

Section Amended.	Nature of Amendment.
	words "conditions, if any" there shall be inserted the words "or what limitations, if any, as to mode or place of user or otherwise."
	Subsection (10) shall be repealed.
Section 16.....	After the words "the registrar shall" there shall be inserted the words "unless the mark has been accepted in error or."
Section 21.....	After the word "court" there shall be inserted the words "or registrar" in each case.
	Delete the words "as it may think it right to impose" and insert "as the court or the registrar, as the case may be, may think it right to impose."
Section 22.....	At the end of the section there shall be added the following words "and the assignment of such right to use the same shall constitute the assignee a proprietor of a separate trade mark for the purpose of section twenty-one of this Act, subject to such conditions and limitations as may be imposed under that section."
Section 23.....	After the words "modifications, if any," there shall be inserted the words "and to such limitations, if any, as to mode or place of user."
Section 24.....	After the words "registration of a trade mark" there shall be inserted the words "identical with or."
Section 34.....	After the word "terms" there shall be inserted the words "and subject to such limitations as to mode or place of user."
Section 41.....	In the proviso, after the words "anterior to the user" there shall be inserted the words "or registration, whichever is the earlier."
Section 43.....	For section forty-three the following section shall be substituted: "In any action or proceeding relating to a trade mark or trade name the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get up legitimately used by other persons."
Section 62.....	For the words "Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying," there shall be substituted the words "Where any association or person undertakes to certify the origin, material, mode of manufacture, quality, accuracy or other characteristic of any goods by mark used upon or in connection with such goods, the Board of Trade, if and so long as they are satisfied that such association or person is competent to certify as aforesaid, may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such certifying."
Section 64.....	Subsection (10) (a) shall be repealed. In subsection (10) (c) the word "word" shall be omitted.

APPENDICES.

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APPENDIX A.

PATENTS AND DESIGNS ACT, 1907.

(7 EDW. 7, c. 29.)

(As amended by the Patents and Designs Acts, 1914 and 1919.)

PART I.—PATENTS.

PART II.—DESIGNS.

PART III.—GENERAL.

Patent Office and Proceedings thereat.

Patent Office.
5 Edw. 7,
c. 15.

62.—(1) The Treasury may continue to provide for the purposes of this Act and the Trade Marks Act, 1905, an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by this Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

Officers and
clerks.

63.—(1) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may remove any of those officers and clerks.

(2) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and those salaries and the other expenses of the execution of this Act and the Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

Seal of
Patent Office.

64. Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

* * * * *

76. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which the report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Annual reports of comptroller.

* * * * *

88. An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act: but may be revoked or varied by a subsequent Order.

Provision as to Order in Council.

Offences.

89.—(1) If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

Offences.

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered, he shall be liable for every offence, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

90.—(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

Unauthorised assumption of Royal Arms.

(2) If any person, without the authority of His Majesty, uses in connexion with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on

conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds:

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

Sects. 94 and 96 of this Act include provisions as to prosecution for offences in Scotland and the Isle of Man corresponding to sects. 70 and 72 of the Trade Marks Act, 1905.

International and Colonial Arrangements.

International
and Colonial
arrangements.

91.—(1) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state [or his legal representative or assignee] shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state

Provided that—

(a) The application is made, in the case of a patent within twelve months, and in the case of a design or trade mark within four months, from the application for protection in the foreign state; and

(b) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.

(2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated—

(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

(c) in the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905: Provided that—

(a) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and

(b) In the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under the Trade Marks Act, 1905.

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which His Majesty by Order in Council declares them to be applicable, and so long only in the case of each state as the Order in Council continues in force with respect to that state.

(5) Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented [or] registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this section to that possession, with such variations or additions, if any, as may be stated in the Order.

This section is derived from sects. 103 and 104 of the Act of 1883.

The words in brackets in sub-sect. (1) were added by sect. 1 of Patents and Designs Act, 1914 (4 & 5 Geo. 5, c. 18), in order to give effect to Art. 4 (a) of the Convention as revised at Washington.

The word "or" in sub-sect. (5) was substituted for "and" by sect. 20 of the Patents and Designs Act, 1919 (9 & 10 Geo. 5, c. 80).

As to extensions of the rights of priority under the treaties of peace, see Art. 308 of the treaty with Germany, and the Peace Order in Council, pp. 188, 204, *post.* and corresponding provisions in other peace treaties enumerated on p. 187.

* * * * *

93. In this Act, unless the context otherwise requires.--

Definitions.

* * * * *

"British possession" does not include the Isle of Man or the Channel Islands:

* * * * *

98.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule— Repeal and savings.

(a) As respects the enactments mentioned in Part I. of that schedule, as from the commencement of this Act;

* * * * *

Provided that this repeal shall not affect any convention, Order in Council, rule, or table of fees having effect under any enactment so repealed, but any such convention, Order in Council, rule, or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

99. This Act may be cited as the Patents and Designs Act, 1907, and shall, save as otherwise expressly provided, come into operation on the first day of January one thousand nine hundred and eight. Short title and commencement.

* * * * *

[SECOND SCHEDULE.

Sect. 98.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	The whole Act, except subsections (5), (6), and (7) of section twenty-six, section twenty-nine, subsections (2) and (3) of section forty-seven, and section forty-eight
48 & 49 Vict. c. 63.	The Patents, Designs, and Trade Marks (Amendment) Act, 1885.	The whole Act.
49 & 50 Vict. c. 37.	The Patents Act, 1886	The whole Act.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	The whole Act.
1 Edw. 7, c. 18.	The Patents Act, 1901	The whole Act.
2 Edw. 7, c. 34.	The Patents Act, 1902	The whole Act.
7 Edw. 7, c. 28.	The Patents and Designs (Amendment) Act, 1907.	The whole Act.

APPENDIX B.

GENEVA CONVENTION ACT, 1911.

(1 & 2 GEO. 5, c. 20.)

An Act to make such amendments in the Law as are necessary to enable certain reserved provisions of the Second Geneva Convention to be carried into effect. [18th August, 1911.]

WHEREAS His Majesty has ratified, with certain reservations, the Convention for the amelioration of the condition of the wounded and sick of armies in the field, drawn up in Geneva in the year one thousand nine hundred and six, and it is desirable, in order that those reservations may be withdrawn, that such amendments should be made in the law as are in this Act contained:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) As from the commencement of this Act it shall not be lawful for any person to use for the purposes of his trade or business, or for any other purpose whatsoever, without the authority of the Army Council, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland, or the words "Red Cross" or "Geneva Cross," and, if any person acts in contravention of this provision, he shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine not exceeding ten pounds, and to forfeit any goods upon or in connection with which the emblem or words were used.

Prohibition of use of emblem of red cross on white ground, &c.

(2) Where a company or society is guilty of any such contravention, without prejudice to the liability of the company or society, every director, manager, secretary, and other officer of the company or society who is knowingly a party to the contravention shall be guilty of an offence against this Act and liable to the like penalty.

(3) Nothing in this section shall affect the right (if any) of the proprietor of a trade mark registered before the passing of this Act, and containing any such emblem or words, to continue to use such trade mark for a period of four years from the passing of this Act, and, if the period of the registration or of the renewal of registration of any such trade mark expires during those four years, the registration thereof may be renewed until the expiration of those four years, but without payment of any fee.

(4) Proceedings under this Act shall not in England or Ireland be instituted without the consent of the Attorney-General.

(5) This Act shall extend to His Majesty's possessions outside the United Kingdom, subject to such necessary adaptations as may be made by Order in Council.

2. This Act may be cited as the Geneva Convention Act, 1911. Short title.

APPENDIX C.

TRADE MARKS ACT, 1914.

(4 & 5 GEO. 5, c. 16.)

An Act to amend section sixty-four of the Trade Marks Act, 1905.
[7th August, 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment
of 5 Edw. 7,
c. 15, s. 64.

1. Clause (c) of sub-section (10) of section sixty-four of the Trade Marks Act, 1905, shall be and the same is hereby amended by insertion therein of the words "in respect of cotton piece goods or cotton yarn" immediately after the opening words, "No registration of a cotton mark."

Construction
and com-
mencement
of Act.

2. This Act shall be construed as one with the Trade Marks Act, 1905, and the said Act of 1905 shall be construed and take effect from the date of its passing as if this Act had then formed part thereof.

Short title.

3. This Act may be cited as the Trade Marks Act, 1914; and the Trade Marks Act, 1905, and this Act may be cited together as the Trade Marks Act, 1905 and 1914.

APPENDIX D.

THE TRADE MARKS RULES, 1920.

DATED MARCH 9, 1920.

By virtue of the provisions of the Trade Marks Acts, 1905 to 1919, the Board of Trade do hereby make the following Rules:—

PRELIMINARY.

1. These Rules may be cited as the Trade Marks Rules, 1920, and shall come into operation from and immediately after the 31st day of March, 1920.

INTERPRETATION.

2. In the construction of these Rules any words herein used the meaning of which is defined by the said Acts or the Interpretation Act, 1889 (a), shall have the meanings thereby assigned to them respectively. Interpreta-
tion.
52 & 53
Vict. c. 63.

“Agent” means an agent duly authorised to the satisfaction of the Registrar.

“Office” means Patent Office, Trade Marks Branch, 25, Southampton Buildings, London, W.C.2.

“Journal” means “Trade Marks Journal.”

“Acts” means the Trade Marks Acts, 1905 to 1919.

FEEES.

3. The fees to be paid in pursuance of the Acts shall be the fees specified in the First Schedule to these Rules. Fees.

FORMS.

4. The forms herein referred to are the forms contained in the Second Schedule to these Rules and such forms shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases. Forms.

(a) NOTE.—The more material definitions of the Interpretation Act are:—

“Statutory Declaration” means a declaration made by virtue of the Statutory Declarations Act, 1835.

“Month” means calendar month.

“Person,” unless the contrary intention appears, includes any body of persons corporate or unincorporate.

Words in the singular shall include the plural and words in the plural shall include the singular.

CLASSIFICATION OF GOODS.

Classification
of goods.

5. For the purposes of trade marks registration and of these Rules goods are classified in the manner appearing in the Third Schedule hereto.

If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.

DOCUMENTS.

Size, &c. of
documents.

6. Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed, or other documents required by the Acts or by these Rules to be left with or sent to the Registrar or to the Keeper of Cotton Marks or to the Cutlers' Company, shall be upon foolscap paper of a size of approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

Service of
documents.

7. Any application, statement, notice, or other document authorised or required to be left, made, or given at the Office, or to or with the Registrar, or with or to any other person may be sent through the post by a prepaid or official-paid letter; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post. A letter addressed to a registered proprietor of a trade mark at his address as it appears on the register, or address for service, or to any applicant for or person opposing the registration of a trade mark at the address appearing in the application or notice of opposition or given for service as hereinafter provided shall be deemed to be sufficiently addressed.

Address.

8. Where any person is by the Acts or these Rules bound to furnish the Registrar with an address the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given.

The Registrar may require the address to include the name of the street, and the number in the street or name of premises if any.

Address for
service.

9. Every applicant for the registration of any trade mark, and every opponent to such registration, and every agent, who does not reside or carry on business in the United Kingdom, shall, if so required, give an address for service in the United Kingdom, and such address may be treated as the actual address of such applicant, opponent, or agent for all purposes connected with such application for registration or the opposition thereto.

The Registrar may require the proprietor of a registered trade mark who does not reside or carry on business within the United Kingdom to give an address for service within the United Kingdom, and such address may be treated as the actual address of the proprietor for all purposes connected with such trade mark.

AGENTS.

10. An application for registration and an opposition to registration and all other communications between an applicant, an opponent and the Registrar, or the Board of Trade, and between the proprietor of a registered trade mark and the Registrar, or the Board of Trade, or any other person, may be made by or through an agent. Agency.

Any such applicant, opponent, or proprietor may appoint an agent to represent him in the matter of the trade mark by signing and sending to the Registrar an authority in writing to that effect in the Form TM No. 1, or in such other form as the Registrar may deem sufficient. In case any proprietor of a registered trade mark shall appoint such an agent, service upon such agent of any document relating to such trade mark shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such trade mark may be addressed to such agent.

The Registrar shall not be bound to recognise as such agent any person who has been convicted criminally or struck off the Roll of Solicitors, or whose name, by reason of his having been adjudged guilty of conduct discreditable to a patent agent has been erased from the Register of Patent Agents, kept under the provisions of the Patents and Designs Act, 1907 and 1919, and not since restored.

7 Edw. 7,
c. 29 ;
9 & 10 Geo. 5,
c. 80.

REGISTRABLE TRADE MARKS.

11. The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear:— Registrable trade marks.

(a) The words "Patent," "Patented," or "By Royal Letters Patent," "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is a forgery," or words to like effect.

(b) Representations of Their Majesties or of any member of the Royal Family.

12. Representations of the Royal or Imperial Arms or crests, armorial bearings, insignia or devices so nearly resembling them as to lead to mistake, or of British Royal or Imperial crowns, or of the Royal, Imperial or National flags, or the word Royal or Imperial or any other words, letters, or devices calculated to lead persons to think that the applicant has Royal patronage or authorisation, may not appear on trade marks the registration of which is applied for. Provided always that nothing contained in this rule shall preclude the Registrar from allowing the registration as an "old mark," that is as a mark which was used by the applicant or his predecessors in business before the 13th August, 1875, of any mark which was capable of being so registered before the Trade Marks Act, 1905, came into operation. Royal Arms, &c.

5 Edw. 7,
c. 15.

13. Where a representation of the armorial bearings, insignia, decorations or flags of any state, city, borough, town, place, society, body corporate, or institution appears on a mark, the applicant shall, if so required, furnish the Registrar with a consent from such official as the Registrar may consider entitled to give consent to the use of such emblems. Arms of city, &c.

Representations of living person or persons recently dead.

Name or description of goods.

14. Where the names or representations of living persons appear on a trade mark, the Registrar shall, if he so require, be furnished with consents from such persons before proceeding to register the mark, and in the case of persons recently dead the Registrar may call for consents from their legal representatives.

15. Where the name or a description of any goods appears on a trade mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

Where the name or description of any goods appears on a trade mark which name or description in use varies the Registrar may permit the registration of the mark with the name or description upon it for goods other than those named or described, the applicant stating in his application that the name or description varies.

APPLICATION FOR REGISTRATION.

Form of application.

16. An application for the registration of a trade mark must be made upon the appropriate form as in the Second Schedule to these Rules, and must be signed by the applicant or his agent.

Application by firm.

17. If application for registration of a trade mark be made by a firm or partnership it may be signed in the name or for and on behalf of the firm or partnership by any one or more members thereof, but the full names of all the partners shall be given in the body of the application.

Application by body corporate.

If the application be made by a body corporate it may be signed by a Director or by the Secretary or other principal officer of such body corporate.

Address of application.

18. Where application is made for registration of a cotton mark the applicant shall address and send his application to the Keeper of Cotton Marks at the Manchester Branch, 501, Royal Exchange, Manchester. Other applications (except applications which under section 63 of the Trade Marks Act, 1905, should be made to the Cutlers' Company) shall be addressed and sent to the Registrar at the Office.

Acknowledgment of application.

19. On or after receipt of the application the Registrar shall furnish the applicant with an acknowledgment thereof.

Application for old mark.

20. Where application is made to register a trade mark which was used by the applicant or his predecessors in business before the 13th August, 1875, the application shall contain a statement of the time during which and by whom it has been used in respect of the goods mentioned in the application. The Registrar may require a statutory declaration verifying such user with exhibits showing the mark as used.

Contents of form of application.

21. Every application for registration of a trade mark shall contain a representation of the mark affixed to it in the square which the application form contains for that purpose.

Where the representation exceeds such square in size the representation shall be mounted upon linen, tracing cloth or other material that the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded over.

Additional representations.

22. There shall be sent with every application for registration of a trade mark four additional representations of such mark on the Form TM No. 4 or, in the case of a cotton mark, on Form Cotton

No. 3, exactly corresponding to that affixed to the application form, and noted with all such particulars as may from time to time be required by the Registrar or by the Keeper of Cotton Marks. Such particulars shall, if required, be signed by the applicant or his agent.

23. All representations of marks must be of a durable nature, but the applicant may in case of need supply in place of representations on the Form TM No. 4, or Form Cotton No. 3, half sheets of strong foolscap of the size aforesaid with the representations affixed thereon and noted as aforesaid. Representations to be durable.

24. Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, the registration shall henceforth for the purpose of fees and otherwise, be deemed to have been made on separate and distinct applications in respect of the goods included in each class. Separate applications.

25. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application. Representations to be satisfactory.

26. Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient. Specimens of trade marks in exceptional cases.

The Registrar may also, in exceptional cases, deposit in the Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

27. When application is made for the registration of a series of trade marks under section 26 of the Trade Marks Act, 1905, a representation of each trade mark of the series shall be affixed, as aforesaid, to the application form, and to each of the accompanying Forms TM No. 4 or Forms Cotton No. 3. Series of trade marks.

28. When a trade mark contains a word or words in other than Roman characters, there shall be indorsed on the application form, and on each of the accompanying Forms TM No. 4 or Forms Cotton No. 3, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall be signed by the applicant or his agent. Transliteration and translation.

Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof, and if he so requires such translation shall be indorsed and signed as aforesaid.

PROVISIONS ON RECEIPT OF APPLICATION.

29. Upon receipt of an application for registration the Registrar shall, or may, if he deem it necessary, in the case of an application under the provisions of section 2 of the Trade Marks Act, 1919, cause a search to be made amongst the registered marks and pending applications for the purpose of ascertaining whether there are on record any marks for the same goods or description of goods identical Search.
9 & 10 Geo. 5,
c. 79.

with the mark applied for or so nearly resembling it as to be calculated to deceive.

Acceptance.

30. After such search (if any), if on consideration of the application and of any evidence which the applicant may or may be required to furnish the Registrar thinks there is no objection to the mark being registered, he may accept it absolutely, or subject to such conditions, amendments, modifications or limitations as he may think right to impose, which he shall communicate to the applicant in writing.

Objections.

31. After such search (if any), if on consideration of the application and of any evidence which the applicant may or may be required to furnish any objections appear, a statement of those objections shall be sent to the applicant in writing, and unless within one month the applicant applies for a hearing, he shall be deemed to have withdrawn his application.

Hearings.

32. If the Registrar accepts an application subject to any conditions, amendments, modifications, or limitations, and the applicant objects to such conditions, amendments, modifications, or limitations, he shall within one month from the date of the communication notifying such acceptance apply for a hearing, and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, modifications, or limitations, he shall forthwith notify the Registrar in writing.

Decision of Registrar.

33. The decision of the Registrar at such hearing as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision, he may within one month apply upon Form TM No. 5, requiring the Registrar to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Upon receipt of such form the Registrar shall send to the applicant such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

Disclaimers.

34. The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit, in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

Application under sect. 2 of Trade Marks Act, 1919.

35. An application under the provisions of section 2 of the Trade Marks Act, 1919, shall be made on Form TM No. 3 or in the case of a cotton mark, on Form Cotton No. 2, with a statutory declaration as required, but the Registrar may require such further evidence as to user or otherwise as he may think necessary.

