

CHAPTER 29

LABELS AND TRADE-MARKS

H. F. 323.

AN ACT repealing sections fifty hundred forty-nine (5049), fifty hundred fifty (5050) and fifty hundred fifty-one (5051) of the code (C. C. Secs. 8701, 8702 and 8703, respectively), relative to the false use of any label, trade-mark or form of advertisement, and enacting a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. General regulations. That section fifty hundred forty-
2 nine (5049), fifty hundred fifty (5050) and fifty hundred fifty-
3 one (5051) of the code (C. C. Secs. 8701, 8702 and 8703, respective-
4 ly), be and the same are hereby repealed and the following enacted
5 in lieu thereof:

6 (a) Every person, firm, association or corporation that has hereto-
7 fore adopted or shall hereafter adopt for their protection any label,
8 trade-mark or form of advertisement, may file the same for record in
9 the office of the secretary of state by leaving two copies, counterparts
10 or facsimiles thereof with the secretary of state. Said label, trade-
11 mark or form of advertisement shall be of a distinctive character and
12 not of the identical form or in any near resemblance to any label,
13 trade-mark or form of advertisement previously filed for record in the
14 office of the secretary of state.

15 When the said secretary of state is satisfied that the facsimile copies
16 or counterparts filed are true and correct, and that they are not in any
17 manner an infringement or are calculated to deceive, he shall deliver
18 to such person, firm, association or corporation so filing the same, a
19 duly attested certificate of registration of the same for which he shall
20 receive a fee of one dollar for filing and an additional fee of one dollar
21 for a certificate of registration. Such certificate of registration shall
22 in all actions and prosecutions be sufficient proof of the adoption of
23 such label, trade-mark or form of advertisement, and of the right of
24 such person, firm, association or corporation to adopt and use the same.
25 Should there be at any time any change, alteration or modification in
26 such label, trade-mark or form of advertisement so registered, the same
27 shall be registered in the office of the secretary of state in the same
28 manner and upon the payment in amount of the same fees as in the
29 case of the original registration.

30 (b) Every person, firm, association or corporation adopting a label,
31 trade-mark or form of advertisement as specified in the preceding par-
32 agraph, may proceed by action to enjoin the manufacture, use, display
33 or sale of any counterfeits or imitations thereof; and all courts having
34 jurisdiction of such actions shall grant injunctions to restrain such
35 manufacture, use, display or sale, and shall award the complainant
36 therein such damages resulting from such wrongful manufacture, use,
37 display or sale, and a reasonable attorney's fee to be fixed by the court,
38 and said court shall also order that all such counterfeits or imitations
39 in the possession or under the control of any defendant in such case
40 be delivered to an officer of the court to be destroyed. Such actions
41 may be prosecuted for the benefit of any firm, association or corpora-
42 tion by any officer or member thereof.

43 (c) It shall be unlawful for any person, firm, association or cor-

44 poration to imitate any label, trade-mark or form of advertisement
 45 adopted as provided in the second preceding paragraph, or to know-
 46 ingly use any counterfeit or imitation thereof, or to use or display such
 47 genuine label, trade-mark or form of advertisement of such persons,
 48 firm, association or corporation unless authorized by him or it. Any
 49 person violating any provision of this section shall be imprisoned in
 50 the county jail not more than thirty days, or be fined not less than
 51 twenty-five nor more than one hundred dollars.

Approved March 10, A. D. 1921.

CHAPTER 30

FIREMEN'S PENSION

H. F. 347.

AN ACT to amend section nine hundred thirty-two-e (932-e), supplement to the code, 1913, (C. C. Sec. 4093), relating to pension for disabled and retired firemen and regulating the amount of tax which may be levied for such purpose and the amount which shall be paid to the surviving widow or minor children of a deceased fireman.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Pension increased. That section nine hundred thirty-
 2 two-e (932-e), supplement to the code, 1913, (C. C. Sec. 4093), be and
 3 the same is hereby amended by striking from the 28th line of said sec-
 4 tion the word "twenty" and inserting in lieu thereof the word "thirty"
 5 and by striking from the 31st line of said section the word "twenty"
 6 and inserting in lieu thereof the word "thirty" and by striking from
 7 the 32nd line of said section the word "six" and inserting in lieu
 8 thereof the word "eight".

1 SEC. 2. Publication clause. This act being deemed of immedi-
 2 ate importance shall take effect and be in force from and after its pub-
 3 lication in the Des Moines Capital, a newspaper published in Des
 4 Moines, Iowa, and the Sioux City Journal, a newspaper published in
 5 Sioux City, Iowa.

Approved March 10, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Capital March 11, 1921, and in the Sioux City Journal March 14, 1921.

W. C. RAMSAY, *Secretary of State.*