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PART IV

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps

COMMERCE AND LABOUR DEPARTMENT

NOTIFICATIONS

The 16th June 1943

No. 12293—HC-8/42-Com.(C).—The following notification, issued by the Government of India, Department of Commerce, is republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

COMMERCE—WAR

New Delhi, 8th May 1943

No. 91-C. W. (1)/43.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Department of Commerce, No. 91-C. W. (1)/43, dated the 6th March 1943, namely:—

In the Schedule annexed to the said notification—

I. In Part C, in item 8, after entry (ii), the following entry shall be inserted, namely:—

“(ii-a) Acid Oxalic.”

II. In Part D—

(a) For item 26, the following item shall be substituted, namely:—

“26. Oils, vegetable, non-essential, other than those covered by item 2A in Part E.”

(b) After item 30 the following item shall be inserted, namely:—

“30A. Printers and Lithographers’ inks.”

(c) For item 35A, the following item shall be substituted, namely:—

“35A. Tobacco and tobacco manufactures, the following:—

(i) Flue cured tobacco.

(ii) Cigars.

(iii) Cigarettes.”

III. In Part F, after item 2, the following item shall be inserted, namely:—

“2A. Vegetable product, as defined in the Vegetable Product (Excise Duty) Act, 1943 (XI of 1943).”

S. N. RAY

Joint Secy. to the Govt. of India

The 17th June 1943

No. 12474—HC-21/42-Com.(C).—The following notifications, issued by the Government of India, Department of Commerce, are republished for general information.

By order of the Governor
W. W. DALZIEL

Secretary to Government

New Delhi, 5th June 1943

No. 401-Ind. (A)/43.—In exercise of the powers conferred by sub-section (2) of section 1 of the Trade Marks (Amendment) Act, 1943 (XV of 1943), the Central Government is pleased to appoint the 5th June 1943 as the date on which the said Act shall come into force.

No. 413-Ind.(A)/43.—In exercise of the powers conferred by sub-section (2) of section 4 of the Trade Marks Act, 1940 (V of 1940), the Central Government is pleased to appoint Mr. K. S. Shrivastha, B.A. (Oxon.), Bar-at-Law, as the Registrar of Trade Marks.

No. 405-Ind. (1)/43.—In exercise of the powers conferred by section 84 of the Trade Marks Act, 1940 (V of 1940), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Central Government is pleased to make the following amendments to the Trade Mark Rules, 1942.

the same having been previously published as required by section 1 of the first-mentioned section, namely:—

Amendments

1. In the said Rules—

(1) for the words “Patent Office” wherever they occur, the words “Trade Marks Registry” shall be substituted;

(2) in rule 2, after clause (e), the following clause shall be added, namely:—

“(f) ‘Calcutta Branch’ means the branch established at Calcutta of the Trade Marks Registry”.

(3) in rule 10, for the words “one year”, the words “two years” shall be substituted;

(4) in rule 16,

(a) after the words “hereinafter provided, be”, the words “made in duplicate and shall be” shall be inserted;

(b) for the word “four”, the word “six” shall be substituted;

(c) the brackets and words “(if any)” shall be omitted;

(5) in rule 22, before the word “Every”, the following heading shall be inserted, namely:—

“Acknowledgment of receipt of application.—”

(6) in rule 71, for the word “four” the word “six” shall be substituted;

(7) for rule 86, the following rule shall be substituted namely:—

“86. *Inspection of register, etc.*—The Register, the Refused Textile Marks List and the lists relating to trade marks deposited under section 85 shall be open to inspection, on payment of the prescribed fee, at such times on all the days on which the Trade Marks Registry is not closed to the public, as may be fixed by the Registrar.”

