

Application for Permission to Erect Water Closets.—An application for permission to erect water closets at a new building on Marine Lot 278 (Reclamation) was considered.

The Acting Director of Public Works moved—

That the application be granted subject to the approval of the plans by the Board's Surveyor.

The Medical Officer of Health seconded.

Question—put and agreed to.

Application for a Licence to Keep Cattle.—An application for a licence to keep cattle at Yaumati was considered.

The Vice-President moved—

That the licence be granted.

The Acting Director of Public Works seconded.

Question—put and agreed to.

Bubonic Plague Returns.—Bubonic Plague returns for Bombay from July 5th to 10th, 1898, were laid on the table.

Mortality Returns.—The mortality returns for Macao for the weeks ending July 24th and 31st, 1898, and for the Colony of Hongkong for the weeks ending July 30th and August 6th, 1898, were laid on the table.

The Vice-President moved—

That strangers be requested to withdraw.

The Acting Director of Public Works seconded.

Question—put and agreed to.

A confidential meeting of the Board was then held.

Adjournment.—The Board then adjourned until Thursday, the 25th day of August, 1898.

F. H. MAY,
Acting President.

Read and confirmed this 25th day of August, 1898.

F. W. CLARK,
Acting Secretary.

GOVERNMENT NOTIFICATION.—No. 376.

The following telegram from the Secretary to the Government of India is published.

By Command,

T. SERCOMBE SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 25th August, 1898.

“SIMLA, 23rd August, 1898.

“Re your telegram of 20th August last, orders issued to withdraw regulations against Hongkong, Macao, Canton, and Swatow.”

GOVERNMENT NOTIFICATION.—No. 377.

With reference to Government Notification No. 349 of the 6th instant, it is hereby notified that the Honourable ROBERT DALY ORMSBY will resume the duties of Director of Public Works and Water Authority on Monday, the 29th instant.

By Command,

T. SERCOMBE SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 26th August, 1898.

GOVERNMENT NOTIFICATION.—No. 378.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the QUEEN, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 7 of 1898.—An Ordinance for the Naturalization of CHAU TUNG SHANG.

Ordinance No. 15 of 1898.—An Ordinance to provide for the reservation of certain land at Causeway Bay as a recreation ground and for the making of regulations as to its use.

Ordinance No. 18 of 1898.—An Ordinance to amend the Law relating to the Registration of Trade Marks.

By Command,

T. SERCOMBE SMITH,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 24th August, 1898.

No. 7 OF 1898.

An Ordinance for the Naturalization of
CHAU TUNG SHANG.

LS

WILSONE BLACK,
Officer Administering the Government.

[24th August, 1898.]

WHEREAS CHAU TUNG SHANG (周東生), a native of Nam Hoi (南海) district, in the Province of Kwang Tung (廣東), in the Empire of China, at present a Director of the National Bank of China, Limited, in this Colony, has resided in this Colony for more than nine years, and has declared his intention of residing here permanently, and has petitioned to be naturalized as a British subject, within the limits of this Colony, and whereas it is expedient that he should be so naturalized.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Naturaliza-
tion of
CHAU TUNG
SHANG.

1. CHAU TUNG SHANG (周東生) shall be, and he is, hereby, naturalized as a British subject within this Colony, and shall enjoy therein, but not elsewhere, all the rights, advantages and privileges of a British subject, on his taking the Oath of Allegiance under the Promissory Oaths Ordinance, 1869.

Passed the Legislative Council of Hongkong, this 3rd day of August, 1898.

J. G. T. BUCKLE,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 24th day of August, 1898.

T. SERCOMBE SMITH,
Acting Colonial Secretary.

No. 15 OF 1898.

An Ordinance to provide for the reservation of certain land at Causeway Bay as a recreation ground and for the making of regulations as to its use.

LS

WILSONE BLACK,
Officer Administering the Government.

[20th August, 1898.]

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Queen's Recreation Ground Ordinance, 1898.

Reservation
of certain
land to be
known as the
Queen's
Recreation
Ground.

