

HOUSE No. 440.

HOUSE OF REPRESENTATIVES, Jan. 31, 1899.

[Introduced on leave by Mr. Johnson of Worcester. Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

For the Further Protection of Trade Marks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any person, association or union
2 filing for record a trade mark under the provi-
3 sion of chapter four hundred and sixty-two of the
4 acts of the year eighteen hundred and ninety-five,
5 to be used in connection with any proprietary
6 medicine that is subject to a revenue tax, may
7 include therein, as a part of the trade mark, a
8 statement of the price which the government
9 requires to be fixed for purposes of revenue.

1 SECTION 2. Whoever sells or advertises for
2 sale at retail any proprietary medicine upon which

3 such trade mark is affixed, at a price less than
4 that stated upon the trade mark, shall be liable, in
5 case price restrictions are a part of the trade
6 mark or of the label upon the package, in an
7 action of tort to the owner of the trade mark, in
8 a sum equal to the price named in said trade mark
9 or label for every package of the article sold and
10 for all costs: *provided, however*, that nothing con-
11 tained in this act shall prevent any person from
12 selling such article under another than its trade
13 marked name at such price as he may elect. And
14 *provided*, that any person who has acquired in
15 good faith a stock of goods upon which such
16 trade mark is affixed, may give notice in writing
17 to the owner of such trade mark, that he has
18 acquired said goods, and the price at which he
19 has acquired them, and may request said owner
20 to purchase the goods at said net cost thereof,
21 within thirty days after receiving such notice, and
22 upon the failure of the owner so to do, the goods
23 may be sold, under the trade mark name, without
24 regard to the price restrictions named in the label
25 or trade mark.

