

equipment rental, or labor entered into and became component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the department for the use of any party interested therein. Every such additional bond shall provide that every person, who, whether as subcontractor or otherwise, has furnished material or *equipment on rental* or supplied or performed labor or services on, or in connection with, the prosecution of the work, and who has not been paid therefor, may sue in assumpsit on such additional bond, in the name of the Commonwealth, for his use and prosecute the same to final judgment for such sum or sums as may be justly due him, and have execution thereon. The Commonwealth shall not be liable for the payment of any costs or expense of any such suit. Each of such surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the secretary: *Provided, however, That such additional bond shall be conditioned only for the prompt payment of actual equipment rentals, and shall not be conditioned upon or guarantee payment of equipment rentals, all or any part of which, directly or indirectly, apply on the purchase price of such equipment under the terms of a bailment lease or conditional sales contract or by any other arrangement by which title to the equipment will be transferred to the contractor and the rentals form any part of the consideration.*

APPROVED—The 3rd day of April, A. D. 1956.

GEORGE M. LEADER

No. 438

AN ACT

Amending the act of September twenty-six, one thousand nine hundred fifty-one (Pamphlet Laws 1518), entitled "An act to provide for the registration and protection of trade-marks and to secure the rights, property and interests therein; providing for the assignment, cancellation and revocation thereof; and imposing penalties for violations; conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof; and to repeal all acts inconsistent therewith," further defining the right to registration.

Trademarks.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Clause (e), section 2, act of September 26, 1951, P. L. 1518, amended.

Section 1. Clause (e) of section two, act of September twenty-six, one thousand nine hundred fifty-one (Pamphlet Laws 1518) entitled "An act to provide for the registration and protection of trade-marks and to

secure the rights, property and interests therein; providing for the assignment, cancellation and revocation thereof, and imposing penalties for violations, conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof; and to repeal all acts inconsistent therewith," is amended to read:

Section 2. Registrability.

A trade-mark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered which:

* * * * *

(e) consists of or comprises any trade-mark which,
1. when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them; or

2. when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them; or

3. is primarily merely a surname.

*Nothing in clause (e) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods. The Secretary of the Commonwealth may accept as evidence that the mark has become distinctive as applied to the applicant's goods, proof of continuous and *exclusive use thereof as a mark by the applicant in this State, or elsewhere, for the five years next preceding the date of the filing of the application for registration; or*

* * * * *

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 3rd day of April, A. D. 1956.

GEORGE M. LEADER

No. 439

AN ACT

Amending the act of May eleven, one thousand nine hundred twenty-five (Pamphlet Laws 561), entitled "An act to provide for the selection of jurors to serve in the several courts, criminal and civil, of counties of the second class, and defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in such counties, and prescribing its powers and duties, and authorizing it to investigate as to the qualifications of prospective jurors; imposing the expense of maintaining and operating said commission upon said counties, and requiring the county commissioners to provide suitable quarters, equipment, and supplies; authorizing the em-

* "exclusively" in original.