

ORDINANCE No. 27 OF 1914.

A.D. 1914. AN ORDINANCE to make provision for the introduction of the English Law relating to Trade Marks.

[24th November, 1914.]

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as The Trade Marks Ordinance, 1914.

Definitions.

2. In this Ordinance—

A "mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof.

A "trade mark" means a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with or offering for sale.

"A registrable trade mark" means a trade mark which is capable of registration under this Ordinance.

"The Registrar" means the Registrar of British Guiana.

"The seal of the Registrar" means the seal of the office in which the Register of Trade Marks is kept.

"The Register" means the register of trade marks kept under this Ordinance.

A "registered trade mark" means a trade mark which is actually upon the register.

"The Court" means the Supreme Court of British Guiana.⁽¹⁾

Seal.

3. The Registrar shall use a seal having a device and impression of the Royal Arms with a label surrounding the same and the inscription "Registrar of Trade Marks, British Guiana," and the use of such seal from and after the 1st day of January, 1915, is hereby validated and authorized.

Register of Trade Marks.

4. There shall be kept for the purposes of this Ordinance at the Office of the Registrar in Georgetown, a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the dates of their registration, the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may be prescribed. The register shall be kept under the control and management of the Registrar.

¹ For new definition see Section 2 of Ordinance No. 26 of 1915.

Short title.

Interpretation of terms.

Seal.

Register of trade marks.

5. There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar. Trust not to be entered on register.

6. The register shall during office hours be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Registrar, of any entry therein shall be given to any person requiring the same on payment of the prescribed fee. Inspection of and extract from register.

Registrable Trade Marks.

7. A trade mark must be registered in respect of particular goods or classes of goods. Trade mark must be for particular goods.

8. A registrable trade mark must contain or consist of at least one of the following essential particulars:— Registrable trade marks.

- (1) The name of a company, individual, or firm represented in a special or particular manner;
- (2) The signature of the applicant for registration or of some predecessor in his business;
- (3) An invented word or invented words;
- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;
- (5) Any other distinctive mark;

but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Court, be deemed a distinctive mark.

Provided always, that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the 13th August, 1875, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration, shall be registrable as a trade mark under this Ordinance, if it is already registered in the United Kingdom as an old mark used before the said date.

For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted, the Registrar may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

9. A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered in all colours. Coloured trade marks.

Restriction
on registration.

10. It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

Registration of Trade Marks.

Application
for registration.

11.—(1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner.

(2) Subject to the provisions of this Ordinance the Registrar may refuse an application or may accept it absolutely or subject to conditions, amendments, or modifications.

(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing and communicate to the applicant the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Court. The Court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.

(4) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those stated by him, except by leave of the Court. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.¹)

(5) The Registrar or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as he or it may think fit.

Advertise-
ment of
registration.

12. When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the applicant shall, as soon as may be after such acceptance, cause the application, as accepted, to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted.

Opposition
to registration.

13.—(1) Any person may, within the prescribed time from the date of the advertisement of an application for registration of a trade mark, give notice to the Registrar of opposition to such registration.

(2) Such notice shall be given in writing in the prescribed manner and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and, within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and if he does not do so he shall be deemed to have abandoned his application.

¹ See Section 3 of Ordinance No. 26 of 1915.

(4) If the applicant sends such counter-statement within the prescribed time the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the Court.

(6) An appeal under this section shall be made in the prescribed manner and on such appeal the Court shall, if required, hear the parties and the Registrar, and shall make an order determining whether and subject to what conditions, if any, registration is to be permitted.

(7) On the hearing of any such appeal any party may, either in the manner prescribed, or by special leave of the Court, bring forward further material for the consideration of the Court.

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or Registrar other than those stated by the opponent as hereinabove provided, except by leave of the Court. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9) In any appeal under this section, the Court may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar or in the case of an appeal, the Court shall have the power in proceedings under this section to award to any party costs of such proceedings or any part thereof and to direct how and by what parties and on what scale they are to be paid. Such costs shall be taxed before the Registrar of the Supreme Court and shall be recoverable in the same manner as costs in an action.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the Colony the Registrar or the Court may require such party to give security for costs of the proceedings before it relative to such opposition or appeal and, in default of such security being duly given, may treat the opposition or appeal as abandoned.

