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Previous Paper

TRADE MARKS OF INVENTOR 1912

Trs for approval. Legal Report enclosed.

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Ansd 300

This shd be considered woth the  
reganda ord<sup>cs</sup>, as to which  
see minute on 8887 reganda

Wait at once.

General Dept. }  
Mr. Pennington

W. J. R.

25/11

See no. 8887 H. J. R.  
15/IV

Subsequent Paper

1111

388

C O  
3334  
REC<sup>d</sup>  
MAR 12 1912

GOVERNMENT HOUSE  
NAIROBI,  
BRITISH EAST AFRICA.

EAST AFRICA PROTESTANTS

No. 152.

February 21st, 1912.

*Nauch + Co*

I have the honour to transmit herewith for  
your approval two copies of the Trade Marks  
Ordinance 1912, as passed by the Legislative  
Council on the 13th instant.

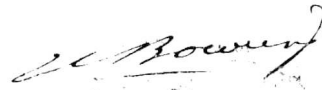
Ordinance  
1912.

2. A copy of an explanatory memorandum by the  
Crown Advocate is also enclosed.

I have the honour to be,

Sir,

Your humble, obedient servant,

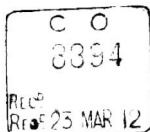


GOVERNOR

THE RIGHT HONOURABLE  
LEWIS HARCOURT, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.



## East Africa Protectorate.



IN THE SECOND YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE V.**  
 SIR EDUARD PERCY CRANWILL GIROUARD.  
 K.C.M.G. D.S.C. R.E.

An Ordinance to provide for the registration of Trade Marks in the East Africa Protectorate.

1912.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as "The Registration of Trade Marks Ordinance, 1912" and shall come into operation for the purpose of making rules and prescribing forms and fees, on the publication of the Ordinance, and, for all other purposes, on such date as the Governor, by notice in the "Gazette," shall determine.

**PART I**  
**Definitions.**

2. In and for the purposes of this Ordinance, unless the context otherwise requires:

"Mark" shall include a device, brand, heading, and a basket, name, signature, word, letter, numeral, or any combination thereof.

"Trade Mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, production, certification, dealing with, or offering for sale.

"Registrable Trade Mark" shall mean a trade mark which is capable of registration under the provisions of this Ordinance.

"Register" shall mean the register of trade marks kept under the provisions of this Ordinance.

"Registered Trade Mark" shall mean a trade mark which is actually upon the register.

"Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of Court; and, in other cases, prescribed by this Ordinance or the Rules thereunder.

"Court" shall mean His Majesty's High Court for East Africa.

"Person" shall include a body corporate.

"Goods" shall mean anything which is the subject of trade in the market or in commerce.

**Register of Trade Marks**

3. There shall be kept at the Office of the Secretary under the Inventions and Designs Act 1888 (Act V of 1888) for the purposes of this Ordinance a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, the dates on which applications were made for their registration, as hereinafter provided, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed. The register shall be kept under the control and management of the aforesaid Secretary, who is in this Ordinance referred to as the Registrar.

4. There shall not be entered in the register any notice of any trust, expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

