

IN THE MATTER OF THE SPECIFIC TRADE-MARK CONSISTING OF THE WORDS "GOLD MEDAL"

1928  
\*Mar. 15.  
\*April 24.

GOLD MEDAL CAMP FURNITURE MANUFACTURING CO. (OBJECTING PARTY) ..... } APPELLANT;

AND

GOLD MEDAL FURNITURE MANUFACTURING COMPANY LIMITED (PETITIONER) ..... } RESPONDENT.

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

*Trade-Mark—Prior user—Expunging from register*

APPEAL from the judgment of the Exchequer Court of Canada (Audette J.) (1) ordering the expunging from the entry in the Canadian Trade-Mark Register of the appellant's specific trade-mark "Gold Medal."

The appeal was heard on March 15, 1928, and on April 24, 1928, the Court delivered judgment (written reasons being given by Lamont J., with whom the other members of the Court concurred) dismissing the appeal with costs.

\*PRESENT:—Anglin C.J.C. and Mignault, Rinfret, Lamont and Smith JJ.

(1) [1928] Ex. C.R. 65.

1928  
 GOLD MEDAL  
 CAMP  
 FURNITURE  
 MFG. CO.  
 v.  
 GOLD MEDAL  
 FURNITURE  
 MFG. CO.  
 LTD.

The ground of the decision was that the evidence shewed user in Canada by the respondent's predecessors in title, of the trade-mark, upon goods of the same class as those sold by the appellant, for some years before the appellant began to do business in Canada, and therefore the appellant's registration was properly expunged.

It was pointed out that the Court was not to be understood as impliedly holding that the words "Gold Medal" contain the essentials necessary to constitute a valid trade-mark; that question had not been raised.

*Appeal dismissed with costs.*

*R. S. Robertson K.C.* and *H. C. F. Mockridge* for the appellant.

*R. S. Smart K.C.* and *R. Roy McMurtry* for the respondent.

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