14. If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character the Registrar or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter, to the exclusive use of which the Registrar or the court holds him not to be entitled, or that he shall make such other disclaimer as the Registrar or the Court may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

Disclaimers.

Date of registration.

15. When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or, having been opposed, the opposition has been decided in favour of the applicant, the Registrar shall register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Ordinance to be the date of registration.

Certificate of registration.

16. On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand and seal of the Registrar.

Non-completion of registration.

17. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

Identical Trade Marks.

Identical marks.

18. Except in the case of trade marks in use before 13th August, 1875, which are registered in the United Kingdom as old marks used before the said date, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive.

Rival claims to identical marks.

19. Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or on appeal by the Court.

Concurrent user.

20. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

Assignment.

Assignment and transmission of trade marks.

21. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered, and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

22. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor, but is divided, the Registrar may (subject to the provisions of this Ordinance as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Court.

Apportionment of marks on dissolution of partnership.

Associated Trade Marks.

23. If application is made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as in the opinion of the Registrar to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

Associated trade marks.

24. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately, he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes of this Ordinance be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

Combined trade marks.

25. When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

Series of trade marks.

- (a) statement of the goods for which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality, or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) colour;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

26. Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that, where under the provisions of this Ordinance user of a registered trade mark is required to be proved for any purpose, the Registrar or the Court may, if and so far as he or it shall think

Assignment and user of associated trade marks.

right, accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Renewal of Registration.

Duration of registration.

27. The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Ordinance.

Renewal of registration.

28. The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

Procedure on expiry of period of registration.

29. At the prescribed time before the expiration of the registration of a trade mark the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf, such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any), as to its restoration to the register as may be prescribed.

Status of unrenewed trade marks.

30. Where a trade mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there has been no *bonâ fide* trade user of such trade mark during the two years immediately preceding such removal.

Correction and Ratification of the Register.

Correction of register.

31. The Registrar may, on request made in writing by the registered proprietor or by some person entitled by law to act in his name:—

- (1) correct any error in the name or address of the registered proprietor of a trade mark; or
- (2) enter any change in the name or address of the person who is registered as proprietor of a trade mark; or
- (3) cancel the entry of a trade mark on the register; or
- (4) strike out any goods or classes of goods from those for which a trade mark is registered; or
- (5) enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this section shall be subject to appeal to the Court.

32. Subject to the provisions of this Ordinance, where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark.

Registration of assignments.

Any decision of the Registrar under this section shall be subject to appeal to the Court.

33. The registered proprietor of any trade mark may apply in writing to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Court. If leave be granted, the trade mark as altered shall be advertised in the prescribed manner.

Alteration of registered trade mark.

34. Subject to the provisions of this Ordinance—

Rectification of register.

- (1) the Court may, on the application in writing of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit;
- (2) the Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register;
- (3) in case of fraud in the registration or transmission of a registered trade mark the Registrar may himself apply to the Court under the provisions of this section;
- (4) any order of the Court rectifying the register shall direct the notice of the rectification shall be served upon the Registrar in the prescribed manner, who shall upon receipt of such notice rectify the register accordingly.

35. A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bonâ fide* intention to use the same in connection with such goods, and that there has in fact been no *bonâ fide* user of the same in connection therewith, or on the ground that there has been no *bonâ fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

Non-user of trade mark.

Effect of Registration.

36. Subject to the provisions of this Ordinance—

- (1) the person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing

Powers of registered proprietor.

from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment;

- (2) any equities in respect of a trade mark may be enforced in like manner as in respect of any other property.

Rights of proprietor of trade mark.

37. Subject to the provisions of section thirty-nine and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered: Provided always, that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods, no rights of exclusive user of such trade mark shall, except so far as their respective rights shall have been defined by the Court, be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

Registration to be *prima facie* evidence of validity.

38. In all legal proceedings relating to a registered trade mark (including applications under section thirty-four), the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

Registration to be conclusive after seven years.

39. In all legal proceedings relating to a registered trade mark (including applications under section thirty-four), the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Ordinance, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section ten hereof.

Provided that nothing in this Ordinance shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first mentioned trade mark by the proprietor thereof or his predecessors in business or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section twenty of this Ordinance.

