

CHAPTER 333

TRADE NAMES AND REGISTRATION OF INSIGNIA

333.01 COMMERCIAL BUSINESS TRADE NAMES; CERTIFICATE.

By its prior adoption of a name, and its continued use for a long series of years, plaintiff acquired trade-name rights therein, and is entitled to protection under the doctrine of unfair competition. Fraud by the user of another's trade-name is presumed and need not be affirmatively shown. *Northwestern Knitting Co. v Garon*, 112 M 321, 128 NW 288.

It being shown clearly that because of defendant's name, window and neon signs, and the advertising of its business, mail and telephone messages intended for plaintiff went to defendant, and mail and telephone messages intended for defendant came to plaintiff, it was an abuse of discretion to deny plaintiff's motion for a temporary injunction pending suit. *Personal Loan Co. v Personal Finance Co.* 212 M 690, 5 NW(2d) 61.

Prior use of trade mark "Demon Grip" on pump-rod coupling did not preclude registration of trade mark "Demon Rodent Gun" upon apparatus used in spraying poisonous chemicals into rodent burrows even if the marks were deemed identical in trade mark law, since there was no likelihood of confusion as to origin or respective goods. *Johnson v Wheeler*, 160 F(2d) 567.

Implied warranties in sale of goods by trade-name. 11 MLR 485.

Right to use of own name. Right of successor to use former owner's name. 12 MLR 764.

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