

ASSEMBLY BILL NO. 115—ASSEMBLYMAN COBB

PREFILED JANUARY 23, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the registration and protection of trademarks, trade names and service marks. (BDR 52-287)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade regulations and practices; revising provisions governing the State's system for the registration and protection of trademarks, trade names and service marks; making various changes regarding administration of the system by the Secretary of State; authorizing the Secretary of State to prescribe certain fees; prohibiting certain misleading and deceptive practices; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Nevada's existing trademark laws, which are administered by the Secretary of
2 State, establish a system for the registration and protection of marks, including
3 trademarks, trade names and service marks. (NRS 600.240-600.450) Nevada's
4 existing trademark laws are based on the Model State Trademark Bill, which was
5 drafted by the International Trademark Association to promote uniformity among
6 state trademark laws and to harmonize those state laws with the federal Trademark
7 Act of 1946, which is commonly known as the Lanham Act. (15 U.S.C. §§ 1051 et
8 seq.) This bill amends Nevada's existing trademark laws to account for several
9 changes made to the Model State Trademark Bill and the federal Trademark Act in
10 recent years.

11 **Sections 2, 8, 9 and 18-25** of this bill specify the persons who may register
12 marks in this State and define the types of trademarks, trade names and service
13 marks that may be registered. (NRS 600.250-600.330) **Sections 10 and 24** of this
14 bill define when a mark is deemed to be in use in this State and when a mark is
15 deemed to be abandoned. (NRS 600.320)

16 **Sections 3-6 and 39** of this bill protect against misuse or dilution of a famous
17 mark and prohibit certain misleading and deceptive practices which impair the
18 distinctiveness or harm the reputation of a famous mark. (NRS 600.435)



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19 **Sections 7 and 11** of this bill provide that to the extent Nevada's trademark
20 laws are substantially consistent with the federal Trademark Act, the interpretation
21 and application given to the federal Trademark Act must be considered to be
22 persuasive authority in interpreting and applying Nevada's trademark laws.

23 Existing law establishes the amounts of the fees the Secretary of State is
24 required to collect in administering Nevada's trademark laws. (NRS 600.340,
25 600.355, 600.360, 600.370, 600.395) **Section 12** of this bill requires the Secretary
26 of State to prescribe the amounts of such fees by regulation and also makes such
27 fees nonrefundable. **Section 44** of this bill requires the existing amounts of such
28 fees to remain in effect until the Secretary of State prescribes the amounts by
29 regulation.

30 **Sections 13 and 26-34** of this bill revise the requirements and procedures for:
31 (1) filing, amending and reviewing applications for registration of a mark; (2)
32 issuing, correcting, renewing and cancelling registrations; and (3) filing and
33 recording assignments, name changes and other documents related to a registered
34 mark, including licenses, security interests and mortgages. (NRS 600.340-600.395)

35 **Sections 14 and 15** of this bill establish requirements for bringing an action to
36 compel registration of a mark and an action for cancellation of the registration of a
37 mark. **Section 16** of this bill provides a method for service of process in an action
38 brought against a nonresident owner of a mark.

39 **Section 35** of this bill requires the Secretary of State to adopt regulations
40 defining general classes of goods and services for which a mark may be registered.
41 **Section 35** also provides that to the extent practicable, the classes of goods and
42 services adopted by the Secretary of State must conform to the classes of goods and
43 services adopted by the United States Patent and Trademark Office in the
44 administration of the federal Trademark Act. (NRS 600.400)

45 The other sections of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 600 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 16, inclusive, of this
3 act.

4 **Sec. 2. 1.** *“Business or legal entity” means any form of*
5 *business or social organization and any other nongovernmental*
6 *legal entity, including, but not limited to, a corporation, limited-*
7 *liability company, partnership, association, trust, union, joint*
8 *venture or unincorporated organization.*

9 **2.** *The term does not include a government, governmental*
10 *agency or political subdivision of a government.*

11 **Sec. 3.** *“Dilution by blurring” means the association arising*
12 *from the similarity between a mark and a famous mark that*
13 *impairs the distinctiveness of the famous mark.*

14 **Sec. 4.** *“Dilution by tarnishment” means the association*
15 *arising from the similarity between a mark and a famous mark*
16 *that harms the reputation of the famous mark.*



1 **Sec. 5.** *“Dilution of a famous mark” means dilution by*
2 *blurring or dilution by tarnishment, regardless of the presence or*
3 *absence of:*

4 1. *Competition between the owner of the famous mark and*
5 *other parties;*

6 2. *Actual or likely confusion, mistake or deception; or*

7 3. *Actual economic injury.*

8 **Sec. 6.** *“Famous mark” means a mark that is famous in this*
9 *State pursuant to the criteria set forth in NRS 600.435.*

10 **Sec. 7.** *“Federal Trademark Act” means the federal*
11 *Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 et seq.,*
12 *which is commonly known as the Lanham Act.*

13 **Sec. 8.** *“Owner of a mark” or “owner” means a person who*
14 *is the owner of a mark and the legal representatives, successors or*
15 *assigns of such a person.*

16 **Sec. 9.** 1. *“Person” means a natural person or a business*
17 *or legal entity.*

18 2. *The term does not include a government, governmental*
19 *agency or political subdivision of a government.*

20 **Sec. 10.** *For the purposes of NRS 600.240 to 600.450,*
21 *inclusive, and sections 2 to 16, inclusive, of this act, a mark is*
22 *deemed to be “abandoned” when either of the following occurs:*

23 1. *When use of the mark has been discontinued with the*
24 *intent not to resume such use. Intent not to resume use may be*
25 *inferred from the circumstances. Nonuse of the mark for 2*
26 *consecutive years constitutes prima facie evidence of*
27 *abandonment.*

28 2. *When any course of conduct of the owner of the mark,*
29 *including acts of omission as well as commission, causes the mark*
30 *to lose its significance as a mark.*

31 **Sec. 11.** 1. *The provisions of NRS 600.240 to 600.450,*
32 *inclusive, and sections 2 to 16, inclusive, of this act must be*
33 *interpreted and applied to provide in this State a system of*
34 *registration and protection of marks that is substantially consistent*
35 *with the federal system of registration and protection of marks*
36 *pursuant to the federal Trademark Act.*

