

TRADE MARKS BILL

COMMITTEE STAGE

Amendments to be moved by the Honourable Margaret Ng

<u>Clause</u>	<u>Amendment Proposed</u>
19	<p>(a) By deleting subclause (2) and substituting -</p> <p>"(2) Subsection (1) does not apply under one or both of the following -</p> <p>(a) where the condition of the goods has been changed or impaired after they have been put on the market, and the use of the registered trade mark in relation to those goods is detrimental to the distinctive character or repute of the trade mark;</p> <p>(b) in the case of goods imported into Hong Kong in the course of trade or business and subsequently put on the retail market, where the person who imported the goods is not identified."</p> <p>(b) By adding -</p> <p>"(3) The person mentioned in subsection (2)(b) shall be treated to have been identified if the name and address of that person in either the Chinese or English language, or in both languages are, -</p> <p>(a) in accordance with the rules, marked on -</p> <p>(i) the goods;</p>

- (ii) any package containing the goods;
- (iii) a label securely affixed to the goods or any package containing the goods;
- (iv) a document enclosed with any package containing the goods;
- (v) a document which relates to the goods and is exhibited in a conspicuous place where the goods are displayed for retail purchase; or

(b) marked as provided by the rules.

(4) Subsection (2)(b) does not apply to any goods in transit or goods in the course of transshipment."

