

allowance, including subsistence allowance, at such rate as the High Commissioner in Council may by order prescribe.

FIRST SCHEDULE.

As amended
by 4, 1918, 3.

A degree or diploma in respect of which the holder would be entitled by Law to practise medicine, surgery and midwifery in the United Kingdom or in any British possession or in any country in Europe or in the United States of America.

Provided that where it is necessary in order that a person may practise medicine, surgery and midwifery in any of the said countries that he should be a subject of that country, it shall be sufficient for the purposes of this law if the degree or diploma would entitle the holder to practise medicine, surgery and midwifery in the country in which such degree or diploma was granted if he were a subject of that country.

SECOND SCHEDULE.

We hereby certify that we have examined the documents evidencing the qualification of A.B. to be registered under the Medical Registration Law, 1917, and we hereby find that the said A.B. holds (*here state degree, diploma, or licence of the said A.B.*) and that he is entitled to be registered under the said Law.

C. D.	} <i>Medical</i>
E. F.	
G. H.	

MERCHANDISE MARKS.

12 OF 1892.

RELATING TO FRAUDULENT MARKS ON MERCHANDISE.

[October 28, 1892.]

Definitions.

As amended
by 3, 1913, 2.

1.—(1) For the purposes of this Law,—

The expression "Trade Mark" includes any trade mark which, either with or without registration, is protected by law in Great Britain or any British possession or Cyprus or foreign state, with the Government of which Her Majesty the Queen has for the time being any arrangement for the mutual protection of inventions, designs or trade marks.

The expression "Trade Description" means any description, statement, or other indication, direct or indirect:

- (a) as to the number, quantity, measure, gauge or weight of any goods; or
- (b) as to the place or country in which any goods were made or produced; or
- (c) as to the mode of manufacturing or producing any goods; or
- (d) as to the material of which any goods are composed; or
- (e) as to any goods being the subject of an existing patent, privilege or copyright,

and the use of any figure, word or mark which according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Law.

The expression "False Trade Description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Law.

The expression "Goods" means anything which is the subject of trade, manufacture or merchandise.

The expressions "Person," "Manufacturer, Dealer or Trader," and "Proprietor" include any body of persons corporate or unincorporate.

The expression "Name" includes any abbreviation of a name.

(2) The provisions of this Law respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3) The provisions of this Law respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods

of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods, any name or initials of a person which,—

- (a) are not a trade mark, or part of a trade mark; and
- (b) are identical with, or a colourable imitation of the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials; and
- (c) are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

Offences as to
trade marks
and trade
descriptions.

2.—(1) Every person who—

- (a) Forges any trade mark; or
- (b) Falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive; or
- (c) Makes any die, block, machine or other instrument for the purpose of forging, or of being used for forging, a trade mark; or
- (d) Applies any false trade description to goods; or
- (e) Disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging a trade mark; or
- (f) Causes any of the things above in this section mentioned to be done,

shall, subject to the provisions of this Law, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Law.

(2) Every person who sells, or exposes for, or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any false trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall be guilty of an offence against this Law, unless he proves—

- (a) That having taken all reasonable precautions against committing an offence against this Law, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark, or trade description; and

(b) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c) That otherwise he had acted innocently.

(3) Every person guilty of an offence against this Law shall be liable:—

(a) On conviction on information to imprisonment for a term not exceeding three years, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine; and

(b) On summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding five pounds; and

(c) In any case to forfeit to Her Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

(4) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5) If any person feels aggrieved by any conviction under this Law made by a Magisterial Court, he may appeal therefrom to a District Court.

3. A person shall be deemed to forge a trade mark who either,—

Forging
trade marks.

(a) Without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive; or

(b) Falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise;

and any trade mark or mark so made or falsified is in this Law referred to as a forged trade mark.

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

4.—(1) A person shall be deemed to apply a trade mark, or mark or trade description to goods who:—

Applying
marks and
descriptions.

(a) Applies it to the goods themselves; or

(b) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or