37 2. *To the extent that the provisions of NRS 600.240 to*
38 *600.450, inclusive, and sections 2 to 16, inclusive, of this act are*
39 *substantially consistent with the federal Trademark Act, the*
40 *interpretation and application given to the federal Trademark Act*
41 *must be considered to be persuasive authority in interpreting and*
42 *applying the provisions of NRS 600.240 to 600.450, inclusive, and*
43 *sections 2 to 16, inclusive, of this act.*

44 **Sec. 12.** 1. *The Secretary of State shall, by regulation,*
45 *prescribe the amount of the fees that are necessary to carry out the*



1 *provisions of NRS 600.240 to 600.450, inclusive, and sections 2 to*
2 *16, inclusive, of this act, including, but not limited to, the amount*
3 *of the fees for:*

- 4 (a) *Filing an application;*
- 5 (b) *Issuing, correcting, renewing or cancelling a registration;*
- 6 (c) *Filing or recording an assignment or other document; and*
- 7 (d) *Performing any other related services.*

8 2. *Unless otherwise specified by the Secretary of State, the*
9 *fees payable pursuant to NRS 600.240 to 600.450, inclusive, and*
10 *sections 2 to 16, inclusive, of this act are nonrefundable.*

11 **Sec. 13.** 1. *After an applicant files an application for*
12 *registration of a mark and pays the required fees, the Secretary of*
13 *State shall review the application for conformity with the*
14 *provisions of NRS 600.240 to 600.450, inclusive, and sections 2 to*
15 *16, inclusive, of this act.*

16 2. *The applicant:*

17 (a) *Shall provide any additional pertinent information*
18 *regarding the application that is requested by the Secretary of*
19 *State, including, but not limited to, a description of a design mark;*
20 *and*

21 (b) *Except as otherwise provided in this paragraph, may*
22 *submit amendments to the application or authorize the Secretary*
23 *of State to make amendments to the application as may be*
24 *reasonably requested by the Secretary of State or deemed by the*
25 *applicant to be advisable in response to any objection made by the*
26 *Secretary of State. In lieu of allowing or making any amendments*
27 *to the application, the Secretary of State may require the applicant*
28 *to submit a new application.*

29 3. *The Secretary of State may require the applicant to*
30 *disclaim an unregistrable component of a mark that is otherwise*
31 *registrable, and an applicant may voluntarily disclaim a*
32 *component of a mark that is otherwise registrable. If the*
33 *applicant disclaims a component of a mark, the disclaimer does*
34 *not prejudice or affect the rights of the applicant then existing or*
35 *thereafter arising, either as an applicant or registrant, in the*
36 *disclaimed matter or the right to seek registration in another*
37 *application if the disclaimed matter is or becomes distinctive of the*
38 *goods or services of the applicant.*

39 4. *Except as otherwise provided in subsection 6, if the*
40 *Secretary of State finds that a mark is not entitled to registration:*

41 (a) *The Secretary of State shall notify the applicant and specify*
42 *the reasons for the finding;*

43 (b) *The applicant shall have a reasonable period, as specified*
44 *by the Secretary of State, in which to respond to the finding or to*
45 *amend the application; and*



1 (c) *If the applicant responds to the finding or amends the*
2 *application, the Secretary of State shall reexamine the application.*
3 *The Secretary of State and the applicant shall repeat this*
4 *procedure until:*

5 (1) *The Secretary of State determines that any further*
6 *response or amendment by the applicant will not change the result*
7 *and issues a final decision denying registration of the mark; or*

8 (2) *The applicant fails to respond or amend the application*
9 *within the specified period, at which time the application shall be*
10 *deemed to be abandoned.*

11 5. *Except as otherwise provided in subsection 6, if an*
12 *applicant is aggrieved by a final decision of the Secretary of State*
13 *denying registration of a mark, the applicant may bring an action*
14 *to compel registration of the mark in accordance with section 14*
15 *of this act.*

16 6. *If the Secretary of State is concurrently processing two or*
17 *more applications seeking registration of the same or confusingly*
18 *similar mark for the same or related goods or services, the*
19 *Secretary of State shall grant priority to the applications in the*
20 *order in which they were filed. If the Secretary of State issues a*
21 *certificate of registration for a mark in an earlier-filed application,*
22 *the Secretary of State shall deny registration of the marks in the*
23 *later-filed applications. If an applicant is aggrieved by a final*
24 *decision of the Secretary of State denying registration of a mark in*
25 *a later-filed application pursuant to this subsection, the applicant*
26 *may bring an action for cancellation of the registration of the*
27 *mark in the earlier-filed application upon grounds of prior or*
28 *superior rights to the mark in accordance with section 15 of this*
29 *act.*

30 **Sec. 14. 1.** *If an applicant is aggrieved by a final decision*
31 *of the Secretary of State denying registration of a mark, the*
32 *applicant may bring an action to compel registration of the mark.*

33 2. *To bring an action to compel registration of a mark, the*
34 *applicant must:*

35 (a) *Name the Secretary of State as the respondent;*

36 (b) *Institute the action by filing a petition in the district court*
37 *in and for Carson City, in and for the county in which the*
38 *applicant resides or in and for a county where the mark is in use*
39 *in this State; and*

40 (c) *File the petition within 30 days after service of the final*
41 *decision of the Secretary of State.*

42 3. *The court's review of the final decision of the Secretary of*
43 *State denying registration of the mark must be based solely upon*
44 *the record before the Secretary of State.*



1 **4.** *If the applicant proves that all the statements in the*
2 *application are true and that the mark is otherwise entitled to*
3 *registration, the court shall grant appropriate relief compelling*
4 *registration of the mark, but without costs to the Secretary of*
5 *State.*

6 **Sec. 15. 1.** *If a person is aggrieved by the registration of a*
7 *mark in this State, the person may bring an action for cancellation*
8 *of the registration of the mark.*

9 **2.** *To bring an action for cancellation of the registration of*
10 *the mark, the person must:*

11 **(a)** *Name the owner of the mark as the respondent; and*

12 **(b)** *Institute the action by filing a petition in the district court*
13 *in and for Carson City, in and for the county in which the owner*
14 *resides or in and for a county where the mark is in use in this*
15 *State.*

16 **3.** *When the person bringing the action serves the respondent*
17 *with the petition, the person also must serve the Secretary of State*
18 *with a copy of the petition in the manner prescribed by Rule 5 of*
19 *the Nevada Rules of Civil Procedure. The Secretary of State is not*
20 *a necessary and indispensable party to the action under Rule 19 of*
21 *the Nevada Rules of Civil Procedure, and the person bringing the*
22 *action may not name the Secretary of State as a party to the*
23 *action.*

