



ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

# VICTORIÆ REGINÆ.

A.D. 1863.

## No. 20.

*An Act to prevent the Fraudulent Marking of Merchandize, to provide for the Registration of Trade Marks, and for other purposes.*

[Assented to, 12th November, 1863.]

**W**HEREAS it is expedient to prevent the Fraudulent Marking Preamble.  
of Merchandize, and the sale of Merchandize falsely marked  
for the purpose of fraud, and to provide for the Registration of  
Trade Marks—Be it therefore Enacted by the Governor-in-Chief of  
the Province of South Australia, with the advice and consent of the  
Legislative Council and House of Assembly of the said Province, in  
this present Parliament assembled, as follows:

1. In the construction of this Act, the word "Person" shall include Construction of words.  
any person, whether a subject of Her Majesty or not, and any body  
corporate or body of the like nature, and also any company, associa-  
tion, or society of persons, whether the members thereof be subjects  
of Her Majesty or not, or some of such persons subjects of Her  
Majesty and some of them not, and whether such body corporate,  
body of the like nature, company, association, or society, be  
established to carry on business within the limits of the said  
Province or elsewhere, or partly within the limits of the said Pro-  
vince and partly elsewhere; the word "Mark" shall include any  
name, signature, word, letter, device, emblem, figure, sign, seal,  
stamp, diagram, label, ticket, or other mark of any other description;  
and the expression "Trade mark" shall include any and every such  
name, signature, word, letter, device, emblem, figure, sign, seal,  
stamp, diagram, label, ticket, or other mark as aforesaid, lawfully  
used by any person to denote any chattel or any article of trade,  
manufacture,

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manufacture, or merchandize, to be an article or thing of the manufacture, workmanship, or production, or merchandize of such person, or to be an article or thing of any peculiar or particular description, made or sold by such person.

Registrar to be appointed

2. The Governor, with the advice and consent of the Executive Council, may appoint some person to be the Registrar of Trade Marks, and an office to be the place of registration, for the purposes of this Act.

Mode of registration.

3. Any person desirous of registering a trade mark shall deliver to the Registrar two copies of the "trade mark" proposed to be registered; and shall at the same time pay to the Registrar, for the public uses of the said Province, a sum of Two Pounds and Two Shillings; and shall also state in writing the nature of the article to which it is proposed that such trade mark shall apply; and the Registrar shall, within fourteen days of the payment of such fee, publish in the *Government Gazette* a notice, stating the name of the applicant, a description of the "trade mark," as nearly as may be, and the nature of the article to which it is proposed that such trade mark shall apply; and, after the expiration of fourteen days from the publication aforesaid, the Registrar shall, unless it be shown, to the satisfaction of the Registrar, that such trade mark has been previously registered, or that some other person is entitled to such trade mark, or that such trade mark is so like some other trade mark that it may be mistaken for the same, issue to the applicant a provisional certificate, setting forth that such trade mark to be described in such certificate has been duly registered; and such certificate shall, subject to the provisions hereinafter contained, continue in force for twelve calendar months.

Provisional certificate may be made absolute.

4. Any person entitled to a provisional certificate as hereinbefore provided may, on payment to the Registrar, for the public uses of the said Province, of the sum of Three Pounds Three Shillings, apply to have such provisional certificate made absolute; and unless it shall, within the said period of twelve calendar months, be shown to the satisfaction of the Registrar that the person so applying is not entitled to have such certificate granted, or that such trade mark is so like some other trade mark that it may be mistaken for the same, the Registrar shall issue a certificate, setting forth that the person named in such certificate is entitled to the use of the trade mark to be described in such certificate; and such last-mentioned certificate shall continue in force for fourteen years.

Register to be kept and open to public inspection.

5. The Registrar shall keep a proper register of all certificates issued, and of all acts done by him in pursuance of this Act; and such register shall be open to the inspection of any person during office hours, on payment, for the public uses of the said Province, of the sum of Sixpence.

Certificate may be transferred wholly or in part.