SPECIAL TRADE MARKS UNDER SECTION 62.**Application under sect. 62.**

36. Where an association or person desires to register a mark under section 62 of the Acts, application shall be made to the Registrar in writing upon the Form TM No. 6.

Mode of application.

37. Such application shall be in duplicate and shall be accompanied by four copies of the mark applied for.

Report by Registrar.

38. Upon the receipt of such application the Registrar shall as soon as may be notify the same to the Board of Trade together with his report upon the application, and shall at the same time send a

copy of the application together with two copies of the mark applied for to the Board. The Registrar shall also send the applicants a copy of his report, and within one month from the receipt of such report the applicants shall send the Comptroller, Industrial Property Department, Board of Trade, 25, Southampton Buildings, London, W.C.2, in duplicate a case setting out the grounds upon which they rely in support of their application, and if they fail so to do their application shall be deemed to be abandoned.

39. Upon receipt of such case the Board may call for such evidence, if any, as they think fit and shall, if necessary, hear the applicants and the Registrar, and make an order determining whether and subject to what conditions, amendments, modifications or limitations, if any, the application may be permitted to proceed. Hearing.

40. If such application is permitted to proceed the mark shall be advertised and the application shall be treated in all respects as if it were an ordinary application, and it shall be open to opposition in the same way and all such proceedings shall be had therein as if it were an application under section 12 of the Trade Marks Act, 1905. Advertisement, &c.

ADVERTISEMENT OF APPLICATION.

41. Every application either before or after acceptance, as provided by section 13 of the Acts, shall be advertised by the Registrar in the Journal during such times and in such manner as he may direct. Advertisement of application.

If no representation of the trade mark be inserted in connexion with the advertisement of an application, the Registrar shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

42. For the purposes of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade mark, of such dimensions as may from time to time be directed by the Registrar, or such other information or means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement. Wood block or electrotype.

43. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 26 of the Trade Marks Act, 1905, the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade marks differ from one another. Advertisement of series.

44. Advertisements under section 14 (9) of the Trade Marks Act, 1905, shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration. Advertisement under sect. 14 (9).

OPPOSITION TO REGISTRATION.

45. Any person may within one month from the date of any advertisement in the Journal of an application for registration of a Opposition.

trade mark give notice in writing at the Office of opposition to the registration.

Notice of opposition.

46. Such notice shall be in Form TM No. 7, and shall contain a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such marks and the numbers of the Journals in which they have been advertised shall be set out. Such notice shall be accompanied by a duplicate which the Registrar will forthwith send to the applicant.

Counter-statement

47. Within one month from the receipt of such duplicate the applicant shall send to the Registrar a counterstatement (Form TM No. 8) in writing setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the Notice of Opposition he admits. Such counterstatement shall be accompanied by a duplicate in writing.

Evidence in support of opposition.

48. Upon receipt of such counterstatement and duplicate the Registrar will forthwith send the duplicate to the opponent and within one month from the receipt of the duplicate the opponent shall leave at the Office such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

Evidence in support of application.

49. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition, but if he does then within one month from the receipt of the copies of declarations, the applicant shall leave at the Office such evidence by way of statutory declaration as he desires to adduce in support of his application and shall deliver to the opponent copies thereof.

Evidence in reply by opponent.

50. Within fourteen days from the receipt by the opponent of the copies of the applicant's declarations the opponent may leave at the Office evidence by statutory declaration in reply, and shall deliver to the applicant copies thereof. Such evidence shall be confined to matters strictly in reply.

Further evidence.

51. No further evidence shall be left on either side, but in any proceedings before the Registrar, he may at any time, if he thinks fit, give leave to either the applicant or the opponent to file any evidence upon such terms as to costs or otherwise as he may think fit.

Exhibits.

52. Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request, or, if such copies or impressions cannot conveniently be furnished, the originals shall be sent to the Office, so that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

Hearing.

53. Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of such notice both parties shall file Form TM No. 9. A party who receives such notice and who does not, within seven days from the receipt thereof, give notice on Form TM No. 9 that he intends to appear, may be treated as not desiring to be heard and the Registrar may act accordingly.

54. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving the said party a hearing, grant any reasonable extension of time to the other party in which to take any subsequent step. Extension of time.

55. Where a party giving notice of opposition neither resides nor carries on business in the United Kingdom, the Registrar may call upon him to give a security, in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem fit, and at any stage in such opposition may require further security to be given at any time before giving his decision in the case. Security for costs.

56. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed. Costs in uncontested cases.

NON-COMPLETION

57. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing in the Form O No. 1 of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned. Non-completion within 12 months.

ENTRY ON THE REGISTER.

58. As soon as may be after the expiration of one month from the date of the advertisement in the Journal of any application, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section 16 of the Acts, and upon payment of the prescribed fee, on Form TM No. 10, enter the trade mark on the register. The entry of a trade mark on the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars named in section 4 of the Trade Marks Act, 1905, together with particulars of the trade, business, profession, or occupation, if any, of the proprietor, and such other particulars as the Registrar may deem necessary. Entry on register.

59. Where a mark is registered as associated with any other mark or marks the Registrar shall note upon the register in connection with such mark the numbers of the marks with which it is associated and shall also note upon the register in connection with each of the associated marks the number of the newly registered mark as being an associated mark with each of them. Associated marks.

60. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the Registrar, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the Death of applicant before registration.

name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, on such ownership being proved to the satisfaction of the Registrar.

Certificate of registration.

61. Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in the Form O No. 2.

RENEWAL.

Renewal of registration.

62. At any time not less than two months and not more than three months before the expiration of the last registration of a trade mark any person may leave at the Office a fee for the renewal of the registration of the mark upon Form TM No. 11. Such person shall indorse upon such form his name and address, and before taking any further step the Registrar may require such person to furnish within five days an authority to pay such fee signed by the registered proprietor, and if such person does not furnish such authority, may return such fee and treat it as not received.

Notification of receipt of renewal fee.

63. When he does not require such authority, the Registrar shall upon receipt of such fee communicate with the registered proprietor at his registered address, stating that the fee has been received and that the registration will in due course be renewed.

Notice before removal of trade mark from register.

64. At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no fee upon the Form TM No. 11 has been received, the Registrar shall send to the registered proprietor at his registered address a notice in the Form O No. 3.

Second notice before removal of trade mark from register.

65. At a time not less than 14 days and not more than 28 days before the expiration of the last registration of a mark, the Registrar shall, if no renewal fee has been received, send a notice to the registered proprietor at his registered address in the Form O No. 4.

Advertisement of non-payment.

66. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the Journal, and if within one month of such advertisement the renewal fee upon Form TM No. 12, together with an additional fee upon Form TM No. 13, is received, he may renew the registration without removing the mark from the register.

Removal of trade mark from register.

67. Where after one month from such advertisement such fees have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may upon payment of the renewal fee upon Form TM No. 12, together with the additional fee upon the Form TM No. 14, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

Record of removal of mark from register.

68. Where a trade mark has been removed from the register the Registrar shall cause to be entered in the register a record of such removal and of the cause thereof.

Notice and advertisement of renewal.

69. Upon the renewal of a registration a notice to that effect shall be sent to the registered proprietor at his registered address and the renewal shall be advertised in the Journal.

ASSIGNMENTS.

70. Where a person becomes entitled by assignment, transmission, or other operation of law to a registered trade mark he may, conjointly with the registered proprietor, make application to the Registrar on Form TM No. 15 to register his title. Joint application for entry of assignment.

71. Where a person becomes entitled to a registered trade mark in the manner referred to in Rule 70, and no conjoint application as therein mentioned is made, he shall make application to the Registrar on Form TM No. 16 to register his title. Such application shall in the case of an individual be signed by the applicant and in the case of a firm or partnership by one or more members of such firm or partnership, and in the case of a body corporate shall be signed by a director or by the secretary or other principal officer of such body corporate. Application for entry of assignment by subsequent proprietor.

72. An application under Rule 70 or Rule 71 shall contain the name, address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar. The full names of all the partners in a firm or partnership shall be given in the body of the application. Particulars to be stated in application.

73. The Registrar may in any case require an attested copy of any instrument produced for inspection in proof of title. Copies of documents.

74. Where in the case of an application on Form TM No. 15 or Form TM No. 16 the applicant does not claim to be entitled under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been transmitted or assigned in connection with the goodwill of the business concerned. Such case shall be verified by a statutory declaration if so required by the Registrar on Form TM No. 17. Case accompanying application.

75. In any case, the Registrar may call on any person who desires to be registered as proprietor of a trade mark for such proof or additional proof of title and of the existence and ownership of such goodwill as aforesaid as the Registrar may require for his satisfaction. Proof of title.

76. When the Registrar is satisfied as to the applicant's title, he shall cause the applicant to be registered as proprietor of the trade mark, and shall record in the register such particulars as he may consider necessary of the instrument, if any, under which the title was acquired. Entry in registry.

ALTERATION OF ADDRESS.

77. Every registered proprietor of a trade mark who alters his address shall forthwith apply to the Registrar on Form TM No. 18 to insert the new address on the register, and the Registrar shall alter the register accordingly. Alteration of address in register.

DISCRETIONARY POWER.

78. Before exercising any discretionary power given to the Registrar by the Acts, or these Rules, adversely to any person, the Registrar shall, if so required, hear the person who will be affected by the exercise of such power. Hearing.

Application
for hearing.

79. An application for a hearing shall be made within one month from the date when the matter on which the Registrar is called on to exercise discretionary power has arisen.

Notice of
hearing.

80. Upon receiving such application the Registrar shall give the person applying ten days' notice of a time when he may be heard by himself or his agent.

Within five days from the date when such notice would be delivered in the ordinary course of post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

Notification
of decision.

81. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.

APPLICATIONS UNDER SECTION 23 OF THE TRADE MARKS ACT, 1905.

Application
under sect. 23
of Act of
1905.

82. All applications to the Registrar under section 23 of the Trade Marks Act, 1905, shall be upon the Form TM No. 19. Such application shall be accompanied by a case setting out fully the facts relating to the marks which the Registrar is requested to permit an apportionment of.

Registrar to
enquire and
decide.

83. Upon receipt of such request and of such case the Registrar shall enquire into the facts and call for such evidence as he may deem necessary upon the subject of such application. Before giving his decision the Registrar shall, if necessary, give the parties an opportunity of attending before him at a hearing either by themselves or by their agents.

The decision of the Registrar shall be in writing.

Note in
register.

84. Upon any apportionment of marks under this section the Registrar shall insert in the register a note in connection with each of the registered trade marks of the fact of such apportionment, and shall in such note refer to the date of the decision under which such apportionment has taken place.

APPLICATIONS UNDER SECTION 32 OF THE TRADE MARKS ACT, 1905.

Application
under sect. 32
of Act of 1905.

85. Applications under section 32 of the Trade Marks Act, 1905, to the Registrar may be made by the registered proprietor, or by the trustee in bankruptcy of the registered proprietor, or where the registered proprietor is a company in liquidation, by the liquidator, and in other cases by such person as the Registrar may decide to be entitled to act in the name of the registered proprietor.

Evidence.

86. Where such application is made the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Advertisement
of
application.

87. Where application is made, on Form TM No. 24, to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall advertise the application in the Journal for one month in order to enable any person desiring so to do to state any reasons in writing against the applicant being allowed to make such disclaimer or enter such memorandum.

APPLICATIONS UNDER SECTION 34 OF THE TRADE MARKS ACT, 1905.

88. Where a person desires to apply under section 34 of the Trade Marks Act, 1905, to alter a trade mark he shall make his application in writing on Form TM No. 25, and shall furnish the Registrar with four copies of the mark as it will appear when altered. Alteration of trade mark.

89. Before proceeding with such application the Registrar may call on the applicant to furnish a block suitable to advertise in the Journal the fact that such application has been made, or, if he think fit, the Registrar, without calling for a block, may insert an advertisement describing the alteration proposed in words so that it can be understood by persons interested in the matter. Advertisement of alteration.

When leave is granted the Registrar may, if he is not already in possession of a block showing the trade mark as altered, cause the applicant to furnish a block showing the trade mark as altered for advertisement in the Journal, and upon receipt of such block shall forthwith advertise the mark as altered in the Journal.

APPLICATIONS UNDER SECTION 9 OF THE TRADE MARKS ACT, 1919.

90. An application for the rectification of the register or the removal of a trade mark from the register, if made to the Registrar, shall be in Form TM No. 26. Such application shall be accompanied by an unstamped copy and a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks. Copies of the application and the statement of case will be transmitted forthwith by the Registrar to the registered proprietor. Application to rectify, or remove a trade mark from the register.

91. Upon such application being made and copy thereof transmitted to the registered proprietor the provisions of Rules 47 to 56 shall apply *mutatis mutandis* to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for directions. Further procedure.

92. Any person other than the registered proprietor alleging interest in a registered Trade Mark in respect of which an application is made on Form TM No. 26 may apply to the Registrar on Form TM No. 27 for leave to intervene, and the Registrar may refuse or grant such leave, after hearing the parties concerned, upon such conditions and terms as he may deem fit. Before dealing with such application in any way the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party. Intervention by third parties.

SEARCH.

93. The Registrar, if requested so to do in writing upon a Form TM No. 28, may cause a search to be made in any class to ascertain whether any marks are on record at the date of such search which may resemble any mark sent in duplicate to him by the person requesting such search and may cause that person to be informed of the result of such search. Searches.

HOURS OF INSPECTION.

Hours of
inspection.

94. The office shall be open to the public every weekday, except Saturday, between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days following:

Christmas Day; Good Friday; the day observed as His Majesty's birthday; the days observed as days of public fast or thanksgiving, or as holidays at the Bank of England; and days which may from time to time be notified by a placard posted in a conspicuous place at the Office.

POWER TO DISPENSE WITH EVIDENCE.

Dispensing
with evidence.

95. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

Amendment
of documents.

96. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar think fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

Enlargement
of time.

97. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Registrar, if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

Excluded
days.

98. Whenever the last day fixed by the Acts, or by these Rules, for leaving any document or paying any fee at the office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

CERTIFICATES.

Certificates
by Registrar.

99. The Registrar, when required otherwise than under section 17 of the Trade Marks Act, 1905, to give a certificate as to any entry,

matter, or thing which he is authorised by the Acts, or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, but every certificate of registration so given shall have specified on the face thereof, whether the same is to be used in legal proceedings, or for the purpose of obtaining registration abroad, or for purposes other than use in legal proceedings or obtaining registration abroad.

100. Where a mark is registered without limitation of colour it shall be lawful for the Registrar to grant a certificate of its registration for the purpose of obtaining registration abroad either in the colour in which it appears upon the register or in any other colour or colours.

Marks registered without limitation of colour.

101. Where a certificate of registration is desired for use in obtaining registration abroad, the Registrar shall affix to the said certificate a copy of the mark, and shall state in such certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing on the register.

Certificates for use in obtaining registration abroad.

DECLARATIONS.

102. The statutory declarations required by the Acts, and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

Manner in which, and person before whom declaration is to be taken.

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (b) In any other part of His Majesty's dominions, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) If made out of His Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a notary public, or before a judge or magistrate.

103. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and submitted before him, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

Notice of seal of officer taking declaration to prove itself.

CUTLERS' COMPANY.

104. All applications to the Cutlers' Company for registration of a trade mark, under section 63 of the Trade Marks Act, 1905, shall be in duplicate accompanied by the prescribed fees and representations. Requests to enter old corporate marks on the Sheffield Register, under section 63 (2) of the Trade Marks Act, 1905, should be made on Form Sheffield No. 1.

Applications.

105. The Cutlers' Company shall, within seven days of the receipt by them of an application to register a trade mark, send the Registrar one copy of such application, by way of notice thereof, together with

Notice to Registrar.

two representations of the mark for each class for which the applicant seeks registration.

106. The time within which the Registrar shall give notice to the Cutlers' Company of any objection he may have to the acceptance of an application for registration made to the said Company shall be one month from the date of the receipt by the Registrar of the notice from the said Company of the making of the application.

107. If no such objection is made by the Registrar, the Cutlers' Company shall require the applicant to send the Registrar a wood block or electrotype as the Registrar may direct, and the Registrar shall, if satisfied with such wood block or electrotype, advertise the application in the same manner as an application made to him at the Office.

108. The manner in which the Registrar shall notify to the Cutlers' Company an application and proceedings thereon made as mentioned in sub-section 8 of section 63 of the Trade Marks Act, 1905, shall be by sending to the Cutlers' Company a copy of the Journal containing the application of which notice is required to be given with a note distinguishing such application.

109. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings, shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon.

COTTON MARKS.

110. An application to the Manchester Branch for registration of a trade mark under section 64 of the Trade Marks Act, 1905, shall be in duplicate. The special forms for cotton marks contained in the Second Schedule to these Rules shall be used. One of the forms of application shall be stamped and the other unstamped.

111. The Keeper of Cotton Marks shall forthwith, on receipt of such application, send the Registrar one representation of the mark applied for.

112. As soon as may be after receiving any application, the Keeper of Cotton Marks shall, or may, if he deem it necessary, in the case of an application under the provisions of section 2 of the Trade Marks Act, 1919, make a search amongst the marks on the Manchester register, in the B List, those which have been refused upon application made within fourteen years next before the date of application under examination and those refused upon applications of earlier date, which have been continued for quotation in the collection of refused marks under the provisions of Rule 113 of these Rules and those which are pending, and shall notify to the Registrar the application, and the marks, if any, which he has found so nearly resembling the mark applied for as to be calculated to deceive, and together with such notification shall send a report upon the application.

113. A mark shall not be continued in the collection of refused marks as a mark to be quoted by the Keeper for a period of more than fourteen years from the date of the application to register unless the applicant or his successor in business shall, before the expiration of the said period of fourteen years from the date of the appli-

Objections
by Registrar
to acceptance.

Advertise-
ment of
application.

Notification
to Cutlers'
Company of
application.

Similarity of
proceedings
in London
and Sheffield.

Application.

One repre-
sentation to
be sent to
Registrar.

Search.

Refused
marks.

ation to register, pay the prescribed continuance fee; and a mark which has been continued for quotation in the said collection on payment of the prescribed continuance fee shall not be continued in the collection for quotation after the expiration of a period of fourteen years from the date when the prescribed continuance fee became payable, unless the said fee shall be again paid before the expiration of such period and so on for every succeeding period of fourteen years from the date when the last prescribed continuance fee became payable.

114. Before discontinuing for quotation a mark in the collection of refused marks, the Keeper of Cotton Marks shall, at a date not more than six months nor less than three months from the date on which the mark would be so discontinued, give notice that the mark will not be continued for quotation in the collection of refused marks unless the prescribed continuance fee shall be paid before the expiration of the periods of fourteen years mentioned in the last preceding Rule.

Discontinu-
ance on
record of
refused
marks.

115. The notice mentioned in Rule 114 of these Rules shall be addressed to the applicant at the address given on the form of application. In case such notice is returned by the Postal authorities, the Keeper of Cotton Marks may, so far as he can but without being under any obligation to do so, discover the present address of the applicant if he be still in business, or of his successors in business, or of the existing owner of the refused mark, if any, with a view of bringing the notice to his or their attention.

Notice to
applicant.

116. The prescribed continuance fee shall be paid by transmitting to the Keeper of Cotton Marks, at the Manchester Branch, the Form Cotton No. 6 in the Second Schedule hereto.

