

What Is a Modern Art Museum? 2 City Galleries Fight for Name

The Museum of Modern Art has gone to court to prevent Huntington Hartford, grocery chain heir and art patron, from using the name Gallery of Modern Art for the \$2,000,000 art museum he is planning to build at 2 Columbus Circle.

In a complaint served on Mr. Hartford on Jan. 12, the Museum of Modern Art charged that the use of so similar a name would "dilute the distinctive quality" of the museum's name and might divert goodwill and donations from the established museum.

Mr. Hartford said yesterday that he was "astounded" by the museum's action, and that he would fight the suit.

"I did want to use the term modern art," he said, "because I believe it's descriptive of what I will have in the museum. I don't see why one museum should have the entire rights to a descriptive term like 'modern art.'"

The museum's action seeks an injunction against the use of the name "Gallery of Modern Art or any other name" similarly "confusing."

Mr. Hartford's attorneys, Stroock & Stroock & Lavan, said that they have not yet offered a reply to the suit. Vinthrop, Stimson, Putnam &

Roberts are the attorneys for the Museum of Modern Art.

The museum's complaint describes at length the institution's history and service to the community. Since its incorporation in 1929, the complaint states, the museum has collected more than 1,360 paintings and sculptures that have been visited by nearly 11,000,000 people. It has spent \$29,490,000 on its varied activities.

In the background of the lawsuit and Mr. Hartford's plans to build an art gallery of white marble there exists a long-simmering controversy over modern art.

Mr. Hartford, a Broadway producer, theatre owner, model agency head, garage operator and an heir to the Great Atlantic & Pacific Tea Company fortune, is a leading figure among those who oppose abstraction in art. He said yesterday that he would accept the artist's right to distort nature as he [the artist] sees it, but only up to the point at which communication is cut off.

The Museum of Modern Art is regarded as putting in a more avant-garde place the point at which communication between artist and viewer ceases to exist. The museum has exhibited over the years the work of scores of abstract artists.