2. The piece of Crown land situate at Causeway Bay in this Colony, delineated and shown upon a plan marked the Queen's Recreation Ground, signed by the Director of Public Works and countersigned by the Governor and deposited in the Land Office of this Colony, shall be henceforth reserved as an open space and be appropriated for the purposes of public recreation and shall be known as "the Queen's Recreation Ground." Provided that if at any time hereafter it appears to the Governor that it is necessary or desirable, in the interests either of the Imperial Government or of the Government of this Colony, that such land should be re-appropriated, it shall be lawful for the Governor to re-appropriate such land and to use it or allow its use for other purposes. Notice of such re-appropriation shall be forthwith published in the Gazette.

Regulations.

3. It shall be lawful for the Governor in Council, from time to time, to make such regulations as he may deem expedient for the maintenance of good order in the Queen's Recreation Ground and for the preservation, management, use, and enjoyment thereof, and to annex to the breach of

any such regulations penalties not exceeding twenty-five dollars in each case. Any such penalty may be sued for and recovered summarily, under the Magistrates Ordinance, 1890. All such regulations shall be published in the Gazette and thereupon shall have the force of law.

Passed the Legislative Council of Hongkong, this 15th day of August, 1898.

J. G. T. BUCKLE,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 20th day of August, 1898.

T. SERCOMBE SMITH,
Acting Colonial Secretary.

No. 18 OF 1898.

An Ordinance to amend the Law relating to the
Registration of Trade Marks.

LS

WILSONE BLACK,

Officer Administering the Government.

[22nd August, 1898.]

WHEREAS, the persons entitled to the benefit and protection of the law in force in this Colony relating to fraudulent marks as applied to merchandise are, in many cases, resident in places situated at a distance from this Colony, and, by reason thereof, the proof of trade marks and of the right to the exclusive use thereof in legal proceedings under such law is attended with difficulty, delay, and expense; and whereas it is expedient to amend the law providing for the registration of trade marks in this Colony:

Preamble.

Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as The Trade Marks Ordinance, 1898.

Short title.

2. There shall be kept a book or books in this Colony, to be called the Register of Trade Marks wherein shall be entered the names and addresses of proprietors of trade marks registered in this Colony, notifications of assignments, and of transmissions of trade marks, and such other matters as the Governor may, from time to time, prescribe. Such register shall be kept as heretofore in the Office of the Colonial Secretary, unless and until the Governor shall, by notification in the Government Gazette, appoint any other place for the keeping thereof.

Register of Trade Marks.

The Register of Trade Marks kept under any enactment repealed by this Ordinance shall be deemed part of the Register kept under this Ordinance.

3. (1.) For the purposes of this Ordinance, a trade mark must consist of or contain at least one of the following essential particulars:—

Trade mark. Essential particulars and disclaimer.

(a.) A name of an individual or firm printed, impressed or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

(c.) A distinctive device, mark, brand, heading, label, or ticket; or

(d.) An invented word or invented words; or

(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars mentioned in this section, any letters, words or figures, or combination of letters, words or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

(3.) Provided as follows :—

(i) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

(ii) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirteenth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this Ordinance if it is already registered in England.

Application for leave to register trade mark.

4. Any person claiming the right to the exclusive use of any trade mark, either solely or jointly with others, may apply to the Governor for leave to register the same in the Register of Trade Marks.

Mode of application.

5. Every such application shall be made to the Governor of the Colony in the Form *A* in the Schedule hereto, and shall be accompanied by a *facsimile* or specimen of the trade mark sought to be registered, and an additional specimen on a separate paper, and also by a statutory declaration, in the Form *B* in the Schedule hereto or an affidavit to the same effect : Provided always that such application shall not be granted unless notice by advertisement of such application having been made shall have been inserted by the applicant at least once a month in the Government Gazette and in one or more of the Hongkong daily newspapers for a period of at least three months before the granting thereof. Such advertisement shall be in the Form *C* in the Schedule hereto.

Governor may order registration and filing of documents.