Continuance
fee.

117. Upon considering the report of the Keeper of Cotton Marks, if the Registrar thinks it will be necessary to object to the acceptance of the application, he shall give notice to the applicant of a time when he can be heard, and, within one month after hearing the applicant, may give notice to the Keeper of Cotton Marks of objection to the acceptance of the application, or that he has no objection, as the case may be. If no notice of objection, or if notice of no objection is received from the Registrar, the application shall be advertised in the Journal by the Manchester Branch.

Hearings.

If the applicant, being notified as aforesaid of a time for hearing, does not attend, his application shall be deemed to be refused.

118. If the mark is advertised by the Manchester Branch and is not opposed, the Keeper of Cotton Marks may call upon the applicant for the prescribed fee for the registration of such trade mark, and upon receipt thereof shall report to the Registrar, who shall forthwith, if he think fit, register the same.

Registration.

119. Where under the Acts, or these Rules, an application has to be made to the Keeper of Cotton Marks, such application shall be made and such proceedings shall be had thereon as if in these Rules the expression "Manchester Branch, 501, Royal Exchange, Manchester," were substituted for the word "Office," and the expression "Keeper of Cotton Marks" were substituted for the word "Registrar."

Procedure.

Service of documents.

120. Where any document is by these Rules directed to be served upon the Registrar it shall, in respect of cotton marks, be served in duplicate upon the Keeper of Cotton Marks, who shall forthwith transmit one copy to the Registrar.

Search under Rule 93.

121. Where under Rule 93 a search has to be made by the Keeper of Cotton Marks, such search shall cover all marks of which there is a right to inspection under section 64 (11) of the Trade Marks Act, 1905.

APPEALS TO THE COURT.

Appeal to Court*

122. When any person intends to appeal to the Court, such appeal shall be made by motion in the usual way, and no such appeal shall be entertained unless notice of motion be given within one month from the date of the decision appealed against or within such further time as the Registrar shall allow.

APPEALS TO THE BOARD OF TRADE.

Appeal to Board of Trade.

123. When any person intends to appeal to the Board of Trade he shall, before doing so, apply to the Registrar for a hearing and obtain a decision from him upon the point raised. Within one month from the date of such decision he shall, if he is advised to appeal to the Board of Trade in any case in which an appeal is given by the Acts, leave at the Office a notice of such his intention, on Form TM No. 29.

Such notice shall be accompanied—

- (1) In case the appeal concerns an application not yet advertised, by a copy of the form of application and two representations of the mark applied for and a copy of the grounds of the Registrar's decision.
- (2) In other cases by a copy of the decision of the Registrar and a statement of the date of the hearing before him.

Grounds of appeal to be stated.

124. Such notice shall also be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof.

Transmission of notice.

125. A copy of the notice and all the accompanying documents shall also be forthwith sent by the appellant to the Comptroller, Industrial Property Department, Board of Trade, 25, Southampton Buildings, London, W.C.2.

Directions by Board.

126. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to parties and evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade, or for the purpose of their referring the appeal to the Court to hear and determine the same.

Hearing of appeal.

127. Where the Board of Trade intend to hear the appeal, seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Registrar and to the appellant.

No appeal unless notice duly given.

128. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the Registrar may allow, except by special leave of the Board of Trade.

WITHDRAWAL OF APPEALS.

129. Where under section 12 (5) or section 14 (8) of the Trade Marks Act, 1905. an appellant is entitled to withdraw his appeal. such withdrawal shall be effected by notice given to the Registrar and to the other parties, if any, to such appeal within seven days after the leave referred to in such sections has been obtained. Withdrawal of appeal.

APPLICATIONS TO AND ORDERS OF THE COURT.

130. Every application to the Court under the said Acts shall be served on the Registrar. Application to Court.

131. Where an order has been made by the Court in any case under the Acts, the person in whose favour such order has been made. or such one of them. if more than one. as the Registrar may direct. shall forthwith leave at the Office an office copy of such order, together with Form TM No. 30 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar. Order of Court.

132. Whenever an order is made by the Court under the said Act- the Registrar may, if he thinks that such order should be made public. publish it in the Journal. Publication of order of Court.

REPEAL.

133. All general rules relative to Trade Marks heretofore made by the Board of Trade under the Trade Marks Act, 1905. and in force on the 31st March, 1920. shall be, and they are, hereby repealed as from that date, without prejudice nevertheless. to anything done under such rules, or to any application or other matter then pending. Repeal.

Dated this 9th day of March, 1920.

A. C. GEDDES,
President of the Board of Trade.

[SCHEDULES.]

APPENDIX D.

SCHEDULES.

FIRST SCHEDULE.

FEES.

The following fees shall be paid in connection with applications, registrations, and other matters under the Trade Marks Acts, 1905 to 1919. Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid:—

	£	s.	d.	Corresponding Form.
1. On application not otherwise charged to register a trade mark for one or more articles included in one class	1	0	0	T.M. No. 2 or 3, Cotton No. 1 or 2.
1a. On application not otherwise charged to register a series of trade marks for one or more articles included in one class	1	0	0	T.M. No. 2 or 3, Cotton No. 1 or 2.
1b. On request to the Cutlers' Company to enter a mark on the Sheffield Register under section 63, sub-section (2)	5	0	0	Sheffield No. 1
1c. On application to the Board of Trade under section 62 for leave to register a mark for goods in one class	1	0	0	T.M. No. 6.
1d. On application to the Board of Trade under section 62 for leave to register a mark for goods in more than one class— In respect of every class	1	0	0	T.M. No. 6.
Total fee in no case to exceed £20 for any number of classes.				
2. On an application to registrar to state grounds of decision and materials used	1	0	0	T.M. No. 5.
3. On notice of opposition for each application opposed, by opponent	2	0	0	T.M. No. 7.
3a. On filing a counter-statement in answer to a notice of opposition, by the applicant for each application opposed	1	0	0	T.M. No. 8.
3b. On the hearing of each opposition, by applicant and by opponent respectively, or on the hearing of an application under section 9 of the Act of 1919, by applicant and proprietor respectively.	2	0	0	T.M. No. 9.
4. For registration of a trade mark for one or more articles included in one class	2	0	0	T.M. No. 10.
4a. For registration of a series of marks for one or more articles included in one class— For the first mark	2	0	0	T.M. No. 10.
And for every other mark of the series	0	5	0	
4b. For registration under section 62 of a mark for goods in more than one class— In respect of every class	2	0	0	T.M. No. 10.
Total fee in no case to exceed £10 for any number of classes.				

	—			Corresponding Form.
	£	s.	d.	
5. Upon each entry in the register of a mark of a note that the mark is associated with a newly registered mark	0	2	0	—
6. On application to register a subsequent proprietor in cases of assignment or transmission of a single mark—				
If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules	2	0	0	T.M. No. 15 or 15.
If made after expiration of six months from date of acquisition of proprietorship and the coming into force of these Rules	10	0	0	T.M. No. 15 or 16.
6a. On application to register a subsequent proprietor of more than one mark standing in the same name, the devolution of title being identical in each case—				
If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules—				
For the first mark	2	0	0	T.M. No. 15 or 16.
And for every other mark	0	2	6	
If made after expiration of six months from date of acquisition of proprietorship and the coming into force of these Rules—				
For the first mark	10	0	0	T.M. No. 15 or 16.
And for every other mark	0	2	6	
7. On application to change the name of a proprietor of a single mark where there has been no alteration in the proprietorship	0	10	0	T.M. No. 21.
7a. On application to change the name of a proprietor of more than one mark standing in the same name, the change being the same in each case—				
For the first mark	0	10	0	T.M. No. 21.
And for every other mark	0	2	0	
8. For renewal of registration of a mark at expiration of last registration	2	0	0	T.M. No. 11 or 12.
8a. For renewal of registration of a series of marks at the expiration of last registration—				
For the first mark of the series	2	0	0	T.M. No. 11 or 12.
And for every other mark of the series	0	2	6	
8b. For renewal of a mark registered under section 62 for goods in more than one class—				
In respect of every class	2	0	0	T.M. No. 11 or 12.
Total fee in no case to exceed £40 for any number of classes.				
9. Additional fee under Rule 66	1	0	0	T.M. No. 13.
10. Additional fee under Rule 67	2	0	0	T.M. No. 14.
11. For altering a single entry of the address of a registered proprietor	0	10	0	T.M. No. 18.
11a. For altering more than one entry of the address of a registered proprietor where the address in each case is the same and is altered in the same way—				
For the first entry	0	10	0	T.M. No. 18.
And for every other entry	0	2	0	

APPENDIX D.

	—			Corresponding Form.
	£	s.	d.	
12. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	1	0	0	T.M. No. 30.
13. For cancelling the entry or part of the entry of a trade mark upon the register on the application of the owner of such trade mark	0	10	0	T.M. No. 22 or 23.
14. On application for rectification of register or removal of trade mark from register	3	0	0	T.M. No. 26.
15. On application for leave to intervene in proceedings for rectification of register or removal of trade mark from the register	2	0	0	T.M. No. 27.
16. On request, not otherwise charged, for correction of clerical error, or for permission to amend application, or for entry of disclaimer	0	10	0	T.M. No. 20 or 24.
17. For a search under Rule 93	1	0	0	T.M. No. 28.
18. For certificate of registrar of registration to be used in legal proceedings	2	0	0	T.M. No. 34.
19. For certificate of registrar of the registration of a trade mark to be used for the purpose of obtaining registration abroad	0	10	0	T.M. No. 33.
19a. For certificate of registrar of the registration of a series of marks for the purpose of obtaining registration abroad	1	0	0	T.M. No. 33.
20. For certificate of registrar other than certificate under section 17 or certificate of registration to be used in legal proceedings, or for the purpose of obtaining registration abroad	2	0	0	T.M. No. 31 or 32.
21. For certificate of Keeper of Cotton Marks	0	10	0	Cotton No. 4 or 5.
22. For the continuance for quotation of a cotton mark in the collection of refused marks— For each mark in each class for each period of fourteen years	1	0	0	Cotton No. 6.
23. On appeal from registrar to Board of Trade in respect of each decision appealed against by appellant	2	0	0	T.M. No. 29.
24. On an application to the registrar under section 23	5	0	0	T.M. No. 19.
25. On an application to the registrar for leave to add to or alter a single mark	2	0	0	T.M. No. 25.
25a. On an application to the registrar for leave to add to or alter more than one mark of the same proprietor, the addition or alteration to be made, in each case being the same— For the first mark	2	0	0	T.M. No. 25.
And for every other mark	1	0	0	
26. For inspecting register, notice of opposition, counter-statement or decision in connection with any particular trade mark, for every quarter of an hour	0	1	0	—
27. For making a search amongst the classified representations of trade marks, for every quarter of an hour	0	1	0	—
28. For office copy of documents, for every 100 words (but never less than 1s.)	0	0	6	—

	—	Corresponding Form.
29. For certifying office copies MS. or printed matter.	£ s. d. 0 10 0	—
30. In cases where the wood block or electrotype of the trade mark exceeds 2 inches in breadth or depth, or in breadth and depth—		
For every inch or part of an inch over 2 inches in breadth	0 4 0	—
For every inch or part of an inch over 2 inches in depth	0 4 0	—

The fees to be paid on any proceeding at the Manchester Branch and at Sheffield (except as specially provided above) shall be the same as for the similar proceeding at the London office.

For the purpose of these fees (except as specially provided above) every mark of a series under section 66 of the Patents Designs and Trade Marks Act, 1883, or section 26 of the Trade Marks Act, 1905, shall be deemed to be a mark separately registered.

Dated this 9th day of March, 1920.

A. C. GEDDES,
President of the Board of Trade.

Approved

JAMES PARKER,
J. TOWYN JONES,
Lords Commissioners of His Majesty's Treasury.

SECOND SCHEDULE.
FORMS.

	Page.	Corresponding Fee.
		No.
Authorisation	151	—
Application for registration of trade mark in Part A of the register	151	1, 1a
Application for registration in Part B of the register ...	151	1, 1a
Additional representation of trade mark	153	—
Request for statement of grounds of decision	153	2
Application for registration of trade mark under section 62	154	1c or 1d
Opposition to application for registration	154	3
Counter-statement to opposition to application for registration	155	3a
Application for hearing in opposition matter, or rectification or removal proceedings	155	3b
Notice of non-completion of registration	155	—
For registration of a trade mark	156	4, 4a, or 4b
Certificate of registration under section 17	156	—
Renewal of registration	157	8, 8a, or 8b
First notice before removal of mark from register, under section 30	157	—

	Page.	Corresponding Fee.
Second notice before removal of mark from register, under section 30	157	—
Renewal of registration after notice has been given by registrar	158	8, 8 <i>a</i> , or 8 <i>b</i>
Additional fee to accompany renewal fee within one month after advertisement of non-payment of renewal fee ...	158	9
Restoration of trade mark where removed for non-payment of fee	159	10
Request by registered proprietor and assignee to register assignee as subsequent proprietor	159	6, 6 <i>a</i>
Request to enter name of subsequent proprietor	160	6, 6 <i>a</i>
Declaration in support of request to enter name of subsequent proprietor	160	—
Application for alteration of address on register	161	11, 11 <i>a</i>
Application for apportionment of trade marks	161	24
Correction of clerical error or amendment of application...	162	16
Request to enter change of name of registered proprietor.	162	7, 7 <i>a</i>
Application by proprietor to cancel entry on register	162	13
Request to strike out goods from those for which a mark is registered	163	13
Request to enter disclaimer, &c.	163	16
Application to add to or alter a trade mark	164	25 or 25 <i>a</i>
Application for rectification of register or removal of trade mark from register	164	14
Application for leave to intervene in proceedings for rectification of register or removal of trade mark from register	164	15
Request for search under Rule 93	165	17
Request to enter a mark on the Sheffield Register under section 63 (2)	165	1 <i>b</i>
Application for registration of cotton mark in Part A of register	166	1 or 1 <i>a</i>
Application for registration of cotton mark in Part B of register	167	1 or 1 <i>a</i>
Additional representation of cotton mark	168	—
Request for certificate under section 64 (12)	168	21
Request for certificate of Keeper of Cotton Marks	169	21
Continuance for quotation of cotton mark in collection of refused marks	169	22
Certificate under section 64 (12)	169	—
Appeal from registrar to Board of Trade	170	23
Notice of order of Court for alteration of register	170	12
Request for general certificate	171	19
Request for certificate of refusal to register	171	20
Request for certificate of registration for use in obtaining registration abroad	172	19 or 19 <i>a</i>
Request for certificate of registration for use in legal proceedings	172	18

FORM TM No. 1.

TRADE MARKS ACTS, 1905 TO 1919.

AUTHORISATION OF AGENT.

* I (or We) have appointed (a) of to act as my (or our) agent for (b) and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address. I revoke all previous authorisations, if any.

I (or We) hereby declare that I am (or We are) a (c)
 (d)
 Address .

Dated the day of , 19 .

To the Registrar,
 Patent Office, Trade Marks Branch.
 25, Southampton Buildings, Chancery Lane,
 London, W.C.2.

- * The full names of all the partners in a firm must be inserted
- (a) Here insert name and address of agent.
- (b) Here state the particular purpose for which the agent is appointed
- (c) Here state nationality.
- (d) To be signed by the person appointing the agent.

FORM TM No. 2.

TRADE MARKS ACTS, 1905 TO 1919.

TRADE MARKS.
 £1.]

APPLICATION FOR REGISTRATION OF TRADE MARK IN PART A. OF THE REGISTER (other than Cotton Mark).

One representation to be fixed within this square, and four others to be sent on separate Forms TM. No. 4.

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto.

Application is hereby made for Registration in Part A. of the Register of the accompanying Trade Mark in Class , in respect of (a) in the name of (b) of [Address, description and

APPENDIX D.

nationality] trading as who claims to be the proprietor thereof (c).

(Signed)

Dated the day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class.

(b) Here insert legibly the full name, address, description and nationality of the individual, firm or company. Add trading style (if any). The names of all partners in a firm must be given in full.

(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company.

FORM TM No. 3.

[TRADE MARKS.
£1.]

TRADE MARKS ACTS, 1905 TO 1919.

APPLICATION FOR REGISTRATION OF TRADE MARK IN PART B. OF THE REGISTER (other than Cotton Mark).

One representation to be fixed within this square, and four others to be sent on separate Forms
TM. No. 4.

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto.

Application is hereby made for Registration in Part B. of the Register of the accompanying Trade Mark in Class , in respect of (a) in the name of (b) of [*Address, description and nationality]* trading as who claims to be the proprietor thereof (c), having used it in respect of the said goods for not less than two years prior to the date of this application, the date of its first user being .

(Signed)

Dated the day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class.

(b) Here insert legibly the full name, address, description and nationality of the individual, firm, or company. Add trading style (if any). The names of all partners in a firm must be given in full.

(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company.

STATUTORY DECLARATION AS TO USER.

(To be indorsed on Form TM No. 3.)

I of do hereby solemnly and sincerely declare that have *bonâ fide* used the mark shown on the other side hereof as a Trade Mark in respect of the goods mentioned within the United Kingdom of Great Britain and Ireland since the

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(Signature of Declarant)

Declared at

This day of , 19 .

Before me *Signature of Authority before whom Declaration is made*.

FORM TM No. 4.

TRADE MARKS ACTS, 1905 TO 1919.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY APPLICATION FOR REGISTRATION (other than Cotton Mark).

One representation of the trade mark to be affixed within this square. It must correspond exactly in all respects with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto.

Four of these Additional Representations of the Trade Mark must accompany each Form of Application.

FORM TM No. 5.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£1.]

REQUEST FOR STATEMENT OF GROUNDS OF DECISION.

You are hereby requested to state in writing the grounds of your decision, dated the day of , 19 , after the hearing on the day of , 19 , and the materials used by you in arriving at such decision.

(Signed)

Dated the day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,
London, W.C.2.

FORM TM No. 6.

[TRADE MARKS.
Fee 1c or 1d.]

TRADE MARKS ACTS, 1905 TO 1919.

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK UNDER
SECTION 62.*(To be accompanied by an unstamped duplicate.)*

One representation to be fixed within this square, and four others to be sent on separate half-sheets of foolscap.

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto.

Application is hereby made for registration of the accompanying Trade Mark in Class _____, in respect of (a) _____ in the name of _____ of [Address, description and nationality] _____ who desire the Board of Trade to permit the registration thereof.

(Signed)

Dated the _____ day of _____, 19 _____.

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.2.

(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class.

FORM TM No. 7.

[TRADE MARKS.
£2.]

TRADE MARKS ACTS, 1905 TO 1919.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

(To be accompanied by an unstamped duplicate.)

In the matter of an application,
No. _____ by _____ of _____.

* I _____ hereby give notice of my intention to oppose the Registration of the Trade Mark advertised under the above number for Class _____ in the Trade Marks Journal of the _____ day of _____, 19 _____, No. _____, page _____.

The grounds of opposition are as follows:—

(Signed)

Dated the _____ day of _____, 19 _____.

Address for service:—

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.2.

* Here state full name and address.

FORM TM No. 8.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£1.]

COUNTER-STATEMENT.

(To be accompanied by an unstamped duplicate.)

In the matter of an Opposition, No. .
to Application No. .

