

**SENATE . . . . . No. 1467**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Steven A. Tolman**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act making technical corrections to the State Trademarks Act.

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01914 OF 2007-2008.]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT MAKING TECHNICAL CORRECTIONS TO THE STATE TRADEMARKS ACT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 3 of chapter 110H of the General Laws, as appearing in chapter 195  
2 of 2006, is hereby amended by striking out paragraph (e) and inserting in place thereof the  
3 following paragraph:- (e) The application shall be accompanied by 1 specimen showing the  
4 mark as actually used.

5           SECTION 2. Said chapter 110H is hereby further amended by adding the following  
6 section:- Section 18. The intent of this chapter is to provide a system of state trademark  
7 registration and protection substantially consistent with the federal system of trademark  
8 registration and protection under the Trademark Act of 1946, as amended. To that end, the  
9 construction given the federal Act should be examined as persuasive authority for interpreting  
10 and construing this chapter to the extent of the consistency in the language.

11          SECTION 3. Paragraph (b) of section 4.01 of chapter 156D of the General Laws, as amended by  
12 section 3 of chapter 195 of 2006, is hereby further amended by striking out clause (6) and

13 inserting in place thereof the following clause:- (6) a trademark of service mark registered with  
14 the secretary of state under chapter 110B or 110H.

15 SECTION 4. Subsection (b) of section 15.06 of said chapter 156D, as amended by  
16 section 4 of said chapter 195, is hereby further amended by striking out clause (6) and inserting  
17 in place thereof the following clause:- (6) a trademark of service mark registered with the  
18 secretary of state under chapter 110B or 110H.