SENATE DOCKET, NO. 390 FILED ON: 1/19/2011

SENATE . . . . . No. 1635

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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:

An Act making technical corrections to the state trademarks act..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Tolman	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 390 FILED ON: 1/19/2011

SENATE . . . . . No. 1635

By Mr. Tolman, a petition (accompanied by bill, Senate, No. 1635) of Steven A. Tolman for legislation to make technical corrections to the State Trademarks Act. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1467* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

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

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

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

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

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

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

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