

AN ACT MAKING OBLIGATORY THE REGISTRATION OF TRADE-MARKS AND TRADE-NAMES FOR CIGARS AND CIGARETTES, REQUIRING THE PUBLICATION OF APPLICATIONS FOR THE REGISTRATION OF SUCH TRADE-...

Act No. 3202, December 03, 1924

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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. With the exception of trade-marks and trade-names already registered under the provisions of Act Numbered Six hundred and sixty-six, as amended, no trade-mark or trade-name shall be used on cigars or cigarettes in the Philippine Islands without having first been registered in the Bureau of Commerce and Industry, in accordance with the provisions of this Act and upon compliance with the requisites, as regards the application, prescribed in the Trade-mark Law, Act Numbered Six hundred and sixty-six, as amended.

Registration of such trade-marks or trade-names shall be conclusive evidence of the exclusive right of the persons using such trade-marks or trade-names, and in order to justify recovery of damages for infringement of such trade-marks or trade-names, as provided by Act Numbered Six hundred and sixty-six, as amended, it shall be sufficient to show that such trade-marks or trade-names were duly registered under the provisions of this Act: Provided, That the benefits of this provision shall be applicable to trade-marks and trade-names for cigars and cigarettes registered before this Act took effect.

SEC. 2. Upon filing an application for the registration of trade-marks or trade-names for cigars or cigarettes in accordance with the requirements hereinbefore prescribed, the Director of the Bureau of Commerce and Industry shall cause an examination of the trade-mark or trade-name to be made, and if on such examination it shall appear that the applicant is entitled to registration of his trade-mark or trade-name, the Director of the Bureau of Commerce and Industry shall cause the said application to be published once a week for six consecutive weeks in the Official Gazette, the cost of publication to be charged against the applicant. The Director of the Bureau of Commerce and Industry shall likewise notify the Manila Tobacco Association and other similar associations of the existence of such application, in order that any cigar or cigarette manufacturer considering himself entitled to object thereto may do so.

The registration fee for trade-marks and trade-names for cigars or cigarettes shall be fifty pesos for each, except in the case of factories the capital of which does not exceed two thousand pesos, for which the fees shall be twenty-five pesos each: Provided, That in case the application for registration is denied, the applicant shall pay only ten pesos for the "examination, in addition to the expenses incurred for publication and notification.

SEC. 3. Any person who believes that his interests or rights would be prejudiced by the registration of a trademark or trade-name used on cigars or cigarettes, may oppose the same by filing notice of opposition stating the grounds therefor with the Bureau of Commerce and Industry, within fifteen days after the last publication of the application. Said notice of opposition shall be duly sworn to. If no notice of opposition is filed within the time

prescribed by this section, the Director of the Bureau of Commerce and Industry shall issue a certificate of registration of the trade-mark or trade-name, as provided in the Trade-mark Law. In all cases where opposition has been filed, the Director of the Bureau of Commerce and Industry shall notify the applicant thereof.

SEC. 4. The Director of the Bureau of Commerce and Industry shall decide all cases where opposition to the registration of a trade-mark or trade-name is made, and shall deny the application or order the registration requested. Any party disagreeing with his decision may submit the matter to the courts of justice within thirty days after notification of such decision, otherwise the decision shall be final and unappealable. The decision of the Director of the Bureau of Commerce and Industry shall remain in effect until revoked by the court.

SEC. 5. Any cigar and cigarette manufacturers having unregistered trade-marks or trade-names on the date of the approval of this Act are hereby required to apply for the registration of such trade-marks or trade-names within ninety days after the date on which this Act takes effect, but this shall not be a bar to their using such trade-marks or trade-names so long as the registration thereof has not been denied by the Director of the Bureau of Commerce and Industry: Provided, That applicants the registration of whose trade-marks is denied shall be entitled to sixty days' time after such denial during which to dispose of the products bearing the trade-mark denied.

SEC. 6. The Director of the Bureau of Commerce and Industry shall be empowered to promulgate, with the approval of the Secretary of Commerce and Communications, such rules and regulations as he may deem necessary to carry out the purposes of this Act.

SEC. 7. Any person, firm or corporation using a trademark or trade-name for cigars or cigarettes without first having the same registered in the Bureau of Commerce and Industry as provided in this Act shall be punished by a fine of not less than two hundred pesos nor more than one thousand pesos, or by imprisonment for not less than ninety days nor more than one year, or both, in the discretion of the court.

SEC. 8. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall take effect on its approval.

Approved, December 3, 1924.

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