11. (1) Subject to the provisions of this Ordinance the Registrar may ~~refuse such application as aforesaid, or may accept it absolutely~~ <sup>Action in regard to application</sup> ~~or subject to conditions, amendments or modifications:~~
- (2) In case of any such ~~refusal or conditional acceptance~~ the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Court.
- (3) An appeal under this section shall be made in the prescribed manner, and on such appeal the Court shall, if required, ~~hear~~ <sup>hear</sup> the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.
12. ~~When an application for registration of a trade mark has been~~ <sup>Advertisement of application</sup> ~~accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the Official Gazette.~~ <sup>Such advertisement shall set forth all conditions subject to which the application has been accepted.</sup>
- (1) ~~Within six months after the date of such advertisement, any person~~ <sup>Any person</sup> ~~interested in the registration of a trade mark may, by an application in writing, object to the registration of a trade mark, and give notice to the Registrar of opposition to such registration.~~
- (2) Such notice shall be given in writing in the prescribed manner, <sup>and</sup> shall include a statement of the grounds of opposition.
- (3) The Registrar shall send a copy of such notice to the applicant, <sup>Counter-statement.</sup> and within one month after the receipt of such notice, or such further time, not exceeding three months in all, as the Registrar may allow the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.
- (4) If the applicant sends such counter-statement, the Registrar shall <sup>in case of counter-statement to party opposing</sup> furnish a copy thereof to the persons giving notice of opposition, and shall require him to give security in such manner and to such amount as the Registrar may require for such costs as may be awarded in respect of such opposition, and if such security is not given within fourteen days after such requirement was made or such further time as the Registrar may allow, the opposition shall be deemed to be withdrawn.
- (5) If the person who gave notice of opposition duly gives such security as aforesaid, the Registrar shall inform the applicant thereof in writing, and thereafter the case shall be deemed to stand for the determination of the Court.
- (6) Where the opponent is out of the Protectorate he shall, with notice of opposition to registration, give the Registrar, an address for service in the Protectorate.
14. (1) When a case stands for the determination of the Court under the provisions of the last preceding Section, the Registrar shall require the applicant to make a written application to the Court for an order that, notwithstanding the opposition of which notice has been given, the registration of the trade mark be proceeded with by the Registrar, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court.
- (2) The applicant shall thereupon make his application or take such other proceedings as aforesaid, within the period of one month or such further time as the Registrar may allow, and shall also within the like period give notice thereof to the Registrar.
- (3) If the applicant shall fail to make such application or to take such other proceedings of which notice has been given, the Registrar of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.
15. (1) The Court shall have power <sup>Powers of the Court.</sup> in proceedings under the last two preceding Sections to award to any party such costs as it may consider reasonable and to direct how and by what parties they are to be paid.

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**Associated Trade Mark.**

25. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

26. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes of this Ordinance be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

27. When a person intending to be the proprietor of several trade marks for the same description of goods which wholly resemble each other in the material particulars thereof, yet differ in respect of—

- (a) Statements of the goods for which they are respectively used or proposed to be used; or
- (b) Statements of number, price, quality, or names of places; or
- (c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) Colour;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

28. Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Ordinance user of a registered trade mark is required to be proved for any purpose, the tribunal may, if and so far as it shall think right, accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity as an equivalent for such user.

**Duration and Renewal of Registration.**

29. The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Ordinance.

30. The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed, "the expiration of the last registration."

31. At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

32. Where a Trade Mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no bona fide trade user of such trade mark during the two years immediately preceding such removal.

38. A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bona fide* intention to use the same in connection with such goods, and there has in fact been no *bona fide* user of the same in connection therewith, or on the ground that there has been no *bona fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

#### Effect of Registration.

39. Subject to the provisions of this Ordinance,

Powers of registered proprietor.

(1) The person for the time being entered in the register as proprietor of the trade mark shall, subject to any rights appearing from such register to be vested in any other persons, have power to assign the same, and to give effectual receipts for any consideration for such assignment.

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

40. Subject to the provisions of section 12 of this Ordinance and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered.

Rights of proprietor of trade mark.

Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

More than one proprietor.

41. In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

Registration prima facie evidence of validity.

42. In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Ordinance, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section 9 of this Ordinance.

Registration conclusive after seven years.

Provided that nothing in this Ordinance shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section 22 of this Ordinance.

43. No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the coming into operation of this Ordinance, and has been refused registration under this Ordinance. The Registrar may, on request, grant a certificate that such registration has been refused.

Unregistered trade mark.

44. In an action for the infringement of a trade mark the Court trying the question of infringement shall admit evidence of the usages of the trade, in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons.

Infringement.

- (c) for prescribing the fees payable in respect of applications and registrations and other matters under the Ordinance, and the mode of payment of the same;
- (d) generally for regulating all the things by the said Ordinance placed under the direction or control of the Registrar;
- (e) for altering or revoking the provisions contained in the schedule hereto.
- (2) Any rules made in pursuance of this section shall be published in the "Gazette" and shall come into operation on the publication thereof, subject to disallowance by His Majesty.
- (3) Unless and until they be altered or revoked under this section the provisions contained in the schedule hereto shall be and remain in force.

#### Special Trade Mark

55. Where any association of persons, whether or not an examination in any goods in respect of origin, material, mode of manufacture, quality, design, or other characteristic, and certifies the result of such examination, or certifies upon or in connection with such goods, the Governor may, if he judge it to be to the public advantage, direct the Registrar to permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Governor.

