

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 654

(By Mr. Speaker, Mr. White)



PASSED February 18, 1965

In Effect ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-27-65

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ENROLLED
House Bill No. 654

(By MR. SPEAKER, MR. WHITE)

[Passed February 18, 1965; in effect ninety days from passage.]

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, as amended, relating to registration and certificates of recordation of labels, trademarks, terms, designs, devices or forms of advertisement within the state of West Virginia, and authorizing the reservation of a label, trade-mark, term, design, device or form of advertisement for a period of time prior to the registration thereof.

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, as amended, 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 copies,
8 counterparts or facsimiles thereof, with said secretary
9 and by filing therewith a sworn application specifying
10 the name or names of the person, firm, corporation, associ-
11 ation or union on whose behalf such label, trade-mark,
12 term, design, device or form of advertisement shall be
13 filed, the class of merchandise and a description of the
14 goods to which it has been or is intended to be appropri-
15 ated, stating that the party so filing, or on whose behalf
16 such label, trade-mark, term, design, device or form of
17 advertisement shall be filed, has the right to the use of the
18 same, that no other person, firm, association, union or cor-
19 poration has the right to such use, either in the identical
20 form or in any such near resemblance thereto as may be
21 calculated to deceive, and that the facsimiles or counter-

22 parts filed therewith are true and correct. The person,
23 firm, corporation, association or union may reserve such
24 label, trade-mark, term, design, device or form of adver-
25 tisement by making application in writing to the secre-
26 tary of state prior to the formal filing with the secretary
27 of state for a period of sixty days if the label, trade-mark,
28 term, design, device or form of advertisement has not
29 been previously reserved or registered. The aforesaid
30 sixty-day period may be extended for an additional thirty-
31 day period upon written application to the secretary of
32 state prior to the expiration of the original sixty-day
33 period. The secretary of state shall deliver to such per-
34 son, firm, corporation, association, or union, so filing or
35 causing to be filed any such label, trade-mark, term, de-
36 sign, device or form of advertisement, so many duly
37 attested certificates of the recording of the same as such
38 person, firm, corporation, association or union may apply
39 for, for each of which certificates said secretary shall re-
40 ceive a fee of five dollars. Any such certificates of record
41 shall in all suits and prosecutions under this article be
42 sufficient proof of the adoption and registry of such label,

43 trade-mark, term, design, device or form of advertisement.
44 The secretary of state shall not record for any person,
45 firm, corporation, union or association, any label, trade-
46 mark, term, design, device or form of advertisement, that
47 would probably be mistaken for any label, trade-mark,
48 term, design, device or form of advertisement theretofore
49 filed by or on behalf of any other person, firm, corpora-
50 tion, union or association.

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

Roy Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Tye
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *26th*
day of *February*, 1965.

Archie C. Smith
Governor



Presented to the Governor's Office

Feb. 23, 1965

10:40 a.m.