6. Any certificate may be transferred, either wholly or in part, by any

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any document in writing signed by the transferor; provided that no transfer shall be valid against the person named in such certificate until after such transfer shall have been duly registered; and the Registrar is required to register such transfer on payment, for the public uses of the said Province, of the sum of Ten Shillings and Sixpence.

7. The registration of any trade mark shall not confer any patent right over or any sole right to manufacture any article to which it is proposed to apply such trade mark, but the certificate of the registration of any trade mark shall be a proof of the right of the person named in such certificate or of the registered transferee of any trade mark to use such trade mark, except in case of any suit instituted to try the right of any person to any provisional certificate, and during the said period of twelve calendar months.

Registration to extend to trade mark only, and not to give any patent right.

8. Every person who with intent to defraud or to enable another to defraud any person, shall forge or counterfeit, or cause or procure to be forged or counterfeited any trade mark, or shall apply or cause or procure to be applied any trade mark, or forged or counterfeited trade mark to any chattel or article not being the manufacture, workmanship, production, or merchandize of any person denoted or intended to be denoted by such trade mark, or denoted or intended to be denoted by such forged or counterfeited trade mark, or not being the manufacture, workmanship, production, or merchandize of any person whose trade mark shall be so forged or counterfeited, or shall apply or cause or procure to be applied any trade mark, or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of manufacture, workmanship, production, or merchandize denoted or intended to be denoted by such trade mark, or by such forged or counterfeited trade mark, shall be guilty of a misdemeanor; and every person so committing a misdemeanor shall forfeit to Her Majesty every chattel and article belonging to such person to which he shall have so unlawfully applied or caused or procured to be applied any such trade mark, or forged or counterfeited trade mark as aforesaid; and every instrument in the possession or power of such person, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid, shall have been so applied, any, and every instrument in the possession or power of such person for applying any such trade mark, or forged or counterfeited trade mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such misdemeanor shall be tried, may order such forfeited articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

Forging a trade mark, or falsely applying any trade mark with intent to defraud, a misdemeanor.

9. Every person who, with intent to defraud any person, shall apply, or cause, or procure to be applied, any trade mark, or any forged or counterfeited trade mark to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, in or on, or with which any chattel or article shall be intended to be sold, or shall be sold, or uttered, or exposed for sale, or intended for any purpose of trade or manufacture, or shall enclose or place any

Applying a forged trade mark to any vessel, case, wrapper, &c., in or with which any article is sold, or intended to be sold, a misdemeanor.

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any chattel or article to be enclosed or placed in, upon, under, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing to which any trade mark shall have been falsely applied, or to which any forged, or counterfeited trade mark shall have been applied, or shall apply, or attach, or cause or procure to be applied or attached to any chattel or article, any case, cover, reel, ticket, label, or other thing to which any trade mark shall have been falsely applied, or to which any forged or counterfeited trade mark shall have been applied, or shall enclose, place, or attach any chattel or article to be enclosed, placed, or attached in, upon, under, with, or to any cask, bottle-stopper, bottle, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing having thereon any trade mark of any other person, shall be guilty of a misdemeanor; and every person so committing a misdemeanor shall also forfeit to Her Majesty every such chattel and article, and also every such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, as aforesaid, in the possession or power of such person; and every other similar cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing made to be used in like manner as aforesaid, and every instrument in the possession or power of such person, and by means of which any such trade mark, or forged, or counterfeited trade mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such misdemeanor shall be tried, may order such forfeited articles as aforesaid to be destroyed, or otherwise disposed of, as such Court shall think fit.

Selling articles forged or with false marks. Penalty equal to value of articles sold, and a sum not exceeding Five Pounds, nor less than Ten Shillings.

