

**HB**

**450**

**HFIN**

**FILE**

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: March 6, 1996

FURTHER REFERRALS:

Date of Committee Action: 3/11/96

The FINANCE Committee considered:

HB 450

HOUSE BILL NO. 450

ALASKA TRADEMARK ACT

"An Act relating to trademarks; amending Alaska Rule of Appellate Procedure 609; and providing for an effective date."

recommends it be replaced with the following committee substitute (S HB 450 (FIN)) [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_

[X] fiscal note(s) DCED 2/21/96

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Mark Kelly</i>	X			
<i>Hank Mulder</i>	X			
<i>Terry Martin</i>			X	
<i>Richard Kehrings</i>			X	
<i>Ben Grossendort</i>			X	
<i>Don Brown</i>			X	
<i>Kelly</i>			X	
<i>Therese</i>	X			
<i>[Signature]</i>				
<i>[Signature]</i>				

CHAIR'S SIGNATURE *Mark Kelly* *Richard Kehrings*

# FISCAL NOTE

No. \_\_\_\_\_  
 Bill Version: CSRB 4501367  
 (H) Publish Date: 2/21/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Trademarks  
 Sponsor: Representative Theraut  
 Requestor: \_\_\_\_\_

Department: Commerce and Economic Development  
 BRU: Banking, Securities and Corporations  
 Component: Banking, Securities and Corporations  
 COMPONENT SERIAL NO. \_\_\_\_\_ 1233

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES</b>	4.0	11.3	12.4	13.6	14.9	16.4
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund	4.0	11.3	12.4	13.6	14.9	16.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	4.0	11.3	12.4	13.6	14.9	16.4

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 450 will remove fees from the statute and give the Commissioner authority to promulgate fees by regulation. The current fee for new registration and renewals is \$10.00 per application. The current fee for assignment is \$2.00. The current fees have not increased in 30 years. The increase in revenue is based on an anticipated fee for new registrations and renewals of \$50.00 and an assignment fee of \$50.00.

Prepared by: Wills F. Kirkpatrick, Director *Wills F. Kirkpatrick* Phone: 485-2521  
 Division: Banking, Securities and Corporations Date: 1-29-96  
 Approved by Commissioner: William L. Hensley *William L. Hensley* Date: 1-29-96  
 Agency: Commerce and Economic Development

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Cook  
3/7/96

*pg 13  
Section 25*

CS FOR HOUSE BILL NO. 450( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to trademarks; and providing for an effective date."

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

3 \* Section 1. INTENT. It is the intent of the legislature to provide a system of state  
4 trademark registration and protection substantially consistent with the federal system of  
5 trademark registration and protection under 15 U.S.C. 1051 et seq., 1091 et seq., 1111 et seq.  
6 (Trademark Act of 1946, as amended). To that end, the construction given the Trademark Act  
7 of 1946, as amended, should be examined as a persuasive authority for interpreting and  
8 construing AS 45.50.010 - 45.50.205 (Alaska Trademark Act).

9 \* Sec. 2. AS 43.20.040(a) is amended to read:

10 (a) In this chapter, income from sources in the state includes

11 (1) income from real or tangible personal property located in the state;

12 (2) income of whatever nature from a business, trade or profession  
13 having a business situs in the state and compensation for services rendered in the state;

14 (3) income from stocks, bonds, notes, bank deposits, and other  
15 intangible personal property having a taxable or business situs in the state;

1 (4) rentals and royalties for the use of or for the privilege of using, in  
2 the state, patents, copyrights, secret processes and formulas, marks  
3 [TRADEMARKS], trade brands, franchises, and other property having a taxable or  
4 business situs in the state.

5 \* Sec. 3. AS 45.50.010 is amended to read:

6 Sec. 45.50.010. REGISTRABILITY. A mark [TRADEMARK] may not be  
7 registered if it consists of or comprises

8 (1) [CONSISTS OF] immoral, deceptive, or scandalous matter;

9 (2) [CONSISTS OF] matter that [WHICH] may disparage or falsely  
10 suggest a connection with persons, living or dead, institutions, beliefs, or national  
11 symbols, or bring them into contempt [,] or disrepute;

12 (3) [CONSISTS OF] the flag, [OR] coat of arms, or other insignia of  
13 the United States, this or another [OR OF A] state, a [OR] municipality of this or  
14 another state, [OR OF] a foreign nation, or simulation of any of these;

15 (4) [CONSISTS OF] the name, signature, or portrait identifying [OF]  
16 a living individual, except with the written consent of the individual;

17 (5) [CONSISTS OF] a mark that,

18 (A) when used on or in connection with goods or services of  
19 the applicant, is merely descriptive or deceptively misdescriptive of them;  
20 [THE APPLICANT'S GOODS, OR]

21 (B) when used on or in connection with the goods or services  
22 of the applicant, is primarily geographically descriptive or deceptively  
23 misdescriptive of them; [THE APPLICANT'S GOODS, OR]

24 (C) is primarily merely a surname; however, this paragraph  
25 does not prevent the registration of a mark used [IN THE STATE] by the  
26 applicant that [WHICH] has become distinctive of the applicant's goods or  
27 services; the commissioner may accept [;] as evidence that the mark has  
28 become distinctive, as used on or in connection with the applicant's goods  
29 or services, [THE COMMISSIONER MAY ACCEPT] proof of continuous use  
30 of the mark as a mark by the applicant in this state [OR ELSEWHERE] for the  
31 five years immediately preceding the date on which the claim of

1           distinctiveness is made [OF THE FILING OF THE APPLICATION FOR  
2           REGISTRATION]; or

3           (6) [CONSISTS OF] a mark [TRADEMARK] that so resembles a  
4           mark [TRADEMARK] registered in the state or in the United States Patent and  
5           Trademark Office, [A TRADEMARK] or a mark [TRADE NAME] previously used  
6           [IN THIS STATE] by another and not abandoned, as to be likely, when used on or  
7           in connection with [APPLIED TO] the goods or services of the applicant, to cause  
8           confusion or mistake or to deceive.

