

大正六年七月

關東州ニ於テ英國商標
保護ニ關スル件

五

五

外務省

trade-mark infringement.

An amicable solution was ultimately arrived at between the two parties immediately concerned; and thus this particular case was settled.

The general question of the protection of British trade marks in Kwantung territory, however, remains undetermined; and I have now received instructions from His Britannic Majesty's Principal Secretary of State for Foreign Affairs to approach the Imperial Government and ascertain whether it is the case that they disclaim any power to prevent the improper use in the leased territory of British trade marks registered in Japan.

His Britannic Majesty's Government have some difficulty in believing that the Imperial Government will be able to uphold the contention that the territory in question is for some purposes under the jurisdiction of Japan and for others under that of China; and it is not clear why in the case
of

of industrial property alone British Subjects in the leased territory should not be entitled to the protection of Japanese law.

Requesting the favour of a reply in due course to this enquiry

Yours very sincerely
Curzon

British Embassy,

Tokio.

July 7, 1917.

受19074號

Dear Excellency,

I desire to invite Your Excellency's consideration of the following matter bearing on the protection of British trade-marks in Kwantung territory.

Last November the Dairen District Manager of Messrs. Brunner Mond and Company, a British Firm, complained to His Britannic Majesty's Consul at that Port that a Chinese dealer in the town had imported from HongKong some soda ash in bags bearing his Firm's Mark B. M. & Co. in a crescent, which trade-mark is registered in Japan.

The Civil Administrator of Dairen, upon being approached by His Britannic Majesty's Consul, stated that as Great Britain had not like France and the United States concluded a special arrangement with Japan for the mutual protection of industrial property rights in China, British Subjects were not entitled to the protection of the Courts of Law of the Kwantung territory in cases of trade-mark

大正六年七月九日 接受
大正六年七月十一日 記録第二部接受

課
商
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第
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商
通
第
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文書課長
大正六年七月十二日 接受

浄書 松原 海

大正六年七月十一日起草
同 年 月 十二日 附

機密

通 機密 第二七號

主任
大正六年七月十二日

主管 通商局長

次下十

東京 次長

東京 如前所

白江氏 改長 長 飛

夏五 州ニ於ケル 某王

第11門第
第26類
第1項第1節

大正六年七月十二日 記録第二部 接受

外務省

高橋 伍後ニ云スル 付

本件ニ関シ 今般 在本邦 某

王大使ヨリ 割紙 字ノ通中

然ノ 次長 取ルハ 交ハ プラン

ナリ、モント、高橋 高橋 伍後 某

新々 付大 是氏 改長 ノ 某王 伍

事ニ 智スル 田舎 振力 某王 伍

某王 伍 某王 伍 某王 伍

仙米

回要...

リトセハ...

高橋...

高橋...

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外務省

貴府 ハレコトニホ一第ニハレ
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ハレ何ナニハレタニハレタニ
ハレタニハレタニハレタニ

(別紙ハレテ 貴府ニ七月七日
左ハレ部ニタニハレタニハレ
ハレタニハレタニハレタニ)

外務省

大正六年八月十五日接

第一課

機外第一〇三號

大正六年八月九日

關東都督府民政長官代理嶋山長官

外務次官幣原重郎殿

大正六年九月四日 記録第二部接

關東州、於今英國高標保護之関件

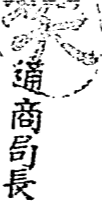
本件、關之客月十二日附通機密送第二七號
ラハ、以照令ノ趣了取致矣。此件ハ英國
大使申越ノ通大連民政署ヲ於テ取扱ヒ
タシモノナリ。其ノ記録存在ヤハ付事件
發生ノ月日等不詳ナリ。昨春秋並大連
英領事大連民政署ニ出頭シテ報告アリ

關東都督府

大連、輸入ヤレ曹達原中ニブラナリ、モンド高
會ノ高標ヲ侵害ヤルモノアリ。太ハ大連支那商人
ノ所ナリ。又調査ヤレ支那ハ多量輸入シタシ
ニシテ同人力高標ヲ侵害ヤレ。此ハコト明確ナリ
リ。トレ是カ保護方ニ関シ口頭質問有之。此
件大連民政署ハ領事ニ對シ英國ハ佛米需
求必メ支那ノ工業所有權ノ相互保護
ニ関シ帝國ト特別協定ヲ訂結シ居リ。此
英米臣民ハ高標侵害ノ場合ニ關東州ヲ於テ
ハ保護ヲ享ク。權利ナシト。概括的ニ答辯シタ
ル。是以上何等細微ニ且ニ説明ヲ為シタシ。我
ニハ各之而シテ支那人カ米佛高標ヲ侵害シタ
ル場合、日佛、日米兩高標相互保護條約

(大正五年十月松浦局長)

通商局長
秘受8810號



意表
十天

車保漢
 榮村の歌
 フタノ歌
 種々の歌
 スヘカノス

規定ヲ適用セトスル意思ハ抱持致居ルハ片
大連民政署長ヨリ報告有シ候條在リ以承知相
成度リ特又閣下爲ニ於ケン本邦人ノ商標乃本
邦ニ於テ登録セシ外國人ノ商標ノ一般ノ保護
方法ニ付以テ裁キ有シ其改本邦人ノ商標保護ニ
関シテハ明治四十年勅令第一七七號ノ規定有之
其支那ノ其他ノ商標相互保護条約ヲ締結
ナル國ノ人民ニヨリ侵害セラルン場合ノ保護等ハ
爲完備ナラザンヤ被存支那ニ有シ且本邦ニ於テ登
録セシ外國人ノ商標保護ノ實ニテハ前頭各條約
以外別ニ保護ノ規定無シキハ是等ニ関シ一般
ニ保護ノ方慮ヲ加フルコトハ勅令トシテ異存無
シ條約未ニ在ルノ寸位議ナリ又場合ハ更ニ以
協議ヲ更ニ爲シ以テ保護シテ以テ其意ナリ也
本邦官廷外ハ
松野乃長官

關東都督府

議より更々爲て候 併々以費意有也
本任官送付也 拓殖局長官

(大正五年十月松河隆綱)

文書課長

大正六年 八月二十四日 起草
同 年 月 日 附 書

送第

號

主任

通商局長

主管



通商課

大正六年九月四日 附 記録第二部接受

関東地区に於ける工業所有権保護法制
現状及其改正に關する意見

関東地区に於ける工業所有権保護ノ法制トシテ
ハ現行法中明治四十四年勅令第百六十七號ノ一

外務省

アル（別紙甲ヲ参照）同勅令ハ明治四十一年勅令
才二百一號ヲ改正シタルモノシテ明治四十四年修約第三
號清土ニ於ける發明、意匠、商標及著作者權ノ相
互保護ニ關する日佛條約（日年五月十八日批准交換
ノ實施）ト同時ニ施行セラレタルモノ（旧法規タル四十一
勅令才二百一號ハ日年條約第五號日米條約ノ實
施ト同時ニ施行セラレタルモノカ）新舊二法ノ差異ハ
左ノ數點ニ存ス（別紙乙ヲ参照）

