

An examination of sections 843 et seq. of the General Code providing for the inspection and licensing of hotels and restaurants, discloses that your department need not necessarily concern itself with the trade name under which an applicant for a license intends to conduct his hotel or restaurant. In other words, it is not necessary that a license be issued to conduct a hotel under any particular trade name. Your duty in the premises, so far as the question under consideration is concerned, will be discharged by issuing a license to conduct a hotel or restaurant in a building or structure describing the building or structure with such degree of certainty as will enable your inspectors and the general public to locate and identify it; such, for example, among other things, as a three story frame or brick building, located at a particular street number, etc.

The question whether or not two or more persons are entitled to use the same trade name presents a question of unfair trade or competition for judicial determination, and one in which your department is not necessarily interested. There is, however, no objection to the applicant referring to the building or structure in which he proposes to conduct his hotel or restaurant by the name under which it is commonly or generally known, nor to your department in incorporating such information into the license; but it must be understood that such reference or incorporation does not confer any legal right or authority upon the licensee to use the name as against one who is legally entitled to its use. The better practice would be to omit all reference to the trade name in the license, especially in cases where your department has knowledge of the fact that two or more persons are claiming the right to its use.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1437.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENT IN
CLERMONT COUNTY, OHIO.

COLUMBUS, OHIO, July 17, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1438.

APPROVAL FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
HENRY COUNTY, OHIO.

COLUMBUS, OHIO, July 17, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*