

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950

An Act to prevent the improper use of certain emblems and names for professional and commercial purposes.

Be it enacted by Parliament as follows:

1. Short title, extent, application and commencement . ? (1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.

(2) It extends to the whole of India, and also applies to citizens of India outside India.

(3) It shall come into force on such '[1] [dates] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition . ? In this Act, unless the context otherwise requires, ?

(a) *?emblem?* means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;

(b) *?competent authority?* means any authority competent under any law for the time being in force to register any company, firm or other body of persons or any trade mark or design or to grant a patent;

(c) *?name?* includes any abbreviation of a name.

3. Prohibition of improper use of certain emblems and names. ? Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

4. Prohibition of registration of certain companies, etc . ? (1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall, ?

(a) register any company, firm or other body of persons which bears any name, or

(b) register a trade mark or design which bears any emblem or name, or

(c) grant a patent in respect of an invention? which bears a title containing any emblem or name, if the use of such name or emblem is in contravention of Section 3.

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority, may refer the question to the Central Government, and the decision of the Central Government thereon shall be final.

5. Penalty. ? Any person who contravenes the provisions of Section 3 shall be punishable with fine which may extend to five hundred rupees.

6. Previous sanction for prosecution. ? No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

7. Savings. ? Nothing in this Act shall exempt any person from any suit or other proceedings which might, apart from this Act, be brought against him.

8. Power of the Central Government to amend the Schedule. ? The Central Government may, by notification in the Official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act.

9. Power to make rules. ? The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE SCHEDULE

[see Sections 2 (a) and 3]

- 1.? The name, emblem or official seal of the United Nations Organisation.
- 2.? The name, emblem or official seal of the World Health Organisation.
- 3.? The Indian National Flag.
- 4.? The name, emblem or official seal of the Government of India or of any State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government.
- 5.? The emblems of the St. John Ambulance Association (India), and the St. John Ambulance Brigade (India), consisting of the device of a white eight pointed cross embellished in the four principal angles, whether or not the device is surrounded or accompanied by concentric circles or other decoration or by lettering.
- 6.? The name, emblem or official seal of the President, Governor, Sadar-i-Riyasat or Republic or Union of India.
- 7.? Any name which may suggest or be calculated to suggest ?
 - (i) the patronage of the Government? of India or the Government of a State; or
 - (ii) connection with any local authority or any corporation or body constituted by the Government under any law for the time being in force.
- 8.? The name, emblem or official seal of the United Nations Educational, Scientific and Cultural Organisation.
- 9.? The name or pictorial representation of Rashtrapati, Rashtrapati Bhavan, Raj Bhavan.
- 9-A.? The name of pictorial representation of Mahatma Gandhi, Pandit Jawaharlal Nehru, Chhatrapati Shivaji Maharaj or the Prime Minister of India or the words ?Gandhi?, ?Nehru? or ? Shivaji?, except the pictorial use thereof on calendars where only the names of the manufacturers and printers of the calendars are given and the calendars are not used for advertising goods.
- 10.? The medals, badges or decorations instituted by the Government from time to time or the miniatures or replicas of such medals, badges or decorations or the names of such medals, badges or decorations or of the miniatures or replicas thereof.
- 11.? The name, emblem or official seal of the International Civil Aviation Organisation.
- 12.? The word ?Interpol? which is an integral part of the International Criminal Police Organisation.
- 13.? The name, emblem or official seal of the World Meteorological Organisation.
- 14.? The name, emblem of the Tuberculosis Association of India .
- 15.? The name, emblem and official seal of the International Atomic Agency.
- 16.? The names ?Ashoka Chakra? or ?Dharma Chakra? or the pictorial representation of Ashoka Chakra as used in the India National Flag or in the official seal or emblem of the Government of India or of any State Government or of a Department of any such Government.
- 17.? The name of the Parliament or the Legislature of any State, or the Supreme Court, or the High Court of any State, or the Central Secretariat, or the Secretariat of any State Government or

any other Government Office or the pictorial representation of any building occupied by any of the aforesaid institutions.

18.? The name and emblem of the Rama Krishna Math and Ramakrishna Mission consisting of a Swan floating on waters, with a lotus in the foreground and the rising sun in the background, the whole being encircled by a hooded serpent, with the words superimposed on the bottom portion.

19.? The names and emblems of the Sri Sarada Math and Ramakrishna Sarada Mission consisting of a Swan (facing right) floating on water, with a Lotus in the foreground and the rising sun in the background, the whole being encircled by a wild serpent (facing right) with the words? superimposed on the bottom portion.

20.? The name of 'The Bharat Scouts and Guides' with its 'Emblem'.

21.? The name and emblem of the International Olympic Committee consisting of five interlaced rings.

