

PARLIAMENT OF CEYLON

5th Session 1952



Trade Marks (Amendment) Act, No. 4 of 1952

Date of Assent . January 16, 1952

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L D.—O. 33/51.

AN ACT TO AMEND THE TRADE MARKS ORDINANCE.

Chapter 121
(Vol. III,
page 456).

[Date of Assent: January 16, 1952.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

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1. This Act may be cited as the Trade Marks (Amendment) Act, No. 4 of 1952.

Short title.

2. The following new sections are hereby inserted in the Trade Marks Ordinance immediately after section 56 of that Ordinance, and shall have effect respectively as section 56A and section 56B thereof:—

Insertion of
new sections
56A and 56B
in Chapter 121.

Power to
make
copies of
damaged
volumes
of the
register.

56A. (1) Whenever the Registrar is satisfied that any volume of the register has been so damaged as to render that volume incapable of being mended, he may cause a copy thereof to be made and authenticated in such manner as he may direct.

(2) Any copy made and authenticated under the provisions of sub-section (1) shall replace the volume of which it is a copy, and shall for all purposes be deemed to have the same legal force and effect as the volume which such copy replaces.

(3) The Registrar shall cause every damaged volume of which a copy has been made under the provisions of sub-section (1) to be preserved as long as it is reasonably practicable for any reference which may be necessary.

Power to
prepare and
insert
re-constructed
folios in
place of lost
or mutilated
or damaged
folios in
registers.

56B. (1) Whenever the Registrar, after due investigation, is satisfied that any folio of any volume of the register has been lost and cannot be recovered or that any such folio has been permanently mutilated or so obliterated or damaged as to render the entries or any material part of the entries therein illegible, he may cause a re-constructed folio to be prepared and inserted in the place

formerly occupied by the lost folio, or in place of the mutilated or damaged folio, or in a copy of a volume prepared under section 56A, as the case may be.

(2) No folio shall be re-constructed as provided in sub-section (1) except in accordance with rules providing—

(a) for the evidence to be admitted and used by the Registrar in ascertaining the particulars originally contained in the lost or mutilated or damaged folio;

(b) for the giving of notice by the Registrar of the preparation of the re-constructed folio; and

(c) for the lodging of objections by any person affected by any of the particulars contained in the re-constructed folio and for the inquiry into any such objections by the Registrar.

(3) Where any folio has been re-constructed by the Registrar in accordance with the preceding provisions of this section, the Registrar shall authenticate the re-constructed folio in the prescribed manner and shall thereafter cause the re-constructed folio to be inserted in the appropriate volume of the register in the place formerly occupied by the lost folio or in place of the mutilated or damaged folio, or in a copy of a volume prepared under section 56A, as the case may be; and the re-constructed folio, when so authenticated and inserted, shall for all purposes be deemed to have the same legal effect as the folio which such re-constructed folio replaces."