

HOUSE No. 2977

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to state trademarks..

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
5 used.

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

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

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