

CHAPTER 333

TRADE NAMES, MARKS, AND INSIGNIA

333.055 Term of certificate; renewal, notices,
fees.
333.20 Application; form, signature, specimen
of mark, fee.

333.22 Term of registration; renewal, notice,
fee.
333.23 Conveyances of marks; recordation,
fee, necessity.

333.055 TERM OF CERTIFICATE; RENEWAL, NOTICES, FEES.

[For text of subds 1 and 2, see M.S.1988]

Subd. 3. The secretary of state shall charge and collect:

(a) For the filing of each certificate or amended certificate of an assumed name -
\$25

(b) Certificate renewal fee - \$25.

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of sections 333.001 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may not be distinguishable from one or more other assumed names already filed with the secretary of state. In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each previously filed business holding a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing. The secretary of state shall not accept for filing a certificate that discloses an assumed name that is not distinguishable from a corporate, or limited partnership name in use or reserved in this state by another or a trade or service mark registered with the secretary of state, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of nonuser of the kind required by section 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name is distinguishable from another name for purposes of this subdivision.

History: 1989 c 292 s 17; 1989 c 335 art 1 s 210

333.20 APPLICATION; FORM, SIGNATURE, SPECIMEN OF MARK, FEE.

[For text of subds 1 to 3, see M.S.1988]

Subd. 4. The application for registration shall be accompanied by a filing fee of \$35, payable to the secretary of state; provided, however, that a single credit of \$10 shall be given each applicant applying for reregistration of a mark hereunder for each \$10 filing fee paid by applicant for registration of the same trademark prior to the effective date of sections 333.18 to 333.31.

History: 1989 c 335 art 1 s 211

333.22 TERM OF REGISTRATION; RENEWAL, NOTICE, FEE.

Subdivision 1. Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term or a renewal thereof, on a form to be furnished by the secretary of state, the registration may be renewed for additional ten-year terms provided that the mark is in use by the applicant at the time of the application for renewal and that there are no intervening rights. A renewal fee of \$22 payable to the secretary of state shall accompany the application for renewal of the registration.

[For text of subds 2 to 4, see M.S.1988]

History: 1989 c 335 art 1 s 212

333.23 CONVEYANCES OF MARKS; RECORDATION, FEE, NECESSITY.

The secretary of state shall record written conveyances of any mark along with that part of the goodwill of the business in connection with which the mark is used, and of the corresponding application or registration which is presented for recording along with a payment of a fee of \$15 and shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under sections 333.18 to 333.31 shall be void as against any subsequent purchaser for valuable consideration without notice unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

History: 1989 c 335 art 1 s 213