

## GENEVA CONVENTION.

### No. 14 of 1938.

An Act to enable effect to be given to Article Twenty-eight of the International Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, signed at Geneva on the twenty-seventh day of July, One thousand nine hundred and twenty-nine, and for purposes connected therewith.

[Assented to 4th July, 1938.]

[Date of commencement, 1st August, 1938.]

Preamble.

**W**HEREAS His Majesty has ratified, in respect of the Commonwealth of Australia, an International Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field which was signed at Geneva on the twenty-seventh day of July, One thousand nine hundred and twenty-nine :

AND WHEREAS it is desirable to make provision for giving effect to Article twenty-eight of the Convention, and for purposes connected therewith :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Geneva Convention Act 1938*.

Application of Act to the Territories.

2. The application of this Act shall extend to the Territories of Papua, Norfolk Island and New Guinea.

Termination of extension to Australia of Geneva Convention Act, 1911 (Imp.).

3. The Imperial Act known as the Geneva Convention Act, 1911 shall cease to extend to the Commonwealth and to the Territories of Papua and Norfolk Island.

Prohibition of use of certain designs and words.

4.—(1.) A person shall not, without the authority of the Minister or an officer thereto authorized in writing by the Minister, use for the purposes of his trade or business, or for any other purpose whatsoever—

- (a) any design consisting of the Federal colours of Switzerland (being a white or silver cross on a red ground) or any design being a colourable imitation thereof ;
- (b) the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland or any design being a colourable imitation thereof ; or

- (c) the words "Red Cross" or "Geneva Cross" or any words so nearly resembling those words as to be capable of being understood as referring to the emblem mentioned in paragraph (b) of this sub-section.

Penalty: Ten pounds.

(2.) Any goods upon or in connexion with which any design, emblem or words are used in contravention of this section shall be forfeited to the King.

(3.) Nothing in this section shall apply to a trade mark registered before the twenty-third day of December, One thousand nine hundred and thirty-one, and consisting of or containing any such design as is mentioned in paragraph (a) of sub-section (1.) of this section, and where a person is charged with using such a design for any purpose and it is proved that he used it otherwise than as or as part of a trade mark so registered, it shall be a good defence for him to prove—

(a) that he lawfully used the design for that purpose before that date; or

(b) in a case where he is charged with using the design upon goods, that the design had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and that that other person lawfully used the design upon similar goods before that date.

(4.) Where an offence against this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5.) Proceedings under this Act shall not be instituted without the consent in writing of the Attorney-General.

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