(8) in rule 87, the words “and the Bombay Registrar” shall be omitted;

(9) for rule 88, the following rule shall be substituted, namely:—

“88. *Applications made to the Court to be served on the Registrar*—Every application to a High Court under the Act, shall be served on the Registrar”;

(10) in sub-rule (1) of rule 90,

(a) for the word “two”, the word “three” shall be substituted;

(b) for the word “duplicate”, the word “triplicate” shall be substituted;

(11) rules 99, 106, 107, 110 and 111 and sub-rule (2) of rule 128 shall be omitted,

(12) in rule 103,

(a) in the heading for the word “Lists”, the word “List” shall be substituted.

(b) the word “relevant” shall be omitted;

(13) in rule 104, in the heading, for the word “Lists”, the word “List” shall be substituted;

(14) in rule 108,

(a) the words “either in the Patent Office or in the Bombay Registry” shall be omitted;

(b) the word “Bombay” wherever it occurs shall be omitted;

(c) for the word “Lists”, the word “List” shall be substituted;

(15) for rule 109, the following rule shall be substituted, namely:—

“109. *Application for registration, additional representation*—Every application for the registration of a trade mark (other than a mark consisting of a word or words or letters or numerals or any combination thereof) relating to textile goods shall be made on Form TM-2 and shall be accompanied by six additional representations of the

mark. The representations of the mark on the application and its duplicate and the additional representations shall correspond exactly with one another. The additional representations shall in all cases be noted with all such particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant.

(16) in Chapter II of Part III, for the heading "Rules under section 64 (i)" the heading "Rules under sub-section (1) of section 64" shall be substituted;

(17) in sub-rule (2) of rule 120, the words "and at the Bombay Registry" shall be omitted;

(18) in rule 122, the words "and the Bombay Registrar" shall be omitted;

(19) in rule 123 the words "or the Bombay Registrar" wherever they occur and the words "as the case may be" shall be omitted;

(20) in rules 124 and 127, the words "or the Bombay Registrar" wherever they occur shall be omitted;

(21) in sub-rule (3) of rule 138, sub-rule (2) of rule 139 and sub-rule (2) of rule 140, for the words "Trade Marks Journal", the word "Journal", shall be substituted;

I. In the Schedules annexed to the said Rules—

(A) in the First Schedule—

(1) against entry No. 1, the word, figures and letter "or 63A" in the second column shall be omitted;

(2) against entries Nos. 33, 34, 35 and 62, the words "or Bombay Registrar" in the second column shall be omitted;

(3) against entry No. 67, in the second column,

(a) the words "Textile Marks Records" and "or copy of entries supplied under rule 107" shall be omitted;

(b) for the word "Lists", the words "List, or copies thereof" shall be substituted;

(B) in the Second Schedule—

(1) in the entries relating to Form Nos. TM-17, TM-19 and TM-43, the words "or Bombay Registrar" in the third column shall be omitted;

(2) in the entries relating to Form No. TM-21, the words "or Bombay Registrar's" in the third column shall be omitted;

(3) in the Forms set forth in the said Schedule—

(a) in Form TM-1,

(i) for the word "Calcutta", the word "Bombay" shall be substituted;

(ii) above the heading "section 14 (1), rule 12", the following heading shall be inserted, namely:—

"To be accompanied by a duplicate of this form and by six additional representations.)"

(iii) in Form TM-2, the word, figures and letter "section 63A" and the brackets and words "(To be accompanied by a duplicate of this Form and by six additional representations)" shall be omitted;

(iv) in Forms TM-2 to TM-7, TM-11 to TM-17, TM-19 to TM-21, TM-23 to TM-41, TM-44 to TM-48 and TM-50 to TM-53—

(a) for the word "Calcutta", the word "Bombay" shall be substituted;

(b) the words "The Registrar of Textile Trade Marks at Bombay, The Trade Marks Registry, Bombay" shall be omitted;

(c) the words "Strike out whichever address is not applicable" and the letter reference thereto shall be omitted;

(d) in Form TM-3—

(i) for the word "accompanied", the words "by a duplicate of this Form and" shall be inserted;

