

No. 26, 1951.]

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ACT

To amend the Merchandise Marks Act, 1941.

(English text signed by the Governor-General.)
(Assented to 26th April, 1951.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 6 of
Act 17 of 1941.

1. Section *six* of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after paragraph (c), of the following paragraphs:

“(c)*bis* without the assent of the registered proprietor of a trade mark, manufactures or imports or has in his possession any device for applying that trade mark to any goods, or manufactures any reproductions, replicas or representations of that trade mark or imports them otherwise than on goods to which they have been applied; or

(c)*ter* manufactures or imports or has in his possession any device for applying to any goods a mark so nearly resembling a trade mark as to be likely to deceive; or”; and

(b) by the insertion in paragraph (d), after the word “reels”, of the words “or has in his possession any reproductions, replicas or representations of a trade mark or of a mark so nearly resembling a trade mark as to be likely to deceive.”.

Amendment of
section 10 of
Act 17 of 1941, as
amended by
Act 3 of 1946.

2. Section *ten* of the principal Act is hereby amended by the substitution for paragraphs (c) and (d) of sub-section (1), of the following paragraphs:

“(c) there shall be applied to them in a conspicuous manner and as specified in the notice, words or letters stating clearly the materials of which they are composed and if so required the percentages of such materials calculated either by weight or by volume as prescribed in the notice;

(d) there shall, if after they have been used, they have been reconditioned, rebuilt or remade, whether in the Union or elsewhere, be applied to them in the manner specified in the notice, words so specified stating clearly that they have been reconditioned, rebuilt or remade, as the case may be.”.

Amendment of
section 18 of
Act 17 of 1941.

3. Section *eighteen* of the principal Act is hereby amended by the insertion in sub-section (1), after the word “mark”, of the words “or for an offence under paragraph (c)*bis* of section *six*”.

Short title.

4. This Act shall be called the Merchandise Marks Amendment Act, 1951.