一、旧法中韓及朝鮮臣民ニ関スル規定ヲ
削除シタルコト

ニ、舊法中附則第五及第六条即チ日本
條約實施ノ際ニ於ケル経過規定ヲ削除
シタルコト

三、旧法第三條即チ外國人ノ權利ニ関スル條
項ヲ全部抹殺シタルコト

現行勅令中外國人ノ權利ニ関スル規定ヲ一掃シ

外務省

タル結果例ハ関東州ニ於テ保護セラルヘキ工業
所有權及著作權ハ帝國臣民ノ權利者タル場
合ノミニ限ルカノ如キ疑問ヲ生セサルヲ得ス然ルニ一
方ニ於テ前記日本條約第六條ハ左ノ規定アリ
而シテ締約國ハ其ノ治外法權ヲ行使スルコトヲ得ル
他國ニ関シ成ルヘク本條約ノ規定ヲ準用スル
キコトヲ約ス

本條約ヨリ生ズル一切ノ權利ハ兩締約國ノ示

屬地及租借地ニ於テモ尊重セラルハク右權利ノ
侵害ニ對スル法律上ノ救済ハ加害者ニ屬
國ノ當該裁判所ニ於テ之ヲ與フルモノトス

前記日佛條約オモテ及大正元年條約オモテ
日露條約オモテ及ニ同様ノ規定ヲ存スルハ故ニ
露佛米諸國人ハ我租借地タル關東州ニ於テ帝
國臣民ト同一ノ保護ヲ享有スルモノナルト條約
ノ解釋トシテハ此ノ疑ナシト雖右條約ヲ公布シ

外務省

タルノミテ直ニ勅令オモテ三條ノ規定ト同一ノ
效力ヲ認ムラレ都督府法院ニ於テ權利侵害ニ對
スル民事上及刑事上ノ救済ヲ受クルヲ得ルヤハ自ラ
是別箇ノ問題タラサルヲ得ス

次ニ關東州内ノ支那人及外國人カ權利ノ侵害者
タル場合ハ新舊ニ法ノ異ニ豫想セラル所ナハ是ニ
侵害事實發生ノ場合ニ現行法制ノ下ニ於テハ如
何トモスヘカサルノ大缺陷アリ現ニ在本邦英國大

使ノ本年七月七日附来勅ニ掲クルカキ事ヲ其ノ
家佛米諸吏人ノ權利ニ付発生スルモノキヲ保護セ
ルニ付今ニ於テ適當ノ措置ヲ講スルヲ必要ナリト
信ス

明治四十二年日本條約締結當時ノ外務当局者
カ関東州内ニ於ケル工業上有権保護法制確立
ノ時期未タ熟セサルモノト論シタルハ事韓國ニ於ケ
ル列國領事裁判權撤廃問題ト牽聯シ成ルヘク

外務省

多數ノ改悛諸國ヲシテ米國同様ノ方法ニ依リ上記
法權一部撤廃ノ議ニ同意セシムカ為我内國法
制上ノ工業所有権保護ノ範圍ヲ漫然推廣セ
シメサルノ用意ニ出タルニ然ルニ明治四十四年日佛条
約実施ノ際ニ於テハ韓國問題解決後ノモノトハ
現行勅令制定ノ際ニ未ダ既ニ同令規定中ヨリ関東
州ヲ全然除外シ別ニ関東州裁判事務取扱令ヲ
改正シ同令第一條列記法令中ニ特許法ノ意匠正法、

商標法、實用新案法及著作権法ノ五者ヲ追
 加スル方事理ニ適セシヤモ知ルヘカラス何レモ帝國
 臣民以外ニ權利侵害者ノ發生ヲ豫想スルノ必
 要ヲ見タ至リタル今日上記ノ修訂ヲ施スハ事情
 不得已次第^{ニ依}テ右修訂ヲ施シタル結果ハ關東
 州ハ全然内地同様ノ地位ニ立テ相互保護條約
 ノ有之ニ拘ラス外國人ノ權利ヲ完全ニ保護スルコ
 トヨリルハ方對外關係上ヨリスモ現行法制ノ不
 明確ナル狀態ニ比シ遙ニ良好ナルヘシ

外務省

大正六年八月十四日
 米田 啓

甲
第

朕明治四十一年勅令第二百一號改正ノ件ヲ
裁可シ茲ニ之ヲ公布セシム

御名御璽

明治四十四年五月二十五日

内閣總理大臣

外務大臣

勅令第百六十七號

第一條 帝國臣民カ帝國ニ於テ享有スル特
許權、意匠權、商標權、實用新案權
及著作權ノ效力ハ關東州及帝國カ
治外法權ヲ行使スルコトヲ得ル外國ニ在
ル帝國臣民ニ及フモノトス

外務省

第二條 特許法、意匠法、商標法、實用新
案法及著作權法中ノ罪ニ關スル規
定ハ關東州及帝國カ治外法權ヲ行
使スルコトヲ得ル外國ニ在ル帝國臣民
ニ對シ之ヲ適用ス

附則

本令ハ明治四十四年五月二十八日ヲ之ヲ施行
ス

乙
號

勅令第二百一號

關東州及帝國カ治外法權ヲ行使スル
コトヲ得ル外國ニ於ケル特許權、意匠
權、商標權及著作權ノ保護ニ關スル
件 勅令

第一條 帝國臣民又ハ韓國臣民カ帝國ニ於テ享
有スル特許權、意匠權、商標權及著作權
ノ效力ハ關東州及帝國カ治外法權ヲ行
使スルコトヲ得ル外國ニ在ル帝國臣民及韓
國臣民ニ及フモノトス

第二條 特許法、意匠法、商標法及著作權法
中ノ罪ニ關スル規定ハ關東州及帝國カ治
外法權ヲ行使スルコトヲ得ル外國ニ在ル帝

外務省

國臣民及韓國臣民ニ對シ之ヲ適用ス

第三條 日韓兩國以外ノ國ノ臣民又ハ人民カ帝
國ニ於テ享有スル工業所有權及著作權
ニ付テハ其ノ所屬國カ治外法權ヲ有スル
外國ニ於テ日韓兩國ノ臣民ニ對シ工業
所有權及著作權ノ保護ヲ與ヘ且韓
國ニ於テ工業所有權及著作權ノ保護
ニ關シ治外法權ヲ行使セサル場合ニ限
前二條ノ規定ヲ適用ス

附則

第四條 本令ハ明治四十一年八月十六日ヨリ之ヲ
施行ス

第五條 本令施行ノ際 本令ノ保護スル他人ノ

商標又ハ之ニ類似スル商標ヲ不正ニ附シタル商品ヲ販賣ノ為所藏スル者ハ本令施行後六月内ニ其ノ商標ヲ除去若ハ抹消スルカ又ハ該商品ヲ清國市場ヨリ撤去スルコトヲ要ス

第六條 日本國臣民、韓國臣民及米國人民カ帝國又ハ米國內ニ於テ著作權ヲ享有セル著作物ヲ本令施行前清國ニ於テ著作權者ノ承諾ナクシテ複製シタル者、翻譯シタル者若ハ興行シタル者又ハ複製、翻譯、興行ニ著手シタル者ハ本令施行後一年間ハ之ヲ完成シテ發賣頒布シ又ハ興行スルコトヲ得

外務省

文書課長

大正六年九月三日 接受



大正六年九月三日

大正六年九月三日 接受

主任

大正六年九月三日 接受

別紙

大正六年九月四日 發送

機密

第17門第
第26項第
第1項第

主管 通商局長

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月四日 記録第二部接受

大正六年九月三日

外務省

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

大正六年九月三日

連二 No. 324. September 13, asking for assistance in tracing a motor-lorry belonging to Messrs. Thornycroft and Company at Tsingtau.