9   \* Sec. 4. AS 45.50.010 is amended by adding a new subsection to read:

10           (b) For purposes of this section,

11           (1) "descriptive" means a word or combination of words that describes  
12           one or more of the characteristics of the goods or services, such as, what the goods or  
13           services are, what the goods are made of, or what the goods or services are used for;  
14           however, an otherwise descriptive word or combination of words can, as a secondary  
15           meaning, become accepted as identifying the goods or services of the applicant, in  
16           which case it is no longer merely descriptive;

17           (2) "misdescriptive" means a word or combination of words that falsely  
18           describes the nature, function, or capacity of goods or services.

19   \* Sec. 5. AS 45.50.020 is amended to read:

20           Sec. 45.50.020. APPLICATION FOR REGISTRATION. Subject to  
21           limitations under AS 45.50.010 - 45.50.205, a [A] person who [ADOPTS AND] uses  
22           a mark [TRADEMARK] in the state may file with the commissioner  
23           [DEPARTMENT], on a form furnished by the department and in a manner  
24           complying with AS 45.50.010 - 45.50.205, an application for registration of that  
25           mark [THE TRADEMARK] setting out the following information:

26           (1) the name and business address of the registrant [PERSON  
27           APPLYING FOR REGISTRATION,] and, if the registrant is a

28                   (A) corporation, the state of incorporation; or

29                   (B) partnership, the state in which the partnership is  
30                   organized and the names of the general partners;

31           (2) the goods or services on or in connection with which the mark is

1 used, the manner in which the mark is used on or in connection with the goods or  
2 services, and the class of the goods or services;

3 (3) the date when the mark [TRADEMARK] was first used anywhere  
4 and the date when it was first used in this state by the applicant or a [THE  
5 APPLICANT'S] predecessor in interest; [BUSINESS; AND]

6 (4) a statement that the applicant is the owner of the mark, that the  
7 mark is in use, [TRADEMARK] and that, to the knowledge of the individual  
8 verifving the application, no other person has the right to use the mark  
9 [TRADEMARK IN THIS STATE] either in the identical form or in a near  
10 resemblance to it as to [MIGHT] be likelv, when applied to the goods or services  
11 of another person, to cause confusion or mistake, or to deceive; and

12 (5) a statement as to whether the applicant, or a predecessor in  
13 interest, has filed an application to register the mark, or portions or a composite  
14 of the mark, with the United States Patent and Trademark Office, and, if so,  
15 information regarding that application, including the filing date and serial  
16 number, the status of that application, whether that application was refused  
17 registration or otherwise did not result in a registration, and, if so, the reasons  
18 that application did not result in a registration [CALCULATED TO DECEIVE OR  
19 TO BE MISTAKEN FOR IT].

20 \* Sec. 6. AS 45.50 is amended by adding a new section to read:

21 Sec. 45.50.025. PROCEDURE CONCERNING APPLICATION. (a) Upon  
22 the filing of an application for registration of a mark and payment of the application  
23 fee, the commissioner shall examine the application for conformity with AS 45.50.010  
24 - 45.50.205. The commissioner may request additional information, including a  
25 description of a design mark, suggest amendments to the application, or suggest that  
26 a new application be filed. The applicant may provide the additional information  
27 requested, authorize the commissioner to make amendments to the application, or  
28 withdraw the application and file a new one to respond to a potential objection or  
29 rejection.

30 (b) As a condition of registration, the commissioner may require the applicant  
31 to disclaim an unregistrable component of a mark, or an applicant may voluntarily

1 disclaim a component of a mark originally sought to be registered. A disclaimer under  
2 this subsection does not prejudice or affect the rights of an applicant or registrant

3 (1) in the disclaimed matter that exist at the time of the disclaimer or  
4 that arise later; or

5 (2) to register the disclaimed matter in another application if the  
6 disclaimed matter is or becomes distinctive of the applicant's or registrant's goods or  
7 services.

8 (c) If an applicant is found not to be entitled to registration of a mark, the  
9 commissioner shall notify the applicant and inform the applicant of the reasons for the  
10 finding. The commissioner shall give the applicant a reasonable period of time in  
11 which to reply or amend the application. If a reply or amendment is delivered to the  
12 commissioner within the designated period, the commissioner shall reexamine the  
13 application. Before making a final decision, an application may be amended and  
14 reexamined as many times as the commissioner determines to be necessary. However,  
15 if the applicant fails to reply or amend the application within the period designated by  
16 the commissioner, the application is considered abandoned.

17 (d) When the commissioner makes a final decision on the application, the  
18 commissioner shall notify the applicant in writing of the decision and that the decision  
19 is final, setting out the reasons for the decision if the application is disapproved. The  
20 applicant may appeal the commissioner's final decision to the superior court. The  
21 court may enter judgment setting aside, modifying, remanding, or affirming the  
22 decision.

23 (e) If the commissioner receives more than one application for registration of  
24 the same or a confusingly similar mark for the same or related goods or services, the  
25 commissioner shall grant the registration to the applicant who first filed the original  
26 application if the application otherwise qualifies for registration. A rejected applicant  
27 may bring an action in superior court for cancellation of the registration upon the  
28 grounds of prior or superior rights to the mark.

29 \* Sec. 7. AS 45.50.030 is amended to read:

30 Sec. 45.50.030. FORM OF APPLICATION. The application shall be signed  
31 and verified by the applicant or by a member of the firm or an officer of the

1 corporation, partnership, or association applying. The application shall be  
2 accompanied by three specimens showing the actual use of the mark on or in  
3 connection with the goods or services [A SPECIMEN OR FACSIMILE OF THE  
4 TRADEMARK IN TRIPLICATE].

5 \* Sec. 8. AS 45.50.040 is amended to read:

6 Sec. 45.50.040. FILING FEE. The application for registration shall be  
7 accompanied by a filing fee of \$50 [\$10] payable to the department [DEPARTMENT  
8 OF COMMERCE AND ECONOMIC DEVELOPMENT].

