

pounded, packed or sold by the proprietor of such trade mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such trade mark, together with the costs incurred in enforcing and recovering the same ; Provided, always, that every complaint under this section shall be made by the proprietor of such trade mark, or by some one acting on his behalf and duly authorized thereto.

8. If any person shall knowingly and wilfully register as his own any trade mark, the property of a person not resident in Canada, he shall be guilty of a misdemeanor, and shall be subject and liable to the penalty mentioned in the preceding section ; And the entry of every such trade mark in the Trade Marks Register, shall be cancelled 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.

9. If any person shall counterfeit or use the trade mark of any person, not resident in Canada, with intent to deceive the public and lead to the belief that the articles or package so marked were manufactured or put up by the owner of such trade mark, although the same is not registered in Canada, 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.

10. Complaints under either of the two next preceding sections may be brought by any party or 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.

11. 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.

12. Notwithstanding anything in the preceding sections contained, a suit 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.

REGISTRATION OF DESIGNS.

13. The Copyright acquired for an industrial design by the Registration of the same as aforesaid shall be valid for the term of five years.