連二 No. 328. September 17, requesting assistance in tracing the intermediary in Messrs. Carlowitz and Company's trade with Guatemala.

I am,
Dear Mr. Shikihara,
Yours sincerely,
H. G. May

本件は十月五日付連二
連二No. 324. 及び
連二No. 328. 宛て
の件々を
見ても
明らか

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通商第二課

政務局

第26177号

250354

British Embassy,
Tokyo.
November 15, 1917.

Dear Mr. Shidekara,

I venture to draw your attention to the notes,
of which particulars are given below, which have been
outstanding for rather a long while.

I should be very much obliged if you would
be good enough to do what may be possible in order to
secure replies from the competent Departments.

The notes are:-

- No. 159. Confidential. May 2, asking for an investi-
gation of the correspondence between various parties
in connection with the funds of the Jaluit Gesell-
schaft.
- No. 216. June 11, asking to be informed of the
requirements of morphia for legitimate purposes in
Japan. (イロハニ)
- Semi-Official. July 7, enquiring as to the circum-
stances of the protection of British Trade-marks in
the Kwantung Leased Territory. (イロハニ)
- No. 258. July 16, on the subject of the South Man-
churia Railway Company's rebates.

No. 324.

大正六年十一月十六日接受
通商第二課
第一課

大正六年十二月廿日接受分

大正六年 月十九日起草 大正六年十二月廿日 發送濟
同 年 月三十日 附

三
同
援第
五
號

主任

主管 通商局長

白仁振監印及

東洋の英園を極

保慶、都、三、什

大正六年十二月廿日 記錄第二部接受

古件之類、古、年、大、日、明、心、可

外務省

[illegible]

文書課長

大正六年七月廿四日接受

浄書校正

大正 年 工 月 廿 日 起 草 意 趣
同 年 八 月 廿 六 日 附

送第 三 十 六 號

主任

主管 通商局長

本野大臣

在本邦

英國大使 宛

關東州ニ於ケル英國商標

保護ニ関スル件

大正六年七月廿六日記録第一二部接収

外務省

以書翰致啓上候陳者關東

州・於ケル英國商標保護ニ関スル

件ニ付本年七月七日付ヲ以テ

御問合、次第有之致敬承候

右ニ就テ、其當時當該官廳

へ移牒致置候ニ付、右回答アリ次

第何分、義志回答可申進候

事、右様承知相成度此般申進

旁本大臣、茲ニ重ネテ閣下ニ向テ

表敬意候敬具

外務省

3-1685

0092

大正七年三月廿五日記録第二部接受

通商局長

33318

December 13th 1918

Dear Mr. Matsuda:-

On the 7th July 1917 His Excellency Sir. Conyngham Greene wrote semi-officially to the late Viscount Motono with regard to the protection of British Trademarks in the Kwantung Leased Territory. The particular question that has arisen was in connection with a Trademark of Messrs. Brunner Mond and Company.

We are writing officially again about this matter as the Foreign Office in London have been pressing us to obtain an early reply.

I think I told you the other day I am going home very shortly and part of my work in London will consist of visiting the Chambers of Commerce and interviewing British merchants. One of the principal questions which will arise on this visit will be that of the protection of British Trademarks in Japan, and this particular one of the Leased Territory has been taken up by the Trademarks Protection Association in the United Kingdom and is sure to cause a good deal of comment. I hope therefore that it will be possible to secure a reply before it is time for me to leave for England.

Yours sincerely,

M. Matsuda Esq.,
Director of the Bureau of
Commercial Affairs,
Foreign Office,
TOKIO.

大正七年三月廿五日記録第二部接受
通商局長
拓殖局(照會)中
件、非

British Embassy,

Tokio.

December 14, 1918.

No. 467.

33323

Monsieur le Ministre,

On the 7th of July 1917 I addressed a communication to His Excellency the late Viscount Motono on the subject of the protection of British Trade Marks in Kwantung Territory and I do not appear as yet to have received an answer from Your Excellency's Department.

As I learn from my Government that they would be glad to receive an early response I have the honour to request that Your Excellency will be so good as to give the matter your kind consideration and favour me with a reply to my enquiry.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

H.B.M. Ambassador.

His Excellency

Viscount Yasuya Uchida,

H.I.C.M. Minister for Foreign Affairs,

&c., &c., &c.,

大正七年三月廿四日接受

大正七年三月廿五日記録第二部接受
課第一課

文書課長

大正七年三月廿日 接受

66

淨書檢正原

大正七年十二月十九日起草
同年十二月三十日附

送第

二六號

主任

主管 通商局長

幣原次友

吉賀拓殖局長官宛

関東州ニ於ケル英米商標

保護ニ関スル件

大正七年三月廿一日記録第二部接受

外務省

本件ニ関シ客年九月四日付通
機密送分一五八号及同年十一月
三日付通機密送分一五三号ヲ以テ至
急回答方及所照分置キタルニ對シ其
後何等申示ニ接セザル處今般在存邦
英米大使ヨリ回答ヲ促シ越候ニ付沙詮議
ノ結果何分ノ義多急沙回示相成度此故
重テ申進候也

126/17

文書課長



大正七年五月廿日 接受

浄書(複製)正原

大正七年十二月十九日起草
同 年十二月二十日附

送第 四三三 號

主任

主管 通商局

内田大臣

在在邦英王大使宛

關東州ニ於ケル英王商標

保護ニ関スル件

大正七年五月廿一日記録第二部接受

外務省

以書翰致啓上於陳者關東州ニ

於英王商標保護ニ関スル件ニ付

本月十四日附貴館ヲ以テ傳申裁相成

致教系候右ハ早速拜答有申進

等日有テ候得共右ニ就テ目下當

該友廳ニ傳達中ノ次第有之

其決定次ハ何令ノ義申進スル等ニ有之

候譯共今般前顯貴信沙申越ノ次ハ

正有之候ニ付、御係左廳ニ對シ至急存
件意見取纏方申入（重）置此役（一應）
申進旁存（大）茲ニ重テ下ニ向テ
教意ヲ表シ候、教具

外務省

淨書校正

主任

通商局長

横濱英王統帥了銀氣付

英日新報友覽

拜啟 陳名異步於今英皇

商標保護ニ関スル件ニ付本月

大正七年三月廿五日 記錄第二部接受

外務省

十三日付貴信

聚散升右先般書王大使

市車誠、今亦自有愛國下劣信

友廳に於て査中、~~有~~決定す

何今、我速、力、回、谷、申、速、力、答、亮

有方者必無害必以仁常為識者

看手付美像皮魔刺之玉兔

事件意見取極多空手申す玉

明治七年十二月廿六日發
第一課

拓秘第八六號

大正七年十二月二十五日

拓殖局長官法學博士 古賀 廉 造



外務次官 幣 原 喜 重 郎 殿

關東州ニ於ケル英國商標保護ニ關スル件

十二月二十日附通送第一三六號ヲ以テ御申越ノ首題ノ件ニ關シテハ目
下關東都督府ト協議中ニ付テハ右決定次第何分ノ義可申進此段一應及
回答候也

大正八年二月四日 記録第二部 接文

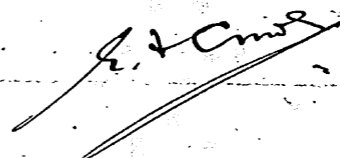
内 閣

-2-

and it will be a great thing if we can arrive at some satisfactory solution.

