

Interpreting
tion

2—(1) In this Law unless the context otherwise requires:—
 "covering" includes any wrapper, cork, bottle, vessel, box, cover, capsule, case, frame or wrapper;
 "Director" means the Director of Commerce and Industry;
 "false trade description" means a trade description which is false or misleading in a material respect as regards the goods to which it is applied and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, which that alteration makes the description false or misleading in a material respect, and the fact that a trade description is a trade mark or part of a trade mark shall not prevent such trade description being a false trade description within the meaning of this Law.

"goods" means anything which is the subject of trade, manufacture or merchandise;
 "imported goods" does not include—
 (a) goods which since the date of their importation have undergone in the Colony any treatment or process resulting in a substantial change in the goods; or
 (b) goods produced or manufactured in the Colony which after exportation are brought back into the Colony including any such goods which have undergone abroad any treatment or process not resulting in a substantial change in the goods;
 "jurisdiction of origin" means, at the option of the person applying the indication, either—
 (a) a definite indication of the country in which the goods were manufactured or produced; or
 (b) in the case of goods manufactured or produced in any country in which Her Majesty does not exercise jurisdiction the word "Foreign", and in the case of goods manufactured or produced in any colony in which Her Majesty exercises jurisdiction the word "Empire".

THE STATUTE LAWS OF CYPRUS

No. 35 of 1958.

A LAW TO AMEND AND CONSOLIDATE THE LAW RELATING TO MERCHANDISE MARKS.

HUGH FOOT,] [7th November, 1958.
 Governor.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows:—

1. This Law may be cited as the Merchandise Marks Law, 1958. Short title.

Interpreta-
tion.

2.—(1) In this Law unless the context otherwise requires :—

“ covering ” includes any stopper, cork, bottle, vessel, box, cover, capsule, case, frame or wrapper ;

“ Director ” means the Director of Commerce and Industry ;

“ false trade description ” means a trade description which is false or misleading in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description false or misleading in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Law ;

“ goods ” means anything which is the subject of trade, manufacture or merchandise ;

“ imported goods ” does not include—

(a) goods which since the date of their importation have undergone in the Colony any treatment or process resulting in a substantial change in the goods ; or

(b) goods produced or manufactured in the Colony which after exportation are brought back into the Colony including any such goods which have undergone abroad any treatment or process not resulting in a substantial change in the goods ;

“ indication of origin ” means, at the option of the person applying the indication, either—

(a) a definite indication of the country in which the goods were manufactured or produced ; or

(b) in the case of goods manufactured or produced in any country in which Her Majesty does not exercise jurisdiction the word “ Foreign ”, and in the case of goods manufactured or produced in any country in which Her Majesty exercises jurisdiction the word “ Empire ” the indication being given, in either case, conspicuously :

Provided that, in the case of goods manufactured or produced in any country in which Her Majesty exercises jurisdiction which have undergone in any particular country abroad any treatment or process resulting in a substantial change in the goods, the indication of origin may at the option of the person applying it be given either by using in conjunction with the word “ Foreign ” or the word “ Empire ”, as the case requires, words descriptive of that treatment or process or by a definite indication that the treatment or process was undergone in that particular country ;

“ label ” includes any band or ticket ;

“ name ” includes any abbreviation of or addition to a name, but where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the Colony or in the United Kingdom that name unless accompanied by the name of the country in which such place is situate shall be

treated for the purposes of this Law as if it were the name of the place in the Colony or in the United Kingdom, as the case may be ;

“ person ”, “ manufacturer ”, “ dealer ” or “ trader ”, “ proprietor ” and “ vendor ” include any body of persons corporate or unincorporate ;

“ sale ”

(a) does not include—

(i) a sale of goods for consignment by the vendor to a person outside the Colony ; or

(ii) a sale of second-hand goods ;

(b) subject as hereinafter provided, includes sale wholesale as well as sale by retail, and the provisions of this Law, and of any Order made thereunder shall have effect accordingly :

Provided that references to exposure for sale in any Order made under section 3 of this Law (unless the Order expressly provides to the contrary) shall not include exposure for sale wholesale by a person being a wholesale dealer ;

(c) does not include the sale of any foodstuffs at any hotel or restaurant or other premises for consumption thereon or the sale of any foodstuffs which have undergone a process of cooking, curing or preserving in the Colony ;

