

the penalty mentioned in the preceding section; and the entry of every such trade mark in the Trade Mark Register shall be cancelled by the said Commissioner, on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction, and one half of every such penalty shall be paid to the party prosecuting, and the other half to the Crown.

their trade mark as their own. Cancelling in such case:

**66.** If any person shall counterfeit or use the unregistered trade mark of any person, not resident within this Province, with intent to deceive the public and lead to the belief that the articles or package so marked was manufactured or put up by the owner of such trade mark, he shall, on conviction thereof, forfeit a sum of not less than ten dollars nor more than fifty dollars for each offence, with costs, one half of which penalty shall be paid to the complainant and the other half to the Crown.

Penalty for using trade marks of persons not resident in Canada.

**67.** Complaints under either of the two next preceding sections may be brought by any person whatever, and the penalties mentioned in the three next preceding sections shall be enforced and recovered in the same manner, and subject to the same provisions as are provided in the sections of this Act respecting the registration and protection of designs.

Recovery of penalties.

**68.** The use of any trade mark either identical with that of any manufacturer, producer, packer or vender, or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of such trade mark.

Close imitation of trade marks unlawful.

**69.** Notwithstanding anything in the preceding sections contained, a suit for damages may be maintained by any proprietor of a trade mark against any person using his registered trade mark, or any fraudulent imitation thereof, or selling articles bearing such trade mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

Action in damages for using trade marks.

**70.** The following fees shall be payable under this Act, that is to say:

Table of fees.

**35** On an application for Letters Patent of Invention, *twenty-five dollars, (\$25.)*

On the issue of Letters Patent of Invention, *twenty-five dollars, (\$25.)*

On application for a re-issue of Letters Patent of Invention, *ten dollars, (\$10.)*

On filing a disclaimer, *five dollars, (\$5.)*

**40** On application to add an improvement to Letters Patent of Invention already issued, *twenty-five dollars, (\$25.)*

On application of extension of Letters Patent of Invention, *fifty dollars, (\$50.)*

**45** For the issue of fresh Letters Patent of extension, *twenty-five dollars, (\$25.)*

For recording a license, *twenty dollars, (\$20.)*

On application to enregister a design or trade mark, including certificate, *five dollars, (\$5.)*

For inspection of any design or trade mark, *fifty cents, (50 cts.)*

**50** For any certificate of registration not otherwise provided for, *one dollar, (\$1.)*

For a certified copy of any document or extract from the Registers, per hundred words, *ten cents, (10 cts.)*

For a copy of any drawing, the reasonable expenses of preparing the same.