

III. *Encroachments, Infringements and Penalties.*

SEC. 15. Every encroachment on the right to a mark, whether by the illegal appropriation or imitation of a mark, or by the consumption of goods thus illegally marked, gives the injured party the right to insist on the stoppage of the further use of the illegal mark and on the removal thereof from the goods marked therewith, so far as they are intended for sale. He may also demand that the tools and apparatus exclusively or especially used for this purpose be made unserviceable.

Claims by the injured party for compensation for the injury suffered through the encroachment on his right in a mark, are to be decided according to the civil law.

SEC. 16. It is to be considered an imitation if the marks in question cannot be distinguished without more than the ordinary attention.

SEC. 17. The provisions contained in section 15 are also applicable to any one who (a) illegally appropriates the name, style, arms, or the special designation of another inland trader or producer, for the denotation of goods intended for sale; (b) introduces into commerce productions or articles for sale which are furnished with an unauthorized denotation of this kind.

SEC. 18. If the encroachment (sections 15 and 17) has been knowingly committed, a fine of from 25 to 500 fl. is to be imposed on the offender, besides any punishment incurred according to the general penal law.