I am not authorised in any way to bring forward any definite proposal, but it occurs to me that a great deal of time might be saved if by an informal discussion before I leave we could arrive at some kind of agreement which could be submitted to the authorities. If you are in accord with this proposal of mine, would you kindly fix some date when I can come and see you and the other officials mentioned.

Yours sincerely,



00957

January 9th 1919.

Dear Mr. Tanaka:-

I am sorry to have to worry you so soon after you have commenced your duties as Director of the Bureau, but as I am shortly leaving for England and as one of the questions which will undoubtedly arise when I am there is that of Trade Mark problems in Japan and in China, I would be very much obliged if you can kindly give me an appointment some time and arrange that I can also meet Mr. Suzuki the Director of the Patent Bureau, and perhaps if necessary Mr. Okamoto or Mr. Yagi of the Noshomusho.

The whole question of Trade Marks is as you know from your previous experience of the Department one of the problems which the Japanese and British Foreign Offices have been discussing for the last 14 years or so,

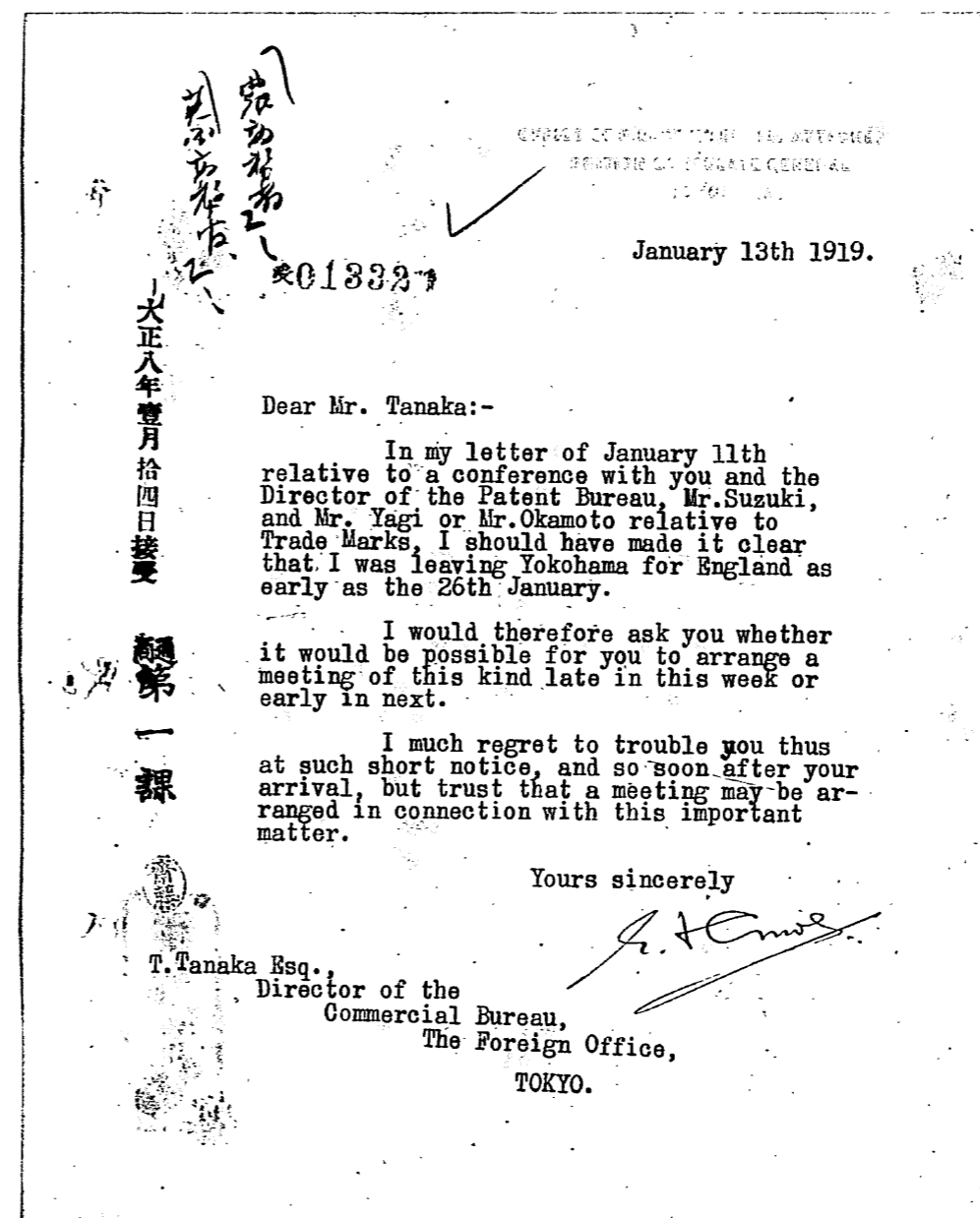
T. Tanaka Esq.,
 Director of the Bureau of
 Commercial Affairs,
 The Foreign Office.
 TOKIO.

-50-

大正八年一月十日 接

通第一課

大正八年一月十五日 記録第二部 接



文書課長

大正八年一月十四日接受

清書
校正
済

大正

八年

一月

十三

日起草

同

年

正月

日

附大正八年壹月拾四日發送

附機密送第二號

主任

主管 通商局長

田中通商局長

拓殖局長官宛

閣下所ニ在ケル英王商標維持係ニ

因シ英王商務官令見申出件

不件ニ因シ今般五務務英王商務官止

大正八年一月十四日接受

外務省

日中ニ歸ス致ニ一々方及テ農商務省側ト令候

致シ渡越日官アリ申出有之石ハ此機令在テ

貴省在テモ同前在ト令候致シ在カハ

コトハ特示不向候ノ解決ノ資ニハ所大ナリ

ト社存以テ示貴省ノ意見亦由事有候

以異議無之在テ其時日ハ指定有候

付取中在

文書課長

大正八年一月十四日接受

浄書中

大正八年一月十四日附

送第

號

主任

主管 通函 奉

田中 局長

在外 邦

大正八年一月十五日記録第二部接受

英王高方及ソロ一氏に

（東京州ニ於ケル）英王高

外務省

標保護方ニ付金見ナシ付

お給ひ者至東京州ニ於ケル英王

高標保護ノ旨ニ付お取立ニ費

用者当りト金見ハ希望ノ旨付

月九日付及ニ本月十三日付電翰ヲ

以テ以中紙ノ紙敬事致し御件ニ

於テハ目下金傳及ニ應々ハ英王御

清成政者及ト協議中ノ次第也

右之右決定ヲ見レトシハ何事モ

的意見ヲ申述スルハ其ノ事ニ

ト致シテハ其ノ事ニ

日本主權ヲ侵スルハ其ノ事ニ

義理上ハ其ノ事ニ

常道ハ其ノ事ニ

常道ハ其ノ事ニ

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常道ハ其ノ事ニ

外務省

文書課長 文書 大正八年一月十四日接受 14 津書 校正

大正八年一月十三日起草 別紙 同 年 月 日 附 大正八年一月十七日記録第二部 主任

再回

農商務省 特許局長宛 田中通商局長

第22617項 第1

主 管 通商局 田中通商局長 閣下、英商、高標、權、保護、商、件、同、今、取、正、横、濱、英、商、務、省、

外 務 省 近日中、歸、主、致、一、十、日、以、貴、省、銘、木、同、不、並、ハ、本、諸、氏、二、今、該、致、シ、後、趣、日、官、リ、申、出、有、之、ハ、本、件、ハ、英、商、務、省、二、同、事、務、省、付、ト、振、派、中、ハ、此、方、ハ、別、紙、字、中、一、号、乃、公、不、四、第、ヲ、以、テ、委、任、以、承、知、五、本、件、通、二、有、之、ハ、處、其、後、英、商、大、使、及、同、商、務、省、リ、本、件、五、急、解、決、方、二、年、取、決、ノ、旨、從、ニ、接、シ、付、二、付、其、都、友、英、商、都、督、村、ハ、同、答、リ、從、

