

Designs and Trade Marks Act, 1883, with the substitution of "Registrar" for "Comptroller" and the addition that the Registrar may correct any error in or in connection with any registered trade mark in any special circumstances not otherwise provided for upon such terms and conditions as the Registrar may think fit.

Orange River Colony.—Nothing is provided in the Acts but in the Scale of Fees items occur similar to those quoted under Natal.

SPECIAL PROVISIONS.

Canada.—It is specially provided that "timber or lumber of any kind upon which labour has been expended by any person in his trade, business, occupation or calling, shall, for the purposes of the Act, be deemed a manufacture, product or article."

Australia.—Special provision is made for what are termed "Workers' Trade Marks." A workers' trade mark is defined as "a mark which is a distinctive device, design, symbol, or label registered by any individual Australian worker or association of Australian workers corporate or unincorporate for the purpose of indicating that articles to which it is applied are the exclusive production of the workers or of members of the association."

The mark is applied to the goods (being goods produced in Australia) by the employer for whom they are produced, or, with the authority of the employer, by the worker or a member of the association registering the mark.

The registered proprietor of a workers' trade mark is entitled to institute legal proceedings to prevent and recover damages for any contravention of the Act in respect of that trade mark.

Workers' trade marks are not capable of assignment and the main provisions relating to ordinary trade marks do not apply to them.

These special provisions do not apply to any primary products of the agricultural, viticultural (including wine-making), horticultural, dairying (including butter-making and cheese-making), or pastoral industries.

There are also special provisions with regard to the Commonwealth Trade Mark. The Minister may cause to be designed and registered a trade mark, called the Commonwealth Trade Mark, consisting of a distinctive device or label bearing the words "Australian Labour Conditions." The Minister is deemed the proprietor and is entitled to prevent the unauthorised application of the mark. He may give authority to any person to apply the mark either generally or in respect of specific goods. The provisions regarding the Commonwealth mark apply to all goods included in or specified by a resolution passed by both Houses of the Parliament that in their opinion the conditions as to the remuneration of labour in connection with their manufacture are fair and reasonable. Such a resolution shall be deemed to have been passed at the commencement of the Act in respect of goods which are manufactured in any part of the Commonwealth under conditions as to the remuneration of labour prescribed, required or provided in relation to the goods by an industrial award or order, or an industrial agreement under an industrial law. The mark must be applied, with the authority of the Minister, by the first proprietor of the goods who must have personally manufactured them or have paid for labour at least the minimum amount prescribed by an industrial award or order, or an industrial agreement under an industrial law. As in the case of workers' trade marks the ordinary provisions relating to trade marks do not apply.

Following the Trade Marks Act, 1905, section 62, provision is also made for the registration of standardisation marks by which, where any Commonwealth or State authority, or any association or person undertakes and certifies by a mark the examination of any goods, the Minister may permit the registration of the mark in respect of these goods. Conditions of manufacture are included amongst the objects of such examination and certification but in respect of them the provision applies to Commonwealth and State authorities only.

The principle of associating on the Register trade marks which closely resemble one another introduced by the Trade Marks Act, 1905, has been adopted in Australia.

Another innovation of the Trade Marks Act, 1905, has been adopted in the provision that the registration of a person as proprietor of a trade mark shall, after the expiration of five years from the date of registration (in the absence of fraud) be