

Correspondence.

Discovery of Comet Brooks No. 1 of 1889.

To the Editor of the Scientific American:

While sweeping the eastern heavens this morning, in the vicinity of the sun, I discovered a new telescopic comet, and the first one of the year. Its position was right ascension 18 hours 4 minutes; declination south 21 degrees 20 minutes, with a rapid motion in a westerly course. Its appearance is that of a nearly round nebula, with slight central condensation.

WILLIAM R. BROOKS.

Smith Observatory,  
Geneva, N. Y., Jan. 15, 1889.

Some Hints on Selecting a Trade Mark.

BY COL. F. A. SEELY.

It is almost a daily experience with me to be asked to look at some design, or oftener some word, and to express an opinion of it as a possible trade mark. Sometimes the comparison is instituted between the proposed trade mark and one already known and used for some similar merchandise, and the question takes the form "In view of that, would this be a good trade mark?" A good-natured person cannot be always refusing to express opinions on questions put to him on the assumption that his opinions are worth having. His natural self-complacency can scarcely resent such inquiries, and I commonly give a curbstone opinion, even when I had much rather not. Sometimes a mere word on the uncertain line which separates fanciful terms from those that are purely descriptive is shown to me, and I am asked to indicate whether it should be treated as a trade mark or as purely label matter. This is not always easy to decide. The nature of the merchandise, the rules of the trade, the particular circumstances of the case, a hundred things of one sort or another, may affect a proper judgment on such questions, and the person to whom they are put, whatever be his experience, may hesitate to answer.

I often mourn over what appears to me the great poverty of imagination among those who adopt trade marks. Certain familiar symbols appear over and over again, and applied to every variety of merchandise. The star, the cross, the anchor, the eagle, are found under various modifications everywhere. Words of a popular character like "Electric" and "Jumbo" are seized upon simultaneously for widely different goods, and there is no end to the persons who lay hold on such semi-descriptive adjectives as "perfect," "superb," "famous," "charming," "standard," "automatic," and the like.

There are a few simple notions on the selection of trade marks which might, perhaps, be called maxims, and the observation of which would save trouble and expense.

A trade mark right is in its nature perpetual. Patents expire with the term for which they are granted. Copyrights have a little longer term, and are renewable; but they exist only by virtue of statute law, and in the course of years they expire also. But a trade mark has no such limitation. The right it implies is not dependent on any statute, and has no term. Once secured, it goes on with the business, like the poet's brook, forever.

A man starts a small concern, identifying his products by his own trade mark. His sons grow up and are taken into partnership, while the business grows also, and the goods bearing the mark become more widely and favorably known. The style of the firm changes as well as in its personnel; it expands into a corporation or shrinks into a single individual, but the trade mark associated with the business and its product still belongs to the concern, and as long as the good character of the product is maintained, has a constantly increasing value. This is the history of many a reputable British house, like the great hosiery concern of Morley.

Many modern trade marks are adopted simply to attract trade by their own popular character. Such popularity is often most ephemeral, and the mark, having served its momentary purpose, is dropped for the next sensation. Technically, these are trade marks, while practically the part they perform is less to mark the merchandise as of a particular make than to attract customers by the sentiment they evoke. The persons who use them will not be guided by the maxims of trade mark law in adopting them. To those, however, who propose to adopt trade marks for permanent use in a business which they hope may long continue and outlast the ordinary business life of an individual, I suggest:

1. Let your trade mark have individuality; whether it be some pictorial symbol affecting the eye only, or a newly coined word, or some term used arbitrarily and fancifully, let it have a distinct character of its own. The world of fanciful words and designs is boundless. There is never any need of intruding on the ground some other has selected; and you should select for your trade mark something as far as possible unlike anything used by others on the same class of merchandise.