し置きたるに今何者曲示ニ接セザルに才
 有之、而件ニ就ラフ同社ノ意見中
 有之、此才進ヲ貴省ト可及の協誠答
 有之、得共今成英政府官ヲ申出、
 此才有之、右一拾及の送付し宗
 主如右ノの承認、上の若及毛之限、
 日英政府ト令見あ成る、
 以上

外務省

別紙「第一号」トシテ一九二七年七月七日附英日大使来信案。

「第二号」トシテ大正六年七月十二日附通機二七号

内務部附針宛字。

「第三号」トシテ大正六年八月九日附機外一六号

内務部附針来信案。

「第四号」トシテ大正六年九月四日附机外一八号

長官宛字。

以上、

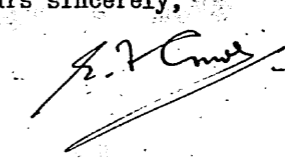
次官

January 15th 1919.

Dear Mr. Tanaka:-

Many thanks for your letter of the 14th instant in connection with the Trade-mark problem. It was not so much with reference to the question of Trademarks in the Kwantung Peninsula that I wish to see you as with regard to the problem as a whole.

I am hoping to come and call on you on Friday the 24th of January, and if it would be convenient to you for me to come in the morning I would be very pleased if you could arrange a time convenient to you and Mr. Suzuki and Mr. Okamoto, and if possible I should like to pay my respects and say good-bye to the Vice Minister on that day; I hope I shall be able to find him in.

Yours sincerely,


T. Tanaka Esq.,
 Director of the Bureau of
 Commercial Affairs,
 The Foreign Office,
 TOKIO.

通商局長
大正八年一月廿日
記録第二部接収

文書課長 長松印

大正八年一月十七日 接覽

浄書 谷校正 原

大正八年一月十六日起草
同 年 一月 十六 日 附

送第

號

主任

大正八年一月十七日 接覽

主管 通商局長

田中通商局長

在横濱

英商商務官クワウ宛

英商商務官保護ニ関シ英商

務官ヨリ今見方申出ノ件

大正八年一月廿日 記録第一 部 變

お啓陳者本月十五日附貴船ヲ以テ英商

外務省

標幟保護ニ関シ農商省有例並本省ニ今見

方 英商商務官ノ返致取承ル 在横濱 本官

ニ於テ 本月廿四日午前十時半 南有 本官

談致陳 農商省有錦木 同本商民ハ

目下議令ノ内令中ニテ頗ル繁忙ヲ極メ居

ル所ノ其前日ニ北ハ出陣ノ有無確若致シ

兼又ル 若シハ 致シ 難キ 概テ

右商民ニ代ハルヤキ者 南有 本官

第 17 号 第 1 号

✓

市農商省有司田産越々条右ニ内承知
 相成度此段得貴急候
 敬具
 石田参中進旁

外務省

附屬書類添附

大正八年二月三日 接

通第一課



拓殖第四六號

大正八年二月三日

拓殖局長官法農博士吉賀康生



外務省通商局長埴原正直殿

關東州ニ於テ英國商標保護ニ

關レ英國商務官ト會談ノ件

首題ノ件ニ關シ一月十四日附通機

密送第三號ヲ以テ御申越ノ次第有

大正八年二月三日 拓殖局

拓殖局

之候處本官ニ於テハ別ニ會談ノ必

要無之カト存候條可然御取計相成

度尚本件ニ關シテハ勅令發布方

關東都督府ト協議中ニ付別紙

同案又為ホ参考及送付候條亦

意見ニ有之候ハ豫メ承知致

置度此致田舎旁申進候也

天

2617
設受01233號

菊地榮事友

別紙文案
取合方
方々

勅令第 號

第一條 特許權、意匠權、商標

權、實用新案權及著作權ノ效力

ハ關東州ニ及フモノトス

第二條 特許法、意匠法、商標法、

實用新案法及著作權法中ノ罪ニ

關スル規定ハ之ヲ關東州ニ適用ス

附 則

本令ハ公布ノ日ヨリ之ヲ施行ス

勅令第

號

明治四十四年勅令第百六十七號中左

ノ通改正ス

關東州及「ヲ削ル

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

参考
旧法

關東州及帝國カ治外法權ヲ行使スルコトヲ得ル
外國ニ於ケル特許權、意匠權、商標權及著作
權ノ保護ニ關スル制

明治四十一年八月十三日勅令第二百一號（總外務省副署）

朕關東州及帝國カ治外法權ヲ行使スルコトヲ得ル外國
ニ於ケル特許權、意匠權、商標權及著作權ノ保護ニ關
スル件ヲ裁可シ茲ニ之ヲ公布セシム

第一條 帝國臣民又ハ韓國臣民カ帝國ニ於テ享有スル特許
權、意匠權、商標權、實用新案權及著作權ノ效力ハ關
東州及帝國カ治外法權ヲ行使スルコトヲ得ル外國ニ在ル帝
國臣民及韓國臣民ニ及ブモノトス

第二條 特許法、意匠法、商標法、實用新案法及著作
權法中ノ罪ニ關スル規定ハ關東州及帝國カ治外法權ヲ

外務省

行使スルコトヲ得ル外國ニ在ル帝國臣民及韓國臣民ニ對シテ
適用ス

第三條 日韓兩國以外ノ國ノ臣民又ハ人民カ帝國ニ於テ
享有スル工業所有權及著作權ニ付テハ其ノ所屬國カ
治外法權ヲ有ル外國ニ於テ日韓兩國ノ臣民ニ對シ
工業所有權及著作權ノ保護ヲ與ヘ且韓國ニ於テ工
業所有權及著作權ノ保護ニ關シ治外法權ヲ行使
セサル場合ニ限リ前二條ノ規定ヲ適用ス

附則

第四條 本令ハ明治四十一年八月十六日ヨリセテ施行ス

第五條 本令施行ノ際、本令ノ保護スル他人ノ商標又ハ之ニ
類似スル商標ヲ不正ニ附シタル商品ヲ販賣ノ爲メ所藏
スル者ハ本令施行後六月内ニ其ノ商標ヲ除去若ハ抹

外務省

消スルカ又ハ該商品ヲ清國市場ヨリ撤去スルコトヲ要ス
 第六條日本國臣民韓國臣民及米國人民カ帝國
 又ハ米國內ニ於テ著作權ヲ享有セル著作物ヲ本
 令施行前清國ニ於テ著作權者ノ承諾ナリシテ
 複製シタル者翻譯シタル者若ハ興行シタル者又ハ複
 製翻譯興行ニ著クシタル者ハ本令施行後一年
 間ハセシ完成シテ發賣頒布シ又ハ興行スルコト
 ヲ得