I the applicant for the above Trade Mark, hereby give notice that the following are the grounds on which I rely as supporting my application:—

I admit the following allegations in the notice of Opposition:—

Signature .

Dated this day of , 19 .

To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

FORM TM No. 9.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£2.]

APPLICATION FOR HEARING BY THE REGISTRAR.

SIR,

In reply to your Notice dated the giving of (a) a date on which you will hear the arguments in the case of (b) Opposition No. to Application No. or (c) application that the entry on the Register in respect of Trade Mark No. may be rectified or removed, I beg to say that I intend to appear before you on the date you have fixed, namely the day of 19 .

I am, Sir,
Your obedient Servant,

To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Here insert address.
(b) and (c) Strike out words which are inapplicable.

FORM O No. 1.

NOTICE OF NON-COMPLETION OF REGISTRATION.

No. .

The Registrar has to call your attention to section 16 of the Trade Marks Acts, 1905 to 1919, and to Rule 57 of the Trade Marks Rules made thereunder. The section and the Rule are printed on the back hereof.

Your application numbered as above was made on the day

APPENDIX D.

of _____, 19____. Registration has not been completed by reason of your default. Unless it is completed within _____ days from this date the application will be treated as abandoned.

Dated this _____ day of _____, 19____.

To _____

*The Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

FORM TM No. 10.

TRADE MARKS ACTS, 1905 TO 1919.

FEE FOR REGISTRATION OF A TRADE MARK.

[TRADE MARKS.
Fee 4, 4a or
4b.]

SIR,

In reply to your request I hereby transmit the prescribed fee for the registration of the Trade Mark No. _____ in Class _____.

I am, Sir,

Your obedient Servant,

*

Dated the _____ day of _____, 19____.

To the Registrar,

*Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

* Signature.

FORM O No. 2.

TRADE MARKS ACTS, 1905 TO 1919.

CERTIFICATE OF REGISTRATION UNDER SECTION 17 (not for use in legal proceedings, nor for obtaining Registration abroad).

To _____

I hereby certify, pursuant to Rule 61 of the T.M. Rules, 1920, that the Trade Mark in your application No. _____ was duly advertised in No. _____ of the Trade Marks Journal and has been registered in your name in Class _____, in respect of the goods specified by you, viz.:—

Witness my hand this _____ day of _____, 19____.

(Seal of Patent Office.)

Registrar.

Registration will continue in force for 14 years from the date of this application, viz.:— _____, and may be renewed at the expiration of each period of 14 years.

*The Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

FORM TM No. 11.

TRADE MARKS ACTS, 1905 TO 1919.

RENEWAL OF REGISTRATION BEFORE NOTICE GIVEN.

[TRADE MARKS.
Fee 8, 5s or
5s.]

I hereby leave the prescribed fee of _____ for the renewal of the registration of the Trade Mark No. _____, in Class _____.

Dated the _____ day of _____, 19 _____.

To the Registrar,

Patent Office, Trade Marks Branch.

25, Southampton Buildings, Chancery Lane.

London, W.C.2.

N.B.—This Form must be indorsed with the name and address of the person leaving the same.

FORM O No. 3.

TRADE MARKS ACTS, 1905 TO 1919.

NOTICE BEFORE REMOVAL OF TRADE MARK FROM THE REGISTER, UNDER SECTION 30.

The Registrar hereby gives you notice that in conformity with the provisions of section 30 of the Act of 1905 (printed at back hereof), your Trade Mark No. _____, registered in Class _____, will be removed from the Trade Marks Register, unless the prescribed fee of _____ (payable by Form TM No. 12) be received at this Office before the _____ day of _____, 19 _____, on which date the existing registration will expire.

A stamped Form TM No. 12, for payment of the fee, may be obtained as directed at the back of this Notice.

Dated this _____ day of _____, 19 _____.

To

The Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane.

London, W.C.2.

Cheques, money orders, or cash cannot be accepted in payment of fees.

FORM O No. 4.

TRADE MARKS ACTS, 1905 TO 1919.

SECOND NOTICE.

NOTICE BEFORE REMOVAL OF TRADE MARK FROM THE REGISTER, UNDER SECTION 30.

The Registrar hereby gives you notice that, in conformity with the provisions of section 30 of the Act of 1905 (printed at back hereof), your Trade Mark No. _____, registered in Class _____, will be removed from the Trade Marks Register, unless the prescribed fee of _____ (payable by Form TM No. 12) be received at

Cheques, money orders, or cash cannot be accepted in payment of fees.

this Office *before* the day of , 19 , on which date the existing registration will expire.

If the above fee be not paid *before* the date above named, the Trade Mark will, after the end of one month from the date on which the omission to pay the fee has been advertised in the Trade Marks Journal, be removed from the Trade Marks Register, unless an *additional* fee of £1 (payable by Form TM No. 13) be remitted.

Stamped Forms, for payment of renewal fees, may be obtained as directed at the back of this Notice.

Dated the day of , 19 .

To

*The Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

FORM TM No. 12.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
Fee 8. 8a or
8b.]

RENEWAL OF REGISTRATION OF MARK AFTER NOTICE.

SIR,

In pursuance of the notice received from you, I hereby transmit the prescribed fee of for Renewal of Registration of the Trade Mark No. , in Class .

Dated the day of , 19 .

To the Registrar,

*Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

N.B.—This Form must be indorsed with the name and address of the person transmitting the same.

FORM TM No. 13.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£1.]

ADDITIONAL FEE OF £1 TO ACCOMPANY RENEWAL FEE (FORM TM No. 12), WITHIN ONE MONTH AFTER ADVERTISEMENT OF NON-PAYMENT OF RENEWAL FEE.

SIR,

In pursuance of the notices issued by you, I hereby transmit the additional fee of £1 (along with Form TM No. 12) for the renewal of the Registration of the Trade Mark No. in Class .

Dated the day of , 19 .

To the Registrar,

*Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

N.B.—This Form must be indorsed with the name and address of the person transmitting the same.

FORM TM No. 14.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£2.]

RESTORATION OF TRADE MARK WHERE REMOVED FOR NON-PAYMENT
OF FEE.

(To accompany Form TM No. 12.)

SIR,

In pursuance of the notices issued by you, I hereby transmit the additional fee of £2 (along with Form TM No. 12) for restoration to the Trade Marks Register of the Trade Mark No. in Class .

Dated the day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London. W.C.2.

N.B.—This Form must be indorsed with the name and address of the person transmitting the same.

FORM TM No. 15.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
Fee 6 or 6a.]

JOINT REQUEST BY REGISTERED PROPRIETOR AND ASSIGNEE TO
REGISTER THE ASSIGNEE AS SUBSEQUENT PROPRIETOR OF A TRADE
MARK.

We (a) and (b) hereby request, under Rule 70, that the name of (c) carrying on business as (d) at (e) may be entered in the Register of Trade Marks as proprietor of the Trade Mark No. in Class as from the (f) by virtue of (g) .

(Signatures)

Dated this day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

N.B.—The instrument under which the assignee claims should accompany this form.

- (a) Name and address of registered proprietor.
- (b) Full name and address and nationality of assignee.
- (c) Name of assignee.
- (d) Trade or business of assignee.
- (e) Address of assignee.
- (f) Actual date on which the business was taken over.
- (g) Full particulars of the instrument, if any, or statement of case.

FORM TM No. 16.

[TRADE MARKS
Fee 6 or 6a.]

TRADE MARKS ACTS, 1905 TO 1919.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF THE TRADE
MARK UPON THE REGISTER.

I (or We) (a) hereby request that you will enter my (or our) name in the Register of Trade Marks as proprietor (or proprietors) of Trade Mark No. in Class , as from the (b)

I am (or We are) entitled to the said Trade Mark and to the goodwill of the business concerned in the goods with respect to which the said Trade Mark is registered, by virtue of (c)

My (or our) address for service is

(d)

Dated this day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

N.B.--The instrument under which the applicant claims should accompany this form.

(a) Here insert full name, address, nationality and description.

(b) Actual date on which the business was taken over.

(c) Here insert full particulars of the instrument, if any, or statement of case.

(d) Signature.

FORM TM No. 17.

TRADE MARKS ACTS, 1905 TO 1919.

DECLARATION (ONLY TO BE FURNISHED WHEN REQUESTED BY REGISTRAR) IN SUPPORT OF STATEMENT OF CASE ACCOMPANYING FORM TM No. 15 OR 16.

I, , of , do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked and left by me in connection with my request to be registered as subsequent proprietor of the Trade Mark, No. in Class , are true and comprise every material fact and document affecting the proprietorship of the said Trade Mark as above claimed.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at this day of , 19 .
Before me.

(b)

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) To be signed here by the person making the declaration.

(b) Signature and title of the authority before whom the declaration is made.

FORM TM No. 18.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
Fee 11 or 11a.]NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON REGISTER
OF TRADE MARKS.In the matter of the Trade Mark,
No. registered in Class .I, , of , the registered proprietor of the Trade Mark
numbered as above, desire that my address on the Register of Trade
Marks be altered to .

Dated this day of , 19 .

*

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

* Signature of proprietor.

FORM TM No. 19.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£5.]

APPLICATION TO PERMIT AN APPORTIONMENT OF TRADE MARKS.

In the matter of the Registered Trade
Marks Nos. .We, being the parties interested within the meaning of section 23
of the Trade Marks Act, 1905, in certain marks of who has
ceased to carry on business, request you to permit an apportionment
of those marks amongst the persons in fact continuing the business.
With this application we send a case in pursuance of Rule 82.

(Signed)

(Signed)

Dated this day of , 19 .

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

FORM TM No. 20.

[TRADE MARKS.
10s.]

TRADE MARKS ACTS, 1905 TO 1919.

REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR PERMISSION
TO AMEND APPLICATION.

SIR,

I hereby request that

*

Dated this day of , 19 .

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

* Signature.

FORM TM No. 21.

[TRADE MARKS.
Fee 7 or 7a.]

TRADE MARKS ACTS, 1905 TO 1919.

REQUEST TO ENTER CHANGE OF NAME OF REGISTERED PROPRIETOR OF
TRADE MARK UPON THE REGISTER.I (a) , hereby request that you will enter (b) name (c)
in the Register of Trade Marks as proprietor of the Trade
Mark No. in Class .(d) entitled to the said Trade Mark and to the goodwill of
the business concerned in the goods with respect to which the said
Trade Mark is registered.There has been no change in the actual proprietorship of the
said Trade Mark, but (e) .

*

Dated this day of , 19 .

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*(a) *Or We.* Here insert name, address, and description.(b) *My or our.*(c) *Or names.*(d) *I am or We are.*

(e) Here state the circumstances under which the change of name took place.

* Signature.

FORM TM No. 22.

[TRADE MARKS.
10s.]

TRADE MARKS ACTS, 1905 TO 1919.

APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK TO CANCEL
ENTRY ON REGISTER.Trade Mark, No. , Class , advertised in Trade Marks
Journal, No. , page .

Name of Registered Proprietor .

Place of Business .

Description .

I, the undersigned, , of [or I, the undersigned, .

a member of the firm of _____, of _____, on behalf of my said firm] apply that the entry upon the Register of Trade Marks of the Trade Mark No. _____, in Class _____, may be cancelled.

Dated this _____ day of _____, 19 ____.

To the Registrar,
 Patent Office, Trade Marks Branch,
 25, Southampton Buildings, Chancery Lane,
 London, W.C.2.

* Signature.

FORM TM No. 23.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADEMARKS.
10s.]

REQUEST TO STRIKE OUT GOODS FROM THOSE FOR WHICH A TRADE MARK IS REGISTERED.

I, _____, of _____, hereby request that you will strike out from the goods for which the Trade Mark No. _____ is registered in Class _____.

Dated this _____ day of _____, 19 ____.

To the Registrar,
 Patent Office, Trade Marks Branch,
 25, Southampton Buildings, Chancery Lane,
 London, W.C.2.

* Signature.

FORM TM No. 24.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADEMARKS.
10s.]

REQUEST TO ENTER DISCLAIMER OR MEMORANDUM RELATING TO A TRADE MARK.

I, _____, of _____, hereby request that you will enter in the Register in connection with Trade Mark No. _____ in Class _____ the following _____, namely—

Dated this _____ day of _____, 19 ____.

To the Registrar,
 Patent Office, Trade Marks Branch,
 25, Southampton Buildings, Chancery Lane,
 London, W.C.2.

* Signature.

FORM TM No. 25.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
Fee 25 or 25a.]

APPLICATION UNDER SECTION 34 OF THE ACT OF 1905 TO ADD TO OR ALTER A TRADE MARK.

In the matter of the Trade Mark,
No. in Class .

Application is hereby made on behalf of the registered proprietor of the Trade Mark numbered as above to alter it in the following particulars, that is to say (a)--

Four copies of the mark as it will appear when so altered are filed herewith.

(Signed)

Dated this day of , 19 .
To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Here fill in full particulars.

FORM TM No. 26.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£3.]

APPLICATION FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE MARK FROM THE REGISTER.

(To be accompanied by an unstamped copy and a statement of case in duplicate.)

In the matter of the Trade Mark
No. .

*I, , hereby apply that the entry on the Register in respect of the above-mentioned Trade Mark may be rectified or removed.

The grounds of my application are as follows:—

(Signed)

Dated this day of , 19 .
Address for Service:—

To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

* Here state full name and address.

FORM TM No. 27.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARK.
£2.]

APPLICATION FOR LEAVE TO INTERVENE IN PROCEEDINGS FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE MARK FROM THE REGISTER.

In the matter of Trade Mark
No. .

*I, , hereby apply for leave to intervene in the proceedings

for the rectification or removal of the entry on the Register in respect of the above-mentioned Trade Mark.

My interest in the Trade Mark is

(Signed)

Dated this day of , 19 .

Address for Service:—

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.2.

* Here state full name and address.

FORM TM No. 28.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£1.]

REQUEST FOR SEARCH UNDER RULE 93.

You are hereby requested to search under Rule 93 in Class .
to ascertain whether any Trade Marks are on record which resemble
the Trade Mark sent herewith in duplicate each mounted on a half
sheet of foolscap.

*

†

Dated this day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.2.

* Signature.

† Address.

FORM SHEFFIELD No. 1.

TRADE MARKS ACTS, 1905 TO 1919.

[CORPORATE
MARK. £5.]

REQUEST TO ENTER A MARK UNDER SECTION 63, SUB-SECTION (2)
OF THE ACT OF 1905.

You are hereby requested to register the accompanying Old Corporate Mark in Class in respect of in the name of (a)
who claims to be the proprietor thereof.

(Signed)

Dated this day of , 19 .

To the Cutlers' Company,

Cutlers' Hall, Sheffield.

(a) Insert full name, address, description and nationality of applicant.

COTTON No. 1.

[STAMP. £1.]

TRADE MARKS ACTS, 1905 TO 1919.

COTTON MARKS.

APPLICATION FOR REGISTRATION OF TRADE MARK IN PART A. OF
THE REGISTER.*(To be accompanied by an unstamped duplicate of this Form, and
also by four Additional Representations on Form Cotton No. 3.)*One repre-
sentation to
be fixed
within the
square.Representa-
tions of a
larger size
may be
folded, but
must then
be mounted
upon cloth
and affixed
hereto.

Application is hereby made for Registration in Part A. of the Register of the accompanying Trade Mark in Class in respect of (a) in the name of (b) [*Address, description and nationality*] (c) trading as who claim to be the proprietor thereof.

The said Trade Mark has not hitherto been used by the applicant upon or in connection with the above-mentioned goods, but is proposed to be so used [*or (d) The said Trade Mark has been used by the applicant [and/or by the predecessors in business of the applicant], upon or in connection with the above-mentioned goods since the* , 19].

(Signed)

Dated the day of , 19 .

*To the Keeper of Cotton Marks,
Manchester Branch of the Trade Marks Registry,
501, Royal Exchange, Manchester.*

(a) Only goods contained in one and the same class may be set out here. A separate application form is required for each separate class.

(b) The names of all the partners in a firm must be given in full.

(c) If the applicant is outside the U.K. an address for service in the U.K. must be given before the application can be proceeded with.

(d) Strike out the alternative paragraph which does not apply to the case.

COTTON No. 2.

TRADE MARKS ACTS, 1905 TO 1919.

[STAMP. £1.]

COTTON MARKS.

APPLICATION FOR REGISTRATION OF TRADE MARK IN PART B. OF THE REGISTER.

(To be accompanied by an unstamped duplicate of this Form, and also by four Additional Representations on Form Cotton No. 3.)

One representation to be fixed within the square.

Representations of a larger size may be folded, but must then be mounted upon cloth and affixed hereto.

Application is hereby made for Registration in Part B of the Register of the accompanying Trade Mark in Class _____ in respect of (a) _____ in the name of (b) _____ [Address, description and nationality] (c) _____ trading as _____ who claim to be the proprietor thereof, having used it in respect of the said goods for not less than two years prior to the date of this application, the date of its first user being _____.

(Signed)

Dated the _____ day of _____, 19____.
To the Keeper of Cotton Marks,
Manchester Branch of the Trade Marks Registry,
501, Royal Exchange, Manchester.

STATUTORY DECLARATION AS TO USER.

(To be indorsed on Form Cotton No. 2.)

I, _____, of _____, do hereby solemnly and sincerely declare that I have *bonâ fide* used the mark shown on the other side hereof as a Trade Mark in respect of the goods mentioned within the United Kingdom of Great Britain and Ireland since the _____.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

*

Declared at _____ this _____ day of _____, 19____.
Before me,

†

(a) Only goods contained in one and the same class may be set out here. A separate application form is required for each separate class.

(b) The names of all the partners in a firm must be given in full.

(c) If the applicant is outside the U.K. an address for service in the U.K. must be given before the application can be proceeded with.

* Signature of declarant.

† Signature of authority before whom declaration is made.

APPENDIX D.

COTTON No. 3.

TRADE MARKS ACTS, 1905 TO 1919.

COTTON MARKS.

ADDITIONAL REPRESENTATION OF TRADE MARK TO ACCOMPANY
APPLICATION FOR REGISTRATION.

One representation of the Trade Mark to be affixed within this square. It must correspond exactly, in all respects, with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon cloth and affixed hereto.

Class

Description of Goods

Length of User (if any)

Name of Applicant

Address

Description

Four of these Additional Representations of the Trade Mark must accompany *each* Form of Application.

COTTON No. 4.

STAMP. 10s.]

TRADE MARKS ACTS, 1905 TO 1919.

COTTON MARKS.

REQUEST FOR CERTIFICATE UNDER SUB-SECTION (12) OF SECTION 64.

SIR,

You are hereby requested to issue a certified copy of the application numbered _____ and dated the _____ day of _____, 19____ for registration in Class _____ of the Cotton Mark of which a facsimile is sent herewith, setting forth in such certificate the length of time of user (if any) of such mark as stated on the application, and any other particulars you may deem necessary.

Dated this _____ day of _____, 19____.

(Signed)

Address

To the Keeper of Cotton Marks,

Manchester Branch of the Trade Marks Registry,

501, Royal Exchange, Manchester.

COTTON No. 5.

TRADE MARKS ACTS, 1905 to 1919.

[STAMP. 10s.]

COTTON MARKS.