24 **4.** *After being served with a copy of the petition, the Secretary*
25 *of State may elect to intervene in the action by filing a timely*
26 *motion to intervene pursuant to Rule 24 of the Nevada Rules of*
27 *Civil Procedure. Upon the filing of such a motion, the Secretary of*
28 *State has an unconditional right to intervene in the action.*

29 **Sec. 16.** *In any action brought pursuant to NRS 600.240 to*
30 *600.450, inclusive, and sections 2 to 16, inclusive, of this act*
31 *against a nonresident owner of a mark:*

32 **1.** *The Secretary of State shall be deemed to be an agent of*
33 *the nonresident owner for the purposes of service of process in the*
34 *action; and*

35 **2.** *Service of process may be made upon the Secretary of State*
36 *as the agent of the nonresident owner in accordance with the*
37 *procedures established by law for service upon a nonresident*
38 *business or legal entity.*

39 **Sec. 17.** *NRS 600.240 is hereby amended to read as follows:*

40 600.240 *As used in NRS 600.240 to 600.450, inclusive, and*
41 *sections 2 to 16, inclusive, of this act, unless the context otherwise*
42 *requires, the words and terms defined in NRS 600.250 to ~~600.320,~~*
43 *600.310, inclusive, and sections 2 to 9, inclusive, of this act have*
44 *the meanings ascribed to them in those sections.*



1 **Sec. 18.** NRS 600.250 is hereby amended to read as follows:
2 600.250 “Applicant” means ~~the person filing~~ *a person who*
3 *files* an application for registration of a ~~trademark, his~~ *mark*
4 *pursuant to NRS 600.240 to 600.450, inclusive, and sections 2 to*
5 *16, inclusive, of this act, and the* legal representatives, successors
6 or assigns ~~of such a person.~~

7 **Sec. 19.** NRS 600.260 is hereby amended to read as follows:
8 600.260 “Mark” ~~includes~~ *means* any trademark, trade name
9 or service mark entitled to registration *pursuant to NRS 600.240 to*
10 *600.450, inclusive, and sections 2 to 16, inclusive, of this act,*
11 whether registered or not.

12 **Sec. 20.** NRS 600.280 is hereby amended to read as follows:
13 600.280 “Registrant” ~~includes~~ *means* the person to whom *the*
14 *Secretary of State issues* the *certificate of* registration of a mark ~~is~~
15 ~~issued, his~~ *pursuant to NRS 600.240 to 600.450, inclusive, and*
16 *sections 2 to 16, inclusive, of this act, and the* legal representatives,
17 successors or assigns ~~of such a person.~~

18 **Sec. 21.** NRS 600.290 is hereby amended to read as follows:
19 600.290 “Service mark” means ~~a mark used in the sale or~~
20 ~~advertising of services~~ *any word, name, symbol or device, or any*
21 *combination thereof, used by a person to identify and distinguish*
22 *the services of* ~~one person and distinguish them~~ *that person,*
23 *including a unique service, from the services of others* ~~of~~, *and to*
24 *indicate the source of the services, even if that source is unknown.*
25 *Titles, character names used by a person and other distinctive*
26 *features of radio or television programs may be registered as*
27 *service marks notwithstanding that the titles, character names or*
28 *programs may advertise the goods of the sponsor.*

29 **Sec. 22.** NRS 600.300 is hereby amended to read as follows:
30 600.300 “Trademark” means any word, name, symbol or
31 device, or any combination ~~of them, adopted and~~ *thereof,* used by
32 a person to identify *and distinguish the* goods ~~made~~
33 *manufactured* or sold by ~~him and to distinguish them~~ *that person,*
34 *including a unique product, from the* goods ~~made~~ *manufactured*
35 or sold by others ~~of~~, *and to indicate the source of the goods, even*
36 *if that source is unknown.*

37 **Sec. 23.** NRS 600.310 is hereby amended to read as follows:
38 600.310 “Trade name” means ~~a~~ *any* word, *name,* symbol ~~of~~
39 *or* device, or any combination ~~of them,~~ *thereof,* used by a person
40 to identify ~~his~~ *and distinguish the* business, vocation or
41 occupation ~~and distinguish it~~ *of that person* from the business,
42 vocation or occupation of others.

43 **Sec. 24.** NRS 600.320 is hereby amended to read as follows:
44 600.320 *For the purposes of NRS 600.240 to 600.450,*
45 *inclusive, and sections 2 to 16, inclusive, of this act:*



1 **1. “Use” means the bona fide use of a mark in the ordinary**
2 **course of trade. The term does not include use made merely to**
3 **reserve a right in a mark.**

4 **2. A mark is deemed to be ~~“used”~~ in “use” in this State:**

5 ~~[1-]~~ **(a) On goods when ~~[1-]~~ the mark is placed in any manner**
6 **on the goods, their containers, the displays associated with them or**
7 **on the tags or labels affixed to them *or, if the nature of the goods***
8 ***makes such placement impracticable, then on documents***
9 ***associated with the goods or their sale, and the goods are sold or***
10 **~~otherwise distributed in the~~ *transported in commerce in this* State;**
11 **and**

12 ~~[2-]~~ **(b) On services when ~~[1-]~~ the mark is used or displayed in**
13 **the sale or advertising of services and the services are rendered in**
14 **this State.**

15 **Sec. 25. NRS 600.330 is hereby amended to read as follows:**

16 600.330 A mark must not be registered if it:

17 1. Contains immoral, deceptive or scandalous matter.

18 2. Contains matter which may disparage or falsely suggest a
19 connection with persons, living or dead, institutions, beliefs ~~[1-]~~ **or**
20 national symbols or which may bring them into contempt or
21 disrepute.

22 3. Resembles or simulates the flag , ***the coat of arms*** or other
23 insignia of the United States, or of any state or municipality, or of
24 any foreign nation.

25 4. Contains the name, signature or portrait of any living person,
26 except when ~~[his]~~ **the** written consent ***of the person*** has been
27 obtained.

