

1 IN THE HOUSE

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2 HOUSE BILL NO. 394

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of the term
7 'Alaska' or 'Alaskan'; amending Sec. 7, Ch.
8 126, SLA 1957, Sec. 9, Ch. 126, SLA 1957 and
9 Sec. 101, Ch. 126, SLA 1957; amending Ch. 43,
10 SLA 1949 as amended by Ch. 128, SLA 1955 and
11 by Ch. 172, SLA 1957; amending Sec. 5, Ch.
12 142, SLA 1959; and providing for an effective
13 date."

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

15 Section 1. DECLARATION OF INTENT. It is hereby declared to
16 be the public policy of this state to prevent misrepresentations
17 and abuses arising from the use of the term "Alaska" or "Alaskan"
18 as a name, designation or style for corporate or other firms of
19 business conducted for profit, or employed by any person, union or
20 association in labels, trademarks, terms, designs, devices or forms
21 of advertisements when the principal place of business of such
22 corporation, firm, person, union or association is not maintained
23 in the state. Recognizing the common tendency to associate the
24 nature, location or products of business and other enterprises with
25 the title thereof, it is the intent of this Act to restrict the use
26 of the term "Alaska" or "Alaskan" in business and other enter-
27 prises to those having their principal place of business in the
28 state so that they may not, as a means of soliciting patronage or
29 accomplishing their purposes misrepresent or foist themselves upon

1 the public under the guise of ventures located within the geo-
2 graphical confines of the state nor achieve notoriety or advant-
3 ages attendant with the use of the name "Alaska" or "Alaskan" un-
4 less their principal place of business is located within the
5 state.

6 Sec. 2. Sec. 7, Ch. 126, SLA 1957 is amended by adding a
7 new subsec. (d) to read as follows:

8 (d) Shall not contain the word "Alaska" or
9 "Alaskan" unless its principal office is located within the
10 state. For the purposes of this subsection, "principal
11 office" means the place where the chief or principal execu-
12 tive offices thereof are located.

13 Sec. 3. Sec. 9, Ch. 126, SLA 1957 is amended to read as
14 follows:

15 Sec. 9. REGISTERED NAME. Any corporation organized and
16 existing under the laws of any state or territory of the
17 United States may register its corporate name under this Act,
18 provided its corporate name is not the same as, or decep-
19 tively similar to, the name of any domestic corporation
20 existing under the laws of Alaska, or the name of any foreign
21 corporation authorized to transact business in Alaska, or
22 any corporate name reserved or registered under this Act, and
23 in all other respects conforms to the provisions of Sec. 7
24 of this Act.

25 Sec. 4. Sec. 101, Ch. 126, SLA 1957 is amended by adding a
26 new subsec. (d) to read as follows:

27 (d) Shall not contain the term "Alaska" or
28 "Alaskan" unless its principal office is located within the
29 state. For the purposes of this subsection, "principal

1 office" means the place where the chief or principal execu-
2 tive offices thereof are located.

3 Sec. 5. Ch. 43, SLA 1949 as amended by Ch. 128, SLA 1955 and
4 by Ch. 172, SLA 1957, is amended by adding a new Sec. 11a to read
5 as follows:

6 Sec. 11a. ADDITIONAL INFORMATION WHEN DOING BUSINESS
7 UNDER CERTAIN FICTITIOUS NAMES. Any person applying for a
8 license or a renewal thereof to conduct a business and who
9 conducts or intends to conduct such business under a name or
10 designation which includes the term "Alaska" or "Alaskan"
11 shall, at the time of application, furnish the following in-
12 formation to the commissioner of revenue:

13 (1) the fictitious name or designation under which
14 the business is transacted or, in the case of a legal entity,
15 its name;

16 (2) the location of the chief or principal execu-
17 tive offices thereof.

18 Sec. 6. Ch. 43, SLA 1949 as amended by Ch. 128, SLA 1955 and
19 by Ch. 172, SLA 1957, is amended by adding a new Sec. 11b to read
20 as follows:

21 Sec. 11b. RESTRICTIONS ON USE OF NAMES OR DESIGNATIONS:
22 REFUSAL OF COMMISSIONER OF REVENUE TO ISSUE LICENSE: WHEN.
23 If it appears from the information required to be filed
24 pursuant to Sec. 11a that any person employs or intends to
25 employ a fictitious name or designation, or in the case of
26 any legal entity to which this Act applies, employs a name or
27 designation which contains the term "Alaska" or "Alaskan" and
28 the principal place of business of such person or legal
29 entity is not located within the state, then the commissioner

