

# MAINE STATE LEGISLATURE

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CHAPTER 17  
UNION LABELS AND TRADEMARKS

Sec.

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**§ 1341. Counterfeiting or imitating**

No person shall counterfeit or imitate any label, trademark, device or form of advertisement, adopted or used by any association or union of workingmen, to indicate that goods to which such label, trademark, device or form of advertisement may be attached or affixed, or on which the same may be printed, painted, stamped or impressed were manufactured, or produced, packed or put on sale by such association or union, or by any member or members thereof, or use such label, trademark, device or form of advertisement without the consent or authority of the association or union so having adopted and used it, provided such label, trademark, device or form of advertisement was not, before such adoption and use, lawfully adopted, owned and used by another. Any association or union, desiring to adopt and use such label, trademark, device or form of advertisement previously adopted, owned and used by another, may acquire from such owner the right to so adopt and use it.

R.S.1954, c. 30, § 57.

**§ 1342. Filing and recording; certificates; proof of adoption**

Every such association or union, adopting a label, trademark, device or form of advertisement shall file the same for record in the office of the Secretary of State, by leaving 2 copies, counterparts or facsimile thereof, with the Secretary of State, together with a statement in writing, signed and sworn to by some person for and in behalf of such association or union, stating when and by whom so far as he knows and believes such label, trademark, device or form of advertisement was adopted or used, in what

manner and for what purpose the same is to be used and by what right the same is claimed, and such other particulars as shall serve to identify the same. The Secretary of State shall deliver to such association or union, so filing the same, a duly attested certificate of the record of the same. Such certificate of record, in all civil actions and prosecutions under this Title, shall be sufficient proof of the adoption of such label, trademark, device or form of advertisement. Whoever willfully swears or affirms falsely to any such statement in writing is guilty of perjury. No label, trademark, device or form of advertisement, so closely resembling one already recorded as to be liable to be mistaken therefor, shall be recorded, and when in the judgment of the Secretary of State such resemblance exists, he may refuse to record such label, trademark, device or form of advertisement, and thereupon proceedings may be had for a writ of mandamus, upon the application of any such association or union, as provided in Title 10, section 1504.

R.S.1954, c. 30, § 58; 1961, c. 417, § 87.

### § 1343. Injunctions; destruction of counterfeits

Every such association or union that has adopted and uses a label, trademark, device or form of advertisement, which has been recorded in the office of the Secretary of State may proceed by civil action to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, or of any goods to which such counterfeits or imitations shall be affixed or attached, or on which the same shall be printed, painted or impressed, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such action, such damages resulting from such wrongful manufacture, use, display or sale as may by said court be deemed reasonable, and shall require the defendants to pay such association or union the profits derived from such wrongful manufacture, use, display or sale. Said court shall order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court or to the complainant, to be destroyed.

R.S.1954, c. 30, § 59; 1961, c. 417, § 88.

### § 1344. Prosecution of civil actions

In all cases where such association or union is not incorporated, civil actions and proceedings may be commenced and prosecuted by an officer or member of such association or union,

for and in behalf of and for the benefit of such association or union.

R.S.1954, c. 30, § 63; 1961, c. 417, § 89.

**§ 1345. Penalties; counterfeiting label or trademark**

Whoever knowingly and with intent to mislead or deceive counterfeits or imitates any recorded label, trademark, device or form of advertisement, or knowingly uses or sells any counterfeit or imitation of any such recorded label, trademark, device or form of advertisement, or knowingly sells or disposes of, or keeps or has in his possession with intent that the same shall be sold, any goods to which any such counterfeit or imitation of such recorded label, trademark, device or form of advertisement is attached or affixed, or on which the same is printed, painted, stamped or impressed, shall be punished for the first offense by a fine of not more than \$100 or by imprisonment for less than one year, and for every subsequent offense, by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 60 days nor more than 3 years.

R.S.1954, c. 30, § 60.

**§ 1346. —Unauthorized use of trademark**

Whoever willfully uses or displays the genuine label, trademark, device or form of advertisement of any such association or union, in any manner not authorized by such association or union, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months; and, for a 2nd offense, shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not less than 30 days nor more than 11 months.

R.S.1954, c. 30, § 61.

**§ 1347. —Unauthorized use of name or seal**

Whoever in any way willfully uses the name or seal of any such association or union, or officer thereof, in and about the sale of goods or otherwise, without the authority of such association or union, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months; and for a 2nd offense shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not less than 30 days nor more than 11 months.

R.S.1954, c. 30, § 62.

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