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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **873**

- 02/07/2019 Authored by Schultz and Olson
- 02/18/2019 The bill was read for the first time and referred to the Committee on Government Operations
- 02/18/2019 Adoption of Report: Placed on the General Register
- 05/15/2019 Read for the Second Time
- 05/15/2019 Calendar for the Day
- 05/18/2019 Read for the Third Time
- 05/18/2019 Passed by the House and transmitted to the Senate
- 05/22/2019 Passed by the Senate and returned to the House
- 05/22/2019 Presented to Governor
- Governor Approval

1.1 A bill for an act

1.2 relating to local government; eliminating crime of unauthorized use of the name

1.3 and mark "portorama"; repealing Minnesota Statutes 2018, sections 333.50; 333.51;

1.4 333.52.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **REPEALER.**

1.7 Minnesota Statutes 2018, sections 333.50; 333.51; and 333.52, are repealed.

1.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

**333.50 UNAUTHORIZED USE IS A CRIME.**

Any person, firm, copartnership, association, society, or corporation, except as authorized by the Duluth Jaycees who shall, with intent to acquire or obtain for personal or business purposes a benefit or advantage, assume, adopt or use in any manner the name and mark "portorama" or any other name or mark so nearly resembling the name and mark "portorama" as to be calculated to deceive the public with respect to the "portorama," or who, except as authorized by the Duluth Jaycees, shall, with intent to acquire or obtain for personal or business purposes a benefit or advantage, assume, adopt or use in any manner any other name, mark, emblem, insignia or badge, designation, or distinguishing descriptive word or phrase used by the Duluth Jaycees in carrying out its purposes relating to the "portorama" or any name, mark, emblem, insignia or badge, designation, or distinguishing descriptive word or phrase confusingly similar thereto, calculated to deceive the public with respect to the "portorama," or who, except as authorized by the Duluth Jaycees, shall, with intent to acquire or obtain for personal or business purposes a benefit or advantage, assume, adopt or use the name "portorama," or a name so nearly resembling it as to be calculated to deceive the public with respect to the "portorama," shall be guilty of a misdemeanor.

**333.51 THREATENED USE MAY BE RESTRAINED.**

When there shall be an actual or threatened violation of section 333.50, an application may be made to a court having jurisdiction to issue an injunction, upon notice to the defendant of not less than five days, for an injunction to enjoin and restrain the actual or threatened violation; and if it shall appear to the satisfaction of the court or justice that the defendant is in fact so using or threatening to use the name and mark "portorama" or any other name or mark confusingly similar thereto, or any other name, mark, emblem, insignia, or badge, designation, or distinguishing descriptive word or phrase used by the Duluth Jaycees in carrying out its purposes relating to the "portorama" or confusingly similar to any other name, mark, emblem, insignia or badge, designation, or distinguishing descriptive word or phrase used by the Duluth Jaycees in carrying out its purposes relating to the "portorama," an injunction may be issued by the court enjoining and restraining the actual or threatened violation without requiring proof that any person has in fact been misled or deceived thereby.

**333.52 VESTED RIGHTS NOT AFFECTED.**

The provisions of sections 333.50 and 333.51 shall not be deemed or construed to divest, interfere, affect, or conflict with any established or vested right or prohibit the use thereof.