28 5. Consists of a mark which:

29 (a) When applied to the goods or services of the applicant, is
30 merely descriptive or deceptively misdescriptive of them;

31 (b) When applied to the goods or services of the applicant , is
32 primarily geographically descriptive or deceptively misdescriptive
33 of them; or

34 (c) Is primarily merely a surname,

35 ➔ but this subsection does not prevent the registration of a mark
36 used by the applicant which has become distinctive of the
37 applicant’s goods or services. Proof of continuous use of the mark
38 by the applicant in this State or elsewhere for 5 years next preceding
39 the date of the filing of the application for registration may be
40 accepted by the Secretary of State as evidence that the mark has
41 become distinctive.

42 6. So resembles a mark registered in this State which has not
43 been abandoned ~~[1-]~~ that it is likely that confusion, mistake or
44 deception may result.



1 **Sec. 26.** NRS 600.340 is hereby amended to read as follows:

2 600.340 1. ~~[A]~~ *Subject to the limitations set forth in NRS*
3 *600.240 to 600.450, inclusive, and sections 2 to 16, inclusive, of*
4 *this act, a person who has adopted and is using a mark in this State*
5 *may file in the Office of the Secretary of State, on a form to be*
6 *furnished by the Secretary of State, an application for registration of*
7 *that mark . ~~[setting]~~ The application must set forth, but is not*
8 *limited to, the following information:*

9 (a) Whether the mark to be registered is a trademark, trade name
10 or service mark;

11 (b) A description of the mark by name, words displayed in it or
12 other information;

13 (c) The name and business address of the person applying for
14 the registration and, if ~~[it]~~ *the person* is a ~~[corporation, limited-~~
15 ~~liability company, limited partnership or registered limited liability~~
16 ~~partnership,]~~ *business or legal entity*, the state of incorporation or
17 organization ~~;~~ *and the names of the officers, general partners or*
18 *managing members of the business or legal entity, as specified by*
19 *the Secretary of State;*

20 (d) The specific goods or services *on or* in connection with
21 which the mark is used and the mode or manner in which the mark
22 is used *on or* in connection with those goods or services and the
23 class as designated by the Secretary of State *pursuant to NRS*
24 *600.400* which includes those goods or services;

25 (e) The date when the mark was first used anywhere and the
26 date when ~~[it]~~ *the mark* was first used in this State by the applicant
27 or ~~[his]~~ *the applicant's* predecessor in ~~[business which]~~ *interest,*
28 *provided that the date when the mark was first used in this State*
29 *must precede the filing of the application; and*

30 (f) A statement that the applicant is the owner of the mark , *that*
31 *the mark is in use in this State* and that , *to the knowledge of the*
32 *person verifying the application, no other person has registered the*
33 *mark, either federally or in this State, or* has the right to use the
34 mark in this State either in the *identical* form set forth in the
35 application or in such near resemblance to it as ~~[might deceive or~~
36 ~~cause mistake.]~~ *to be likely, when applied to the goods or services*
37 *of the other person, to cause confusion, mistake or deception.*

38 2. *The Secretary of State may require the applicant to submit*
39 *with the application:*

40 (a) *A drawing of the mark which complies with such*
41 *requirements as the Secretary of State may specify.*

42 (b) *A statement as to whether an application to register the*
43 *mark, or portions or a composite of the mark, has been filed by the*
44 *applicant or the applicant's predecessor in interest with the United*
45 *States Patent and Trademark Office. If such a statement is*



1 *required, the statement must set forth full particulars with respect*
2 *to each application, including, but not limited to:*

3 *(1) The filing date, serial number and current status of*
4 *each application; and*

5 *(2) If any application resulted in the mark being denied*
6 *registration or otherwise resulted in the mark not being registered,*
7 *the reasons for the mark not being registered.*

8 3. The application must ~~[-~~

9 ~~-(a) Be signed] be:~~

10 (a) Signed and verified *under penalty of perjury* by the
11 applicant or, *if the applicant is a business or legal entity,* by ~~[a]~~ *an*
12 *officer, general partner or managing* member of the ~~[firm or an~~
13 ~~officer of the corporation or association applying-~~

14 ~~-(b) Be accompanied] business or legal entity;~~

15 (b) *Accompanied* by a specimen ~~[or facsimile of]~~ *which shows*
16 *the mark [on white paper that is 8 1/2 inches by 11 inches in size*
17 *and] as actually used on or in connection with the goods or*
18 *services and which meets the criteria set forth in NRS 600.343;*
19 *and*

20 (c) *Accompanied* by a filing fee ~~[of \$100]~~ *in the amount*
21 *prescribed pursuant to section 12 of this act and* payable to the
22 Secretary of State.

23 ~~[3-]~~ 4. If the application fails to comply with this section or
24 NRS 600.343, the Secretary of State shall return it for correction.

25 **Sec. 27.** NRS 600.343 is hereby amended to read as follows:

26 600.343 1. A specimen accompanying an application for
27 ~~[the]~~ registration of a mark *or an application for renewal of the*
28 *registration* must meet the following criteria:

29 (a) The specimen must agree with the mark as described in the
30 application ~~[,]~~ *for registration of the mark,* must agree with the
31 mark as used ~~[,]~~ and *must* evidence use of the mark.

32 (b) If the specimen is a drawing, it must be a substantially exact
33 representation of the mark as actually used.

34 (c) The specimen must fit on a page of paper not larger than 8
35 1/2 inches by 11 inches.

36 (d) ~~[A specimen may be a facsimile or photograph of the mark-~~

37 ~~-(e)]~~ The specimen must be suitable for reproduction, retention
38 and retrieval.

39 2. *A specimen may be a facsimile or photograph of the mark*
40 *if the specimen otherwise meets the criteria set forth in*
41 *subsection 1.*

42 3. After registration, an applicant may not change the specimen
43 if the change constitutes a material alteration of the mark.



1 **Sec. 28.** NRS 600.350 is hereby amended to read as follows:
2 600.350 1. Upon compliance by the applicant with the
3 requirements ~~[of NRS 600.330 and 600.340,]~~ *for the registration of*
4 *a mark pursuant to NRS 600.240 to 600.450, inclusive, and*
5 *sections 2 to 16, inclusive, of this act,* the Secretary of State shall
6 issue and deliver a certificate of registration to the applicant. The
7 certificate of registration must be issued under the signature of the
8 Secretary of State and the seal of the State, and it must designate:

9 (a) The name and business address *of the owner of the mark*
10 and, if *the owner is* a ~~[corporation, limited liability company,~~
11 ~~limited partnership or registered limited liability partnership,]~~
12 *business or legal entity,* the state of incorporation or organization
13 ~~[of the person claiming ownership of the mark;]~~ *and the names of*
14 *the officers, general partners or managing members of the*
15 *business or legal entity, as specified by the Secretary of State;*

16 (b) The date claimed for the first use of the mark anywhere and
17 the date claimed for the first use of the mark in this State;

18 (c) The class of goods or services to which the mark applies;

19 (d) A description of the goods or services on *or in connection*
20 *with* which the mark is used;

21 (e) A reproduction of the mark;

22 (f) The registration date; and

23 (g) The term of the registration.