10. Every person who shall sell, utter, or expose, either for sale or for any purpose of trade or manufacture, or cause or procure to be sold, uttered, or exposed for sale, or other purposes as aforesaid, any chattel or article, together with any forged or counterfeited trade mark, which he shall know to be forged or counterfeited; or, together with the trade mark of any other person applied or used falsely or wrongfully, or without proper authority or excuse, knowing such trade mark of another person to have been so applied or used as aforesaid; and that whether any such trade mark, or forged or counterfeited trade mark as aforesaid, together with any such chattel or article, shall be sold, uttered, or exposed for sale, or other purpose as aforesaid, shall be in, upon, about, or with such chattel or article, or in, upon, about, or with any cask, bottle, stopper, vessel, case, cord, wrapper, band, reel, ticket, label, or other thing in, upon, about, or with which such chattel or article shall be so sold, or uttered, or exposed for sale or other purpose as aforesaid, shall, for every such offence forfeit and pay to Her Majesty a sum of money equal to the value of the chattel or article so sold, uttered, offered, or exposed for sale or other purpose as aforesaid; and a further sum not exceeding Five Pounds, and not less than Ten Shillings.

Additions and alterations of trade marks, made with intent to defraud, to be deemed forgeries.

11. Every addition to and alteration of, and also any imitation of, any trade mark, which shall be made, applied, or used with intent to defraud, or to enable any other person to defraud, or which shall  
cause

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cause a trade mark, with such alteration or addition, or shall cause such imitation of a trade mark to resemble any genuine trade mark so or in such manner as to be calculated or likely to deceive, shall be and deemed to be a false, forged, and counterfeited trade mark within the meaning of this Act; and every act of making, applying, or otherwise using any such addition to or alteration of a trade mark, or any such imitation of a trade mark as aforesaid, done by any person with intent to defraud, or to enable any other person to defraud, shall be and deemed to be forging and counterfeiting a trade mark within the meaning of this Act.

12. Where any person who, at any time after the first day of May, one thousand eight hundred and sixty-four, shall have sold, uttered, or exposed for sale or other purpose as aforesaid, or shall have caused or procured to be sold, uttered, or exposed for sale or other purpose as aforesaid any chattel or article together with any forged or counterfeited trade mark, or together with the trade mark of any other person used without lawful authority or excuse as aforesaid, and that whether any such trade mark, or such forged or counterfeited trade mark as aforesaid be in, upon, about, or with such chattel or article, or in, upon, about, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing in upon, about, or with such chattel or article, shall have been sold or exposed for sale, such person shall be bound, upon demand in writing, delivered to him or left for him at his last known dwelling-house, or at the place of sale or exposure for sale, by or on behalf of any person whose trade mark shall have been so forged or counterfeited, or used without lawful authority or excuse as aforesaid, to give to the person requiring the same, or his attorney or agent, within forty-eight hours after such demand, full information in writing of the name and address of the person from whom he shall have purchased or obtained such chattel or article, and of the time when he obtained the same; and it shall be lawful for any Justice of the Peace, on oath of such demand and refusal, to summon before him the party refusing, and on being satisfied that such demand ought to be complied with, to order such information to be given within a certain time to be appointed by him, and any such party who shall refuse or neglect to comply with such order shall, for every such offence, forfeit and pay the sum of Five Pounds; and such refusal or neglect shall be *prima facie* evidence that the person so refusing or neglecting had full knowledge that the trade mark, together with such chattel or article was sold, uttered, or exposed for sale or other purpose as aforesaid, at the time of such selling, uttering, or exposing, was a forged, counterfeited, and false trade mark, or was the trade mark of a person which had been used without lawful authority or excuse, as the case may be.

Any person who shall have sold an article having a false trade mark to be bound to give information where he procured it.

Power to Justices to summon parties refusing to give information.

Penalty for refusal, £5.

13. Every person who, with intent to defraud, or to enable another to defraud, shall put, or cause or procure to be put upon any chattel or article, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, together with which  
any

Marking a false indication of quantity.  
Penalty.