REQUEST FOR CERTIFICATE OF KEEPER OF COTTON MARKS AS TO A
TRADE MARK ENTERED IN THE MANCHESTER REGISTER.

In the matter of the Trade Mark
No. in Class .

SIR,

I hereby request you to furnish me with your Certificate of
Registration of the Mark numbered as above for use*

Dated this day of , 19 .

(Signed)
Address

To the Keeper of Cotton Marks,
Manchester Branch of the Trade Marks Registry,
501, Royal Exchange, Manchester.

* Here state the purpose for which the certificate is required, *i.e.*, whether
for use in legal proceedings, or for obtaining registration abroad, or for what
other purpose.

COTTON No. 6.

TRADE MARKS ACTS, 1905 to 1919.

[STAMP. £1.]

COTTON MARKS.

CONTINUANCE FOR QUOTATION OF MARK IN COLLECTION OF REFUSED
MARKS.

SIR,

In pursuance of the notice received from you, I hereby transmit
the prescribed fee for the continuance for quotation in the Collec-
tion of Refused Marks of the Mark No. in Class .

I am, Sir,

Your obedient servant,

Name
Address

Dated this day of , 19 .

To the Keeper of Cotton Marks,
Manchester Branch of the Trade Marks Registry,
501, Royal Exchange, Manchester.

MB No. 1.

TRADE MARKS ACTS, 1905 to 1919.

COTTON MARKS.

CERTIFICATE UNDER SUB-SECTION (12) OF SECTION 64 OF THE ACT
OF 1905.

Manchester Branch of the Trade Marks Registry,
501, Royal Exchange,
Manchester.

It is hereby certified by the Keeper of Cotton Marks, that a
true copy of the application numbered and dated the

day of _____, 19____, for registration in Class _____ of the Cotton Mark therein referred to is contained in the paper hereto annexed and that a fac-simile of the said mark is attached thereto, and that the length of time of user of such mark as stated on the application is (a) _____ and that the said mark is on deposit at this Office.

Witness my hand this _____ day of _____, 19____.
(Seal of Patent Office.)

Keeper of Cotton Marks.

(a) Space for any other particulars the Keeper may deem necessary.

FORM TM No. 29.

[TRADE MARKS.
£2.]

TRADE MARKS ACTS, 1905 TO 1919.

APPEAL FROM THE REGISTRAR TO THE BOARD OF TRADE.

I (a), _____, of (a) _____, hereby give notice of my intention to appeal to the Board of Trade from (b) _____ of the Registrar of the _____ day of _____, 19____, whereby he (c)

Accompanying this notice is a statement of my case for the decision of the Board of Trade.

(Signed)

Dated this _____ day of _____, 19____.

To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Here insert full name and address of appellant.

(b) Here insert "the decision" or "that part of the decision" as the case may be.

(c) Here insert the decision complained of.

FORM TM No. 30.

[TRADE MARKS.
£1.]

TRADE MARKS ACTS, 1905 TO 1919.

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF REGISTER OF TRADE MARKS.

In the matter of the Trade Mark,
No. _____, registered in Class _____
in the name of _____.

SIR,

Notice is hereby given that by an Order of the Court made on the _____ day of _____, 19____, it was directed that

An Office Copy of the Order of the Court is enclosed herewith.

Dated this _____ day of _____, 19____.
*

To the Registrar,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

• To be signed by the person interested or his agent.

FORM TM No. 31.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£2.]

REQUEST FOR GENERAL CERTIFICATE OF REGISTRAR (OTHER THAN CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR FOR USE IN OBTAINING REGISTRATION ABROAD).

In the matter of the Trade Mark,
No. in Class .

SIR,

I, , of , hereby request you to furnish me with your Certificate that (a)

(b)

Dated this day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

(a) Here set out the particulars which the registrar is requested to certify.
(b) Signature.

FORM TM No. 32.

TRADE MARKS ACTS, 1905 TO 1919.

[TRADE MARKS.
£2.]

REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER A TRADE MARK.

In the matter of an Application for
registration of a Trade Mark,
No. in Class .

SIR,

I, , of , the applicant in the above matter, hereby request you to furnish me with your Certificate of Refusal to register the said Trade Mark.

*

Dated this day of , 19 .

To the Registrar,

Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.

* Signature of applicant.

FORM TM No. 33.

[TRADE MARKS.
Fee 19 or 19a.]

TRADE MARKS ACTS, 1905 TO 1919.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK FOR
USE IN OBTAINING REGISTRATION ABROAD.In the matter of the Trade Mark,
No. , registered in Class
in the name of .

SIR,

I, , of , the registered proprietor of the above
Trade Mark, hereby request you to furnish me with your Certificate
of Registration for use in obtaining registration of the same in*

Dated this day of , 19 .

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

* Here state name of country in which registration is to be sought.

† Signature.

FORM TM No. 34.

[TRADE MARKS.
£2.]

TRADE MARKS ACTS, 1905 TO 1919.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK TO BE
USED IN LEGAL PROCEEDINGS.In the matter of the Trade Mark,
No. , registered in Class
in the name of .

SIR,

I, , of , the registered proprietor of the above
Trade Mark, hereby request you to furnish me with your Certificate
of Registration to be used in legal proceedings.*

Dated this day of , 19 .

*To the Registrar,**Patent Office, Trade Marks Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.2.*

Dated this 9th day of March, 1920.

A. C. GEDDES,
President of the Board of Trade.

* Signature.

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

Class 1.—Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.

Class 2.—Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.

Class 3.—Chemical substances prepared for use in medicine and pharmacy.

Class 4.—Raw, or partly prepared, vegetable, animal, and mineral substances used in manufactures, not included in other Classes.

Class 5.—Unwrought and partly wrought metals used in manufacture.

Class 6.—Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

Class 7.—Agricultural and horticultural machinery, and parts of such machinery.

Class 8.—Philosophical instruments, scientific instruments, and apparatus for useful purposes; instruments and apparatus for teaching.

Class 9.—Musical instruments.

Class 10.—Horological instruments.

Class 11.—Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

Class 12.—Cutlery and edge tools.

Class 13.—Metal goods, not included in other Classes.

Class 14.—Goods of precious metals and jewellery, and imitations of such goods and jewellery.

Class 15.—Glass.

Class 16.—Porcelain and earthenware.

Class 17.—Manufactures from mineral and other substances for building or decoration.

Class 18.—Engineering, architectural, and building contrivances.

Class 19.—Arms, ammunition, and stores, not included in Class 20.

Class 20.—Explosive substances.

Class 21.—Naval architectural contrivances and naval equipments not included in other Classes.

Class 22.—Carriages.

Class 23.—(a) Cotton yarn; (b) Sewing cotton.

Class 24.—Cotton piece goods.

Class 25.—Cotton goods not included in other Classes.

Class 26.—Linen and hemp yarn and thread.

Class 27.—Linen and hemp piece goods.

Class 28.—Linen and hemp goods not included in other Classes.

Class 29.—Jute yarns and tissues, and other articles made of jute, not included in other Classes.

Class 30.—Silk, spun, thrown, or sewing.

Class 31.—Silk piece goods.

Class 32.—Silk goods not included in other Classes.

Class 33.—Yarns of wool, worsted, or hair.

Class 34.—Cloths and stuffs of wool, worsted, or hair.

Class 35.—Woolen and worsted and hair goods, not included in other Classes.

Class 36.—Carpets, floor-cloth, and oil-cloth.

Class 37.—Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.

Class 38.—Articles of clothing.

Class 39.—Paper (except paper hangings), stationery, and book-binding.

Class 40.—Goods manufactured from india-rubber and gutta-percha not included in other Classes.

Class 41.—Furniture and upholstery.

Class 42.—Substances used as food or as ingredients in food.

Class 43.—Fermented liquors and spirits.

Class 44.—Mineral and aerated waters, natural and artificial, including ginger beer.

Class 45.—Tobacco, whether manufactured or unmanufactured.

Class 46.—Seeds for agricultural and horticultural purposes.

Class 47.—Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes.

Class 48.—Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49.—Games of all kinds and sporting articles not included in other Classes.

Class 50.—Miscellaneous:—

(1.) Goods manufactured from ivory, bone or wood, not included in other Classes.

(2.) Goods manufactured from straw or grass, not included in other Classes.

(3.) Goods manufactured from animal and vegetable substances, not included in other Classes.

(4.) Tobacco pipes.

(5.) Umbrellas, walking sticks, brushes and combs for the hair.

(6.) Furniture cream, plate powder.

(7.) Tarpaulins, tents, rick-cloths, rope (jute or hemp), twine.

(8.) Buttons of all kinds other than of precious metal or imitations thereof.

(9.) Packing and hose.

(10.) Other goods not included in the foregoing Classes.

Dated this 9th day of March, 1920.

A. C. GEDDES,
President of the Board of Trade.

A guide to the classification containing an index of a very large number of goods, showing the appropriate class for each description of goods, is obtainable from the Patent Office free of charge, and also a pamphlet containing Instructions to Applicants.

APPENDIX E.

INTERNATIONAL AND COLONIAL
ARRANGEMENTS.

SUBJECT to minor details of procedure, such as giving an address for service in the United Kingdom (*a*) and providing security for costs (*b*), the trade marks of persons domiciled abroad are protected by our Courts and legislation in precisely the same manner as those of persons domiciled in the United Kingdom, and no distinction is drawn between British and foreign subjects (*c*).

Apart from this general principle, Great Britain is a party to an international convention mentioned below, and to various separate treaties which contain clauses relating to the mutual protection of trade marks. Provision was made by sects. 103 and 104 of the Act of 1883, now replaced by sect. 91 of the Patents and Designs Act, 1907, for giving effect to certain limited rights of priority, these provisions being made applicable by Orders in Council (*d*). It is by reference to these provisions and the general law of this country that the rights of all parties must be ascertained, no convention or treaty, as such, having the force of law (*e*). Such treaties and conventions are, however, matters of history which may be relevant in regard to the construction of subsequent legislation (*f*), and their existence and the fact of registration and user in the country of origin have been referred to as matters which may be entitled to weight (*g*). Treaties to which Great Britain is not a party may be material for the purpose of ascertaining the rights of British traders in foreign countries, as the rights accorded are not always limited to the case of subjects of the contracting States.

Apart from treaties with individual States, which may be found in Hertlet's State Papers, and articles in the different Treaties of Peace referred to in Appendix H., the general convention to which Great Britain is a party is known as the International Convention for

(*a*) Trade Marks Act, 1905, s. 14 (11), and Rules 9, 55.

(*b*) See *Apollinaris Co. v. Wilson* (1886), 31 Ch. D. 632; *Huster's Appn.* (1887), W. N. 71; *Soc. des Verrieres' T. M.* (1893), 10 R. P. C. 290; *Compagnie Générale de T. M.s* (1891), 8 R. P. C. 446; *Apollinaris Co.'s T. M.s.* (1891) 1 Ch. 1; *Royal Worcester Corset Co.'s Appn.*, Seb. 270.

(*c*) *Collins Co. v. Brown* (1857), 3 K. & J. 423, and cases cited Seb. 99; *Panhard v. Panhard* (1901), 18 R. P. C. 405.

(*d*) See pp. 122, 222 for the text of these sections; and for a list of the Orders in Council, p. 184.

(*e*) *Carter Medicine Co.'s T. M.* (1892), 9 R. P. C. 401; *Californian Fig Syrup Co.'s T. M.* (1889), 6 R. P. C. 126; and cf., in regard to patents, *Fidel's Patent* (1898), 15 R. P. C. 721.

(*f*) Cf. *Eastman Photographic Co.'s Appn.* (1898), 15 R. P. C. p. 482.

(*g*) *National Cash Register Co.'s Appn.* (1917), 34 R. P. C. 273, 354; and see *Diamond T. Motor Co.'s Appn.* (1921), 38 R. P. C. p. 382; *Trimmer Co.'s Appn.* (1916), 33 R. P. C. p. 340.

the Protection of Industrial Property, made at Paris in 1883, and revised at Brussels in 1900, and again at Washington in 1911. The revised text only is printed, as substantially all the parties to the original convention have ratified the revised articles. A list of the adherent States is printed on p. 184, and any changes since Jan. 1, 1922, may be ascertained from the *London Gazette* or the official journal of the International Bureau, *La Propriété Industrielle*, which may be inspected at the Patent Office Library. References are also given at p. 184, *post*, to the Orders in Council, and any Orders subsequent to Jan. 1, 1922, may be found in the current issues of Statutory Rules and Orders.

In addition to the above convention, there is an International Arrangement, signed at Madrid in 1891, and revised at Brussels in 1900 and at Washington in 1911, to which Great Britain is not a party (*h*), and there is also a Pan-American Convention, signed at Buenos Ayres in 1910.

The Madrid Convention provides for the registration at Berne of trade marks already registered in the country of origin, such registration, subject to certain qualifications, securing the same protection for the trade mark as if it had been registered in each of the adherent States. Such registration may be obtained by the subjects of States which are not parties to the Madrid arrangement, if they satisfy the conditions of Art. 3 of the Paris Convention (*i*).

The Pan-American Convention provided for two bureaux for registration, one at Havana for the Northern group of States, and one at Rio de Janeiro for the Southern group, such registration to secure protection in each of the contracting States. The necessary proportion of the Northern States have ratified, and the bureau at Havana has been established. At the date of publication, this is not the case with the Southern group, as ratification by one more State is required to make up the required two-thirds.

Some doubts have been expressed as to how far the Convention is effective in these circumstances (*k*). British subjects who register their trade marks at Washington can obtain the protection in other American States which the Convention affords (*l*). The Court in Cuba has applied the Convention by declaring void the registration of a trade mark in Cuba which was held to bear a deceptive resemblance to the trade mark which an American company had used in Cuba prior to the date of that registration (*m*).

(*h*) This must be distinguished from a convention also signed at Madrid in 1891, and revised at Washington in 1911, dealing with merchandise marks, to which Great Britain is a party.

(*i*) See p. 177. A translation of the Madrid arrangement is printed in Transactions of International Association for the Protection of Industrial Property, Vol. I., p. 111. A list of the contracting States is published annually in the January number of "*La Propriété Industrielle*."

(*k*) See Patents and Trade Marks Review (U.S.A.), Vol. XVIII., pp. 180, 224; Vol. XIX., p. 287. The text of the Convention is printed in Vol. IX., at p. 3445. The parties who have ratified are—Northern Group: U.S.A., Cuba, Costa Rica, Hayti, Honduras, Nicaragua, Panama, Santo Domingo; Southern Group: Bolivia, Brazil, Ecuador, Paraguay, Peru, Uruguay. See *ibid.*, Vol. XVIII., pp. 92, 257; Vol. XIX., p. 71.

(*l*) Trade Marks Journal, June 22, 1921, p. 1241.

(*m*) Patents and Trade Marks Review (U.S.A.), vol. 19, p. 97.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

Union Convention of Paris of March 20, 1883, for the Protection
of Industrial Property, revised at Brussels on December 14,
1900, and at Washington on June 2, 1911.

(*Translation.*)

ARTICLE 1.

The contracting countries constitute themselves into a Union for the protection of industrial property.

ARTICLE 2.

The subjects or citizens of each of the contracting countries shall in all the other countries of the Union, as regards patents, utility models, industrial designs or models, trade marks and trade names, indications of origin, and the suppression of unfair competition, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own subjects or citizens. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed on native subjects or citizens. No obligation as to the possession of a domicile or establishment in the country where protection is claimed shall be imposed on those who enjoy the benefits of the Union.

ARTICLE 3.

Subjects or citizens of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

ARTICLE 4.

(a.) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade mark, in one of the contracting countries, or his legal representative or assignee, shall enjoy, for the purposes of registration in other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(b.) Consequently, subsequent registration in any of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade mark.

(c.) The above-mentioned periods of priority shall be twelve months for patents and utility models, and four months for industrial designs and models and trade marks.

(d.) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine for itself the latest date at which such declaration must be made. The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto. The contracting countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, &c.) previously made, certified as correct by the authority by whom it was received. Such copies shall not require any legal authentication. They may also require that the declaration shall be accompanied by a certificate from the proper authority showing the date of the application, and also by a translation. No other formalities may be required for the declaration of priority at the time of application. Each of the contracting countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequences shall in no case be more serious than the loss of the right of priority.

(e.) At later stages, further proof in support of the application may be required.

ARTICLES 4 *bis* and 5 relate only to patents.

ARTICLE 6.

Every trade mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union.

Nevertheless, the following marks may be refused or cancelled:—

1. Those which are of such a nature as to prejudice rights acquired by third parties in the country in which protection is applied for.

2. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin or date of production, or which have become customary in the current language, or in the *bonâ fide* and unquestioned usages of the trade of the country in which protection is sought.

In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and, in particular, the length of time that such a mark has been in use.

3. Those which are contrary to morality or public order.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

ARTICLE 7.

The nature of the goods on which the trade mark is to be used can, in no case, form an obstacle to the registration of the trade mark.

ARTICLE 7 *bis*.

The contracting countries undertake to allow the registration of, and to protect, trade marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

Nevertheless, each country shall be the sole judge of the particular conditions on which an association may be allowed to obtain protection for its marks.

ARTICLE 8.

A trade name shall be protected in all the countries of the Union without necessity of registration, whether it form part or not of a trade mark.

ARTICLE 9.

All goods illegally bearing a trade mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

If the law of any country does not admit of seizure on importation, such seizure shall be replaced by prohibition of importation.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country to which the article bearing it may have been imported.

The seizure shall take place at the request either of the proper Government department or of any other competent authority, or of any interested party, whether individual or society, in conformity with the domestic law of each country.

The authorities are not bound to effect the seizure of goods in transit.

If the law of any country does not admit either of seizure upon importation, of prohibition of importation, or of seizure within the country, these measures shall be replaced by the remedies assured in such case to subjects or citizens by the law of such country.

ARTICLE 10.

The stipulations of the preceding article shall be applicable to every production which may falsely bear as indication of origin the name of a specified locality, when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely designated as the place of origin, or in the district where the locality is situated, is to be deemed a party concerned.

ARTICLE 10 *bis*.

All the contracting countries undertake to assure to those who enjoy the benefits of the Union effective protection against unfair trade competition.

ARTICLE 11.

The contracting countries shall, in conformity with the legislation of each country, accord temporary protection to patentable inven-

tions, to utility models, and to industrial designs or models, as well as to trade marks, in respect of products which shall be exhibited at official, or officially recognised, international exhibitions held in the territory of one of them.

ARTICLE 12.

Each of the contracting countries agrees to establish a special Government department for industrial property and a central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

This department shall, as far as possible, publish an official periodical paper.

ARTICLE 13.

The International Office, established at Berne under the name "Bureau international pour la Protection de la Propriété industrielle," is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organisation and supervise its working.

The International Office will centralise information of every kind relating to the protection of industrial property, and will bring it together in the form of a general statistical statement, which will be distributed to all the Administrations. It will interest itself in all matters of common utility to the Union, and will edit, with the help of the documents supplied to it by the various Administrations, a periodical paper in the French language, dealing with questions regarding the object of the Union.

The numbers of this paper, as well as all the documents published by the International Office, will be circulated among the Administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said Administrations, or by societies or private persons, will be paid for separately.

The International Office shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. It will furnish an annual report on its working, which shall be communicated to all the members of the Union.

