

Traps" in Sec. 1, Ch. 182, SLA 1960 listed under the Office of the Governor existing at the end of the fiscal year ending June 30, 1961 shall not lapse and revert to the

general fund, but shall carry over as an appropriation for the same purpose for the fiscal year beginning July 1, 1961 and ending June 30, 1962.

Approved April 13, 1961

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## CHAPTER 82

### AN ACT

**Relating to jury trials in magistrate courts; amending Ch. 184, SLA 1959; and providing for an effective date.**

(H.B. 167)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Ch. 184, SLA 1959, is amended by adding a new Sec. 10A to read:

Sec. 10A. **Jury Trials.** The trial jury in the magistrate courts shall consist

of a body of persons six in number.

Sec. 2. This Act shall not affect any proceedings commenced before the effective date of this Act.

Sec. 3. This Act takes effect June 1, 1961.

Approved April 13, 1961

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## CHAPTER 83

### AN ACT

**Relating to veterans' loans and bonuses; amending Sec. 44-2-14, ACLA 1949, as amended by Ch. 87, SLA 1949; and providing for an effective date.**

(C.S.H.B. 176)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. The first paragraph of Sec. 44-2-14, ACLA 1949, as amended by Sec. 2, Ch. 87, SLA 1949, is amended to read:

Sec. 44-2-14. **Loans, Bonus and Beneficiary Provisions.** (Limitation on securing both bonus and loan.) Persons eligible for loans under this Act shall also be eligible for the bonus hereinafter authorized, provided, however, that the bonus for which each veteran may be eligible shall be an alternative to the

loan privileges hereinabove prescribed, until such bonus shall be repaid. It is the intent and purpose hereof that if an eligible person elects to take the bonus and obtains same, he shall thereafter be disqualified under the loan provisions hereof, until the amount of the bonus has been repaid. Likewise, if he elects to borrow and obtain any loan authorized by this Act, he shall thereby forfeit his claim to a bonus hereunder.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 13, 1961

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## CHAPTER 84

### AN ACT

**To provide for the registration and protection of trademarks; repealing Ch. 142, SLA 1959; and providing for an effective date.**

(H.B. 68)

**Be it enacted by the Legislature of the State of Alaska:**

**Section 1. Definitions**

(A) The term "trademark" as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(B) The term "person" as used herein means any individual, firm, partnership, corporation, association, union or other organization.

(C) The term "applicant" as used herein embraces the person filing an application for registration of a trademark under this Act, his legal representatives, successors or assigns.

(D) The term "registrant" as used herein embraces the person to whom the registration of a trademark under this Act is issued, his legal representatives, successors or assigns.

(E) For the purpose of this Act, a trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this state.

**Sec. 2. Registrability.** A trademark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered if it

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a 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 provided, however, that nothing in this section (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 state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods, proof of continuous 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

(f) consists of or comprises a trademark which so resembles a trademark registered in this state or a trademark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive.

**Sec. 3. Application for Registration.** Subject to the limitations set forth in this Act, any person who adopts and uses a trademark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that trademark setting forth, but not limited to, the following information:

(a) the name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(b) the goods in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods and the class in which such goods fall,

(c) 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

(d) a statement that the applicant is the owner of the trademark and that no other person has the right to use such trademark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such trademark in triplicate.

The application for registration shall be accompanied by a filing fee of ten dollars (\$10.00), payable to the secretary of state.

**Sec. 4. Certificate of Registration.** Upon compliance by the applicant with the requirement of this Act, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the secretary of state and the seal of the state, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the trademark, 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, the class of goods and a description of the goods on which the trademark is used, a reproduction of the trademark, the registration date and the term of the registration.

Any certificate of registration issued by the secretary of state under the provisions hereof or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such trademark in any action or judicial proceedings in any court of this state.

**Sec. 5. Duration and Renewal.** Registration of a trademark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the secretary of state, the registration may be renewed for a like term. A renewal fee of ten dollars (\$10.00), payable to the secretary of state, shall accompany the application for renewal of the registration.

A trademark registration may be renewed for successive periods of ten years in like manner.

The secretary of state shall notify registrants of trademarks hereunder of the necessity of renewal within the year next

preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

Any registration in force on the date on which this Act shall become effective shall expire five years from the date of the registration and may be renewed by filing an application with the secretary of state on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

The secretary of state shall within six months after the effective date of this Act notify all registrants of trademarks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this Act, by writing to the last known address of the registrants.

**Sec. 6. Assignment.** Any trademark and its registration hereunder shall be 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. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary of state upon the payment of a fee of two dollars (\$2.00), payable to the secretary of state who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

**Sec. 7. Records.** The secretary of state shall keep for public examination a record of all trademarks registered or renewed under this Act.

**Sec. 8. Cancellation.** The secretary of state shall cancel from the register:

(1) all registrations under prior acts which are more than five years old and not renewed in accordance with this Act;

(2) any registration concerning which the secretary of state shall receive a voluntary request for cancellation thereof

from the registrant or the assignee of record;

(3) all registrations granted under this Act and not renewed in accordance with the provisions hereof;

(4) any registration concerning which a court of competent jurisdiction shall find

(a) that the registered trademark has been abandoned,

(b) that the registrant is not the owner of the trademark,

(c) that the registration was granted improperly,

(d) that the registration was obtained fraudulently,

(e) that the registered trademark is 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, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove 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 hereunder shall not be cancelled.

