

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2165
(Senators Trenbeath, Espegard, Heitkamp)
(Representatives Hawken, Herbel)

AN ACT to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the unauthorized use of the name or logo of a bank, trust company, savings association, savings bank, or affiliated entity; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 6 of the North Dakota Century Code is created and enacted as follows:

Unlawful use of name or logo. A person may not use the name or logo of any bank, trust company, savings association, or savings bank or of an affiliate of such financial institution in connection with the sale, distribution, offer for sale, advertisement, or promotion of any product or service without first obtaining the written consent of the bank, trust company, savings association, savings bank, or affiliate. A person may not use the name or logo of a bank, trust company, savings association, savings bank, or affiliate in a manner that will make it difficult to understand or will mislead an individual about the source of origin, affiliation, or sponsorship of a product or service or about the true identity source of a communication regardless of the nature of the communication.

Civil liability - Attorney's fees. A person that violates this chapter is civilly liable to the bank, trust company, savings association, savings bank, or affiliate for each unlawful use of a name or logo in the amount of one thousand dollars or actual damages, whichever is greater, plus reasonable attorney's fees.

Injunction. A court may enjoin the use of a name or logo which violates this chapter. An action for injunction under this section is in addition to any other remedy that may be available.

Penalty. A person that willfully violates this chapter is guilty of a class B misdemeanor.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2165.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State