The official language of the International Office will be French.

The expenses of the International Office will be borne by the contracting countries in common. In no case may they exceed the sum of 60,000 fr. per annum.

To determine the part which each country should contribute to this total of expenses, the contracting countries, and those which may afterwards join the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:—

	Units.
1st class	25
2nd „	20
3rd „	15
4th „	10
5th „	5
6th „	3

These coefficients will be multiplied by the number of countries in each class, and the sum of the result thus obtained will supply the number of units by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession the class in which it wishes to be placed.

The Government of the Swiss Confederation will superintend the expenses of the International Office, advance the necessary funds, and render an annual account, which will be communicated to all the other Administrations.

ARTICLE 14.

The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, Conferences shall be held successively, in one of the contracting countries, between the delegates of the said countries.

The Administration of the country in which the Conference is to be held will make preparation for the transaction of that Conference, with the assistance of the International Office.

The Director of the International Office will be present at the meetings of the Conferences and will take part in the discussions, but without the privilege of voting.

ARTICLE 15.

It is agreed that the contracting countries respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present Convention.

ARTICLE 16.

Countries which are not parties to the present Convention shall be allowed to accede to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other countries.

It shall entail, as a matter of right, accession to all the clauses, as well as admission to all the advantages stipulated in the present Convention, and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated by the acceding country.

ARTICLE 16 *bis*.

The contracting countries have the right of acceding to the present Convention at any time on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or of any of them.

For this purpose they may either make a general declaration, including all their Colonies, Possessions, Dependencies, and Protectorates in the accession, or may expressly name those included,

or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other countries.

Under the same conditions, the contracting countries may denounce the Convention on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or any of them.

ARTICLE 17.

The execution of the reciprocal engagements contained in the present Convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the contracting countries who are bound to procure the application of the same, which they engage to do with as little delay as possible.

ARTICLE 17 *bis*.

The Convention shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the denouncing country, the Convention remaining in operation as regards the other contracting countries.

ARTICLE 18.

The present Act shall be ratified and the ratifications deposited at Washington not later than the 1st April, 1913. It shall come into force, as between the countries which ratify it, one month after the expiration of that period.

This Act, with its Final Protocol, shall replace, as regards relations between the countries which ratify it: the Convention of Paris of the 20th March, 1883; the Final Protocol annexed to that Act; the Protocol of Madrid of the 15th April, 1891, regarding the endowment of the International Office; and the Additional Act of Brussels of the 14th December, 1900. The above-mentioned Acts shall, however, remain in force as regards relations with countries which have not ratified the present Act.

ARTICLE 19.

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United States. A copy, certified as correct, shall be forwarded by the latter to each of the Governments of the Union.

In witness whereof the respective Plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the 2nd June, 1911.

FINAL PROTOCOL.

(*Translation.*)

On proceeding to the signature of the Act concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

To ARTICLE 1.

The words "industrial property" are to be taken in their broadest sense; they extend to all productions of the agricultural industries

(wines, corn, fruits, cattle, &c.) and of the mining industries (minerals, mineral waters, &c.).

To ARTICLE 2.

(a.) *relates only to patents.*

(b.) It is understood that the provision of article 2, which exempts the subjects or citizens of the Union countries from the obligation as to the possession of a domicile and establishment, is of the nature of an interpretation, and is consequently to apply to all rights resulting from the Convention of the 20th March, 1883, before the present Act comes into operation.

(c.) It is understood that the provisions of article 2 do not affect the legislation of each of the contracting countries as regards the procedure to be followed before the tribunals and the competence of those tribunals, nor as regards the election of domicile or appointment of an authorised agent which may be laid down in laws as to patents, utility models, trade marks, &c.

To ARTICLE 4.

Relates only to designs.

To ARTICLE 6.

It is understood that the provision of the first paragraph of article 6 does not exclude the right of requiring from the person registering the mark a certificate proving due registration in the country of origin, issued by the competent authority.

It is understood that the use of public armorial bearings, insignia or decorations, unless authorised by the competent authorities, or the use of official hall-marks or signs indicating an official warranty, which may be adopted by a Union country, may be regarded as contrary to public order in the sense of No. 3 of article 6.

Marks containing a reproduction of public armorial bearings, decorations or insignia, with the authorisation of the competent authorities, shall not, however, be considered as contrary to public order.

It is understood that a mark cannot be considered as contrary to public order solely on the ground that it does not conform to some provision of the trade marks laws, unless such provision itself relates to public order.

The present final Protocol, which shall be ratified at the same time as the Act concluded on this day, shall be considered as forming an integral part of, and shall have the same force, validity, and duration as the said Act.

In witness whereof the respective Plenipotentiaries have signed this Protocol.

Done at Washington, in a single copy, the 2nd June, 1911.

INTERNATIONAL AND COLONIAL ARRANGEMENTS.

Order in Council applying provisions of sects. 103 and 104 of Patents, Designs and Trade Marks Act, 1883, or sect. 91 of Patents and Designs Act, 1907.

Country.	Date.	Reference to Volume of Statutory Rules and Orders (under title "Patents").
† Austria	17 May, 1909.	1909, p. 614.
† Belgium	26 June, 1884.	Vol. 9, p. 5.
† Brazil	26 June, 1884.	Vol. 9, p. 5.
Bulgaria	14 July, 1921.	—
† Cuba	12 Jan., 1905.	1905, p. 270.
† Czecho-Slovakia	11 Mar., 1920.	1920, Vol. 2, p. 347.
Danzig	21 Nov., 1921.	—
Denmark (with Faroe Islands)	20 Nov., 1894.	Vol. 9, p. 13.
Dominican Republic	21 Oct., 1890.	Vol. 9, p. 11.
* Ecuador	16 May, 1893.	Vol. 9, p. 12.
Finland	11 Oct., 1921.	—
† France (Algeria and Colonies)	26 June, 1884.	Vol. 9, p. 5.
Germany	9 Oct., 1903.	Vol. 9, p. 18.
* Greece	15 Oct., 1894.	Vol. 9, p. 14.
* Honduras	26 Sept., 1901.	Vol. 9, p. 17.
† Hungary	17 May, 1909.	1909, p. 614.
† Italy	26 June, 1884.	Vol. 9, p. 5.
Japan	7 Oct., 1899.	Vol. 9, p. 15.
† Mexico	28 May, 1889.	Vol. 9, p. 9.
† Morocco (under French protection)	12 Feb., 1918.	1918, Vol. 2, p. 628.
† Netherlands	26 June, 1884.	Vol. 9, p. 5.
† Netherlands (Dutch East Indies) ..	17 Nov., 1888.	Vol. 9, p. 8.
† Surinam and Curacao	17 May, 1890.	Vol. 9, p. 10.
Norway	9 July, 1885.	Vol. 9, p. 6.
* Paraguay	24 Sept., 1886.	Vol. 9, p. 7.
Poland	25 Nov., 1919.	1919, Vol. 2, p. 106.
† Portugal (with Azores and Madeira) ..	26 June, 1884.	Vol. 9, p. 5.
† Roumania	13 Oct., 1920.	1920, Vol. 2, p. 356.
† Serb-Croat-Slovene State	14 Feb., 1921.	—
† Spain	26 June, 1884.	Vol. 9, p. 5.
Sweden	9 July, 1885.	Vol. 9, p. 6.
† Switzerland	26 June, 1884.	Vol. 9, p. 5.
† Tunis	26 June, 1884.	Vol. 9, p. 5.
U. S. A.	12 July, 1887.	Vol. 9, p. 8.
* Uruguay	24 Sept., 1886.	Vol. 9, p. 7.
‡ Australia	26 Mar., 1907.	1907, p. 773.
Ceylon	7 Aug., 1905.	1905, p. 268.
New Zealand	8 Feb., 1890.	Vol. 9, p. 1.
Trinidad and Tobago	12 Aug., 1907.	1907, p. 777.

† Also Parties to the Madrid arrangement for international registration.

* Not Parties to the Paris-Washington Convention.

‡ Australia is a Party to the Paris Convention as revised at Brussels but not to the revisions made at Washington.

Under the Foreign Jurisdiction Act, penalties have been imposed on British subjects committing offences against the Trade Marks Acts in Abyssinia, China, Egypt, Muskat, Morocco, Persia and Turkey, and in respect of offences against the Indian Trade Marks Acts in Bahrein, Muskat and Somaliland. See, for references, Index to Statutory Rules and Orders in force on Dec. 31, 1919.

APPENDIX F.

WAR AND PEACE LEGISLATION.

WAR and post-war legislation has touched the subject of trade marks at several points. Emergency legislation provided for the avoidance or suspension of the registration of trade marks, the proprietor of which was an enemy subject (*a*). Such suspension or avoidance, if exercised in the case of marks which were in fact distinctive of the goods of enemy nationals, though operative as regards statutory rights, might clearly leave unaffected the meaning attached by the public to the trade mark. Consequently, the principle acted upon in the exercise of the power by the Board of Trade was generally, as stated in a notice published in the Trade Marks Journal of Nov. 11th, 1914 (*b*), to grant suspension only in cases of word marks which were (1) the name of a patented article where a licence was granted under the patent protecting it; (2) the only name or only practicable name of an article manufactured under an expired patent; or (3) the name or the only practicable name of an article manufactured in accordance with a known process or a formula which had been published or was well known to the trade. Suspension was not generally granted in the case of pictorial devices.

Many trade marks may also be affected by orders of the Board of Trade vesting the goodwill of enemy concerns in the Custodian of enemy property (*c*), and by assignments of such goodwill by the Custodian to other traders. Trade marks were commonly excepted from such vesting orders, and it is not possible, without knowledge of the particular circumstances, to forecast the result of such partial severance of goodwill as may have been effected in any particular case, especially in view of the Peace legislation in regard to the restoration of enemy rights in industrial property (*d*). In considering such questions it must be borne in mind that, although statutory rights can be easily dealt with by the legislature or the authorities entrusted with powers by the legislature, the meaning attached by the public to a particular mark is a question of fact which cannot be altered by a stroke of the pen, though this may be altered by lapse of time and change of conditions. The character of the questions raised is illustrated by the *Chartreuse case* (*e*), but in that case the change of proprietorship of the mark by executive act was effected

(*a*) See p. 186.

(*b*) Manual of Emergency Legislation, Supplement No. 4, p. 386.

(*c*) See Trading with the Enemy Amendment Act, 1916 (5 & 6 Geo. 5, c. 105).

(*d*) P. 202.

(*e*) *Rey v. Lecouturier* (1910), 27 R. P. C. 268; and as to the limitations on assignments of trade marks, see p. 6, *ante*.

in a foreign country, and was operative there, though held inoperable as to the rights in this country, and different considerations may arise in the present circumstances (*f*).

A complete examination of the different treaties of peace and their effect upon trade marks and former enemy businesses would be beyond the scope of this work. The most material clauses of the Treaty of Peace with Germany and the Order in Council relating thereto are printed hereafter, together with references to the other treaties and the material dates.

PATENTS, DESIGNS, AND TRADE MARKS (TEMPORARY RULES) ACT, 1914 (4 & 5 GEO. 5, C. 27), AS AMENDED BY THE PATENTS, DESIGNS, AND TRADE MARKS TEMPORARY RULES (AMENDMENT) ACT, 1914 (4 & 5 GEO. 5, C. 73).

NOTE: In sub-sect. (1) the words in brackets were introduced by sect. 1 (a) of the amending Act; the whole of sub-sect. (4) was added by sect. 1 (b) of the amending Act.

Extension
of power to
make rules.
7 Edw. vii.
c. 29.
5 Edw. vii.
c. 15.

1.—(1) The power of the Board of Trade under section eighty-six of the Patents and Designs Act, 1907, and section sixty of the Trade Marks Act, 1905, to make rules and to do such things as they think expedient for the purposes therein mentioned shall include power to make rules and to do such things as they think expedient for avoiding or suspending in whole or in part [any patent or licence the person entitled to the benefit of which is the subject of any State at war with His Majesty; for avoiding or suspending the registration, and all or any rights conferred by the registration, of any design or trade mark the proprietor whereof is a subject as aforesaid; for avoiding or suspending any application made by any such person under either of the said Acts; for enabling the Board to grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as the Board may think fit, licences to make, use, exercise, or vend, patented inventions and registered designs so liable to avoidance or suspension as aforesaid].

(2) In relation to rules made under this Act the provisions of sub-section (3) of section sixty of the Trade Marks Act, 1905, shall not apply.

(3) If the rules made under this Act so provide, the rules or any of them shall have effect as from the passing of this Act.

(4) This Act shall apply to any person resident and carrying on business in the territory of a State at war with His Majesty as if he was a subject of that State; and the expression "subject of any State at war with His Majesty" shall, with reference to a company,

(*f*) The French Mixed Arbitral Tribunal in a recent case has held (1) that it has jurisdiction to decide questions arising in regard to the ownership of trade marks in France and elsewhere belonging to the former owners of a business carried on in France and sequestered under the French laws dealing with enemy property, and (2) that in the case in question the rights in all countries passed to the purchaser of the business from the liquidator. See *Société Vinicole v. Maun*, *Recueil des Décisions des Tribunaux Arbitraux Mixtes*, No. 1, p. 22; No. 8, p. 196. Proceedings in England relating to the trade marks in this country are pending, in which the authority of this decision is challenged.

include any company the business whereof is managed or controlled by such subjects, or is carried on wholly or mainly for the benefit or on behalf of such subjects, notwithstanding that the company may be registered within His Majesty's dominions; and, where a patent has been granted to any person in respect of an invention declared in the application or any specification to have been communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to be the person entitled to the benefit of the patent unless the contrary is proved.]

2. This Act may be cited as the Patents, Designs, and Trade Marks Temporary Rules (Amendment) Act, 1914; and the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914, and this Act may be cited as the Patents, Designs, and Trade Marks (Temporary Rules) Acts, 1914.

Temporary Rules were made under this Act (S. R. & O., Nos. 1255 and 1256 of 1914). The former affected trade marks by giving power to the comptroller during the continuance of the Rules to extend the time for doing any act required under the Trade Marks Act, 1905. The latter made provision for the avoidance or suspension of trade marks in the following terms, omitting parts relating only to procedure:—

1. The Board of Trade may, on the application of any person, and subject to such terms and conditions, if any, as they may think fit, order the avoidance or suspension, in whole or in part, of the registration of any trade mark the proprietor of which is a subject of any State at war with His Majesty, and the Board, before granting any such application, may require to be satisfied on the following heads:—

- (a) That the proprietor is the subject of a State at war with His Majesty;
- (b) That the person applying intends to manufacture, or cause to be manufactured, the goods or any of them in respect of which the trade mark is registered;
- (c) That it is in the general interests of the country or of a section of the community, or of a trade, that the registration of the trade mark should be so avoided or suspended.

The Board of Trade may at any time, in their absolute discretion, revoke any avoidance or suspension of any registration of a trade mark ordered by them.

PEACE TREATIES WITH DIFFERENT ENEMY COUNTRIES.

Country.	Order providing for enforcing terms.	Date of signature.	Date of coming into force and of termination of state of war.
Germany	S. R. O. 1517 of 1919.	28th June, 1919.	10th Jan., 1920. (S. R. O. 264 of 1920.)
Austria	S. R. O. 1613 of 1920.	10th Sept., 1919.	16th July, 1920. (S. R. O. 1347 of 1920.)
Bulgaria	S. R. O. 1614 of 1920.	27th Nov., 1919.	9th Aug., 1920. (S. R. O. 1612 of 1920.)
Hungary	S. R. O. 1285 of 1921.	4th June, 1920.	26th July, 1921. (S. R. O. 1284 of 1921.)
Ottoman Empire	—	10th Aug., 1920.	—

By S. R. O. 1276 of 1921, the 31st Aug., 1921, was fixed as the date of the termination of the war under the Termination of the Present War (Definition) Act, 1918 (8 & 9 Geo. 5, c. 59), but this does not affect the relations with the Ottoman Empire.

TREATY OF PEACE ORDER, 1919* (GERMANY), No. 1517.

1. The sections of the Treaty set out in the Schedule to this Order shall have full force and effect as law, and for the purpose of carrying out the said sections the following provisions shall have effect:—

(i) to (xiii) *relate to enemy debts and clearing office.*

(xiv) All decisions of the Mixed Arbitral Tribunal constituted under Section VI. of Part X. of the Treaty, if within the jurisdiction of that tribunal, shall be final and conclusive and binding on all courts.

(xv) For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal, wherever sitting, whether within or without His Majesty's Dominions, and compelling the production before the tribunal of documents, a Secretary of State shall have power to issue orders which shall have the like effect as if the proceedings before the tribunal were an action in a court and the order were a formal process issued by that court in the due exercise of its jurisdiction, and shall be enforceable by that court accordingly, and disobedience to any such order shall be punishable as contempt of court.

(xvi) All property, rights and interests within His Majesty's Dominions or Protectorates belonging to German nationals at the date when the Treaty comes into force (not being property rights or interests acquired under any general licence issued by or on behalf of His Majesty), and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged—

* * * * *

The sub-sections which follow set out the payments with which the property is charged. They are not material to this subject.

(xvii) With a view to making effective and enforcing such charge as aforesaid—

* * * * *

Sub-sections (a), (b), (c) and (e) are not material to this subject.

(d) the Board of Trade may by order vest in the Custodian any property, rights and interests subject to the charge, or the right to transfer the same, and for that purpose [sub-sections (1) to (4) of] section four of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if such property, rights and interests were property belonging to an enemy or enemy subject:

* * * * *

(xviii) The time at which the period of prescription or limitation of right of action referred to in Article 300 shall begin again to run shall be at the expiration of six months after the coming into force of the Treaty, and the period to be allowed within which presentation of negotiable instru-

* Amendments have been introduced by Orders Nos. 1410 and 2461 of 1920, and Nos. 268 and 968 of 1921. These do not substantially affect any question of trade mark rights, and are printed in square brackets.

ments for acceptance or payment and notice of non-acceptance or non-payment or protest may be made under Article 301] shall be [nineteen] months from the coming into force of the Treaty.

- (xix) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy and any action taken thereunder are hereby confirmed subject to the provisions contained in paragraph 4 (a) of the Annex to Section V. of Part X. of the Treaty.
- (xx) There shall be imposed on rights of industrial, literary or artistic property (with the exception of trade marks) acquired before or during the war, or which may be acquired hereafter, by German nationals, such limitations, conditions or restrictions as the Board of Trade may prescribe, for the purpose, in the manner, in the circumstances, and subject to the limitations, contained in Article 306 of the Treaty, and any transfer in whole or in part or other dealing with any rights so acquired as aforesaid effected since the first day of August, nineteen hundred and fourteen, shall if and so far as it is inconsistent with any limitations conditions or restrictions so imposed be void and of no effect.
- (xxi) So far as may be necessary for the purpose of Article 307 the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914 (except paragraph (b) of section one of the Patents, Designs, and Trade Marks (Temporary Rules) (Amendment) Act, 1914), shall in relation to German nationals continue in force after the Treaty comes into force as if references therein to subjects of a State at war with His Majesty included references to German nationals.
- (xxii) The duly qualified tribunal for the purposes of Article 310 of the Treaty shall be the Comptroller-General of Patents, Designs and Trade Marks.

