

**THE MERCHANDISE MARKS  
ACT 1887: WITH SPECIAL  
REFERENCE TO THE  
IMPORTATION SECTIONS**

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The Merchandise Marks Act 1887: With Special Reference to the Importation Sections by  
Howard Payn

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**HOWARD PAYN**

**THE MERCHANDISE MARKS  
ACT 1887: WITH SPECIAL  
REFERENCE TO THE  
IMPORTATION SECTIONS**



THE  
**MERCHANDISE MARKS ACT 1887**

WITH SPECIAL REFERENCE TO THE

**IMPORTATION SECTIONS**

AND THE

*CUSTOMS REGULATIONS & ORDERS MADE THEREUNDER,*

TOGETHER WITH THE

CONVENTIONS WITH FOREIGN STATES FOR PROTECTION OF TRADE MARKS

AND ORDERS IN COUNCIL UNDER THE PATENTS, DESIGNS AND

TRADE MARKS ACT, 1883, ETC.

BY

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OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,

AND OF THE SECRETARY'S DEPARTMENT OF THE BOARD OF CUSTOMS.

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## PREFACE.

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As a member of the Committee appointed by the Board of Customs to draw up the Regulations and Orders under the Merchandise Marks Act, 1887, as regards imported goods, and having since their issue been brought into contact with a large number of persons desiring to know whether their various marks and brands would pass the Customs, I have necessarily had many of the difficulties occasioned by the new Act specially brought to my notice. I have found that most persons are willing enough to mark their goods in conformity with the law, but that they have experienced great difficulty, especially as regards indirect indications of origin, in knowing what the sections of the Act actually require.

The introductory Chapter deals with most of the points brought into notice up to the present time, and will, I hope, assist those concerned in understanding the principles laid down in the Act, and the various Orders issued under it.

My thanks are specially due to C. J. Follett, Esq., the Solicitor of the Board of Customs, for many useful suggestions, and for having looked over the proof sheets.

I should like to add, that though official rules and documents are quoted, the work is not issued as an official work, and the Board of Customs would not be bound by any of the opinions expressed.

H. P.

18th January, 1888.



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THE  
MERCHANDISE MARKS ACT,  
1887.

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GENERAL INTRODUCTION.

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THE Merchandise Marks Act, 1887, forms such a new point of departure in the law affecting the false marking of goods that it is not thought necessary to burden this manual with any elaborate history of previous legislation, or of legal decisions under former Acts.

The Merchandise Marks Act, 1862, made it a misdemeanour to forge or counterfeit any trade mark, or to falsely apply any such trade mark, with intent to defraud, to any article, or to any wrapper in which any goods were to be sold; and various other offences in connection with the sale of goods with forged or false marks were punishable under it. Difficulties were,

Merchandise Marks Act, 1862.

M.

B