9 \* Sec. 9. AS 45.50.050 is amended to read:

10 Sec. 45.50.050. FORM AND CONTENTS OF CERTIFICATE OF  
11 REGISTRATION. Upon compliance by the applicant with the requirements of  
12 AS 45.50.010 - 45.50.205 [AS 45.50.010 - 45.50.200], the commissioner shall issue  
13 and deliver a certificate of registration to the applicant. The certificate of registration  
14 shall be issued under the signature of the commissioner and the seal of the state. The  
15 certificate must show

16 (1) the name and business address [AND, IF A CORPORATION, THE  
17 STATE OF INCORPORATION,] of the registrant and, if that registrant is a

18 (A) corporation, the state of incorporation; or

19 (B) partnership, the state in which the partnership is  
20 organized and the names of the general partners [; PERSON CLAIMING  
21 OWNERSHIP OF THE TRADEMARK];

22 (2) the date claimed for the first use of the mark [TRADEMARK]  
23 anywhere and the date claimed for the first use of the mark [TRADEMARK] in this  
24 state;

25 (3) the class of goods or services and a description of the goods or  
26 services on or in connection with which the mark [TRADEMARK] is used;

27 (4) a reproduction of the mark [TRADEMARK];

28 (5) the registration date; and

29 (6) the term of the registration.

30 \* Sec. 10. AS 45.50.060 is amended to read:

31 Sec. 45.50.060. CERTIFICATE OF REGISTRATION AS EVIDENCE. A

1 certificate of registration issued by the commissioner [DEPARTMENT] under  
2 AS 45.50.010 - 45.50.205 [THE PROVISIONS OF AS 45.50.010 - 45.50.200] or a  
3 copy of it certified by the commissioner is admissible in evidence as competent and  
4 sufficient proof of the registration of the mark [TRADEMARK] in an action or  
5 judicial proceeding in the state.

6 \* Sec. 11. AS 45.50.070 is amended to read:

7 Sec. 45.50.070. DURATION AND RENEWAL. Registration of a mark  
8 [TRADEMARK] is effective for a term of five [10] years from the date of registration.  
9 Upon application filed within six months before the expiration of the term in a  
10 manner complying with the requirements of the commissioner [, ON A FORM  
11 FURNISHED BY THE DEPARTMENT], the registration may be renewed for an  
12 additional term of five [10] years.

13 \* Sec. 12. AS 45.50.070 is amended by adding a new subsection to read:

14 (b) An application for renewal of a registration must include a verified  
15 statement that the mark has been used and is still in use. Three specimens showing  
16 actual use of the mark on or in connection with the goods or services shall be  
17 submitted with the renewal application.

18 \* Sec. 13. AS 45.50.080 is amended to read:

19 Sec. 45.50.080. FEE FOR RENEWAL OF REGISTRATION. A renewal fee  
20 of \$50 [\$10] shall accompany the application for renewal of the registration.

21 \* Sec. 14. AS 45.50.090 is amended to read:

22 Sec. 45.50.090. ADDITIONAL TERMS OF RENEWAL. A [TRADEMARK]  
23 registration of a mark may be renewed for successive periods of five [10] years in the  
24 manner provided in AS 45.50.070 and 45.50.080.

25 \* Sec. 15. AS 45.50.100 is amended to read:

26 Sec. 45.50.100. NOTIFICATION OF EXPIRATION OF REGISTRATION  
27 PERIOD. The commissioner shall notify each registrant of the necessity of renewal  
28 at least six months [WITHIN THE YEAR] preceding the expiration [OF THE 10  
29 YEARS FROM THE] date of the registration. Notification shall be by writing to the  
30 last known address of the registrant.

31 \* Sec. 16. AS 45.50.120 is amended to read:

1           Sec. 45.50.120. ASSIGNMENT. (a) A mark [TRADEMARK] and its  
2 registration are assignable with the goodwill of the business in which the mark  
3 [TRADEMARK] is used, or with that part of the goodwill of the business connected  
4 with the use of and symbolized by the mark [TRADEMARK].

5           (b) An assignment shall be in writing and may be filed [RECORDED] with  
6 the commissioner [DEPARTMENT] upon the payment of a fee of \$25 [\$2,  
7 PAYABLE] to the department. The commissioner shall file [RECORD] the  
8 assignment [,] and shall issue in the name of the assignee a new certificate for the  
9 remainder of the term of the registration.

10           (c) An assignment of registration is void as against a subsequent purchaser for  
11 valuable consideration without notice, unless it is filed [RECORDED] with the  
12 commissioner [DEPARTMENT] within three months after the date of the assignment  
13 or before the subsequent purchase.

14 \* Sec. 17. AS 45.50 is amended by adding a new section to read:

15           Sec. 45.50.125. NAME CHANGE AND OTHER FILINGS. (a) The name of  
16 a registrant or applicant may be changed by filing the change of name with the  
17 commissioner on a form furnished by the department that has been signed and verified  
18 by the registrant or applicant and paying a filing fee of \$25. The commissioner shall  
19 issue in the changed name of a registrant an amended certificate of registration.

20           (b) Other signed and verified instruments that relate to a registered mark or  
21 an application for registration of a mark may be filed at the discretion of the  
22 commissioner upon payment of a filing fee established by regulation of the department.

23           (c) A photocopy of an instrument shall be accepted by the commissioner for  
24 filing if it is certified by a party to the instrument or a successor of a party to be a true  
25 and correct copy of the original and if the commissioner would have accepted the  
26 original for filing under (a) or (b) of this section.

27           (d) Acknowledgment is prima facie evidence for the commissioner of the  
28 execution of an assignment, change of name, or other instrument related to a registered  
29 mark or to registration of a mark. When the instrument is filed by the commissioner,  
30 the filing is prima facie evidence of execution of the instrument for all other purposes.

31 \* Sec. 18. AS 45.50.130 is amended to read:

1           Sec. 45.50.130. COMMISSIONER TO KEEP RECORD OF REGISTRATION.

2           The commissioner shall keep for public examination a record of all marks  
3           [TRADEMARKS] registered or renewed under AS 45.50.010 - 45.50.205 and a  
4           record of all instruments filed under AS 45.50.125 [AS 45.50.010 - 45.50.200].