2. For the purposes of this Order -

* * * * *

The expression "nationals" in relation to any State includes the subjects or citizens of that State and any company or corporation incorporated therein according to the law of that State and in the case of a Protectorate the natives thereof:

The expression "Custodian" means the Custodian of enemy property appointed under the Trading with the Enemy (Amendment) Act, 1914.

The Interpretation Act, 1889, applies for the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

3. This Order shall apply to the whole of His Majesty's Dominions and Protectorates, except [India and the self-governing Dominions, that is to say] the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Island), the Union of South Africa, the Dominion of New Zealand, Newfoundland and India, but in its application to the parts

of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order.

Provided that such of the provisions of this Order as give effect to Section III. of Part X. of the Treaty (*a*) shall not apply to Egypt.

4. This Order shall come into operation on the date when the Treaty of Peace comes into force (*b*), but so much of this Order as relates to Section III. of Part X. of the Treaty (*a*) and the annex to that section shall cease to be in operation after the expiration of one month from the deposit of the ratifications of the Treaty by His Majesty, unless in the meantime the notification referred to in paragraph (*c*) of Article 296 has been given to Germany by His Majesty.

5. This Order may be cited as the Treaty of Peace Order, 1919.

SCHEDULE.—SECTIONS OF THE TREATY OF VERSAILLES.

SECTION III.—DEBTS (*not material to this subject*).

SECTION IV.—PROPERTY, RIGHTS AND INTERESTS.

ARTICLE 297.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto:—

- (a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals of Allied or Associated Powers including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.
- (b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights, or interests nor to subject them to any charge without the consent of that State.

(*a*) Sect. III. relates to debts and is not material to this subject.

(*b*) As to the dates when the treaties of peace with different enemy countries came into force, see p. 187.

German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

- (c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.
- (d) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.
- (e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested, in German territory as it existed on August 1st, 1914, by the application either of the exceptional war measures, or measures of transfer, mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI. or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.
- (f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (c) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III. may be made, in order to secure that the national of the Allied or Associated

Power may secure compensation for the injury referred to in paragraph (c) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights, or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (c) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

- (g) The rights conferred by paragraph (f) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the Armistice.
- (h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests, wherever situated, carried out, either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies shall be dealt with as follows:—

(1) As regards Powers adopting Section III. and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

(2) As regards Powers not adopting Section III. and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in Article 243.

In the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 and 260, be paid direct to the owner. If on the application of that owner, the Mixed Arbitral Tribunal, provided for by Section VI. of this part or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or

measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

- (i) Germany undertakes to compensate its nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.
- (j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights, and interests of the nationals of the Allied or Associated Powers from November 11th, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war until restitution in accordance with the present Treaty, shall be restored to the owners.

ARTICLE 298.

Germany undertakes, with regard to the property, rights, and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (a) or (f):—

- (a) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war;
- (b) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights, which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

ANNEX.

1. In accordance with the provisions of Article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any Court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction, dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision, or instruction. Every action taken with regard to any property, business, or company, whether as

regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights, or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any Court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed: Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Germany or the German authorities since November 11th, 1918, all of which shall be void.

2. No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war. Similarly, no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3. In Article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial, or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration: or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets for whatsoever motive, under whatsoever form, or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders, or decrees of Government departments or Courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges, or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

1. All property, rights, and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds

of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or, if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5. Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action under German war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

6. Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights, and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7. Within one year from the coming into force of the present Treaty, the Allied or Associated Powers will specify the property, rights, and interests over which they intend to exercise the right provided in Article 297, paragraph (f).

8. The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9. Until completion of the liquidation provided for by Article 297, paragraph (b), the property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10. Germany will within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights, and interests of German nationals within the territory of such Allied or Associated Power or with regard to any transaction concerning such property, rights, or interests effected since July 1st, 1914.

11. The expression "cash assets" includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

12. All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13. Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents, and information of any kind which may be within German territory, and which concern the property, rights, and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators, and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents and for their accuracy.

14. The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits, and accounts, Section III, regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III., and between their respective nationals, the provisions of Section III, respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall

within six months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.

15. The provisions of Article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (b).

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

ARTICLE 299.

(a) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(b) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI. shall be empowered to grant to the prejudiced party equitable compensation.

(c) Having regard to the provisions of the Constitution and law of the United States of America, of Brazil and of Japan, neither the present Article nor Article 300, nor the Annex hereto shall apply to contracts made between nationals of these States and German nationals: nor shall Article 305 apply to the United States of America or its nationals.

(d) The present Article and the Annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied or Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(e) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

ARTICLE 300.

(a) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall

be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(c) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (b), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

(d) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (c).

(e) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

(f) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(g) As regards negotiable instruments, the period of three months provided under paragraph (a) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

ARTICLE 301.

Relates to negotiable instruments.

ARTICLE 302.

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect of any dispute which may have arisen has been given during the war by a German Court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the National of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the German Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

ARTICLE 303.

For the purpose of Sections III., IV., V., and VII., the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

ANNEX.

I. GENERAL PROVISIONS.

1. Within the meaning of Articles 299, 300, and 301, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise become unlawful under laws, orders, or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2. The following classes of contracts a. excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (b) of Section IV., remain in force subject to the application of domestic laws, orders, or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:—

- (a) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;
- (b) Leases and agreements for leases of land and houses;
- (c) Contracts of mortgage, pledge, or lien;
- (d) Concessions concerning mines, quarries, or deposits;
- (e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

3. If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject

to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

Sections 2 and 3 of this Annex relate to Stock Exchange and insurance contracts.

SECTION VI.—MIXED ARBITRAL TRIBUNAL.

ARTICLE 304.

(a) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand, and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(b) The Mixed Arbitral Tribunals established pursuant to paragraph (a) shall decide all questions within their competence under Sections III., IV., V., and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(d) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(e) Each Government will pay the remuneration of the member of

the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunal direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

ANNEX.

1. Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2. The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3. The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4. The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5. Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6. The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7. Germany agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

8. The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian, or Japanese, as may be determined by the Allied or Associated Power concerned.

9. The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

ARTICLE 305.

Whenever a competent Court has given or gives a decision in a case covered by Sections III, IV., V., or VII., and such decision is inconsistent with the provisions of such sections, the party who is prejudiced by the decision shall be entitled to obtain redress which

shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German Court.

SECTION VII.- INDUSTRIAL PROPERTY

ARTICLE 306.

Subject to the stipulations of the present Treaty, rights of industrial, literary, and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph 1 of this Article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions, or restrictions on rights of industrial, literary, or artistic property (with the exception of trade marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licences, or by the working, or by

preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary, and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary, and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions, or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary, or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this article.

The provisions of this article shall not apply to rights in industrial, literary, or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (b).

ARTICLE 307.

A minimum of one year after the coming into force of the present Treaty (a) shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this article shall give any right to re-open interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property, which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such property while the rights had lapsed. Further.

(a) As to dates when the treaties of peace with different enemy countries came into force, see p. 187.

APPENDIX F.

where rights to patents or designs belonging to German nationals are revived under this article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark, or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

ARTICLE 308.

The rights of priority, provided by Article IV. of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911, or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs, and models which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bonâ fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

ARTICLE 309.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 307 and 308.

Equally, no action for infringement of industrial, literary, or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one

year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Germany during the war.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

ARTICLE 310.

Licences in respect of industrial, literary, or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and German nationals, on the other part, shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights have been acquired, except in the case of licences held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI. of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary, or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic, or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

ARTICLE 311.

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and the change of nationality consequent thereon, continue to enjoy in Ger-

many all the rights in industrial, literary, and artistic property to which they were entitled under German legislation at the time of the separation.

Rights of industrial, literary, and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognised by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

APPENDIX G.

THE PATENTS, DESIGNS, AND TRADE MARKS ACTS, 1883–1902 (SO FAR AS RELATES TO TRADE MARKS, CONSOLIDATED).

(The greater part of these provisions were repealed entirely or repealed so far as they relate to trade marks by the Act of 1905: see sects. 73, 74, and Schedule. The remaining provisions were repealed by sect. 98 and Second Schedule to the Patents and Designs Act, 1907.)

THE PATENTS, DESIGNS, AND TRADE MARKS ACT, 1883 (a).

46 & 47 Vict. c. 57.

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks.
[25th August, 1883.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

(a) The amending Acts are as follows:—

The Patents, Designs, and Trade Marks (Amendment) Act, 1885 (48 & 49 Vict. c. 63).

The Patents Act, 1886 (49 & 50 Vict. c. 37).

The Patents, Designs, and Trade Marks Act, 1888 (51 & 52 Vict. c. 50).

The Patents Act, 1901 (1 Edw. VII. c. 18).

The Patents Act, 1902 (2 Edw. VII. c. 34).

Of such Acts those passed in 1886 and 1901 do not affect trade marks at all, and those of 1885 and 1902 only do so in one or two small details.

The parts of the principal Act which have been expunged by the later Acts are printed in italics, and the provisions which have been introduced are printed in brackets.

PART I.

PRELIMINARY.

1. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1883.

2. This Act is divided into parts, as follows:—

Part I.—PRELIMINARY.

Part II.—PATENTS.

Part III.—DESIGNS.

Part IV.—TRADE MARKS.

Part V.—GENERAL.

Part I.

Preliminary.

Short title.

Division of Act into parts.

Commence-
ment of Act.

3. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December, one thousand eight hundred and eighty-three (a).

(a) The Act of 1888, except where otherwise provided, commenced on the 1st January, 1889 (sect. 28).

PART II. (SECTS. 4—46.)

PATENTS.

PART III. (SECTS. 47—61.)

DESIGNS.

PART IV.

TRADE MARKS.

Registration of Trade Marks.

Application
for registra-
tion.

**See T. M. A.
1905,
ss. 12, 59.**

62.—(1.) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark.

(2.) The application must be made in the form set forth in the first schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to *the Patent Office in the prescribed manner* [such place and in such manner as may be prescribed].

(3.) The application must be accompanied by the prescribed number of representations of the trade mark, and must state the particular goods or classes of goods in connection with which the applicant desires the trade mark to be registered.

(4.) The comptroller may, if he thinks fit, refuse to register a trade mark; but any such refusal shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court; and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

[(6.) Where an applicant for the registration of a trade mark otherwise than under an International Convention is out of the United Kingdom at the time of making the application, he shall give the comptroller an address for service in the United Kingdom, and if he

fails to do so the application shall not be proceeded with until the address has been given.]

The amendments in this section were made by sect. 8 of the Act of 1888.

63. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, *the application shall be deemed to be abandoned* (a) [the comptroller shall give notice of the non-completion to the agent employed on behalf of the applicant, and if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and if at the expiration of the latter fourteen days, or such further time as the comptroller may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned].

Limit of time for proceeding with application.
See T. M. A. 1905, s. 18.

(a) This provision was first made by the edition of March, 1883, of the Rules under the old Acts. The amendments in this section were made by sect. 9 of the Act of 1888.

64.—(1.) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:

Conditions of registration of trade mark.
See T. M. A. 1905, ss. 9, 15.

(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

(c.) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

(2.) There may be added to any one or more of these particulars any letters, words or figures, or combination of letters, words or figures, or of any of them.

(3.) Provided that any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade mark before the thirteenth day of August, one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.

[**64.—(1.)** For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:

(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

(c.) A distinctive device, mark, brand, heading, label, or ticket; or

(d.) An invented word or invented words; or

(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them: but the

applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

(3.) Provided as follows:

(i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business; but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof;

(ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures, used as a trade mark before the thirteenth day of August, one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.]

This section is enlarged from sect. 10 of the Act of 1875. The amendments in this section were made by sect. 10 of the Act of 1888.

Connection of trade mark with goods.

See T. M. A. 1905, s. 8.

65. A trade mark must be registered for particular goods or classes of goods.

This came from sect. 2 of the Trade Marks Registration Act, 1875.

Registration of a series of marks.

See T. M. A. 1905, s. 26.

66. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

This section was entirely new.

Trade marks may be registered in any colour.

See T. M. A. 1905, s. 10.

67. A trade mark may be registered in any colour [or colours], and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour [or colours].

The amendments in this section were made by sect. 11 of the Act of 1888.

Advertisement of application.

See T. M. A. 1905, s. 13.

68. Every application for registration of a trade mark under this part of this Act shall as soon as may be after its receipt be advertised by the comptroller, [unless the comptroller refuse to entertain the application].

The amendments in this section were made by sect. 12 of the Act of 1888.

69.—(1.) Any person may within *two months* [one month or such further time, not exceeding three months, as the comptroller may allow] of the *first* advertisement of the application, give notice in duplicate at the Patent Office of opposition to registration of the trade mark, and the comptroller shall send one copy of such notice to the applicant.

Opposition to registration.
See T. M. A. 1905, ss. 14, 59.

(2.) Within *two months* [one month] after receipt of such notice or such further time as the comptroller may allow, the applicant may send to the comptroller a counter-statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

(3.) *If the applicant sends such counter-statement, the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the comptroller may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made or such further time as the comptroller may allow, the opposition shall be deemed to be withdrawn.*

(4.) *If the person who gave notice of opposition duly gives such security as aforesaid, the comptroller shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Court.*

[(3.) If the applicant sends such counter-statement, the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered; but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

(4.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court, and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

(5) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the comptroller may determine to be reasonable.

(6.) Where the opponent is out of the United Kingdom he shall give the comptroller an address for service in the United Kingdom.]

This section came from the old rules. The amendments were made by sect. 13 of the Act of 1888.

70. A trade mark, when registered, shall be assigned and transmitted only in connection with the goodwill of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that goodwill.

Assignment and transmission of trade mark.
See T. M. A. 1905, s. 22.

This section came from sect. 2 of the Act of 1875.

Conflicting claims to registration.

See T. M. A. 1905, s. 20.

71. Where each of several persons claims to be registered as proprietor of the same trade mark, the comptroller may refuse to register any of them until their rights have been determined according to law, and the comptroller may himself submit or require the claimants to submit their rights to the Court.

This section came from sect. 5 of the Act of 1875.

Restrictions on registration.

See T. M. A. 1905, s. 19.

72.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the comptroller shall not register in respect of the same goods or description of goods a trade mark identical with one already on the register with respect to such goods or description of goods.

(2.) [Except as aforesaid] the comptroller shall not register with respect to the same goods or description of goods a trade mark so *nearly resembling* [having such resemblance to] a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

This section came from sect. 6 of the Act of 1875. The amendments in this section were made by sect. 14 of the Act of 1888.

Further restriction on registration.

See T. M. A. 1905, s. 11.

73. It shall not be lawful to register as part of or in combination with a trade mark any words the *exclusive* use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of Justice, or any scandalous design.

This section was taken from sect. 6 of the Act of 1875, and was amended by sect. 15 of the Act of 1888.

Saving for power to provide for entry on register of common marks as additions to trade marks.

See T. M. A. 1905, s. 15.

74.—(1.) Nothing in this Act shall be construed to prevent the comptroller entering on the register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark—

(a.) In the case of an application for registration of a trade mark used before the thirteenth day of August one thousand eight hundred and seventy-five—

Any distinctive device, mark, brand, heading, label, ticket, letter, word, or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made;

(b.) In the case of an application for registration of a trade mark not used before the thirteenth day of August one thousand eight hundred and seventy-five—

Any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made;

(2.) *The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to*

the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.

(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

Provided that a person need not, under this section, disclaim his own name or the foreign equivalent thereof, or his place of business; but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words or figures, which was, or were, before the thirteenth day of August, one thousand eight hundred and seventy-five, publicly used by more than three persons on the same or a similar description of goods shall, for the purposes of this section, be deemed common to the trade in such goods.

The amendments in this section were made by sect. 16 of the Act of 1888.

Effect of Registration.

75. *Registration of a trade mark shall be deemed to be equivalent to public use of the trade mark.*

Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall for the purposes of this Act be deemed to be, and as from the first day of January one thousand eight hundred and seventy-six to have been, the date of the registration.

The original sect. 75, for which this section was substituted by sect. 17 of the Act of 1888, came from sect. 2 of the Act of 1875.

The last part of this section, as altered, came from Rule 32 of the Rules of 1883, and originally from the old rules.

76. The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Act.

This section came from sect. 3 of the Act of 1875.

77. A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark unless, in the case of a trade mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade mark in use before the thirteenth of August one thousand eight hundred and seventy-five, registration thereof under this part of this Act, or of any enactment repealed by this Act, has been refused. The comptroller may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

This section came from sect. 1 of the Act of 1876.

Registration equivalent to public use.

See T. M. A. 1905, s. 16.

Right of first proprietor to exclusive use of trade mark.

See T. M. A. 1905, ss. 39, 40.

Restrictions on actions for infringement, and on defence to action in certain cases.

See T. M. A. 1905, s. 42.

Certificate as to exclusive use and costs thereon.

See T. M. A. 1905, s. 46.

77A. In an action for infringement of a registered trade mark the Court or a judge may certify that the right to the exclusive use of the trade mark came in question; and if the Court or a judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or judge trying the subsequent action certifies that he ought not to have the same.

This section was introduced by sect. 18 of the Act of 1888.

Register of Trade Marks.

Register of trade marks.

See T. M. A. 1905, s. 4.

78. There shall be kept at the Patent Office a book called the Register of Trade Marks, wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments and of transmissions of trade marks, and such other matters as may be from time to time prescribed.

Removal of trade mark after fourteen years unless fee paid.

See T. M. A. 1905, ss. 28—31.

79.—(1.) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade mark, the comptroller shall send notice to the registered proprietor that the trade mark will be removed from the register unless the proprietor pays to the comptroller before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

(2) If such fee be not paid before the expiration of such fourteen years the comptroller may after the end of three months from the expiration of such fourteen years remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the comptroller may, without removing such trade mark from the register, accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade mark has been removed from the register for non-payment of the prescribed fee, the comptroller may, if satisfied that it is just so to do, restore such trade mark to the register on payment of the prescribed additional fee.

(5.) Where a trade mark has been removed from the register for non-payment of the fee or otherwise, such trade mark shall nevertheless, for the purpose of any application for registration during *the five years* [one year] next after the date of such removal, be deemed to be a trade mark which is already registered (unless it is shown to the satisfaction of the comptroller that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark).

This section came from the old rules. The amendments were made by sect. 19 of the Act of 1888.

Fees.

80. There shall be paid in respect of applications and registration and other matters under this part of this Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of her Majesty's Exchequer in such manner as the Treasury may from time to time direct.

Fees for registration, &c.
See **T. M. A.**
1905, s. 61.

Sheffield Marks.

81. With respect to the Master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the Master, wardens, searchers, and assistants of that Company, the following provisions shall have effect:—

Registration by Cutlers' Company of Sheffield marks.
See **T. M. A.**
1905, s. 63.

