

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1802

By: Coates

AS INTRODUCED

An Act relating to trademarks; amending 78 O.S. 2001, Section 21, which relates to definitions; making language gender neutral; modifying definitions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 78 O.S. 2001, Section 21, is amended to read as follows:

Section 21. (A) The term "trademark" as used herein means any word, name, symbol, emblem, or device or any combination thereof adopted and used by a person to identify goods made or sold or services rendered by him or her and to distinguish them from goods made or sold or services rendered by others.

(B) The term "person" as used herein means any individual, firm, general partnership, limited partnership, corporation, limited liability company, association, union or other organization.

(C) The term "applicant" as used herein embraces the person filing an application for registration of a trademark under this act, his or her legal representatives, successors or assigns.

(D) The term "registrant" as used herein embraces the person to whom the registration of a trademark under this act is issued, his or her legal representatives, successors or assigns.

(E) For the purposes of this act, a trademark shall be deemed to be "used" in this state (1) when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this

state, or (2) when it is used in any manner in connection with the sale or advertising of services in this state.

(F) The term "emblem" as referred to in ~~section~~ subsection (A) of this section shall be deemed any badge, motto, button, decoration, charm, rosette or such other insignia.

SECTION 2. This act shall become effective January 1, 2007.

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