

THE MERCHANDISE MARKS ACT

REGULATIONS
(under section 14(1) (d))

The Merchandise Marks Regulations, 1908

G.N. 368/08
L.N. 104/66

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(Made by the Collector-General and approved by the Governor on
the 11th day of August, 1908)

G.N. 368/08
Amd:
L.N. 104/66

1. These Regulations may be cited as the Merchandise Marks Regulations, 1908.

2. (a) Goods prohibited to be imported having applied to them false trade marks, false trade descriptions or marks or descriptions otherwise illegal, which upon examination are detected by the officers of Customs, are to be detained by them without the requirement of previous information.

(b) Agricultural produce, the exportation of which is or shall be prohibited under or by virtue of any enactment relating to the protection of produce, or under or by virtue of any order made under any such enactment, is not to be detained without previous information.

3.—(1) In giving information with a view to detention an informant must fulfil the following conditions—

(a) As to goods to be imported—

the informant must give the Collector or the Chief Officer of Customs of the port of expected importation, notice in writing, stating—

- (i) the number of packages expected as far as he is able to state the same;
- (ii) the description of the goods by marks or other particulars sufficient for their identification;
- (iii) the name or other sufficient indication of the importing ship;
- (iv) the manner in which the goods infringe the law;
- (v) the expected day of arrival of the ship.

(b) As to produce to be exported—

the written notice must state—

- (i) the number of packages to be exported or waterborne to be shipped as far as the same can be stated;
- (ii) the description of the produce and other particulars for identification;
- (iii) the name or other sufficient indication of the ship on which to be exported;
- (iv) the manner in which the packages infringe the law or any order made thereunder;
- (v) the expected day of departure of the ship.

(2) He must deposit with the Collector or other officer as aforesaid a sum sufficient, in the opinion of that officer, to cover any additional expense which may be incurred in the examination required by reason of his notice.

4. If upon examination of the goods or packages, as the case may be, the officer of Customs is satisfied that there is no ground for their detention, they will be delivered. If he is not so satisfied, he will decide either to detain the goods, as in a case of detention upon ordinary examination or to require security from the informant, for re-imbursing the Commissioner of Customs and Excise or his officers all expenses and damages incurred in respect of the detention made on his information and of any proceedings consequent thereon.

5. The security thus required must be an immediate *ad valorem* deposit of twenty dollars per cent on the value of the goods as fixed by the officer from the quantities or, in the case of imported goods, the value shown by the entry; and also, subsequently, a bond to be completed within four days in double the value of the goods, with two approved sureties. The *ad valorem* deposit will be returned upon completion of the bond, and will not be required if, as an alternative where time permits, the informant prefers to give a like bond before examination, upon estimated value of the goods declared to by him under statutory declaration. If this security is not duly given as above required there will be no further detention of the goods.

6. In the above regulations the words "officer of Customs" mean an officer acting under general or special direction of the Commissioner of Customs and Excise and the words "value of the goods" mean value irrespective of duty.

7. The "notice" and "bond" required as above shall be in the forms contained in the Schedule, or in such other forms as the Commissioner of Customs and Excise may from time to time order and direct. Schedule.

8. The security taken under these Regulations shall be given up at the times following, that is to say—

- (1) where given before examination, and if no detention, forthwith;
- (2) where given on detention—
 - (a) if the forfeiture is completed (either by lapse of time or ultimate condemnation by a court) then on such completion of forfeiture;
 - (b) if the forfeiture is not completed, then—
 - (i) if the goods are released by the Commissioner of Customs and Excise and no action or suit has been commenced against him or any of his officers in respect of the detention, within six months after the goods are released;
 - (ii) if an action or suit as aforesaid has been commenced, then upon the ultimate conclusion of such action or suit and the fulfilment of the purpose for which the security was given.

9. These Regulations apply to transshipment in transit of goods as well as to goods landed to be warehoused, or for home consumption, or goods prohibited to be exported.

SCHEDULE

(Regulation 7)

NOTICE

The Merchandise Marks Act

To the Collector or Chief Officer of Customs at
the port of

I hereby give you notice that the undermentioned goods, that is to say—
are about to be { imported into } your port on or about the
 { exported from } day of next, in the
 day of from

That such goods are liable to detention and forfeiture being

That

Mr. of and

Mr. of

are prepared to become my sureties in such bond as may be required upon
the detention of the goods.

And I request that the said goods may be detained and dealt with ac-
cordingly.

Dated this day of

A. B.
(or agent for)

BOND

The Merchandise Marks Act

KNOW ALL MEN BY THESE PRESENTS, that we A.B. and
are held and firmly bound unto our Sovereign Lady Elizabeth the Second by
the Grace of God of Jamaica and of Her other Realms and Territories Queen,
Head of the Commonwealth, in the sum of dollars to be
paid to our said Lady the Queen, Her Heirs or Successors. For which payment
well and truly to be made we bind ourselves jointly and severally, our heirs,
executors and administrators, firmly by these presents. Sealed with our seals.

Dated this day of in the year of our
Lord one thousand nine hundred and

A. B.

Whereas the above named A. B. has by a notice dated the
day of informed the Collector of Customs at
that the undermentioned goods, that is to say

were about to be { imported into } the port of
 { exported from }

contrary to section 14 of the Merchandise Marks Act and requested that the
said goods should be detained and dealt with accordingly.

And whereas the said goods } duly arrived in
 } were duly delivered at the said port on the
 day of } last and are now detained

pursuant to the said notice. Now the conditions of this obligation is such that if the said A. B., his executors or administrators, shall well and effectually indemnify, save harmless and keep indemnified Her Majesty, Her Heirs and Successors, and all Her administrators from and against all loss or damage, payment or payments, and all costs and expenses which Her said Majesty, Her Heirs or Successors, and Her and their officers of Customs, their executors or administrators, shall or may sustain or incur by reason or on account of any detention of the said goods following upon the information contained in such notice and any proceedings consequent upon such detention, then this obligation shall be void, or otherwise shall be and remain in full force and virtue.

Signed, sealed and }
 delivered }