## CHAPTER 33.

### An Act for the Amendment of the Trade Marks Registration Act, 1875.

[24th July 1876.]

WHEREAS by the Trade Marks Registration Act, 1875, in this Act referred to as the principal Act, it is provided that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act: 38 & 39 Vict. c. 91.

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** There shall be repealed so much of section one of the principal Act as provides that from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act, and in place thereof be it enacted that— Amendment of s. 1. of the principal Act.

From and after the first day of July one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as herein-after is mentioned.

**2.** When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so ranted shall be conclusive evidence of such refusal. Saving of marks and devices not capable of being registered under Act.

**3.** This Act may be cited for all purposes as the Trade Marks Registration Amendment Act, 1876. Short title.

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## CHAPTER 34.

### An Act to amend the Law relating to Elver Fishing. [24th July 1876.]

WHEREAS by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first day of January and the twenty-fourth "day of June, inclusive, shall hang, fix, or use in any salmon river any baskets, nets, "traps, or devices for catching eels or the fry of eels:"

And whereas it is expedient to amend the law relating to elver fishing:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** From and after the passing of this Act, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels shall be and the same is hereby repealed. Repeal of part of 15th section of 36 & 37 Vict. c. 71.