnson Nut Co.* 204 M 300, 283 NW 561.

An operator of gasoline and oil filling stations at which automobile accessories and other merchandise are sold who by appropriation and use has acquired a trade-name is not entitled to protection of the trade-name against the operator of a similar station in a market where it has no station and where it does not compete for business. *Direct Service Co. v Honzay*, 211 M 361, 2 NW(2d) 434.

Appraisal of the jurisdictional boundaries of the federal district court, or the circuit court of appeals in matters relating to preliminary proceedings before the federal trade commission. *Chamber of Commerce v Federal Trade Commission*, 280 F 45; *Aron v Federal Trade Commission*, 50 F. Supp. 289.

Prior appropriation of a trade mark is protected against an innocent junior appropriator only in territory where the mark is used in connection with the business; but against a wilful appropriation protection may be extended in a trade area where prior appropriator's mark is known even if not used, and also in an area where the mark is neither used nor known but to which the business or mark might be extended in the future. *Griesedieck v Peoples*, 56 F. Supp. 600.

No conflict between "Stearns County No. 13" and "Minnesota Thirteen". OAG March 20, 1934.

Disposition of fines. 1934 OAG 11, Aug. 3, 1934 (135a-4).

Statute regulating use of trade names. 15 MLR 824.

What constitutes unfair competition. 19 MLR 822.

Unfair competition. 22 MLR 522.

Unfair competition. 23 MLR 395.

Review of Laws 1939, Chapter 118. 24 MLR 259.

**509.02 UNLAWFUL USE OF CONTAINERS; OBLITERATING NAME; PENALTY.**

**HISTORY.** 1895 cc. 143, 144; 1899 c. 306; 1905 c. 340 s. 2; G.S. 1913 s. 6952; G.S. 1923 s. 8331; M.S. 1927 s. 8331.

**509.03 RECEPTACLES TO BE DELIVERED ON DEMAND; PENALTY.**

**HISTORY.** 1905 c. 340 s. 3; G.S. 1913 s. 6953; G.S. 1923 s. 8332; M.S. 1927 s. 8332.

# MINNESOTA STATUTES 1945 ANNOTATIONS

2841

## REGISTRATION OF CERTAIN TRADE-MARKS 509.10

### 509.04 RECOVERY OF RECEPTACLES; SEARCH WARRANT.

HISTORY. 1905 c. 340 s. 4; G.S. 1913 s. 6954; G.S. 1923 s. 8333; M.S. 1927 s. 8333.

### 509.05 RECEPTACLE AND OTHER TERMS DEFINED.

HISTORY. 1905 c. 340 s. 5; G.S. 1913 s. 6955; G.S. 1923 s. 8334; M.S. 1927 s. 8334.

### 509.06 TAKING DEPOSIT.

HISTORY. 1905 c. 340 s. 6; G.S. 1913 s. 6956; G.S. 1923 s. 8335; M.S. 1927 s. 8335.

### 509.07 PERSON OR PERSONS.

HISTORY. 1931 c. 366 s. 1; M. Supp. s. 8335-1.

### 509.08 BRANDS TO BE REGISTERED.

HISTORY. 1931 c. 366 s. 2; M. Supp. s. 8335-2.

Registration of milk or dairy containers from plants outside of state may be required. OAG Oct. 3, 1933; 1934 OAG 209, Oct. 2, 1933 (292d); 1934 OAG 11, Aug. 3, 1934 (135a-4).

### 509.09 VIOLATIONS; PENALTIES.

HISTORY. 1931 c. 366 s. 3; M. Supp. s. 8335-3.

Fines are payable to the county treasurer. 1934 OAG 11, Aug. 3, 1934 (135a-4).

### 509.10 ENFORCEMENT.

HISTORY. 1931 c. 366 s. 4; M. Supp. s. 8335-4.