unfair competition resulting from an 'affirmative act' calculated to 'pass off the goods as and for the previously known goods.' Jones may not dress his goods in imitation of Smith's and must even add some distinguishing statement showing that the article is of his own production, and is not the production of Smith, but the main point is that Jones may, if he can duplicate the product exactly, call it by the trade name devised by Smith by which name the trade is accustomed to call for it and to know it."

6. Your Committee has been requested to consider the question of trade marks in relation to medicinal preparations of secret formula. The questions relating to this subject have already been considered by the Committee in former reports and some of the questions are answered in the above statement copied from "Standard Remedies." Your Committee has on file a large number of decisions of reports on this subject, to which those interested may have the opportunity of referring, by addressing the Chairman.

In closing, your Committee begs to again call attention to the following statements which appeared in the report of the Committee on Patents and Trademarks in 1917:

"The right to the exclusive use of an invention is not a natural right—that is, pertaining to a man in a state of nature; but, when it exists at all, is a civil right, pertaining to man under the protection of a civil government."[1]

"An inventor has no right to his invention at common law. He has no right of property in it originally. The right which he derives is a creature of the statute and of grant, and is subject to certain conditions incorporated in the statutes in the grants."[2]

"As pointed out in this report, trademarks differ from patents. By registering a name, the person who registers it does not receive a grant from the Patent Office, conferring upon him the exclusive right to the use of the name. Irrespective of registration, a manufacturer may adopt a word as his trademark and as long as he uses it as a commercial signature to distinguish his brand of the article from other brands of the same article, said article being open to competition under its specific designation, he will be protected in such use of the word. As already shown, it is not necessary that the word should be a coined word. Any word may be so used provided it is used as a trademark and not used as the name of the article itself."

"It is evident, therefore, that 'the policy that the mere use of a name to designate an article would give to those employing it the exclusive right to designate such article by such name, would be giving a copyright of the most odious kind, without reference to the utility of the application or the length of the title, and one that would be perpetual. Neither the Trademark Law, nor the Copyright Law, nor the Patent Law, affords any such right, or, under the pretense of the same, allows any one to throttle trade under the alleged sanction of law.' (Browne on Trademarks.)"

Committee { C. L. ALSBERG, R. P. FISCHELIS, W. A. PUCKNER, S. C. HENRY, F. E. STEWART, *Chairman*.

SOLUBLE LEAD IN THE GLAZE OF CASSEROLES.

In a recent issue of the *Experiment Station Record*, there is abstracted a report on certain experiments made by H. Masters, with several types of earthenware casseroles, of French make, glazed only on the inside; and which showed that, in some cases, a considerable amount of lead can be extracted from the glaze not only by the action of 4 percent acetic acid but (and this is important) also by the action of dilute solutions of organic acid; namely, 1 percent acetic, citric or malic acid. It is further stated that glazed earthenware casseroles should, before being used, be treated with dilute acetic acid, which is kept at boiling temperature for an hour or more in the dish.

[1] Simonds Manual of Patent Law.

[2] 1. Am. H. & L. S. & D. Mach. Co. vs. Amer. Tool and Mach. Co., 4 Fisher's Pat. cases, 294.