Unregistered trade mark.

40. No person shall be entitled to institute any proceedings to recover damages for the infringement of a trade mark not registered in the Colony.

Infringement.

41. In an action for the infringement of a trade mark the Court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons.

42. No registration under this Ordinance shall interfere with any *bonâ fide* use by a person of his own name or place of business, or that of any of his predecessors in business, or the use by any person of any *bonâ fide* description of the character or quality of his goods.

User of name, address, or description of goods.

43. Nothing in this Ordinance contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

"Passing off" action.

Legal Proceedings.

44. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the Court may certify the same, and if it so certifies, then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order of judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client unless in such subsequent proceeding the Court certifies that he ought not to have the same.

Certificate of validity.

45. In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding.

Registrar to have notice of proceeding for rectification.

Costs.

46. In all proceedings before the Court under this Ordinance the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

Costs of proceedings before Court.

Evidence.

47. In any proceedings under this Ordinance before the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which he shall think it right to do, the Registrar may (with the consent of the parties) take evidence *vivâ voce* in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

Mode of giving evidence.

In case any part of the evidence is taken *vivâ voce* the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an official referee of the Supreme Court in England.

Sealed copies to be evidence.

48. Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar under his seal, shall be admitted in evidence in all Courts and in all proceedings without further proof or production of the originals.

Certificate of Registrar to be evidence.

49. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing, which he is authorized by this Ordinance to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

Powers and Duties of Registrar of Trade Marks.

Exercise of discretionary power by Registrar.

50. Where any discretionary or other power is given to the Registrar by this Ordinance or by any Rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard.

Recognition of agents.

51. When by this Ordinance any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may, under and in accordance with rules made under this Ordinance, be done by or to an agent of such party duly authorized in the prescribed manner.

Rules.

Power of Governor-in-Council to make rules.

52. Subject to the provisions of this Ordinance the Governor-in-Council may make such rules, prescribe such forms, and generally do such things as he thinks expedient—

- (a) for regulating the practice under this Ordinance;
- (b) for classifying goods for the purposes of registration of trade marks;
- (c) for making or requiring duplicates of trade marks and other documents;
- (d) for securing and regulating the publishing and selling or distributing, in such manner as the Governor-in-Council thinks fit, of copies of trade marks and other documents;
- (e) generally, for regulating the business of the office in relation to trade marks and all things by this Ordinance placed under the direction or control of the Registrar.

Fees.

Fees.

53. There shall be paid in respect of applications and registration and other matters under this Ordinance such fees as may be prescribed and notified by the Governor-in-Council.

Special Trade Marks.

Standardization trade marks.

54. Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result

of such examination by mark used upon or in connection with such goods, the Governor-in-Council may, if he shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be the proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Governor-in-Council.

Offences.

55. If any person makes or causes to be made a false entry in the register kept under this Ordinance or a writing falsely purporting to be a copy of any entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such entry or writing, knowing the same to be false, he shall be guilty of a misdemeanour.

Falsification of entries in register.

56.—(1) Any person who represents a trade mark as registered in British Guiana which is not so registered shall be liable for every offence, on summary conviction, to a fine not exceeding fifty dollars.

Penalty on falsely representing a trade mark as registered.

(2) A person shall be deemed, for the purposes of this Ordinance, to represent that a trade mark is registered in British Guiana, if he uses in connection with the trade mark the words "registered in British Guiana," or any words expressing or implying that registration has been obtained in British Guiana for the trade mark.

Royal Arms.

57. If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person, without the authority of His Majesty or a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies to His Majesty or to such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or who is authorised by the Governor to take proceedings in that behalf, be restrained by injunction from continuing so to use the same: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

Unauthorised assumption of Royal Arms.

58. Section two of the Merchandise Marks Ordinance, 1888, is hereby amended as follows:

Amendment of Sec. 2 Ord. 2 of 1888.

"The definition of 'Trade Mark' shall be read and construed as if the definition of Trade Mark in this Ordinance were inserted in lieu thereof."

59. The Merchandise Marks Ordinance, 1888, Amendment Ordinance, 1912, is hereby repealed.

Repeal No. 16 of 1912.