6. Upon compliance with the formalities prescribed by this Ordinance and by any Rules thereunder, for the time being in force, including payment of the prescribed fees, it shall be lawful for the Governor, if he shall in his discretion think fit, to grant the application and to order the registration of the said trade mark in the Register of Trade Marks and the filing in connection therewith of all affidavits, statutory declarations, and such other documents as may be directed to be filed :

Provided that the Governor, unless satisfied that two or more parties are entitled to be registered as proprietors of the same Trade Mark, shall not register, in respect of the same goods or description of goods, a Trade Mark identical with one already on the Register or having such a resemblance to a Trade Mark already on the Register, with respect to such goods or description of goods, as to be calculated in his opinion to deceive.

Notice of registration in Gazette.

7. Notice of the registration of a trade mark under this Ordinance shall be published by the Colonial Secretary in the Gazette, and the Register of Trade Marks shall be open to public inspection, at all reasonable times, on payment of such fee as may be fixed in manner hereinafter mentioned.

Power to make rules and fix scale of fees.

8. It shall be lawful for the Governor-in-Council, from time to time, to make Rules for regulating the practice with regard to registration under this Ordinance and matters incidental thereto and for the classification of goods with regard to Trade Marks, and generally for the carrying out of the provisions of this Ordinance, and to fix and vary a scale of fees payable in respect of applications and registration and opposition thereto, and of other matters incidental thereto or provided for by this Ordinance or any Rules thereunder.

Entries in register and affidavits to be *prima facie* evidence.

9. From and after the registration of a trade mark, all entries in the Register of Trade Marks and all documents filed under this Ordinance, or an office copy of any such, or of any entry in the register certified under the hand of the Colonial Secretary, shall be admitted in all legal proceedings whatever, civil or criminal, as *prima facie* evidence of the truth and correctness of the contents thereof respectively, and of the right therein appearing of the declarant, deponent, applicant or proprietor solely or jointly with others, as the case may be, to the exclusive use of the trade mark therein referred to.

Assignment and transmission of trade mark.

10. A trade mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

11. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Series of
trade marks.

12. Any trade mark may hereafter be removed by the Colonial Secretary from the Register of Trade Marks after the expiration of each period of fourteen years from the date of its first registration, subject to the following provisions:—

Removal of
trade mark
after four-
teen years,
unless fee
paid.

(a.) Where the trade mark has been registered before the coming into force of this Ordinance, it shall not be removed from the Register on account of the lapse of fourteen years or more from registration, unless notice, by registered letter, has been sent to the registered proprietor, that fourteen years or more have expired since registration of the trade mark, and that he is required to pay the prescribed fee within six months from the date of such notice, failing which the trade mark will be removed from the Register. If such fee is not paid in accordance with such notice the trade mark may be so removed.

(b.) Where the trade mark is registered after the coming into force of this Ordinance, it shall not be removed from the Register, on account of the lapse of fourteen years from registration, unless notice, by registered letter, has been sent to the registered proprietor, that fourteen years have expired since registration of the trade mark and that he is required to pay the prescribed fee within four months from the date of such notice, failing which the trade mark will be removed from the Register. If such fee is not paid in accordance with such notice the trade mark may be so removed.

(c.) Where the prescribed fee has not been paid in the time specified in the notice, and the trade mark has, accordingly, been removed from the Register, the Governor may, if satisfied that it is just so to do, restore the said trade mark to the Register on payment of double the amount of the said prescribed fee.

(d.) Where a trade mark has been removed from the Register for non-payment of the fee or otherwise 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 the Governor shall otherwise direct.

13. It shall be lawful for the Governor-in-Council, at any time and on such grounds as he shall think sufficient, to cancel the registration of any trade mark under this Ordinance.

Power to
cancel regis-
tration.

14. A trade mark must be registered for particular goods or classes of goods.

Connection
of trade
mark with
goods.

15. A trade mark may be registered in any colour or colours, and such registration shall (subject to the provisions of this Ordinance) confer on the registered owner the exclusive right to use the same in that or any other colour or colours.

Trade marks
may be
registered in
any colour.

16. Ordinance No. 16 of 1873, Ordinance No. 8 of 1886, Repeal and Ordinance No. 20 of 1895 are hereby repealed.

17. It shall be lawful for the Governor to deal with applications made before the coming into operation of this Ordinance in such manner as he may, in each case, deem expedient.

Pending
applications.

