

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 24-2-1-0.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. This chapter is intended to**
6 **provide a system of state trademark registration and protection**
7 **that is consistent with the federal system of trademark registration**
8 **and protection under the Trademark Act of 1946. A judicial or an**
9 **administrative interpretation of a provision of the federal**
10 **Trademark Act may be considered as persuasive authority in**
11 **construing a provision of this chapter."**
12 Page 1, line 5, delete "If the use of a mark has been discontinued
13 with the" and insert "**The person who owns the mark has**
14 **discontinued use of the mark and does not intend to resume use of**
15 **the mark. A person's intent not to resume use of the mark may be**
16 **inferred from the circumstances."**
17 Page 1, delete line 6.
18 Page 1, line 7, delete "resume may be inferred from circumstances."
19 Page 1, line 9, delete "of abandonment of the mark." and insert "**that**
20 **the use of the mark has been abandoned."**
21 Page 1, line 10, delete "If the" and insert "**The**".

- 1 Page 1, line 10, delete "acts of" and insert "**an act or**".
- 2 Page 1, line 10, after "omission" insert ",".
- 3 Page 1, line 11, delete "and commission, causes" and insert "**has**
- 4 **caused**".
- 5 Page 5, line 21, delete "set".
- 6 Page 5, line 21, strike "forth, but".
- 7 Page 5, line 21, delete "is".
- 8 Page 5, line 21, strike "not limited to," and insert "**include**".
- 9 Page 5, line 33, after "on" insert "**or in connection with**".
- 10 Page 5, line 33, delete "and the" and insert ";".
- 11 Page 5, line 34, delete "goods or services used".
- 12 Page 5, line 34, strike "in connection with".
- 13 Page 5, line 34, strike "the mark;".
- 14 Page 6, line 34, delete "by" and insert "**under**".
- 15 Page 7, line 31, delete "or reasons".
- 16 Page 7, line 33, delete "or reasons".
- 17 Page 7, line 37, delete "application must be reexamined." and insert
- 18 "**secretary shall reexamine the application**".
- 19 Page 7, line 41, after "which time" insert "**the secretary shall**
- 20 **consider**".
- 21 Page 7, line 42, delete "is considered to be abandoned." and insert
- 22 "**to have been withdrawn**".
- 23 Page 8, line 1, delete "finally refuses" and insert "**issues a final**
- 24 **order refusing the**".
- 25 Page 8, line 2, delete "seek a writ of mandamus" and insert "**bring**
- 26 **a civil action in a court with jurisdiction**".
- 27 Page 8, line 3, delete "writ" and insert "**court**".
- 28 Page 8, line 3, delete "be granted" and insert "**order the secretary**
- 29 **to register a mark**".
- 30 Page 8, line 3, after "secretary" insert ",".
- 31 Page 8, line 6, after "If" insert "**two (2) or more**".
- 32 Page 8, line 40, after "on" insert "**or in connection with**".
- 33 Page 8, delete lines 41 through 42.
- 34 Page 9, line 1, delete "(5)" and insert "**(4)**".
- 35 Page 9, line 2, delete "(6)" and insert "**(5)**".
- 36 Page 9, line 3, delete "(7)" and insert "**(6)**".
- 37 Page 11, line 36, delete "registered" and insert "**filed**".
- 38 Page 15, line 13, after "mark" insert ",".
- 39 Page 15, line 13, after "and" insert "**to**".
- 40 Page 17, line 12, delete "in mandamus".
- 41 Page 17, delete lines 14 through 15.
- 42 Page 17, line 16, delete "(c)" and insert "**(b)**".

- 1 Page 17, line 22, delete "(d)" and insert "(c)".
(Reference is to HB 1353 as reprinted January 24, 2006.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Bray, Chairperson