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any chattel or article shall be intended to be, or shall be sold, or uttered, or exposed for sale, or for any purpose of trade or manufacture, or upon any case, frame, or other thing, in or by means of which any chattel or article shall be intended to be, or shall be exposed for sale, any false description, statement, or other indication of or respecting the number, quantity, measure, or weight of such chattel or article, or any part thereof, or of the place or country in which such chattel or article shall have been made, manufactured, or produced, or shall put, or cause, or procure to be put upon any such chattel or article, cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or thing as aforesaid, any word, letter, figure, signature, or mark for the purpose of falsely indicating such chattel or article, or the mode of manufacturing or producing the same, or the ornamentation, shape, or configuration thereof, to be the subject of any existing patent, privilege, or copyright, shall, for every such offence, forfeit and pay a sum of money equal to the value of the chattel or article so sold, or uttered, or exposed for sale, and a further sum not exceeding Five Pounds and not less than Ten Shillings.

Selling, or exposing for sale, articles with false statement of quantities. Penalty.

14. Every person who shall sell, or utter, or expose for sale, or for any purpose of trade or manufacture, or shall cause or procure to be sold, uttered, or exposed for sale or other purpose as aforesaid, any chattel or article upon which shall have been, to his knowledge, put, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, together with which such chattel or article shall be sold, or uttered, or exposed for sale or other purpose as aforesaid, shall have been so put, or upon any case, frame, or other thing used or employed to expose, or exhibit such chattel or article for sale shall have been so put any false description, statement, or other indication of, or respecting the number, quantity, measure, or weight of such chattel, or article, or any part thereof, or the place or country in which such chattel or article shall have been made, or manufactured, or produced, shall, for every such offence, forfeit and pay a sum not exceeding Five Pounds and not less than Five Shillings.

Not an offence to apply names or words known to be used for indicating particular classes of manufacture.

15. The provisions of this Act shall not be construed so as to make it any offence for any person to apply to any chattel or article, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing with which such chattel or article shall be sold, or intended to be sold, any name, word, or expression generally used for indicating such chattel or article to be of some particular article or description of manufacture only, or so as to make it an offence for any person to sell, utter, or offer, or expose for sale any chattel or article to which, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing sold therewith, any such generally used name, word, or expression as aforesaid shall have been applied.

Description of trade marks and forged trade marks in indictments.

16. In every information, pleading, proceeding, and document whatsoever, in which any trade mark shall be intended to be mentioned,

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tioned, it shall be sufficient to mention or state the same to be a trade mark without further or otherwise describing such trade mark, or setting forth any copy or facsimile thereof; and in every information, pleading, proceeding, and document whatsoever, in which it shall be intended to mention any forged or counterfeit trade mark, it shall be sufficient to mention or state the same to be a forged or counterfeit trade mark, without further or otherwise describing such forged or counterfeit trade mark, or setting forth any copy or facsimile thereof.

17. The provisions in this Act contained, or any proceeding, judgment, conviction, for any act hereby described to be a misdemeanour or offence, shall not, nor shall any of them, take away, diminish, or prejudicially affect any suit, process, proceeding, right, or remedy, which any person aggrieved by such act may be entitled to at law or in equity, or otherwise, and shall not, nor shall any of them, exempt or excuse any person from answering or making discovery upon examination as a witness, or upon interrogatories, or otherwise, in any suit or other civil proceeding: Provided always, that no evidence, statement, or discovery which any person shall be compelled to give or make shall be admissible in evidence against such person in support of any information for a misdemeanor at common law or otherwise, or of any proceeding under the provisions of this Act.

Conviction not to affect any right or civil remedy.

18. In every information, conviction, pleading, and proceeding, against any person for any misdemeanor, or other offence against the provisions of this Act, in which it shall be necessary to allege or mention an intent to defraud, or to enable another to defraud, it shall be sufficient to mention or allege that the person accused of having done any act which is hereby made a misdemeanor or other offence did such act with intent to defraud, or with intent to enable some other person to defraud, without mentioning or alleging an intent to defraud any particular person; and on the trial of any such information for any such misdemeanor, and on the hearing of any information or charge of or for any such other offence as aforesaid, and on the trial of any action against any person to recover a penalty for such other offence as aforesaid, it shall not be necessary to prove an intent to defraud any particular person, or an intent to enable any particular person to defraud any particular person; but it shall be sufficient to prove with respect to every such misdemeanor and offence that the person accused did the act charged with intent to defraud, or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

Intent to defraud any particular person, need not be mentioned in an information, &c., or proved.