外務省

現行
 參考三

關東州及帝國カ治外法權ヲ行使スルコトヲ得ル
 外國ニ於ケル特許權意匠權商標權實用
 新案權及著作權ノ效力ニ關スル件

明治四十四年五月二十六日勅令第百六十七號

朕明治四十一年勅令第二百一號改正ノ件ヲ裁可シ茲ニ
 之ヲ公布セシム (總理外務大臣副署)

第一條帝國臣民カ帝國ニ於テ享有スル特許權意匠
 權商標權實用新案權及著作權ノ效力ハ關東
 州及帝國カ治外法權ヲ行使スルコトヲ得ル外國ニ在
 ル帝國臣民ニ及フモノトス

第二條特許法意匠法商標法實用新案法及著作
 權法中ノ罪ニ關スル規定ハ關東州及帝國カ治外
 法權ヲ行使スルコトヲ得ル外國ニ在ル帝國臣民ニ對シ

外務省

本令ハ明治四十四年五月二十八日ヨリ施行ス

附則

之ヲ適用ス

外務省

附屬書類添附

大正九年一月十四日接受 駐通商

第一課

拓殖局

拓秘第四六號

大正九年一月十日

拓殖局長官法學博士 古賀 廉造

外務次官 植原 正直 殿

大正九年二月十二日記録第二部接受

關東州ニ於ケル英國商標保護ニ關スル件

首題ノ件ニ關シテ二月三日附拓秘第四六號ヲ以テ及通知置候處今般
關東廳ト協議ノ結果別紙勅令案進達相成候條御意見有之候ハハ直接法
制局へ御申出相成度候也
追テ爲參考英國政府ノ威海衛ニ於ケル帝國臣民ニ對スル工業所有權
及著作權保護ノ狀況承知致置度候條御同示相成度申添候



501

朕關東州ニ於ケル特許權、意匠權、商標權、實
用新案權及著作權ノ效力ニ關スル件ヲ裁
可シ茲ニ之ヲ公布セシム

御名御璽

大正 年 月 日

大正九年二月十二日 第二部接要

内閣總理大臣

勅令第 號

第一條 特許權、意匠權、商標權、實用新案權
及著作權ノ效力ハ關東州ニ及フモノト
ス

第二條 特許法、意匠法、商標法、實用新案法
及著作權法中ノ罪ニ關スル規定ハ之ヲ

關東州ニ適用ス

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

朕明治四十四年勅令第百六十七號關東州及帝國カ治外法權ヲ行使スルコトヲ得ル外國ニ於ケル特許權意匠權商標權實用新案權及著作權ノ效力ニ關スル件中改正ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名御璽

大正 年 月 日

内閣總理大臣

勅令第 號

明治四十四年勅令第百六十七號中左ノ通改正ス
關東州及ヲ削ル

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

第21類
第1項
第1種

再回

第4回

文書課長

大正九年一月十六日接

浄書
校正
済

大正九年

一月十七日附

取

送第

號

主任

主筆通商局長

大正九年一月十七日接

大正

在芝罘
富田領事宛

大正九年二月十二日記録第二部接

英國ノ威海衛ニ於ケル帝國臣

民ニ對スル工業所有權及著作

外務省

權保護ノ狀況取調方ニ關スル件

本件ニ關シ今般松總局ヨリ照會

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附屬書類添付

大正九年四月十四日

駐通

第課

大正九年二月十六日

大正九年二月十六日

在芝罘

領事 富田義詮

外務大臣子爵内田康哉殿

大正九年四月十九日記録第一節抄受

威海衛ニ於ケル帝國臣民ニ對スル工業
所有權及著作權保護狀況ニ関スル件

本件ニ関シ去月十七日付通一送第二号貴信ヲ以テ
取調方御下命之趣了業早速在威海衛英國
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段回答申進候敬具

在芝罘日本領事館

(休)

(A)
Form No. 4.
STATUTORY DECLARATION.

I, _____
do solemnly and sincerely declare that the contents of the notice
hereto annexed are true, and I make this solemn declaration conscientiously
believing that same to be true and by virtue of the provisions
of the Statutory Declarations Act, 1935.
Declared by the above-mentioned
at _____
this _____ day of _____
before me _____

大正九年貳月拾九日記録第二部接受

(4)

Form No. 4.

STATUTORY DECLARATION.

I,
of
do solemnly and sincerely declare that the contents of the Notice
hereto annexed are true, and I make this solemn declaration conscientiously believing that same to be true and by virtue of the provisions of the Statutory Declarations Act, 1925.
Declared by the above-mentioned
at
this day of 19
before me

六王武平加貝結自請發第一聯發

3-1685

0122

(2)
with two approved sureties in such form and for such amount as the Commissioner may require.

7. Any deposit of money previously made will be required returned on the completion of the bond.

8. Every notice given in accordance with Section 14 of the Imperial Copyright Act 1911 to the Commissioners of Customs and Excise of the United Kingdom and communicated by them to the Commissioner of Weihaiwei shall be deemed to have been given by the owner to the said Commissioner.

9. In these Regulations-

"Owner of the Copyright" has the same meaning as in Section 14 of the Imperial Copyright Act 1911.

"Book or other printed work" means every part or divisions of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published.

DATED this ninth day of July, 1918.

L.S.

J. H. Stewart Lockhart,

Commissioner,

THE SCHEDULE.

Form No. 1.

Notice.

Relating to Copyright Books and other printed works.

To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that copyright in the original work (1) mentioned in the Schedule hereto now subsists under the Imperial Copyright Act, 1911, and that the owner of the copyright in the said work and that is desirous that copies of the said work printed or reprinted out of the Territory of Weihaiwei shall not be imported into the said Territory.

Dated this day of 19

(Signature)-----

SCHEDULE.

Title of Book
Description of printed work, if not a book
Full name of Author or Authors
Whether Author or Authors alive, if not, date of death
When and where book or printed work first published
(Note--Where advantage has been taken of the provisions of the Imperial Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the Territory of Weihaiwei.)

(3)
Form No. 2.

Notice.

Relating to Copyright Works, other than Books or other printed Works.

To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that copyright in the original work mentioned in the Schedule hereto now subsists under the Imperial Copyright Act, 1911, and that the owner of the copyright in the said work, and that I am (or he is) desirous that copies of the said work made out of the Territory of Weihaiwei shall not be imported into the said Territory.

Dated the day of 19

(Signature)

Schedule.

Title of Work (if any)
Full description of Work
Initials or Marks (if any) usually placed on copies of work
Full name of Author or Authors
Whether Author or Authors alive, if not, date of death
When and where work first published
(Note--Where advantage has been taken of the provisions of the Imperial Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the Territory of Weihaiwei.)
If work not published:
Whether Author British subject or not
If not a British subject name of country in which Author was resident, or domiciled at date of the making of the work
In the case of Photographs, Phonographic records and music rolls, date of making the original negative or original plate

Form No. 3.

Notice.

Relating to a particular importation.
To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that I am the owner (or agent for the owner) of the copyright in a certain original work as to which copyright now subsists under the Imperial Copyright Act, 1911, and that the undermentioned goods, that is to say are about to be imported into the Port of on or about the day of next in the from

That such goods are liable to detention and forfeiture as being
And I request that the said goods may be detained and dealt with accordingly, and I hereby undertake to reimburse the Commissioner all expenses and damages to be incurred in respect of the detention, and of any proceedings for forfeiture which may be subsequently taken.

