

the mere changing of color does not constitute a defense; (2) whenever the article patented is offered for sale or imported; whoever offers for sale or assists in such offers for importing or exporting; (4) whoever refuses assistance or gives false information with a view of helping or assisting a fraudulent entry.

ART. XXV. Whoever disobeys this law, as stated in Article XXIV, when proven, can be condemned to pay to the owner of the samples or models such sums as the court may decide, and, over and above, court charges of from 20 to 2,000 francs, with imprisonment and fine in periods ranging from one day to one year, and for a second offense double the amount.

ART. XXXI. Whenever, in an illegal manner, business documents, drawings, or proofs are printed and placed as evidence that the model has been patented, the person so doing can be fined from 20 to 500 francs, and if convicted for the second time double the amount.

[Consul General Robert P. Skinner, Berlin, Apr. 3, 1914, in Daily Consular and Trade Reports; reprinted in Foreign Tariff Notes No. 13, p. 210.]

The German law covering the registration of designs became effective on January 11, 1876, and is not now regarded as wholly satisfactory. It was modeled to a large extent after an older French law and lacks the effectiveness of the American law, under which designs to be protected are made matters of public record. As the German law now stands, anyone may register from 1 to 50 designs in this country by filing them open or sealed, single or in packets, with a local court (*Landgericht*), the fee for this service being 3 marks (71.4 cents) for the first three years. The fee is the same, whether the number of designs inclosed in one cover be 1 or 50, but the weight of a single packet must not exceed 10 kilos (22 pounds). The period of protection may be extended seven years on payment of a fee of 2 marks (47.6 cents) for each year, and for a further period of five years on payment of a fee of 3 marks (71.4 cents) for each year, or a total of 32 marks (\$7.62) for protection during 15 years. To the initial fee of 3 marks (71.4 cents) for the first three years must be added miscellaneous court costs of from 6 to 8 marks (\$1.43 to \$1.90).

Foreigners who desire to protect their designs in this country must file them in a similar manner with the Imperial Court (*Reichsgericht*) in Leipzig. While not required by law, it is practically necessary to retain the services of an attorney, whose fee usually is \$10. The attorney must be given a special power of attorney to which are annexed two copies of the design, and the instrument must be authenticated by a German consul, who also collects a small fee.

At the end of three years designs filed with German courts are opened unless protection has been asked for a shorter period, when the contents become accessible to the public. It is, however, impossible under the German law for anyone intending to bring out a design to ascertain whether or not a similar design has already been protected, or to register a design without incurring liability to a lawsuit, owing to the great number of courts in which designs may be filed, and to the further fact that sealed packages are opened only at the end of three years.

The provisions of the law of 1876 all apply to "samples or models" (designs). The Mecklenburg edition of the law says that in the law the conception of "sample" and "model" is intentionally not defined, the interpretation of these words being left to science and jurisprudence.