(ii) for the word "four", the word "six" shall be substituted;

(iii) for the word "duplicate", the word "triplicate" shall be substituted;

(e) in Form TM-4,

(i) for the word "two", the word "three" shall be substituted;

(ii) for the figure "2", the figure "3" shall be substituted;

(iii) the words "and in the case of a textile mark, by three duplicates of the application and by three copies of the draft regulations with Form TM-40" shall be omitted;

(iv) in Form TM-7, for the words "Patent Office" the words "Trade Mark Registry" and for the words "Calcutta Branch of the Trade Marks Registry" the words "Bombay Registry" shall be substituted;

(v) in Forms TM-8, TM-9 and TM-10, for the words "Calcutta, or at the Trade Marks Registry, Bombay as

the case may be", the words "Bombay or at the Calcutta Branch of the Trade Marks Registry, Calcutta" shall be substituted;

(vi) in Form TM-10, the words "Patent Office" shall be omitted;

(vii) in Form TM-15, the words "Bombay Registrar" shall be omitted;

(viii) in Form TM-17, the brackets and words "or the Bombay Registrar's" shall be omitted;

(ix) in Forms TM-17, TM-18 and TM-19, the words "or the Bombay Registrar" shall be omitted;

(x) in Forms TM-19, TM-20, TM-21, TM-23, TM-24, TM-46 and TM-47, the brackets and word "or the Bombay Registrar's" shall be omitted;

(xi) in Form TM-21, the words "or the Bombay Registrar's" shall be omitted;

(xii) in Form TM-22, for the word "Calcutta", the word "Bombay" shall be substituted and the words "the Registrar of Textile Trade Marks at Bombay, Trade Marks Registry, Bombay" shall be omitted;

(xiii) in Form TM-38, the entry "(six)" and the note "In the case of textile marks relating thereto" shall be omitted and for the word "Four", the word "Six" shall be substituted;

(xiv) in Forms TM-42 and TM-43, for the words "Calcutta or Bombay, as the case may be", the words "Bombay or the Calcutta Branch of the Trade Marks Registry" shall be substituted;

(xv) in Form TM-46, the words "or Bombay Registrar" shall be omitted;

(xvi) in Form TM-50, the words "or the Bombay Registrar, as the case may be" wherever they occur shall be omitted;

(xvii) in Form TM-55, after the words "Total fee" the words and figures "on any number of such applications made at the same time by the same person and relating to one and the same trade mark, in respect of the different items under rule 102" shall be inserted;

(xviii) in Forms TMA-1, TMA-2 and TMA-3, for the entry "at Calcutta or Bombay as the case may be", the word "Bombay" shall be substituted;

(C) In the Third Schedule—

(1) in the heading the words "OR THE BOMBAY REGISTRAR" shall be omitted;

(2) in the Forms set forth in the said Schedule—

(i) in Forms O-1, O-2 and O-3, the words "Registrar of Textile Trade Marks at Bombay" shall be omitted;

(ii) in Form O-1, the heading "THE TRADE MARKS REGISTRY, CALCUTTA" shall be omitted;

(iii) in Forms O-2 and O-3, for the words "CALCUTTA BOMBAY" the word "BOMBAY" shall be substituted;

(iv) in Form O-4, for the word "Secretary", the words "Under Secretary" shall be substituted;

(v) for the Seventh Schedule, the following Schedule shall be substituted, namely:—