5           \* Sec. 19. AS 45.50.140 is amended to read:

6           Sec. 45.50.140. CANCELLATION. The commissioner shall cancel in whole  
7           or in part [FROM THE REGISTER]

8                         (1) [EACH REGISTRATION UNDER A PREVIOUS LAW THAT IS  
9           MORE THAN FIVE YEARS OLD AND NOT RENEWED IN ACCORDANCE  
10          WITH AS 45.50.010 - 45.50.200;

11                        (2)] a registration for which the commissioner receives a voluntary  
12           written request for cancellation from [REQUESTED BY] the registrant or the  
13           assignee of record [RECORDS TO BE CANCELED];

14                        (2) [(3)] each registration [UNDER AS 45.50.010 - 45.50.200] that  
15           expires and is not renewed under AS 45.50.070 and 45.50.090;

16                        (3) [(4)] a registration found by a court to be

17                                 (A) abandoned; [,]

18                                 (B) not owned by the registrant; [,]

19                                 (C) granted improperly; [,]

20                                 (D) obtained fraudulently; [, OR]

21                                 (E) so similar, as to be likely to cause confusion or mistake or  
22           to deceive, to a mark [TRADEMARK] registered by another person in the  
23           United States Patent and Trademark Office, before the date of filing of the  
24           application for registration by the registrant under AS 45.50.010 - 45.50.205  
25           [AS 45.50.010 - 45.50.200], and not abandoned; however, if the registrant  
26           proves that the registrant is the owner of a concurrent registration of the mark  
27           [TRADEMARK] in the United States Patent and Trademark Office covering  
28           an area including this state, the registration may not be canceled; or

29                                 (F) the generic name for all or a portion of the goods or  
30           services for which the mark has been registered;

31                        (4) [(5)] when a court orders cancellation of a registration on any

1 ground.

2 \* Sec. 20. AS 45.50.140 is amended by adding a new subsection to read:

3 (b) For purposes of (a) of this section, registration of a mark is abandoned  
4 when use of the mark has been discontinued and the registrant has no intent to resume  
5 its use, or when the mark loses its significance as a mark due to action or failure to  
6 act by the registrant. The intent not to resume the use of a mark may be inferred from  
7 circumstances. No use of a mark by the registrant for at least a 24-month period  
8 constitutes prima facie evidence that its registration has been abandoned.

9 \* Sec. 21. AS 45.50.150 is amended to read:

10 Sec. 45.50.150. CLASSIFICATION. The department shall by regulation  
11 establish a classification [FOLLOWING GENERAL CLASSES] of goods and  
12 services [ARE ESTABLISHED] for convenience of administration of AS 45.50.010 -  
13 45.50.205 [AS 45.50.010 - 45.50.200]. However, the classification does [THEY DO]  
14 not limit or extend the applicant's or registrant's rights, and a single application for  
15 registration of a mark [TRADEMARK] may include [ANY OR] all goods upon  
16 which, or services with which, the mark [TRADEMARK] is actually being used  
17 comprised in a single class, but in no event may a single application include goods or  
18 services upon which the mark [TRADEMARK] is being used that [WHICH] fall  
19 within different classes of goods or services. To the extent practical, the  
20 classification of goods and services should conform to the classification adopted  
21 by the United States Patent and Trademark Office [. THE CLASSES ARE  
22 AS FOLLOWS:

23 (1) ABRASIVES AND POLISHING MATERIALS;

24 (2) ADHESIVES;

25 (3) BAGGAGE, ANIMAL EQUIPMENT, PORTFOLIOS, AND  
26 POCKETBOOKS;

27 (4) BELTING, HOSE, MACHINERY PACKING, AND  
28 NONMETALLIC TIRES;

29 (5) BROOMS, BRUSHES, AND DUSTERS;

30 (6) CANES, PARASOLS, AND UMBRELLAS;

31 (7) CHEMICALS AND CHEMICAL COMPOSITIONS;

- 1 (8) CLOTHING;
- 2 (9) CONSTRUCTION MATERIALS;
- 3 (10) CORDAGE;
- 4 (11) COSMETICS AND TOILET PREPARATIONS;
- 5 (12) CROCKERY, EARTHENWARE, AND PORCELAIN;
- 6 (13) CUTLERY, MACHINERY, AND TOOLS, AND PARTS
- 7 THEREOF;
- 8 (14) DENTAL, MEDICAL, AND SURGICAL APPLIANCES;
- 9 (15) DETERGENTS AND SOAPS;
- 10 (16) DISTILLED ALCOHOLIC LIQUORS;
- 11 (17) ELECTRICAL APPARATUS, MACHINES AND SUPPLIES;
- 12 (18) EXPLOSIVES, FIREARMS, EQUIPMENT, AND PROJECTILES;
- 13 (19) FANCY GOODS, FURNISHINGS, AND NOTIONS;
- 14 (20) FERTILIZERS;
- 15 (21) FILTERS AND REFRIGERATORS;
- 16 (22) FOODS AND INGREDIENTS OF FOODS;
- 17 (23) FURNITURE AND UPHOLSTERY;
- 18 (24) GAMES, TOYS, AND SPORTING GOODS;
- 19 (25) GLASSWARE;
- 20 (26) HARDWARE AND PLUMBING AND STEAMFITTING
- 21 SUPPLIES;
- 22 (27) HEATING, LIGHTING, AND VENTILATING APPARATUS;
- 23 (28) HOROLOGICAL INSTRUMENTS;
- 24 (29) INKS AND INKING MATERIALS;
- 25 (30) JEWELRY AND PRECIOUS METALWARE;
- 26 (31) KNITTED, NETTED AND TEXTILE FABRICS, AND
- 27 SUBSTITUTES FOR THEM;
- 28 (32) LAUNDRY APPLIANCES AND MACHINES;
- 29 (33) LINOLEUM AND OILED CLOTH;
- 30 (34) LOCKS AND SAFES;
- 31 (35) MALT BEVERAGES AND LIQUORS;

- 1 (36) MEASURING AND SCIENTIFIC APPLIANCES;  
2 (37) MEDICINES AND PHARMACEUTICAL PREPARATIONS;  
3 (38) METALS AND METAL CASTINGS AND FORGINGS;  
4 (39) MUSICAL INSTRUMENTS AND SUPPLIES;  
5 (40) OILS AND GREASES;  
6 (41) PAINTS AND PAINTERS' MATERIALS;  
7 (42) PAPER AND STATIONERY;  
8 (44) RAW OR PARTLY PREPARED MATERIALS;  
9 (45) RECEPTACLES;  
10 (46) SMOKERS' ARTICLES, NOT INCLUDING TOBACCO  
11 PRODUCTS;  
12 (47) SOFT DRINKS AND CARBONATED WATERS;  
13 (48) THREAD AND YARN;  
14 (49) TOBACCO PRODUCTS;  
15 (50) VEHICLES;  
16 (51) WINES;  
17 (52) MERCHANDISE NOT OTHERWISE CLASSIFIED].