(5) when a court of competent jurisdiction shall order cancellation of a registration on any ground.

**Sec. 9. Classification.** The following general classes of goods are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a trademark may include any or all goods upon which the trademark is actually being used comprised in a single class, but in no event shall a single application include goods upon which the trademark is being used which fall within different classes of goods.

The said classes are as follows:

1. Raw or partly prepared materials
2. Receptacles
3. Baggage, animal equipments, portfolios, and pocketbooks
4. Abrasives and polishing materials
5. Adhesives

6. Chemicals and chemical compositions
7. Cordage
8. Smokers' articles, not including tobacco products
9. Explosives, firearms, equipments, and projectiles
10. Fertilizers
11. Inks and inking materials
12. Construction materials
13. Hardware and plumbing and steam-fitting supplies
14. Metals and metal castings and forgings
15. Oils and greases
16. Paints and painters' materials
17. Tobacco products
18. Medicines and pharmaceutical preparations
19. Vehicles
20. Linoleum and oiled cloth
21. Electrical apparatus, machines and supplies
22. Games, toys, and sporting goods
23. Cutlery, machinery, and tools, and parts thereof
24. Laundry appliances and machines
25. Locks and safes
26. Measuring and scientific appliances
27. Horological instruments
28. Jewelry and precious-metal ware
29. Brooms, brushes, and dusters
30. Crockery, earthenware, and porcelain
31. Filters and refrigerators
32. Furniture and upholstery
33. Glassware
34. Heating, lighting, and ventilating apparatus
35. Belting, hose, machinery packing, and non-metallic tires

36. Musical instruments and supplies
37. Paper and stationery
38. Prints and publications
39. Clothing
40. Fancy goods, furnishings, and notions
41. Canes, parasols, and umbrellas
42. Knitted, netted and textile fabrics, and substitutes therefor
43. Thread and yarn
44. Dental, medical, and surgical appliances
45. Soft drinks and carbonated waters
46. Foods and ingredients of foods
47. Wines
48. Malt beverages and liquors
49. Distilled alcoholic liquors
50. Merchandise not otherwise classified
51. Cosmetics and toilet preparations
52. Detergents and soaps

**Sec. 10. Fraudulent Registration.** Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any trademark in the office of the secretary of state under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

**Sec. 11. Infringement.** Subject to the provisions of Sec. 13 hereof, any person who shall

(a) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a trademark registered under this Act in connection with the sale, offering for sale, or advertising of any goods on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods; or

(b) reproduce, counterfeit, copy or colorably imitate any such trademark and apply such 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 other distribution in this state of such goods; shall be liable to a civil action by the owner of such registered trademark for any or all of the remedies provided in Section 12 hereof, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such trademark is intended to be used to cause confusion or mistake or to deceive.

**Sec. 12. Remedies.** Any owner of a trademark registered under this Act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale, and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

**Sec. 13. Common Law Rights.** Nothing herein shall adversely affect the rights or the enforcement of rights in trademarks acquired in good faith at any time at common law.

**Sec. 14. Severability.** If any provision hereof, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act shall not be affected thereby.

**Sec. 15. Repealer.** Ch. 142, SLA 1959 is repealed.

**Sec. 16. Saving Clause.** As to any suit, proceeding, or appeal, and for that purpose only, pending at the time this Act

takes effect, such repeal shall be considered not to be effective until final determination of said pending suit, proceeding, or

appeal.

Sec. 17. **Effective Date.** This Act takes effect on July 1, 1961.

Approved April 14, 1961

## CHAPTER 85

### AN ACT

**Relating to jurisdiction over juveniles; amending Sec. 19, Ch. 184, SLA 1959; and providing for an effective date.**

(H.B. 106)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Sec. 19, Ch. 184, SLA 1959 is amended by adding a new paragraph (9) to read:

(9) For cases involving minors under the age of eighteen years and arising under the provisions of Ch. 145, SLA 1957 as amended, when the minor is in a condition or surroundings dangerous or injurious to the welfare of the minor or others which requires immediate action,

and such action by a district magistrate is not practicable because of time or distance. Any action by a deputy magistrate remains in effect only until a hearing regarding the custody of the minor is held by the district magistrate. Any action by the deputy magistrate is subject to the review of, and may at any time be rescinded by, the district magistrate.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1961

## CHAPTER 86

### AN ACT

**Relating to and prohibiting false, deceptive and misleading advertising; providing for enforcement and criminal penalties; and providing for an effective date.**

(H.B. 123)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. It shall be unlawful for any person to knowingly publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by any means, including solicitation or dissemination by mail, telephone or door-to-door contacts, any false, deceptive or misleading advertising with actual knowledge of the facts which render the advertising false, deceptive or misleading, for any business, trade or commercial purpose or for the purpose of inducing, or which is likely to induce, directly or indirectly, the public to purchase, consume, lease, dispose of, utilize or sell any property or service, or to enter into any obligation or transaction relating thereto;

provided, that nothing in this section shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints, or distributes such advertising in good faith without actual knowledge of its false, deceptive or misleading character.

Sec. 2. The attorney general or his representative may bring an action in the superior court to restrain and prevent any person from violating any provision of this Act.

Sec. 3. Any person who knowingly violates any of the provisions of Sec. 1 of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to