

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tolman, Steven (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act making technical corrections to the state trademarks act.

PETITION OF:

NAME:

Tolman, Steven (SEN)

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01914 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT MAKING TECHNICAL CORRECTIONS TO THE STATE TRADEMARKS ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 110H of the General Laws, as appearing in chapter 195
2 of 2006, is hereby amended by striking out paragraph (e) and inserting in place thereof the
3 following paragraph:-

4 (e) The application shall be accompanied by 1 specimen showing the mark as actually used.

5 SECTION 2. Said chapter 110H is hereby further amended by adding the following section:-

6 Section 18. The intent of this chapter is to provide a system of state trademark registration and
7 protection substantially consistent with the federal system of trademark registration and
8 protection under the Trademark Act of 1946, as amended. To that end, the construction given the
9 federal Act should be examined as persuasive authority for interpreting and construing this
10 chapter to the extent of the consistency in the language.

11 SECTION 3. Paragraph (b) of section 4.01 of chapter 156D of the General Laws, as amended by
12 section 3 of chapter 195 of 2006, is hereby further amended by striking out clause (6) and
13 inserting in place thereof the following clause:-

14 (6) a trademark of service mark registered with the secretary of state under chapter 110B or
15 110H.

16 SECTION 4. Subsection (b) of section 15.06 of said chapter 156D, as amended by section 4 of
17 said chapter 195, is hereby further amended by striking out clause (6) and inserting in place
18 thereof the following clause:-

19 (6) a trademark of service mark registered with the secretary of state under chapter 110B or
20 110H.