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RECENT DECISIONS OF THE COMMISSIONER OF PATENTS CONCERNING TRADE MARKS AND LABELS.

The Official Gazette of the United States Patent Office, of September 30, 1884, contains a decision rendered September 23, 1884, on the vexed label and trade mark question by the Commissioner of Patents. In rendering his decision the Commissioner gives very lengthy reasons, the text filling nearly two full pages of the Gazette.

We take decided issue with this decision. In former articles we have stated pretty fully what our views are, and have fortified them by appropriate quotations from authorities. The great court decision in these matters was rendered September 30, 1881; it is in the case entitled the Willcox and Gibbs Sewing Machine Company against E. M. Marble, Commissioner.

In his decision Mr. Butterworth disposes rather briefly of the opinion in the sewing machine case. He does not agree with it, and so concludes that it was not fully argued, and asserts that it was practically an ex parte case. Now the truth is that the case in question did not go by default in any sense. In Mackey's Reports, vol. i., page 285 et seq., Mr. Marble's answer in the case will be found.

The Supreme Court of the District of Columbia is the successor of the old Circuit Court of the District. By the act of February 27, 1801, the original tribunal was established, one of whose functions was to issue writs of mandamus to compel public officers to do acts required of them by law in performance of their duties.

Three divisions of label and trade mark matter are created by the Commissioner's decision. There is, first, the label, which must be descriptive; secondly, the trade mark, which must be arbitrary or non-descriptive, and in use in commerce with some foreign nation or Indian tribe; and thirdly, the subject matter for a trade mark, but not in the prescribed commercial use.

The misfortune of the whole business is, that these cases are usually not of sufficient importance to be brought before the court. The applicant, on finding registration refused him, usually prefers to submit to the loss so unjustly incurred rather than go to the expense of an application for a mandamus.

change has been inaugurated. The status of affairs now is that the Supreme Court decision is set aside, and that rulings are made that would unquestionably incur a mandamus from that tribunal were one applied for.

The Commissioner's arguments in the case in question as affecting labels are derived from these words of the statute: "not a trade-mark," and from Worcester's dictionary. This is but a small basis for a decision. The true way to treat such a case is to go to the root of the matter, and examine the origin of the powers whose limitations are under discussion.

We can only hope for the satisfaction as well of the Commissioner as of the public that some of these cases will again be brought before the Supreme Court of the District of Columbia. Mr. Butterworth, we are convinced, desires such an issue no less than the prospective registrants of labels and trade marks.

SHOP SAVINGS.

A very suggestive sight was witnessed a short time ago in a visit to a large manufactory of machinery and tools. The outlet to the sink had been closed, and the large drain pipes had to be removed and cleansed. The result of that cleaning was a surprise to the proprietors, although it was not so to at least some of the workmen.

It is surprising how much may be saved in the shop by judicious attention to little things and by handy appliances for saving. An establishment that works up brass and iron in about equal proportions for more than a year, mixed the drillings, turnings, and filings of both metals indiscriminately, and dumped them out of doors as useless rubbish to be got rid of.

In a large manufactory of machine screws, where two barrels of oil a day is not an uncommon amount to use, if all the machines were supplied afresh, three-fifths of this amount—sometimes more—is saved for further use. This is done by a small centrifugal machine. The chips, soaking in oil, are dipped into the little cup shaped receiver, the cover closed, the belt started, and the oil comes in an almost invisible horizontal sheet against the sides of the enveloping pan and runs into a tank ready for use.

In brass manufactories there is unavoidable waste of the metals in the scoriae of the melting furnaces, in the rolling mill department, and the wire drawing. Whatever of this waste, with the sweepings, can be gathered is put into large mortars and subjected to the impact of pivoted pestles until the whole is pounded to a dust. Then it is floated in a running stream of water through a chute over riffles, which catch the heavy metallic particles and allow the lighter trash to pass off.