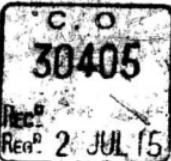


N.R.
EAST AFR. PROT

30405.

Haas & Co.
Messrs D.

TRADE MARKS OF FEZ CAPS

1915

1st July

Last previous Paper.

States have been asked to supply Fez Caps hitherto supplied by Messrs Actien-Gesellschaft der Oesterreichischen Fezfabriken with registered trade mark of two lions and a lion. Requests early information as to law on matter.

Mr. Ferguson.Mr. DavisMr. Read

H. V.R.

27/7/15

July 15
Act. 1915
Governer 4/87 4/3/1915
July 15

Next subsequent Paper

As to the legal question, E.A.P. has a trade marks code ¹⁷ so far as we know here, no legislation has been passed enabling Trade marks registered under it in the names of enemies to be avoided or suspended.

Re position therefore

remains the same as
stated in my minute
on 7806 - viz the rights
of the registered owner
are suspended during
the war, but he will
(presumably) be able to
 sue after the war for in-
fringement of his rights
(committed) during the war

The question then arises
whether we should alter
the law so as to enable
the ~~the~~ Enemy's Trade mark
to be avoided or sus-
pended in favour of the
applicants in this case.

This raises two points:

- (i) do we wish to
enable British ~~the~~
charter to ~~allow~~
manufacture goods
with enemy marks

As to this, the answer will
probably be "no": the two

Cases below, in which we allowed the sale of food bearing the enemy mark were cases where the food had been manufactured & stamped before the outbreak of war. This reason does not exist here. I think the British manufacturers ought to try & introduce good ~~under~~^{under} a British mark to out the enemy mark.

(ii). A question of legal policy arises.

It appears from Com. with B.O. which he have been conducting in consequence of the actions ~~caused~~^{caused by} Germany that the only

Cases in which Res-
-lusion of Enam
-Patent has been granted
here have been,

(1) Where the mark
is the name of a patented
article & a license has
been granted under the
Patent protecting it

(2) Where the Trade
mark is the only name
or only practicable
name of an article
manufactured under
an Expired Patent,
or ~~the~~ the only practicable
name of an article
manufactured in
accordance with a
Known Process or
formula.

(3) Where the Trade
mark in respect of which the
mark is registered has
formerly been manu-

-factured by the ap-
-plicant & sold to
the enemy owner of the
mark under the mark.

Generally speaking
Suspension is not granted
in the case of pictorial
Devices. (But I don't
think this qualification
applies to (3))

It is plain that the present
application does not
fall within any of these
clauses, & I should
therefore,

Reply that there
is no law in
C.A.B. enabling
Trade marks to be
in the names of
enemies to be
availed or suspended

+ copy to:
for 4. 08/9/15 - 6
217/15

stonee
G. D.R.
28/1/15

HG/EG.
D'HAES & CO.

TELEPHONE: P.O. CENTRAL N^o 2443.
TELEGRAPHIC & CABLE ADDRESS: "HAESIMUS" LONDON.
CABLE CODES: A.R.C. 617 & 619 EDITIONS.

8, Finsbury Street.

297

30405

Aldersgate Street.

Rec'd

Rec'd

1st July, 1915. 19

2c.

THE COLONIAL OFFICE,
WESTMINSTER,
LONDON S.W.

Dear Sirs,

We have been asked by clients in British East Africa whether we can supply them with Faz Caps hitherto supplied by Messrs. Actien-Gesellschaft der Österreichischen Fazfabriken with the trade-mark of two guns and a lion. This trade mark was registered on the 20th July 1914 at the High Court of Mombasa under Certificate No. 179. We are particularly requested that any Caps we supply should have this trade-mark if it may be used. We should like to know the law as regards trade-marks of Austrian firms in British East Africa at the present time. Have such trade-marks been cancelled, and may they be re-registered by English firms if wanted? We shall be glad of an immediate reply as if we wish to secure any of this trade it will have to be very prompt.

Yours faithfully,

D'Haesler

No. 902405/1915 Cap.

298

B4-3



3 July 1915

DRAFT.

James D. Haes & Co.

MINUTE.

Mr. Harper 3/7/15-

Mr. Bottomley 3/7/15 p.

Mr.

Mr.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Mr. Steel-Maitland.

Mr. Bonar Law.

Gentlemen,

I reply to your letter of the 7th July 1915 to inform you that there is no law in the Statute enabling

Trade Marks registered in the name of enemies to be avoided or suspended

Copy for Mr. Steel Maitland

READ.

on the Under Secretary State