

Explanation.—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.]

¹[Of²****Property and Other Marks*

478. [*Trade Mark.*] *Rep. by the Trade and Merchandise Marks Act, 1958 (43 of 1958), s. 135 and Sch. (w. e. f. 25-11-1959).*

479. Property mark.—A mark used for denoting that movable property belongs to a particular person is called a property mark.

480. [*Using a false trade mark.*] *Rep. by the Trade and Merchandise Marks Act, 1958 (43 of 1958), s. 135 and Sch. (w. e. f. 25- 11-1959).*

481. Using a false property mark.—Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

482. Punishment for using a false property mark.—Whoever uses ³***any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

483. Counterfeiting a property mark used by another.—Whoever counterfeits any ⁴***property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

484. Counterfeiting a mark used by a public servant.—Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

⁵[**485. Making or possession of any instrument for counterfeiting a property mark.**—Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.]

486. Selling goods marked with a counterfeit property mark.—⁶[Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark] affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(c) that otherwise he had acted innocently,

1. Subs. by Act 4 of 1889, s. 3, for the original heading and ss. 478 to 489.

2. The word “*Trade*” omitted by Act 43 of 1958, s. 135 and the Sch. (w. e. f. 25-11-1959).

3. The words “any false trade mark or” omitted by s. 135 and the Sch., *ibid.* (w. e. f. 25-11-1959).

4. The words “trade mark or” omitted by s. 135 and the Sch., *ibid.* (w. e. f. 25-11-1959).

5. Subs. by s. 135 and the Sch., *ibid.*, for s. 485 (w. e. f. 25-11-1959).

6. Subs. by s. 135 and the Sch., *ibid.*, for certain words (w. e. f. 25-11-1959).