

**DEFINITIONS OF 'GOOD WILL' ARE ARGUED IN COURT**

**Two Witnesses To Be Called Today In Trade Mark Case**

The defense in the trade mark case being heard in the British Supreme Court between Mr. Carl Ingenohl and the Wing On company will present two witnesses this morning.

Two days have already been taken by the defense in presenting its side of the case in which Mr. Ingenohl seeks to enjoin the Shanghai company from distributing cigars bearing the Ingenohl label.

Mr. R. N. Macleod, counsel for the defense gave definitions of goodwill in relation to trade marks and popularity of cigars in strengthening his case yesterday.

He said the reputation of the Manila cigar in China was gained by the cigar as produced in Manila and not as manufactured by the Hongkong factory.

Mr. Macleod spent a good part of yesterday afternoon establishing the proof of the transfer of the Manila company to the Walter Olsen company.

Mr. Ingenohl had a limited company, the defense argued, in that the reputation of the article and not the reputation of the maker is the main feature of the trade mark suit. The article is

made now by the man who originally made it, Mr. Macleod said. There are two factories and two goodwills with the Manila cigar goodwill gained before the establishment of the Hongkong factory.

The defense denies any good-

will exists in China from the Hongkong made cigar. It is the old business, Mr. Macleod said, which is responsible for the good name of the cigar in China and it should be allowed to continue the distribution of the product in China for that reason. The

Hongkong factory, he said, is not old enough as yet to have established such a good will and reputation as the Manila factory. The Hongkong factory Mr. Macleod said misleads the consumer by using practically the same box as the Manila factory.