

### Trade Names—Trade Marks—Registration—Secretary of State.

The name "Rocky Mountain Adjustment Service" is not a trade name or trade mark which may be registered in the office of secretary of state. The name under which a person intends to transact business should be registered in the office of the county clerk and recorder.

Mr. W. E. Harmon,

March 7, 1931.

Secretary of State,  
Helena, Montana.

My dear Mr. Harmon:

You have sent me papers in connection with the application of A. B. Lehman to register in your office the name "Rocky Mountain Adjustment Service" under sections 4286 to 4292, R. C. M. 1921, and you inquire if this name may be registered in view of our opinion to you under date of September 18, 1929.

It is apparent from the application that Mr. Lehman has appropriated this name as one under which he will transact business in lieu of his own name. This being true, he is not entitled to register the same in your office but he should file the same in the office of the county clerk and recorder at Lewistown under the provisions of sections 8019 to 8024, inclusive, of said revised codes.

The purpose of registering names or marks in your office is not to permit the registration of trade names under which persons may do business as that is governed by said sections 8019 to 8024. The name or mark that may be registered in your office is one that has reference to the goods handled by such person either in a business conducted under his own name or some trade name, as, for instance, "Arm & Hammer" could be registered in your office as that pertains to a "product handled by a manufacturer" but the name of "Arm & Hammer Soda Company" could not be registered in your office by an individual appropriating that name as one under which he would conduct his business.

It is my opinion that the name "Rocky Mountain Adjustment Service" is not such a name as is authorized to be registered in your office

but that the same may be registered in the office of the county clerk and recorder under the provisions of sections 8019 to 8024, inclusive.

Very truly yours,

L. A. FOOT,  
Attorney General.