(1.) The Cutlers' Company shall establish and keep at Sheffield a new register of trade marks (in this Act called the Sheffield register):

2.) *The Cutlers' Company shall enter in the Sheffield register, in respect of cutlery, edge tools, or raw steel, and the goods mentioned in the next sub-section, all the trade marks entered before the commencement of this Act in respect of cutlery, edge tools, or raw steel and such goods in the register established under the Trade Marks Registration Act, 1875, belonging to persons carrying on business in Hallamshire, or within six miles thereof, and shall also enter in such register, in respect of the same goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the commencement of this Act, but which have not been entered in the register established under the Trade Marks Registration Act, 1875.*

(2.) The Cutlers' Company shall enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade marks entered before the first day of January one thousand eight hundred and eighty-nine, in respect of metal goods, either in the register established under the Trade Marks Registration Act, 1875, or in the register of trade marks under this Act, belonging to persons carrying on business in Hallamshire or within six miles thereof. The Cutlers' Company shall also, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in either of the said registers.

(3.) An application for registration of a trade mark used *on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge,* on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company.

- (4.) Every application so made to the Cutlers' Company shall be notified to the comptroller in the prescribed manner, and unless the comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner:
- (5.) If the comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court:
- (6.) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall give notice thereof to the comptroller, who shall thereupon enter the mark in the register of trade marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the comptroller on that day:
- 7.) The provisions of this Act, and of any general rules made under this Act, with respect to application for registration in the register of trade marks, the effect of such registration, and the assignment and transmission of rights in a registered trade mark, shall apply in the case of applications and registration in the Sheffield register; and notice of every entry made in the Sheffield register must be given to the comptroller by the Cutlers' Company, save and except that the provisions of this subsection shall not prejudice or affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register:*
- (7.) The provisions of this Act, and of any general rules made under this Act, with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section, apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act, and any such general rules shall, so far as applicable, be construed accordingly, with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield register, for the comptroller, the Patent Office, and the register of trade marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield register shall be given to the comptroller by the Cutlers' Company: provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register.
- (8.) Where the comptroller receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on *cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without cutting edge, on metal goods*; he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

- (9.) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' register of corporate trade marks, and thereupon all marks entered therein shall, unless entered in the Sheffield register, be deemed to have been abandoned:
- (10.) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of two or more trade marks.
- (11.) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of a trade mark or trade marks:
- (12.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner appeal to the comptroller, who shall have power to confirm, reverse, or modify the decision, but the decision of the comptroller shall be subject to a further appeal to the Court:
- (13.) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks, that is to say, the fifth section of the Cutlers' Company's Act of 1814, and the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield register.
- (14.) For the purposes of this section, the expression "metal goods" means all metals whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal.
- (15.) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the comptroller.

The amendments in this section were made by sect. 20 of the Act of 1888.

PART V.

GENERAL.

Patent Office and Proceedings thereat.

- 82.—(1.) The Treasury may provide for the purposes of this Act an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office:
- (2.) Until a new Patent Office is provided, the offices of the Commissioners of Patents of inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the Patent Office within the meaning of this Act.

Patent Office.
See Patents
and Designs
Act, 1907,
s. 62.

(3.) The Patent Office shall be under the immediate control of an officer called the comptroller-general of patents, designs, and trade marks, who shall act under the superintendence and direction of the Board of Trade.

(4.) Any act or thing directed to be done by or to the comptroller may, *in his absence*, be done by or to any officer for the time being in that behalf authorised by the Board of Trade.

The words in *italics* were expunged by the Act of 1902, s. 1.

Officers and clerks.

Ibid. s. 63.

83. (1.) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the comptroller-general of patents, designs, and trade marks, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may from time to time remove any of those officers and clerks.

(2.) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.

Seal of Patent Office.

Ibid. s. 64.

Trust not to be entered in registers.

See T. M. A. 1905, s. 5.

84. There shall be a seal for the Patent Office, and impressions thereof shall be judicially noticed and admitted in evidence.

85. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied or constructive.

This section, so far as it relates to trade marks, came from the old rules.

Refusal to grant patent, &c. in certain cases.

See T. M. A. 1905, s. 11.

Entry of assignments and transmissions in registers.

See T. M. A. 1905, ss. 33, 38.

T. M. A. 1919, s. 11.

86. The comptroller may refuse to grant a patent for an invention, or to register a design or trade mark, of which the use would, in his opinion, be contrary to law or morality.

87. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the register of patents, designs, or trade marks, as proprietor of a patent, copyright in a design, or trade mark, as the case may be, shall, subject to [the provisions of this Act and to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such patent, design, or trade mark may be enforced in like manner as in respect of any other personal property.

The amendment in this section was made by sect. 21 of the Act of 1888.

Inspection of and extracts from registers.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to [the provisions of

this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee. **See T. M. A. 1905, s. 7.**

This section came from the old rules.

The amendment in this section was made by sect. 22 of the Act of 1888.

89. Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the Patent Office, or from patents, specifications, disclaimers and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in her Majesty's dominions, and in all proceedings, without further proof or production of the originals. **Sealed copies to be received in evidence. See T. M. A. 1905, s. 50.**

90. (1.) The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person or of any other particulars from any register kept under this Act, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry, as the Court thinks fit; or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit. **Rectification of registers by Court. See T. M. A. 1905, ss. 35, 37.**

(2.) The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the comptroller.

This section came from sect. 5 of the Act of 1875. The amendment was made by sect. 23 of the Act of 1888.

91. The comptroller may, on request in writing, accompanied by the prescribed fee, **Power for comptroller to correct clerical errors. See T. M. A. 1905, s. 32.**

(a.) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade mark; or

(b.) Correct any clerical error in the name, style or address of the registered proprietor of a patent, design or trade mark;

(c.) Cancel the entry or part of the entry of a trade mark on the register: Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark.

(d.) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade mark to be registered.

The amendment in this section was made by sect. 24 of the Act of 1888.

Alteration
of registered
mark.

See **T. M. A.**
1905, s. 34.

92.—(1.) The registered proprietor of any registered trade mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the comptroller by the applicant; and the comptroller shall be entitled to be heard on the application.

(3.) If the Court grants leave, the comptroller shall, on proof thereof and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

This section was taken from the old rules.

Falsification
of entries in
registers.

See **T. M. A.**
1905, s. 66.

93. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders, or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

Exercise of
discretionary
power by
comptroller.

See **T. M. A.**
1905, s. 53.

94.—Where any discretionary power is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

Power of
comptroller to
take directions
of law officers.

See **T. M. A.**
1905, s. 56.

95. The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the law officers for directions in the matter.

Certificate of
comptroller to
be evidence.

See **T. M. A.**
1905, s. 51.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

This section was somewhat modified from sect. 8 of the Act of 1875.

Applications
and notices
by post.

97.—(1.) Any application, notice or other document authorised or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by a prepaid letter through the post; and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

(2.) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Provision
as to days
for leaving
documents
at office.

98. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Patent Office, shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave

such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

99. If any person is, by reason of infancy, lunacy or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

Declaration by infant, lunatic, &c.

This section, so far as it relates to trade marks, came from the old rules.

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after the same shall respectively have been accepted or allowed at the Patent Office; and certified copies of or extracts from any such documents shall be given to any person requiring the same on payment of the prescribed fee; and any such copy or extract shall be admitted in evidence in all courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

Transmission of certified printed copies of specifications, &c.
See Patents and Designs Act, 1907, s. 80.

101.—(1.) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act—

Power for Board of Trade to make general rules for classifying goods and regulating business of Patent Office.
See T. M. A. 1905, s. 60.

- (a.) For regulating the practice of registration under this Act;
- (b.) For classifying goods for the purposes of designs and trade marks;
- (c.) For making or requiring duplicates of specifications, amendments, drawings, and other documents;
- (d.) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments, and other documents;
- (e.) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;
- (f.) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad;

(g.) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller or of the Board of Trade.

(2.) Any of the forms in the First Schedule to this Act may be altered or amended by the rules made by the Board as aforesaid.

(3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4.) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament, and they shall also be advertised twice in the official journal to be issued by the comptroller.

(5.) If either House of Parliament, within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Annual reports of comptroller.

See T. M. A. 1905, s. 57.

102. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries and allowances, and other money received and paid under this Act.

Proceedings of Board of Trade.

See T. M. A. 1905, ss. 52, 58.

[102A.—(1.) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

(2.) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3.) A certificate signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

This section was introduced by sect. 25 of the Act of 1888.

International and Colonial Arrangements.

International arrangements for protection of inventions, designs, and trade marks.

103.—(1.) If her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such state, shall be entitled to a

patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the *date of the protection obtained* [date of the application] in such foreign state.

See **T. M. A.**
1905, s. 65.
Patents and
Designs Act,
1907, s. 91.

Provided that his application is made, in the case of a patent within seven months, and in the case of a design or trade mark within four months, from his applying for protection in the foreign state with which the arrangement is in force.

Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification, or the actual registration of his design or trade mark in this country, as the case may be.

(2.) The publication in the United Kingdom or the Isle of Man during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark:

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Act:

(4.) The provisions of this section shall apply only in the case of those foreign states with respect to which her Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each state as the Order in Council shall continue in force with respect to that state.

This section was new. The amendment in it was made by sect. 6 of the Act of 1885.

For list of Orders in Council, see Appendix, p. 184.

104. (1.) Where it is made to appear to her Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for her Majesty from time to time, by Order in Council, to apply the provisions of the last preceding section, with such variations or additions, if any, as to her Majesty in Council may seem fit, to such British possession.

Provision for
Colonies and
India.

See **T. M. A.**
1905, s. 65.
Patents and
Designs Act,
1907, s. 91 (5).

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act: but it shall be lawful for her Majesty in Council to revoke any Order in Council made under this Act.

For list of Orders in Council, see Appendix, p. 184.

Offences.

Penalty on
falsely
representing
articles to be
patented.

**See T. M. A.
1905, s. 67.**

Patents and
Designs Act,
1907, s. 89.

105.—(1.) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented or a design or a trade mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

Penalty on
unauthorised
assumption of
Royal Arms.

**See T. M. A.
1905, s. 68.**

Patents and
Designs Act,
1907, s. 90.

106. Any person who, without the authority of her Majesty, or any of the Royal Family, or of any Government department, assumes or uses in connection with any trade, business, calling, or profession, the Royal Arms, or arms so nearly resembling the same as to be calculated to deceive, in such manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.

This section was new.

Scotland, Ireland, &c.

107. Relates only to patents.

**See T. M. A.
Act, 1905,
s. 72.**

Patents and
Designs Act,
1907, s. 94 (2).

General
saving for
jurisdiction
of Courts.

**See T. M. A.
1905, s. 69.**

108. In Scotland, any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

109. Relates only to patents.

110. Relates only to patents.

111.—(1.) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "Court of Appeal" respectively mean the High Court of Justice in Ireland and her Majesty's Court of Appeal in Ireland.

(2.) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court in Scotland or Ireland, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly.

112. This Act shall extend to the Isle of Man, and—

Isle of Man.

**See T. M. A.
1905, s. 70.**

(1.) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade mark competent to those Courts;

- (2.) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court;
- (3.) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

[112A. The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks, the registration whereof is applied for in the Manchester Office, have the like jurisdiction under this Act as her Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly.

Jurisdiction of Lancashire Palatine Court.
See T. M. A. 1905, s. 71.

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster, in pursuance of this section, shall be subject to the like appeal as decisions of that Court in other cases.]

This section was introduced by sect. 26 of the Act of 1888.

Repeal; Transitional Provisions; Savings.

113. The enactments described in the Third Schedule to this Act are hereby repealed. But this repeal of enactments shall not—

Repeal and saving for past operation of repealed enactments, &c.
See T. M. A. 1905, s. 73.

- (a.) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or
- (b.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or
- (c.) Take away or abridge any protection or benefit in relation to any such action or proceeding.

114.—(1.) The registers of patents and of proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of patents kept under this Act.

Former registers to be deemed continued.
See T. M. A. 1905, s. 6.

(2.) The registers of designs and of trade marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of designs and the register of trade marks kept under this Act.

115. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at

Saving for existing rules.

See T. M. A. 1905, s. 73. the commencement of this Act, may at any time after the passing of this Act be repealed, altered, or amended by the Board of Trade, as if they had been made by the Board under this Act, but so that no such repeal, alteration, or amendment shall take effect before the commencement of this Act; and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

Saving for prerogative.

116. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

General Definitions.

General definitions.

See T. M. A. 1905, s. 3.

117. In and for the purposes of this Act, unless the context otherwise requires,—

“Person” includes a body corporate;

“The Court” means (subject to the provisions for Scotland, Ireland, and the Isle of Man) her Majesty’s High Court of Justice in England:

“Law Officer” means her Majesty’s Attorney-General or Solicitor-General for England:

“The Treasury” means the Commissioners of her Majesty’s Treasury:

“Comptroller” means the Comptroller-General of Patents, Designs, and Trade Marks:

“Prescribed” means prescribed by any of the schedules to this Act, or by general rules under or within the meaning of this Act:

“British possession” means any territory or place situate within her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man; and all territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act:

“Legislature” includes any person or persons who exercise legislative authority in the British possession; and where there are local legislatures as well as a central legislature, means the central legislature only.

In the application of this Act to Ireland “summary conviction” means a conviction under the Summary Jurisdiction Acts, that is to say, with reference to the Dublin Metropolitan Police District the Acts regulating the duties of justices of the peace and of the police for such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending it.

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THE SECOND SCHEDULE.

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38 & 39 Vict. c. 91 (1875).—The Trade Marks Registration Act, 1875.

39 & 40 Vict. c. 33 (1876).—The Trade Marks Registration Amendment Act, 1876.

40 & 41 Vict. c. 37 (1877).—The Trade Marks Registration Extension Act, 1877.

APPENDIX H.

THE INTERPRETATION ACT, 1889.

52 & 53 Vict. c. 63.

An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament. [30th August, 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Re-enactment of existing Rules.

1.—(1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

(a.) words importing the masculine gender shall include females;
and

(b.) words in the singular shall include the plural, and words in the plural shall include the singular.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

2.—(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

3. In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, the

Rules as to
gender and
number.

Application
of penal Acts
to bodies
corporate.

Meanings of
certain words

following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them; namely,—

in Acts since 1850.

The expression "month" shall mean calendar month:

* * * * *

The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall, in the like case, include affirm and declare.

4. [Meaning of "county" in past Acts.]

5. [Meaning of "parish."]

6. [Meaning of "county court."]

7. [Meaning of "sheriff clerk," &c. in Scottish Acts.]

8. Every section of an Act shall have effect as a substantive enactment without introductory words.

Sections to be substantive enactments.

9. Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Acts to be public Acts.

10. Any Act may be altered, amended, or repealed in the same session of Parliament.

Amendment or repeal of Acts in same session.

11.—(1.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

Effect of repeal in Acts passed since 1850.

(2.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

Official definitions in past and future Acts.

(1.) The expression "the Lord Chancellor" shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being.

(2.) The expression "the Treasury" shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

(3.) The expression "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State for the time being.

* * * * *

(5.) The expression "the Privy Council" shall, except when used

with reference to Ireland only, mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being.

* * * * *

(8.) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

* * * * *

(18.) The expression "the Bank of England" shall mean, as circumstances require, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

* * * * *

13. [Judicial definitions in past and future Acts.]

Meaning of
"rules of
Court."

14. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "rules of Court" when used in relation to any Court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such Court, and as regards Scotland shall include acts of adjournal and acts of sederunt.

The power of the said authority to make rules of Court as above defined shall include a power to make rules of Court for the purpose of any Act passed after the commencement of this Act, and directing or authorising anything to be done by rules of Court.

15. [Meaning of "borough."]

16. [Meaning of "guardians" and "union."]

17. [Definitions relating to elections.]

Geographical
and colonial
definitions in
future Acts.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2.) The expression "British possession" shall mean any part of her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.

(3.) The expression "colony" shall mean any part of her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

(4.) The expression "British India" shall mean all territories and places within her Majesty's dominions which are for the

time being governed by her Majesty through the Governor-General of India or through any governor or other officer subordinate to the Governor-General of India.

(5.) The expression "India" shall mean British India together with any territories of any native prince or chief under the suzerainty of her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(6.) The expression "governor" shall, as respects Canada and India, mean the Governor-General, and include any person who for the time being has the powers of the Governor-General, and as respects any other British possession, shall include the officer for the time being administering the government of that possession.

(7.) The expression "colonial legislature" and the expression "legislature," when used with reference to a British possession, shall respectively mean the authority, other than the Imperial Parliament or her Majesty the Queen in Council, competent to make laws for a British possession.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Meaning of "person" in future Acts.

20. In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

Meaning of "writing" in past and future Acts.

21. In this Act, and in every other Act, whether passed before or after the commencement of this Act, the expression "statutory declaration" shall, unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835.

Meaning of "statutory declaration" in past and future Acts.

22. [Meaning of "financial year" in future Acts.]

23. [Definition of "Lands Clauses Acts."]

24. [Meaning of "Irish Valuation Acts."]

25. [Meaning of "ordnance map."]

5 & 6 Will. 4, c. 62.

26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of "service by post."

27. [Meaning of "committed for trial."]

28. [Meanings of "sheriff," "felony," and "misdemeanour" in future Scotch Acts.]

29. [Meaning of "county court" in future Irish Acts.]

30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign

References to the Crown.

reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

Construction of statutory rules, &c.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of provisions as to exercise of powers and duties.

32.—(1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or byelaws, the power shall, unless the contrary intention appears, be construed as including a power, exerciseable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

33. [Provisions as to offences under two or more laws.]

34. [Measurement of distances.]

Citation of Acts.

35.—(1.) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, either with or without a reference to the chapter, or by reference to the regnal year in which the Act was passed, and where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2.) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(3.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the

contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

36.—(1.) In this Act, and in every Act passed either before or after the commencement of this Act, the expression “commencement,” when used with reference to an Act, shall mean the time at which the Act comes into operation. “ Commence-
ment. ”

(2.) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

37. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation. Exercise of
statutory
powers be-
tween passing
and com-
mencement of
Act.

38.—(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted. Effect of
repeal in
future Acts.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- (a.) revive anything not in force or existing at the time at which the repeal takes effect; or,
- (b.) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c.) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d.) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be

instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Supplemental.

Definition of
"Act" in
this Act.
Saving for
past Acts.

39. In this Act the expression "Act" shall include a local and personal Act and a private Act.

40. The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

Repeal.

41. The Acts described in the Schedule to this Act are hereby repealed to the extent appearing in the third column of the Schedule.

Commence-
ment of Act.

42. This Act shall come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

43. This Act may be cited as the Interpretation Act, 1889.

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ENACTMENTS REPEALED.

Sect. 41.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 4, c. 28.	An Act for further improving the administration of justice in criminal cases in England.	Section fourteen.
9 Geo. 4, c. 54.	An Act for improving the administration of justice in criminal cases in Ireland.	Section thirty-five.
7 Will. 4 & 1 Vict. c. 39.	An Act to interpret the word "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," occurring in Acts of Parliament relating to Scotland.	The whole Act.
13 & 14 Vict. c. 21.	An Act for shortening the language used in Acts of Parliament.	The whole Act.
29 & 30 Vict. c. 113.	The Peer Law Amendment Act of 1866.	Section eighteen, from the beginning to "can be appointed, and."
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879..	In section twenty the subsections numbered (3) and (6). Section fifty.
47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884..	Section seven.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.....	Section one hundred and eighty-seven, from the beginning to "is meant, and."

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