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New Trade Mark Law Proposed

Dicta Editorial Board

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tions of Taft-Hartley,⁵⁰ and state law was therefore inapplicable to the case.

The latest decision of the Supreme Court on the point under consideration involved the Michigan Labor Mediation Law⁵¹ which forbids strikes unless approved by majority vote of the employees in an election conducted by the state Mediation Board. Criminal sanctions are provided for violation of the statutory provisions. The C. I. O. Auto Workers went on strike against the Chrysler Corporation without complying with the statutory procedure, and brought suit to enjoin criminal prosecution. The Supreme Court held the Michigan law was invalid because it was in conflict with the federal Act.⁵² The Court held that since Congress has legislated concerning strikes affecting interstate commerce, state action is not permissible. "Congress occupied this field and closed it to state regulation."⁵³

The decisions reviewed indicate the extent to which state labor legislation has been superseded by Taft-Hartley. They also point to the increasing number of problems arising as a result of the overlapping of the two sets of labor laws. It is almost impossible to predict with any certainty in a given case whether state or federal law will finally prevail. The line of demarcation between state and federal law can only be worked out in a case by case test. A certain amount of uncertainty is inevitable in any field in which both Congress and the states attempt to legislate concerning the same subject matter. However, it is submitted that there is much unnecessary conflict in the present labor legislation which could be eliminated by appropriate action by Congress and state legislatures.

⁵⁰ *Supra*, note 2, Sec. 8(a) (3), 8(b) (2).

⁵¹ 1948 Mich. Comp. Laws, sec. 423.1 *et. seq.*

⁵² *International Union v. O'Brien*, 339 U.S. 454 (1950).

⁵³ 339 U.S. 457 (1950).

NEW TRADE-MARK LAW PROPOSED

In collaboration with the Office of the Secretary of State, the Patent Section of the Colorado Bar Association has undertaken a revision of the Colorado laws relating to trade-marks which is to be offered to the 38th General Assembly. The basis for the revision of the Colorado law is the proposed uniform state trade-mark law presented to the recent conference in San Francisco of the National Association of Secretaries of State. This latter law follows rather closely the Federal act (Public Law 489, 79th Congress, Chapter 549, approved July 5, 1946; Title 15, Chapter 22, U. S. Code). The principal difference between the proposed uniform state trade-mark law and the trade-mark law proposed for Colorado lies in the place of application of the tests for registrability.