

PARLIAMENT OF CEYLON

2nd Session 1953



Trade Marks (Amendment) Act, No. 47 of 1953

Date of Assent : December 19, 1953

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AN ACT TO AMEND THE TRADE MARKS ORDINANCE.

Chapter 121,
Vol. III,
page 456.

[Date of Assent: December 19, 1953.]

BE it enacted by the Queen'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:—

1. This Act may be cited as the Trade Marks (Amendment) Act, No. 47 of 1953.

Short title.

2. The Trade Marks Ordinance is hereby amended by the insertion, immediately after section 63A of that Ordinance as amended by Act No. 56 of 1949, of the following section which shall have effect as section 63B of that Ordinance:—

Insertion of
new section
63B in
Chapter 121.

Use of
religious
pictures,
names and
titles.

63B. (1) Any person who—

(a) uses a religious picture as a trade mark, or

(b) in connection with any trade, business, calling or profession and without the consent of the Minister, uses a religious picture otherwise than as a trade mark or uses a religious name or title whether as a trade mark or otherwise,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred rupees:

Provided, however, that it shall not be an offence under the preceding provisions of this sub-section if a religious picture or a religious name or title—

(a) is used, whether as a trade mark or otherwise, in connection with a trade or business in articles venerated by the followers of the religion with which such picture, name or title is associated, or

(b) is made, printed or inscribed for sale or supply as an article of veneration, or

(c) is set out in a publication which expounds matters relating to such religion or which is issued by or on behalf of an institution or organisation controlled by persons who are followers of such religion, or

(d) is made, printed or inscribed for any other purpose which the Minister may specify as an excepted purpose by Order published in the *Gazette* and in at least one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating in Ceylon.

(2) In this section—

“ calling ” and “ profession ” do not include a religious order;

“ religious picture ” means a representation of—

(a) the founder of a religion,
or

(b) a deity or saint venerated by the followers of a religion, or

(c) an emblem or device associated with a religion;
and

“ religious name or title ” means such name or title as is associated with a religion.