#### Trade Marks Registered in Great Britain

56. (1) Any person who has registered a trade mark in Great Britain shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants, and such registration shall have the same date as the application for registration in Great Britain, provided that his application is made within four months from his applying for protection in Great Britain.
- Provided that nothing in this section contained shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the date of actual registration of his trade mark in the Protectorate.
- (2) The use in the Protectorate during the period aforesaid of the trade mark shall not invalidate the registration of his trade mark.
- (3) The application for the registration of a trade mark under this Section must be made in the same manner as an ordinary application under this Ordinance. Provided that any trade mark the registration of which has been duly obtained in Great Britain, may be registered under this Ordinance.

#### Offences.

57. (1) If any person makes or causes to be made a false entry in the register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing knowing the entry or writing to be false, he shall be guilty of an offence and on conviction shall be liable to imprisonment of either description for a term not exceeding five years.
- (2) Any person who represents any trade mark as registered, which is not so, shall be guilty of an offence, and liable on conviction to a fine not exceeding seventy five rupees.
- A person shall be deemed for the purposes of this section, to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered" or any word or words expressing or implying that registration has been obtained for the trade mark.

61. If any person is, by reason of infancy, lunacy or other inability, incapable of making any affidavit or doing anything required or permitted by this Ordinance or by any rules made under the authority of this Ordinance, then the guardian of such incapable person, or if there be none, any person appointed by any Court possessing jurisdiction in respect of the property of incapable persons upon the petition of any person on behalf of such incapable person, or any other person interested in the making of such affidavit or doing such thing, may make such affidavit, or an affidavit as nearly corresponding thereto as circumstances may permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall, for the purposes of this Ordinance, be as effectual as if done by the person for which he is substituted.

62. Any person who has duly registered his trade mark in respect of any goods in Great Britain may, by himself, his agent or representative in the appropriate territory, giving notice in writing to the Chief of Customs that goods bearing a mark so nearly resembling his trade mark as to be well calculated to deceive are being imported into the British Colonies, cause the said goods to be detained by the Chief of Customs until the rights of the importer have been determined according to law. Provided that any such informant shall reimburse to the Chief of Customs all expenses and damages incurred in respect of such detention made on his information, and of any proceedings consequent on such detention. And provided further that the Chief of Customs may refuse to detain any such goods as aforesaid unless and until the informant shall reimburse with sureties to be approved by the Chief of Customs for the due payment of such expenses and damages.

## The Schedule.

### PART I.

#### Rules.

1. In the construction of these rules any words used herein defined by the Ordinance shall have the meaning thereby assigned to them respectively.
2. The fees to be paid in pursuance of this Ordinance shall be the fees specified in Part 2 of this Schedule and such fees shall be paid in stamps.
3. For the purposes of trade mark registration and of these rules, goods are classified in the manner appearing in Part 3 of this Schedule.
4. If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.
5. Subject to any directions which may be given by the Registrar, all applications, notices, counter statements, representations of marks, papers having representations affixed, or other documents required to be left with or sent to the Registrar shall be upon foolscap paper of a size of approximately 13 inches by 8 inches, and shall have on the left hand part thereof a margin of approximately 2 inches.
6. An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be. If the application be made by a body corporate it may be signed by the Secretary or other principal Officer of such body corporate.

7. An application for registration, and all other communications between the applicant and the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar.

8. Every application shall be advertised by the Registrar in the "Gazette" during such times and in such manner as the Registrar may direct, unless he refuse to entertain the application. The Registrar shall in such advertisement name a place where a specimen or representation of the trade mark is exhibited.

9. Every application for registration of a trade mark shall contain a representation of the trade mark affixed to it in the space which the prescribed form contains for that purpose. The form is set forth in Part 4 of this Schedule.

Where the representation exceeds such space in size, the representation shall be mounted on open tracing cloth or other material that the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid, and the rest may be folded over.

10. Subject to any directions given by the Registrar there shall be sent with the application three representations of each mark, in addition to that affixed to the application. If the mark is to be registered in more than one class then two additional representations for each class after the first shall be supplied.