“ trade description ” means any description, statement, or other indication, direct or indirect—

(a) as to the number, quantity, measure, gauge or weight of any goods ; or

(b) as to the standard of quality of any goods, according to a classification commonly used or recognised in the trade ; or

(c) as to the fitness for purpose, strength, performance or behaviour of any goods ; or

(d) as to the place or country in which any goods were made or produced ; or

(e) as to the name of the manufacturer or producer of any goods ; or

(f) as to the mode of manufacturing or producing any goods ; or

(g) as to the material of which any goods are composed ; or

(h) as to any goods being the subject of an existing patent, privilege, or copyright, and the use of any figure, word, or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters, and the Customs entry relating to any imported goods shall be deemed to be a trade description within the meaning of this Law ;

“ trade mark ” includes any trade mark which, either with or without registration, is protected by law in the Colony or in any country in which Her Majesty exercises jurisdiction or in any other country with the Government of which Her Majesty’s Government in the United Kingdom has for the time being any arrangement for the mutual protection of inventions, designs or trade marks ;

2 of 1951.

“ Trade Marks Law, 1951 ” means the Trade Marks Law, 1951, or any Law amending or substituted for the same, and includes any other Law relating to trade marks for the time being in force in the Colony.

(2) For the purposes of this Law imported goods shall be deemed to have been manufactured in the country in which they last underwent before importation a substantial change by reason of any treatment or process.

(3) The provisions of this Law respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(4) The provisions of this Law respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods, any name or initials of a person which—

- (a) are not a trade mark, or part of a trade mark ; and
- (b) are identical with, or a colourable imitation of the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials ; and
- (c) are either those of a fictitious person or of some person not *bona fide* carrying on business in connection with such goods.

(5) Notwithstanding anything in the said definition of “ false trade description ”, no trade mark within the meaning of the Trade Marks Law, 1951, or part of such a trade mark, shall by virtue of the foregoing sub-sections be treated as a false trade description in relation to any goods to which the trade mark is applied, if the following conditions are satisfied, that is to say :—

- (a) at the commencement of this Law the trade mark either is registered under the Trade Marks Law, 1951, or is in use to indicate a connection in the course of trade between those goods and the proprietor of the trade mark ; and

(b) the trade mark as applied is used to indicate a connection in the course of trade between the goods and the person who is the proprietor of the trade mark or between the goods and a person who is registered under the Trade Marks Law, 1951, as a registered user of the trade mark ; and

(c) the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor.

(6) Without prejudice to the generality of the definition of trade description (to whichever of the matters mentioned in the definition of " trade description " it relates) in sub-section (1) of this section, a trade description shall be deemed for the purposes of this Law to be a false trade description if it is calculated to be misunderstood as, or mistaken for, an indication as to the same or some other such matter which would be false or misleading in a material respect as regards the goods to which the description is applied, and anything calculated to be misunderstood as, or mistaken for, an indication of any of those matters shall be deemed for those purposes to be a trade description.

3.—(1) The Governor in Council may, by Order, prohibit the sale or the exposure for sale in the Colony of any imported goods of any class or description unless they bear an indication of origin and if any such goods required by any such Order to bear an indication of origin at the time of importation do not at that time bear such an indication, they shall be deemed to be goods which are prohibited to be imported under section 13 of this Law :

Power to
require
indication
of origin.

Provided that—

(a) subject to compliance with such conditions as to security for the re-exportation of the goods as the Comptroller may impose, an Order under this section shall not apply to goods imported for exportation after transit through the Colony by way of transshipment or to goods declared on importation to be for re-exportation ; and

(b) nothing in this sub-section shall be taken to be in derogation of anything contained in the said section 13.

(2) An Order under this section shall specify in every case—

(a) the manner in which the indication of origin is to be applied to the goods ; and

(b) the date on which the Order is to come into force (not being a date earlier than three months from the date of the making of the Order, except in the case of an Order revoking a previous Order either entirely or as respects some of the goods to which that Order relates, or an Order made for amending a previous Order in consequence of a direction having been given with respect to that Order under the provisions of this Law relating to provisional exemptions) ; and

(c) whether the goods are to bear an indication of origin at the time of importation or of exposure for sale wholesale, and any such Order may contain such other provisions as appear to the Governor to be necessary or expedient for carrying this section into effect.

