



LAWS OF ALASKA

1977

Source

HB 141

Chapter No.

18

AN ACT

Transferring the trademark function to the Department of Commerce and Economic Development; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 45.50.020 is amended to read:

Sec. 45.50.020. APPLICATION FOR REGISTRATION. A person who adopts and uses a trademark in the state may file with the department, on a form furnished by the department, an application for registration of the trademark setting out the following information:

- (1) the name and business address of the person applying for registration; and, if a corporation, the state of incorporation,
- (2) the goods in connection with which the mark is used, the manner in which the mark is used in connection with the goods and the class of the goods,
- (3) the date when the trademark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and
- (4) a statement that the applicant is the owner of the trademark and that no other person has the right to use the trademark in this state either in the identical form or in a near resemblance to it as might be calculated to deceive or to be mistaken for it.

* Sec. 2. AS 45.50.040 is amended to read:

Sec. 45.50.040. FILING FEE. The application for registration shall be accompanied by a filing fee of \$10

payable to the Department of Commerce and Economic Development.

* Sec. 3. AS 45.50.050 is amended to read:

Sec. 45.50.050. FORM AND CONTENTS OF CERTIFICATE OF REGISTRATION. Upon compliance by the applicant with the requirements of secs. 10 - 200 of this chapter, the commissioner shall issue and deliver a certificate of registration to the applicant. The certificate of registration shall be issued under the signature of the commissioner and the seal of the state. The certificate shall show

(1) the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the trademark,

(2) the date claimed for the first use of the trademark anywhere and the date claimed for the first use of the trademark in this state,

(3) the class of goods and a description of the goods on which the trademark is used,

(4) a reproduction of the trademark,

(5) the registration date, and

(6) the term of the registration.

* Sec. 4. AS 45.50.060 is amended to read:

Sec. 45.50.060. CERTIFICATE OF REGISTRATION AS EVIDENCE. A certificate of registration issued by the department under the provisions of secs. 10 - 200 of this chapter or a copy of it certified by the commissioner is admissible in evidence as competent and sufficient proof of the registration of the trademark in an action or judicial proceeding in the state.

* Sec. 5. AS 45.50.070 is amended to read:

Sec. 45.50.070. DURATION AND RENEWAL. Registration of a trademark is effective for a term of 10 years from the date of registration. Upon application filed within six months before the expiration of the term, on a form furnished by the department, the registration may be renewed for an additional term of 10 years.

* Sec. 6. AS 45.50.100 is amended to read:

Sec. 45.50.100. NOTIFICATION OF EXPIRATION OF REGISTRATION PERIOD. The commissioner shall notify each registrant of the necessity of renewal within the year preceding the expiration of the 10 years from the date of registration. Notification shall be by writing to the last known address of the registrant.

* Sec. 7. AS 45.50.110 is amended to read:

Sec. 45.50.110. REGISTRATIONS EXISTING ON JULY 1, 1961. A registration in force on July 1, 1961, expires five years from the date of the registration and may be renewed by filing an application with the department on a form furnished by the department and paying the renewal fee specified in sec. 80 of this chapter within six months before the expiration of the registration.

* Sec. 8. AS 45.50.120 is amended to read:

Sec. 45.50.120. ASSIGNMENT. (a) A trademark and its registration are assignable with the good will of the business in which the trademark is used, or with that part of the good will of the business connected with the use of and symbolized by the trademark.

(b) An assignment shall be in writing and may be recorded with the department upon the payment of a fee of \$2, payable to the department. The commissioner shall record the assignment, and shall issue in the name of the assignee a new certificate for the remainder of the term of the registration.

(c) An assignment of registration is void as against a subsequent purchaser for valuable consideration without notice, unless it is recorded with the department within three months after the date of the assignment or before the subsequent purchase.

* Sec. 9. AS 45.50.130 is amended to read:

Sec. 45.50.130. COMMISSIONER TO KEEP RECORD OF REGISTRATION. The commissioner shall keep for public examination a record of all trademarks registered or renewed under secs. 10 - 200 of this chapter.

* Sec. 10. AS 45.50.140 is amended to read:

Sec. 45.50.140. CANCELLATION. The commissioner shall cancel from the register

(1) each registration under a previous law which is more than five years old and not renewed in accordance with secs. 10 - 200 of this chapter;

(2) a registration requested by the registrant or the assignee of records to be cancelled;

(3) each registration under secs. 10 - 200 of this chapter which is not renewed;

(4) a registration found by a court to be

(A) abandoned,

(B) not owned by the registrant,

(C) granted improperly,

(D) obtained fraudulently, or

(E) so similar, as to be likely to cause confusion or mistake or to deceive, to a trademark registered by another person in the United States Patent Office, before the date of filing of the application for registration by the registrant under secs. 10 - 200 of this chapter, and not abandoned; however, if the registrant proves that he is the owner of a concurrent registration of his trademark in the United States Patent Office covering an area including this state, the registration shall not be cancelled;

(5) when a court orders cancellation of a registration on any ground.

* Sec. 11. AS 45.50.160 is amended to read:

Sec. 45.50.160. FRAUDULENT REGISTRATION. A person who procures the filing or registration of a trademark with the department, by knowingly making a false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, is liable to pay all damages sustained in consequence of the filing or registration, which may be recovered by the party injured.

* Sec. 12. AS 45.50.200 is amended by adding new paragraphs to read:

(6) "commissioner" means the commissioner of the Department of Commerce and Economic Development;

(7) "department" means the Department of Commerce and Economic Development.

* Sec. 13. This Act takes effect July 1, 1977.