Dated this day of 19

(Signature)

(2)

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Ordinance, and be liable on summary conviction before a Magistrate to a fine not exceeding Four hundred Dollars, or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding Two months.

(3) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

4. Any person aggrieved by a summary conviction before a Magistrate of an offence under the provisions of this Ordinance may appeal to the High Court.

5. The Copyright Ordinance 1914 is hereby repealed.

COPYRIGHT.

Regulations dated 9th July, 1918, made by the Commissioner under Section 14 of the Imperial Copyright Act 1911.

The Commissioner in pursuance of the powers vested in him by the Copyright Ordinance No.1 of 1918 hereby prescribes the following regulations which are to be observed on and after the ninth day of July, One thousand nine hundred and eighteen.

1. The notice in writing to be given to the Commissioner under Section 14 of the Imperial Copyright Act 1911 by the owner of the copyright in any book or other printed work in which copyright subsists under the said Act or his agent who is desirous that copies thereof printed or reprinted out of the Territory of Weihaiwei shall not be imported into the said Territory shall be in the form No.1 in the Schedule hereto or as near thereto as circumstances permit.

2. The Notice in writing to be given to the Commissioner under Section 14 of the Imperial Copyright Act 1911 by the owner of the copyright of any work (other than a book or other printed work) in which copyright subsists under the said Act or his agent who is desirous that copies thereof made out of the Territory of Weihaiwei shall not be imported into the said Territory may be either a general notice in the form No. 2 in the Schedule hereto or as near thereto as circumstances permit or a special notice in the form No.3 in the same Schedule relating to a particular importation.

3. Every notice given in pursuance of these regulations in the form No. 1 or No.2 in the Schedule hereto shall be accompanied by a statutory declaration in the form No.4 in the same Schedule.

4. Before any article which appears, or is alleged, to be a copy of a work to which a notice applies is detained, or any further proceedings with a view to the forfeiture thereof are taken the person who signed the notice whether as owner or agent shall, if so required so to do, give to the Commissioner in writing such further information and evidence, verified if so required by a statutory declaration, as he may consider necessary to satisfy him that the article in question is liable to detention and forfeiture.

5. In the case of any detention in consequence of a notice in the form No.3 given to the Commissioner the person who signed the notice whether as owner or agent must if so required deposit with the Commissioner or some official designated by him at the port or place of detention a sum of money sufficient in the opinion of the Commissioner to cover any expense which may be incurred in the examination required by reason of his notice of the goods detained, and if upon the examination of the goods the Commissioner or the official designated by him is satisfied that there is no ground for their detention, they will be delivered.

6. If any goods are placed under detention in consequence of any notice given in pursuance of these Regulations, the Commissioner may require the person who signed the notice to give an undertaking in writing to reimburse him all expenses and damages incurred in respect of the detention, and of any proceedings for forfeiture subsequently taken if such an undertaking has not already been given, and may also require him within Four days after the detention to enter into a bond

Government House,
PORT EDWARD,
WEIHAIWEI,
2nd February, 1920.

Sir,

I have the honour to acknowledge receipt of your despatch of the 28th ultimo and to state in reply that, as regards Patents and Trade-Marks, there is no local legislation at present in force. Should such legislation be introduced, a copy of the Ordinance and any rules made thereunder will be forwarded to you for the information of your Government.

As regards Copyright, I have the honour to transmit a copy of Weihaiwei Ordinance No. 1 of 1918 and of the Regulations made thereunder.

I have the honour to be,

Sir,

Your most obedient servant,
(signed) J.H. Stewart Lockhart
Commissioner.

Y. Tomita, Esq.,

H. I. J. M's Consul,

C H E F O O.

WEIHAIWEI.
Ordinance No. 1 of 1918.

I assent.

L.S.

J. H. Stewart Lockhart,
Commissioner.

8th July, 1918-

An Ordinance to provide for the Application in the Territory of Section 14 of the Imperial Copyright Act 1911 (1 & 2 Geo. V, c.46.) and to provide for the taking of summary remedies under such Act.

BE IT ENACTED by the Commissioner of Weihaiwei as follows:-

1. This Ordinance may be cited as the Copyright Ordinance 1918.

2. For the purpose of the application of section fourteen of the Imperial Copyright Act, 1911, to the importation into this Territory of works made out of the Territory:

(1) The Commissioner shall perform the duties and may exercise the powers thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom.

(2) Regulations made by the Commissioner under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Commissioner, shall be deemed to have been given by the owner of the copyright to the Commissioner.

3. (1) If any person knowingly-

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the Territory any infringing copy of any such work;

he shall be guilty of an offence under this Ordinance and be liable on summary conviction before a Magistrate to a fine not exceeding Twenty Dollars for every copy dealt with in contravention of this Ordinance, but not exceeding four hundred Dollars in respect of the same transaction; or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding Two months.

第106門

文書課長

大正九年貳月拾八日

大正九年二月十七日起草 木村

別紙

送第 七 號

大正九年貳月拾九日

主任

主管 通商局長

埴原次官

小橋次官

大正九年貳月拾九日記録第七部接覽

威海衛ニ於ケル帝國臣民ニ對シ
著作權保護狀況ニ關スル件

外務省

英國政府、威海衛ニ於ケル帝國
臣民ニ對シ、著作權保護狀況
ニ關シ、取調書ヲ在芝罘富田總事
ヨリ別紙單ニ通シ、報告紙ハ付
告シ、各局ニ該單並ニ取調書ヲ付
修カ

別
在芝罘富田總事ヨリ來信第三号附屬書
中、乙号及丙号單添付

文書課長

大正九年二月十八日接受

海軍省
文書課
長
原
次
官

大正九年二月十七日起草木村
同年二月十六日附

別紙

送第

四三號

主任

主管 通商局長

植原次官

古賀拓殖局長官宛

大正九年六月八日 記録第二部接受

英國政府、威海衛、於今、同國

臣民、對之、工業所有權及著作
權保護、狀況、自今、件

外務省

要再面

第17
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17

英國政府、威海衛、於今、帝國
臣民、對之、工業所有權及著作
權保護、狀況、自今、件
客月十四日附拓秘第四六号、量信
追書、以、御照會、趣、了、兼、致、候
右、早速、在、芝罘、富田、領事、一、調
査、方、訓、令、在、手、在、此、今、般
同、領、事、一、別、紙、下、通、リ、回、答

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申進修也

別紙在芝罘富田領事館來信

(公信第一六号)(附屬書表)

外務省

(3)
Form No. 2.

Notice.

Relating to Copyright Works, other than Books or other printed Works.

To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that copyright in the original work mentioned in the Schedule hereto now subsists under the Imperial Copyright Act, 1911, and that the owner of the copyright in the said work, and that I am (or he is) desirous that copies of the said work made out of the Territory of Weihaiwei shall not be imported into the said Territory.

Dated the day of 19
(Signature)

Schedule.

Title of Work (if any)
Full description of Work
Initials or Marks (if any) usually placed on copies of work
Full name of Author or Authors
Whether Author or Authors alive, if not, date of death
When and where work first published
(Note--Where advantage has been taken of the provisions of the Imperial Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the Territory of Weihaiwei.)
If work not published:
Whether Author British subject or not
If not a British subject name of country in which Author was resident, or domiciled at date of the making of the work
In the case of Photographs, Phonographic records and music rolls, date of making the original negative or original plate

Form No. 3.
Notice.