THE SEVENTH SCHEDULE

List of Associations referred to in rule 116 (1)

| Name of Associations | No. of pages referred to in rule 116 (1) |
|--|--|
| 1. The Ahmedabad Millowners' Association, Ahmedabad. | .. |
| 2. The Maskati Cloth Market Association, Ahmedabad. | .. |
| 3. The Panchkva Cloth Merchants' Association, Ahmedabad. | .. |
| 4. The Millowners' Association, Bombay | .. |
| 5. Bombay Piece-goods Native Merchants' Association, Bombay. | .. |
| 6. The Bombay Country Fancy and Grey Piece-goods Merchants' Association, Bombay. | .. |
| 7. The Hindustani Native Merchants' Association, Bombay. | .. |
| 8. The Indian Merchants' Chamber, Bombay | .. |
| 9. The Chamber of Commerce, Bombay | .. |
| 10. Bengal Chamber of Commerce, Calcutta | .. |
| 11. Bengal Millowners' Association, Calcutta | .. |
| 12. Indian Chamber of Commerce, Calcutta | .. |
| 13. Indian Jute Mills, Association, Calcutta | .. |
| 14. Marwari Chamber of Commerce, Calcutta | .. |
| 15. The Jute Balers' Association, Calcutta | .. |
| 16. Upper India Chamber of Commerce, Calcutta | .. |

| Name of Associations | Number of persons to be recommended |
|---|-------------------------------------|
| 17. The Southern India Millowners' Association, Coimbatore. | 1 |
| 18. The Karachi Indian Merchants' Association, Karachi. | 1 |
| 19. The Piece-goods Merchants' Association, Karachi | 1 |
| 20. The Buyers and Shippers Chamber, Karachi .. | 1 |
| 21. The Karachi Chamber of Commerce, Karachi | 1 |
| 22. The Nagpur Chamber of Commerce, Ltd., Nagpur. | 1 |
| 23. Punjab Chamber of Commerce, New Delhi .. | 1 |
| 24. The Madras Chamber of Commerce, Madras .. | 1 |
| 25. The Southern India Chamber of Commerce, Madras. | 1 |
| 26. The Madras Piece-goods Merchants' Association, Madras. | 1 |
| 27. The Andhra Chamber of Commerce, Ltd., Madras. | 1 |

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No. 495-Ind. A (1)/43—The following draft of certain amendments to the Trade Marks Rules, 1942, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 84 of the Trade Marks Act, 1940 (V of 1940), as amended by the Trade Marks (Amendment) Act, 1943 (XV of 1943) is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th June 1943. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government:—

Draft Amendments

1. After Rule 102, add the following new Rule:

102A. (1) Subject to the provisions of sub-rule (2), where a trade mark consisting exclusively of letters or numerals or any combination thereof has already been registered, or an application for its registration is pending, in respect of an item in the Fifth Schedule, an application for the registration of the same mark may be made by another person in respect of any other item of the same Schedule, provided that such application has been made on or before the 2nd day of February 1943.

(2) In so far as relates to the registration of trade marks consisting exclusively of numerals, letters or any combination thereof, which have been continuously used since a date prior to the 25th February 1937, or which have been deposited under section 85 of the Act, but not further or otherwise, the foregoing sub-rule (1) shall be construed as

if for the words '2nd day of February 1943' there were substituted the words '1st June 1943.'

2. After Rule 141, add the following:

PART V

Rules relating to the Calcutta Branch

142. *Administration of the Branch*—An officer of gazetted status shall under the control and superintendence of the Registrar be in charge of the administration of the Calcutta Branch.

143. *Applications, etc*—All applications, notices, statements, or other documents, authorised or required by the Act or these Rules to be made, left or sent at or to the Trade Marks Registry may be made, left or sent at or to the Calcutta Branch.

144. *Inspection of copy of Register, etc.*—The copy of the Register, the copy of the Refused Textile Marks List and the lists relating to trade marks deposited under section 85 shall be open to inspection, on payment of the prescribed fee, at such times on all days on which the Calcutta Branch is not closed to the public, as may be fixed by the Registrar.

145. *Hearings at the Calcutta Branch*—Where an application for the registration of a trade mark has been made at Calcutta, the application shall in the event of a hearing becoming necessary, and if the applicant so desires, be heard at Calcutta provided that in the event of the Registrar having to deal with more than one application at one hearing in respect of trade marks relating to textile goods, it shall be in the discretion of the Registrar to direct the hearing of the applications at Bombay or Calcutta, where the hearing has taken place of Calcutta, the decision in respect thereof shall be pronounced at Calcutta.

