

**CHAPTER 509****REGISTRATION; MARKS, NAMES OR DEVICES**

509.04 Recovery of receptacles; search warrant.

**509.04 RECOVERY OF RECEPTACLES; SEARCH WARRANT.**

When any person who has filed for record any name, mark, or device or who has acquired from the owner in writing the ownership of the name, mark, or device or the right to the exclusive use of it, or anyone representing the person, swears before any judge that he has reason to believe and does believe that any receptacle bearing the name, mark, or device is being unlawfully used or filled or possessed by any person, the judge shall issue a search warrant to discover and obtain the receptacle. The judge may also cause the person possessing the receptacle to be brought before him; he shall then inquire into the circumstances of possession. If the person is found guilty of violating any provisions of sections 509.01 to 509.06, he shall be punished as prescribed and the possession of the property taken upon the warrant shall be awarded to its owner. The remedy provided by this section is not exclusive, and violators of any provision of those sections may also be prosecuted as in case of other misdemeanors.

**History:** 1983 c 359 s 73