24 ~~[→]~~

25 **2.** If a date of first use contained in the application is indefinite,
26 the certificate of registration must designate the latest definite date
27 that can be inferred from the words used. If a month and year are
28 given without specifying the day, the date is presumed to be the last
29 day of the month. If only a year is given, the date is presumed to be
30 the last day of the year.

31 ~~[2.]~~ **3.** The certificate of registration or a copy of the certificate
32 certified by the Secretary of State is admissible in evidence as
33 competent and sufficient proof of the registration of the mark in any
34 action or judicial proceedings in any court of this State, and raises a
35 disputable presumption that the person to whom the certificate was
36 issued is the owner of the mark in this State as applied to the goods
37 or services described in the certificate.

38 **Sec. 29.** NRS 600.355 is hereby amended to read as follows:

39 600.355 1. If , *after registration of a mark, the registrant*
40 *discovers that* any statement in ~~[an]~~ *the* application for registration
41 of ~~[a]~~ *the* mark was incorrect when made or any arrangements or
42 other facts described in the application have changed, making the
43 application inaccurate in any respect without materially altering the
44 mark, the registrant shall promptly file in the Office of the Secretary



1 of State a certificate ~~[, signed]~~ of amendment correcting the
2 application. The certificate of amendment must be:

3 (a) Signed and acknowledged by the registrant or ~~[his successor~~
4 ~~or by a member of the firm or]~~, if the registrant is a business or
5 legal entity, by an officer, general partner or managing member of
6 the ~~[corporation or association to which the mark is registered,~~
7 ~~correcting the statement.]~~ business or legal entity; and

8 (b) Accompanied by a filing fee in the amount prescribed
9 pursuant to section 12 of this act and payable to the Secretary of
10 State.

11 2. If, after registration of a mark, a court of competent
12 jurisdiction enters a judicial decree amending the registration, the
13 registrant or the party obtaining the judicial decree of amendment
14 shall promptly file the judicial decree of amendment in the Office
15 of the Secretary of State. The judicial decree of amendment must
16 be accompanied by:

17 (a) A form which must be furnished by the Secretary of State
18 and which must be signed and acknowledged by the registrant or
19 the party obtaining the judicial decree or, if the registrant or party
20 is a business or legal entity, by an officer, general partner or
21 managing member of the business or legal entity; and

22 (b) A filing fee in the amount prescribed pursuant to section
23 12 of this act and payable to the Secretary of State.

24 3. Upon the filing of a certificate of amendment or judicial
25 decree of amendment, ~~[and the payment of a filing fee of \$60,]~~ the
26 Secretary of State shall issue ~~[.]~~ to the registrant, in accordance with
27 NRS 600.350, an amended certificate of registration for the
28 remainder of the period of the registration.

29 **Sec. 30.** NRS 600.360 is hereby amended to read as follows:

30 600.360 1. The registration of a mark is effective for 5 years
31 from the date of registration. ~~[and, upon application filed]~~ Upon the
32 filing of an application for renewal of the registration in the
33 Office of the Secretary of State within 6 months before the
34 expiration of ~~[that period,]~~ the period of the registration, on a form
35 to be furnished by the Secretary of State, the registration may be
36 renewed for a successive period of 5 years. ~~[A]~~ The application for
37 renewal of the registration must:

38 (a) Include a verified statement that the mark is still in use in
39 this State;

40 (b) Be signed and verified under penalty of perjury by the
41 registrant or, if the registrant is a business or legal entity, by an
42 officer, general partner or managing member of the business or
43 legal entity;



1 (c) *Be accompanied by a specimen which shows the mark as*
2 *actually used on or in connection with the goods or services and*
3 *which meets the criteria set forth in NRS 600.343; and*

4 (d) *Be accompanied by a renewal fee [of \$50,] in the amount*
5 *prescribed pursuant to section 12 of this act and payable to the*
6 *Secretary of State . [must accompany the application for renewal of*
7 *the registration.]*

8 2. The registration of a mark may be renewed for additional
9 successive 5-year periods if the requirements of subsection 1 are
10 satisfied.

11 3. The Secretary of State shall give notice to each registrant
12 when his registration is about to expire. The notice must be given
13 within the year next preceding the expiration date, by writing to the
14 registrant's last known address.

15 4. ~~[All applications for renewals must include a statement that~~
16 ~~the mark is still in use in this State.]~~ *If the application for renewal*
17 *of the registration fails to comply with this section or NRS*
18 *600.343, the Secretary of State shall return it for correction.*

19 **Sec. 31.** NRS 600.370 is hereby amended to read as follows:

20 600.370 1. A mark and its registration are assignable with the
21 good will of the business in which the mark is used, or with that part
22 of the good will of the business connected with the use of and
23 symbolized by the mark. An assignment must:

24 (a) Be in writing; *and*

25 (b) Be signed and acknowledged by the registrant or ~~his~~
26 ~~successor or a member of the firm or~~ *if the registrant is a business*
27 *or legal entity, by an officer , general partner or managing*
28 *member of the [corporation or association under whose name the*
29 *mark is registered; and*

30 ~~—(c) Be recorded with~~ *business or legal entity.*

31 2. *An assignment may be recorded in the Office of the*
32 *Secretary of State upon the payment of a recording fee [of \$100] in*
33 *the amount prescribed pursuant to section 12 of this act and*
34 *payable to the Secretary of State who, upon recording the*
35 *assignment, shall issue in the name of the assignee a certificate of*
36 *assignment for the remainder of the period of the registration.*

37 ~~[2.]~~ 3. An assignment of any registration is void as against any
38 subsequent purchaser for valuable consideration without notice ~~[3]~~
39 unless:

40 (a) The assignment is recorded ~~[with]~~ *in the Office of the*
41 *Secretary of State within 3 months after the date of the assignment;*
42 *or*

43 (b) The assignment is recorded *in the Office of the Secretary of*
44 *State* before the subsequent purchase.



