ENROLLED

HOUSE BILL No. 654

(By Mr. Speaker, Mr. White)

PASSED February 18, 1965

In Effect ninety days from Passage
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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, trade-marks, 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.—

Every such person, firm, corporation, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade-mark, term, design, device or form of advertisement as provided in the preceding section may register the same by filing the same for record in the office of the secretary of state by leaving two copies, counterparts or facsimiles thereof, with said secretary and by filing therewith a sworn application specifying the name or names of the person, firm, corporation, association or union on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing, or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counter-
parts filed therewith are true and correct. The person, firm, corporation, association or union may reserve such label, trade-mark, term, design, device or form of advertisement by making application in writing to the secretary of state prior to the formal filing with the secretary of state for a period of sixty days if the label, trade-mark, term, design, device or form of advertisement has not been previously reserved or registered. The aforesaid sixty-day period may be extended for an additional thirty-day period upon written application to the secretary of state prior to the expiration of the original sixty-day period. The secretary of state shall deliver to such person, firm, corporation, association, or union, so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, firm, corporation, association or union may apply for, for each of which certificates said secretary shall receive a fee of five dollars. Any such certificates of record shall in all suits and prosecutions under this article be sufficient proof of the adoption and registry of such label,
trade-mark, term, design, device or form of advertisement.

The secretary of state shall not record for any person, firm, corporation, union or association, any label, trade-mark, term, design, device or form of advertisement, that would probably be mistaken for any label, trade-mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, firm, corporation, union or association.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
Presented to the Governor's Office
Feb. 23, 1965
10:40 a.m.