

Anaconda Lead Products Company

~~25 BROADWAY~~
25 BROADWAY

NEW YORK.

March 5, 1924.

Mr. J. A. Dowdy, Director of Sales,
Anaconda Lead Products Company,
111 West Washington Street,
Chicago, Illinois.

Dear Sir;

Your favor of the 29th ulto. was duly received, enclosing
papers in connection with the registration by The Glidden Company
of the name "Anaconda" for white lead in oil and liquid white lead
with the Registration Bureau of the National Paint Oil & Varnish Assn.
at New York.

Yours very truly,

D. B. KENNEDY,

Secretary.

W.

PNYC00001735

ANACONDA LEAD PRODUCTS COMPANY

MANUFACTURERS OF

ANACONDA WHITE LEAD

JAMES ALEX DOWDY
DIRECTOR OF SALES

WORKS
EAST CHICAGO, IND.

111 WEST WASHINGTON STREET
CHICAGO, ILL.

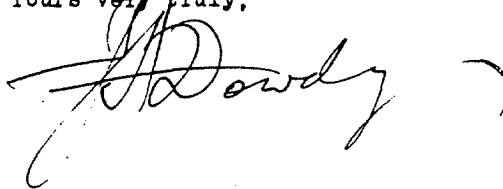
February 29th 1924

Mr D.B.HENNESSEY, Secretary,
Anaconda Lead Products Company,
25 Broadway, New York.

Dear Sir:

Soon after the Glidden contract was made they registered the name Anaconda for white lead in oil and liquid white lead with the Registration Bureau of the National Paint Oil & Varnish Assn at New York. They had no business to do this, because the brand did not belong to them and they knew it, and George V. Horgan, the Secretary of the N.P.O.V. Assn had no business to register the brand for them, because we had it already registered with him. I did not find this out until one of the Bulletins revealed it, and then I wrote to Glidden and insisted that they cancel their registration. They suggested instead letting it stand and assigning it absolutely to us. I was personally not in favor of consenting to this, because it conveyed an implication that they had some right to the Anaconda brand, which right they could transfer to us, but I communicated with Mr Wraith on the subject and I think he consulted with Col. Shores, because we did agree to the transfer. All these papers have been here in the safe, but now that the Glidden contract is finished I am sending you the whole file, so that it can be put with the other papers and preserved.

Yours very truly,



JADowdyF
Enc



PNYC00001736

N10868.01

KNOW ALL MEN BY THESE PRESENTS, that The Glidden Company, a corporation of Cleveland, Ohio, for and in consideration of the sum of One Dollar, (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over unto Anaconda Lead Products Company, of Chicago, Illinois, its successors and assigns, all its right, title and interest in and to the following trademark, registered in the National Paint, Oil and Varnish Association.

#5631, registered in the National Paint, Oil and Varnish Association, January 13th, 1922. Trademark "Anaconda" with lighting rays from letters, for use on White Lead, paste, dry and liquid.

To have and to hold the same and the entire property and interest therein as fully and entirely as the same would have been held and enjoyed by said The Glidden Company, had this assignment not been made.

IN WITNESS WHEREOF, The Glidden Company has caused this instrument to be signed at Cleveland, Ohio, on this 12th day of July, by its President, Adrian D. Joyce, and its corporate seal to be affixed and attested to by its Assistant Secretary, Guy W. House.

THE GLIDDEN COMPANY.

Attest:

Guy W. House
Assistant Secretary.

Adrian D. Joyce
President.

STATE OF OHIO)
CUYAHOGA COUNTY) SS:

I, H. K. Heath, a Notary Public in and for said County and State, a person duly authorized by the laws of the State of Ohio, to take acknowledgments and perform notarial acts, DO HEREBY CERTIFY that on the 12th day of July, 1922, personally appeared before me Adrian D. Joyce and Guy W. House, President and Assistant Secretary, respectively, of The Glidden Company, whose names are subscribed to the foregoing instrument, and who are personally known to me to be said officers and the same persons who executed said instrument, and acknowledged that they duly executed said instrument as the free and voluntary act and deed of The Glidden Company, and for the purposes therein set forth.

WITNESS my hand and notarial seal at Cleveland, Ohio, this 12th day of July, A.D. 1922.

H. K. Heath
Notary Public, Cuyahoga Co.
My commission expires:

PNYC00001737

N10868.02

National Paint, Oil and Varnish Association

INCORPORATED

TRADE MARK BUREAU

No. 5631

THIS IS TO CERTIFY that by the records of the Trade Mark Bureau of the National Paint, Oil and Varnish Association, Incorporated, it appears that The Glidden Company, Cleveland, Ohio, did, on the 13th day of January, 19 22 duly file in said office an application for Registration of a certain Trade Mark for White lead, paste, dry and liquid***

the signed application further stating that the Trade Mark has been used in the business of said The Glidden Company, since September 1921-----, that it duly filed therewith a label bearing the said Trade Mark, a photo print of which is hereto attached.

