



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)

Local **50c** Plaaslik

Other countries 70c Buitelands

Post free • Posvry

Vol. 267

CAPE TOWN, 18 SEPTEMBER 1987

No. 10921

KAAPSTAD, 18 SEPTEMBER 1987

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2074.

18 September 1987

No. 2074.

18 September 1987

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

o. 54 of 1987: Merchandise Marks Amendment Act, 1987.

No. 54 van 1987: Wysigingswet op Handelswaremerke, 1987.

Act No. 54, 1987

MERCHANDISE MARKS AMENDMENT ACT, 1987

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Merchandise Marks Act, 1941, so as to substitute the definition of "Minister"; to abolish certain acts which constitute offences; and to substitute or delete certain obsolete references therein; and to make provision for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 September 1987.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 17 of 1941, as amended by section 1 of Act 39 of 1952.

1. Section 1 of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition: 5

"Minister" means the Minister of **[Commerce and Industries] Economic Affairs and Technology**, or any other Minister **[of State]** to whom the **[Governor-General] State President** has assigned the administration of this 10 Act, or any other Minister **[of State]** acting on behalf of any such Minister;".

Substitution of section 14 of Act 17 of 1941, as amended by section 2 of Act 39 of 1952 and section 1 of Act 55 of 1967.

2. The following section is hereby substituted for section 14 of the principal Act:

14. (1) Any person who uses in connection with his 15 trade, business, profession or occupation, or in connection with a trade mark, mark or trade description applied by him to goods made, produced or sold by him—

[(a)] without authority in writing signed by or on behalf of His Majesty or by or on behalf of the Governor-General in person, the Royal Arms, or arms so nearly resembling the Royal Arms as to be likely to deceive; or

[(b)](a) without authority in writing signed on behalf of 25 the **[Governor-General-in-Council] State President**, the **[Arms of the Union] coat of arms of the Republic**, or arms so nearly resembling the **[Arms of the Union] coat of arms of the Republic** as to be likely to deceive; or 30

[(c)](b) without authority in writing signed by or on behalf of the Minister—

(i) the style, title, name, portrait or effigy of the **[King, of a member of the Royal Family, of the Governor-General] State President** or 35 of a Minister **[of State]** of the **[Union] Republic**; or

- (ii) the name, portrait or effigy of any former State President or Minister [of State] of the Republic of South Africa or of any former Governor-General or Minister [of State] of the Union of South Africa or of any former President of "De Zuid-Afrikaansche Republiek" or the Republic of "De Oranje-vrijstaat"; or
- (iii) a reproduction of the National Flag of the [Union] Republic, or of any monument, relic or antique as defined in the [Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No. 4 of 1934)] National Monuments Act, 1969 (Act No. 28 of 1969), or of the Union Building or of any official residence of the State President [or of the Prime Minister],

shall be guilty of an offence: Provided that this subsection shall not apply to a trade mark registered before and in existence on the first day of February, 1941, or in the case of the Territory, the first day of March, 1952.

(2) Any person who uses in connection with his trade, business, profession or occupation any device, emblem, title or words in such a manner as to be likely to lead other persons to believe that his trade, business, profession or occupation is carried on under the patronage of, or that he is employed by or supplies goods to, [His Majesty, any member of the Royal Family,] the [Governor-General] State President, any [Government] State department, the Administration of the Territory or a provincial administration, without authority in writing signed by or on behalf of [His Majesty, that member of the Royal Family] the [Governor-General] State President, the Minister administering that department or the Administrator concerned, as the case may be, shall be guilty of an offence."

Short title.

3. This Act shall be called the Merchandise Marks Amendment Act, 1987.

40