

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7131**

**BILL NUMBER:** HB 1353

**NOTE PREPARED:** Feb 10, 2006

**BILL AMENDED:** Feb 9, 2006

**SUBJECT:** Trademarks and service marks.

**FIRST AUTHOR:** Rep. Walorski

**FIRST SPONSOR:** Sen. Bray

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**  **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** (Amended) This bill conforms certain provisions of the Indiana Trademark Act to the Model Trademark Act and repeals obsolete provisions of the Indiana Trademark Act. The bill specifies that a judicial or administrative interpretation of the Federal Trademark Act may be considered as persuasive authority in construing provisions of the Indiana Trademark Act. The bill also provides that a person's heirs, assigns, or estate may not claim a property interest in the right of publicity of a person if the publicity is related to the person's criminal involvement in a criminal offense.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** *Secretary of State:* This bill makes several changes to the manner in which the Secretary of State (SOS) administers trademark protections. It is estimated that the provision of this bill could be implement by the SOS through use of existing staff and resources.

**Explanation of State Revenues:** The bill would give the SOS the discretion to set rules to prescribe the trademark application, recording, and related fees. Trademark fee revenue is currently deposited in the General Fund. Under current law, the fee to register a trademark for a ten-year period is \$10. The bill would reduce the length of the registration period to five years. The bill eliminates the statutory amount of the fee at \$10 and would allow the SOS to adopt rules to prescribe the fees.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Secretary of State.

**Local Agencies Affected:** Trial courts.

**Information Sources:**

**Fiscal Analyst:** Adam Brown, 317-232-9854.