18 \* Sec. 22. AS 45.50.160 is amended to read:

19 Sec. 45.50.160. FRAUDULENT REGISTRATION. A person who, for the  
20 person or on behalf of another, procures the filing or registration of a mark under  
21 AS 45.50.010 - 45.50.205 [TRADEMARK WITH THE DEPARTMENT,] by  
22 knowingly making a false or fraudulent representation or declaration, orally  
23 [VERBALLY] or in writing, or by another [ANY OTHER] fraudulent means, is liable  
24 to pay all damages sustained in consequence of the filing or registration, which may  
25 be recovered by or on behalf of the party injured in any court.

26 \* Sec. 23. AS 45.50.170 is amended to read:

27 Sec. 45.50.170. INFRINGEMENT. A [SUBJECT TO AS 45.50.190, A]  
28 person is liable in a civil action by the registrant [OWNER OF THE REGISTERED  
29 TRADEMARK] for the remedies provided in AS 45.50.180 [,] if the person  
30 (1) uses, without the consent of the registrant, a reproduction,  
31 counterfeit, copy, or colorable imitation of a mark [TRADEMARK] registered under

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AS 45.50.010 - 45.50.205 [AS 45.50.010 - 45.50.200] in connection with the sale, distribution, offering for sale, or advertising of goods or services on or in connection with which the use is likely to cause confusion or mistake or to deceive as to the source of origin of the goods or services; or

(2) reproduces, counterfeits, copies, or colorably imitates the mark [TRADEMARK] and applies the reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or distribution in this state of the goods or services; except that under this paragraph the registrant may not recover profits or damages unless the acts are committed with [KNOWLEDGE THAT] the intent [TRADEMARK IS INTENDED TO BE USED] to cause confusion or mistake or to deceive.

\* Sec. 24. AS 45.50.180(a) is amended to read:

(a) A registrant [THE OWNER OF A TRADEMARK REGISTERED UNDER AS 45.50.010 - 45.50.200] may enjoin the manufacture, use, display, or sale of a counterfeit or imitation of the registrant's mark [TRADEMARK].

\* Sec. 25. AS 45.50.180(b) is amended to read:

(b) The court may grant an injunction to restrain the manufacture, use, display, or sale, and may require the defendant to pay to the registrant either [OWNER] the profits derived from or the damages suffered by reason of the wrongful manufacture, use, display, or sale, or both. The court may also order that the counterfeit or imitation in the possession or under the control of a defendant be delivered to an officer of the court, or to the complainant, to be destroyed. The court may also enter judgement for punitive damages in an amount not to exceed three times the profits, damages, and reasonable attorney fees of the prevailing party.

\* Sec. 26. AS 45.50.180 is amended by adding new subsections to read:

(d) A registrant that owns a mark that is famous in the state is entitled to an injunction against another's dilution of the mark. If the user of the famous mark wilfully intended to trade on the registrant's reputation or to cause dilution of the mark, the registrant is also entitled to remedies set out in (b) of this section. In determining whether a mark is famous, a court may consider any factor, including the

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- 1 (1) degree of inherent or acquired distinctiveness of the mark in the  
2 state;
- 3 (2) duration and extent of use of the mark in connection with the goods  
4 and services;
- 5 (3) duration and extent of advertising and publicity of the mark in the  
6 state;
- 7 (4) geographical extent of the trading area in which the mark is used;
- 8 (5) channels of trade for the goods or services with which the mark is  
9 used;
- 10 (6) degree of recognition in the state of the mark in the registrant's  
11 trading area and channel of trade, and in the user's trading area and channel of trade;  
12 and
- 13 (7) nature and extent of use of the same or similar mark by other  
14 persons.

15 (e) For purposes of (d) of this section, "dilution" means the use of a word,  
16 symbol, or device, or a combination of one or more of these, in a manner that deprives  
17 or reduces the distinctiveness of a mark.

18 \* Sec. 27. AS 45.50.200 is amended to read:

19 Sec. 45.50.200. DEFINITIONS. In AS 45.50.010 - 45.50.205, [AS 45.50.010 -  
20 45.50.200]

21 (1) "applicant" means the person filing an application for registration  
22 of a mark [TRADEMARK], or a legal representative, successor, or assign of that  
23 person;

24 (2) "certification mark" means a mark used upon or in connection  
25 with the goods or services of one or more persons other than the registrant to  
26 certify national or other origin, material, mode of manufacture, quality, accuracy,  
27 or other characteristics of the goods or services or that the work or labor on the  
28 goods or services was performed by members of a union or other organization;

29 (3) "collective mark" means a trademark or service mark used by  
30 the members of a cooperative, an association or other collective group or  
31 organization and includes marks used to indicate membership in a union, an

1 association, or other organization:

2 (4) "commissioner" means the commissioner of commerce and  
3 economic development;

4 (5) [(3)] "department" means the Department of Commerce and  
5 Economic Development;

6 (6) "mark" [(4) "PERSON"] means a certification mark, a collective  
7 mark, a service mark, or a trademark:

8 (7) [AN INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION,  
9 ASSOCIATION, UNION OR OTHER ORGANIZATION;

10 (5)] "registrant" means the person to whom the registration of a mark  
11 [TRADEMARK] is issued, or a legal representative, successor, or assign of that  
12 person;

13 (8) "service mark" means a word, symbol, design, or a combination  
14 of one or more of these that identifies the services of a person:

15 (9) [(6)] "trademark" means a word, symbol, or design, or a  
16 combination of one or more of these, used by a person to identify its goods and  
17 distinguish them from those of another;