1 4. *An applicant or registrant whose name has changed may*
2 *record in the Office of the Secretary of State a certificate of*
3 *change of name. The certificate of change of name must be:*

4 (a) *Signed and acknowledged by the applicant or registrant or,*
5 *if the applicant or registrant is a business or legal entity, by an*
6 *officer, general partner or managing member of the business or*
7 *legal entity; and*

8 (b) *Accompanied by a recording fee in the amount prescribed*
9 *pursuant to section 12 of this act and payable to the Secretary of*
10 *State.*

11 5. *Upon recording a certificate of change of name, the*
12 *Secretary of State shall issue:*

13 (a) *In the applicant's new name, a certificate verifying that the*
14 *name on the application has changed.*

15 (b) *In the registrant's new name, an amended certificate of*
16 *registration for the remainder of the period of the registration.*

17 6. *In the discretion of the Secretary of State, other*
18 *instruments which relate to a registered mark or an application for*
19 *registration of a mark, including, but not limited to, licenses,*
20 *security interests or mortgages, may be recorded in the Office of*
21 *the Secretary of State if the instrument is:*

22 (a) *In writing; and*

23 (b) *Signed and acknowledged by the parties to the instrument*
24 *or, if any party is a business or legal entity, by an officer, general*
25 *partner or managing member of the business or legal entity.*

26 7. *If an assignment or other instrument is acknowledged, the*
27 *acknowledgment is prima facie evidence of the execution of the*
28 *assignment or other instrument and, if the assignment or other*
29 *instrument is recorded in the Office of the Secretary of State, the*
30 *record is prima facie evidence of the execution of the assignment*
31 *or other instrument.*

32 8. *If an assignment or other instrument otherwise meets the*
33 *requirements for recording, a photocopy of the assignment or*
34 *other instrument must be accepted for recording if the photocopy*
35 *is certified as a true and correct copy of the original by a party to*
36 *the assignment or other instrument or by a party's successor.*

37 **Sec. 32.** NRS 600.380 is hereby amended to read as follows:

38 600.380 The Secretary of State shall keep for public
39 examination a record of ~~[all registered marks.]~~ :

40 1. *All marks registered or renewed by the Office of the*
41 *Secretary of State pursuant to NRS 600.240 to 600.450, inclusive,*
42 *and sections 2 to 16, inclusive, of this act; and*

43 2. *All other documents filed or recorded in the Office of the*
44 *Secretary of State pursuant to NRS 600.240 to 600.450, inclusive,*
45 *and sections 2 to 16, inclusive, of this act.*



1 **Sec. 33.** NRS 600.390 is hereby amended to read as follows:
2 600.390 The Secretary of State shall cancel from the register:

3 1. ~~[After July 1, 1980, any filing or registration of a mark]~~ *Any*
4 *registration which the registrant or the assignee of record*
5 *voluntarily requests to be cancelled.*

6 2. *Any registration* which has expired and is not renewed in
7 accordance with the provisions of NRS 600.360.

8 ~~[2.—Any registration which the registrant or the assignee of~~
9 ~~record voluntarily requests be cancelled.]~~

10 3. Any registration concerning which a court of competent
11 jurisdiction finds that:

12 (a) The registered mark has been abandoned.

13 (b) The registrant is not the owner of the mark.

14 (c) The registration was granted improperly.

15 (d) The registration was obtained fraudulently.

16 (e) *The registered mark is or has become the generic name for*
17 *the goods or services, or a portion thereof, for which it has been*
18 *registered.*

19 (f) The registered mark is likely to cause confusion or mistake
20 or to deceive because of its similarity to a mark *which was*
21 registered by another person in the United States Patent and
22 Trademark Office ~~[]~~ before the date of the filing of the application
23 for registration by the registrant under NRS 600.240 to 600.450,
24 inclusive, *and sections 2 to 16, inclusive, of this act and which has*
25 *not been* abandoned. But if the registrant proves that he is the owner
26 of a concurrent registration of his mark in the United States Patent
27 and Trademark Office covering an area including this State, the
28 registration with the Secretary of State must not be cancelled.

29 4. Any registration when a court of competent jurisdiction
30 orders cancellation of the registration on any ground.

31 **Sec. 34.** NRS 600.395 is hereby amended to read as follows:

32 600.395 ~~[The fee for filing a]~~ *If a person requests* cancellation
33 of *a* registration pursuant to NRS 600.390 ~~[is \$50.]~~, *the request*
34 *must be accompanied by a filing fee in the amount prescribed*
35 *pursuant to section 12 of this act and payable to the Secretary of*
36 *State.*

37 **Sec. 35.** NRS 600.400 is hereby amended to read as follows:

38 600.400 1. The Secretary of State ~~[may]~~ *shall* adopt
39 regulations defining general classes of goods and services for which
40 a mark may be registered. ~~[Classes defined pursuant to this~~
41 ~~subsection]~~ *The classes of goods and services adopted by the*
42 *Secretary of State* are deemed to be for administrative convenience
43 and must not be deemed to be exclusive or limit or extend the rights
44 of the applicant or registrant. *To the extent practicable, the classes*
45 *of goods and services adopted by the Secretary of State must*



1 *conform to the classes of goods and services adopted by the United*
2 *States Patent and Trademark Office in the administration of the*
3 *federal Trademark Act.*

4 2. A single application for registration of a mark may include
5 any goods within their class on which the mark is used, or any
6 services within their class rendered in connection with the mark. If a
7 mark is used for more than one class of goods or more than one
8 class of services , the applicant must file a separate application for
9 each class.

10 **Sec. 36.** NRS 600.410 is hereby amended to read as follows:

11 600.410 Any person who , for himself ~~[]~~ or on behalf of any
12 other person, attempts to procure or procures the registration of any
13 mark in this State *or the filing or recording of any document in the*
14 *Office of the Secretary of State pursuant to NRS 600.240 to*
15 *600.450, inclusive, and sections 2 to 16, inclusive, of this act* by
16 knowingly making any false or fraudulent representation or
17 declaration, verbally or in writing, or by any other fraudulent means,
18 is liable for all damages sustained in consequence of the registration
19 *or the filing or recording* to any party injured thereby.