1 of revenue shall refuse to issue a license notwithstanding
2 the fact that all other conditions of this Act have been met.
3 Sec. 7. Ch. 43, SLA 1949 as amended by Ch. 128, SLA 1955 and
4 by Ch. 172, SLA 1957, is amended by adding a new Sec. 11c to read
5 as follows:

6 Sec. 11c. PRIOR USE OF "ALASKA" OR "ALASKAN" DESIGNA-
7 TION. If any person has used a fictitious name or designation
8 containing the term "Alaska" or "Alaskan" continuously for a
9 period of three years or more, prior to the effective date of
10 this Act but whose principal place of business is not located
11 in the state, the commissioner of revenue shall, nevertheless,
12 issue a license; provided, however, that such person shall,
13 within the period not exceeding 10 years from the effective
14 date of this Act, cease to use the term unless such use is per-
15 mitted by the terms of Sec. 11b. Failure to so comply will
16 result in a revocation of the license issued hereunder.

17 Sec. 8. Sec. 5, Ch. 142, SLA 1959 is amended to read as
18 follows:

19 Sec. 5. FILING OF LABEL, TRADEMARK, ETC: STATEMENT, FEE,
20 CIVIL LIABILITY AND PENALTY FOR FRAUD: CERTIFICATE, FEE,
21 EVIDENCE. Every such person, association or union that has
22 heretofore adopted or used or shall hereafter adopt or use a
23 label, trademark, term, design, device or form of advertise-
24 ment, as provided in Sec. 1 of this Act, shall file the same
25 for record in the office of the secretary of state by leaving
26 two copies, counterparts or facsimiles thereof with said
27 secretary, and by filing therewith a sworn statement specify-
28 ing the name or names of the person, association or union on
29 whose behalf such label, trademark, term, design, device, or

1 form of advertisement shall be filed, the class of merchandise
2 and a particular description of the goods to which it has been
3 or is intended to be appropriated; that the party so filing
4 or on whose behalf such label, trademark, term, design, device
5 or form of advertisement shall be filed has the right to the
6 use of the same, and that no other person, firm, association,
7 union or corporation has the right to such use, either in the
8 identical form, or in any such near semblance thereto as may
9 be calculated to deceive, and that the facsimile copies or
10 counterparts filed therewith are true and correct. There
11 shall be paid for such filing and recording a fee of one dol-
12 lar. Any person who shall for himself or on behalf of any
13 other person, association or union procure the filing of any
14 label, trademark, term, design, device, or form of advertise-
15 ment in the office of the secretary of state under the provi-
16 sions of this Act, by making any false or fraudulent repre-
17 sentations or declaration, verbally or in writing, or by any
18 fraudulent means, shall be liable to pay any damages sus-
19 tained in consequence of any such filing, to be recovered by
20 or on behalf of the party injured thereby in any court having
21 jurisdiction, and shall be punished by a fine not exceeding
22 one hundred dollars or by imprisonment not exceeding three
23 months or by both such fine and imprisonment. Said secretary
24 shall deliver to such person, association or union so filing
25 or causing to be filed any such label, trademark, term,
26 design, device, or form of advertisement, so many duly at-
27 tested certificates of the recording of the same as such per-
28 son, association or union may apply for, for each of which
29 certificates said secretary shall receive a fee of one

1 dollar. Any such certificate of record shall in all suits
2 and prosecutions under this Act be prima facie proof of the
3 adoption of such label, trademark, term, design, device, or
4 form of advertisement. Said secretary of state shall not
5 record for any person, union or association, any label, trade-
6 mark, term, design, device or form of advertisement that would
7 reasonably be mistaken for any label, trademark, term, design,
8 device, or form of advertisement theretofore filed by or on
9 behalf of any other person, union or association; nor shall
10 he record any label, trademark, term, design, device or form
11 of advertisement for any person, union or association which
12 employs the term "Alaska" or "Alaskan" therein but which does
13 not maintain its principal place of business in the state.

14 Sec. 9. Ch. 142, SLA 1959 is amended by adding a new Sec. 6a
15 to read as follows:

16 Sec. 6a. APPLICABILITY. The protection afforded by this
17 Act to labels, trademarks, terms, designs, devices or forms of
18 advertisements for the purpose of designating, making known or
19 distinguishing any goods, wares, merchandise or other product
20 of labor shall not extend to any person, union or association
21 which employs the word "Alaska" or "Alaskan" therein but which
22 does not maintain its principal place of business in the state.
23 No suits or proceedings, civil or criminal, shall be brought
24 under this Act for or on behalf, nor at the insistence, of
25 any person, union or association.

26 Sec. 10. EFFECTIVE DATE. This Act takes effect on the day
27 after its passage and approval or on the day it becomes law with-
28 out such approval.
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