

1892-3.

Legislative Council.

TRADE-MARKS AMENDMENT BILL.

(Amendments to be proposed in Committee of the Whole.)

5. It shall not be necessary, in order to show that a trade-mark is false, forged, or counterfeited, to prove that an addition to, alteration of, or imitation of that trade-mark was made, applied, or used with intent to defraud or to enable any other person to defraud, but the burden of proving the contrary shall be on the person charged.

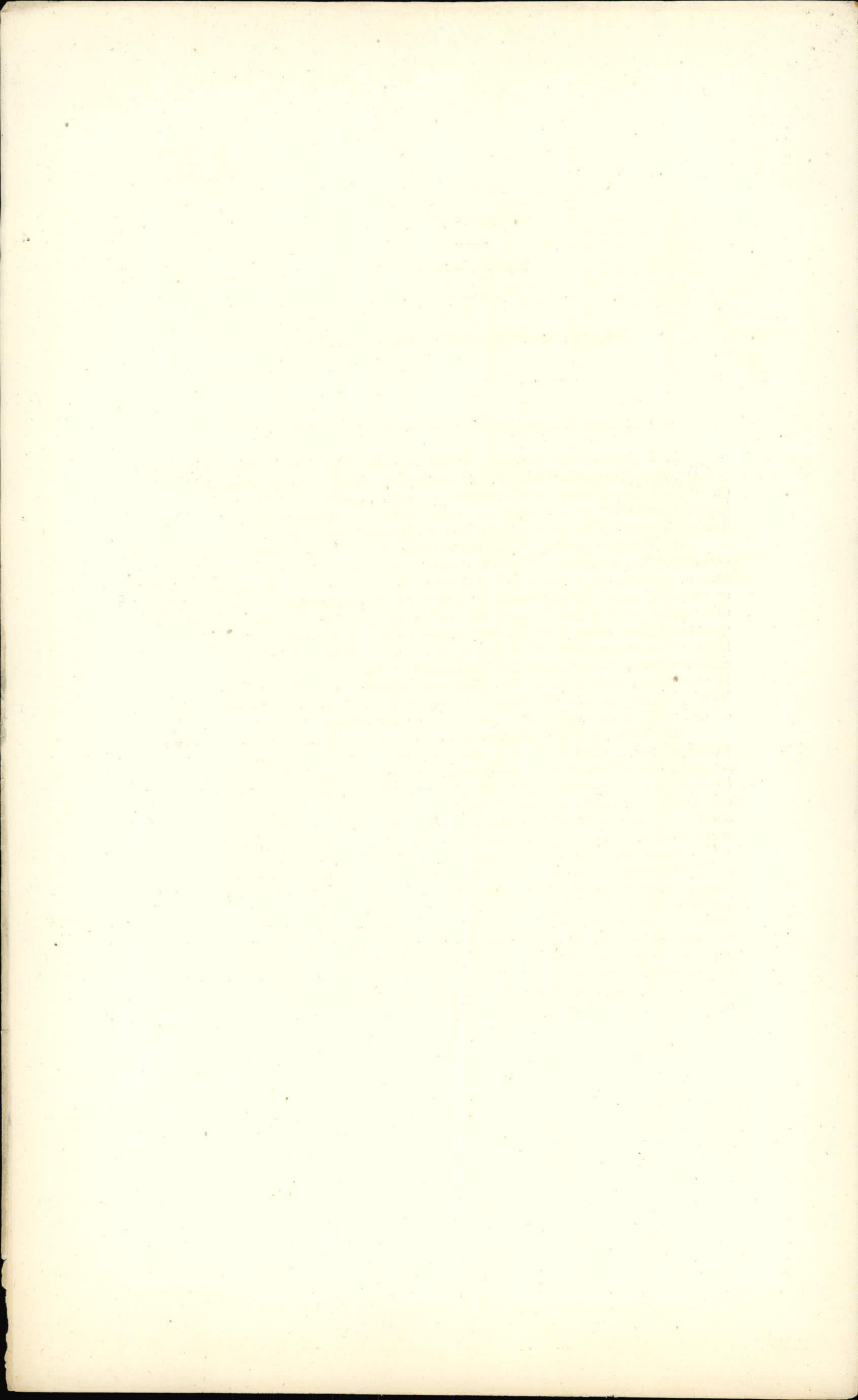
Burden of proof—  
s. 10 of 28 Vic.  
No. 9.

6. Whosoever sells, or exposes for sale, or has in his possession for sale or for any purpose of trade or manufacture any goods or things placed, enclosed, or contained in any bottle or vessel having impressed or moulded on it the trade-mark or part of the trade-mark of some other person or firm (the said goods or things being of the class of goods or things usually placed, enclosed, or contained and sold in such bottle or vessel as aforesaid) shall be guilty of a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding *two* years, or to a fine, or to both imprisonment and fine, and to forfeit, in any case, to Her Majesty every article and thing by means of or in relation to which the offence has been committed.

Selling or exposing  
for sale goods  
contained in bottle  
having moulded on  
it the trade-mark of  
another person, a  
misdemeanour.

7. Where, upon information of an offence against this or the Principal Act, a Justice of the Peace has issued either a summons requiring the defendant charged by the information to appear to answer to the same, or a warrant for the arrest of the defendant, and either the said Justice, on or after issuing the summons or warrant, or any other Justice is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which the said offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, the said Justice may issue a warrant under his hand, by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter the said house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods and things. And any goods or things seized under any such warrant as aforesaid shall be brought before a Justice of the Peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this or the Principal Act.

Search warrants.



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