Power to grant provisional exemption from Order under section 3.

4.—(1) If, where an Order has been made under section 3 of this Law with respect to any goods, it is shown to the satisfaction of the Director by persons appearing to have a substantial interest in the matter that the application of the provisions of the Order, or of some of those provisions, to any particular class or description of those goods has caused, or is likely to cause, injury or hardship to the said persons, or any of them, the Director may, by notice in the *Gazette*, direct that the Order, or any particular provisions of the Order, shall cease to apply to goods of that class or description or shall apply to such goods subject only to such modifications and conditions as he may think fit and the Order shall, while the direction is in force, have effect subject thereto.

(2) A direction under this section may at any time be withdrawn by the Director and shall not in any case continue in force after the expiration of twelve months from the date on which the direction was given.

Removal of indication of origin.

5. If any person removes, alters or obliterates an indication of origin which in compliance with the requirements of an Order made under this Law was borne by the goods at the time of their importation or exposure for sale wholesale, he shall be deemed to have acted in contravention of an Order made under this Law, unless he proves to the satisfaction of the Court dealing with the case that the removal, alteration or obliteration was not for the purpose of concealing the origin of the goods at the time of their sale or exposure for sale.

Blends or mixtures exempted.

6.—(1) An Order made under the provisions of section 3 of this Law with respect to goods of any class or description shall not extend to blends or mixtures, consisting of or containing those goods unless the Order expressly so provides, and, where any Order so provides, the indication of origin to be given in respect of the blends or mixtures shall notwithstanding anything in this Law, be an indication in such form as the Order prescribes.

(2) For the purposes of this section the expression "blend or mixture" shall not include any blend or mixture produced by a process of manufacture from materials of different kinds.

Application of the Law to watches.

7. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Law, and the provisions of this Law with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case.

8.—(1) Every person who—

- (a) forges any trade mark ; or
- (b) falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive ; or
- (c) makes, disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging, or of being used for forging a trade mark ; or
- (d) applies any false trade description to goods ; or
- (e) causes any of the things above in this section mentioned to be done,

shall, subject to the provisions of this Law, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Law.

(2) Every person who sells or exposes for, or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall be guilty of an offence against this Law.

(3) If any person—

- (a) sells, exposes for sale, or distributes by way of advertisement, any goods in contravention of the provisions of this Law ; or
- (b) acts in contravention of or fails to comply with any Order made under this Law ;

he shall, subject to the provisions of this section, be guilty of an offence against this Law :

Provided that in the case of the sale wholesale of any goods, other than goods which by virtue of an Order made under this Law are required to bear an indication of origin at the time of importation or of exposure for sale wholesale, it shall be a good defence to proceedings under this sub-section if the person charged with the offence satisfies the Court that the goods were sold to the purchaser on an undertaking in writing that they would be exported or sold for exportation to a place outside the Colony and any such undertaking in writing if it purports to be signed by the purchaser and specifies the usual business address of the purchaser shall be admissible as evidence of the facts appearing therein.

(4) If any person advertises or offers for sale as being goods of a particular brand or make or otherwise under a specific designation, whether by means of an illustration or by means of any written matter, any imported goods of a class or description to which an Order under this Law applies, he shall, if he does not include in the advertisement or offer an indication of the origin of the goods, and subject to the provisions of this section, be deemed to have acted in contravention of an Order made under this Law.

This sub-section shall not apply in the case of any advertisement made, issued or published before the date on which the Order was made.

(5) Where any person sells, or exposes for sale any goods of which any imported goods, being goods to which an Order under this Law applies, form a distinguishable part, and that part is reasonably capable of having applied to it an indication of origin in manner required by the Order, he shall, for the purposes of this section, be deemed to have sold, or exposed for sale, that part, and the provisions of sub-section (3) of this section shall apply accordingly.

(6) It shall not within the Colony be lawful to sell or offer for sale by sample goods of a class or description to which an Order under this Law applies unless the required indication of origin is applied to the samples or unless particulars corresponding to the particulars which would be contained in such an indication are communicated in writing to the person to whom the samples are submitted, and if any person acts in contravention of the provisions of this sub-section he shall, subject to the provisions of this section, be deemed to have acted in contravention of an Order made under this Law.

