

A record of the registration, together with printed copies of the specification, shall be kept in books. (Sec. 4.)

Form of certificate.—The certificate shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and shall be signed by the Commissioner of Patents. (Sec. 4.)

Fees.—Twenty-five dollars.

Names of individuals and firms.—No alleged trade-mark shall be registered which is merely the name of the applicant. (Sec. 3.)

Punishment for infringement.—Civil action by owner of trade-mark for damages. (Sec. 7.)

Proceedings against infringers.—Any person who shall reproduce, counterfeit, copy, or colorably imitate any trade-mark registered under this act and affix the same to merchandise of substantially the same descriptive properties as those described in the registration shall be liable to an action on the case for damages for the wrongful use of said trade-mark at the suit of the owner thereof, and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark. (Sec. 7.)

No suit shall be maintained in any case where the trade-mark is used in any unlawful business or upon any article injurious in itself, or which has been used with the design of deceiving the public in the purchase of merchandise, or under a certificate of registry fraudulently obtained. (Sec. 8.)

Fraudulently procuring registration.—Any person who shall procure the registry of a trade-mark by a false or fraudulent representation or declaration shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case. (Sec. 9.)

VENEZUELA.

Date of law.—May 24, 1887.

Who may register.—Any person or firm domiciled in the Republic and any corporation created by the national authority, as well as every person, firm, or corporation resident in a foreign country which by treaty or convention accords to citizens of Venezuela the same rights as granted by the present law, or analogous rights can obtain protection for every legitimate factory or commercial mark, for whose usage there exists an exclusive use, or which they may adopt with this character on condition of fulfilling the requirements of the present law.

These works on foreign products or merchandise registered out of the Republic may be registered at the Ministry of the FOMENTO, although there be no treaty or convention on the subject when the products are involved whose utility is known to the Republic.

What are not registerable as trade marks.—That which is not a lawful trade mark, or which consists of the name of a person, firm, or corporation only, without a distinguishing characteristic sufficient to distinguish it from the same name employed by others, or which is identical with another mark already applied to the same class of objects and registered or presented for registration, or which shall have such resemblance to another trade mark under the above conditions that there will be probability of error on the part of the public. (Art. 4.)