## PART II.

## Fees.

	Rs.
1. On application to register a trade mark for one or more articles included in one class.	8
2. For registration of a trade mark for one or more articles included in one class.	15
3. For registering a series of trade marks, for every additional representation after the first in each class.	1
4. On notice of opposition, for each application opposed by opponent.	15
5. On application to register a subsequent proprietor in class, assignment or transmission, the first mark.	15
6. For every additional mark assigned or transmitted at the same time.	4
7. For continuance of mark at the expiration of 14 years.	15
8. Additional fee where fee is paid within three months after expiration of 14 years.	2
9. Additional fee for re-registration of trade mark where payment for non-payment of fee made.	15
10. For altering address in the register, by every mark.	1
11. For every entry in the register of a trade mark, and for alteration therein, and otherwise, charged.	1
12. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark.	1
13. On request to Registrar to correct a clerical error or permit amendment of application under Section 33.	4
14. For certificate of refusal to register a trade mark.	13
15. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark, after the first.	8
16. For certificate of registration to be used in legal proceedings.	15
17. For certificate of Registrar under Rule 25 other than certificate of registration to be used in legal proceedings.	4
18. For inspecting register, for every quarter of an hour.	2
19. For inspecting documents lodged in connection with the registration of a trade mark.	2
20. For copies of extracts, for every hundred words or part thereof.	2
21. For certifying copies or extracts.	1

## PART III.

## Classification of Goods.

1. Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.
2. Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.
3. Chemical substances prepared for use in medicine and pharmacy.
4. Raw, or partly prepared vegetable, animal, and mineral substances used in manufactures not included in other classes.
5. Unwrought and partly-wrought metals used in manufacture.
6. Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in class 7.
7. Agricultural and horticultural machinery, and parts of such machinery.
8. Philosophical instruments, scientific instruments and apparatus for useful purposes. Instruments and apparatus for teaching.
9. Musical instruments.
10. Florological instruments.
11. Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.
12. Cutlery and edged tools.
13. Metal goods, not included in other classes.
14. Goods or precious metal (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitations of such goods and jewellery.
15. Glass.
16. Porcelain and earthenware.
17. Manufactures from mineral and other substances for building or decoration.
18. Engineering, architectural, and building contrivances.
19. Arms, ammunition, and stores not included in Class 20.
20. Explosive substances.
21. Naval architectural contrivances and naval equipments not included in Classes 19 and 20.
22. Carriages.

## PART IV.

**Form of Application for Registration of Trade Mark.**

(One representation to be fixed within this space, and two others on separate sheets of foolscap of same size.)

Representation of a larger size may be folded but must be mounted upon linen and affixed hereto.

You are hereby requested to register the accompanying trade mark in class ..... in respect of  
 (a) ..... in the name of  
 (b) ..... who claims to be the proprietor thereof.

Registration fees herewith.

(Signed)

To the Registrar.

Note: State whether the trade mark has or has not been in use before the coming into operation of this Ordinance.

- a) Only goods contained in one and the same class should be set out here.
- b) Here insert legibly the name, address, and business of the individual or firm.

Passed in the Legislative Council the 13th day of February, in the year of Our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

*J. Thomas*

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

*J. P. Smith*

*Clerk of the Council.*

*W. J. Smith*

*Clerk of the Council.*

Assented to in His Majesty's name this      day of February, 1912.

*Governor.*

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*J. P. ...*

*Chief ...*

*W. ...*  
*Treasurer.*

Assented to in His Majesty's name this ... day of February, 1912.

*Governor*

Printed by the Govt. Printer Nairobi

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MEMORANDUM.THE REGISTRATION OF TRADE MARKS ORDINANCE 1912.

1. At the present time there is no law in this Protectorate providing for the Registration of Trade Marks in the Protectorate.

Some protection is given to the proprietors of Trade Marks registered in England by the provisions of Sections 478-489 of the Indian Penal Code. As however frequent application is made for the registration of Trade Marks in this Protectorate, it has been considered advisable to pass an Ordinance making provision for the registration of Trade Marks in this Protectorate similar to that found in the Crown Colonies.

2. This Ordinance is based on, and follows with few alterations, the Southern Nigerian Ordinance No. XVIII of 1910.

3. In my opinion the Ordinance is a proper law for enactment in this Protectorate.

*J. J. Comber.*

\_\_\_\_\_  
CROWN ADVOCATE.

Nairobi,

16th, February 1912.

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MEMORANDUM.

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*B. H. C. [Signature]*

CROWN ADVOCATE.

Nairobi,

16th. February 1912.



THE REGISTRATION OF TRADE MARKS ORDINANCE, 1912.

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Section 10 of the Nigerian Ordinance.

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Section 13 of the Nigerian Ordinance.

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PUBLIC RECORD OFFICE



Section 17. of Registration.	Section 16 of the English Act. Section 19 of the Nigerian Ordinance.
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Section 20. Patent Trade Marks.	Section 23 of the Nigerian Ordinance.
Section 21. Patent claims to Patent marks.	Section 24 of the Nigerian Ordinance.
Section 22. Concurrent user.	Section 25 of the Nigerian Ordinance.
Section 23. Assignment and Transmission of Patent Rights.	Section 26 of the Nigerian Ordinance.
Section 24. Partitionment of Rights on dissolution of partnership.	Section 27 of the Nigerian Ordinance.
Section 25. Associated Trade Marks.	Section 28 of the Nigerian Ordinance.