18 (10) "use" or "used" means the bona fide use of a mark in the  
19 ordinary course of trade, and not made merely to reserve a right in the mark; a  
20 mark is deemed to be in use on goods when it is placed in any manner on the  
21 goods, on the goods' container, on tags or labels affixed to the goods, on displays  
22 associated with the goods, or, if the nature of the goods makes other types of  
23 placement impracticable, on documents associated with the goods or with the sale  
24 of the goods when they are sold or transported in commerce in this state; a mark  
25 is deemed to be in use on services when it is displayed in the sale or advertising  
26 of services that are performed in this state;

27 (11) "verified" means that a document has been certified to be true  
28 as provided in AS 09.63.040 [NAME, SYMBOL, OR DEVICE OR COMBINATION  
29 OF ANY OF THESE ADOPTED AND USED BY A PERSON TO IDENTIFY  
30 GOODS MADE OR SOLD BY THE PERSON AND TO DISTINGUISH THEM  
31 FROM GOODS MADE OR SOLD BY OTHERS;

1 (7) A TRADEMARK IS "USED" IN THIS STATE WHEN IT IS  
2 PLACED IN ANY "USED" MANNER ON GOODS OR THEIR CONTAINERS OR  
3 ON THE TAGS OR LABELS AFFIXED TO GOODS, WHEN THE GOODS ARE  
4 SOLD OR DISTRIBUTED IN THE STATE].

5 \* Sec. 28. AS 45.50 is amended by adding a new section to article 1 to read:

6 Sec. 45.50.205. SHORT TITLE. AS 45.50.010 - 45.50.205 may be cited as  
7 the Alaska Trademark Act.

8 \* Sec. 29. AS 45.50.180(c) and 45.50.190 are repealed.

9 \* Sec. 30. TRANSITION. The amendments made to AS 45.50.010 - 45.50.200 by this Act  
10 do not apply to an application, suit, proceeding or appeal pending on the effective date of this  
11 Act. Notwithstanding the amendments made to AS 45.50.070 - 45.50.090 in secs. 11 - 14 of  
12 this Act, a registration or renewal of a registration that is in effect on the effective date of this  
13 Act remains in effect for the full term that existed on the date of the registration or renewal.

14 \* Sec. 31. AUTHORIZATION TO ADOPT REGULATIONS. The Department of  
15 Commerce and Economic Development may adopt regulations to implement this Act;  
16 however, the regulations may not be effective before the effective date of this Act.

17 \* Sec. 32. Sections 1 - 30 of this Act take effect January 1, 1997.

18 \* Sec. 33. Section 31 of this Act takes effect immediately under AS 01.10.070(c).

# Alaska State Legislature

REPRESENTATIVE  
GENE THERRIAULT

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119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
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While in Session  
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Juneau, Alaska  
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## House Of Representatives

House District 33

HB 450 "An act relating to trademarks; and providing for an effective date."

Sponsor: Representative Gene Therriault 

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### Sponsor Statement:

This legislation is intended to update the State Trademark Act. Alaska's current law is modeled upon the 1964 Lanham Act. The proposed revision is to bring Alaska's trademark law current with the changes to the Lanham Act over the past 30 years, and is modeled closely to the Model State Trademark Bill written by the International Trademark Association. This revision will allow the registration of marks that currently cannot be registered under state law, such as service marks, certification marks and collective marks. The legislation was introduced at the request of the Division of Banking, Securities and Corporations. Passage of the legislation is needed to strengthen the intellectual property rights for Alaska's business community.

The Judiciary Committee made one minor amendment by adding Section 30 on page 16, line 9. The new section allows the Department of Commerce and Economic Development to begin the process of implementing regulations so the regulations are in effect by the effective date of the bill.

The Committee Substitute makes two changes. The first affects the fees charged for applying for, renewing, assigning and changing the owners' name for trademarks. The fees are currently set in statute. House Bill 450 originally proposed taking the fees out of statute and allowing them to be set by the department. Because I agree with concerns raised in lower committees, however, I have decided to reinstate the current practice of setting fees in statute, but at a higher level to reflect today's market.

The Committee Substitute proposes the following fees:

<b>Application</b>	\$50 for five years
<b>Renewal</b>	\$50 every five years
<b>Assignment</b>	\$25
<b>Name change</b>	\$25

The second change affects the procedure for appealing the denial of a trademark application, Sec. 6 AS 45.50.025 (d), page 5, lines 20-25. The current version requires the court to hear the matter de novo, which requires amending the Alaska Rules of Appellate Procedure. The Committee Substitute removes the de novo provision.

3/8/96

## Sectional Analysis

**House Bill 450**, "An act relating to trademarks; and providing for an effective date."

The revisions to this bill are based on the Model State Trademark Bill, promulgated by the International Trademark Association.

- Section 1** INTENT. The legislation is intended to make Alaska's system of state trademark registration consistent with the federal system.
- Section 2** Replaces the term "trademark" with the term "marks" as they relate to the income the state derives from rentals or royalties for using the marks. A trademark refers only to a word, name or symbol placed on a product to identify who made it. "Mark" includes a "certification mark," "collective mark," "service mark," and "trademark." A certification mark is used by someone other than the registrant to certify characteristics of the product or that the product was made by a union; a collective mark is used by members of a cooperative or association to indicate membership in a union; a service mark is used to identify the services of a person. This change is made throughout the bill.
- Section 3** **AS 45.50.010 (1) - (5)** Contains clarification and grammatical changes, including addition of the words "when used on or in connection with" to describe how a mark must be used. This change is made throughout the bill.  
**AS 45.50.010 (6)** States that a mark cannot resemble another mark registered with the United States Patent and Trademark Office. The current law states the mark cannot resemble another mark registered in the state.
- Section 4** Adds definitions for "descriptive" and "misdescriptive" by stating that when words describing goods or services become accepted as identifying the goods or services, the words are no longer merely descriptive. Defines "misdescriptive" as words that falsely describe goods or services.
- Section 5** Changes the entity with whom a mark must be registered from the department to the commissioner, and makes technical changes.  
**(1) (B)** Adds the following to the information that must be included when registering a trademark:

-- the partnership, the state in which the partnership is organized and the names of the general partners.

