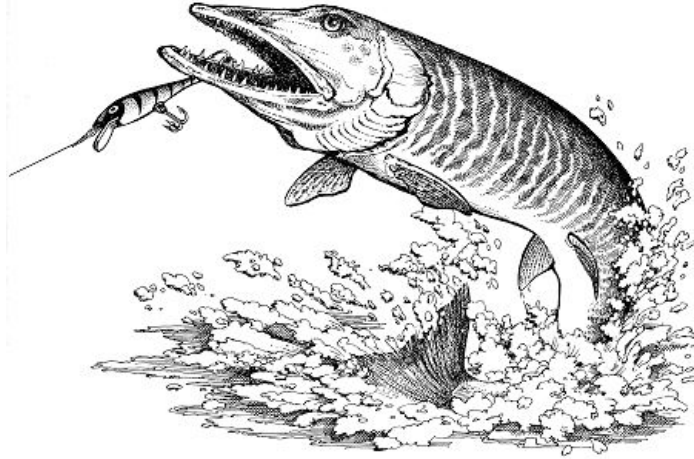


The Story of BOULDER JUNCTION, WISCONSIN: The Musky Capital of the World®



Muskellunge, Musky or *Esox Masquinongy masquinongy* – regardless of the name it goes by, it is still one heck of a fish. A member of the Pike family, the majestic Musky is a magnificent leaping fish which grows to over 50 inches. Noted for its tenacious fighting ability, the Musky is described in Department of Natural Resources (DNR) literature as “...the premier game fish of Wisconsin’s inland waters.” Once hooked on the Musky fishing experience, many anglers will fish for nothing else. It has been called the fish of 10,000 casts. Some Musky anglers will fish for a lifetime and never land a “legal”. In many northern lakes communities, visitors wear T-shirts which proclaim *Musky – everything else is just bait!* Stories of the old-time Musky guides are still told with relish in lakefront taverns. It is the fish of which legends are made. It is small wonder then, that many resort communities have laid claim to the title “The Musky Capital of the World”. Only one, though, can legally and legitimately claim the title.

Despite claims from a number of resort communities in Wisconsin and other mid-west states, Boulder Junction, in Northern Wisconsin’s Vilas County is the only *official* Musky Capitol of the World®. Securing the title was no mean feat – the story is one worth telling.

Now in continuous use for nearly 60 years, the title was first claimed to promote the abundance of Muskies in the waters of Boulder Junction. There are 194 lakes within nine (9) miles of town, many of which are officially designated by the DNR as *Class A* Musky Lakes. So it’s hardly surprising that more Muskies are caught each year in Boulder Junction waters than in any other similar sized area in the world.

The battle to secure the title of “The Musky Capital of the World®” was led by the Boulder Junction Chamber of Commerce. It commenced in the 1950s and took over twenty years to complete. Before it was over, lawyers, Chamber and Town officials, local, state and federal politicians, even the State Assembly would be involved in the matter. So, how did it all begin?



Back in the 1930s, a Chicago based sports-writer who regularly vacationed in the Boulder Junction area, coined the phrase “The Musky Capital of the World” to describe his favorite fishing destination. Local resorts picked up on the idea and over the course of the next 11 or 12 years, used the term intermittently on their promotional literature. In 1942, the newly formed Chamber of Commerce began using the title on all its brochures and other printed matter, and it has done so ever since.

In 1950, Boulder Junction applied to the State of Wisconsin for registration of the title. On April 18, 1950, under the signature of then Secretary of State Fred R. Zimmerman, the State Department of Commerce issued Registered Trade Mark certificate #17132 to the Boulder Junction Chamber of Commerce. The trademark on that certificate reads: “...Boulder Junction, Wisconsin, The Musky Capital of the World ... for the purpose of advertising and promotion”. The original registration was good for twenty years, and has twice been renewed – in 1970 and again in 1990. It is certain to be renewed again in 2010.

