

doubt, as a real man thief, but less admirable."

This expression of opinion no doubt fits the American pirate. But we feel fairly confident that if this lawyer had had as much experience of the Chinese pirate as some people in Shanghai have had, he might be much more eloquent and would certainly be far more severe. For the Chinese forger is the most cunning infringer of trademarks in the world. The country he operates in, and the ramified methods of conducting business between shroffs, dealers and commission agents who buy and sell to out-ports and interior towns, are all in his favour in successful piracy of trademarks and he takes every advantage of the fact. The remedy appears to lie in owners of trademarks in Shanghai banding together in order to bring such influence to bear as will provide the courts with adequate penalties for infringement of trademarks, something that the guilty will really fear. To fine infringers in China for piracy of trademarks, is like trying to tickle an elephant's ribs with an ostrich feather.

TRADEMARK THEFT
AND PENALTIES

Aug. 30.

THE article which we published on Thursday dealing with the inadequacy of penalties available at the Mixed Court for infringement of trademarks has naturally attracted wide attention. In that article it was pointed out that whereas a wretched coolie, who yields to a sudden temptation to steal five dollars, goes to prison for a month, a man who has devoted long time and thought to counterfeiting a trademark, thereby robbing both manufacturer and public, gets off with a \$100 fine, which is probably far less than his illicit profit in a single day. In ancient times counterfeiters of trademarks were executed or had their right hands cut off. We would not, certainly, advocate such savage penalties as these. But if the Trademark Bureau is to give the protection it professes, it must certainly see to it that the courts are armed with terrors for infringement greater than a mere fine.

The writer of the article makes no mistake when he prescribes imprisonment as the only cure for

infringers of trademarks, as the mind, actions and character of a person who sets out to rob others of their rights and property, in this insidious way are base and bad. The infringer is no respecter of persons, in that he takes advantage of both the maker of branded goods and the public, who, in these days of easy shopping facilities, place every reliance in retailers of proprietary brands, to provide the genuine article. Every manufacturer of commodities that are worth imitating finds himself sooner or later confronted with the problem of deception or mistaken identity. No sooner has a manufacturer perfected his goods and created a demand for them, than some pirate begins to scheme how he may participate in what does not belong to him, and the consumers suffer accordingly. The public must be protected at all costs against these trade parasites and the law ought to be dealt out with a strong arm to all persons who for the sake of personal gain, plots to rob others. A special injustice from the manufacturers point of view, is that the infringer usually disposes of his inferior goods at lower prices, consequently spoiling the market for both the makers of the genuine article and the respectable shopkeepers who are willing to supply the public with the correct goods.

A trade name or mark is the only thing a manufacturer has to rely upon, apart from the high quality of his goods, and the good will of the consumer, to ensure for himself and his work people a safe and regular business. It is therefore not unreasonable to ask that the law shall deal with fraud in this respect with proper severity.

A member of the American Bar has said that,

"While agreeing that infringers are known the world over as trademark pirates, their conduct is only comparable with the variety of dishonesty exemplified by the humble individual who steals door-mats, or picks pockets."

"To call the modern infringer a pirate is to pay him a compliment he does not deserve: he is no such hardy ruffian: he is a sneak thief, a confidence man just as dishonest, no