(7) A person shall not be treated as being guilty by virtue of this section of an offence under this section if he proves—

- (a) that having taken all reasonable precautions against committing such an offence he had at the time of the commission of the alleged offence no reason to suspect that any goods were goods to which this Law or an Order made thereunder applied or that he had, at that time, no reason to suspect the genuineness of any trade mark, mark or trade description and that on a demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained the goods ; or
- (b) that otherwise he had acted innocently.

Forging
trade marks.

9. A person shall be deemed to forge a trade mark who either—

- (a) without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive ; or
- (b) falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise,

and any trade mark or mark so made or falsified is in this Law referred to as a forged trade mark :

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the accused.

Applying
marks and
descriptions.

10.—(1) A person shall be deemed to apply a trade mark or mark or trade description to goods who—

- (a) applies it to the goods themselves ; or
- (b) applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade or manufacture ; or

- (c) places, encloses or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with or to any covering, label, reel, or other thing to which a trade mark, or trade description has been applied ; or
- (d) uses a trade mark, or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark, or mark, or trade description.
- (2) A trade mark, or mark, or trade description, shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.
- (3) Goods delivered in pursuance of a request made by reference to a trade mark or trade description appearing in any sign, advertisement, invoice, wine list, business letter, business paper or other commercial communication, shall, for the purposes of paragraph (d) of sub-section (1) of this section, be deemed to be goods in connection with which the trade mark or trade description is used.
- (4) A person shall be deemed to falsely apply to goods a trade mark or mark who without the assent of the proprietor or of the registered user, as is defined in the Trade Marks Law, 1951, of a trade mark applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark to goods the burden of proving the assent of the proprietor or registered user, as the case may be, shall lie on the accused.

11. Where a person is charged with making any die, block, machine, or other instrument for the purpose of forging or being used for forging, a trade mark, or with falsely applying to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or with causing any of the things in this section mentioned to be done, and proves—

Exemption
of certain
persons
employed in
the ordinary
course of
business.

- (a) that in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making trade marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony and was not interested in the goods by way of profit or commission dependent on the sale of such goods ; and
- (b) that he took reasonable precautions against committing the offence charged ; and
- (c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark, or trade description ; and

(d) that he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark, or description was applied, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

Penalties

12.—(1) Every person guilty of an offence against this Law shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred and fifty pounds or to both such imprisonment and fine and in the case of a second or subsequent conviction to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred pounds or to both such imprisonment and fine and in any case, to forfeit to Her Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

(2) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

Prohibition
on importa-
tion.

13.—(1) All goods which, if sold, would be liable to forfeiture under this Law are hereby prohibited to be imported into the Colony, and if any such goods are imported they shall subject to the provisions of sub-section (4) of this section be forfeited and may be destroyed or otherwise disposed of as the Comptroller shall direct.

(2) Where any goods which, if sold, would be liable to forfeiture under this Law, are imported into the Colony and the goods bear any name being or purporting to be the name of any manufacturer, dealer, or trader in the Colony or any trade mark and the Comptroller is, upon representations made to him, satisfied that the use of the name or trade mark is fraudulent, any customs officer may require the importer of the goods, or his agent, to produce any documents in his possession relating to the goods, and to furnish information as to the name and address of the person by whom the goods were consigned to the Colony and the name and address of the person to whom the goods were sent in the Colony and, if the importer or his agent fails within fourteen days to comply with any such requirement, he shall be guilty of an offence against this Law.

(3) Any information obtained from the importer of the goods or his agent under this section or from any other source, may be communicated by the Comptroller to any person whose name or trade mark is alleged to have been used or infringed.

(4) If the import of any goods into the Colony is prohibited in terms of this section, the Comptroller, after—

(a) being furnished by the importer thereof with proof of the country in which the goods were made or produced ;
and

(b) being satisfied that the goods are capable of being marked so as to comply with the requirements of this Law, may, within such time as he may specify, permit the importer of the goods to mark them so as to comply with such requirements and such goods may, notwithstanding the provisions of section 43 of the Customs Laws, 1954 to 1958, or any Law amending or substituted for the same, be imported into the Colony.

8 of 1954
49 of 1955
19 of 1957
11 of 1958.

14. Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty or any of the Royal Family, of the Governor or any Government department, shall be liable on conviction to a fine not exceeding two hundred and fifty pounds.

False representation as to Royal Warrant.

