

have occurred within a relatively short period of time, and in order to prevent the recurrence of such material injury, it appears necessary to the Tribunal that duty be assessed on the entered goods, and

*Clause 7*

(2) Every order made under this section shall be published in the *Canada Gazette*.

*Clause 9*

(2) In the application of subsection (1) in the case of any goods,

(a) if there was not, *in the opinion of the Deputy Minister, such a number of sales of like goods made by the exporter at the place described in paragraph (d) of subsection (1) as to permit a proper comparison with the sale of the goods to the importer in Canada*, there shall be substituted for that place the place located nearest thereto at which like goods were sold by the exporter; and

(b) if there was not a sufficient number of sales of like goods made by the exporter by reason of the fact that the exporter sold goods solely or primarily for export, but there were sales of like goods for home consumption in the country of export by other vendors, there shall be substituted for the exporter *such one of any such vendors as the Deputy Minister may specify*.

(3) In determining the normal value of any goods under subsection (1), the price of like goods when sold by the exporter to purchasers during the period referred to in paragraph (a) of subsection (1) shall be

(a) the price at which the preponderance of sales of like goods that comply with all the terms and conditions that are referred to in subsection (1) or that are applicable by virtue of subsection (2) was made by the exporter to purchasers throughout the period; and

(b) when there is no such preponderance of sales at a single price throughout the period, the weighted average of the prices at which like goods are so sold by the exporter to purchasers throughout the period.

(4) Where goods imported into Canada and goods sold for home consumption are like goods except only that the goods sold for home consumption have applied to them a trade mark, as defined in the *Trade Marks Act*, that is not applied to the goods imported into Canada, and goods like the goods imported are not sold for home consumption, the goods imported and the goods sold for home consumption shall be deemed to be like goods for the purposes of this section if, in the opinion of the Minister.

(a) the goods are being imported into Canada without that trade mark applied to them in order to avoid the operation of subsection (1), and

(b) it is probable that there will be applied to the goods, subsequent to their importation into Canada, that trade mark or any other mark so closely resembling that trade mark that it is likely to be taken therefor.