

Chapter 647

Trade and Service Marks

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ATTY. GEN. OPINIONS: Registration of "certification" or "collective" marks, 1958-60, p 410; requirements for notification of expiration of trade-marks, 1962-64, p 9; improperly granted trade-mark, 1962-64, p 128.

647.005

NOTES OF DECISIONS

1. Under former similar statute

The office of a trade-mark was to indicate with certainty the origin or ownership of the article to which it was affixed. *Coleman v. Flavel*, (1886) 40 Fed 854.

Words in common use could ordinarily be adopted as trade-marks, if at the time of their adoption, they were not employed to designate the same or like articles. *Id.*

There was a well recognized distinction between a trade-mark and a trade name. *Wood v. Wood*, (1915) 78 Or 181, 151 P 969, Ann Cas 1918A, 226, LRA 1916C, 251.

ATTY. GEN. OPINIONS: Emblem intended to be used to indicate membership in an association as subject for registration, 1920-22, p 42; "Trustment" as trade-mark, 1920-22, p 92; what can be registered as trade-mark, 1920-22, p 531; "Kodak Finishing Service" as trade-mark, 1920-22, p 544; eligibility to registration of trade-mark registered under federal laws, 1920-22, p 677; "Multnomah" as trade-mark, 1922-24, p 755; eligibility for registration of trade-mark of associations for use on publications and pamphlets comprising advertising matter, or correspondence courses or educational books, 1924-26, p 15; registration of trade-mark including words of endorsement by state institution, 1924-26, p 19; "Color scheme" or "complete dress-up" of taxicabs as eligible for registration, 1924-26, p 137; addition of design of cherries to registered trade-mark, 1924-26, p 177; "K.G.W." as trade-mark, 1926-28, p 244; "Better Service Stores, Inc." as trade-mark, 1926-28, p 330; negotiable certificates of title and contracts of sale as articles of merchandise, 1928-30, p 73; business of radio broadcasting company as subject of trade-mark, 1928-30, p 162; "Ore-N-Co Nurseries" as trade-mark, 1928-30, p 311; certification mark as "trade-mark," 1958-60, p 410; proof of "use" of trade-mark, 1960-62, p 283.

647.015

ATTY. GEN. OPINIONS: "National Coal" as trade-mark, 1928-30, p 373; "Price-Rite It's the Price That Counts," "Price-Rite," and "Price-Rite Grocery" as trade-marks, 1938-40, p 74; proof of "user," 1960-62, p 283.

647.035

ATTY. GEN. OPINIONS: "Butter Cream" as trade-mark, 1920-22, p 682; "Maid O' Sweet Cream Butter" as trade-mark, 1926-28, p 32; "Walgreen Drugs With a Reputation" as trade-mark, 1926-28, p 229; "Million Dollar" as trade-mark, 1928-30, p 372; "A-1" as trade-mark, 1928-30, p 372; "Portina" as trade-mark, 1936-38, p 203; "Sautola" as trade-mark, 1936-38, p 203; registration issued prior to 1961 law, 1960-62, p 283.

647.045

ATTY. GEN. OPINIONS: Proof of "user," 1960-62, p 283.

647.055

ATTY. GEN. OPINIONS: Registrations issued prior to 1961 law, 1960-62, p 283; notice regarding renewal of registrations under subsection (3), 1962-64, p 10.

647.075

ATTY. GEN. OPINIONS: Authority of Secretary of State to cancel registration of trade-mark, 1926-28, p 177; authority and duty of Secretary of State in connection with the registration of a five-pointed star as a trade-mark, 1926-28, p 398; registrations issued prior to 1961 law, 1960-62, p 283; improperly granted trade-mark, 1962-64, p 128.

647.085

ATTY. GEN. OPINIONS: Proof of "user," 1960-62, p 283.

647.105

CASE CITATIONS: *The 88¢ Stores v. Martinez*, (1961) 227 Or 147, 361 P2d 809.