

EAST AFR. PROT
UGANDA
15239

C. O.
15239
1912
MAY 2

Grade
Date
1912
10 May
Previous Paper
11117
15 May 1912
28 Sept 1912
See Ed (Prescribed) 75 to 100 of

Registration of Trade Marks

No objection to make on Uganda draft
Send memo. by Compt. Genl. on East Africa
Suggesting certain amendments.

N. Risley Sir G. Jackson

A.C.R.: For Uganda - 1007
1007

Sanction the proposed legislation -
Send copy of this 17 June to the S.A.P.
with ref. to you instructing the C.A.F.
if he sees 8894 no objection
to amend the notice as suggested in the
memo. by the Comptroller for 17

General Dept. 6/11
To Messrs. Magill
see P.O. 11
205

H. J. R.
18/11
J.S.M. 205

Subsequent Paper
1912
29212
1912

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15239
BOARD OF TRADE
(COMMERCIAL DEPARTMENT)

GWYDDE HOUSE,
WHITEHALL,
LONDON, S.W.

15th May, 1912.

Sir,

I am directed by the Board of Trade to acknowledge the receipt of your letter of the 20th April (No. 11112) transmitting with enclosures copy of the Registration of Trade Marks Ordinance 1912 of the East Africa Protectorate and the draft of a similar Ordinance of the Uganda Protectorate and asking for the Board's observations thereon.

In reply, I am to state for Mrs. Secretary Hascock's information that the Board desires to offer no observations respecting the provisions of the Uganda Ordinance, which, so far as they can judge, appears to provide a simple and adequate means for the protection of Industrial Property in the Protectorate.

As regards the Ordinance relating to the registration of Trade Marks in the East Africa Protectorate, I am to enclose copy of a Memorandum containing the observations of the Comptroller General of Patents, Designs and Trade Marks on the Ordinance and suggesting certain minor amendments - mainly of a verbal character - which

in

The Under Secretary of State,
Colonial Office.

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in the opinion of the Board might be adopted by the
Protectorate Authorities with advantage.

I have the honour to be,

Sir,

Your obedient Servant,

Geo. J. Stanley.

6 C O
15239
MAY 1912

(Copy) C. 3677, of 1912.

EAST AFRICA PROTECTORATE.

"The Registration of Trade Marks Ordinance, 1912".

Section 2. The last two definitions "person" and "goods" are not included in our definitions, but the Interpretation Act, Section 19, extends the meaning of "person" in the same way.

"body corporative" should apparently be "body corporate".

Section 6. The grammar is a little confused. It would be better to read "as a separate and distinct application and the entries on the Register in pursuance of such applications shall for all purposes &c."

Section 7. (last paragraph) "England" should be "United Kingdom"; "Trade Mark Act" should be "Trade Marks Act".

Section 9 (2) A stringent provision as to the registration of Cotton Marks. "Clauses" should be altered to "Classes".

Section 10(6) Cf. our Rule 9: the following wording would perhaps be better: "When an applicant for the registration of

of a Trade Mark or an agent does not reside or carry on business in the Protectorate, he shall give &c." To insist on an agent whenever an applicant was "out" of the protectorate might lead to unnecessary difficulties.

Section 13(1). This limits the power of the Registrar to allow opposition, to a period of nine months from the date of advertisement. This ought to be sufficient for English traders and I do not think we can object but it might be better to give the Registrar unlimited power, as under our own Act.

Section 13(1). For clearness insert "from the date" before "of the advertisement" as in our Section 14(1).

Section 13(4). Security is apparently required of every Opponent.

"The Persons" should read "any person".

Section 13 (5). Oppositions stand for determination by the Court and not apparently by the Registrar.

Section 13(6). See note of 10(6) above.

Section 16. Marginal misprint; should read "disclaimers".

Section 33(b). Our section 12(6) is better: amendments other than omissions of goods should be permitted. In any case "classes" of goods should be altered to "descriptions of goods".

Section 34 (4). "Classes" should be altered to "descriptions".

Section 37 (1). "Any such register" should be altered to "the Register". It would be better to add (as in our Section 35 (1)) after "remaining on the register" the words "or by any error or defect in any entry in the register."

Section 37(2). Note provision for award of costs, presumably against expanded owner.

Section 56(1) "Great Britain" should be altered to "the United Kingdom" (in three places).

Section 56(3). "Great Britain" should be altered to "the United Kingdom."

Section 61. "Inability" should be altered to "disability".

Rules. It would probably be advisable to insert Rules corresponding to our Rules 11-16.

Rule 15 Unlike our Rule 77, this deals with assignment of a share or interest in a Trade Mark, and "partial proprietorship".

Rules 21, 22, 23. Deal only with the applicant for registration - and for some reason omit "the registered proprietor" who is equally to be afforded a hearing under Clause 53 of the Ordinance.

Fees. The Schedule does not comprise all the fees authorised by our Act - but probably the Colony have considered this point.

Item 3. "Representation" should be altered to "Mark".

Classification of goods.

Class 14. Alter to "goods of precious metals &c."

Class 23. There is no apparent reason why our division of this class is departed from, viz. -

(a) cotton yarn (b) sewing cotton.

Class 29 Alter to "Jute yarns and tissues and other articles, &c."