20 **Sec. 37.** NRS 600.420 is hereby amended to read as follows:

21 600.420 Any person:

22 1. Who uses, without the consent of the ~~[registrant,] owner,~~
23 any reproduction, counterfeit, copy or colorable imitation of a mark
24 registered in this State in connection with the sale, *distribution,*
25 offering for sale or advertising of any goods or services ~~[]~~ *on or in*
26 *connection with* which *such* use is likely to cause confusion or
27 mistake or result in deception as to the source of origin of such
28 goods or services; or

29 2. Who reproduces, counterfeits, copies or colorably imitates
30 any mark registered in this State and applies or causes to apply that
31 reproduction, counterfeit, copy or colorable imitation to labels,
32 signs, prints, packages, wrappers, receptacles or advertisements
33 intended to be used *on or* in ~~[conjunction] connection~~ with the sale
34 or other distribution in this State of goods or services,

35 ➔ is liable in a civil action by the owner of the registered mark for
36 any or all of the remedies provided in NRS 600.430, except that the
37 owner of the mark is not entitled to recover profits or damages
38 ~~[under] for any act in violation of~~ subsection 2 unless the act or acts
39 were committed with ~~[knowledge that the reproduction, counterfeit,~~
40 ~~copy or imitation of the mark was intended to be used]~~ *the intent*
41 cause confusion, mistake or deception.

42 **Sec. 38.** NRS 600.430 is hereby amended to read as follows:

43 600.430 1. Any owner of a mark registered in this State may
44 proceed by suit to enjoin the manufacture, use, display or sale of
45 counterfeits or imitations of ~~[it.] the mark.~~



- 1 2. A court of competent jurisdiction may:
- 2 (a) Grant injunctions to restrain such manufacture, use, display
- 3 or sale as it deems just and reasonable under the circumstances;
- 4 (b) Require the defendant to pay to the owner *of the mark* all
- 5 profits derived from the wrongful acts of the defendant and all
- 6 damages suffered by reason of these acts;
- 7 (c) Require the defendant to pay to the owner *of the mark* treble
- 8 damages on all profits derived from the willful and wrongful acts of
- 9 the defendant and treble damages on all damages suffered by reason
- 10 of these acts; and
- 11 (d) Order that any counterfeits or imitations in the possession or
- 12 control of any defendant be delivered ~~[for destruction]~~ to an officer
- 13 of the court or ~~[to the complainant.]~~ *the owner of the mark for*
- 14 *destruction.*
- 15 3. In an action brought pursuant to this section, the court may
- 16 award costs and reasonable attorney's fees to the prevailing party.
- 17 4. The enumeration of any right or remedy in this section does
- 18 not affect ~~[a registrant's]~~ *the right of the owner of the mark* to
- 19 prosecute under any penal law of this State.
- 20 **Sec. 39.** NRS 600.435 is hereby amended to read as follows:
- 21 600.435 1. Except as otherwise provided in subsection 4 ~~[.]~~
- 22 *and subject to the principles of equity*, the owner of a mark that is
- 23 famous in this State may bring an action to enjoin commercial use
- 24 of the mark by a person if such use:
- 25 (a) Begins after the mark has become famous; and
- 26 (b) ~~[Causes]~~ *Is likely to cause* dilution of the *famous* mark.
- 27 2. *A mark is famous in this State if it is distinctive, inherently*
- 28 *or through acquired distinctiveness, and is widely recognized by*
- 29 *the general consuming public of this State or a geographic area in*
- 30 *this State as a designation of source of the goods or services of the*
- 31 *owner of the mark.* In determining whether a mark is famous in this
- 32 State, the court shall consider, ~~[without limitation.]~~ *but is not*
- 33 *limited to*, the following factors:
- 34 (a) The degree of inherent or acquired distinctiveness of the
- 35 mark in this State.
- 36 (b) The duration and extent of use of the mark in connection
- 37 with the goods and services with which the mark is used.
- 38 (c) The duration and extent of advertisement and promotion of
- 39 the mark in this State.
- 40 (d) The geographical extent of the trading area in which the
- 41 mark is used.
- 42 (e) The channels of trade for the goods or services with which
- 43 the mark is used.



1 (f) The degree of recognition of the mark in the trading areas
2 and channels of trade in this State used by the owner of the mark
3 and the person against whom the injunction is sought.

4 (g) The nature and extent of use of the same or similar mark by
5 other persons.

6 (h) Whether the mark is registered in this State or registered in
7 the United States Patent and Trademark Office pursuant to federal
8 law.

9 3. ~~{Except as otherwise provided in this subsection,}~~ *In an*
10 *action brought pursuant to this section*, the owner of a *famous*
11 *mark* ~~{that is famous may obtain only}~~ :

12 (a) *Is entitled to* injunctive relief ~~{in an action brought pursuant~~
13 ~~to this section. The owner of a mark that is famous is entitled to the~~
14 ~~remedies provided in NRS 600.430 if}~~ *throughout the geographic*
15 *area in which the mark is found to be famous, but not outside the*
16 *borders of this State; and*

17 (b) *If* the person ~~{using the mark}~~ *against whom the injunctive*
18 *relief is sought* willfully intended to cause dilution of the *famous*
19 *mark* or willfully intended to trade on the reputation of the owner of
20 the *famous* mark ~~{}~~, *is entitled to the remedies provided in NRS*
21 *600.430, subject to the discretion of the court and the principles of*
22 *equity.*

23 4. The owner of a *famous* mark ~~{that is famous}~~ may not bring
24 an action pursuant to this section ~~{for the}~~ *based on:*

25 (a) *The* fair use of the mark by another person ~~{in comparative~~
26 ~~commercial advertising}~~, *unless the other person wrongfully uses*
27 *the mark as a designation of source for the person's own goods or*
28 *services. For the purposes of this paragraph, fair use of the mark*
29 *includes any nominative or descriptive fair use, or facilitation of*
30 *such fair use, by the other person, including, but not limited to,*
31 *use in connection with:*

32 (1) *Advertising* or promotion ~~{to identify the}~~ *that permits*
33 *consumers to compare* competing goods or services of the owner of
34 the mark ~~{}~~

35 ~~—5.—As used in this section:~~

36 ~~(a) “Commercial use” means use of a mark primarily for profit.~~
37 ~~The term does not include}; or~~

38 (2) *Identifying and parodying, criticizing or commenting*
39 *upon the owner of the mark or the goods or services of the owner*
40 *of the mark.*

41 (b) *The noncommercial use of the mark by another person,*
42 *including, but not limited to,* use of ~~{a}~~ *the* mark for research,
43 criticism, news commentary, news reporting, teaching or any similar
44 use that is not primarily for profit.



