

allowance, including subsistence allowance, at such rate as the High Commissioner in Council may by order prescribe.

FIRST SCHEDULE.

As amended
by 4, 1918, 3.

A degree or diploma in respect of which the holder would be entitled by Law to practise medicine, surgery and midwifery in the United Kingdom or in any British possession or in any country in Europe or in the United States of America.

Provided that where it is necessary in order that a person may practise medicine, surgery and midwifery in any of the said countries that he should be a subject of that country, it shall be sufficient for the purposes of this law if the degree or diploma would entitle the holder to practise medicine, surgery and midwifery in the country in which such degree or diploma was granted if he were a subject of that country.

SECOND SCHEDULE.

We hereby certify that we have examined the documents evidencing the qualification of A.B. to be registered under the Medical Registration Law, 1917, and we hereby find that the said A.B. holds (*here state degree, diploma, or licence of the said A.B.*) and that he is entitled to be registered under the said Law.

C. D.	} <i>Medical</i>
E. F.	
G. H.	

MERCHANDISE MARKS.

12 OF 1892.

RELATING TO FRAUDULENT MARKS ON MERCHANDISE.

[October 28, 1892.]

Definitions.

As amended
by 3, 1913, 2.

1.—(1) For the purposes of this Law,—

The expression "Trade Mark" includes any trade mark which, either with or without registration, is protected by law in Great Britain or any British possession or Cyprus or foreign state, with the Government of which Her Majesty the Queen has for the time being any arrangement for the mutual protection of inventions, designs or trade marks.

The expression "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 place or country in which any goods were made or produced; or
- (c) as to the mode of manufacturing or producing any goods; or
- (d) as to the material of which any goods are composed; or
- (e) 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, shall be deemed to be a trade description within the meaning of this Law.

The expression "False Trade Description" means a trade description which is false 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 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.

The expression "Goods" means anything which is the subject of trade, manufacture or merchandise.

The expressions "Person," "Manufacturer, Dealer or Trader," and "Proprietor" include any body of persons corporate or unincorporate.

The expression "Name" includes any abbreviation of a name.

(2) 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.

(3) 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 *bonâ fide* carrying on business in connection with such goods.

Offences as to
trade marks
and trade
descriptions.

2.—(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 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) Disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging a trade mark; or
- (f) 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 false 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, unless he proves—

- (a) That having taken all reasonable precautions against committing an offence against this Law, 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

- (b) That on 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 such goods or things; or
- (c) That otherwise he had acted innocently.
- (3) Every person guilty of an offence against this Law shall be liable:—
- (a) On conviction on information to imprisonment for a term not exceeding three years, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine; and
- (b) On summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding five pounds; and
- (c) 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.
- (4) 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.
- (5) If any person feels aggrieved by any conviction under this Law made by a Magisterial Court, he may appeal therefrom to a District Court.

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

Forging
trade marks.

- (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 defendant.

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

Applying
marks and
descriptions.

- (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) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression "label" includes any band or ticket.

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) A person shall be deemed to falsely apply to goods a trade mark or mark, who without the assent of the proprietor 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, or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

Exemption of certain persons employed in ordinary course of business.

5. Where a defendant 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 causing any of the things in this section mentioned to be done, and proves:—

(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 Cyprus, 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.

6. 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 *primâ 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.

Application of
Law to
watches.

7. In any information, 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.

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

Rules as to
evidence.

9. Any person who, being in Cyprus, procures, counsels, aids, abets, or is accessory to the commission, without Cyprus, of any act which, if committed in Cyprus, would under this Law be an offence, shall be guilty of that offence as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any place in Cyprus in which he may be, as if the offence had been there committed.

Punishment
of accessories.

10.—(1) Where, upon complaint of an offence against this Law, a Magisterial Court has issued either a summons requiring the

Search
warrant.

defendant charged by such complaint to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said Court on or after issuing the summons or warrant, or any other Magisterial 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 peace officer named or referred to in the warrant to enter such house, premises, or 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 Magisterial Court for the purpose of it 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 District Court for the purpose only of enforcing such forfeiture, and such District 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 realized 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.

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

Limitation of prosecution.

12. No prosecution for an offence against this Law shall be commenced after the expiration of three years next after the commis-

sion of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

13.—(1) All goods which, if sold, would be liable to forfeiture under this Law are hereby prohibited to be imported into Cyprus, and if any such goods are imported they shall be forfeited and may be destroyed or otherwise disposed of as the Chief Collector of Customs shall direct.

Prohibition
on importa-
tion.

(2) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Chief Collector of Customs may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3) The High Commissioner may from time to time make, revoke, and vary regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

14. 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.

Implied war-
ranty on sale
of marked
goods.

15. Where, at the passing of this Law, a trade description is lawfully and generally applied, to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Law with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country,

Provisions of
Law as to
false descrip-
tion not to
apply in
certain cases.

this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

Savings.

16.—(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.

(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 Cyprus, who *bonâ 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.

False
representa-
tion as to
Royal
Warrant.

17. 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, or any Government department, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Short title.

18. This Law may be cited as the Merchandise Marks Law, 1892.

MERCHANT SHIPPING (WIRELESS TELEGRAPHY).

See WIRELESS TELEGRAPHY.

MESAORIA STATE LANDS DELIMITATION.

21 OF 1899.

TO MAKE PROVISION FOR DETERMINING THE LIMITS OF CERTAIN
STATE LANDS.

W. F. HAYNES SMITH.]

[August 12, 1899.

Short title.

1. This Law may be cited as the Mesaoria State Lands Delimitation Law, 1899.