

[REPUBLIC ACT NO. 172, June 20, 1947]

AN ACT TO AMEND ARTICLES ONE HUNDRED EIGHTY-EIGHT AND ONE HUNDRED EIGHTY-NINE OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article one hundred eighty-eight of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 188. *Substituting and altering trade-marks, trade-names, or service marks.*—The penalty of prision correccional in its minimum period or a fine ranging" from 500 to 2,000 pesos, or both, shall be imposed upon:

"1. Any person who shall substitute the trade-name or trade-mark of some other manufacturer or dealer or colorable imitation thereof, for the trade-name or trade-mark of the real manufacturer or dealer upon any article of commerce and shall sell the same;

"2. Any person who shall sell such articles of commerce or offer the same for sale, knowing that the trade-name or trade-mark has been fraudulently used on such goods as described in the preceding subdivision;

"3. Any person who in the sale or advertising of his services shall use or substitute the service mark of some other person, or a colorable imitation of such mark; or

"4. Any person who, knowing the purposes for which the trade-name, trade-mark, or service mark of a person is to be used, prints, lithographs, or in any way reproduces such trade-name, trade-mark, or service mark, or a colorable imitation thereof, for another person, to enable that other person to fraudulently use such trade-name, trademark, or service mark on his own goods or in connection with the sale or advertising of his services.

"A trade-name or trade-mark as herein used is a word or words, name, title, symbol, emblem, sign, or device, or any combination thereof used as an advertisement, sign, label, poster or otherwise, for the purpose of enabling the public to distinguish the business of the person who owns and uses said trade-name or trade-mark.

"A service mark as herein used is a mark used in the sale or advertising