

## PATENTS, TRADE MARKS AND DESIGNS.

### No. 8 of 1915.

An Act to amend the *Patents, Trade Marks and  
Designs Acts 1914.*

[Assented to 15th May, 1915.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Patents, Trade Marks and Designs Act 1915.*

Short title and  
citation.

(2.) The *Patents, Trade Marks and Designs Acts 1914* are in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Patents, Trade Marks and Designs Act 1914–1915.*

2.—(1.) After section two of the Principal Act the following section is inserted :—

“2A. In this Act, unless the contrary intention appears—

Definitions.

‘Patent’ includes a patent granted under a State Patents Act.

‘Trade Mark’ includes a trade mark registered under a State Trade Marks Act.”

(2.) This section shall be deemed to have commenced on the same day as the *Patents, Trade Marks and Designs Act 1914.*

3. After section three of the Principal Act the following section is inserted :—

“4.—(1.) Where a patent, or the registration, and all or any of the rights conferred by the registration, of a trade mark or design, has been suspended in favour of any person, any person other than the person in whose favour the patent, or the registration, as aforesaid, has been so suspended, who during such suspension—

Infringement  
of suspended  
patents,  
trade marks  
and designs.

(a) in the case of a patent, makes uses exercises or vends the invention forming the subject-matter of the patent,  
or

(b) in the case of a trade mark, uses in respect of the goods in respect of which it is registered, the trade mark or a mark substantially identical with the trade mark or so nearly resembling it as to be likely to deceive,  
or

(c) in the case of a design, applies the design or any fraudulent or obvious imitation of it to any article in respect of which the design is registered, or, without the authority of the person in whose favour the registration has been suspended, sells or offers or keeps for sale any article to which the design or any fraudulent or obvious imitation of it has been applied

shall be guilty of an offence.

Penalty : Five hundred pounds.

“(2.) It shall be a defence to a prosecution under this section if the defendant satisfies the Court that a petition for the revocation of the patent, or for the removal of the trade mark or design from the register, as the case may be, would be successful.

“(3.) No prosecution under this section shall be brought except by the Attorney-General or a person authorized in that behalf by the Attorney-General.

“(4.) Upon the conviction of any person for an offence against sub-section (1.) of this section, the High Court may, if it thinks fit, upon the application of the Attorney-General, issue an injunction to restrain the person from committing any further offence against that sub-section.

“(5.) The costs of the determination of any such application shall be in the discretion of the Court.”

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