19. Every person who shall aid, abet, counsel, or procure the commission of any offence which is by this Act made a misdemeanor, shall also be guilty of a misdemeanor.

Persons who aid in the commission of a misdemeanor to be also guilty.

20. Every person who shall be convicted or found guilty of any offence which is by this Act made a misdemeanor shall be liable, at the discretion of the Court, and as the Court shall award, to suffer such punishment,

Punishment for misdemeanor under this Act.

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punishment, by imprisonment, for not more than two years, with or without hard labor, or by fine not exceeding Five Hundred Pounds, or both by imprisonment with or without hard labor, and fine, and also by imprisonment until the fine (if any) shall have been paid and satisfied.

Proceedings before  
Supreme Court or  
Local Court of Full  
Jurisdiction.

21. All proceedings under this Act may be taken before the Supreme Court or any Local Court of Full Jurisdiction, and any person suing on behalf of Her Majesty shall be entitled to recover all his costs of suit, including a full indemnity for all costs and charges which he shall have incurred in, about, or for the purposes of the action or proceeding.

Limitation of actions,  
&c.

22. No person shall commence any action or proceeding for the recovery of any penalty, or procuring the conviction of any offender, in manner hereinbefore provided, after the expiration of three years next after the committing the offence, or one year next after the first discovery thereof by the person proceeding.

Vendor of an article  
with a trade mark to  
be deemed to contract  
that the mark is  
genuine.

23. In every case in which any person shall sell, or contract to sell, whether by writing or not, to any other person any chattel or article with any trade mark thereon, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, together with which such chattel or article shall be sold, or contracted to be sold, the sale or contract to sell shall in every such case be deemed to have been made with a warranty or contract by the vendor to or with the vendee, that every trade mark upon such chattel or article, or upon any such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, as aforesaid, was genuine and true, and not forged or counterfeit, and not wrongfully used, unless the contrary shall be expressed in some writing, signed by or on behalf of the vendor, and delivered to and accepted by the vendee.

Vendor of an article  
with description  
upon it of its quan-  
tity, to be deemed to  
contract that the  
description was true.

24. In every case in which any person shall sell or contract to sell (whether by writing or not) to any other person, any chattel or article upon which, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, together with which such chattel or article shall be sold, or contracted to be sold, any description, statement, or other indication of, or respecting the number, quantity, measure or weight of such chattel or article, or the place or country in which such chattel or article shall have been made, manufactured, or produced, the sale or contract to sell, shall in every such case be deemed to have been made with a warranty or contract with the vendor, to or with the vendee, that no such description, statement, or other indication was in any material respect false or untrue, unless the contrary shall be expressed in some writing, signed by or on behalf of the vendor, and delivered to and accepted by the vendee.

In suits at law or in  
equity against persons  
for using forged trade  
marks, Court may

25. In every case in any suit at law or in equity against any person for forging or counterfeiting any trade mark, or for fraudulently applying any trade mark to any chattel or article, or for selling,



