

after. The ~~attorney general~~ secretary of state shall have authority to adopt regulations, consistent with this chapter, relating to such experimental use. The extent of such experimental use shall be determined by the commission; provided that the governing body of any municipality licensed to use an electronic voting system for the state general election in 1966 may provide for the use of an electronic voting system in all precincts of such municipality at any or all elections in the two years following July 1, 1967, without obtaining the consent of the commission.

As the examination fee herein, the application shall be accompanied by the sum of \$150 which shall be deposited in the state treasury to be expended in conformity with this paragraph. There shall be deducted from the amount of such deposit all expenses incurred by the commission in the discharge of its duties. The remainder of such deposit shall be paid in equal parts to the members of the commission other than the ~~attorney general~~ secretary of state as full compensation for their services and expense herein. Such moneys as are necessary to carry out the terms and provisions of this paragraph are hereby appropriated annually to the commission from the general fund in the state treasury.

Approved May 11, 1973.

CHAPTER 216—S.F.No.531

[Coded]

An act relating to deceptive trade practices; making the law relating thereto uniform with that of certain other states.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [325.771] **UNIFORM DECEPTIVE TRADE PRACTICES ACT; DEFINITIONS.** Subdivision 1. As used in sections 1 to 6, unless the context otherwise requires, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Article" means a product as distinguished from its trademark, label, or distinctive dress in packaging.

Subd. 3. "Certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or services was performed by members of a union or other organization.

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Subd. 4. "Collective mark" means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization.

Subd. 5. "Mark" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement.

Subd. 6. "Service mark" means a mark used by a person to identify services and to distinguish them from the services of others.

Subd. 7. "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others.

Subd. 8. "Trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement used by a person to identify his business, vocation, or occupation and distinguish it from the business, vocation, or occupation of others.

Sec. 2. [325.772] **DECEPTIVE TRADE PRACTICES.** Subdivision 1. A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

- (1) passes off goods or services as those of another;
- (2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
- (6) represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;
- (7) represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparages the goods, services, or business of another by false or misleading representation of fact;

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(9) advertises goods or services with intent not to sell them as advertised;

(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; or

(12) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

Subd. 2. In order to prevail in an action under this act, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

Subd. 3. This section does not affect unfair, deceptive, or misleading trade practices otherwise actionable at common law or under other statutes of this state.

Sec. 3. [325.773] **REMEDIES.** Subdivision 1. A person likely to be damaged by a deceptive trade practice of another may be granted an injunction against it under the principles of equity and on terms that the court considers reasonable. Proof of monetary damage, loss of profits, or intent to deceive is not required. Relief granted for the copying of an article shall be limited to the prevention of confusion or misunderstanding as to source.

Subd. 2. Costs shall be allowed to the prevailing party unless the court otherwise directs. The court may award attorneys' fees to the prevailing party if (1) the party complaining of a deceptive trade practice has brought an action which he knew to be groundless, or (2) the party charged with a deceptive trade practice has willfully engaged in the trade practice knowing it to be deceptive.

Subd. 3. The relief provided in this section is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this state.

Sec. 4. [325.774] **APPLICATION.** Subdivision 1. Sections 1 to 6 do not apply to:

(1) conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency;

(2) publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matters who publish, broadcast, or reproduce material; or

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(3) actions or appeals pending on the effective date of sections 1 to 6.

Subd. 2. Section 2, subdivision 1, clauses (2) and (3) do not apply to the use of a service mark, trademark, certification mark, collective mark, trade name, or other trade identification that was used and not abandoned before the effective date of sections 1 to 6, if the use was in good faith and is otherwise lawful except for sections 1 to 6.

Sec. 5. [325.775] **UNIFORMITY OF APPLICATION AND CONSTRUCTION.** This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

Sec. 6. [325.776] **CITATION.** Sections 1 to 6 may be cited as the uniform deceptive trade practices act.

Sec. 7. **EFFECTIVE DATE.** This act is in effect on July 1, 1973.

Approved May 11, 1973.

CHAPTER 217—S.F.No.613

[Not Coded]

An act relating to the counties of Lake and St. Louis; requiring the counties to provide toilet facilities and other environmental protection measures along the north shore of Lake Superior during the time when the smelt season is open; annually appropriating money; amending Laws 1971, Chapter 121.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1971, Chapter 121, is amended to read:

Section 1. **LAKE AND ST. LOUIS COUNTIES; TOILET FACILITIES DURING SMELT SEASON.** The county boards of Lake and St. Louis counties acting separately or jointly shall provide temporary toilet facilities and other environmental protection measures in the most practical locations as they determine along the north shore of Lake Superior during the time when the smelt season is open. The counties in providing such toilet facilities shall contract for or lease such facilities for the period of time required.

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