

and persons interested have had the opportunity of opposing the order. In Australia the decision of the Commissioner is subject to an appeal to the High Court or the Supreme Court.

## II.—TRADE MARKS.

### REGISTRABLE MARKS.

The variations in the Statutes of the United Kingdom are shown in the following table :—

| A.<br>Trade Marks<br>Registration Act,<br>1875, Section 10.  | B.<br>Patents, Designs<br>and Trade Marks<br>Act, 1883, Section 64.   | C.<br>Patents, Designs and Trade Marks<br>Act, 1888, Section 10.   | D.<br>Trade Marks Act, 1905,<br>Section 9.  |
|--|---|--|---|
| For the purposes of this Act, a trade mark consists of one or more of the following essential particulars: that is to say:                           | (1) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:                                  | (1) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:   | (1) For the purpose of this Act, a trade mark must consist of or contain at least one of the following essential particulars:   |
| A name of an individual or firm, printed, impressed, or woven in some particular and distinctive manner: or  | (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner: or  | (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner: or   | (1) The name of a company, individual or firm, represented in a special or particular manner:   |
| A written signature or copy of a written signature of an individual or firm: or  | (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark: or                          | (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark: or   | (2) The signature of the applicant for registration or some predecessor in his business.  |
| A distinctive device, mark, heading, label, or ticket:   | (c) A distinctive device, mark, brand, heading, label, ticket, or   | (c) A distinctive device, mark, brand, heading, label, or ticket: or   | (5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark: |
|  | Fancy word or words not in common use.  | (d) An invented word or invented words.  | (3) An invented word or invented words.   |
|  |   | (e) A word or words having no reference to the character or quality of the goods and not being a geographical name.  | (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname:  |
| and there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures: also | (2) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or of any of them. | (2) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the Register.<br><br>(3) Provided as follows:<br>(i) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof: |   |