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selling, exposing for sale, or uttering, any chattel or article with any trade mark falsely or wrongfully applied thereto, or with any forged or counterfeit trade mark applied thereto, or for preventing the repetition or continuance of any such wrongful act, or the committal of any similar act, in which the plaintiff shall obtain a judgment or decree against the defendant, the Court shall have power to direct every such chattel and article to be destroyed or otherwise disposed of; and in every such suit in a Court of law, the Court shall or may, upon giving judgment for the plaintiff, award a writ of injunction or injunctions to the defendant, commanding him to forbear from committing, and not, by himself or otherwise, to repeat or commit any offence or wrongful act of the like nature as that of which he shall or may have been convicted by such judgment; and any disobedience of any such writ of injunction or injunctions, shall be punished as a contempt of Court; and in every such suit, at law or in equity, it shall be lawful for the Court, or a Judge thereof, or any Special Magistrate, to make such order as such Court, or Judge, or Special Magistrate, shall think fit, for the inspection of every or any manufacture or process carried on by the defendant, in which any such forged or counterfeit trade mark, or any such trade mark as aforesaid, shall be alleged to be used or applied as aforesaid; and of every, or on any chattel, article, and thing in the possession or power of the defendant, alleged to have thereon, or in any way attached thereto, any forged or counterfeit trade mark, or any trade mark falsely or wrongfully applied; and every or any instrument in the possession or power of the defendant, used, or intended to be, or capable of being used for producing or making any forged or counterfeit trade mark, or trade mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any trade mark; and any person who shall refuse or neglect to obey any such order shall be guilty of a contempt of Court.

order article to be destroyed, and may award injunction, &c.

26. In every case in which any person shall do or cause to be done any of the wrongful acts following, that is to say—shall forge or counterfeit any trade mark; or for the purpose of sale, or for the purpose of any manufacture or trade shall apply any forged or counterfeit trade mark to any chattel or article, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or thing, in or with which any chattel or article shall be intended to be sold or uttered, or exposed for sale, or for any purpose of trade or manufacture; or shall enclose or place any chattel or article in, upon, under, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, to which any trade mark shall have been falsely applied, or shall apply or attach to any chattel or article any case, cover, reel, wrapper, band, ticket, label, or other thing, to which any trade mark shall have been falsely applied, or to which any forged or counterfeit trade mark shall have been applied; or shall enclose, place, or attach any chattel or article in, upon, under, with, or to any cask, bottle, stopper, vessel, case, cover, reel, wrapper, band, ticket, label, or other thing having thereon any trade mark of any other person; every person aggrieved

Persons aggrieved by forgeries may recover damages against the guilty parties.

by

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by any such wrongful act shall be entitled to maintain an action or suit for damages in respect thereof against the person who shall be guilty of having done such act, or causing or procuring the same to be done, and for preventing the repetition or continuance of the wrongful act, and the committal of any similar act.

Defendant obtaining a verdict to have full indemnity for costs.

27. In every action which any person, under the provisions of this Act, may commence as plaintiff for or on behalf of Her Majesty, for recovering any penalty or sum of money, if the defendant shall obtain judgment, he shall be entitled to recover his costs of suit, which shall include a full indemnity for all the costs, charges, and expenses by him expended or incurred in, about, or for the purposes of the action, unless the Court, or a Judge thereof, or a Special Magistrate, shall direct that costs of the ordinary amount only shall be allowed.

A plaintiff suing for a penalty may be compelled to give security for costs.

28. In any action which any person shall, under the provisions of this Act, commence as plaintiff for or on behalf of Her Majesty, for recovering any penalty or sum of money, if it shall be shown to the satisfaction of the Court, or a Judge thereof, or any Special Magistrate, that the person suing as plaintiff for or on behalf of Her Majesty has no ground for alleging that he has been aggrieved by the committing of the alleged offence in respect of which the penalty or sum of money is alleged to have become payable, and also that the person so suing as plaintiff is not resident within the jurisdiction of the Court, or not a person of sufficient property to be able to pay any costs which the defendant may recover in the action, the Court, or Judge, or Special Magistrate, shall or may order that the plaintiff shall give security by the bond or recognizance of himself and a surety, or by the deposit of a sum of money, or otherwise as the Court, or Judge, or Special Magistrate shall think fit, for the payment to the defendant of any costs which he may be entitled to recover in the action.

Governor may make regulations for registering trade marks.

29. Subject to the provisions of this Act, it shall be lawful for the Governor, with the advice and consent of the Executive Council, from time to time to make, alter, and vary such regulations as may be necessary for the better carrying out the provisions of this Act relating to the registration of trade marks, and such regulations, when published in the *Government Gazette*, shall have the force of law.

Short title.

30. This Act may be cited as "The Trade Marks Act of 1863."

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.