With their certificate of registration securely filed in the Chamber Office, the good people of Boulder Junction figured that the title was safely theirs, but in 1955 Assemblyman Hutnik from North Western Wisconsin introduced joint resolution #58 into the State Assembly, proclaiming the Muskellunge as Wisconsin’s State fish, and erroneously declared Hayward as the Musky Capital of the World. Following Assemblyman Hutnik’s ill-conceived claim on behalf of Hayward, that town immediately embarked upon a program of widespread use of the slogan. Visitors’ Guides, the masthead of the local newspaper, maps, individual resort brochures, (and some years later), and even milk cartons from the local dairy declared that Hayward was The Musky Capital of the World. Incensed by this shameless disregard for their legally secured right to exclusive use of the title, the folk of Boulder Junction rallied together and commenced a focused and concerted letter-writing campaign.

Boulder Junction’s initial response was to simply point out to the people of Hayward that Boulder Junction already held legal claim to the use of the title. Boulder Junction could have demanded that all products claiming Hayward to be the Musky Capital be recalled and destroyed. In what seems a generous and noble gesture by today’s standards, the people of Boulder Junction were prepared to allow any existing Hayward products, which carried the tag line to continue to circulate, but requested that all references to the title be removed prior to product reprinting.

In January 1967, Boulder Junction applied to the United States Department of Commerce for Federal registration of the Trade Mark. With the confusion of the mid 50s – early 60s behind them, and the dispute apparently laid to rest; nobody in Boulder Junction anticipated a problem with the application. Since Boulder Junction already held the State of Wisconsin registration, securing the Federal registration should have been a mere formality. But a group of Hayward area business organizations blocked the application. They claimed that since the largest Musky on record was caught in their waters, and that same record fish was permanently displayed in their town, they had the right to use the title.

A recent review of the Chamber's correspondence file showed that at no time did Boulder Junction claim to have been responsible for the largest Musky ever caught. That honor rightly belongs to the Hayward area, and has never been disputed by the people of Boulder Junction. The "Musky Capital" tag has always been premised on the total number of Muskies caught, not the size of one freak fish. That's not to say that there aren't some "lunkers" being caught in Boulder Junction – the local annual fishing contest records show that some monster fish are registered each year.

The federal application filed by the Boulder Junction Chamber of Commerce appeared sound. It included copies of early literature, which made use of the title, and details of Musky fishing activity in the area, including the number of lakes, number of anglers and number of fish registered in the annual season-long Musky fishing contest. A pivotal issue in the Commerce Department's deliberations would be the length of time the trademark title had been in use. Boulder Junction was able to show occasional use in the 30s and continuous use since 1942. The best evidence Hayward could produce was first use in 1949 and sporadic use thereafter.

Between January of 1967 and December of 1970, Boulder Junction made eight (8) applications to the US Department of Commerce for registration of the title, but on each occasion, Hayward appealed against issuance of the title. Finally, Boulder Junction threatened legal action and demanded a hearing before the US Patent Office's *Trade Mark Appeals Board* to settle the issue. On December 14, 1969, Hayward was given five (5) days to show just cause why their claim should not be dismissed and Boulder Junction granted registration of the title. The people of Hayward apparently took no further action. On January 22, 1971, the US Patent & Trademark Office entered a default judgment against Hayward, and announced that Boulder Junction would be issued a certificate of registration of the trademark: "Boulder Junction, The Musky Capital of the World®"

With their long-awaited certificate soon to be in hand, and the threat of further legal action finally behind them, all that remained to be done by the people of Boulder Junction was to correct Assemblyman Hutnik's erroneous 1955 resolution. To that end, the President of the Boulder Junction Chamber of Commerce, Mr. Gil Jung, wrote to local Assemblyman, Ellsworth Gaulke asking for his assistance in the matter. Newly elected to the State Assembly, Mr. Gaulke was more than happy to oblige. The following resolution was introduced into the Wisconsin Assembly in February 1971.



Resolution to State Assembly by Ellsworth Gaulke

Relating to correcting a grievous error regarding Boulder Junction.

