

**CHAPTER 339.****MERCHANDISE MARKS.****REGULATIONS**

Regs. 9th  
Aug. 1898.

*made by the comptroller of Customs under section 14 (3) and approved by the Governor and Court of Policy on the 9th August, 1898.*

1. Goods prohibited by section 14 (1) of the Merchandise Marks Ordinance to be imported, having applied to them forged trade marks, false trade descriptions, or marks, names, or descriptions otherwise illegal, which upon examination are detected by the officers of Customs, are to be detained by them without the requirement of previous information.

2. In giving information with a view to detention an informant must fulfil the following conditions, viz.—

(1) He must give to the Comptroller, or officer of Customs of the port of expected importation, notice in writing stating—  
the number of packages expected, as far as he is able to state the same;

the description of the goods by marks or other particulars sufficient for their identification;

the name or other sufficient indication of the importing ship; the manner in which the goods infringe the Ordinance; the expected day of the arrival of the ship.

(2) The Comptroller or officer of Customs may demand from an informant as a deposit a sum sufficient, in the opinion of that officer, to cover any additional expense which may be incurred in the examination required by reason of his notice.

3. If, upon arrival and examination of the goods, the Comptroller, or officer of Customs, is satisfied that there is no ground for their detention, they will be delivered. If he is not so satisfied, he will decide either to detain the goods, as in a case of detention upon ordinary examination, or to require security from the informant, for re-imbursing the Governor or any officer of Customs all expenses and damages incurred in respect of the detention made on his information and of any proceedings consequent thereon.

4. The security thus required must be an immediate *ad valorem* deposit of ten dollars *per cent.* on the value of the goods, as fixed by the officer from the quantities of value shown by the entry, and also subsequently a bond to be completed within four days in double the value of the goods, with two approved sureties. The *ad valorem* deposit will be returned upon completion of the bond, and will not be required if, as an alternative, where time permits, the informant prefers to give a like bond before examination upon estimated value of the goods declared to by him under statutory declaration. If the security is not duly given as above required, there will be no further detention of the goods.

5. In the above regulations the words "officer of Customs" means an officer acting under the general or special direction of the Comptroller, and the words "value of the goods" means value irrespective of duty.

6. The "notice" and "bond" required as above shall be in such forms as the Governor in Council may from time to time order and direct.

7. The security taken under these regulations will be given up at the time following, that is to say—

Where given before examination, and if no detention, forthwith.

Where given on detention—

If the forfeiture is completed, either by lapse of time or by the decision of the Court of Justice, then on such completion of forfeiture.

If the forfeiture is not completed, then—

If the goods are released by the Governor, and no action or suit has been commenced against him, or any officer of Customs, in respect of the detention, then at the expiration of three months from the time of detention.

If within such period as aforesaid any such action or suit as aforesaid has been commenced, then upon the ultimate conclusion of such action or suit, and the fulfilment of the purpose for which the security was given.

8. These regulations apply to transshipment and transit goods as well as goods landed to be warehoused, or for home consumption.

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