

No. 55, 1967.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To amend the provisions of the Merchandise Marks Act, 1941, relating to the unauthorized use of certain emblems, the prohibition relating to the sale of bottles marked with the owner's name and the application of the said Act.

*(Afrikaans text signed by the State President.)
(Assented to 1st May, 1967.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 14 of Act 17 of 1941, as amended by section 2 of Act 39 of 1952.

1. (1) Section 14 of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subparagraph (ii) of subsection (1) (c) of the following subparagraph:

“(ii) the name, portrait or effigy of any former State President or Minister of State of the Republic of South Africa or of any former Governor-General or Minister of State of the Union of South Africa or of any former President of ‘De Zuid-Afrikaansche Republiek’ or the republic of ‘De Oranjevrijstaat’”; or;

(b) by the substitution for subparagraph (iii) of subsection 1 (c) of the following subparagraph:

“(iii) a reproduction of the National Flag of the Union, or of any monument, relic or antique as defined in the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No. 4 of 1934), or of the Union Building or of any official residence of the State President or the Prime Minister.”.

(2) The amendment effected by subsection (1) (b) shall not apply to the use by any person of anything which he lawfully used for a continuous period of one year immediately prior to the commencement of this Act.

Amendment of section 17 of Act 17 of 1941.

2. Section 17 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) who sells any goods contained in any such bottle without the consent in writing of the person so named, unless those goods are the property of or have been produced or manufactured by the person so named.”.

Substitution of section 21bis of Act 17 of 1941.

3. The following section is hereby substituted for section 21bis of the principal Act:

“Application of Act to South-West Africa. **21bis.** This Act and any amendment thereof which may be made from time to time shall apply also in the Territory, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the Territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the Territory.”.

Short title.

4. This Act shall be called the Merchandise Marks Amendment Act, 1967.