

AN ACT TO AMEND ARTICLES ONE HUNDRED EIGHTY-EIGHT AND ONE HUNDRED EIGHTY-NINE OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FO...

REPUBLIC ACT NO. 172, June 20, 1947

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article one hundred eighty-eight of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 188. Substituting and altering trade-marks, trade-names, or service marks.—The penalty of prison correccional in its minimum period or a fine ranging" from 500 to 2,000 pesos, or both, shall be imposed upon:

"1. Any person who shall substitute the trade-name or trade-mark of some other manufacturer or dealer or colorable imitation thereof, for the trade-name or trade-mark of the real manufacturer or dealer upon any article of commerce and shall sell the same;

"2. Any person who shall sell such articles of commerce or offer the same for sale, knowing that the trade-name or trade-mark has been fraudulently used on such goods as described in the preceding subdivision;

"3. Any person who in the sale or advertising of his services shall use or substitute the service mark of some other person, or a colorable imitation of such mark; or

"4. Any person who, knowing the purposes for which the trade-name, trade-mark, or service mark of a person is to be used, prints, lithographs, or in any way reproduces such trade-name, trade-mark, or service mark, or a colorable imitation thereof, for another person, to enable that other person to fraudulently use such trade-name, trademark, or service mark on his own goods or in connection with the sale or advertising of his services.

"A trade-name or trade-mark as herein used is a word or words, name, title, symbol, emblem, sign, or device, or any combination thereof used as an advertisement, sign, label, poster or otherwise, for the purpose of enabling the public to distinguish the business of the person who owns and uses said trade-name or trade-mark.

"A service mark as herein used is a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others and includes without limitation the marks, names, symbols, titles, designations, slogans, character names, and distinctive features of radio or other advertising."

SEC. 2. Article one hundred eighty-nine of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 189. Unfair competition, fraudulent registration of trade-name, trade-mark, or service mark, fraudulent designation of origin, and false description.—The penalty provided in the next preceding article shall be imposed upon:

"1. Any person who, in unfair competition, and for the purpose of deceiving or defrauding another of his legitimate trade or the public in general, shall sell his goods giving them the general appearance of goods of another manufacturer or dealer, either as to the goods themselves, or in the wrapping of the packages in which they are contained, or the device or words thereon, or in any other feature of their appearance which would be

likely to induce the public to believe that the goods offered are those of a manufacturer or dealer other than the actual manufacturer or dealer, or shall give other persons a chance or opportunity to do the same with a like purpose.

"2. Any person who shall affix, apply, annex, or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation, and shall sell such goods or services.

"3. Any person who, by means of false or fraudulent representations or declarations, orally or in writing, or by other fraudulent means shall procure from the patent office or from any other office which may hereafter be established by law for the purposes, the registration of a trade-name, trade-mark, or service mark, or of himself as the owner of such trade-name, trade-mark, or service mark, or an entry respecting a trade-name, trade-mark, or service mark."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 20, 1947.

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