1 ~~[(b) "Dilution" means a lessening in the capacity of a mark that~~
2 ~~is famous to identify and distinguish goods or services, regardless of~~
3 ~~the presence or absence of:~~

4 ~~—— (1) Competition between the owner of the mark and other~~
5 ~~persons; or~~

6 ~~—— (2) Likelihood of confusion, mistake or deception as to the~~
7 ~~source of origin of goods or services.]~~

8 **Sec. 40.** NRS 600.440 is hereby amended to read as follows:

9 600.440 The rights and remedies enumerated in NRS 600.240
10 to 600.450, inclusive, *and sections 2 to 16, inclusive, of this act* are
11 in addition to those to which an owner of a mark is entitled under
12 the common law.

13 **Sec. 41.** NRS 600.450 is hereby amended to read as follows:

14 600.450 1. It is unlawful for any person : ~~[or corporation:]~~

15 (a) To imitate any mark registered as provided in NRS 600.240
16 to 600.450, inclusive ~~[;]~~, *and sections 2 to 16, inclusive, of this act;*

17 (b) To use knowingly any counterfeit or imitation thereof;

18 (c) To use or display such genuine mark unless authorized to do
19 so; or

20 (d) To use or display such genuine mark in a manner not
21 authorized by the registrant.

22 2. Any person ~~[violating]~~ *who violates* any provision of
23 subsection 1 is guilty of a misdemeanor.

24 **Sec. 42.** NRS 684B.040 is hereby amended to read as follows:

25 684B.040 1. An applicant for a license as a motor vehicle
26 physical damage appraiser must file a written application therefor
27 with the Commissioner on forms prescribed and furnished by the
28 Commissioner. The applicant must furnish information as to his
29 identity, personal history, experience, financial responsibility,
30 business record and other pertinent matters as reasonably required
31 by the Commissioner to determine the applicant's eligibility and
32 qualifications for the license.

33 2. If the applicant is a natural person, the application must
34 include the social security number of the applicant.

35 3. If the applicant is a business organization, the application
36 must include the names of all members, officers and directors, and
37 must designate each natural person who is to exercise the licensee's
38 powers. A natural person who is authorized to act for a business
39 organization and who also wishes to be licensed in an individual
40 capacity must obtain a separate license in his own name.

41 4. The application must be accompanied by the applicable
42 license fee. The Commissioner shall charge a separate fee for each
43 person authorized to act for a business organization.

44 5. An applicant for a license who desires to use a name other
45 than his true name must comply with the provisions of NRS



1 683A.301. The Commissioner shall not issue a license in a trade
2 name unless the name has been registered pursuant to NRS 600.240
3 to 600.450, inclusive ~~§~~, *and sections 2 to 16, inclusive, of this act.*

4 6. An applicant for a license shall not willfully misrepresent or
5 withhold any fact or information called for in the application form
6 or in connection with his application. A violation of this subsection
7 is a gross misdemeanor.

8 **Sec. 43.** NRS 684B.040 is hereby amended to read as follows:

9 684B.040 1. An applicant for a license as a motor vehicle
10 physical damage appraiser shall file a written application therefor
11 with the Commissioner on forms prescribed and furnished by the
12 Commissioner. The applicant shall furnish information as to his
13 identity, personal history, experience, financial responsibility,
14 business record and other pertinent matters as reasonably required
15 by the Commissioner to determine the applicant's eligibility and
16 qualifications for the license.

17 2. If the applicant is a business organization, the application
18 must show the names of all members, officers and directors, and
19 must designate each natural person who is to exercise the licensee's
20 powers. A natural person who is authorized to act for a business
21 organization and who also wishes to be licensed in an individual
22 capacity must obtain a separate license in his own name.

23 3. The application must be accompanied by the applicable
24 license fee. The Commissioner shall charge a separate fee for each
25 person authorized to act for a business organization.

26 4. An applicant for a license who desires to use a name other
27 than his true name must comply with the provisions of NRS
28 683A.301. The Commissioner shall not issue a license in a trade
29 name unless the name has been registered pursuant to NRS 600.240
30 to 600.450, inclusive ~~§~~, *and sections 2 to 16, inclusive, of this act.*

31 5. An applicant for a license shall not willfully misrepresent or
32 withhold any fact or information called for in the application form
33 or in connection with his application. A violation of this subsection
34 is a gross misdemeanor.

35 **Sec. 44.** Notwithstanding any provision of this act to the
36 contrary, the amount of each fee that was authorized before the
37 effective date of this act pursuant to NRS 600.340, 600.355,
38 600.360, 600.370 and 600.395 must remain in effect and must be
39 collected by the Secretary of State until such time as the Secretary
40 of State adopts regulations pursuant to section 12 of this act
41 prescribing the amount of the fees that are necessary to carry out the
42 provisions of NRS 600.240 to 600.450, inclusive, and sections 2 to
43 16, inclusive, of this act.

44 **Sec. 45.** The provisions of this act do not affect an action or
45 proceeding commenced or right accrued before October 1, 2009.



1 **Sec. 46.** 1. This section, sections 1 to 42, inclusive, and
2 sections 44 and 45 of this act become effective:

3 (a) Upon passage and approval for the purposes of adopting
4 regulations and performing any other preparatory administrative
5 tasks that are necessary to carry out the provisions of this act; and

6 (b) On October 1, 2009, for all other purposes.

7 2. Section 42 of this act expires by limitation on the date on
8 which the provisions of 42 U.S.C. § 666 requiring each state to
9 establish procedures under which the state has authority to withhold
10 or suspend, or to restrict the use of professional, occupational and
11 recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant relating to
13 a proceeding to determine the paternity of a child or to establish or
14 enforce an obligation for the support of a child; or

15 (b) Are in arrears in the payment for the support of one or more
16 children,

17 ↪ are repealed by the Congress of the United States.

18 3. Section 43 of this act becomes effective on the date on
19 which the provisions of 42 U.S.C. § 666 requiring each state to
20 establish procedures under which the state has authority to withhold
21 or suspend, or to restrict the use of professional, occupational and
22 recreational licenses of persons who:

23 (a) Have failed to comply with a subpoena or warrant relating to
24 a proceeding to determine the paternity of a child or to establish or
25 enforce an obligation for the support of a child; or

26 (b) Are in arrears in the payment for the support of one or more
27 children,

28 ↪ are repealed by the Congress of the United States.

