



Cyclopedia of the law of private corporations

Volume 2

William Meade Fletcher

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...claimed in virtue of the authority to incorporate conferred by an act of congress, the right or privilege is one claimed under an authority exercised under the United States, which, being denied by the state court, is reviewable by the Supreme Court of the United States by virtue of the provisions of § 237 of the new Judicial Code (4 Fed. St. Ann., p. 467). *Creswill v. Grand Lodge, K. & P.*, 225 U. S. 246, 258, 56 L. Ed. 1074. 31 *Hartzler v. Goshen Churn & Ladder Co.*, 55 Ind. App. 455, 104 N. E. 34; *W. R. Lynn Shoe Co. v. Auburn Lynn Shoe Co.*, 100 Me. 461, 4 L. R. A. (N. S.) 960, 62 Atl. 499; *Chas. S. Higgins Co. v. Higgins Soap Co.*, 144 N. Y. 462, 27 L. R. A. 42, 43 Am. St. Rep. 769, 39 N. E. 490. "Adopting a particular name as its corporate name does not necessarily give a corporation the right to use such name as a trade name. The names which it may select are so unlimited in number that there is no need to select one already appropriated by another, and if it sees fit to incorporate under a name already in use by another as a trade name, it acquires no right to use such name as its own trade name." *Rodseth v. Northwestern Marble Works*, 129 Minn. 472, Ann. Cas. 1917 A 257, 152 N. W. 885. A corporation will not be permitted to use the name of one of its incorporators as a part of its corporate name when the name of such incorporator is the one by which the manufactured product of a rival corporation is usually called for and described. *J. & P. Coats v. John Coates Thread Co.*, 135 Fed. 177. A corporation may be enjoined from using its corporate name when use. of the same constitutes an infringement of a registered trade-mark of another corporation. *Oneida Community v. Oneida Game Trap Co.*, 154 N. Y. Supp. 391, modifying 150 N. Y. ...

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