S. N. RAY

Joint Secy. to the Govt. of India

**HOME DEPARTMENT
NOTIFICATIONS**

The 16th June 1943

No. 12383-A.(C).—The following notification, issued by the Government of India in the Home Department, is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

New Delhi, 13th May 1943

No. 35/28/42-Ests.—The following amendments to the Indian Civil Service (Probationary Service) Rules, 1940, made by the Secretary of State for India are published for general information:—

1. Leopold Siemmet Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 247(1) of the Government of India Act, 1935, hereby make with the concurrence of my Adviser, the following amendment in the Indian Civil Service (Probationary Service) Rules, 1940, namely:—

At the end of rule 6 of the said Rules the following shall be inserted:—

“Provided that the final examination in Riding may be held at such time during the probationary period as the Federal Public Service Commission may appoint”.

Given under my hand this 2nd day of March 1943.

L. S. AMERY

one of His Majesty's Principal Secretaries of State

H. K. CHAINANI
Deputy Secretary

The 21st June 1943

No. 1898-C.—The following notification by the Government of the United Provinces is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

HOME DEPARTMENT (POLICE)

MISCELLANEOUS

Lucknow, 9th June 1943

No. 500-Z VIII.—In exercise of the powers conferred by section 199-A of the Criminal Procedure Code the Governor is pleased to declare the book in Hindi entitled “Kisan Sukh Sadhan” (pages 166) written by Dev Narain Dwivedi printed by N. R. Soman at the Shri Lakshmi Narain Press, Benares and published by the Kashi Pustak Bhandar, Chowk, Benares, every copy thereof and all other documents containing copies, reprints and translations of, or extracts from the said document, forfeited to His Majesty, on the ground that the said book contains matter the publication of which is punishable under section 124-A of the Indian Penal Code.

By order
D. S. BARRON
Secretary

**DEVELOPMENT DEPARTMENT
NOTIFICATION**

The 16th June 1943

No. 12391-D.(C).—The following notification, issued by the Government of India in the Department of Education, Health and Lands, is republished for general information.

By order of the Governor
P. C. DAS

Secretary to Government

AGRICULTURE

New Delhi, 10th May 1943

No. F.16-5(1)/43-A.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive

Insects and Pests Act, 1914 (II of 1914), the Government is pleased to make the following Order for the purpose of prohibiting, regulating and restricting the import of live fungi into British India:—

1. In this Order, “fungus” means any living fungus in culture media or on living plants or any fungus spores or mycelium intended to be so cultured, but excludes dried specimens not intended to be so used.

2. No fungus shall be imported into British India unless—

(a) it is consigned to the Imperial Mycologist, Imperial Agricultural Research Institute, New Delhi; or

(b) it is accompanied by a special permit, in accordance with the form set forth in the Schedule to this order authorising such importation issued by the Imperial Mycologist:

Provided that a permit shall not be refused in respect of any fungus which is not, in the opinion of the Imperial Mycologist, likely to cause infection to any crop.

3. This order shall come into force, with effect from the 1st September 1943.

SCHEDULE

Form of special permit authorising importation of living fungi in pure culture.

1. Name, designation and full address of the importer
 2. Name of the fungus to be imported
 3. Country from which importation is sought
 4. Whether importation is intended by sea, land or air
 5. Whether in its original home the fungus is a parasite and if so, the name of the host plant
 6. Name, designation and address of the exporter
 7. Purpose of importation
- The above information is true to the best of belief.

Date..... Signature of the importer

I authorise the importation. This permit will be valid up to.....

Date..... Signature of Imperial Mycologist

N.B.—The permit must be obtained in advance sending the order. The tubes or other container of fungus must be clearly and distinctly marked with name of the fungus, which should agree with the name on the import permit.

J. D. TYSO
Secretary