Relating to a particular importation.

To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that I am the owner (or agent for the owner) of the copyright in a certain original work as to which copyright now subsists under the Imperial Copyright Act, 1911, and that the undermentioned goods, that is to say Port of
are about to be imported into the day of next in the
on or about the day of next in the
from

That such goods are liable to detention and forfeiture as being
And I request that the said goods may be detained and dealt with accordingly, and I hereby undertake to reimburse the Commissioner all expenses and damages to be incurred in respect of the detention, and of any proceedings for forfeiture which may be subsequently taken.

Dated this day of 19
(Signature)

(4)

Form No. 4.

STATUTORY DECLARATION.

I,
of
do solemnly and sincerely declare that the contents of the Notice hereto annexed are true, and I make this solemn declaration conscientiously believing that same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.
Declared by the above-mentioned
at
this day of 19
before me

COPYRIGHT.

Regulations dated 9th July, 1918, made by the Commissioner under Section 14 of the Imperial Copyright Act 1911.

The Commissioner in pursuance of the powers vested in him by the Copyright Ordinance No.1 of 1918 hereby prescribes the following regulations which are to be observed on and after the ninth day of July, One thousand nine hundred and eighteen.

1. The notice in writing to be given to the Commissioner under Section 14 of the Imperial Copyright Act 1911 by the owner of the copyright in any book or other printed work in which copyright subsists under the said Act or his agent who is desirous that copies thereof printed or reprinted out of the Territory of Weihaiwei shall not be imported into the said Territory shall be in the form No.1 in the Schedule hereto or as near thereto as circumstances permit.
2. The Notice in writing to be given to the Commissioner under Section 14 of the Imperial Copyright Act 1911 by the owner of the copyright of any work (other than a book or other printed work) in which copyright subsists under the said Act or his agent who is desirous that copies thereof made out of the Territory of Weihaiwei shall not be imported into the said Territory may be either a general notice in the form No. 2 in the Schedule hereto or as near thereto as circumstances permit or a special notice in the form No.3 in the same Schedule relating to a particular importation.
3. Every notice given in pursuance of these regulations in the form No. 1 or No.2 in the Schedule hereto shall be accompanied by a statutory declaration in the form No.4 in the same Schedule.
4. Before any article which appears, or is alleged, to be a copy of a work to which a notice applies is detained, or any further proceedings with a view to the forfeiture thereof are taken the person who signed the notice whether as owner or agent shall, if required so to do, give to the Commissioner in writing such further information and evidence, verified if so required by a statutory declaration, as he may consider necessary to satisfy him that the article in question is liable to detention and forfeiture.
5. In the case of any detention in consequence of a notice in the form No.3 given to the Commissioner the person who signed the notice whether as owner or agent must if so required deposit with the Commissioner or some official designated by him at the port or place of detention a sum of money sufficient in the opinion of the Commissioner to cover any expense which may be incurred in the examination required by reason of his notice of the goods detained, and if upon the examination of the goods the Commissioner or the official designated by him is satisfied that there is no ground for their detention, they will be delivered.
6. If any goods are placed under detention in consequence of any notice given in pursuance of these Regulations, the Commissioner may require the person who signed the notice to give an undertaking in writing to reimburse him all expenses and damages incurred in respect of the detention, and of any proceedings for forfeiture subsequently taken if such an undertaking has not already been given, and may also require him within four days after the detention to enter into a bond

(2)
with two approved sureties in such form and for such amount as the Commissioner may require.

7. Any deposit of money previously made will be required returned on the completion of the bond.

8. Every notice given in accordance with Section 14 of the Imperial Copyright Act 1911 to the Commissioners of Customs and Excise of the United Kingdom and communicated by them to the Commissioner of Weihaiwei shall be deemed to have been given by the owner to the said Commissioner.

9. In these Regulations-

"Owner of the Copyright" has the same meaning as in Section 14 of the Imperial Copyright Act 1911.

"Book or other printed work" means every part or divisions of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published.

DATED this ninth day of July, 1918.

L.S.

J. H. Stewart Lockhart,
Commissioner,

THE SCHEDULE.

Form No. 1.

Notice.

Relating to Copyright Books and other printed works.

To the Commissioner in and over the Territory of Weihaiwei.

I,
of
hereby give you notice that copyright in the original work (1) mentioned in the Schedule hereto now subsists under the Imperial Copyright Act, 1911, and that
the owner of the copyright in the said work and that
is desirous that copies of the said work printed or reprinted out of the Territory of Weihaiwei shall not be imported into the said Territory.

Dated this day of 19

(Signature)-----

SCHEDULE.

Title of Book
Description of printed work, if not a book
Full name of Author or Authors
Whether Author or Authors alive, if not, date of death
When and where book or printed work first published
(Note--Where advantage has been taken of the provisions of the Imperial Copyright Act, 1911, as to simultaneous Publication, the date and place stated should be those which entitle the work to copyright in the Territory of Weihaiwei.)

WEIHAIWEI.

Ordinance No. 1 of 1918.

I assent.

J. H. Stewart Lockhart,

Commissioner.

L.S.

8th July, 1918-

An Ordinance to provide for the Application in the Territory of Section 14 of the Imperial Copyright Act 1911 (1 & 2 Geo. V, c.46) and to provide for the taking of summary remedies under such Act.

BE IT ENACTED by the Commissioner of Weihaiwei as follows:-

1. This Ordinance may be cited as the Copyright Ordinance 1918.

2. For the purpose of the application of section fourteen of the Imperial Copyright Act, 1911, to the importation into this Territory of works made out of the Territory:

(1) The Commissioner shall perform the duties and may exercise the powers thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom.

(2) Regulations made by the Commissioner under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Commissioner, shall be deemed to have been given by the owner of the copyright to the Commissioner.

3. (1) If any person knowingly-

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work, or
- (e) imports for sale or hire into the Territory any infringing copy of any such work;

he shall be guilty of an offence under this Ordinance and be liable on summary conviction before a Magistrate to a fine not exceeding Twenty Dollars for every copy dealt with in contravention of this Ordinance, but not exceeding Four hundred Dollars in respect of the same transaction; or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding Two months.

(2)

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Ordinance, and be liable on summary conviction before a Magistrate to a fine not exceeding Four hundred Dollars, or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding Two months.

(3) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

4. Any person aggrieved by a summary conviction before a Magistrate of an offence under the provisions of this Ordinance may appeal to the High Court.

5. The Copyright Ordinance 1914 is hereby repealed.

Government House,
PORT EDWARD,
WEIHAIWEI,
2nd February, 1920.

Sir,

I have the honour to acknowledge receipt of your despatch of the 28th ultimo and to state in reply that, as regards Patents and Trade-Marks, there is no local legislation at present in force. Should such legislation be introduced, a copy of the Ordinance and any rules made thereunder will be forwarded to you for the information of your Government.

As regards Copyright, I have the honour to transmit a copy of Weihaiwei Ordinance No. 1 of 1918 and of the Regulations made thereunder.

I have the honour to be,

Sir,

Your most obedient servant,

(signed) J.H. Stewart Lockhart
Commissioner.

Y. Tomita, Esq.,

H. I. J. M's Consul,

CHEFOO.