

speed, shall not be changed after the horse has once contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association, under which the contest is advertised to be conducted.

SECTION 4. That the class to which a horse belongs for the purpose of an entry in any such contest of speed, shall be determined by the public performance of said horse in any former contest or trial of speed, as provided by the printed rules of the society or association under which the proposed contest is advertised to be conducted. And any person or persons knowingly misrepresenting or fraudulently concealing the public performance, in any former contest or trial of speed, of any horse, which he or they propose to enter for competition in any such contest, shall, upon conviction thereof be liable to the same punishment as is provided in section 2 of this act, whether he or they shall succeed in making said entry or not.

Classification  
of horses.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.  
Approved April 16, 1891.

No. 25, S.]

[Published May 5, 1891.

## CHAPTER 280.

AN ACT to protect labels and trade marks of associations and trades unions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for associations and trades unions to adopt for their protection labels and trade marks to be used by such associations or unions, on goods made by their members.

Labels and  
trade marks.

SECTION 2. That every association or trade union adopting a label or trade mark as specified in section 1, of this act, shall record the same in

To be recorded  
in office of sec-  
retary of state.

the office of the secretary of state, by filing two copies of said labels or trade marks with the secretary of state, who shall, under his hand and seal, deliver to the association or union recording such label or trade mark, a certificate of record showing that the same has been duly recorded; for which he shall receive a fee of one dollar.

Counterfeits,  
penalty.

SECTION 3. Any person or persons who shall counterfeit, or use any counterfeit of labels or trade marks of any association or trade union as provided for in sections 1 and 2, of this act, with the intention to be benefited thereby or to deceive the public, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by an imprisonment of not to exceed six months.

imitations may  
be restrained.

SECTION 4. Every association or trade union recording a label or trade mark as provided in section 2, of this act, may proceed by suit brought in any of the courts of the state having jurisdiction of the person or persons to restrain the manufacture, use, display or sale of counterfeits or imitations of such labels or trade marks; and upon satisfactory proof of such wrongful use, the court shall grant an injunction restraining the person or persons, who are so manufacturing, using, displaying or offering for sale such counterfeits or imitations of such labels or trade marks, and shall award the complainant the profits derived from such wrongful use. And the court shall render a judgment against the defendant or defendants for the amount of the profits the defendant or defendants have derived thereby, and also for the damages to the plaintiff as decided by the court, and the court shall also order all counterfeit labels and trade marks in possession or under the control of the defendant, to be seized by an officer whose duty it shall be to destroy the same.

SECTION 5. All acts or parts of acts, so far as they are inconsistent or conflict with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1891.