The moment you begin to question in your mind whether you are safe in adopting a six-pointed star for use on your goods, while your neighbor is using already a five-pointed one, it is time to stop. If there is such doubt in your mind, always resolve it against yourself. You may be sure that if the faintest doubt comes to you, it will come to others also, and will becloud your title to that extent. The Irish coachman's rule was a good one; when asked how near he would drive to the edge of a precipice, while others were vaunting their skill and indicating the inches within which they would dare to approach, he scratched his head and said, "Faith, I'd kape as far off as I cud." I have never seen the rule laid down, but I had it as a fact from a recent Solicitor-General of Great Britain, that in the registry of trade marks the British office always resolves doubts of this kind against the applicant, holding that if the resemblance is so close as even to excite doubt, an honest man ought to select something else not liable to that objection.

It is not always easy to devise an absolutely unique trade mark, but that should be the objective point, and the nearer you can attain to it, the better.

2. A trade mark must be something to which the manufacturer has an exclusive right as a mark for his goods. Not an absolute right, since there can exist no such right to a symbol. But to say that there must exist an exclusive right as against any other person already making or selling similar merchandise is scarcely more than repeating what has been said already. More than this, there must be such a right as will exclude the general public now and in the future. If you are making gum-drops, you may call them *delicious*, may call them so whether they are so or not, but you can have no monopoly in the right to call them so. That is the privilege of every one. Consequently, you cannot take that word for your trade mark; and this is true of all words that describe merchandise, as adjectives of quality, those which define some quality or characteristic of the merchandise, or which assert its superiority, those which indicate geographically the place of origin, those which indicate ingredients, in short, all words which others may use with equal truth to describe their goods. You cannot shut out the public from any fraction of the right they already possess in the ordinary words of the language. Every man has a right to advertise his merchandise, to describe it, and to extol it as he will. So you cannot adopt as your trade mark that which is merely a picture of your merchandise. Any man may make a clothes wringer or an ore crusher, and use a cut of it connection with his advertisements. If you have any monopoly in a machine, it is by virtue of a patent; and when seventeen relentless years have passed, all your right lapses, and you cannot perpetuate it, or narrow the rights of any member of the public who may care to manufacture and sell it, by exclusively holding the right to use a picture of it.

3. Do not multiply your trade marks. One distinctive mark, well known in connection with your goods, may have great value. A dozen different marks will each tend to destroy the character and value of the other, and are a positive detriment. A trade mark has been neatly defined as "the commercial signature" of the manufacturer. Every body knows the value of a signature; but every body knows that if Jay Gould had a new signature for every day in the month, his checks would not pass very freely. Such signatures would authenticate nothing. The case is the same with the multitudinous trade marks fashionable in some branches of industry. Perhaps the conditions of trade make it necessary to constantly vary the brands of soap and cigars, as fashions in bonnets change, but the prudent manufacturer should see to it that each new label bears his distinctive trade mark in addition to the transient brand with which he captivates his customers. If the housewife finds quality guaranteed by the familiar trade mark, she will not object to the fascinating title that charms her cook and laundress.

These are some of the considerations which any one selecting a trade mark for permanent use, and intending to maintain a high character in the business it is to represent, should keep in mind.—*Trade Mark Record.*

The Satellite of Neptune.

M. Tisserand has presented a report to the Paris Academy of Sciences concerning some remarkable observations of the satellite of the planet Neptune, which was discovered in 1847. The angle which the plane of the orbit of this satellite made at that date with the ecliptic was about 30°, but this angle has now increased by at least 6°. The satellite moves round its principal in an opposite direction to that usually followed by other satellites, so that a question might be raised whether in the course of time this variation in the inclination of the plane of its orbit might not end in its movement around its principal becoming normal. M. Tisserand showed that this variation of inclination was due to the oblate or flattened condition of Neptune at its poles, and that it will complete its limit within a period of 500 years, at the end of which time it will again be as it was in 1847.

Electrical Dangers in New York.

