

AN ACT PROHIBITING THE USE, WITHOUT THE CONSENT OF THE OWNER, OF CONTAINERS, USED FOR THE SALE OF FOODSTUFFS, LEVERAGES, DRUGS, AND MEDICINES, AND PRESCRIBING PENALTIES FOR VIOL...

Act No. 3070, March 16, 1923

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Any person, firm or corporation engaged in the manufacture, preservation, packing, or sale of foodstuffs, beverages, drugs, or medicines sold to the public in permanent containers of glass, wood or metal of such construction that the contents can be removed without damage to the container, may identify such containers by branding, stamping, blowing, engraving, or otherwise reproducing or marking in a permanent manner into the substance of such containers a name, mark, or distinctive design, and may obtain the registration of such container and of the name, mark or distinctive design, by complying with the following requisites:

(a) File for registration in the Bureau of Commerce and Industry an affidavit giving the applicant's name, residence, or citizenship; his place of business; a description of the container used by the applicant and of the name, mark or distinctive design adopted by him, together with three photographs or reproductions of the same; a statement regarding the method by which such name, mark, or distinctive design is worked into or upon the substance of the container; a statement of the class of goods sold by the applicant in such containers, and the time during which the applicant has been using containers so marked.

(b) Pay the sum of fifty pesos in the Bureau of Commerce and Industry.

SEC. 2. Upon compliance with the requisites of the preceding section, the Chief of the Bureau of Commerce and Industry shall issue to the applicant, under the seal of the Bureau, a certificate of registration accompanied by an authentic duplicate of the description of said container and a photograph or reproduction of the name, mark, or distinctive design; and it shall thereafter be unlawful for any person, without the written consent of the owner or owners of such registered containers, to use the same as containers for any analogous or similar substance, article or product, intended for sale, other than that originally placed in the same by the owner of such certificate of registration, or to sell such substance, article, or product or offer the same for sale in such containers: Provided, That nothing in this Act; provided shall be construed to authorize the use of a name, mark or distinctive design of such containers in such manner as to constitute unlawful competition or a violation of any legitimate trade-mark.

SEC. 3. The holder of a certificate of registration issued under the provisions of this Act shall be presumed to be the manufacturer of the contents of all containers marked in conformity with the description contained in said certificate.

SEC. 4. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor and shall, upon conviction, be sentenced, to a fine of not more than five hundred pesos, or to imprisonment for not more than three months, or both, in the discretion of the court.

SEC. 5. This Act shall take effect on its approval.

Approved, March 16, 1923.

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