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**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1955**

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**ENROLLED**

**SENATE BILL NO. 129**

(By Mr. Jackson)

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PASSED February 14 1955

In Effect same Passage



**ENROLLED**

**Senate Bill No. 129**

(By MR. JACKSON of LOGAN)

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(By request of Secretary of State.)

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[Passed February 14, 1955; in effect from passage.]

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AN ACT to amend and reenact section two, article two, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to trade-marks in general, and to filing and recording fees in particular.

*Be it enacted by the Legislature of West Virginia:*

That section two, article two, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. *Registration; Certificates of Recordation.*—

2 Every such person, firm, corporation, association or union

3 that has heretofore adopted or used, or shall hereafter  
4 adopt or use, a label, trade-mark, term, design, device or  
5 form of advertisement as provided in the preceding sec-  
6 tion may register the same by filing the same for record  
7 in the office of the secretary of state by leaving two  
8 copies, counterparts or facsimiles thereof, with said sec-  
9 retary and by filing therewith a sworn application speci-  
10 fying the name or names of the person, association or  
11 union on whose behalf such label, trade-mark, term, de-  
12 sign, device or form of advertisement shall be filed, the  
13 class of merchandise and a description of the goods to  
14 which it has been or is intended to be appropriated, stat-  
15 ing that the party so filing, or on whose behalf such label,  
16 trade-mark, term, design, device or form of advertise-  
17 ment shall be filed, has the right to the use of the same,  
18 that no other person, firm, association, union or corpora-  
19 tion has the right to such use, either in the identical form  
20 or in any such near resemblance thereto as may be calcu-  
21 lated to deceive, and that the facsimiles or counterparts  
22 filed therewith are true and correct. There shall be paid  
23 for such filing and recording a fee of five dollars. The

24 secretary of state shall deliver to such person, firm, cor-  
25 poration, association, or union, so filing or causing to be  
26 filed any such label, trade-mark, term, design, device or  
27 form of advertisement, so many duly attested certificates  
28 of the recording of the same as such person, firm, corpora-  
29 tion, association or union may apply for, for each of which  
30 certificates said secretary shall receive a fee of five  
31 dollars. Any such certificates of record shall in all suits  
32 and prosecutions under this article be sufficient proof of  
33 the adoption and registry of such label, trade-mark, term,  
34 design, device or form of advertisement. The secretary  
35 of state shall not record for any person, firm, corporation,  
36 union or association, any label, trade-mark, term, design,  
37 device or form of advertisement, that would probably  
38 be mistaken for any label, trade-mark, term, design, de-  
39 vice or form of advertisement theretofore filed by or on  
40 behalf of any other person, firm, corporation, union or  
41 association.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*

Chairman Senate Committee

*[Handwritten Signature]*

Chairman House Committee

Originated in the Senate.

Takes effect from ..... passage.

*[Handwritten Signature]*

Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within approved this the 18  
day of February, 1955.

*[Handwritten Signature]*  
Governor.



Filed In the Office of the Secretary of State  
of West Virginia **FEB 19 1955**

D. PITT O'BRIEN  
SECRETARY OF STATE

Mar 2 9 No 1955

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled

Chair

Originator

Tables

Chair

Present

1955

day of

1955

Filed In the Office of the Secretary of State  
of West Virginia **FEB 19 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE