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OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Wm. J. Lawson
Secretary of State
Austin, Texas

Dear Mr. Lawson:

Attention - Mr. Abner L. Lewis

Opinion No. O-5065

Re: Application of the Parisian
Fur Company to copyright
its trade-name, under Article
851, R. C. S.

We beg to acknowledge receipt of your letter propounding the question whether or not the Parisian Fur Company may copyright its name under Article 851 of the Revised Civil Statutes of Texas.

You state in your letter that, "Under the opinion from your department No. O-4791, to which we heartily concur, we have refused to copyright the name of businesses under Article 851."

Article 851 is as follows:

*Every person, association or union of working men, incorporated or unincorporated, that has heretofore or shall hereafter adopt a label, trade mark, design, device, imprint or form of advertisement, shall file the same in the office of the Secretary of State by leaving two fac simile copies, with the Secretary of State, and said Secretary shall return to such person, association or union so filing the same, one of said fac simile copies along with and attached to a duly attested certificate of the filing of same, for which he shall receive a fee of one dollar. Such certificate of filing shall

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in all suits and prosecutions under this chapter be sufficient proof of the adoption of such label, trade mark, design, device, imprint or form of advertisement, and of the right of such person, association or union to adopt the same. No label, trade mark, design, device, imprint or form of advertisement shall be filed as aforesaid that would probably be mistaken for a label, trade mark, design, device, imprint or form of advertisement already of record. No person, or association shall be permitted to register as a label, trade mark, design, device, imprint or form of advertisement any emblem, design or resemblance thereto that has been adopted or used by any charitable, benevolent or religious society or association, without their consent."

You were right in your refusal to accept and file this application for copyright of the mere business name or trade-name of the company as such. The application does not cover any copyrightable subject, matter, or thing, within the meaning of the statute.

APPROVED FEB 2, 1943

Hoos
FIRST ASSISTANT
ATTORNEY GENERAL

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

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11/17/43

