



# PAVAN V. PARIKH

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## *Hamilton County Clerk of Courts*

From: Jason Alexander-Manager-Central Services Division  
Re: Clerk of Courts Trademark Book  
Date: December 14<sup>th</sup> 2022 Updated March 20<sup>th</sup> 2023

### Background

On July 6<sup>th</sup> 2022 during a visit to the Clerk of Courts Records Center, a large book with various items contained in it was discovered. This was an overly large book with oversized pages similar to the format of our old court docket books. The contents of this book appeared to have various labels, stickers, boxes, box labels, etc. that exhibited different markings regarding businesses and commercial entities. For all intents and purposes, we believed that these were trademark submissions that we had on file. The earliest trademark filing in this book was from January 28<sup>th</sup>, 1933 for **“The Beatrice Creamery Co”** and the latest and last entry being September 15<sup>th</sup> 1952 **“AIDS – Automotive Interior Detailing Services – Appearance of Your Car.”** In March of 2023, an additional trademark book was discovered at our Records Center. This book was much smaller in size, however this book appeared to precede the first book discovered as the first entry in this book was dated November 9<sup>th</sup> 1915 for **“H.L. Powell”** and the last entry being March 10<sup>th</sup> 1933 **“Willson Dairy Products.”**

Since discovering this, this office has been perplexed as it raised one single question, “If these are in fact trademark submissions, why would we or any local court or office be in possession of this book.” This was a very natural question to ask being that the registration of trademarks typically is under the jurisdiction of the **“United States Patent and Trademark Office”** or **“USPTO”** for short. After inquiring somewhat internally, we could not locate any information that even offered the slightest suggestion as to why the Hamilton County Clerk of Courts should or would be in possession of such a book. An internet search was then initiated in an attempt to glean any information that could to assist us with this.

### Finding

Shortly after starting our search, I was fortunate enough to come across an online article written by Zvi Rosen that was featured by way of the American Bar Association website. This article, written in 2019 was titled **“Federal Trademark Law: From Its Beginnings.”** Although this article didn’t answer our question, it was so intellectually written that it gave me hope that its author may be the source as to provide the vital information and insight that was needed to solve this latest mystery.

After a little more research, I was able to learn that Zvi S. Rosen is currently an assistant professor at the Southern Illinois University School of Law and that is where I was able to make contact with him. To further cement our notion that Professor Rosen may be an authority on our historical find, at the time of the above article being written, on the American Bar Association website it also stated that he is a professional lecturer in law and visiting scholar at the George

Washington University School of Law in Washington, D.C., assistant chief counsel at SBA Office of Advocacy and that he specializes in property and commercial law.

After making contact with Professor Rosen, he was most cordial and extremely accommodating in the entertaining of our question. That question of course, since discovering this is **“What is this book and why is the Hamilton County Clerk of Courts in possession of it?”** Professor Rosen then provided a most interesting explanation. He went on to tell us that every state has a system of trademark registration concurrent with the federal system, but that the state system is not utilized as much due to the fact that a federal registration provides presumptive national use and protection. He was also kind enough to conduct some additional research for our office and in that, provided this additional information: **“Heinonline tells me that Ohio established a registration system in 1911 providing for registration with the geographically appropriate Clerk of Court of Common Pleas and the Secretary of State. The system was amended in 1953 to make registration exclusive to the Secretary of State.”**

In subsequent correspondence, Professor Rosen alluded to the fact that despite every Ohio county in theory having a trademark book in their possession, that ours is most likely one of the biggest. He also mentioned that it appeared that Erie County, Ohio has a very small volume in their archives.

#### Conclusion

After obtaining all of the above information that solved this mystery, this provided an avenue for our next question. Due to this being extremely unique and of great historical importance, how should this office now proceed with this particular record.

Within the last year, this office has been fortunate enough to have cultivated a great working partnership in collaborating with the Cincinnati and Hamilton County Public Library in which they have digitized documents of historical importance for this office. Realizing what historical value that this book contained, they were more than willing to take this on as a project to digitize. In December of 2022, after having the book for approximately one month, they had completed digitization of all contents within the book. The whole goal of this was twofold: Digitize in an effort to preserve this one of a kind piece of history, and to provide the public access to this historical find. Both of these objectives have been achieved as the Cincinnati and Hamilton County Public Library plans to place these images on their website in January of 2023.

With regard to preservation and retention of the physical “Trademark Book,” it will now be housed under lock and key within the Archive and Preservation Center of the Hamilton County Clerk of Courts located in the basement of the Hamilton County Courthouse.