Section 29 of the Nigerian Ordinance.

Section 27.

Section 30 of the Nigerian Ordinance.

Law of Trade

Section 28.

Section 31 of the Nigerian Ordinance.

Assignment and  
of unregistered  
Trade Marks.

Section 29.

Section 32 of the Nigerian Ordinance.

Registration of  
Patent.

Section 30.

Section 33 of the Nigerian Ordinance.

Renewal of  
Patent.

Section 31.

Section 34 of the Nigerian Ordinance.

Procedure on  
Appeal of  
Patent  
Registration.

Section 32.

Section 35 of the Nigerian Ordinance.

Assignment of  
Registered  
Trade Marks.

Section 33.

Section 36 of the Nigerian Ordinance.

Procedure on  
Appeal of  
Trade Mark  
Registration.

Section 34. Section of Act.	Section 37 of the Nigerian Ordinance.
Section 35. Section of Act.	Section 38 of the Nigerian Ordinance.
Section 36. Section of Registered Trade Mark.	Section 39 of the Nigerian Ordinance.
Section 37. Section of Registered Trade Mark. Court.	Section 40 of the Nigerian Ordinance.
Section 38. Section of Registered Trade Mark.	Section 42 of the Nigerian Ordinance.
Section 39. Section of Registered Trade Mark.	Section 43 of the Nigerian Ordinance.
Section 40. Section of Registered Trade Mark.	Section 44 of the Nigerian Ordinance.
Section 41. Section of Registered Trade Mark. Court.	Section 45 of the Nigerian Ordinance.

Section 42. years.	Section 46 of the Nigerian Ordinance.
Section 43. registered of name.	Section 47 of the Nigerian Ordinance.
Section 44. instrument.	Section 48 of the Nigerian Ordinance.
Section 45. of name less or description goods.	Section 49 of the Nigerian Ordinance.
Section 46. using "off" tion.	Section 50 of the Nigerian Ordinance.
Section 47. ificate of dity.	Section 51 of the Nigerian Ordinance.
Section 48. ware to the	Section 52 of the Nigerian Ordinance.
Section 49.	Section 53 of the Nigerian Ordinance.
Section 50. ified copies Ordinance.	Section 54 of the Nigerian Ordinance.

Section 51.  
Warrants of  
arrest to be  
issued.

Section 55 of the Nigerian Ordinance.

Section 52.  
Section may  
be sent by post.

Section 56 of the Nigerian Ordinance.

Section 53.  
Warrant of  
arrest of  
stranger.

Section 57 of the Nigerian Ordinance.

Section 58 of the Nigerian Ordinance has not been incorporated in the East Africa Ordinance. It has <sup>not</sup> been found that Departments of the Government in this Protectorate hesitate to refer questions for the opinion of the Local Advisers, without any such special invitation.

Section 54.  
Power to make  
rules.

Section 59 of the Nigerian Ordinance.

Section 55.  
Registration  
of Trade  
Marks.

Section 60 of the Nigerian Ordinance.  
Under the East Africa Ordinance the sanction of the Governor is required both for the registration and transfer of a special trade mark. Under the English Act the sanction of the Board of Trade is required in such cases. (Section 22).

Section 56.  
Section 61 of the Nigerian Ordinance.

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Section 63 of the Nigerian Ordinance.

Sections 64 and 65 of the Nigerian Ordinance are not required in the East Africa Protectorate, the matters being sufficiently covered by other laws.

Section 66.  
International  
engagements.  
Priority  
Registration.

Section 66 of the Nigerian Ordinance.

Section 67.  
Inter-colonial  
arrangements.

Section 67 of the Nigerian Ordinance.

Section 68.  
Provision as  
public  
holidays.

Section 68 of the Nigerian Ordinance.

Section 69.  
Ports,  
Wharves, etc.

Section 69 of the Nigerian Ordinance.

Section 70.  
Ports of  
Call  
Authorities  
to be  
appointed  
in  
certain  
ports.

Section 70 of the Nigerian Ordinance.  
The proviso enabling the Chief of Customs to require an informant to give a guarantee for the payment of expenses and damages, has been added.

Schedule to Nigerian Ordinance.