15. In any charge, pleading, proceeding, or document in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

Trade mark, how described in pleading.

16.—(1) Any invoice or other document submitted or used by an importer or any other person in connection with the importation of goods in respect of which a prosecution is brought under this Law may be produced as evidence in any criminal proceedings without calling the person who prepared or signed it.

Rules as to evidence.

(2) In any prosecution for an offence against this Law, in the case of imported goods, evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

(3) Where, in any prosecution for a contravention of this Law, the consent of the proprietor or registered user of a trade mark is a relevant issue, the onus of proving the consent of such proprietor or registered user shall lie on the accused.

17. Any person who, being in the Colony, procures, counsels, aids, abets, or is accessory to the commission, outside the Colony, of any act which, if committed in the Colony, would under this Law be an offence, shall be guilty of that offence as a principal, and be liable to be charged, proceeded against, tried, and convicted in any place in the Colony in which he may be, as if the offence had been there committed.

Punishment of accessories.

18.—(1) Where, upon complaint of an offence against this Law, the Court has issued either a summons requiring the accused charged by such complaint to appear to answer to the same, or a warrant for the arrest of such accused, and either the said Court on or after issuing the summons or warrant, or any other Court, is satisfied by statement on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession, or under his control in any place, such Court may issue a warrant by virtue of which it shall be lawful for any Police or Customs officer named or referred to in the warrant to enter such house, premises, or

Search Warrant.

place at any reasonable time by day, and to search there for and to seize and take away those goods or things ; and any goods or things seized under any such warrant shall be brought before a Court for the purpose of being determined whether the same are or are not liable to forfeiture under this Law.

(2) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Law is unknown or cannot be found, a complaint may be laid before a Court for the purpose only of enforcing such forfeiture, and such Court may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3) Any goods or things forfeited under this section or under any other provision of this Law, may be destroyed, or otherwise disposed of, in such manner as the Court by which they are forfeited may direct ; and the Court may, out of any proceeds which may be realised by the disposition of the goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with the goods.

Costs.

19. On any prosecution under this Law the Court may order costs to be paid to the accused by the prosecutor, or to the prosecutor by the accused, having regard to the information given by and the conduct of the accused and prosecutor respectively.

Limitation of prosecution.

20. No prosecution for an offence against this Law shall be commenced after the expiration of three years next after the commission of an offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Implied warranty on sale of marked goods.

21. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark, and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Law, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

Appointment of inspectors and powers of inspectors and police officers.

22.—(1) The Director may appoint any person to be an inspector for the purposes of this Law.

(2) Any inspector who produces a certificate of his appointment under sub-section (1) of this section or any police officer may, at any time during the hours when the premises are open for business, enter any premises on which he has reason to believe there are kept for sale any goods, whether imported into or manufactured in the Colony, and, on giving a receipt therefore, may, without payment, take and remove samples of any such goods for examination or inspection or for any other purpose relating to the provisions of this Law.

(3) An inspector or police officer taking a sample in terms of sub-section (2) shall forthwith notify the person on whose premises the sample is taken, or his agent, that the sample is taken in pursuance of the provisions of this Law and shall, if required so to do at the time of giving such notification, select a second like sample or, if practicable, divide the sample into two parts and mark and seal and leave with that person or agent either the second sample or one part of the divided sample.

(4) Any sample taken by an inspector or police officer under the powers conferred upon him by sub-section (3) shall, whenever possible, be returned by him to the person from whose premises it was removed or to his agent.

(5) Any person who obstructs an inspector or police officer in the execution of the powers conferred upon such officer or such inspector by this section shall be guilty of an offence against this Law.

23.—(1) This Law shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Law, be brought against him. Savings.

(2) Nothing in this Law shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against him in any prosecution for an offence against this Law.

(3) Nothing in this Law shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony, who *bona fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

24. The Governor may make regulations generally for the better carrying out of the purposes of this Law. Regulations.

25. The Merchandise Marks Law is hereby repealed without prejudice to anything done or left undone thereunder: Repeal.
Cap. 195.

Provided that the Merchandise Marks Regulations, until amended or revoked by any regulations made under section 24 of this Law, shall be deemed to have been made and shall have effect as if made under the provisions of this Law. S.L. Vol. I.,
pp. 415-418.

7th November, 1958.

A. F. J. REDDAWAY,
Administrative Secretary.