Passed the Legislative Council of Hongkong, this 15th day of August, 1898.

J. G. T. BUCKLE,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 22nd day of August, 1898.

T. SERCOMBE SMITH,
Acting Colonial Secretary.

SCHEDULE.

Form A.

THE REGISTRATION OF TRADE MARKS ORDINANCE 1898.

Application for Registration of Trade Mark.

To His Excellency the Governor of Hongkong.

Representations
of a larger size
may be folded
but must be
mounted and
affixed.



Fix trade mark
here. One other
specimen to be
sent on separ-
ate paper.

(a) Only goods
contained in one
and the same
class should be
set out here, a
separate appli-
cation is requir-
ed for each separ-
ate class.

Your Excellency is hereby respectfully asked to permit and direct the registration in The Register of Trade Marks of the accompanying Trade Mark in Class _____ in respect of (a.)

(b) Here insert
legibly the full
name, address,
and description
of the individual,
firm, or Com-
pany. Add trad-
ing style (if any),
and, if there are
more partners
than one in the
firm, state the
names of all the
partners.

in the name of (b.)

who claims to be the proprietor thereof (a.)

(c) In case of a
firm or Company
alter to "claim
to be the proprie-
tors thereof."

The essential particulars of the Trade Mark are the following (d.)

(d) See Section
3 of the Ord-
inance.

and disclaim any right to the exclusive use of the added matter.

Signed _____ (e)

(e) To be signed
by the applicant
or by an agent
duly authorized.

Dated the _____ day of _____ 18

Form B.

I A.B. _____ of _____

do solemnly and sincerely declare as follows:—

(1) Insert: I,
solely, or I
jointly with A.B.,
or the—com-
pany as the case
may be.

1. To the best of my knowledge and belief I (1) have the right to the exclusive use of the Trade Mark hereunto annexed and referred to in my application dated the _____ day of _____

(2) Insert time
when use com-
menced.

2. Such Trade Mark has been used by [me] or [by my firm of] [or as the case may be] in respect of the goods mentioned in my application since (2) _____ (or)

* 2 or 2(a) to
be used accord-
ing to the cir-
cumstances.

2 (a).* Such Trade Mark has not, hitherto, been used by [me] or [by my firm of] [or as the case may be] in respect of the goods mentioned in my application, but it is (my) or (their) intention so to use it forthwith.

(3) If not, insert
the word "not."
(4) Add the
name if register-
ed, and for what
classes of goods.

3. To the best of my knowledge and belief the said Trade Mark has^s (3) been registered in England [in the name of] (4)

(5) This para-
graph is not
required when
the declaration
is made neither
in the United
Kingdom nor
in Hongkong.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835. (5)

A.B.

Declared at _____
this _____ day of _____ 18
Before me

Note.—When the declaration is made by a person who does not understand the English language, the requirements of Ordinance 12 of 1893 must be complied with, where the declaration is made in Hongkong, and if made elsewhere a proper clause must be added.

Form C.

Form of Advertisement.

THE TRADE MARKS ORDINANCE, 1898.

Application for Registration of Trade Mark.

(a) Insert name,
address and call-
ing of applicant.

Notice is hereby given that (a.) _____ has on the _____ day of _____ 18 _____ applied for the registration, in Hongkong, in the Register of Trade Marks, of the following Trade Mark (b.)

(b) Here de-
scribe mark or
insert facsimile.

in the name of (c.)
who claims to be the *sole* proprietor thereof.
(or as case may be)

The Trade Mark has been used by the applicant, (or, if not yet used, substitute the words following)

The Trade Mark is intended to be used by the applicant, forthwith, in respect of the following goods (d.) in class (e.)

(d) Insert de-
scription of
goods.

(e) Here insert
number of class
as set out in the
Rules.

(f) This must
be added where
facsimile is not
in the advertise-
ment.

(f.) A facsimile of the Trade Mark can be seen at the office of the Colonial Secretary of Hongkong [and also at (g.)]

(g) Add other
place, if any.

Dated the _____ day of _____ 18 .

Signature of Applicant or of his agent duly au-
thorised (adding) on behalf of (applicant) (as the
case may be).