

Opinion No. 46-4871

March 4, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mrs. Cecilia Tafoya Cleveland Secretary of State Santa Fe, New Mexico

{*200} Replying to your letter of March 1, 1946, wherein you request an opinion as to the protection of the registered trade-mark "Printzess," filed in your office April 12, 1938, being a label to be used in connection with advertising women's wearing apparel.

Section 51-1201 of the N.M. 1941 Compilation, provides, in part, as follows:

"* * * The secretary shall keep a record of each trade-name, trade-mark, or label, and it shall be unlawful for any other person, firm, corporation or association to adopt a trade-name, trade-mark or label identical with or similar to one previously registered. * * *"

The file accompanying your request reveals that another company has made application to file the following trade-mark, "Princess Vogue," to apply to women's wearing apparel, and advertising of the same. The file further reveals that this company had the trade-mark "Princess" cancelled by the United States Patent Office, as an infringement upon "Printzess."

It is my opinion that the present application "Princess Vogue," should be denied, as being too similar to the previous registration, "Printzess." See also Opinion No. 4597, rendered by this office on October 10, 1944.

By THOS. C. McCARTY,

Asst. Atty. General