

or tanks of such size and construction as may be deemed expedient may be permitted in lieu of distillery bonded warehouses, and the production, storage, the manner and process of denaturing on the distillery premises the alcohol produced, and transportation of such alcohol, and the operation of such distilleries shall be upon the execution of such bonds and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, and such distilleries may by such regulations be exempted from such provisions of the existing laws relating to distilleries as may be deemed expedient by said officials.

Bonds, etc.

SEC. 5. That the provisions of this Act shall take effect on September first, nineteen hundred and seven.

Effect, Sept. 1, 1907.

Approved, March 2, 1907.

CHAP. 2572.—An Act To grant American registry to the German bark Mariechen.

March 2, 1907.
[H. R. 25437.]

[Public, No. 231.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the German bark Mariechen: *Provided, however,* That such registry shall not give to said vessel the right to engage in the coastwise trade. And this Act is based upon the express condition that said bark is to be used as a barge, and that no application shall be hereafter made for the right for said vessel to engage in the coastwise trade.

German bark "Mariechen."
Granted American register.
Proviso.
Coastwise trade prohibited.

Approved, March 2, 1907.

CHAP. 2573.—An Act To amend sections five and six of an Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same."

March 2, 1907.
[H. R. 25474.]

[Public, No. 232.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five, be, and is hereby, amended to read as follows:

Trade marks.
Vol. 33, p. 725.

"SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

Marks permitted registry.

Exceptions.

"(a) Consists of or comprises immoral or scandalous matter.

"(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State, or municipality, or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem: *Provided,* That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: *Provided,* That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in

Emblems of fraternal societies added.
Vol. 33, p. 725, amended.
Provisos.
Similarity of trade-marks.

Marks with only names of individuals, firms, etc.

association with a portrait of the individual or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years next preceding the passage of this Act."

Marks with portraits, etc.

Marks in use ten years permitted.

SEC. 2. That section six of said Act be, and the same is hereby, amended to read as follows:

Examination and publication.
R. S., sec. 4940, p. 956.

"SEC. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this Act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this Act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section two of this Act. An opposition may be filed by a duly authorized attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing. If no notice of opposition is filed within said time, the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor."

Opposition notice may be filed by attorney.
Vol. 33, p. 726, amended.
Notice of refusal.

Approved, March 2, 1907.

March 2, 1907.
[H. R. 25630.]

[Public, No. 233.]

CHAP. 2574.—An Act To amend an Act entitled "An Act to amend section one of an Act entitled 'An Act relating to the Metropolitan police of the District of Columbia,' approved February twenty-eighth, nineteen hundred and one," approved June eighth, nineteen hundred and six.

District of Columbia.
Metropolitan police.
Vol. 31, p. 819.
Ante, p. 221, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph two of the Act entitled "An Act to amend section one of an Act entitled 'An Act relating to the Metropolitan police of the District of Columbia,' approved February twenty-eighth, nineteen hundred and one," approved June eighth, nineteen hundred and six, is hereby amended by adding thereto the following:

Vacancies.
Promotion of privates.
Vacancies in class three.

"Should the number of privates of class two or class three be reduced at any time by reason of riot, fire, flood, pestilence, or other similar catastrophe, any vacancy thus created in class three shall be filled by the promotion of privates from class two who in the order of their length of service in the force have nearest attained the five years' term of service required by Act of Congress approved June eighth, nineteen hundred and six, provided their conduct and intelligent attention to duty shall justify such promotion: *Provided*, That any vacancy thus created in class two shall be filled by the promotion of privates from class one who in the order of their length of service in the force

Proviso.
Vacancies in class two.