Whereas, way back in the old days of 1950, the village of Boulder Junction was anointed, preserved and proclaimed the "Musky Capital of the World" in trademark registration #17312 in the office of the Secretary of State; and

Whereas, in 1955 a misguided, chauvinistic and overzealous state representative, who shall remain nameless, had the unmitigated gall to introduce a joint resolution which, with a certain low cunning, referred to the city of Hayward, a blameless community which was led astray by the machinations in Madison as the "musky capital of the world" (lower case): and

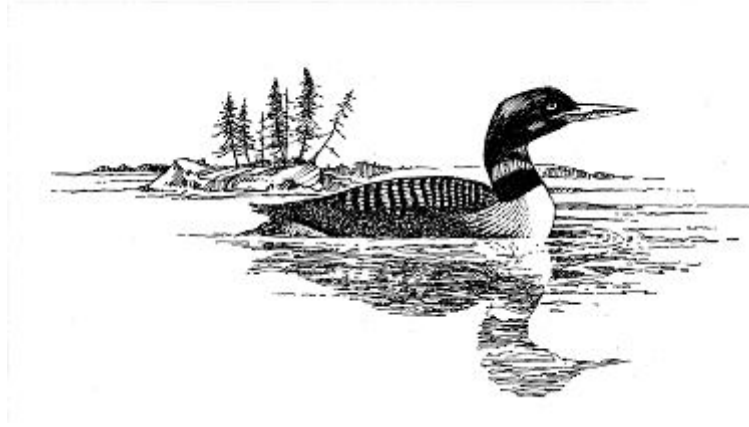
Whereas, this treading on hallowed fishing grounds was embodied in a seemingly harmless resolution, namely, Joint Resolution 58, A. of 1955, which all these years has stuck in the craw of the good people and gentle folk of Boulder Junction like a dratted salmon bone; now, therefore, be it

Resolved by the assembly, the senate concurring, that this blemish be removed, this blot erased, this mote in the eye of Boulder Junction be hereby and forthwith exorcised by one and the same fell stroke of statesmanship, proclaiming said erroneous reference in Joint Resolution 58, A. of 1955, as revoked, expunged, repealed, and dead as any mackerel, and further proclaiming that the legislature, along with the rest of the world does hereby recognize and proclaim Boulder Junction to be, now and forevermore, the "Musky Capital of the World"; and be it further

Resolved that properly attested copies of this resolution be sent to the Village Board and the Chamber of Commerce (194 lakes, 62 resorts) of Boulder Junction.

After a 20-year battle, victory was finally Boulder Junction's! On June 8, 1971, the Patent & Trademark Office issued Certificate Number 914,488 to the...

"... Boulder Junction Chamber of Commerce, a Wisconsin Corporation, for Association Services – namely, promoting Boulder Junction, Wisconsin, as a Resort area, and informing the general public of the desirability of visiting the area."



To celebrate the victory, then Town Chairman Walt Haag, proclaimed June 8, 1971 *Musky Capital of the World Day*. A news release from about that date stated in part that "...the business men (sic) of Boulder Junction are planning a huge wiener roast...[and]...street dancing with live music, for next Tuesday night, June 8, starting at 5:00pm. There will be drawings for many prizes. This will be held in the center of town, and everyone is welcome to help Boulder Junction celebrate this great Victory." The town's victory party was apparently a great success. Reference was made to the celebration in a letter of thanks from the Chamber to Assemblyman Gaulke. Part of that letter stated that "...it was a great day, the sun shown (sic) and we served 1640 hot dogs...everyone had a fine time helping us celebrate."

So, there you have it, the story of "The Musky Capital of the World". After such a long and protracted battle, it will come as no surprise that to this day, the resort owners and guides in Boulder Junction are proud to offer a first class Musky fishing experience to area visitors. We acknowledge that there are other fine Musky waters throughout Wisconsin – indeed, the Chippewa flowage, near Hayward is one such Musky fishery. There are some excellent guides and resorts in that area, too. We just happen to believe that with 194 lakes within nine miles of Boulder Junction's Main Street, and many first-rate, nationally recognized Musky fishing guides resident in our area, your odds of catching a Musky here in Boulder Junction are better than any other area in the world. And we have the figures to prove it.

So come on over – let us introduce you to an *Esox Masquinongy masquinongy*!