-- a statement that to the best of the applicant's knowledge, no other person has previously registered a confusingly similar mark.

-- a statement as to whether an application to register a mark has been filed with the United States Patent and Trademark Office by the applicant or a predecessor and, if registration was refused, why. The change is in response to comments from state trademark administrators who want to benefit from any prior federal examinations.

- Section 6** Adds a new section regarding the application procedure. This section clarifies the commissioner's authority to accept or reject an application, based on the registrability of the proposed mark. Current law gives the commissioner no direction on the procedure for examining applications.
- Section 7** Adds partnership to the list of groups that can apply to register a mark and requires three examples showing use of the mark on or in connection with the goods.
- Section 8** Changes the application filing fee from \$10 to \$50.
- Section 9** Adds the following to the information to be shown on the certificate:
- if a corporation, the state of incorporation
  - if a partnership, the state in which the partnership is organized and the names of the general partners.
- Makes various other technical revisions, such as adding "services" to the definition of products that can be registered. This change is made throughout the bill.
- Section 10** Changes "department" to "commissioner" as the party that issues certificates. Similar changes are made throughout the bill.
- Section 11** Changes the duration of regular registration from 10 years to five years to reduce the number of "deadwood" registrations. "Deadwood" refers to marks that have not been used in commerce for an extended period of time.
- Section 12** Adds a subsection stating that renewal applications must include a verified statement that the mark has been and still is in use.
- Section 13** Changes the renewal fee from \$10 to \$50.

- Section 14** Reduces the renewal time from 10 successive years to five successive years.
- Section 15** Changes the time the commissioner must notify registrants of the need to renew from one year to six months before the mark expires.
- Section 16** Changes the assignment fee from \$2 to \$25.
- Section 17** Adds a new section regarding name changes and other filings. Under previous versions of the Model Bill, assignments of trademark registrations and applications are recordable. This section was revised to allow the recording of name changes as well. It sets a fee of \$25 for the service.  
**45.50.125(b)** Allows the recording of other instruments that relate to state trademark registrations such as licenses, security interests or mortgages.
- Section 18** Technical amendments to reflect other changes.
- Section 19** Provides that the commissioner can cancel registrations that expire and are not renewed under AS 45.50.070 - 45.50.090. Currently, the commissioner can cancel a mark that was registered under previous law, is more than five years old and has not been renewed.  
**45.50.140 (f)** Provides that a registration may be canceled if the mark has become generic.
- Section 20** Adds a new section stating that a mark is abandoned when use of the mark has been discontinued and the registrant has no intent to resume its use, or when the mark loses its significance as a mark due to action or failure to act. No use of a mark for two years is sufficient to prove that registration has been abandoned.
- Section 21** This section affects classification of goods and services. Some states have adopted the old U.S. classification system while others have converted to the International classification system. The bill removes direct delineation and states that to the extent practical, the classification of goods and services should conform to the classification adopted by the United States Patent and Trademark Office.
- Section 22** Makes technical amendments.
- Section 23** Makes technical amendments.

**Section 24** Makes technical amendments.

**Section 25** Provides remedies for cases involving infringement, in the form of a judgment for punitive damages not to exceed three times the profits, damages, and reasonable attorney fees of the prevailing party.

**Section 26** Adds new sections regarding dilution of a mark. Dilution is the lessening of the capacity of a mark to identify and distinguish goods or services. Often the distinctiveness of a famous mark is diluted when it is used without the owner's consent on dissimilar products over a period of time, gradually chipping away the famous mark's foundation. **45.50.180 (d)** gives a registrant the right to file an injunction against another's dilution of a famous mark, and to collect damages if the dilution was intentional. It lists factors to be considered when determining if a mark is famous.

**Section 27** Provides definitions.

**45.50.200 (10)** Adds a new definition for "use" or "used." The word "use" has been revised according to the standards of the Trademark Law Revision Act and to cover only "use in the state." The requirement of intrastate use eliminates possible ambiguities created by alternate references to "use" or "used."

**45.50.200 (11)** Adds a new definition for "verified."

**Section 28** Makes technical amendments

**Section 29** Makes technical amendments

**Section 30** Makes technical amendments

**Section 31** Provides a transition period, stating that the amendments do not apply to an application or proceeding pending on the effective date of the act, and that a registration or renewal of a registration that is in effect on the effective date of the Act remains in effect despite the Act.

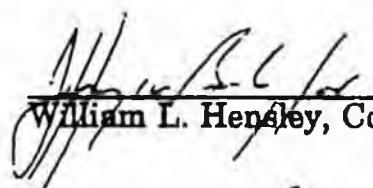
**HB 450**

The department supports the passage of HB 450. Passage of this bill will make the Alaska Trademark Act substantially consistent with the federal system of trademark registration, and will strengthen "intellectual property" (various types of trademark forms) rights for Alaskan businesses.

The major improvements to the Alaska Trademark Act, proposed by HB 450, include broadening trademark protection to service providers, adding additional remedies to trademark owners for infringement, and providing anti-dilution provisions for "intellectual property" owners whose trademark has become famous in this state.

The department endorses the intent of this bill to update the Alaska Trademark Act, and strengthen "intellectual property" rights for Alaskan businesses.

The department expects no additional cost will be incurred by this legislation.

  
\_\_\_\_\_  
William L. Hensley, Commissioner

Date: 1-31-96



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Commerce & Economic Dev.	DIVISION Banking, Securities & Corp.	BILL NUMBER HB 450	SPONSOR Representative Gene Therriault
SHORT TITLE OF BILL Alaska Trademark Act			
DEPARTMENT POSITION The department supports passage of HB 450.			
PREPARED BY Willis F. Kirkpatrick, Director	DATE 1/30/96	COMMISSIONER'S SIGNATURE <i>Just L. [Signature]</i>	DATE 1-31-96

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUP(S) AFFECTED BY BILL Any type of business owners in Alaska who use words or logos to identify their goods and services. Legal practitioners in intellectual property.
ORGANIZATIONAL SUPPORT FOR BILL The International Trademark Association, Intellectual Property Attorneys	ORGANIZATIONAL OPPOSITION TO BILL None
FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT  
HB 450 was patterned to be substantially consistent with the federal system of trademark registration under the Lanham Act of 1946, as amended.