An electric conduit at Maiden Lane and Nassau Street, a little after midnight recently, exploded with a report that shook the ground for a considerable distance. The iron cap of the manhole which covers the conduit was turned over and a huge volume of flame shot upward. As the iron cap weighs 200 pounds, the force of the explosion was sufficient to have caused much loss of life, remarks the New York *Tribune*, had the accident occurred in the busy part of the day. Not much damage was done to the buildings in the surrounding neighborhood, a few dislodged paving stones and a cracked window comprising the sum total of the mischief. The only trace of the accident to be seen the next day was the new cap which had been laid down in the early morning. Henry J. Smith, of the Edison Electric Illuminating Company, to whom the conduit belonged, was seen by a *Tribune* reporter, and expressed the opinion that the accident had been caused by the formation of an arc in the conduit box. The spark thus created communicated with the accumulations of gas in the manhole and brought about the explosion. The company had not yet made an examination of the conduit, but was satisfied that the explosion had happened in the way described.

President Lynch, of the United States Illuminating Company, said: "This is only another instance of the danger of running electric cables under the ground. The whole point of the difficulty lies in a nutshell. Whenever the electric insulator, from any cause, becomes impaired, the current must form a connection with the ground, and a spark is generated. If this should happen in any receptacle where gas, more or less mixed with air, has accumulated, and where such gas is within a narrow compass, such as a manhole, an explosion must follow. The business man or other pedestrian walking unsuspectingly over a conduit can never be sure that it will not explode and blow him to pieces."

Details for Working Chloride Paper.

The demonstration of chloride paper which I had the honor of giving at a recent meeting of the Society of Amateur Photographers of this city has elicited much favorable interest, and I have been requested to give the details of my method of working for the benefit of all. They are briefly as follows:

*Exposure.*—This is most easily done with magnesium ribbon held in a clip. A negative of good printing qualities requires but a quarter to half an inch burned at a distance of one foot from the negative.

*Developer.*—1. Make a solution of protosulphate of iron to test sixty by hydrometer, and acidify with acetic acid.

2. A solution of oxalate of potash to test forty by hydrometer, acidified with oxalic or acetic acid.

To develop, pour one ounce of 1 into six ounces of 2. Have ready a solution of acetic acid, about one drachm in twenty or thirty ounces of water.

After the exposure has been made, pour a few ounces of acetic acid solution into the developing tray, place the paper in it, and allow it to soak until quite limp, then pour off the acid and flow the developer over the paper evenly and quickly. If the exposure has been liberal, the positive will instantly appear, brilliant beyond comparison, all on the surface, not sunken in effect, and of a beautiful blue-black tone—a thing of rare artistic merit. The instant that sufficient detail is gained, the developer must be poured off, and, without washing, the acetic acid solution is flowed over the print. Let it soak in this a minute. Repeat twice, and, after a good rinsing, place in hypo. for twenty minutes. Avoid handling as much as possible until fixed. When it is necessary to handle the print, take it by the extreme edge.

*Variations of Tone.*—It will be noticed that I used no bromide in the developer. The bright blue-black tone, which is so much admired, is gotten by exposing at a short distance from the light, and using no bromide.

By increasing the exposure and distance, a gray tone is gotten with slow development.

By giving plenty of exposure at various distances from the light, and using a large amount of bromide of potash, brown, olive, and sepia tones are gained.

A glaze finish may easily be obtained by squeegeeing the washed print on a polished plate of hard rubber. The print gains in depth and detail by the operation, as it gives great transparency to the whites. Still the flat finish is preferred by the majority. Although the chloride paper prints very quickly, it can be worked in abundant light. At the demonstration I only turned the nearest gas jets down, leaving two burning at the end of the room, and worked by a light which was hastily constructed, being, in fact, a cylinder of post paper and a candle. Yet the paper showed not the slightest trace of fog.

If these simple directions are followed, no one can have the least difficulty in producing exquisite results, as the chloride paper works with remarkable ease and certainty.—*Edward W. Newcomb, in Photo. Times and American Photographer.*