

mark registered here to prevent the adoption of a similar mark by local Argentine manufacturers, who are now much more numerous than formerly, and would benefit greatly by registering a mark similar to one on imported articles. The total number of Trade Marks registered here is now about 4,300, that is to say, even several hundred more than in Spain, and every year shows an increase of registration.

The existing laws on Trade Marks are those of 1876 and 1877. But the latter, a supplementary law of 12th September, 1877, was not generally known even in commercial circles, and was only incorporated for the first time in the printed regulations of the Argentine Trade Marks Office late in 1894. Even to-day few people are aware of its existence, though its provisions materially affect the status of foreign marks.

Articles 38 and 41 of the law of 1876 provided that one year be granted to register marks previously in use in the Republic, and that thirty days' notice of such application for registration was to be given in a newspaper before final registration was permitted. Another Article enacted that after the term of one year had expired the first applicant was entitled to the property of the mark.

It was this latter Article that gave rise to the general conviction (as stated in my General Financial Report for the Argentine Republic in 1894) that any local registered Trade Mark would hold good as against any subsequent application for registration by any holder of a similar foreign mark, especially as there is at present no regular publication issued by the Trade Marks Office giving notice of such local registration of marks from which the agents here of foreign importers of goods could know that such marks, similar to theirs, were being registered. Hitherto the only form of public notification has been by posting notices of new applications for a few days in the Trade Marks Office itself. The rule of publication in the papers for thirty days was only for the first year of the law's existence, and has never been put in practice since then.

Article 4 provided that: "Foreign Trade Marks, in order to be entitled to the privileges accorded by the 1876 law, must be registered in accordance with its requirements."

But Article 1 of the Supplementary Law of 1877 clearly stated that the period of one year granted by the law of 1876 for registration did not apply to foreign marks, so that by this law foreign marks were placed on an entirely different footing to Argentine ones.

It will be noticed that these laws, as regards foreign marks, are very vague, and do not make any special legal regulations or dispositions whatever with regard to them.

Since 1877 it seems almost to have been a doubtful point as to the preference to be accorded under these laws to a foreign mark as against a similar local mark, and it had been contended that a local mark took preference over a foreign mark if previously registered.

In 1891, however, there was a case with regard to "Pinaud's Perfumery"; and the latter, a manufacturing house in Paris, brought an action here against a local firm for using a mark similar to the *rs*. The Supreme Court, on production of proof by certified documents from Paris, that the Pinaud's Perfumery Trade Mark had been properly registered as such in France at a date prior to the registration of the similar mark in Buenos Aires, decided that the foreign mark held good as against the Argentine similar mark, and allowed it to be registered in the Trade Marks Office, and

granted an injunction against the user of the Buenos Aires similar mark, to restrain him from using it. But since then there was an instance in 1893 tending in the opposite direction, where the legal adviser to the Trade Marks Office, in a case similar to the former Pinaud case, advised the Minister of the Interior (before whom the case was carried) that such was not the meaning of the 1876-77 laws on Trade Marks, and held that the application by a foreign owner of a mark similar to a local Argentine one (even though registered abroad at a date prior to the registration of the Argentine one) could not hold good in this country; unfortunately the case was not taken into the Courts, and it was decided that the marks were not identical. But these facts leave the status of foreign marks in an unsatisfactory position of doubt as to their privileges in this country.

The Director of the Trade Marks Office, however, informs me that in every case now, where a foreign Trade Mark has been registered in its own country at a date anterior to that of the registration of a similar mark in the Argentine Republic by local persons, the preference is and would be always accorded by that office to the foreign mark on due documentary proof of its earlier registration abroad.

He also stated that the 1891 case of Pinaud's Perfumery would always be followed, and action could be taken against the local owner of a similar mark.

With regard to the marks themselves, the Argentine Trade Marks Office will not register as separate marks an animal in different positions, such as a "lion couchant" and a "lion rampant," and the same with other marks. And cases have occurred, as mentioned in my Commercial Report, where an embargo has been placed by the owner of a locally registered mark on a consignment of foreign goods bearing the same kind of mark, such as a "crown," though different in some details. The remedy for a foreign owner in such cases appears to be to bring an action against the local owner of the mark to desist from using it, if it can be proved that the foreign mark had prior registration in its own country.

One peculiarity of the Trade Marks Law here is that, not only can designs or drawings be registered, but even an ordinary word in ordinary printed letters.

It is admitted on all sides that the present Trade Marks Laws are defective and require revision. A Commission to inquire into this subject was appointed two years ago, but, up to the present time, has made no definite proposals as to the change to be made. Some months' notice of the new law will, doubtless, be given before any changes are made in this respect. There will also be published shortly a pamphlet with descriptions or drawings of all Trade Marks registered up to the present time.

In view of the probable changes to be made in these laws, I can only again most strongly advise British merchants exporting to the Argentine Republic, to at once register, while the laws may still be interpreted favourably to them, any Trade Marks they may possess, so as to prevent local registration of similar ones. The cost is not great, only about £9, and may prevent expensive law-suits in the future. The number of marks registered by all nations is rapidly and daily increasing.

It does not seem possible, from the inquiries I have made, to take any effective steps to improve the status of foreign marks at present. It seems to me that efforts should rather be made to make widely known in England the importance of