Deceptive words, 19. Declaration, 45.

Defence in action for infringement, 82.

Defences, see Infringement.

Definition, 1, 6, 37, 147.

of Trade-Mark, none in Canada, statute, 1. refer to English Law, for, 6, 37.

of design, 119.

Delay, 114.

Delivering up, and destruction of spurious marks, 86. Description of Trade-Mark in application, 45.

Descriptive

word, no Trade-Mark, 10.

words becoming descriptive by long use, 52. words, secondary descriptive meaning for, 14. name of patented article is, 18.

Designs, 118, 153.

statutes, 118, 153, 125.

case law, 118.

registrants must be residents in Canada, 119, 154.

certificate of registration, 154. definition and nature, 119.

novelty of, 120.

publication as affecting, 120.

procedure for registration, 121, 153.

term of, 122, 155.

marking of, 122, 156.

assignment of, 122, 154, 155, 156.

rights secured by registration, 123, infringement of, 124, 125, 156.

penalties for false marking, 124, 157.

Device

representing article, 18.

business, 25.

Distinction between British and Canadian Acts, 7.

Distinctive, Trade-Mark must be, 10.

Early English cases, 1.

Employer and employee.

in reference to trade names, rights, 116.

Entry made without sufficient cause, 62.

Establishment, name of, 116.

Estoppel, in suit for infringement, 83.

Evidence

certificate of registration is prima facie, 22.

to show secondary meaning, 14.

Exchequer Court, 57, 149.

appeal to, 46.

reference to by minister, 149.