ANALYSIS OF BILL/PROGRAM EFFECTS  
The current Act is modeled after a pre 1964 version of the Model State Trademark Bill, and has not kept pace with changes to the Lanham Act which have occurred over the past 30 years. The proposed legislation is based upon a revision to the MSTB which was adopted by the International Trademark Association, the International Association of Corporation Administrators, and the National Association of Secretaries of State. HB 450 will make the State Trademark Act more consistent with the Lanham Act, and will strengthen intellectual property rights for Alaskan businesses.

AMENDMENTS PROPOSED  
Sec. 32. TRANSITION: REGULATIONS. Notwithstanding Sec. 33 of this Act, the state agencies affected by this Act may proceed to adopt regulations necessary to implement changes in law enacted by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the respective effective date of the change in law in this Act.  
  
Sec. 33. This Act takes effect January 1, 1997.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

LANE  
POWELL  
SPEARS  
LUBERSKY

February 16, 1996

Mark Rindner

Law Offices

550 W. 7th Ave.  
Suite 1650  
Anchorage, AK  
99501-3568

(907) 277-9511

Facsimile:

(907) 276-2631

A Partnership  
Including  
Professional  
Corporations

The Honorable Gene Therriault  
Representative  
Alaska House of Representatives  
Room 421 State Capitol  
Juneau, AK 99801-1182

**Re: House Bill No. 450, and Act Relating to Trademarks**

Dear Representative Therriault:

I am writing to express my support for House Bill 450, entitled "An Act Relating to Trademarks; Amending Alaska Rule of Appellate Procedure 609; and Providing for An Effective Date." This legislation is based on the revised Model State Trademark Bill, a document drafted in 1992 by the International Trademark Association (INTA), the world's leading organization of trademark owners and practitioners. My firm, Lane Powell Spears Lubersky, is a member of INTA. As an attorney, I encourage the Alaska Legislature to adopt this measure.

House Bill 450 reflects, in part, recent amendments made to the Lanham Act, the federal trademark statute that has effectively protected the interests of consumers and the business community over a period of fifty years. It also promotes consistency with new changes to the trademark laws of other states.

The enactment of this legislation will improve the functioning of the state trademark system. It will allow me and my firm to better defend our clients' marks against infringement and improve the quality of trademark searches undertaken by the Department of Commerce and Economic Development. The promotion of trademarks and the recognition of the important role they play in commerce will also be greatly enhanced.

Please feel free to contact me should you have any questions concerning my support of House Bill 450.

Anchorage, AK  
Los Angeles, CA  
Mount Vernon, WA  
Olympia, WA  
Portland, OR  
Seattle, WA

London, England  
Tokyo, Japan

The Honorable Gene Therriault  
February 16, 1996  
Page 2

Thank you for your assistance.

Very truly yours,

LANE POWELL SPEARS LUBERSKY



Mark Rindner

cc: Anne W. Glazer, Esq.

MR\therriau.ltr



# FAX

To: Representative Theriault  
Alaska State Legislature  
Room 421, State Capitol  
Juneau, Alaska 99801-1182

From: Don and Rose Harris  
Cookhouse, Inc.  
dba: Red Dog Saloon  
Juneau, Alaska  
FAX: 541-347-4061  
pages 1 of 2

Re: Revision of the Alaska Trademark Act

Dear Representative Theriault:

With much enthusiasm, we want you to "forge ahead" to update Alaska's State Trademark Act. Over the past several years, our well known Alaska landmark, the Red Dog Saloon, has been infringed upon, diluted and identified with as major in-state/out-of-state business concerns attempt to do business in Alaska. Each time our Corporation has "rallied to the cause" to defend our registered trademark. And, each time this procedure has cost many dollars and expended undue time and energies away from our business activities.

We learned that the existing system of state trademark registration and protection is vague at best and almost impossible to defend. One of the major obstacles is Alaska's inconsistency with the federal system of trademark registration.

You have our support for your efforts to sponsor legislation to update Alaska's State Trademark Act. We can swap "horror stories", show you examples of large companies attempting to use our trademark, or simply talk with you as you make progress. If we can be of assistance, contact us.

Don and Rose Harris  
Cookhouse, Inc.  
200 Admiral Way  
Gunnear, Alaska  
FAX: 541 347 4061

6

3/6/96

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 21, 1996

FURTHER REFERRALS:

Rules  
Fin Ref. added 3/6/96

Date of Committee Action: 3/4/96

The JUDICIARY Committee considered:

HB 450

HOUSE BILL NO. 450

ALASKA TRADEMARK ACT

"An Act relating to trademarks; amending Alaska Rule of Appellate Procedure 609; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 450(L&C) [ ] the same title [X] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) CED 2/21/96  
[ ] fiscal note(s) \_\_\_\_\_ [X] fiscal note(s)

[ ] zero fiscal note(s) \_\_\_\_\_ [ ] zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
Brian D. Porter	Porter	✓			
Car Bunde	Bunde			✓	
<del>John Toohy</del>	Toohy	✓			
<del>John Vezev</del>	Vezev				✓
John Finkelstein	Finkelstein			X	
		(2)		(2)	(1)

CHAIR'S SIGNATURE Brian Porter  
Chair

2/21/96

HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: January 26, 1996

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2-7-96

The LABOR AND COMMERCE Committee considered:

HB 450

HOUSE BILL NO. 450

ALASKA TRADEMARK ACT

"An Act relating to trademarks; amending Alaska Rule of Appellate Procedure 609; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 450 (LEC)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) CFD \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Kott	✓			
<i>[Signature]</i>	Rokeberg			✓	
<i>[Signature]</i>	S. How			✓	
<i>[Signature]</i>	Kubina			✓	
<i>[Signature]</i>	Porter	✓			
<i>[Signature]</i>	Masek			✓	
<i>[Signature]</i>	Sanders			✓	
		(2)		(5)	

CHAIR'S SIGNATURE *[Signature]*