

said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay.

**55.** The proprietor of any design may bring an action for the damages he has sustained by the application or imitation of the design for the purpose of sale, against any person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application. Action for using without license.

**56.** If any person not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may, if he reside in Lower Canada, institute an action in the Superior Court, or if he reside in Upper Canada, institute proceedings in any County Court on the equity side thereof, and the Court having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the Register, with costs in its discretion, and on application by the Plaintiff, supported by affidavit, it shall be lawful for any such Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court. How the true proprietor may proceed against a person having fraudulently registered a design as his own.

**57.** The Commissioner of Patents, after due service of such order and payment of the fee hereinafter provided, shall make such alteration in the Register as shall in the said order be directed. Alteration in Register

**58.** Copies of the index of the titles of the designs and copies of expired copyrights, shall be forwarded with the least possible delay from time to time to the Boards of Arts and Manufactures of the Province respectively; and the same shall be open to the inspection of the public, at the Office of such Boards, during the usual office hours of each day, free of charge. Copies of certain documents to be forwarded to Boards of Arts &c.

**59.** Any person may on payment of the appointed fee, inspect any design whereof the copyright shall have expired, but no inspection of any unexpired copyright shall be allowed unless by the proprietor of the design; The Commissioner shall, however, on receipt of the fee hereinafter provided, give a certificate to any person producing a design having thereon the registration mark, or producing the registration mark only, stating in such certificate whether any copyright of such design exists, to what particular manufacture such copyright applies, the term of the copyright, the date of the registration, and the name and address of the registered proprietor. Expired designs may be inspected, but not others; but a certain certificate may be obtained.

**60.** The Commissioner shall cause to be published in the *Canada Gazette* the titles of the designs registered and the names and places of abode of the registered proprietor. Titles of designs to be published.

#### TRADE MARKS.

**61.** All marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as Trade What shall be deemed trade marks.