AND, that the said Trade Mark consisting of the word and design***

*** "Anaconda" with lighting rays from letters.

has been duly Registered to said The Glidden Company in the Trade Mark Bureau of the National Paint, Oil and Varnish Association, Inc. as of the 13th day of January 19 22

IN testimony whereof I have hereunto set my hand and caused the seal of the National Paint, Oil and Varnish Association, Inc., to be affixed at the City of New York this seventh day of February in the year of our Lord one thousand nine hundred and twenty-two.

George D. Hogan
Secretary.

ANACONDA
*Liquid
White Lead*

*Pure as Pure Can Be
Guaranteed
Free from adulteration*

PNYC00001738

National Paint, Oil and Varnish Association, Inc.

TRADE MARK BUREAU
342 MADISON AVENUE, NEW YORK

TRADE MARK COMMITTEE

D. W. EDGERLY, CHAIRMAN
F. P. CHEESMAN
J. V. REARDON

SECRETARY
G. V. MORGAN

TRADE MARK COUNSEL
GORNHAM CROSSBY

NEW YORK, Jan. 26, 1922.

The Glidden Company,
Cleveland, Ohio.

Gentlemen:

Replying to your favor of Jan. 13, 1922, re Trade Mark we report as follows:

REPORT NO. 37 - 22

The Trade Mark consists of the word "Anaconda" with lightning rays from letters.

The date of first use is given as September 1921.

It is stated the mark is used on white lead, paste, dry and liquid.

The date of application is January 17, 1922.

A Search has been made through our records and the marks found, more or less close to yours, are given in the attached list. The accuracy of the report is not guaranteed but is based on information believed to be reliable.

There are certain fundamentals which one should not ignore as to trade mark rights, among them the following:

1. Generally speaking the first to use a Trade Mark on goods in trade is entitled to its exclusive use. One naturally desires such absolute right of ownership as it is a valuable asset. We therefore advise careful consideration of such matters and that one adopt and continue in use marks that are clearly distinctive from others.
2. If any of the marks on the list has been in continuous use by another before you adopted your mark, and yours is so similar thereto in sound, appearance or significance as to be likely to deceive purchasers or cause confusion in the trade it may be that you are infringing on the rights of another.
3. On the other hand, if any of the marks on the list was adopted after you adopted your mark, and is so similar thereto as to be likely to deceive purchasers, it may be that your rights are being infringed.
4. Marks which are descriptive, geographical, or deceptive, and marks consisting of proper names, and coats of arms, and flags of the States and United States are not usually good trade marks under the United States Trade Mark Statutes, and are generally not entitled to protection of such marks, although there are exceptions and many of such marks are entitled to certain protection under the Common Law. By adopting such marks as will pass the United States Patent Office regulations one is more certain of having a mark of value.
5. The legal status of a mark is of as much importance as its commercial value. It is therefore advisable to consult competent trade mark counsel on the above points before adopting or continuing the use of a trade mark which you are not sure about. A moderate expense at the beginning will often save great expense in the future. The Remarks of this Bureau can only indicate in a very general way some of the qualifications of your mark.

PNYC00001739

The Glidden Company,

A Search of our Records shows the following:

Anhydrosol: Reg.U. S. Pat. Off. 1905, No. 48432 Class 16, first use stated as January 1, 1903 by Tooh Bros., New York, N. Y. for water and stain proofing liquid.

Anaconda: First use stated as July 1919 by Anaconda Lead Products Co., Philadelphia, Pa. for pure white lead.

Andes: First use stated as April 1, 1914 by Patton Paint Co., Milwaukee, Wis. for zinc in oil.

Anglotona: Used prior to 1908 by F. C. Pierce Co., New York, for dry concentrated colors.

Antakwa: Used prior to 1916 by The Antakwa Company, Chicago, Ill. for paints.

Antillano: First use stated as 1915 by Chas. H. Brown Paint Co., Brooklyn, N. Y. for zinc.

Remarks

You will note that the word "Anaconda" has been previously used by the Anaconda Lead Products Company of Philadelphia. Your use of the name "Anaconda" would appear to be either geographical or else an infringement of the latter. Ordinarily the names of places do not form good trade marks particularly where they indicate the geographical origin of the goods or parts thereof. We do not know just what is the extent of the rights of the Anaconda Lead Products Co.. We think it is something you should look into. However, since you have actually had the mark in use we are registering the same for you in our Bureau in order to record your use thereof and claim thereto. Find enclosed herewith our certificate of registration.

TRADE MARK BUREAU
NAT'L PAINT, OIL & VARNISH ASSN.,
George A. Hogan
Secretary

PNYC00001740